# Article 9

Building Lots, Mergers, Subdivision Exemptions

& Exemption Plats

**9-100 Building Lot**

A. The following Parcels of land are Building Lots under this Code.
   1. A Parcel that:
      a. was lawfully created;
      b. met the zoning minimum lot size when it was created or was created prior to the County's establishment of a zoning minimum lot size governing the Parcel; and
      c. did not require approval under the Subdivision Regulations.
   2. A Parcel of 35 acres or more.
   3. A Parcel that the Board approved as a Building Lot under the Subdivision Exemption provisions (Article 9-200) or Exemption Plat provisions (Article 9-300) of this Code.
   4. A Parcel that the Board approved as a Building Lot through a Conceptual Review, a process the Board used to determine the status of certain illegal Subdivisions created in the 1960s and 1970s. (Conceptual Review policy was replaced by the codified Subdivision Exemption process in the 1980s and is no longer a process in the Code).
   5. A Subdivided Lot that conforms to a lawfully recorded plat.
   6. A Subdivided Lot that was further divided so that it no longer conforms with the recorded plat if:
      a. the division occurred before August 28, 1972 (the date on which the County

codified the provisions of S.B. 35), as shown by Deeds recorded on or before August 28, 1972;

b. the lot complied with the zoning minimum lot size at the time of the division;

c. subsequent to the division, the Building Official, based upon accurate information submitted by the permittee, issued a building permit for construction of floor area for a structure that required a Building Lot; and~~subsequent to the division, the Building Official, based upon accurate information submitted by the permittee, issued a building permit for a principal structure on the lot (i.e. a structure that was part of an allowed Principal Use requiring a Building Lot, and not merely an Accessory Structure);~~

d. the permit was not for minor work including, without limitation, the provision of electrical service, the installation of heating or cooling facilities, plumbing, windows, siding, or the repair or replacement of a roof; and

~~d.~~ the permittee relied on the building permit in good faith, substantially completed construction according to the permit, and substantially completed any required inspections; and ~~the permittee relied on the building permit in good faith, completed construction according to the permit, and, if applicable, received a Certificate of Occupancy to legally occupy the structure; and~~

e. the Deed description for the resulting Subdivided Lot is clear and accurate, and it does not create discrepancies in boundaries with respect to adjacent Parcels. The Director may consult with the County Surveyor in making this determination.

7. An Unsubdivided Parcel that does not otherwise meet the definition of a Building Lot, or a Subdivided Lot that was divided so that it no longer conforms with the recorded Plat and is included in an Administrative Exemption Plat as set forth in Article 9-301.C, and if:

~~a. The Building Official issued a building permit for:~~

~~i. the construction of new floor area in a new principal structure on the Parcel or an expansion of an existing principal structure; or~~

~~ii. a significant remodel of existing floor area in a principal structure;~~

a. the Building Official, based upon accurate information submitted by the permittee, issued a building permit for construction of floor area for a structure that required a Building Lot.; and

b. the permit was not for minor work including, without limitation, the provision of electrical service, the installation of heating or cooling facilities, plumbing, windows, siding, or the repair or replacement of a roof;

~~c. The permit was issued based on accurate information submitted by the permittee;~~

~~d.~~c. The permit was issued after the Parcel was illegally divided under the county's zoning or Subdivision Regulations;

~~e.~~d. the permittee relied on the building permit in good faith, substantially

completed construction according to the permit, and substantially completed any required inspections; and

~~f.~~e. the Deed description for the resulting Parcel is clear and accurate, and it does not create discrepancies in boundaries with respect to adjacent Parcels. The Director may consult with the County Surveyor in making this determination.

