

# Larimer County Planning Dept. Procedural Guide for PROPERTY STATUS INFORMATION

January 2023



Property Status Information is available for property within unincorporated Larimer County. This information is intended to provide the public with written findings of parcel research for any of the following:

- **Legal Lot Determination**
- **Zoning Determination**
- **Code Compliance Information**

**A Property Status Information request may take up to ten (10) weeks to complete.** This process could take additional time depending upon the complexity of the history of the lot, parcel or tract, the information submitted and additional research that may be required. There is a fee charged for compiling this information. Please see the Planning Division for the current fee.

## **LEGAL LOT DETERMINATION:**

A Legal Lot Determination is written documentation of the legal status of a lot. Planning Staff resources are not available for the research needed to determine legal lot status, so we rely upon you to furnish us with that information. **To determine the legal status of the lot, parcel or tract, copies of researched legal lot documentation as described below must be included with the request.** The Planning Department will provide a Legal Lot Determination if the documentation described below is provided with the request.

### **Significance of Legal Lot Status:**

It is important to know if a lot has been legally created because it affects the ability of a property owner to obtain a building permit for the lot or legally transfer title of the property. The Planning Department must determine the legal status of a lot during the review of a building permit application. When a lot is not in a platted subdivision, a building permit application may be delayed until the lot's legal status is resolved. Documentation of the lot's legal status should be provided by the lot owner at the time of building permit application. A building permit cannot be issued for a lot that was not created in one of the four ways outlined below.

**Legal Lot.** A legal lot is defined by the Larimer County Land Use Code as:

“A lot, parcel or tract of land created by a legal conveyance of said lot, parcel or tract prior to May 5, 1972; a lot, parcel or tract shown on a subdivision plat which was approved and recorded prior to May 5, 1972 according to the subdivision regulations in effect at the time of approval; a lot, parcel or tract created by approval of the County Commissioners in conformance with the subdivision regulations in effect at the time of approval; or any parcel of 35 acres or more, which when created, did not cause a parcel of less than 35 acres to remain.”

The term “legal lot” is used by the Planning Department to refer to lots which were created in one of four possible ways:

1. A lot created by approval of the Board of County Commissioners and properly recorded (for example a lot in a recorded subdivision).
2. Any type of land division executed prior to May 5, 1972 with the legal description on such deed describing the property as it exists today.

***Why is May 5, 1972 the date which determines the legal status of lots?***

May 5, 1972 is the date that Senate Bill 35, C.R.S.30-28-101, became state law. This law requires Counties in Colorado to enact regulations regarding the subdivision of land and requires any division of land not exempted by the state law to be approved by the Board of County Commissioners. The state law specifically exempts land divisions where all parcels are 35 acres or more. Any parcel less than 35 acres created by a land division after this date and that is not approved by the Board of County Commissioners is an illegal parcel.

3. A parcel of 35 acres or more which, when created, did not cause a parcel of less than 35 acres to remain.
4. A signed contract to purchase the property as it exists today dated prior to May 5, 1972.

**Legal Lot Documentation:**

Usually, the documents found in the Clerk and Recorder’s Office (located on the 1<sup>st</sup> floor of the Larimer County Courthouse Offices) will be deeds which have transferred ownership of the property. Most often, you will be attempting to locate a deed with a legal description that matches the current legal description of the property and which was created by a County approved plat or deed executed prior to May 5, 1972.

If the property is 35 acres or more in size, you will be concerned more with how the property was divided rather than when. Documentation must be located which shows **all** of the following:

- the legal description or boundaries and acreages of the original (parcel from which the current parcel was created) parcel of land
- any other parcels which were divided off of the original parcel and
- any piece of the original parcel which remains.

**All of these parts of the original parcel must be at least 35 acres in size.**

There have been occasions where parties have entered into a contract to purchase property prior to May 5, 1972 but did not complete the transaction or record deeds by that date. In these situations, a copy of the signed and dated contract may suffice to prove the legal status of the property. These contracts should be discussed with a Planner. These contracts were not usually recorded, but the Assessor’s office may have copies of these in their records.

