

**DOLORES COUNTY, COLORADO**

**POLICY ON SUBDIVISION EXEMPTIONS**

**&**

**APPLICATION FORM**

**As Amended March 7, 2005**



DOLORES COUNTY  
SUBDIVISION EXEMPTION POLICY  
&  
APPLICATION FORM

As Amended March 7, 2005

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DOLORES COUNTY  
POLICY ON SUBDIVISION EXEMPTIONS  
&  
APPLICATION FORM

Adoption of Amendments

Amendment of Paragraph 3 of this Policy, entitled FEES, to enable adjustment of such fees by resolution of the Board of County Commissioners was adopted by the Dolores Planning Commission by unanimous vote at a public meeting on March 11, 2003.

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David Allen, Chairman  
Dolores County Planning Commission

Certification:

I certify that the amendment to the Subdivision Exemption Policy recorded in the minutes of the public meeting of March 11, 2003 and incorporated in paragraph 3 of this Policy is a true copy of that adopted by Planning Commission and that the votes on the amendment are true and correct.

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Steve Garchar, Secretary  
Dolores County Planning Commission

In addition to amendment of text described above, this amendment to the Dolores County Policy on Subdivision Exemption contains the following administrative changes; addition of a Title page, Table of Contents and Adoption of Amendments page.

Adopted by the Dolores County Board of Commissioners by unanimous vote after Public Hearing on April 7, 2003.

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LeRoy Gore, Chairman  
Dolores County Board of Commissioners

2. Subparagraph 1.b, Restriction on Further Exemptions, is amended to clarify that the 5 year restriction on further exemption attaches to and runs with the land and shall be documented by a note on the exemption plat, and further that, if the Board of County Commissioners approves a subdivision on a parcel of land with an existing exemption restriction, the restriction is nullified.

The amendment was adopted by the Dolores County Planning Commission on November 2, 2004 and forwarded to the Board of County Commissioners for their consideration and was adopted by the Board after notice and public hearing by affirmative vote of 2 to 1 on December 6, 2004.

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David Allen, Chairperson  
Dolores County Planning Commission

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LeRoy Gore, Chairperson  
Dolores County Board of Commissioners

DOLOROS COUNTY POLICY ON SUBDIVISION EXEMPTIONS

POLICY ON SUBDIVISION EXEMPTIONS  
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APPLICATION FORM

Adoption of Amendments

3. Subparagraph 1.g, Subdivision Exemption Plat Require, is amended to require that the approximate location of any improvements existing prior to subdivision of the parcel be shown by a suitable symbol or mark on the plat and that the plat Mylar be submitted with a legal sized black and white copy of the Mylar.

The amendment was adopted by the Dolores County Planning Commission on February 22, 2005 and forwarded to the Board of County Commissioners for their consideration and was adopted by the Board after notice and public hearing by a unanimous vote on March 7, 2005.

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David Allen, Chairperson  
Dolores County Planning Commission

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LeRoy Gore, Chairperson  
Dolores County Board of Commissioners

As amended March 7, 2005, this Subdivision Exemption policy consists of the following dated documents.

Title Page	March 7, 2005
Table of Contents	March 7, 2005
Adoption of Amendments	March 7, 2005
Policy on Subdivision Exemption	March 7, 2005
Enclosure 1 – Application for Subdivision Exemption	March 7, 2005
Attachment A – Examples of Exemptions	Sept 3, 2002
Attachment B – Sewage Disposal Test & Analysis Report	Sept 3, 2002
Enclosure to Attachment B – Soil Percolation Test Report	Sept 3, 2002

DOLORES COUNTY POLICY  
ON  
SUBDIVISION EXEMPTIONS

Adopted September 3, 2002  
(Replaced previous policy dated November 3, 1997)  
Amended March 7, 2005

1. POLICY. The Dolores County Board of County Commissioners (BOCC) have determined, pursuant to 30-28-101 (10) (d) C.R.S., that situations may arise concerning the division of unincorporated land that are not within the purposes of Part 1 of said statute and accordingly may be exempt from full application of the requirements of the Dolores County Subdivision Regulations. These situations and the standards, requirements and procedures that apply when they arise are as follows:

