

# Exemption for Certain Illegal Divisions of Land - Unimproved

Clear Creek County Planning Department  
P.O. Box 2000  
Georgetown, Colorado 80444  
(303) 679-2436 - phone  
(303) 569-1103 - fax

## **1505 Exemption for Certain Illegal Divisions of Land – Unimproved**

### **1505.01 Purpose**

The purpose of this exemption is to provide a process to remedy some illegal divisions of land when, at the time of submittal of an application, the land is unimproved. For these purposes, “unimproved” means the land has no alterations from its natural condition.

### **1505.02 Criteria**

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

**1505.02.1** The division of land was created without county approval between September 1, 1972 and January 7, 2009, the date of adoption of this process.

**1505.02.2** Resulting parcel(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*.

**1505.02.3** Resulting parcel(s) is 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.

**1505.02.4** Resulting parcel(s) can comply 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.

**1505.02.5** The applicant(s) must be able to provide documentation of an adequate physical water supply for the resulting parcel(s).

**1505.02.6** 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.

### **1505.03 Submittal Process**

The following submittal process shall apply to illegal divisions of land which are unimproved:

**1505.03.1** The applicant shall submit two (2) copies of the submittal to the Planning Department.

**1505.03.2** 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.

**1505.03.3** The Planning Department will conduct a site characteristics analysis and perform a site visit to verify these characteristics. Once the submittal is determined complete by the Planning Department, staff will notify the applicant of the number of copies and content of the submittal required to be provided for distribution to adjacent property owners and referral agencies.

**1505.03.4** The Planning Department will notify adjacent property owners within 300 feet of the boundaries of the subject parcel(s) and any referral agencies that may be affected by the proposed exemption. The applicable agencies shall be determined on a case by case basis.

**1505.03.5** Adjacent property owners and referral agencies shall be given twenty-one (21) calendar days prior to the Board of County Commissioners (Board) public hearing to comment.

**1505.03.6** The Planning Department will review the referral comments, discuss the concerns with the applicant, prepare a staff report for the Board and notify the applicant of the hearing date and time and the number of submittals required for the Board.

**1505.03.7** At least fourteen (14) calendar days prior to the Board public hearing, the applicant shall post and maintain a notice on the parcel(s) under consideration. The notice(s) shall be placed within ten (10) feet of the property line and visible from an adjacent right-of-way, where applicable. Signs will be provided by the Planning Department.

**1505.03.8** The Planning Department is responsible for publishing a notice in a newspaper of general circulation in Clear Creek County fourteen (14) calendar days prior to the Board's public hearing.

**1505.03.9** The Board shall evaluate the application, referral comments, staff report, and public testimony, and shall approve, approve with conditions, or deny the exemption. The Board's decision shall be based on the evidence presented, compliance with the adopted standards, regulations, policies and other guidelines.

**1505.04 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 to the Board. 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.

**1505.04.1** Application form as provided by the Planning Department.

**1505.04.2** The appropriate fee(s), as established by the Board.

**1505.04.3** Deeds and/or other proof of ownership for the subject parcel(s).

**1505.04.4** 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.

**1505.04.5** 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.

**1505.04.6** 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.

**1505.04.7** 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.

**1505.04.8** 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.

**1505.04.9** Land Survey Plat or Improvement Survey Plat – in compliance with Title 38, Article 51 C.R.S. and all other relevant statutes which, at a minimum, includes the following items:

**1505.04.9.1** Surveyed existing contour lines depicted at five (5) foot intervals for proposed areas of disturbance (e.g., roads, driveways, homesites, well and septic). For the remainder of the plan, surveyed existing contour lines depicted at ten (10) foot intervals.

**1505.04.9.2** Depict all existing and proposed roads, utilities, earthwork, site modifications including location of wells and septic, and easements, where applicable.

**1505.04.9.3** Depict the proposed building envelope(s) with accurate dimensions. For these purposes, “building envelope” means the area(s) of the parcel(s) which can contain a structure(s). The only excavation allowed outside of the identified building envelope area(s) shall be for an individual sewage disposal system, well, and/or driveway.

**1505.04.10** Water Supply Report - evidence that a physical water supply sufficient in terms of quality and quantity is available as follows:

**1505.04.10.1** For a division of land located within an existing water or special district, a letter of commitment to serve the proposed properties stating the amount of water available for use and the feasibility of extending service to that area.

**1505.04.10.2** For a division of land where an individual well(s) on a parcel that is less than five acres in size is proposed, an analysis prepared by a water attorney, water consultant, or water engineer that provides evidence of the availability of a physical water supply.

**1505.04.11** Sewage Disposal System Report - evidence of the physical and legal capability to provide sanitation as follows:

**1505.04.11.1** For a division of land located within a sanitation district, a letter of commitment to serve the proposed parcel(s) stating the capacity to serve and feasibility of extending service to that area.

**1505.04.11.2** For a division of land where an individual sewage disposal system(s) is proposed, evidence that the following requirements are met. Such evidence shall be prepared and stamped by a Colorado licensed Professional Engineer.

**1505.04.11.2.1** Each sewage treatment system and leach field shall be in accordance with county sanitary sewage disposal requirements.

**1505.04.12** General Requirements – when deemed necessary by the Board, 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 by the Board shall be borne entirely by the applicant. An irrevocable letter of credit or other security approved by the County Attorney may be required to ensure such improvements.

## **1505.05 Final Documents**

**1505.05.1** Upon approval of the exemption by the Board, a full certified Land Survey Plat or Improvements Survey Plat in compliance with Title 38, Article 51 C.R.S. and all other relevant statutes shall be submitted on Mylar, as specified by the Planning Department.

**1505.05.1.1** The plat shall also be submitted in a digital form as specified by the County Mapping Department

**1505.05.2** The applicant shall submit to the Planning Department a new deed(s) reflecting the legal description for the newly created parcel(s).

**1505.05.3** Final approval is not valid until the final plat and resolution are signed by the Board and the new deed(s) 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 \_\_\_\_\_