## **Researching Legal Lot Status:**

The process of determining the legal status of a lot involves researching the history of the property through legal documents of property transfers that most often can be found in the Clerk and Recorder's Office. There are three methods for researching the legal status of a property:

1. Research the property yourself;
2. Hire a Land Use Attorney; or
3. Hire a private agency such as a Title Company to do the research. Title Companies are listed in the Yellow Pages of your local telephone directory. These companies are experienced at searching legal records and may be able to help you find the necessary documentation.

Should you decide to do the research yourself, the easiest way is to look through your own records for the property or to ask the seller of the property to provide you with one of the following:

- a deed recorded prior to May 5, 1972 that created the lot, parcel or tract
- documentation of a recorded plat that created the lot
- another type of legal conveyance of the property dated prior to May 5, 1972.
- documentation that a 35+ acre parcel was created without leaving any portion of the original parcel less than 35 acres.

If you are unable to locate any of the above mentioned documentation, the next place to look is in the Larimer County Assessor's Office (located on the 2<sup>nd</sup> floor of the Larimer County Courthouse Offices) at the historic plat books for the Section, Township, and Range in which the property is located. You will need the Assessor's Parcel number for the lot to help determine the Section, Township, and Range (these are a part of the parcel number) and locate the appropriate plat book. The historical plat books show old property transfers and list "Book and Page" numbers for older parcels of land which trace the history of the parcels. These Book and Page numbers refer to documents recorded in the office of the Larimer County Clerk and Recorder. If you need assistance locating the appropriate plat book, parcel number, or in locating the property in the plat books you may seek assistance from the staff in the Assessor's Office.

Once you have found the property in the plat books, write down the Book and Page numbers (ex. B2532 P0080) listed for the property and proceed to the Clerk and Recorder's Office to obtain a copy of the document(s). Staff in the Clerk and Recorder's Office can help you locate the documents.

There may be instances in which unusual circumstances regarding the contracts and deeds, etc. will require the Planning Department to obtain an opinion from the County Attorney. Additional time is required for County Attorney review.

## **ZONING DETERMINATION:**

The Larimer County Land Use Code provides rules and regulations regarding the use of land in the unincorporated areas of the county. These rules and regulations vary by zoning district. All land in unincorporated Larimer County is zoned.

A **Standard Zoning Determination** is a written document about the findings of parcel research prepared by Planning Staff which outlines:

- Zoning of property
- Previous land use approvals and dates.
- Uses allowed by zoning
- Minimum lot size requirements
- Setback requirements

An **Expanded Zoning Determination** can, upon request, also include:

- Conforming/non-conforming status of property. A non-conforming lot, structure or use is one that does not comply with the current requirement of the Land Use Code, but that complied with applicable regulations (if any) at the time that it was established. Additional information may need to be provided to determine conforming or non-conforming status of the property and/or use of the property. (This does not include research of building permits of record or existing building code and/or zoning violation files. See Code Compliance section below.)
- Documentation of the circumstances in which existing structures on the property can be rebuilt or replaced.
- Zoning history for the property.
- Other information as requested.

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## **CODE COMPLIANCE:**

Code Compliance staff are available to conduct research of parcels to determine if there are outstanding Land Use Code compliance and/or Building Code compliance issues of record associated with a parcel. Research of property records for code violations is conducted for the period 1/1/1988 to the present.

## **PROPERTY STATUS INFORMATION Request Form:**

Property Status Information requests require the submittal of this form and additional supporting documentation (as applicable). In some cases the Planning Department may require additional documentation or information depending on the complexity of the situation and history associated with the property. **Note:** All information will be forwarded to all property owners as well as the inquiring party and contact person.