- a. General. This policy applies to divisions of land that creates parcel, at least one of which is smaller than 35 acres. Each parcel created that is smaller than 35 acres shall constitute an exemption. Examples of exemptions are described in Attachment A to this Policy. If more than two such exemptions are proposed by an applicant, the County Commissioners shall request and obtain a recommendation from the County Planning Commission before granting an exemption. Any application submitted under this policy must be either signed by the owner(s) of the land or accompanied by a signed statement from the owner(s) granting permission.
- b. Restriction on Further Exemptions. To discourage evasion of the purposes of the Dolores County Subdivision Regulations, land owners of parcel(s) exempted under this policy will generally not be granted further exemption for a period of 5 years. However, pursuant to Subsection 1-2, subparagraph 3 (c) of the Subdivision Regulations, the Board of County Commissioners may waive this restriction if they determine that a further exemption would not constitute such an evasion. This restriction shall attach to and run with the land and its existence shall be documented by appropriate wording in a note on the exemption plat. However, if the Board of County Commissioners approves a subdivision on a parcel of land with an existing exemption restriction, that restriction shall be nullified.
- c. Parcel Characteristics
  - (1) Parcels proposed for exemption should meet a minimum density requirement of three acres per dwelling unit. However, if a parcel is served by either central water or central sewer service, the minimum density requirement may be reduced to one acre per dwelling unit. And if a parcel is served by both central water and central sewer service, the minimum density requirement may be reduced to 10,000 square feet per dwelling unit. Further, the County Commissioners may consider a higher density if recommended by the County Department of Health and supported by a determination by the County Sanitarian or a Professional Engineer registered in the State of Colorado that the parcel or parcels are suitable for installation of an Individual Septic Disposal



System meeting the requirements of section 25-10-105 C.R.S.

- (2) The length of a parcel should not be more than two and one half times the width and should not be too irregularly shaped.
  - (3) The minimum distance of any structure from the front of a parcel, i.e. the front set back, shall be 50 feet for parcels equal to or greater than 3 acres and 25 feet for parcels less than 3 acres. The front of a parcel is normally the side facing a public road. The minimum set backs from all other property lines shall be 25 feet. From parcels located at county road inter-sections, the minimum set back shall be 50 feet from both roads.
- d. Access. All parcels created in accordance with this policy must have access to a public road. Accordingly, a driveway permit shall be obtained from the Dolores County Commissioners office. If a parcel is not adjacent to a county road, an access easement 60 feet in width is required. For parcels adjacent to a State Highway and without access to a county road, an access permit shall be obtained from the Colorado Department of Transportation.
  - e. Water and Sewer. A source of potable water must be available and may include a cistern. If central sewer service is not available, a sewage disposal system permit must be obtained from the County Commissioners office. However, in some circumstances, (see subparagraph h below) it may be appropriate for the County Sanitarian or a Professional Engineer registered in the State of Colorado to first determine whether or not a parcel is suitable for installation of an acceptable Individual Sewage Disposal System. This determination can be obtained by preparing a Dolores County Sewage Disposal Report. See Attachment B to this policy.
  - f. Parcel Identification. The applicant shall submit a map to the County Commissioners showing the parcel(s) proposed for exemption and the surrounding property. The map, referred to in the application as a Sketch Plan, serves as the primary basis for preliminary review and temporary verbal approval of the application by the County Commissioners. A map of the area in which the parcel(s) are to be located can be obtained from the Assessor's Office and amended by the applicant to show the approximate location, size and dimensions of the parcel(s). After preliminary verbal approval is granted, the applicant shall obtain an address for each parcel from the County Commissioner's Office.
  - g. Subdivision Exemption Plat Required. A Subdivision Exemption Plat, as defined in 38-51-102 (7) C.R.S., is required and shall be prepared by a professional land surveyor registered in the State of Colorado. The exemption plat shall comply with the land survey and monument requirements of 38-51-106 C.R.S. and 38-51-104 C.R.S., respectively, including specifically, identifying apparent and recorded rights-of-way and easements and providing a complete legal description of each parcel. In addition, to clarify tax status, the approximate location of any improvements existing prior to subdivision of the parcel shall be shown by a suitable symbol of mark on the plat. The exemption plat shall be submitted on

18x24 or 24x36 Mylar and be accompanied by one legal sized black and white copy of the plat.

h. Approval Procedure.