8. A Parcel owned by a governmental entity that is transferred to a nongovernmental entity or person, provided that the Parcel met the zoning minimum lot size at the time title was transferred.
9. A Parcel that does not otherwise meet the definition of Building Lot, if
   a. the Parcel was created by combining it with one or more other Parcels (whether Building Lots or not) to form a single Parcel; and
   b. the resulting combined Parcel reconstitutes a previously existing Building Lot.
10. A Parcel that met the definition of a Building Lot that is altered through condemnation or acquisition of a portion of the Parcel for public roadway purposes, except where the Parcel is split and contiguity disrupted as a result of the roadway.
11. A Parcel or Parcels created through a division of land by a state court or through a boundary line agreement under § 38-44-112 to settle an action seeking a division of land by state court if the Parcels involve Unsubdivided Land and/or Subdivided Land that is included in an Administrative Exemption Plat as set forth in Article 9-301.B, and:
   a. If the Parcel or Parcels were created after 2014 and immediately prior to the action, each Parcel subject to the division met the definition of a Building Lot and:
      i. the county was given timely notice of the pending action by the court and given the opportunity to join as a party in interest in the proceeding; and
      ii. each resulting Parcel has legal access.
   b. If the Parcel or Parcels were created after 2014, where any of the Parcels subject to the division did not meet the definition of a Building Lot immediately prior to the action and :
      i. the county was given timely notice of the pending action by the court and given the opportunity to join as a party in interest in the proceeding; and
      ii. immediately prior to the action, the Parcel met the definition of a Building Lot; and
      iii. the Parcel size was not decreased; and
      iv. the resulting Parcel has legal access.
   c. If the Parcel or Parcels were created, even if the county was not given timely notice of the pending action by the court and given the opportunity

to join as a party in interest in the proceeding and :

i. immediately prior to the action, the Parcel met the definition of a Building Lot; and

ii. the Director determines, in his discretion, that the change to the Parcel from its original configuration is so minor that the County does not require a further Land Use process to recognize the lot; and

iii. the resulting Parcel has legal access.

d. Any other Parcel or Parcels that were created if:

i. the county was given timely notice of the pending action by the court and given the opportunity to join as a party in interest in the proceeding; and

ii. the court issued an order requiring the county to recognize the Parcel as a Building Lot.

**9-101 Building Lot Determination**

A. Any person may request that the Director determine if any Parcel of land in the unincorporated County is a Building Lot that meets the requirements of Article 9-100.

B. Any Building Lot Determination request must be made on an application provided by the Director. A complete application must include payment of the specified processing fee, all information requested on the application, and any additional information that the Director determines is necessary to process the application including, without limitation, parcel maps, Deeds, surveys, County building permits, and County land use approvals or determinations issued for the Parcel.

C. If the application is made by a person other than the Parcel owner, the Director will forward a copy of the application, as well as any Building Lot determination made on the Parcel, to the Parcel owner of record.

D. A determination by the Director that a Parcel is a Building Lot is not a determination that the Parcel can be developed for any particular purpose or use. Development must be reviewed and approved through the applicable County Land Use Code processes and may require related approvals from the County Transportation Department, County Public Health, and state agencies.

E. If the Director determines that a Building Lot Determination has been issued in error, the Director may amend or rescind the determination as necessary.

F. County recognition of a specific Building Lot does not include implied approval of any other Parcel as a Building Lot, even if the other Parcel was part of or a remainder piece from a Subdivision that created the Parcel being recognized.

G. The Director's interpretation of the definition of "Building Lot" in Article 9-100 made in the course of a Building Lot Determination, or the course of an amendment or rescission of a Building Lot Determination, may be appealed to the Boulder County Board of Adjustment under the provisions of Article 4-1200.

### 9-102 Merger of Unsubdivided Parcels

A. At the request of a Property Owner, the Director may merge two or more Unsubdivided Parcels, one of which must be a Building Lot, owned by a single property owner. Upon final approval, the merged Parcel will constitute a single Building Lot.

B. Where one or more of the Parcels proposed to be merged are not Building Lots and the resultant Parcel is less than 35 acres, the areas that were not legal Building Lots must not be used for setback or building purposes for the merged lot unless approved through the Subdivision Exemption process and criteria.

C. Owner-Requested Merger Process

1. The property owner shall submit an application, provided by the Director, for merger and confirmation of addressing. A complete application must include payment of the specified processing fee, all information requested on the application, and any additional information that the Director determines is necessary to process the application including, without limitation, Assessor's Parcel Identification Numbers of affected Parcels, a site plan showing the proposed final lot configuration, parcel maps, Deeds, surveys, County building permits, and County land use approvals or determinations issued for the Parcels.

