



LOT LEGALITY INFORMATION SHEET

HOW DO I KNOW IF MY LOT IS LEGAL?

On May 5, 1972, the State of Colorado enacted SB 35 requiring land actions on lots less than 35 acres to come under county review. See CRS 30-28-110 for more details. Following is information on how to research and determine lot legality.

- If your parcel is within the incorporated limits of Bayfield, Durango, or Ignacio; please contact those governments for information.
- If your parcel is 35 acres or more, it is legal.
- If your parcel is less than 35 acres and was created by recorded deed or plat before May 5, 1972, you have a legal lot of record.
- If your parcel is less than 35 acres and was created after May 5, 1972, you need to determine exactly how and when it was created.
- If the parcel was created by Board of County Commissioners (BOCC) Resolution, the county will likely accept the parcel as legal. Indications that the parcel was created in this manner include a reference to the Resolution Number &/or approval date in the deed.
- If the parcel was created by a plat signed by the Board of County Commissioners, the county will likely accept the parcel as legal. Indications that the parcel was created by a county-approved plat may include a lot number associated with a plat &/or a project name and number references, etc. referred to in the deed. The final plat must have been recorded during the vested rights period.
- If the parcel was created by court action such as quiet title, probate, etc.; the parcel may be legal if the proper statutory procedures regarding county subdivision notification were provided. Obtain additional info showing proper notification of the county prior to the court judgment.
- If the parcel was created solely by deed without county approval as noted above, the parcel is most likely illegal and must be legalized through the appropriate county process to avoid problems in the future. There are no guarantees that an illegally created parcel can be legalized in its current shape & size; some parcels will not meet current county code and cannot be legalized unless boundary adjusted or consolidated with another parcel.
- If the parcel was created by deeds which intended to adjust boundaries or consolidate parcels, the parcel may or may not be legal. It depends on the size and specific information of the lots involved, how the deeds were worded, and whether county approval was required and obtained. Additional review may be needed.

HOW DO I RESEARCH LOT LEGALITY?

- Below is a quick look at researching a property. Please contact the La Plata County GIS Department located in the Old Main Post Office (1060 Main Ave, Durango) for additional assistance.
- Determine the parcel number & pull the appropriate property card; obtain a copy of the card.
- If the lot is not platted, use the available info on the card to track through the recorded deeds in the Clerk & Records records until you find a deed dated prior to May 5, 1972 for the parcel. The legal description on the creating deed must match the current deed exactly.
- Determine how and when the parcel was created. Take the property card, the current deed and the deed dated prior to May 5, 1972 for the property to staff for review.
- Depending on each individual situation, staff may have to ask for more information, or the status may be obvious from the materials collected.

COURT ORDERED LOT SPLITS

Court-ordered subdivisions must generally follow a certain legal process, which includes notification to the County of the intent to subdivide. The County must have the chance to comment or the court order itself may not legally create the parcels.

LOT LEGALIZATION CRITERIA

La Plata County Code Sec. 82-7(a)(12) provides the following criteria regarding lot legalization:

- (a) Provided that an administrative review establishes that the real property meets County Code requirements for (i) access, (ii) septic, and (iii) water, any parcel that meets the following criteria:
- (1) The parcel was created between May 5, 1972 and December 31, 1979; and
 - (2) The parcel is located in a non-water critical area pursuant to Colorado Division of Water Resources standards in effect at the time of the administrative review or the parcel has a valid well permit or the parcel is served by central water; shall not require further County subdivision approval, however, County review and approval will be required for all other purposes as set forth in the County Code.
- (b) Provided that an administrative review establishes that the real property meets County Code requirements for (i) access, (ii) septic, and (iii) water, any parcel that meets the following criteria:
- (1) The parcel was created between May 5, 1972 and October 2, 2000; and

- (2) The parcel has a single family dwelling and either has a valid building permit or following inspection by the La Plata County Building Inspector, a valid building permit can be issued; and
- (3) A valid well permit has been issued for the parcel or the parcel is served by central water; shall not require further County subdivision approval, however, County review and approval will be required for all other purposes as set forth in the County Code.
- (c) Provided that an administrative review establishes that the real property meets County Code requirements for (i) access, (ii) septic, and (iii) water, and provided a valid well permit has been issued for the real property, any parcel that has been created on or before October 2, 2000, by foreclosure by a financial institution or by court order shall not require further County subdivision approval, however, County review and approval will be required for all other purposes as set forth in the County Code.