



This guide describes the **Subdivision Exemption**. Users should utilize this guide in conjunction with the Eagle County Land Use Regulations. (*Section 5-270*)

BACKGROUND

Eagle County's Land Use Regulations combine subdivision procedures and zoning regulations to ensure that the health, safety and welfare of the County's citizens is preserved. These regulations provide the authority and framework enabling Eagle County to hold future development to a high standard of quality and to guide orderly land use in a manner which is sensitive to the environment and natural resources.

These regulations had their beginning in 1964 when the Eagle County Commissioners adopted the first resolution stipulating procedures required to subdivide property. In 1972, the County Commissioners further restricted subdivision of land, in response to Colorado Senate Bill 35. Both of these procedures required that certain conditions be met in order to subdivide property without the County's review and approval process. In 1974, the Commissioners adopted the County's first zoning regulations.

OVERVIEW

An Subdivision Exemption may be used in the following instances only:

- a. To legalize a lot created by powers of condemnation.
- b. To legalize a property which was divided for the purposes of perpetual open space.
- c. To legalize a lot which was created prior to August 22, 1984.
- d. To correct boundary errors, align boundaries with topographic features, or straighten boundaries of non-platted, contiguous lots which are not subject to merger (see Section 6-120.B *Contiguous Parcels under Single Ownership*).

PROCESS

The complete Subdivision Exemption application process usually takes 2-3 months. In that time, seven steps are taken.

1. Complete Application Submittal

All required Subdivision Exemption application materials are submitted to the Community Development Department. At the time of submittal, the application materials are reviewed for completeness ensuring all required copies are provided (see application checklist). Incomplete application materials will not be accepted. At this time the application fee and referral surveyor fees will also be collected.

2. Internal and External Staff/Agency Review

The Planner assigned initiates review of the application materials by referring them for a 14 day review period to appropriate departments and agencies for review and comment. Agencies involved in the review process evaluate the Subdivision Exemption for conformance with all applicable State and County regulations, survey requirements, and impacts associated with water, sewer, fire, and wildlife.

3. Written Notification

The Planner coordinates a thorough, written response to the applicant. This correspondence is intended to detail all outstanding deficiencies with the application and provide direction for correction.

4. Applicant Revisions and Re-submittal

Following receipt of the review response from the Planner, Engineer, Surveyor, etc., it may be necessary for the applicant to provide revisions, additional information or a response to referral comments.

5. Second Review by County Staff

The revised materials along with a complete, executed Mylar must be resubmitted to the Planner (unless otherwise directed). The applicant's revised materials will be reviewed again by County Staff (and possibly referral agents as well), for no more than 10 days.

7. Schedule Hearing

Once all the issues have been resolved, the application is scheduled for the next available hearing. Depending on the nature of the application, mailed notice to adjacent property owners, a sign posting, and advertisement of the hearing date may be required. Notification must be undertaken at least 15 days prior to hearing.

8. Board of County Commissioners Hearing

At this hearing, the Board of County Commissioners will receive a report from the Planner, and Applicant. Testimony from interested citizens will also be considered as part of the hearing. Upon conclusion of the hearing the Board of County Commissioners will take action on the application. Their action will either be approval, approval with conditions, or denial. If approved, the Chairman of the Board will sign the Plat or Resolution.

9. Recording

The Staff Planner then records the approved Subdivision Exemption Plat or Resolution, with the Clerk and Recorders Department, upon receipt of recording fees.

Subdivision Exemption Plat

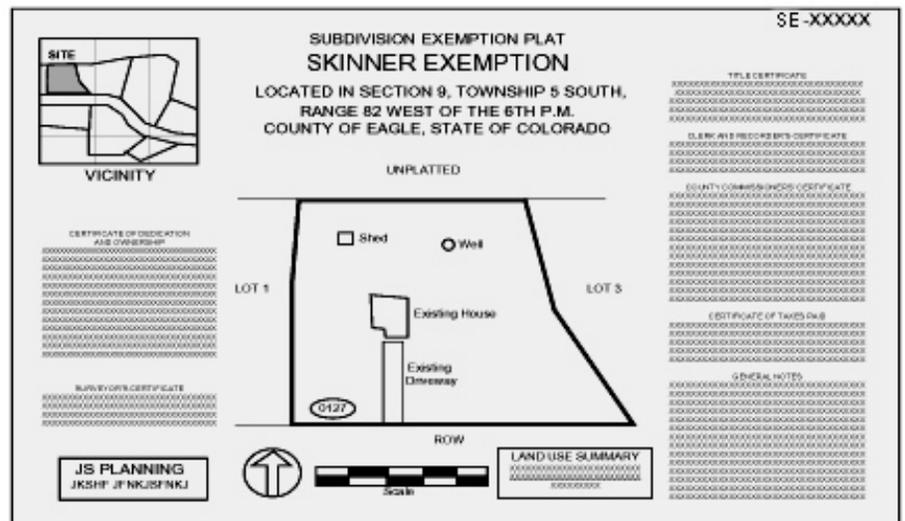
This is an example of a Final Plat. The Plat is created by a Surveyor, and contains several certificates. Those certificates include:

1. Certificate of Dedication and Ownership
2. Surveyor's Certificate
3. Title Certificate
4. Certificate of Taxes Paid
5. Clerk and Recorder's Certificate
6. County Commissioners' Certificate

Note:

The Plat shall be printed with legible, permanent black ink on a 24" X 36" reproducible Mylar.

This is an example only. Please see Section 5-280.B.5 *Final Plat for Subdivision* for a complete list of requirements.



Subdivision Exemption Application Checklist

[] Application form completely filled out and signed. This includes the applicant's name, mailing address, telephone and fax number. If the applicant is to be represented by an agent, a letter signed by the applicant granting power of attorney to the agent shall be submitted, authorizing the agent to represent the applicant and stating the representative's name, mailing address, telephone and fax number.

[] Five (5) 24" x 36" blue line copies of the Plat. NOTE: The plat shall be printed with legible, permanent black ink on a reproducible Mylar. The Mylar is to be later submitted upon resolution of all blue line copy errors.

[] Title Commitment, Attorney's opinion, Ownership and Encumbrance Report, or Deed. A disclosure of ownership of the parcel on which the development is to occur, listing the names of all owners of the property, and all mortgages, judgments, liens, easements, contracts and agreements that run with the land. The disclosure of ownership may be in the form of a current certificate from a title insurance company (title commitment), or ownership and encumbrance report.

[] All adjacent property owners. A list of all adjacent property owners, compiled by the applicant using the most recent County ad valorem tax rolls, is required. In addition to submitting a written list, the applicant shall also submit the addresses on adhesive labels or in the form of pre-addressed envelopes.

[] Vicinity Map. An eight and one-half (8 ½) inch by eleven (11) inch vicinity map, locating the subject parcel within Eagle County. Map should contain Section, Township and Range.

[] Fees. All checks should be made out to the Eagle County Treasurer. Outside referral fees (a.k.a. **Additional Plat Check Fees**) will also be collected at submittal. Please call (970) 328-8746 for more information regarding Plat Check Fees.

[] Other.

- Access. Demonstration that the proposed exemption has legal and physical access to a public street or right-of-way by conventional vehicle.
- Water and Wastewater. Proof of both legal and adequate potable water and wastewater disposal.
- Hazards. Satisfactory evidence demonstrating that the exemption will not create hazards and the lot will contain a safe, adequate building site.

CONTACT US

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