



March 23, 2023

Petition for Subdivision Exemption

In response to a petition for a subdivision exemption, the Huerfano County Board of County Commissioners recognizes that the creation of parcels 29410, 29445 and 29817, created in 1976, were exempt from the definition of “subdivision” or “subdivided land” when they were created due to the following considerations:

1. Abel Manzanares, who recently sold parcel 29410 petitioned the Board of County Commissioners of Huerfano County, Colorado, for a recognition that the creation of parcel 29410 was exempt from the definition of the terms "subdivision" and subdivided land" under the Subdivision Regulations of Huerfano County, Colorado, adopted September 11, 1972; and
2. C.R.S. 30-28- 101 ( 10) ( a)-(d), as amended, establishes the definition of the terms “Subdivision” and “Subdivided Land”, and gives county commissioners the authority to exempt from the terms “subdivision” and “subdivided land” any division of land if the board of county commissioners determines that such division is not within the purposes of part 1 of CRS 30-28-101; and
3. Section 2.04 of the Land Use Code of Huerfano County provides that the Board of County Commissioners may, pursuant to rules and regulations contained herein or by individual resolution, exempt from the definition of the terms "subdivision", "subdivided land" or any division of land if the Board of County Commissioners determines that such division is not within the purposes of these regulations or the purposes of the subdivision laws of the State of Colorado. See BOCC Resolution No. 12-15, Definitions, for a partial listing of divisions of land exempted from the terms "subdivision" and "subdivided land"; and
4. Section 2.04.01 of the Land Use Code of Huerfano County provides an exemption for family transactions such that the terms "subdivision" and "subdivided land" shall not apply to any division of land which is created by and for the purpose of a gift, transfer, or sale by a parent to his or her offspring, whether related by blood, marriage or legal adoption, or by such offspring to a parent or grandparent, or by a legally appointed guardian to a person under that guardian's care, so long as the parcel created fully conforms to the zoning and other provisions contained within these regulations and the original parcel is not within a platted subdivision that was created by a non-exempted subdivision process approved by the Board of County Commissioners. Such gift, sale or transfer shall be specifically prohibited from creating nonconforming lots. For minimum conforming lot areas allowed by zoning district, see the Huerfano County Zoning Regulation; and
5. Parcels 29410 and 29445 were created by Mucio Manzanares, who gifted his son, John Manzanares half of his 24.5-acre parcel (Book 345 Page 428 and Book 345 Page 427). John Manzanares then deeded on the same day, June 1, 1976, four of the 12.5-acres given to him to Arthur Eloy and Mary Elizabeth Martinez for \$10, creating Parcel No. 29817 (Book 345-340). John Manzanares passed parcel 29410 on to his son, Abel Manzanares in 1988; and
6. The parcels created conformed with the zoning regulations in place at the time; and

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7. Section 2.04.03 of the Land Use Code of Huerfano County states that family transaction exemptions “do not require review by the Planning Commission or approval from the Board of County Commissioners.” Therefore, there would be no record of such exemption, as none was found; and
8. The petitioner requires recognition of the exemption of Parcel 29410 for an application to the Division of Water Resources to apply for a well permit to use an existing well on the property that was dug in the 1970s.

Based upon the above considerations, the Board of County Commissioners recognizes that the division of the above described parcels meets the criteria for an exemption from the definition of a “subdivision” or “subdivided” land when they were created in 1976, and the parcels are hereby deemed exempt.

Recognized this 28<sup>th</sup> day of March, 2023 by the Board of County Commissioners of Huerfano County, Colorado

BY \_\_\_\_\_  
John Galusha, Chairman

\_\_\_\_\_  
Arica Andreatta, Commissioner

\_\_\_\_\_  
Karl Sporleder, Commissioner

BY \_\_\_\_\_  
County Clerk and Recorder  
Erica Vigil