

# **Exemption for Certain Illegal Divisions of Land - Improved Without Proper County Occupancy Approval**

Clear Creek County Planning Department  
P.O. Box 2000  
Georgetown, Colorado 80444  
(303) 679-2436 - phone  
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## **1506 Exemption for Certain Illegal Divisions of Land – Improved Without Proper County Occupancy Approval**

### **1506.01 Purpose**

The purpose of this exemption, an administrative process conducted by the Planning Department, is to provide a process to remedy some illegal divisions of land when, at the time of submittal of an application, the land is improved with a structure which has not received proper County occupancy approvals. For these purposes, “improved” means the land has been altered from its natural condition and contains a permitted principal use structure.

### **1506.02 Criteria**

An application must, at a minimum, provide information meeting the following criteria.

**1506.02.1** The division of land was created without county approval between September 1, 1972 and January 7, 2009, the date of adoption of this process.

**1506.02.2** An existing permitted principal use structure is located upon the illegal parcel(s). The existing illegal structure(s) must be certified through the applicable Building Department and/or Site Development Department processes, where applicable.

**1506.02.4** Resulting parcel(s) and structure(s) shall be able to meet applicable zoning district requirements. If applicable zoning district requirements cannot be met, the applicant(s) must apply for and receive a variance from the Board of Adjustment in compliance with Section 13 of the *Clear Creek County Zoning Regulations*.

**1506.02.5** Resulting parcel(s) are accessed, at a minimum, by a public right-of-way or recorded easement which meets, or with improvements can meet, County road design standards. If access standards can not meet, the applicant(s) must apply for and received a deviation from the Board of County Commissioners.

**1506.02.6** Resulting parcel(s) shall have a permitted ISDS, other approved method of sanitation, or the ability to obtain an approved method for sanitation in compliance with County sanitary sewage disposal requirements. If sanitary disposal requirement cannot be met, the applicant(s) must apply for and receive a variance from the County Board of Health.

**1506.02.7** The applicant must be able to provide documentation of an adequate physical water supply for the resulting parcel(s).

**1506.02.8** Demonstrate that the resulting parcel(s) will not cause a substantial detriment to health, safety, and/or general welfare of the citizens of Clear Creek County.

### **1506.03 Submittal Process**

If the purpose of legalizing a specific parcel(s) is to obtain a building permit, this exemption process may be reviewed concurrently with the building permit plan review conducted by the Land Use Division. Upon approval of the exemption process and any other required variances or deviations, where applicable, the Planning Department will sign off for the issuance of a building permit.

**1506.03.1** The applicant shall submit two (2) copies of the submittal to the Planning Department.

**1506.03.2** The submittal shall be reviewed in a timely manner for completeness by the Planning Department. The applicant shall be notified of any inadequacies, missing, or incomplete documentation. An incomplete submittal shall not be processed.

**1506.03.3** The Planning Department will conduct a site characteristics analysis and perform a site visit to verify these characteristics and determine if the application meets the criteria for an administrative approval.

**1506.03.4** The Planning Department will notify property owners adjacent to the subject parcel(s) and any referral agencies that may be affected by the proposed division. The applicable agencies shall be determined on a case by case basis.

**1506.03.5** Adjacent property owners and referral agencies shall be given fourteen (14) calendar days to comment.

**1506.03.6** The Planning Department shall evaluate the application and referral comments and shall approve, approve with conditions, or deny the exemption. The Planning Department's decision shall be based on the compliance with the adopted standards, regulations, policies and other guidelines.

**1506.03.6.1** If the Planning Department denies the application, the applicant shall have the right to appeal the decision to the Board of County Commissioners in the form of a public hearing. Appeals must be filed within twenty-one (21) calendar days following the Planning Department's denial of the application.

**1506.04 General Submittal Requirements**

In addition to the following listed submittal requirements, the Planning Department may request other materials or information as deemed necessary, before or during the process to facilitate its review and preparation of a recommendation of approval, approval with conditions, or denial. For good cause shown, the Planning Director may waive certain submittal requirements listed below which, in his/her judgment, are not pertinent to a particular application.

**1506.04.1** Application form as provided by the Planning Department.

**1506.04.2** The appropriate fee(s), as established by the Board.

**1506.04.3** Deeds and/or other proof of ownership for the subject properties.

**1506.04.4** Deed Research, which includes all deeds and/or records, providing ownership history of the subject parcel(s) from the present date to the last owner(s) of the parcel(s) prior to September 1, 1972.

**1506.04.5** A notarized letter of authority from the landowner permitting a representative to process the application, if applicant is other than the owner(s) of record.

**1506.04.6** Certification from the County Treasurer's Office that all ad valorem taxes have been paid no more than thirty (30) days old from the date of application.

**1506.04.7** Vicinity Map - submitted on an 8 ½" x 11" sheet of paper, which indicates the location of the subject properties in relation to the general context of the County.

**1506.04.8** Location Map - submitted on an 8 ½" x 11" sheet of paper, or another size as approved by the Planning Department, which indicates the location of the subject properties in relation to roads, streams, utilities, adjacent parcels and other features.