2. The application for merger must also include a draft deed ~~to the Land Use Department~~ that: (1) properly describes the merged Parcel and; (2) includes the following statement on the face of the deed: *"This deed is given to merge into one parcel all property described in this deed. The parcels are merged with the property owner's consent per CRS 30-28-139."*

3. Upon approval by the Director, the Property Owner must record a Deed in the real property records of the Boulder County Clerk and Recorder and provide a copy of the recorded Deed to the Land Use Department.

4. Upon the Property Owner's compliance with the conditions of approval, the Land Use Department will confirm addressing of the merged Building Lot and send a Final Approval letter to the Property Owner.

D. For any merger of Parcels of land or lots under the provisions of this Code, which merger is not requested in writing by each owner of an affected Parcel, and which merger occurs for the first time on or after October 1, 2003 (the effective date of Senate Bill 03-067 as codified in Section 30-28- 139 of the Colorado Revised Statutes), the following provisions shall govern, as expressly required in Section 30-28-139:

1. Prior to the completion of the merger, the County shall send notice of the County's intent to complete the merger to each owner of the affected Parcels by certified mail, at the address shown on the records of the County Assessor. The notice shall also specify that each such owner may request a hearing on the proposed merger pursuant to Subsection 2, immediately below, and shall specify action to be taken by such owner to request such hearing including, without limitation, the requirement that said owner shall request the hearing no later than 120 days after the date on which the owner receives the notice. The date of the owner's receipt of

the notice shall be the date on which the notice arrives at the owner's stated address, which date the County may presume to be three days after the date of the County's mailing of the notice, unless the circumstances known to the County clearly indicate a later receipt date.

2. Prior to the completion of the merger, where each owner of an affected Parcel has timely requested a hearing on the proposed merger satisfying the requirements of Subsection 1, immediately above, a public hearing on said merger shall be held before the Board of County Commissioners. The hearing shall be conducted for the purpose of allowing the Board to discuss with the owner of each affected Parcel the Board's reasons for proceeding with the merger, and to give each owner the opportunity to submit any basis provided under law for challenging the merger. In the case of a timely hearing request, the County shall provide notice of the time, place, and manner of the hearing to each owner of the affected Parcels and shall also publish the notice in a newspaper of general circulation in the County in a manner sufficient to notify the public of the time, place, and nature of said hearing. In order to give each such owner of an affected Parcel the opportunity to take whatever remedial action is allowed under the law prior to the hearing before the Board, the County shall not hold the hearing any sooner than 90 days after the date on which the owner received the County's initial mailed notice as provided in Subsection 1, above.
3. Where the owner of each affected Parcel fails to timely request a hearing on the proposed merger satisfying the requirements of Subsection 1, above, no such hearing is required, and the affected Parcels shall be merged in accordance with the requirements of this Subsection D.
4. No merger of Parcels that is the subject of a hearing pursuant to Subsections 1 and 2, above, shall be effective unless:
   a. The owner of the Parcels has given consent to the merger of said Parcels; and
   b. The merger has been approved by a majority of the Board of County Commissioners.
5. Nothing in this Subsection D shall be construed to abrogate or otherwise diminish or expand any rights a landowner may have under Article 68 of Title 24, C.R.S., pertaining to vested property rights.

**9-200 Subdivision Exemptions**

A. The Board of County Commissioners may grant exemptions from the application of the Subdivision Regulations for any Subdivision of Unsubdivided Land that the Board determines, as authorized in C.R.S. Section 30-28-101(10)(d), is not within the purposes of Part 1 of Article 28 of Title 30, C.R.S. (the County Planning Act), as set forth in Article 1-300 of this Code.

   1. Whether a Subdivision Exemption falls outside the purposes of the County Planning Act is determined under the criteria specified in Article 9-400.A.

B. The divisions of land set forth in Article 9-201.A are exempt from the definition of

the term 'Subdivision' because the Board determined that such minor divisions are not within the purposes of the County Planning Act and are exempt from the requirement of a public hearing before the Board ("Administrative Subdivision Exemption"). The Director may approve an Administrative Subdivision Exemption if it meets the requirements in Article 9-201.

C. Proposals for condominiums, apartments, any other multiple dwelling units, or that otherwise create two or more separate interests without dividing a Parcel are exempt from the definition of the term 'Subdivision' because the Board determined that such divisions are not within the purposes of the County Planning Act and are exempt from the requirement of a public hearing before the Board. The Director or the Board may approve a proposal under this provision if it is regulated by, and meets the criteria of, a binding review process under this Code.

