

SAGUACHE COUNTY LAND USE  
PO BOX 326 - SAGUACHE, CO 81149  
(719)655-2321 FAX (719)655-2635  
[landuse2@amigo.net](mailto:landuse2@amigo.net)

**SUBDIVISION EXEMPTION APPLICATION**

PROPERTY OWNER NAME \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

CITY, STATE, ZIP \_\_\_\_\_

PHONE \_\_\_\_\_

PROPERTY ADDRESS \_\_\_\_\_

LEGAL DESCRIPTION OF PROPERTY \_\_\_\_\_

THIS REQUEST IS TO DIVIDE A PARENT PARCEL OF LAND CONSISTING OF \_\_\_\_\_ ACRES INTO \_\_\_\_\_ TRACTS, CONSISTING OF \_\_\_\_\_ ACRES and \_\_\_\_\_ ACRES.  
TRANSPORTATION ACCESS \_\_\_\_\_

UTILITIES PROVIDED BY: ELECTRICITY \_\_\_\_\_

TELEPHONE \_\_\_\_\_

ADEQUATE WATER SUPPLIED BY \_\_\_\_\_ PERMIT # \_\_\_\_\_

ADEQUATE SEWAGE DISPOSAL SUPPLIED BY \_\_\_\_\_ PERMIT \_\_\_\_\_

PRESENT USE OF LAND \_\_\_\_\_

PROPOSED LAND USE IF EXEMPTION IS APPROVED \_\_\_\_\_

**PLEASE ATTACH THE FOLLOWING:**

1. A SURVEY PLAT SHOWING ALL REQUIREMENTS AND AN 8.5x11 INCH COPY OF SURVEY
2. PROOF OF OWNERSHIP
3. COUNTY ROAD ACCESS APPROVAL, IF NEEDED
4. A FEE AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS. \$500.00 PLUS \$75.00 PER LOT.
5. A LIST OF ALL LANDOWNERS WITHIN 1500 FEET OF PARENT PARCEL WILL BE OBTAINED FROM THE COUNTY ASSESSOR'S OFFICE FOR CERTIFIED MAILINGS (printouts are 25 cents per page). CERTIFIED MAILING FEE MUST BE PAID BEFORE CERTIFIED MAILINGS CAN BE SENT. A STATEMENT WILL BE MAILED TO YOU

**6. ALL TAXES DUE MUST BE PAID ON THE PARENT PARCEL OF LAND.  
 ANY INFORMATION TO SUPPORT THIS APPLICATION AND ALL SUPPLEMENTAL DOCUMENTS MUST BE RECEIVED IN THIS OFFICE FORTY FIVE (45) DAYS PRIOR TO PLANNING COMMISSION MEETING**

I understand the following:

1. There may be recorded protective covenants that apply to my property. Receiving County approval does not exempt me from meeting any applicable covenants.
2. Before constructing or modifying any access from a State of County road, you must obtain an approved access permit from the appropriate authority.
3. Receiving County approval on this Subdivision Exemption does not exempt me from the requirements of other applicable county requirements, including building and septic permits, or applicable state requirements including water well, plumbing and electrical permits.

**Application must be signed by landowner only. An agent for landowner may represent landowner at County meetings only if the landowner has signed and has had the attached form notarized.**

I hereby certify that the above information is true and accurate to the best of my knowledge. I further certify that I or we are legal owner(s) of record of the property that is Subdivision Exemption is being applied for.

Applicant needs to be aware that by signing this application you are giving the Saguache County Land Use office staff permission to access your property for purposes relating to this application. **ALL APPLICATION FEES PAID ARE NON-REFUNDABLE**

Date

\_\_\_\_\_  
 Owner(s)

\*\*\*\*\*  
 \*\*\*\*\*

**FOR OFFICE USE ONLY**

The Land Use Office has determined that this property is in a:

_____	Geologic Hazard Area	_____	Wildfire Area
_____	Critical Wildlife Habitat Area	_____	Area with
possible high			
groundwater levels			
_____	None of the above		
<b>Legal Description:</b> Quarter Section _____	Section _____	Township _____	
Range _____	Application received by: _____		

I, \_\_\_\_\_ hereby authorize \_\_\_\_\_  
Property Owner(s) Representative

to represent me and to make commitments consistent with this \_\_\_\_\_  
Application type

application that is before the Saguache County Planning Commissions and Board of  
County Commissioners. My representative is hereby granted the authority to make  
binding commitments on my behalf.