**1506.04.9** Scaled Site Plan - the drawing shall, at a minimum, include the following items:

**1506.04.9.1** Scale and north arrow designated at true north.

**1506.04.9.2** Boundaries of the property.

**1506.04.9.3** If required by the Planning Department, surveyed existing contour lines depicted at five (5) foot intervals for proposed areas of disturbance (e.g., roads, driveways, homesites, wells and septic). For the remainder of the plan, surveyed existing contour lines depicted at ten (10) foot intervals.

**1506.04.9.4** Depict all existing and proposed building improvements, roads, utilities, earthwork, streams, site modifications including location of wells and septic, easements, and rights-of-way, where applicable.

**1506.04.9.5** Delineate setbacks from all property boundaries.

**1506.04.9.6** If required by the Planning Department, a surveyor setback verification form must be submitted for any property boundary or building setback in question.

**1506.04.10** Water Supply Narrative – providing evidence that a physical water supply sufficient in terms of quality and quantity is available as follows:

**1506.04.10.1** For a division of land located within an existing water or special district, proof of service to the proposed parcel(s).

**1506.04.10.2** For a division of land where an individual well(s) exists, information that the well(s) is sufficient to serve the proposed parcel(s). If available, a copy of the state approved well permit(s) shall be submitted.

**1506.04.10.3** For a division of land where an individual well(s) or some other form of water supply is proposed, evidence that a physical water supply is available and is adequate to serve the proposed use.

**1506.04.11** Sewage Disposal System Narrative – providing evidence of the physical and legal capability to provide sanitation as follows:

**1506.04.11.1** For a division of land located within a sanitation district, proof of service to the proposed parcel(s).

**1506.04.11.2** For a division of land where an individual sewage disposal system currently exists or is proposed, evidence that the sewage treatment system and leach field are in accordance with the County Individual Sewage Disposal System regulations.

**1506.04.12** General Requirements – when deemed necessary by the Planning Director, the applicant may be required to construct or improve existing or proposed access roads, utility extensions, sanitation features, and/or other public infrastructure. All costs associated with such construction and/or improvements required shall be borne by the applicant entirely. An irrevocable letter of credit or other security approved by the County Attorney may be required to ensure such improvements.

## **1506.05 Final Documents**

**1506.05.1** If required by the Planning Department, the applicant shall submit a new deed(s) reflecting the legal description for the newly created parcel(s).

**1506.05.2** Final approval is not valid until the resolution is signed by the Planning Director and the new deed(s), if applicable, is received and recorded with the County Clerk and Recorder.

# **WARNING!**

The following pages are form fill pages.

Not all browsers submit the following pages properly.

**DO NOT USE GOOGLE CHROME**

At this time, Google Chrome will not work with form fill.

Please choose another browser to complete your application.

As always, save a copy for your files and call to verify that your form submitted properly.

**DO NOT ASSUME THAT WE HAVE RECEIVED YOUR APPLICATION.**

If you are attempting to make payment please wait for someone at Clear Creek County to call you to collect payment. **DO NOT SUBMIT YOUR FORMS WITH ANY CREDIT CARD INFORMATION.**

Checks made out to Clear Creek County can be sent to the following address:

Clear Creek County  
Land Use Department  
PO Box 2000  
Georgetown, CO 80444  
Phone: 303-679-2436 Fax: 303-569-1103  
[planning@co.clear-creek.co.us](mailto:planning@co.clear-creek.co.us)

Please call with any questions or to verify that your permit has submitted successfully!

CLEAR CREEK COUNTY PLANNING DEPARTMENT  
Post Office Box 2000  
Georgetown, CO 80444  
303.679.2436

### Exemption for Certain Illegal Divisions of Land

(Select One)

Unimproved (\$1100)

Improved with Valid County Occupancy Approval (\$300)

Improved without Proper County Occupancy Approval (\$500)

*\*Included is a \$100 required fee to process and create vested property rights*

OWNER(S): \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

HOME PHONE: \_\_\_\_\_ WORK PHONE: \_\_\_\_\_

APPLICANT(S): \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

HOME PHONE: \_\_\_\_\_ WORK PHONE: \_\_\_\_\_

LEGAL DESCRIPTION OF PROPERTY (1/4 Section & Section-Township-Range or Subdivision-Lot & Block):

\_\_\_\_\_

PARCEL IDENTIFICATION NUMBER (PIN): \_\_\_\_\_

CURRENT NUMBER OF LOTS: \_\_\_\_\_ ACREAGE OF EACH: \_\_\_\_\_

NUMBER OF LOTS PROPOSED FOR LEGALIZATION: \_\_\_\_\_ ACREAGE OF EACH: \_\_\_\_\_

DESCRIBE REASON FOR REQUEST:

I (we) do hereby certify that the information contained in or presented in connection with this application is true and accurate to the best of my (our) knowledge and belief. I (we) do hereby further agree to abide by the agreements, conditions and stipulations that are a part of this request.

I (we) understand that the Planning Department staff will need to go onto my (our) property in order to process this request.

OWNER(S): \_\_\_\_\_ DATE \_\_\_\_\_

OWNER(S): \_\_\_\_\_ DATE \_\_\_\_\_

APPLICANT(S): \_\_\_\_\_ DATE \_\_\_\_\_