D. Lots that may be created under Articles 5 and 6 of this Code are not eligible for approval though the Subdivision Exemption process.

E. When the Subdivision of Parcels involves land that is, or through the Subdivision will be, owned in full or in part by the county, Subdivision Exemption approval or approval under Article 5 of this Code is not required.

**9-201 Administrative Subdivision Exemptions**

A. The Director may approve an application for an Administrative Subdivision Exemption if it meets the following criteria.

1. The Director has determined that there is no potential for any significant conflict with the criteria listed in 9-400 of this Code such that no conditions to mitigate land use impacts of the proposal are necessary; and

2. Where a requested exemption is to recognize as a Building Lot a Parcel created through an illegal division of land, the Parcel creation or boundary line adjustment and its subsequent recognition does not increase the zoning density allowed at the time of the division; and

3. Where a requested exemption involves Parcels in a townsite or formerly incorporated town:

   i. the recognition does not increase density allowed at the time of division; and

   ii. the division was based on whole lots or portions of lots in the recorded map of the townsite area; and

   iii. the townsite area is substantially developed; and

   iv. roadways providing access into and travel within the townsite have been constructed prior to December 13, 1983, and maintained.

B. After determining whether to approve an Administrative Subdivision Exemption, the Director shall notify adjacent property owners within 1500 feet.

C. The Director's determination is final after 14 calendar days unless appealed to the Board of County Commissioners under the provisions of Article 9-600.

## 9-300 Exemption Plats

A. The Board of County Commissioners may grant exemptions from the application of the Subdivision Regulations pursuant to the requirements of Article 9-300 where the proposed division involves Subdivided Land.

B. Unsubdivided Land is not eligible for an Exemption Plat unless:

1. it is part of an application to add it to Subdivided Land to create a Subdivided Lot of 35 acres or more; or
2. the county has received proper notice in a judicial process; and a court has entered an order changing the boundary lines shown on a Plat or the action has been settled through a boundary line agreement; or
3. it is part of an application involving Subdivided Land where both Parcels meet the definition of a Building Lot, as described in 9-100.A.7.

C. The divisions of land set forth in Article 9-301 are exempt from application of the Subdivision Regulations. Such minor divisions do not require a public hearing before the Board ("Administrative Exemption Plat").

D. No Exemption Plat approval shall permit an increase in the number of Subdivided Lots unless any additional resulting Subdivided Lot is 35 acres or more, unless the additional density was recognized through a court action where the County was given timely notice of the pending action by the court and given the opportunity to join as a party in interest in the proceeding, or unless the Parcel adding the additional density meets the definition of a Building Lot in Article 9-100.A.7.

## 9-301 Administrative Exemption Plats

A. Administrative Exemption Plats Through Criteria Review

1. The Director may approve an application for an Administrative Exemption Plat if the Director has determined that there is no potential for any significant conflict with the criteria listed in 9-400 of this Code such that no conditions to mitigate land use impacts of the proposal are necessary;
2. After determining whether to approve an Administrative Exemption Plat, the Director shall notify adjacent property owners within 1500 feet.
3. The Director's determination is final after 14 calendar days unless appealed to the Board of County Commissioners under the provisions of Article 9-600.
4. Once the Director's determination is final, the Director will present the final Exemption Plat to the Chair of the Board for a signature.

B. Administrative Exemption Plat to Resolve Property or Boundary Line Disputes

1. The Director may approve an application for an Administrative Exemption Plat to finalize a division of a Subdivided Lot or lots by state court or through a boundary line agreement under § 38-44-112 to settle an action seeking a

division of a Subdivided Lot by state court that meets any of the definitions of a Building Lot in Article 9-100.A.12.a-d. The Director will present the final Exemption Plat to the Chair of the Board for a signature.

2. Recognition as a Building Lot of a Subdivided Lot changed by a state court or a boundary line agreement, to settle an action seeking a change to the Subdivided Lot by a state court, that does not meet the definition of a Building Lot is subject to the Exemption Plat criteria in 9-400 and requires a hearing before the Board of County Commissioners.