\_\_\_\_\_  
Property Owner(s)

\_\_\_\_\_  
Date

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

The forgoing was signed before me this \_\_\_\_\_ day of \_\_\_\_\_.

By \_\_\_\_\_.

Witness my hand and seal.

My commission expires: \_\_\_\_\_

Notary: \_\_\_\_\_

SEAL



## II.7. REPLATS

Replats (re-subdivision) shall be considered subdivisions and shall conform to the appropriate procedures for planning and reviewing original subdivision proposals.

### II.7.1. Subdivision Exemption

#### II.7.1.1. Purpose

To provide procedures for use by the Planning Commission, Board of County Commissioners and applicant, to exempt divisions of land not within the purpose of Part 1, Article 28, Title 30, C.R.S. 1973, for the regulations and procedures contained within the Colorado Statutes.

Such exemptions normally involve the separation of a single parcel of land from a parent parcel of land. In order to prevent the circumvention of the intent and purpose of the subdivision regulations, parcels of land containing less than 35 acres created by exempt division procedure shall not be considered for subsequent exempt division, unless the Board of County Commissioners determines that unusual circumstances were or are present and that a subsequent exempt division should therefore be allowed.

#### II.7.1.1.2. Submittal Requirements

- An application for an exempt division of land may be filed only by the legal owner or own a legal or equitable interest in the land where the division is proposed. Such application will be made on a form provided and accompanied by:
- A preliminary sketch plan showing, parcels to be created through the proposed subdivision, area of parcels, easements, right-of-ways, access roads, and improvements on any appropriate part of the parent parcel and/or parcel to be exempted and location of existing wells with registration numbers.
- A nonrefundable-processing fee in the amount currently in effect as set by the Board of County Commissioners. Where more than one parcel of land is applied for exempt division, processing fee will be required for each parcel.
- Proof of ownership.
- A list of adjoining landowners within 500 feet of applicant's property will be obtained from the County Assessor's office.
- A fee to be paid for certified mailings to all 500 feet adjoining landowners.
- Property Taxes owed on all affected parcels must be current at the time of Board of County Commissioner decision. A Certificate of Taxes Due will be obtained at the

Saguache County Land Development Code  
effective November 17, 2008

beginning of the application process and confirmed before the Board of County Commissioners' final review.

- Applicant must supply an 8.5 x 11 inch paper copy of survey plat.

If applicant has not completed all requirements within one year, application will become void.

II.7.1.1.3. After preliminary approval is given by the Planning Commission and the Board of County Commissioners a survey plat must be submitted, including a metes and bound description, drawn to an appropriate scale and prepared by a registered land surveyor, showing corners and boundaries of the land to be divided.

Also included on the plat will be a title, scale, north sign, date, location map, all improvements if any on all parcels and signature certificates. See Appendix D.

Board of County Commissioners require that all landowners sign the approved resolution before County Commissioners will sign the approved resolution and the resolution is recorded. Resolution must be signed and returned to the Land Use office within 15 days of date of Commissioners' approval.

There will be a sixty - (60)-day time limit for property to be deeded to create the subdivided tract. The sixty (60) - day time limits shall start from the date of Board of County Commissioner approval. If any changes are required the time limit shall begin on the date of Board of County Commissioner signing resolution.

The subdivided tract of land will now be subject to Article XV-Blight Regulation of this Code after the resolution is recorded.

## **II.8. Vacation/Consolidation**

### **II.8.1. Purpose**

To provide procedures for the use by the Planning Commission, Board of county Commissioners and applicant, to vacate lot of parcel tract line boundaries and consolidate smaller tracts into a larger tract, parcel or lot.

### **II.8.2. Modified Procedures**

The requirements set forth in the final plat section shall apply to all vacation/consolidation requests, except those which in the opinion of the Land Use Administrator, may be accomplished under a modified procedure. In general such a modified procedure may be appropriate in the following cases;

APPENDIX D

CERTIFICATE FOR SUBDIVISION EXEMPTION

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

THAT \_\_\_\_\_ is the owner(s) of that real property situated in (legal description), Saguache County, Colorado and lying within the exterior boundary of \_\_\_\_\_.