- (1) Subdivision exemption applications shall be submitted to the County Commissioners office for review by the Commissioners and, if required, forwarding to the County Planning Commission for review and recommendation. The County Commissioner's will conduct a preliminary review of the application upon receipt of a sketch plan submitted by the applicant showing the parcel or parcels proposed for exemption and the surrounding property. The Commissioners may grant temporary, verbal approval, of applications that meet the requirements of this Policy. Such approval will be valid for 60 days.
- (2) During a temporary verbal approval period, the applicant shall obtain the exemption plat identified in subparagraph 1.g above and, ordinarily, the septic permit and, as applicable, the access and driveway permits identified in subparagraph 1.d above. These permits may be acquired in the name of the existing landowner and thereafter assigned to a new owner.
- (3) On request by the applicant, the County Commissioners may grant such extension of time, as they deem reasonable and necessary for completion of the tasks in the preceding paragraph (2). If the exemption application requirements are not completed or satisfactorily accomplished within the time period set forth above, including extensions, the temporary verbal approved shall be deemed withdrawn and the applicant so notified.
- (4) It may occur that construction of a dwelling on a parcel proposed for exemption is not planned to begin for 12 months or more after preliminary verbal approval would normally be granted. In such circumstances, insufficient information may be available for preparation of the necessary permit applications. Accordingly, the County Commissioners may, by resolution, grant provisional approval based on the following:
  - (a) A Dolores County Sewage Disposal Report prepared by the County Sanitarian or Professional Engineer registered in the State of Colorado is issued containing a determination that the parcel or parcels are suitable or can reasonably be made suitable for installation of an Individual Septic Disposal System meeting the requirements of Section 25-10-105 C.R.S., and
  - (b) A stipulation in the provisional approval that construction of a dwelling or dwellings on the parcel or parcels shall not begin until all permits, to include without limitation, septic, access and driveway, as applicable, have been obtained by or assigned to the then current land owner, and that a resolution granting final approval of the exemption or exemptions is adopted by the Board of County Commissioners.

i. Other Applicable Rights.

- (1) Exempt parcels are subject to existing rights related to stock drives, ditches and ditch rights-of-way.
- (2) Since county roads and access easements serve as stock drives, any landowner acquiring a parcel exempted under this policy shall maintain, or construct and maintain, a fence adequate to prevent incursion onto the parcel during stock drives. Such fences should be located on or adjacent to but outside of the county road or access easement boundary and take into account road or access easement boundary and take into account road maintenance practices, including drainage and snow removal.

2. **BASIS FOR REVIEW AND DECISION.** The Board of County Commissioners and the Planning Commission shall use this policy and the purposes set forth in Subsection of 1-4 of the Dolores County Subdivision Regulations as the basis for their review, recommendation and approval, approval with conditions or disapproval of a subdivision exemption request.

3. **FEES.** A fee of \$140, including recording fees, is charged for processing each exemption application and is payable on submission of the application. If an application contains more than one parcel proposed for exemption, the fee may, at the sole discretion of the County Commissioners, be adjusted to reflect combined processing and recording of the required documentation. The County Commissioners may, by resolution, adjust the subdivision exemption fee to reflect changes only in costs of recording and preparation of exemption approval documentation.

4. **WAIVERS.** The Board of County Commissioners may waive requirements of this policy which they find and determine are not applicable to the parcel or parcels being considered for exemption.