C. Administrative Exemption Plat for Subdivided Lots for Which the County Issued Permits

1. The Director may approve an application for an Administrative Exemption Plat to finalize a division of a Subdivided Lot that meets the definition of a Building Lot in Article 9-100.A.7. The Director will present the final Exemption Plat to the Chair of the Board for a signature.

### 9-302 Vacations

A. Road and utility easement vacations, resulting from Subdivided Lot reconfigurations through this process or otherwise requiring changes to the Plat, must be heard and acted upon by the Board, in conjunction with the Exemption Plat hearing, following review of the vacation through the process in Article 10 of this Code by Planning Commission.

**9-400 Review Criteria for Subdivision Exemptions and Exemption Plats**

A. A Subdivision Exemption or an Exemption Plat must meet the following standards:

1. For Subdivision Exemptions only, if the exemption would result in an increase in the number of currently existing lots, any identified land use impacts associated with the increase are sufficiently mitigated.
2. For Exemption Plats only, if the originally-approved Subdivided Lots were 1.1 acres or less, the proposed lots must not change in size by more than fifteen percent, unless served by public water and/or sewer.
3. The proposed lots must have legal access.
4. The proposed lots and potential development on them must be capable of being served by an adequate physical access, including for emergency and non-emergency purposes, which meets the requirements of the County Engineer, and, if applicable, the local fire protection district.
5. The proposed lots and potential development on them must be capable of being served by an adequate water supply.
6. The proposed lots and potential development on them must be capable of being served by an adequate on-site wastewater system or sewage treatment system as required by Boulder County Public Health.
7. Adequate public facilities and services must exist to serve the proposed lots and potential development on them.
8. If any of the proposed lots are in the Floodplain Overlay District:
   a. The potential impacts of creating the proposed lots or portions of proposed lots within the Floodplain Overlay District must be sufficiently mitigated; and
   b. the development upon the proposed lots must be possible outside the Floodplain Overlay District; or
   c. the potential development upon the proposed lots must be capable of obtaining a floodplain development permit under Article 4-400 of this Code, as determined by the County Engineer.
9. The proposed lots and development on them shall be in harmony with the character of the neighborhood and compatible with the surrounding area and shall be appropriately landscaped and screened to minimize the obtrusiveness of structures and maximize visual blending with the surrounding topography.
10. The proposed lots and potential development on them shall not be subject to, or contribute to, significant risk from natural hazards such as unstable soils, steep or unstable slopes, floods, and wildfire.
11. The proposed lots and potential development on them shall not have a significant adverse impact on environmental resources identified in the Comprehensive Plan or through the review of the application, such as Wetlands and Riparian Areas; plant communities and vegetative cover; Critical Wildlife Habitat and Migration corridors; Natural Areas and Natural Landmarks; Environmental Conservation Areas; agricultural, forestry, or open lands; and views, vistas, and scenic corridors.

12. The proposed lots and potential development on them shall not have a significant adverse impact on historic, cultural, or archaeological resources identified in the Comprehensive Plan or through the review of the application.
13. The proposed lots and potential development on them shall not cause unnecessary or excessive site disturbance or erosion, or alter historic drainage patterns.
14. The proposed lots and potential development on them shall be in accordance with the Comprehensive Plan and any applicable intergovernmental agreement affecting land use or development, and this Code.
15. Where the division creates Parcels for use as community facilities such as public parking areas, public or private educational facilities, public parks, and open space purchase by a public entity, and utility land acquisitions including for utility substations without any dwelling units, an exemption may be approved for the placement of a community facility where the size, location and available services are reasonable, appropriate, and customary for the proposed use.

## 9-500 Conditions of Approval and Post-Approval Requirements for Subdivision Exemptions and Exemption Plats

A. If an application for a Subdivision Exemption or an Exemption Plat does not meet all the listed criteria for approval, the Board, in its discretion, may impose reasonable conditions which allow a proposal to meet the criteria. Nothing in this provision shall require the Board to impose conditions if, in the Board's discretion, the Board determines that a reasonable basis for mitigation does not exist and that the application must therefore be denied.