THAT I (they) have caused said real property to be laid out and surveyed as \_\_\_\_\_, and do hereby dedicate and set apart all of the streets, alleys, and other public ways and places as shown on the accompanying plat to the use of the public forever, and do hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements.

IN WITNESS WHEREOF \_\_\_\_\_ has (have) caused his (their) name(s) to be hereunto subscribed this \_\_\_\_\_ day of \_\_\_\_\_ AD 20\_\_\_\_\_.

Signed \_\_\_\_\_

STATE OF COLORADO )  
SS  
COUNTY OF SAGUACHE )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, AD 20\_\_\_\_\_, by \_\_\_\_\_

Witness my hand and seal.

Signed: \_\_\_\_\_

Notary Address

My commission expires: \_\_\_\_\_



**SURVEYOR'S CERTIFICATE**

I \_\_\_\_\_, a duly registered land surveyor in the State of Colorado, do hereby certify that this plat truly and correctly represents the results of a survey made by me or under my direct supervision.

\_\_\_\_\_  
SURVEYOR  
(Surveyor's stamp shall appear with this Certificate)

**COUNTY TREASURER CERTIFICATE**

STATE OF COLORADO  
COUNTY OF SAGUACHE

I, the undersigned, County Treasurer, in and for Saguache County, do hereby certify that there are not unpaid taxes or un-deemed tax sales as appears of record in this office on the above described application request.

In witness whereof, I have hereunto set my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Saguache County Treasurer

By \_\_\_\_\_, Deputy

**PLANNING COMMISSION CERTIFICATE**

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, AD 20\_\_\_\_, County Planning Commission,  
Saguache County, Colorado.

\_\_\_\_\_  
CHAIRMAN

**COMMISSIONER'S CERTIFICATE**

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, AD 20\_\_\_\_, Board of Commissioners,  
Saguache County, Colorado.

ATTEST: \_\_\_\_\_  
CLERK OF THE BOARD

\_\_\_\_\_  
CHAIRMAN



**CLERK AND RECORDER'S CERTIFICATE**

STATE OF COLORADO )  
SS  
COUNTY OF SAGUACHE )

I hereby certify that this instrument was filed in my office at \_\_\_\_\_ O'clock, \_\_.m. this \_\_\_\_\_  
day of \_\_\_\_\_, AD 20\_\_\_\_, and is duly recorded at Reception No. \_\_\_\_\_.

Fees \_\_\_\_\_ paid.

\_\_\_\_\_  
RECORDER

\_\_\_\_\_  
DEPUTY





DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

John W. Hickenlooper  
Governor

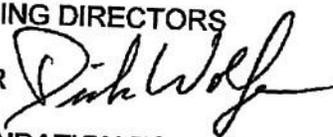
Mike King  
Executive Director

Dick Wolfe, P.E.  
Director/State Engineer

March 11, 2011

MEMORANDUM

TO: ALL COUNTY LAND USE PLANNING DIRECTORS

FROM: DICK WOLFE, STATE ENGINEER 

SUBJECT: STATE ENGINEER'S RECOMMENDATION FOR CERTAIN LAND USE ACTIONS

Introduction

On March 4, 2005, the State Engineer approved a memorandum to the Land Use Planning Directors for each county in the state. The memorandum addressed the State Engineer's responsibilities in providing "an opinion regarding material injury likely to occur to decreed water rights by virtue of diversion of water necessary or proposed to be used to supply the proposed subdivision and adequacy of proposed water supply to meet requirements of the proposed subdivision" as required under Section 30-28-136(h)(I) C.R.S.

The direction in that memorandum remains valid. The objective of this memorandum is to provide land use planning directors with additional important information in an attempt to reduce the incidence of well permitting conflicts that may result from land use actions that split parcels of land but do not involve the subdivision of land as defined in Section 30-28-101(10)(a), C.R.S.

An action that results in the division of a parcel of land that is 35 acres or larger, when that parcel has an existing well permit whose issuance is premised on the parcel being 35 acres or larger, has potential to create a conflict between the continued legal operation of the existing well on one of the newly-created parcels and the ability to issue a new well permit for another of the newly-created parcels. This potential conflict also exists in the division of a parcel that is smaller than 35 acres.