5. **PENALTIES.** Whoever, being the owner, or agent of the owner, of any land within the unincorporated area of Dolores County violates any provision of this Policy, including subdivision by sale or transfer of any parcel subject to the provisions of this Policy prior to obtaining a subdivision exemption approval from the Board of County Commissioners, shall, at the sole discretion of the Board of County Commissioners, forfeit and pay a penalty of up to five-hundred dollars (\$500.00) for each violation. Each day of violation shall constitute a separate offense. The description of a parcel by metes or bounds in an instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the penalties or from the remedies provided in this paragraph. The county may enjoin such sale or transfer by action for injunction brought in any court of competent jurisdiction and may recover the penalty by civil action in any court of competent jurisdiction.

Enclosure 1  
APPLICATION  
FOR  
SUBDIVISION EXEMPTION

As Amended and Adopted March 7, 2005  
(Replaces previous application form dated September 3,2002)

Dolores County 409 North Main, PO Box 608, Dove Creek, CO 81324  
Telephone (970) 677-2383, Fax (970) 677-2815

Fee = \$140.00 **Plus recording fees @ \$22, copies \$7**

**Is this property in a Conservation Easement: YES \_\_\_ NO \_\_\_**

1. Date of application: \_\_\_\_\_

2. Name of existing landowner(s), as appears in the Dolores County records: \_\_\_\_\_  
\_\_\_\_\_

3. Address: \_\_\_\_\_

4. Telephone: \_\_\_\_\_

5. Contact person: \_\_\_\_\_

6. Name of buyer(s), as they will appear on the deed for the parcel: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Parcel location; i.e., section, township, range: \_\_\_\_\_  
\_\_\_\_\_

8. Domestic Water Source: \_\_\_\_\_

9. Access to parcel: \_\_\_\_\_

10. Total acres of existing parcel before exemption application: \_\_\_\_\_

11. Size of parcel in acres and dimensions: \_\_\_\_\_

12. Reason for exemption: \_\_\_\_\_

Enclosure 1

APPLICATION  
FOR  
SUBDIVISION EXEMPTION  
(Continued)

The applicant understands the following:

1. That they are responsible for filing a proper and complete application, including (a) the correct name and address of the owner or owners of record as they appear in the records on file at the office of the Dolores County Clerk & Recorder and (b) the correct name and address of the buyer or buyers of the parcel or parcels, which will be used as Grantee upon the Deed, **PROVIDING A VESTED DEED, ALONG WITH ANY OTHER DEEDS DEALING WITH THIS PROPERTY FOR THE LAST FIVE YEARS**, and for complying with the standards and requirements contained in the Dolores County Policy on Subdivision Exemptions, which by this reference is made a part of this application, and any resulting resolution, unless expressly stated otherwise in such resolution.
2. If subsequent examination discloses that there are errors in the information provided by the applicant in this application, the Board of County Commissioners may, in its discretion, require correction of the errors and grant an additional resolution upon payment of an additional fee and recording fees to be determined by the Board of County Commissioners. Any further consequential effects of correcting the errors shall be the sole responsibility of the applicant.
3. The applicant shall sign, date and pay the fees at time of submission.

NAME OF APPLICANT(S):

\_\_\_\_\_  
Please Print

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Please Print

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Enclosure 1

APPLICATION  
FOR  
SUBDIVISION EXEMPTION  
(Continued)

For County Use Only

1. Fee paid _____
2. Sketch plan received _____
3. Temporary approval granted _____
4. Mylar (with legal size B&W copy) received _____
5. Provisional approval granted _____
6. Septic permit issued _____
7. Driveway permit issued _____
8. Final resolution issued _____