1. Conditions of approval which the Board may impose to allow an application to meet the listed criteria include, without limitation, structure height or floor areas restrictions; designation of building envelopes or locations in which structures, buildings, or site disturbance must be confined; landmarking to protect historic or cultural resources; designation of preserved areas of land; required management practices to maintain preserved land, protect environmental resources, minimize erosion, control or eliminate noxious weeds or undesirable plants, regulate drainage, and prevent hazards both on and off the subject property including through wildfire mitigation; landscaping or other appropriate screening measures including through limiting building materials or colors; landowner grant of a Conservation Easement or restrictive covenant running with the land to preserve, and avoid the over-intensive use of, sites with recognized conservation and open land values; and purchase and retirement of development rights to mitigate an increase in density recognized through a Subdivision Exemption approval.
2. In exercising its discretion to determine whether an Exemption Plat meets or does not meet the listed standards, the Board may weigh the evidence on the standards which is presented, with regard to the property taxation treatment of the subject Subdivided Land, conveyancing history of the subject Subdivided Land, land use regulatory history of the Subdivided Land, existing development on the subject

Subdivided Land, and reasonable investment backed expectation of the landowner in the subject Subdivided Land.

B. Post-Approval Requirements

1. The Board or Director may impose post-approval requirements upon any approved Exemption Plat or Administrative Exemption Plat including, without limitation, a title report including all owners as of the date of recordation of the new Deeds; that the owner include appropriate language on any required Deeds; and certification from the County Treasurer's Office that there are no outstanding *ad-valorem* taxes to be paid on the property being exempted.

**9-600 Appeal of Director's Determination**

A. The Director's determination, made under Article 9-201 or 9-301.A, of whether an application meets the criteria in Article 9-400 for a Subdivision Exemption or an Exemption Plat may be appealed to the Boulder County Board of County Commissioners.

1. If any person aggrieved by the Director's determination files an appeal with the Land Use Department in writing within 14 calendar days, the Board shall review the Director's determination at a public hearing. If no appeal is made within 14 calendar days after the date of the determination, the Director's determination is final.
2. Prior written notice of the public hearing on the appeal shall be provided to the applicant and to property owners within 1500 feet and shall be published as part of the Board's agenda in a newspaper of general circulation in Boulder County.
3. At the public hearing, the Board shall consider evidence related to the Director's determination which may be presented by the Director, the applicant, or interested members of the public. The Board shall not be limited in its review to the subject of the appeal but may review any aspect of the application. Based upon this evidence the Board may affirm the Director's decision, add new conditions, or reverse the Director's determination. In the case of denial of an application, the Board shall state its reasons for its decision based upon the criteria in the applicable article of this Code.

B. The Director's determination, made under Article 9-301.B or 9-301.C, of whether an application meets the requirements for approval may be appealed to the Boulder County Board of Adjustment under the provisions of Article 4-1200.

9-700 **Expiration of Subdivision Exemption and Exemption Plat Approval**

A. The Board of County Commissioners' or Director's decision to approve or conditionally approve an Exemption Plat or Subdivision Exemption shall, unless otherwise stated in such action, be effective for a period of one calendar year from the date of approval to the date of recordation of all required documents.

B. The Board of County Commissioners or Director may grant up to two extensions of deadlines of no more than one year each for those dates specified in this Article, if they find that there has been no change in this Code, the Comprehensive Plan, or the surrounding neighborhood which would substantially affect the approved exemption.

C. On an annual basis, the Director may present to the Board of County Commissioners all those applications that will expire in the coming year and may need extensions of processing time.

## 1-300 Purpose and Relationship to the Boulder County Comprehensive Plan

A. This Code is enacted to protect and promote the health, safety, and general welfare of the present and future inhabitants of Boulder County and to guide future growth, development, and distribution of land uses within Boulder County. Enactment, amendment, and administration of this Code shall be governed by the statutory authority granted to Colorado counties to govern the use and development of land, consistent with applicable constitutional principles. Enactment, amendment, and administration of this Code shall in accordance with and shall serve to implement the goals and policies of the Boulder County Comprehensive Plan, and the authority set forth in the applicable provisions of the Colorado Revised Statutes as well as the provisions of any jointly adopted intergovernmental agreement or master plan governing the use and development of land of mutual concern to Boulder County and another governmental entity.