### **Property Owner(s):**

#### **Property owner (1)**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City / State / Zip: \_\_\_\_\_  
Contact Phone: \_\_\_\_\_  
E-mail: \_\_\_\_\_

#### **Property owner (2)**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City / State / Zip: \_\_\_\_\_  
Contact Phone: \_\_\_\_\_  
E-mail: \_\_\_\_\_

#### **Property owner (3)**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City / State / Zip: \_\_\_\_\_  
Contact Phone: \_\_\_\_\_  
E-mail: \_\_\_\_\_

#### **Property owner (4)**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City / State / Zip: \_\_\_\_\_  
Contact Phone: \_\_\_\_\_  
E-mail: \_\_\_\_\_

### **Name of Inquiring Party:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City / State / Zip: \_\_\_\_\_  
Contact Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_

### **Contact Person:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City / State / Zip: \_\_\_\_\_  
Contact Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_

### **Assessor's Parcel Number(s):**

Please indicate the Property Status Information requested and include all required information:

**LEGAL LOT DETERMINATION**

- ☐ Legal Lot Determination. A request for a Legal Lot Determination must include copies of researched legal lot documentation as described in this handout.

**ZONING DETERMINATION** – please check the appropriate box for your request

- ☐ Standard Zoning Determination
- ☐ Expanded Zoning Determination including the following (please indicate which information is being requested):
- ☐ Conforming/non-conforming status of the property. Additional information may be required. Please describe the current use of the property. How is the property currently used (residential, agricultural, business, other)? A clear description of the use of the property is necessary for Planning Staff to determine whether the use of the property conforms to current Land Use Code requirements. Please describe the use including but not limited to: location and areas of use, date on which use was established, hours and days of operation, volume of activity, number of employees, products or services offered, effect on neighborhood, evidence of continuous use with no lapse of 12 months or greater, and any other evidence that would substantiate use.

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Please describe the buildings on the property with their current uses and size. Also please note the distance between the buildings and the property lines (this can be in written or plot plan format).

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- ☐ Can the existing structures on the property be rebuilt?
- ☐ Can the buildings on the property be replaced?
- ☐ Zoning history for the property
- ☐ Other. Please describe your request.

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**CODE COMPLIANCE INFORMATION**

- ☐ Please complete the attached CODE COMPLIANCE REQUEST FOR RESEARCH form and include it with your request.

**Disclaimer:** Code Compliance research may be required by the Planning Division, depending on the request.

\*\* Code Compliance Research is not necessary if the property is vacant.



## Larimer County Community Development

Code Compliance

P.O. Box 1190, 200 W. Oak St. Suite 3100

Fort Collins, CO 80522-1190

Planning: (970) 498-7693 Building: (970) 498-7700

Fax: (970) 498-7667 [larimer.org/codecompliance](http://larimer.org/codecompliance)

### CODE COMPLIANCE REQUEST FOR RESEARCH

#### Property Information:

Parcel Number: \_\_\_\_\_

Street Address: \_\_\_\_\_

Name of Current Owner: \_\_\_\_\_

Address of Current Owner: \_\_\_\_\_

Current Owner Email: \_\_\_\_\_ Phone: \_\_\_\_\_

#### Inquiring Party Information:

Inquiring Party: \_\_\_\_\_

Address of Inquiring Party: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Email address: \_\_\_\_\_

Detailed Reason for Inquiry: \_\_\_\_\_

#### Additional Information:

Property is currently used for the following purposes: \_\_\_\_\_ Residential \_\_\_\_\_ Agricultural \_\_\_\_\_ Business

Buildings on parcel and year constructed (if known): \_\_\_\_\_

Is this parcel under contract? \_\_\_\_\_ No \_\_\_\_\_ Yes. If yes, when is the closing date? \_\_\_\_\_

Additional information you feel may assist us in conducting research: \_\_\_\_\_

**Parcel research may take as long as 30 business days to complete.** The entire parcel will be researched. If staff discovers outstanding Land Use and/or Building Code issues connected with the property, staff will mail a copy of the research findings to the owner(s) of record and will work with the current owner(s) to resolve outstanding issues. An on-site inspection has not been conducted, information was obtained through Larimer County records.

Code Compliance will again charge for research that takes longer than 4 hrs to complete. There will be no charge for research that is completed within 4 hrs of staff time. The fee will be \$30 per hour & .25 per page for paper copies. An initial estimate will be provided. If research exceeds the original estimate, the customer will be notified & request approval to proceed.

Signature of Inquiring Party: \_\_\_\_\_

[Date]