

C. The report shall consist of the following:

1. A map drawn at the same scale as the plan locating all lots, drainage ways, floodplains, slopes in excess of twenty-five percent (25%), surface and subsurface soils hazards, geologic hazards, depth to bedrock, water table depth and other hazards.

2. Percolation tests shall be conducted for no fewer than twenty percent (20%) of the total number of lots in the filing. In cases in which unique geologic, topographic or soils conditions, such as depth to bedrock, depth to water, slopes in excess of ten percent (10%), etc. are found, additional tests may be required.

3. All locations not suited for placement of leach fields due to soils, geologic, topographic or hazard conditions shall be noted on the plan.

4. Relationship of the leach fields to other leach fields, wells, structures, lakes, streams, irrigation systems and other water forms on adjoining parcels. Identify any possible hazards. Such identification shall be based on an analysis of the probable effects of water on the soils, geology and hydrology of the area. (Weld County Code Ordinance 2007-1)

ARTICLE VIII

Exemptions

Sec. 24-8-10. Exemption from definition.

A. The Board hereby determines that land divisions which meet the requirements for exemption in this Article are not within the purposes of Article 28 of Title 30, C.R.S. Pursuant to subsection 30-28-101(10)(d), C.R.S., such land divisions are exempt from the definition of *subdivision* or *subdivided land* and from following the complete regulations, requirements and procedures set forth in this Chapter. The land divisions shall follow the procedures set forth in this Article. Exemptions approved pursuant to this Article shall be referred to as *recorded exemptions* and *subdivision exemptions*.

B. Owners of land are eligible to apply for an exemption only when at least one (1) of the resulting parcels would be less than thirty-five (35) acres in size.

C. No lot which is part of an approved subdivision plat or any map or plan providing for lots or parcels of less than 35 acres filed in the records of the County Clerk and Recorder prior to adoption of any regulations controlling subdivisions, or part of any minor subdivision, shall be redivided or changed in any manner by the exemption procedures. Such platted lots may only be resubdivided or changed by utilizing the applicable resubdivision process. (Weld County Code Ordinance 2002-9)

Sec. 24-8-20. Recorded exemption.

A. The Recorded Exemption is a land division process used to divide a lot into two (2), three (3) or four (4) separate lots. Examples of when a Recorded Exemption application may be submitted include creating a lot in the A (Agricultural) Zone District for a single-family residential building site, separating existing improvements from agricultural land, and creating a lot in a Commercial or Industrial Zone District for existing or future development. A Recorded Exemption must not be for the purpose of evading the requirements and intent of this Chapter.

B. REPEALED. (Weld County Code Ordinance 2003-10)

C. The recorded exemption application shall include the total contiguous land ownership, except in the A (Agricultural) Zone District. In the A (Agricultural) Zone District, the following will apply:

1. When a contiguous ownership equals at least one hundred sixty (160) acres, or is a parcel otherwise recognized as a complete quarter section, a portion of the parcel equal to the minimum

buildable lot size (eighty [80] acres, or a parcel otherwise recognized as half of a quarter section) may be used in the two-lot recorded exemption application. When a contiguous ownership equals two (2) or more parcels created prior to the initiation of subdivision regulations, a single parcel may be used in the two-lot recorded exemption application. Lot B of a two-lot recorded exemption is eligible for future land exemption five (5) years from the date of recording the exemption plat, in accordance with Section 24-8-40.M. Lot A of a two-lot recorded exemption created prior to March 1, 2004, is eligible for a one-time-only future land exemption. Lot A of a two-lot recorded exemption created after March 1, 2004, is not eligible for a future land exemption.

2. A three-lot recorded exemption application may be submitted when contiguous land ownership equals a minimum of one hundred twenty-two (122) acres. Remaining contiguous property must be included unless the remaining parcel equals at least eighty (80) acres; is a parcel otherwise recognized as a complete half of a quarter section; is a lot of an existing recorded exemption; or is a parcel created prior to the initiation of subdivision regulations. Two (2) of the proposed parcels shall be less than thirty-five (35) acres in size, and the third parcel must be at least one hundred twenty (120) acres in size. Lot C of a three-lot recorded exemption is eligible for future land exemption five (5) years from the date of recording the exemption plat, in accordance with Section 24-8-40.M. The two (2) smaller lots of a three-lot recorded exemption created prior to March 1, 2004, are eligible for a one-time-only future land exemption. The two (2) smaller lots of a three-lot recorded exemption created after March 1, 2004, are not eligible for a future land exemption.

3. A four-lot recorded exemption application may be submitted when contiguous land ownership equals a minimum of one hundred twenty-three (123) acres. Remaining contiguous property must be included unless the remaining parcel equals at least eighty (80) acres; is a parcel otherwise recognized as a complete half of a quarter section; is a lot of an existing recorded exemption; or is a parcel created prior to the initiation of subdivision regulations. Three (3) of the proposed lots shall be sized in conformance with the requirements of Section 24-8-40.L, and the fourth lot must be at least one hundred twenty (120) acres in size. The three (3) smaller lots shall attempt to be clustered together. The three (3) smaller lots are not eligible for future land exemptions. The larger lot (Lot D) is eligible to apply for a future land exemption five (5) years from the date of recording the exemption plat, in accordance with Section 24-8-40.M.

4. When a contiguous ownership equals two (2) or more parcels created prior to the initiation of subdivision regulations, a single parcel may be used in the two-lot recorded exemption application. (Weld County Code Ordinance 2001-1; Weld County Code Ordinance 2002-9; Weld County Code Ordinance 2003-10; Weld County Code Ordinance 2005-01; Weld County Code Ordinance 2007-15)

Sec. 24-8-25. Recorded exemption process and time parameters.

After a complete application is received, the recorded exemption should be completed within sixty (60) days. (Weld County Code Ordinance 2003-10)

Sec. 24-8-30. Subdivision exemption.

A. The subdivision exemption is intended for the following four (4) purposes:

1. Division of a parcel of interest in a parcel which does not result in the creation of a new residential or permanent building site. The subdivision exemption may be utilized in conjunction with a recorded exemption to separate one (1)