B. The purposes of the County Planning Act shall be considered to be, without limitation, and in accordance with Section 1-300.A of this Code: promotion of the health, safety, morals, convenience, order, prosperity or welfare of the present and future inhabitants of the County through such means as lessening traffic congestion; reducing the waste caused by excessive road construction; promoting energy conservation; securing safety from fire, floodwaters, and other dangers; providing adequate light and air; classifying land uses; distributing and regulating land development and its impacts; regulating structures and parcels or lots; protecting the tax base; securing economy in governmental expenditures; fostering agricultural and other industries (which, in accordance with the Comprehensive Plan, are primarily rural in nature); protecting urban and nonurban development (and, in accordance with the Comprehensive Plan, ensuring that unincorporated lands outside of community service areas remain rural in nature); ensuring for the orderly subdivision of land; and providing for coordinated master planning addressing population density, housing, transportation, public places and facilities, adequate and suitable water supplies, adequate facilities and services for development, alternative energy sources, open and rural land preservation, protection of historical/cultural and archaeological resources, hazard prevention, wildlife habitat and threatened and endangered species protection, commercial mineral deposit extraction, recreation and tourism, and environmental protection. See, primarily, C.R.S. Sections 30-28-106; 30-28-111; 30-28-115; 30-28-133; 30-28-136; and 29-20-104.

## 3-100 Approvals and Permits Necessary Prior to Development

**A .** Actions Requiring Review by the Board of Adjustment, Planning Commission, and/or Board of County Commissioners:

**4.** Exemption Plats: Exemption ~~plats~~ Plats are changes to existing P~~p~~lats which are exempt from review under the Subdivision Regulations as may be allowed pursuant to Article 9~~Section 9-200 through 9-202~~ of this Code, and pursuant to other provisions of this Code authorizing ~~e~~Exemption ~~p~~Plats for specific circumstances (such as Article 4-300).

**16.** Subdivision Exemptions: An approval by the Board of County Commissioners to take certain ~~u~~Unsubdivided ~~l~~Land or divisions of ~~u~~Unsubdivided ~~l~~Land out of the definition of "~~s~~Subdivision," with the result that such land or divisions of land do not have to meet the requirements of the Subdivision Regulations . Types of Subdivision Exemptions include boundary line adjustments, lot recognitions, and community facility lot splits . See Article 9.

## 17-300 Zoning Regulation Enforcement

**D .** Building Lot ~~Determination~~

**1.** No person shall use any parcel for a use which is required by this code to comply with the minimum lot area requirements of the zoning district in which it is located, nor shall any building permit for such parcel be issued, unless the parcel is determined to be a building lot by the Director .

**2.** The Director shall not determine a parcel to be a building lot for a principal use if that parcel has been occupied as or designated as a building lot for any other principal use, unless such parcel has been expressly approved for multiple principal uses as part of a use permitted by Special Review (Article 4-600) or Planned Unit

Development (Article 6).

~~3. The Director shall not designate a portion of a parcel as a building lot unless the Director determines that the remainder of the parcel also meets all requirements necessary for designation as a building lot.~~

## 18-121 Building Lot

A parcel that meets the requirements of Article 9-100 of the Land Use Code.

~~A parcel occupied by, or designated by the Director pursuant to this Code to be occupied by, a use which is required by the Zoning District provisions of this Code to comply with the minimum lot area requirements of the zoning district in which it is located. Except as provided in subsection (A) below, the parcel shall be of sufficient size and shape to conform to all requirements of the zoning district within which it is located.~~

~~A. A substandard parcel shall be considered a building lot only if it meets one of the following criteria:~~

~~1. A parcel upon which a use, which is required to comply with the minimum lot area requirements of the zoning district in which it is located, lawfully exists or, if none exists, has lawfully existed prior to the effective date of this Code.~~

~~2. A parcel which the Board of County Commissioners has exempted from the definition of 'subdivision' with the specific intent, as stated in the exemption Resolution, of allowing the parcel to be designated as a building lot; provided however that said parcel shall remain subject to any use and building requirements imposed pursuant to Article 9 as well as all other provisions and requirements of this Code.~~

~~3. A lot, tract, undivided block, or other plot of land, other than an outlot or right-of-way, within an area of subdivided land, which met the lot area and lot frontage requirements of this Code in effect at the time of the approval of the subdivided land, such land shall be designated as a building lot in accordance with those area and/or frontage requirements in effect at the time of its approval, subject, however, to all other provisions and requirements of this Code, as amended.~~

