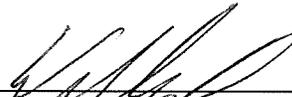


BE IT THEREFORE RESOLVED, the Board of County Commissioners do hereby **Approve**
the following amendment:

Amendment to Elbert County Subdivision Regulations – NEW SECTION – Section XV –
Administrative Parcel Consolidation

Upon a motion duly made and seconded, the foregoing resolution was adopted by the following
vote:


_____ Aye
DANNY WILCO, CHAIRMAN


_____ Aye
CHRIS RICHARDSON, VICE CHAIRMAN


_____ Aye
GRANT THAYER, COMMISSIONER


ATTEST: DALLAS SCHROEDER
COUNTY CLERK



570574 B: 779 P: 330 RES
07/13/2017 12:39:25 PM Page: 2 of 5 R 0.00 D
Dallas Schroeder Recorder, Elbert County, Co



SECTION XVIII ADMINISTRATIVE PARCELS CONSOLIDATION

Purpose:

The purpose of this Section is to establish an administrative process applicable to proposals to consolidate and combine Parcels¹ into one or more larger Parcels (otherwise known as a "Parcels Consolidation"). This Section is intended to provide for the more efficient processing of plats proposing parcels consolidation without the need to undertake a formal public hearing process provided that all requirements of this Section are satisfied.

¹ See Part II, Section 25 of the Elbert County Land Use Regulations, Definitions for "Parcel(s)"

Definition of Parcels Consolidation:

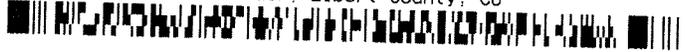
A "Parcels Consolidation" is any proposal and application that is determined by the Community & Development Services (CDS) Director or designee to meet all of the following criteria:

- A. The proposal affects Parcels as such term is defined in Part II, Section 25 of the Elbert County Land Use Regulations (as amended); and
- B. The proposal would consolidate property with the same ownership and form of tenure to include associations and similar group ownership types; and
- C. All Parcels to be consolidated are in the same zone district and, if in a subdivision, both must be in the same subdivision and in the same filing; and
- D. All Parcels to be consolidated shall remain in the same zone district as the original Parcels. This means that, when combined they cannot be made to be so large that they meet the definition of another zone district.

Example 1: An owner owns two 1.5 acre parcels. These parcels by virtue of their size are zoned R-1. When added together, they comprise 3 acres. A 3-acre parcel would, by virtue of its size, be zoned RA-2. This "consolidation" would not be permitted under this section. This parcel would be required to go through a plat amendment and a rezone process.

Example 2: An owner owns two .25 acre parcels. These parcels by virtue of their size are zoned R-2. When added together, they comprise .5 acres. A .5-acre parcel would, by virtue of its size be zoned R-2. This "consolidation" would be permitted under this section.

- E. The proposal seeks to consolidate or combine two or more contiguous and adjacent Parcels into a fewer number of Parcels by the vacation or elimination of one or more parcels lines; and



- F. The proposal does not propose any changes (size or shape) in the combined, total footprint of the subject parcels whether consolidated or not.

Parcels Consolidation Review Procedures:

Following a pre-application meeting and the submission of a parcels consolidation application and plat, the CDS Director or designee shall determine whether the application and plat are complete as required by this Section. Following receipt of a completed application and plat, the CDS Director or designee shall reach a final decision concerning the application within forty-five (45) days of the date of submission of the completed application and parcels consolidation plat unless such deadline is waived by the Applicant. The forty-five (45) days does not begin until all fees are paid and the application has been determined complete by the CDS Director or designee.

Contents of Parcels Consolidation Application:

- A. The Applicant shall deliver one (1) original and one (1) copy of all Parcels Consolidation application materials required by this Section to the CDS Department in hard copy. At time of application, the Applicant shall also deliver an identical digital version of the application materials on a non-returnable CD or flash drive. The CDS Director or designee may request additional copies of documents larger than 8½ by 11 inches where necessary to provide sufficient documentation for unanticipated referrals. The digital copies of the application (with all accompanying documentation) shall be digitally collated into individual and complete applications capable of easy distribution to referral agencies.
- B. Submittal Requirements. The following submittals, materials, and information shall comprise a complete application for a Parcels Consolidation review:
 - 1. A completed application in the form approved by the County;
 - 2. Payment of all required application fees;
 - 3. Proof of ownership for all Parcels to be consolidated;
 - 4. A Final Plat substantially in the form required by Section IX of these regulations, except that the Community & Development Services Director or designee may exercise discretion to relax some of the formal Plat requirements for good cause. The Applicant shall also provide or satisfy the following:
 - a. The title of the plat shall prominently identify the name of the recorded subdivision or a basic legal description, together with the phrase "Administrative Parcels Consolidation Plat."
 - b. The final plat shall require an approval sign off from the jurisdictional Fire District and the CDS Community & Development Services Director.
 - 5. Evidence that property taxes have been paid and are current.



Standards for Approval:

An application and plat for a Parcels Consolidation shall be administratively approved by the Community & Development Services Director or designee where the Community & Development Services Director or designee finds:

- A. The proposed consolidation plat meets the definition of a "Parcels Consolidation" contained in this Section; and
- B. The parcels consolidation plat meets all content requirements of this Section; and
- C. Either the proposed Parcels Consolidation fully conforms to all applicable zoning or other standards or any existing legal nonconformities are not increased and;
- D. The proposed parcels configuration and arrangement does not, in the opinion of the CDS Director or designee, create illogical or substantially unusable parcels areas; and
- E. The parcels consolidation does not, in the opinion of the Community & Development Services Director or designee, substantially and adversely affect adjacent Parcels.
- F. The CDS Director or designee shall deny a parcels consolidation application for failure to meet the requirements of the Standards of Approval of this Section. Any decision to deny an application shall be made in writing stating the specific reasons for denial and the decision shall be promptly mailed to the Applicant. The Applicant may appeal a denial by the Community & Development Services Director or designee to the Board of County Commissioners as described in Section XIII, E. 5. of these regulations.
- G. Once Parcels have been consolidated they cannot be re-split or divided without following the criteria set-forth in and the standards of the Elbert County Subdivision Regulations.
- H. Upon a finding by the CDS Director or designee that the proposed parcels consolidation meets the standards for approval set forth in the Standards of Approval in this Section, the Community & Development Services Director or designee shall cause a fully executed parcels consolidation plat to be recorded with the Elbert County Clerk and Recorder at the Applicant's expense.

Conditions for Approval:

The CDS Director or designee may impose, or on appeal the Board of Commissioners may require the Director or designee to impose, reasonable conditions upon any approval of a plat consolidation that are necessary to ensure continued conformance with the standards of approval and/or the Elbert County Zoning Regulations and the Elbert County Subdivision Regulations.

Appeal:

This administrative decision may be appealed to the Board of County Commissioners in accordance with Section XII, E. 5.a. of these Regulations.