

**ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING
JUNE 24, 2025
9:30 A.M.**

**SUBJECT: PX24-001 – LAURITA SUBDIVISION EXEMPTION PLAT –
SUBDIVISION EXEMPTION**

MOLLY ORKILD-LARSON, PRINCIPAL PLANNER

LOCATION

The proposed parcel is located at 3360 S. County Road 149. The property is zoned Agricultural 1 (A-1) and in Commissioner District No. 3.



Vicinity and Zoning Map

ADJACENT SUBDIVISIONS, ZONING, AND LAND USES

- North: Agricultural, zoned A-1
- South: Agricultural and single-family residential, zoned A-1
- East: Agricultural, zoned A-1
- West: Agricultural, zoned A-1

PROPOSAL AND REQUEST

The applicant, Spirerer, Woodward, Corbalis, and Goldberg PC, on behalf of Kristin Siebenmorgan and Shannon Pederson, property owners, are seeking approval to create a 3.41-acre lot through the Subdivision Exemption review process. Approval through this review process will create a legally subdivided lot and enable the applicants to obtain building permits in the future.

BACKGROUND

The subject property currently contains a residence and several outbuildings. The residence was built in 1924.

The 3.41-acre parcel was created by a deed on May 27, 1981, that divided it from an approximately 320-acre property. The existing residence and outbuildings are located within the 3.41-acre lot. Since the land division was done by the then-owner without review under the County subdivision regulations, County staff is prohibited from issuing permits for improvements, including permits.

The applicants purchased the subject property in 2016 and were not involved in creating this improperly subdivided parcel.

ANALYSIS OF THE SUBDIVISION EXEMPTION APPLICATION

Staff review of this application included a comparison of the proposal to: 1) applicable policies and goals outlined in the Comprehensive Plan; 2) Subdivision Exemption Regulations in the Land Development Code; and 3) analysis of referral comments.

1. The Comprehensive Plan

Comprehensive Plan: The subject parcel is in Tier 3 Agricultural, which supports large-lot residential and agricultural activities. This property is not a large residential lot, but it does comply with Tier 3 in that it has a single-family residential home and agricultural activities on-site.

This proposal is in general conformance with the Comprehensive Plan as follows:

GOAL PSF 1 – Ensure an Adequate Water Supply in Terms of Quantity and Quality for Existing and Future Development

The State Resource Engineer for the Colorado Division of Water Resources (State) indicated that the water well (Permit No. 81881) is for 53807 E. County Road 26. The well permit was issued on November 25, 1975, for domestic uses that include ordinary household use, lawn and garden irrigation, and watering of livestock. According to the State, this permit number was issued for 160 acres in the Southwest ¼ of Section 32, Township 4 South, Range 62 West, 6th P.M., Arapahoe County, of which the subject parcel is located.

The applicant believes this well is serving their property, and that the permit was incorrectly permitted as to the use and location. The applicant is working with the State to re-permit the existing well. Since the State will not process this permit until the subdivision exemption application has been approved, a condition of approval has been set for this permit to be finalized within three months after the approval by the Board of County Commissioners and a copy of this approval be submitted to the County.

Section 5-6.9.E.4 of the Land Development Code states, “Within 60 days of approval of the Exemption, unless stated otherwise in such approval, the applicant shall submit an electronic final document and a paper copy of the signature sheets of the approved Exemption plat ready for recordation except for the signatures of the Board Chair or designee.” The above condition of approval requests additional time for the applicant to get their permit from the State. A note has also been placed on the plan set indicating that the water permit needs to be re-permitted.

Policy PFS 4.3 - Require Adequate Wastewater Treatment

The parcel is served by an existing On-Site Wastewater Treatment System (OWTS) and has a current Use Permit from the Arapahoe County Health Department.

GOAL PFS 6 – Ensure the Adequacy of Electric, Natural Gas, Telephone, Cable, and Internet in Existing and New Development

The development is served by existing utility providers.

GOAL PFS 7 – Ensure Existing and New Development have Adequate Police and Fire Protection Utilities in Existing and New Development

The Arapahoe County Sheriff’s Office and Strasburg Fire Protection District can serve the property and do not object to the project.

2. Land Development Code – Subdivision Regulations

Section 5-6.9 of the Land Development Code allows the Subdivision Exemption to be approved if the proposal meets all of the following criteria:

5-6.9.B.2.d

Other divisions of land that were created by a deed recorded in the Office of the Arapahoe County Clerk and Recorder, without having been first approved for subdivision by the applicable Arapahoe County Subdivision Regulations in effect at the time of the division, may be approved for a subdivision exemption according to this Section 5-6.9 (Subdivision Exemption) provided that all of the following apply:

- i. *The lot or parcel was created before July 31, 2018.*

The 3.41-acre parcel was created on May 27, 1981. The parcel was created by a deed that split the parcel off from approximately a 320-acre parcel. Since this land division was done by a past landowner without review under the County subdivision regulations as required by law, the parcel is considered to be illegal.

The parcel is zoned A-1, and the minimum acreage for this district is 19 acres. The subject property is 3.41 acres in size; therefore, it doesn't comply with the minimum acreage required. The subdivision exemption process allows the creation of a legal lot without rezoning the property, provided the approval criteria can be met.

As per Table 4-1.2 of the Land Development Code, the zoning regulations provide a "sliding scale" for property size and setback requirements to accommodate those previously created lots eligible for an exemption plat under this process for persons seeking the exemption and not responsible for the illegal creation of the lot. As per this table, the following minimum setbacks would apply for the subject 3.41-acre lot, see below. The existing residence and outbuildings comply with these minimum setbacks.