~~4. A parcel which conformed to the lot area and lot frontage requirements of the zoning district in which it was located at the time it was created, and which has continued to be held as a separate parcel, shall be designated a building lot in accordance with those area and frontage requirements in effect at the time of its creation, and with all other provisions and requirements of this Code, as amended; provided, however, if such parcel was at any time owned by a governmental entity, it may be occupied only in accordance with the area and frontage requirements in effect at the time legal title was transferred from the governmental entity to a person, unless it was acquired by the governmental entity after December 13, 1983, and was a building lot at the time of acquisition.~~

~~B. For any merger of parcels of land or lots under the provisions of this Code, which merger is not requested in writing by each owner of an affected parcel, and which merger occurs for the first time on or after October 1, 2003 (the effective date of Senate Bill 03-067 as codified in C.R.S. Section 30-28-139), the following provisions shall govern, as expressly required in C.R.S. Section 30-28-139:~~

~~1. Prior to the completion of the merger, the County shall send notice of the County's intent to complete the merger to each owner of the affected parcels by certified mail, at the address shown on the records of the County Assessor. The notice shall also specify that each such owner may request a hearing on the proposed merger pursuant to Subsection 2., immediately below, and shall specify action to be taken by such owner to request such hearing, including, without limitation, the requirement that said owner shall request the hearing no later than 120 days after the date on which the owner receives the notice.~~

~~2. Prior to the completion of the merger, where each owner of an affected parcel has timely requested a hearing on the proposed merger satisfying the requirements of Subsection 1.,~~

~~immediately above, a public hearing on said merger shall be held before the Board of County Commissioners. The hearing shall be conducted for the purpose of allowing the Board to discuss with the owner of each affected parcels the Board's reasons for proceeding with the merger, and to give each owner the opportunity to submit any basis provided under law for challenging the merger. In the case of a timely hearing request, the County shall provide notice of the time, place, and manner of the hearing to each owner of the affected parcels and shall also publish the notice in a newspaper of general circulation in the County in a manner sufficient to notify the public of the time, place, and nature of said hearing. In order to give each such owner of an affected parcel the opportunity to take whatever remedial action is allowed under the law prior to the hearing before the Board, the County shall not hold the hearing any sooner than 90 days after the date on which the owner received the County's initial mailed notice as provided in Subsection 1, above.~~

~~3. Where the owner of each affected parcel fails to timely request a hearing on the proposed merger satisfying the requirements of Subsection 1., above, no such hearing is required, and the affected parcels shall be merged in accordance with the requirements of this Subsection C.~~

~~4. No merger of parcels that is the subject of a hearing pursuant to Subsections 1. and 2., above, shall be effective unless: a. The owner of the parcels has given his, her, or its consent to the merger of said parcels; and b. The merger has been approved by a majority of the Board of County Commissioners.~~

~~5. Nothing in this Subsection C. shall be construed to abrogate or otherwise diminish or expand any rights a landowner may have under Article 68 of Title 24, C.R.S., pertaining to vested property rights.~~

## 18-143A Exemption Plat

An amendment or change to a plat which is exempt from the requirements of Article 5 of this Code (Subdivision Regulations), and which falls within the scope of and must instead meet the requirements of ~~Sections 9-200 through 9-202~~Article 9 of this Code. Exemption plats for certain subdivisions with a sketch plan approved prior to March 22, 1078, which affect significant natural resources, are separately addressed under Article 4-300 of this code.

## 18-204C Subdivision Exemption

Pursuant to the authority granted in C.R.S. Section 30-28-101(10)(d), an approval by the Board of County Commissioners to take certain unsubdivided land or divisions of unsubdivided land out of the definition of "subdivision," with the result that such land or divisions of land do not have to meet the requirements of the Subdivision Regulations. The requirements for Subdivision Exemptions are contained in ~~Sections 9-100 through 9-102~~Article 9 of this Code. Land with approved subdivision exemptions is not platted (subdivided) land, even though it may be described according to a so-called "Subdivision Exemption Plat" as defined in the Colorado surveying statutes in Title 38, C.R.S. Exemptions from the Subdivision Regulations for subdivided land are called "Exemption Plats" and are contained in the Exemption Plat requirements of ~~Sections 9-200 through 9-203 and Section 9-300~~Article 9 of this Code (see also Article 4-300).