



MEMORANDUM

MEETING TYPE: Planning Commission
MEETING DATE: 3/23/23
ITEM NAME: Manzanares Subdivision Exemption
SUBMITTED BY: Sky Tallman

SUMMARY:

Abel Manzanares is requesting a subdivision exemption for Parcel No. 12428, which has recently been sold. The purpose of the exemption is to petition the Division of Water Resources to recognize a well dug in the 1980s, which has never been permitted. The 8.25-acre parcel was created in 1976 as a family gift, which represents one type of subdivision exemption, and the well was dug some time in the 80s. Whether the Division of Water Resources can recognize the well as a permitted domestic well depends on whether the parcel is conforming and on whether it represents a subdivision exemption.

There are three things to consider:

1. Does the creation of this parcel represent an exemption to the subdivision regulations under 2.04.01?
2. To determine the above, was an 8.25-acre parcel a conforming parcel in the Agricultural district in 1976?
3. A Planning Commission or Board of County Commissioners action would not have been required under section 2.04.03 when the parcel was created. Is the Commission willing to grant a subdivision exemption at this time to satisfy the well criteria required by the Division of Water Resources to determine the status of the well on the property.

2.04 EXEMPTIONS

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."

2.04.01 Family Transaction Exemption

Unless the method of disposition is adopted for the purpose of evading the provisions within these regulations and the appropriate laws of the State of Colorado, 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.

2.04.03 Exemption and Waiver Procedures

Family transaction exemptions (Section 2.04.01) must comply with all State and Local Regulations, but do not require review by the Planning Commission or approval from the Board of County Commissioners.

Ownership History:

1954 - quitclaim gift deed from Ann Manzanares to Florita Naranjo - 24.5 acres (221-389)

1962 - Quitclaim gift deed from Florita Naranjo to Mucio and John Manzanares - 24.5 acres (282-306)

1976 - Quitclaim gift deed from Mucio Manzanares to John Manzanares - 12.25 acres (345-428)

1976 - Quitclaim deed from John Manzanares to Arthur Eloy and Mary Elizabeth Martinez - 4 acres (3458-340).

1985 - Quitclaim deed John Manzanares to John and Mary Manzanares "with love and affection" 12.25 acres less 4 acres (373-401)

1988 - Quitclaim deed John Manzanares to Abel Manzanares (388-840)