TABLE 4-1.2 PERFORMANCE STANDARDS FOR UNDERSIZED PARCELS IN A-E AND A-1					
These setbacks apply to legally created parcels which are smaller than the minimum required lot area in the A-E and A-1 zone districts. These parcels were either created prior to the adoption of the Arapahoe County subdivision regulations or may be created through a subdivision exemption (Section 5-6.9 of the Land Development Code).					
Parcel Size (Acres)	35+	19-34.9999	9-18.9999	2.41-8.9999	<2.41
Setbacks (Minimum)					
Front	See Table 4-1.1	50'	50'	50'	25'
Side	See Table 4-1.1	50'	25'	25'	25'
Rear	See Table 4-1.1	50'	50'	25'	25'
Side Corner	See Table 4-1.1	100'	50'	50'	25'
Accessory Structure, Front	See Table 4-1.1	100	100	Front building line of principal structure	Front building line of principal structure
Accessory Structure, Side	See Table 4-1.1	25	25	15	15
Accessory Structure, Rear	See Table 4-1.1	25	25	15	15
Accessory Dwelling Unit, Front	See Section 3-3.2.D	See Section 3-3.2.D	See Section 3-3.2.D	See Section 3-3.2.D	See Section 3-3.2.D
Accessory Dwelling Unit, Side	See Section 3-3.2.D	See Section 3-3.2.D	25	15	15
Accessory Dwelling Unit, Rear	See Section 3-3.2.D	See Section 3-3.2.D	25	15	15

- ii. *The current owners did not create the lot or parcel and had no involvement in the creation of the lot or parcel.*

The present landowners were not involved in the creation of the 3.41-acre lot. The parcel was created in 1981, and the property owners purchased the parcel in 2016.

- iii. *Any residential structure(s) shall be served by a public or private central water system or by a permitted well.*

There is an existing residence on the parcel with several outbuildings. The residence is served by an existing well.

The State Resource Engineer for the State indicated that the water well (permit number 81881) is located on 53807 E. CR 26. As discussed on Page 2 in the Comprehensive Plan section, the applicant will coordinate with the state to re-permit the well within three months of Subdivision Exemption approval.

- iv. *Any residential structure(s) shall be served by public sanitation, or the applicant shall produce a "Use Permit" from the applicable public health authority that authorizes the use of the onsite wastewater treatment system.*

The parcel is served by an existing OWTS and has a Use Permit for the Arapahoe County Health Department for this system.

- v. *The lots or parcels are zoned for agricultural or single-family residential use.*

The subject parcel is zoned A-1, which allows residential as a primary use.

- vi. *The exemption creates no new lots or building sites other than those created by the original deed that affected the land division.*

This exemption doesn't create any new lots or building sites other than the subject parcel.

- vii. *If it is determined by reason of the nature and scope of the exemption request, that the application reasonably should be processed as a subdivision or minor subdivision or by evidence that the applicant is improperly attempting to use this exemption process to circumvent the Subdivision Regulations, the applicant shall not be permitted to process an exemption plat and instead be required to process an appropriate subdivision plat that complies with the applicable provisions of the Subdivision Regulations in order to cure the improper land division.*

This application meets the nature and scope of the exemption request because: 1) the current owner did not create or was involved in the creation of the parcel; 2) the parcel size is small and doesn't meet the A-1 minimum lot size; and, 3) there is no indication that the applicant is circumventing the platting process.

3. Referral Comments

Comments received during the referral process are summarized in the chart attached to this report. Any late responses will be conveyed verbally at the public hearing. No public comment was received.

4. Public Land Dedication

No response was received from the Strasburg School District. Since no response was received, staff reached out again to the district. No response has been received to date.

Since this development does not propose any new residential uses, land dedication for schools, parks, or other public uses is not required under Section 4-2.5 of the Land Development Code.

STAFF FINDINGS:

Staff have reviewed the plans, supporting documentation, and referral comments in response to this application. Based on the review of applicable policies and goals, as outlined in the Comprehensive Plan, review of the subdivision regulations, and analysis of referral comments, our findings include:

1. The proposed PX24-001, Laurita Subdivision Exemption Plat – Subdivision Exemption, generally conforms to the Arapahoe County Comprehensive Plan.
2. The proposed PX24-001, Laurita Subdivision Exemption Plat – Subdivision Exemption, complies with the General Submittal Requirements contained in Section 2-20 enumerated in the Arapahoe County Development Application Manual.
3. The proposed PX24-001, Laurita Subdivision Exemption Plat – Subdivision Exemption, meets the Arapahoe County Land Development Code and procedures, including those stated in Section 5-6.9.

STAFF RECOMMENDATION:

Considering the findings and other information provided herein, the staff recommends approval of Case No. PX24-001, Laurita Subdivision Exemption Plat – Subdivision Exemption, with the following conditions of approval:

1. The applicant shall, prior to the signature of the final plat, address and resolve any staff comments as set forth with specificity in the public hearing.
2. Prior to recording the plat, the existing water well on the subject parcel shall be re-permitted within three months of the Board of County Commissioners’ approval of the Subdivision Exemption, and a copy of the approved permit by the State Resource Engineer for the Colorado Division of Water Resources shall be submitted to the County within this time frame.

Alternatives

The Board of County Commissioners has alternatives that include the following:

1. Approve the proposed Subdivision Exemption.
2. Continue to a date certain for more information.
3. Deny the proposed Subdivision Exemption.

CONCURRENCE:

The Public Works and Development Planning and Engineering Services Division has reviewed the application, and the Arapahoe County Public Works and Development

Department is recommending approval of this case. Subdivision Exemptions are not reviewed by the Planning Commission.

Attachments:

Engineering Staff Report

Referral Comments/Applicant's Response

Applicant's Response Letter

Exhibit