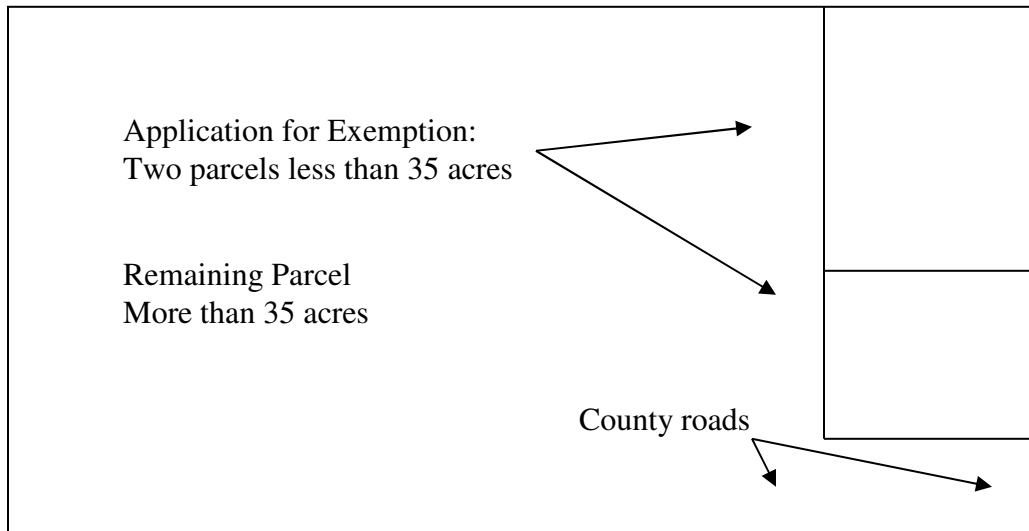
DOLORES COUNTY  
Subdivision Exemption Policy

Adopted September 3, 2002

EXAMPLES OF EXEMPTIONS

A typical exemption application involves several conditions: First, a subdivision of land that creates parcels, at least one of which is less than 35 acres in size; second, that water, sewage disposal and access to public roads are available; third, that the creation and development of the parcels for residential purposes will not affect existing public services and resources, and fourth that the property does not contain those characteristics that require public reviews, such as, without limitation, various hazards, wetlands, floodplains, geologic factors and significant wildlife habitat. The examples contained in this attachment assume that conditions 2, 3 and 4 have been met and will describe the relationship of parcel size to the restriction on further subdivision of a parcel or parcels as described in subparagraph 1.b. of the Policy.

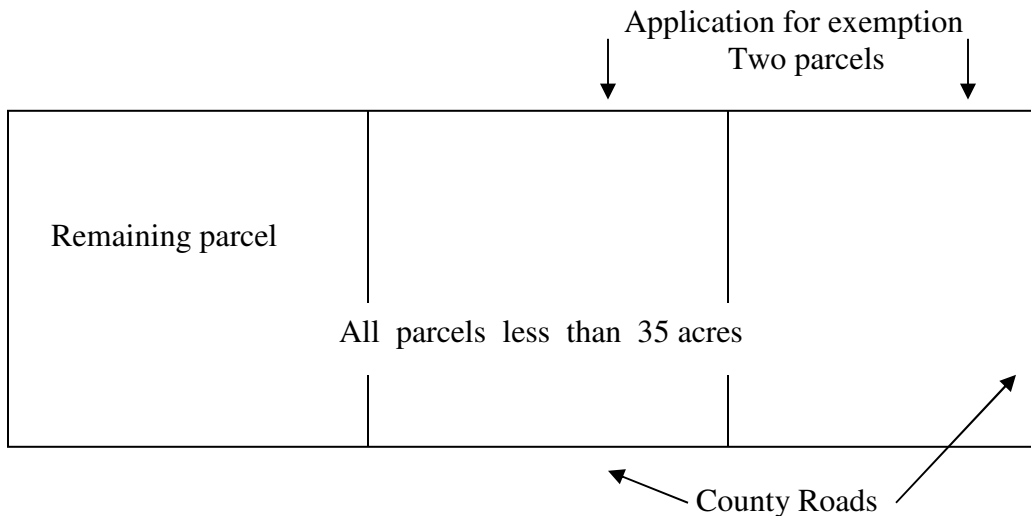
The first example, shown below, involves an application to subdivide two parcels from a larger parcel of land. The exemption process “creates” three parcels, two small ones, each less than 35 acres, and the remaining large one, which is greater than 35 acres. Both of the smaller parcels may be considered for exemption from the full application of the subdivision regulations and, if approved, the restriction on further subdivision for five years would apply.