Recommendation

Therefore, by this memo, we recommend that you forward land use actions to the SEO for comment in any case where you are presented with a proposal to split a parcel of land and the land has an existing well or a permit issued for the construction of a well.

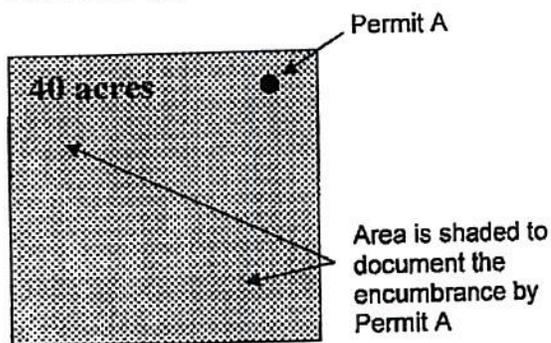
Background

Consider the scenario where a landowner owns a square 40-acre parcel. According to 37-92-602(3)(b)(II)(A), because the parcel is 35 acres or larger the landowner may acquire a well permit ("Permit A") for use in up to three single-family dwellings, irrigation

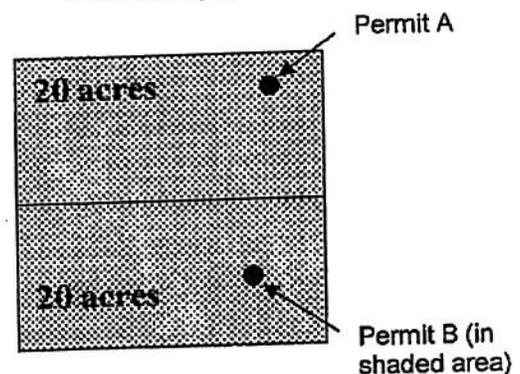
of one acre of lawn and garden, domestic animal watering, and pasture livestock watering. One limitation is that it be the only exempt well permit on the parcel. In granting such a permit, the State Engineer's Office ("SEO") will document that the 40-acre parcel has once been considered in issuing a well permit and that no other exempt well permit may be issued on that land, nor may any part of that land be considered as the basis for the issuance of another exempt permit.

If that same landowner splits that parcel through a process exempt from subdivision requirements and the well is located on a newly-created parcel of smaller than 35 acres, it would appear that the original basis for the issuance of Permit A is no longer valid due to the fact that the well is no longer located on a "parcel" of 35 acres. If that situation is not corrected, an application for an exempt well permit on another of the newly-created parcel ("Permit B"), would appear to invalidate one of the conditions for the issuance of Permit A, that is, Permit A would no longer be the only well on the original 40 acres.

Before the split.



After the split



If the land split takes place without reconciling the issue at that time, the unavoidable outcome in this scenario is that at a later date, the State Engineer's Office ("SEO") must do one of the following:

1. Allow Permit A to stay in effect and deny Permit B,
2. Allow Permit A to stay in effect and issue Permit B, resulting in a violation of Permit A's conditions of approval,
3. Revoke Permit A and issue Permit B, resulting in a requirement that Permit A be reissued with its allowed uses being reduced to household purposes inside a single-family dwelling with no outside uses allowed.

None of the alternatives is preferable from a legal or administrative perspective. This same scenario may also occur when the original parcel is smaller than 35 acres. Therefore, by this memo, we recommend that you forward land use actions to the SEO for comment in any case where you are presented with a proposal to split a parcel of land and the land has an existing well or a permit issued for the construction of a well. In the event that the land division results in the well being located on a parcel that is smaller than the parcel that was considered when issuing the original well permit, the SEO will inform the county that, upon completion of the land use action, the existing well owner must re-permit the well consistent with the law as it applies to the size of the newly-created parcel on which it is located. Further, that requirement should be plainly

visible on the plat such that the current owner and any prospective buyer will be aware of the requirement.

While the SEO has no statutory responsibility to review land use actions such as these that do not involve the subdivision of land as defined in Section 30-28-101(10)(a), the benefit of minimizing conflicts in these situations merits the attention of the SEO staff. Therefore, the staff of the SEO will respond to such land use action referrals from the county within 21 days of their receipt.