What about the remaining parcel? Since it is larger than 35 acres, the subdivision regulations, including the exemption policy, are not applicable. However, a subsequent subdivision of the remaining parcel that creates additional parcels smaller than 35 acres in size would be subject to the subdivision exemption policy.

EXAMPLES OF EXEMPTIONS  
(continued)

A second example, shown below, also involves an application to subdivide two parcels within a larger parcel of land. While again, the exemption process “creates” three parcels, unlike the example above, all three, including the remaining parcel, are smaller than 35 acres. Both of the parcels identified in the application may be considered for exemption from the full application of the subdivision regulations and, if approved, the restriction on further subdivision for five years would apply. However, since the remaining parcel is also smaller than 35 acres, it too would be subject to the restriction on further subdivision for five years.



In summary, in both examples, the intent of the applications is to obtain exemption from full application of the subdivision regulations on two parcels smaller than 35 acres. However, the consequences for the remaining parcels are significantly different for the property owner. And to repeat, the Board of County Commissioners has authority to waive the five-year restriction, if they determine that a further exemption would not constitute an evasion of the Dolores County Subdivision Regulations.



Attachment B  
**DOLORES COUNTY**

Subdivision Exemption Policy  
Adopted September 3, 2002

**SEWAGE DISPOSAL REPORT FORM**

File No. \_\_\_\_\_ Date: \_\_\_\_\_

The following information is required for residential developments planned on parcels of land determined to be exempt from the Dolores County subdivision regulations and where installation of on-site disposal systems are planned no sooner than one year from the date of the resolution granting the exemption. Three (3) completed copies of this form, including the enclosed soil percolation test report, shall be furnished to the County Commissioners after provisional approval of the exemption is granted.

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone no: \_\_\_\_\_

Total area of development: \_\_\_\_\_ Sq. ft.

Typical lot area: \_\_\_\_\_ Sq. ft.

Provide information and data on subsoil conditions for the development area:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Provide information and data on water table elevations for the development area:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Remarks: Attach additional page(s) if necessary.

**DOLORES COUNTY**

Subdivision Exemption Policy

**SEWAGE DISPOSAL REPORT FORM**  
(Continued)

**Analysis of Sewage Disposal Report**

(By \_\_\_\_\_)

\_\_\_\_\_ Suitable for the use of individual septic tank systems, provided that:

1. The design of the development provides, for each building site or lot, a subsurface disposal field having a gross area of at least \_\_\_\_\_ square feet for each \_\_\_\_\_ employees or bedroom
2. The site, or portions of the site designated, conforms to the following conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Unsuitable for the use of individual septic tank systems for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Suggested alternate method of sewage disposal:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Department of Health

Reviewing Office \_\_\_\_\_ Date \_\_\_\_\_

Attachment B

**DOLORES COUNTY**

Subdivision Exemption Policy

**SEWAGE DISPOSAL REPORT FORM  
(Continued)**

It is understood that the conclusions rendered on this report do not cover the installation of the individual septic tank systems. The design, construction and installation of each facility should be based upon specific conditions affecting each site.

I hereby certify that the attached information in this Sewage Disposal Report is true and correct and that these tests have been made under supervision by \_\_\_\_\_ in accordance with the procedures required by this Subdivision Exemption Policy.

\_\_\_\_\_  
Licensed Engineer or  
Qualified Sanitarian (Seal)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**DOLORES COUNTY**

**SOIL PERCOLATION TEST REPORT**

Test Hole	Time	Depth Of Water	Drop	Comments
No.				
Depth				
Soil Type				
Rate of Fall				
Min/Inch				

No.				
Depth				
Soil Type				
Rate of Fall				
Min/Inch				

No.				
Depth				
Soil Type				
Rate of Fall				
Min/Inch				

No.				
Depth				
Soil Type				
Rate of Fall				
Min/Inch				