

Clear Creek County Subdivision Regulations: Article 2

ARTICLE 2 APPLICATION REQUIREMENTS AND PROCEDURES

201 Description of the Subdivision Process

The three steps required to obtain approval of a subdivision consist of a sketch plan, preliminary plan, and a final plat.

Each is a distinct process involving the submittal of an application, an application fee, required plans and reports, referrals of the proposal to other agencies, and public hearings. At each step of the process, the level of design and engineering increases in order to relieve the applicant from major and potentially unnecessary expenses in situations that may require a redesign and therefore, a revision of expensive engineering or planning reports. Approval at any step in the process does not ensure approval at the next step.

201.01 Sketch Plan

201.01.1 The sketch plan is the first step of the three step subdivision process. During this step, public hearings will be held before the Planning Commission and the Board. The applicant must receive sketch plan approval or conditional approval in order to proceed to the second step - the preliminary plan.

201.01.2 The sketch plan process will review, at a conceptual level, the feasibility and design characteristics of the proposal based on the standards set forth in these Regulations.

201.01.3 The preliminary plan may be combined with the sketch plan if the proposed subdivision has ten (10) or fewer lots, each lot is adjoining an existing County maintained road and development of the lots does not require extensive engineering, provided that all appropriate fees for both phases are paid in advance. The Planning Department shall determine whether a particular subdivision may combine processes.

201.02 Preliminary Plan

201.02.1 The preliminary plan is the second step of the three step subdivision process. During this step, public hearings will be heard before the Planning Commission and the Board. The applicant must have received sketch plan approval or conditional approval in order to proceed with the preliminary plan application.

201.02.2 The preliminary plan process will involve a more detailed review of the feasibility and design characteristics of the proposal based on the standards set forth in these Regulations. The applicant must receive preliminary plan approval or conditional approval in order to proceed to the third step - the final plat.

201.02.3 The preliminary plan may be combined with the sketch plan if the proposed subdivision has ten (10) or fewer lots, each lot is adjoining an existing County maintained road and development of the lots does not require extensive engineering, provided that all appropriate fees for both phases are paid in advance. The Planning Department shall determine whether a particular subdivision may combine processes.

201.03 Final Plat

201.03.1 The final plat is the last step in the three step subdivision process. During this step, there will be public hearings before the Planning Commission and the Board. The applicant must have received preliminary plan approval or conditional approval in order to proceed with the final plat process.

201.03.2 The final plat process will review the final engineering plans, subdivision improvement agreements, and other legal requirements.

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202 Applicant's Responsibility

The applicant or representative is responsible for understanding the requirements and procedures contained in these Regulations, the Clear Creek County Zoning Regulations, and the Clear Creek County master plans and is responsible for attending all Planning Commission and Board hearings at which the request is considered. Failure to attend the hearings may result in the request being tabled and a new hearing date scheduled. The applicant is responsible for submitting the information requested by the Planning Department for the review of the proposal.

203 Additional Review Fees

203.01 The applicant shall be responsible for payment of reasonable review fees established by a referral agency (e.g., U.S. Geological Survey), or outside consultant. When an outside consultant is needed, due to a lack of staff expertise or in order to expedite the process, the Board of County Commissioners shall enter into a contract with the applicant that shall clearly detail the responsibilities of all parties.

203.02 A recommendation for additional reviews and fees shall be provided by the Planning case manager to the Planning Director. If the Planning Director determines that the additional reviews and fees are necessary and justified for the proposed subdivision, the recommendation shall be brought to the Board for a final determination.

204 Withdrawal of Application

The applicant may withdraw an application at any phase of the process upon submittal of a notarized, written request, to the Planning Department. Application fees, or portions thereof, will be refunded only when the withdrawal request is submitted prior to the mailing of referral packets for the sketch plan phase.

205 Referral Requirements

205.01 Adequate notice of application for each phase shall be forwarded to interest holders and property owners within 300 feet of any property boundaries. Appropriate referral agencies shall receive adequate application materials and documentation. Based on the specifics of the application, the Planning Department may waive referral requirements if those requirements are unnecessary.

205.01.1 Referral responses shall be given twenty-one (21) calendar days after transmittal, unless additional time is requested and agreed upon by the Planning Department.

205.02 The applicant is responsible for preparing the information packets in the manner prescribed by the Planning Department. An error made either intentionally or unintentionally by the applicant in the preparation of information packets may result in a delay in processing of the application so that the proper referrals can be accomplished.

205.03 Any referral comments requiring resolution received by the Planning Department shall require a response from the applicant.

206 Public Notice Requirements

For sketch plans, preliminary plans, and final plats notice of hearing shall be required as follows:

206.01 At least fourteen (14) days prior to the first Planning Commission public hearing and fourteen (14) days prior to the first Board public hearing, the applicant shall post and maintain a notice on the land under consideration. The notice shall consist of at least one sign facing each adjacent right-of-way, within ten (10) feet of the property line adjacent to the right-of-way, visible from the right-of-way, placed on posts at least four (4) feet above ground level. Additional signs may be required by the Planning Department. Each sign shall measure not less than 3' x 4'. Letter size shall be a minimum of three (3) inches high. Said notice shall read:

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NOTICE OF PUBLIC HEARING BEFORE THE (PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)

This property shall be considered for subdivision, specifically, the approval of a (e.g., sketch plan, preliminary plan, final plat) pursuant to the Clear Creek County Subdivision Regulations. For more information call Clear Creek County Planning Department, (phone number). The public hearing is (date), in (location), at (time). Case Number:

206.01.1 An affidavit of sign posting shall be submitted for the file in the Planning Department at least five (5) days prior to the hearings. The sign(s) shall be photographed by the applicant and attached to the affidavit.

206.01.2 The sign shall be removed by the applicant within two (2) weeks following the final decision by the Board or withdrawal of the application.

206.02 At least fourteen (14) days prior to the Planning Commission hearing and fourteen (14) days prior to the Board hearing, the Planning Department shall publish a notice in at least one (1) publication of a newspaper of general circulation in Clear Creek County.

207 Expiration of Approvals

The approval of any subdivision request shall be subject to the following restrictions and shall apply to all previously approved sketch plans, preliminary plans, and final plats:

207.01 The sketch plan and preliminary plan shall both be effective for a period of one (1) year from the date of approval by the Board, unless stated otherwise in such approval. After one year, the plan becomes null, void and invalid unless the applicant requests in writing an extension of said approval from the Board, and obtains such extension with specific terms and conditions. Such request must be submitted prior to the expiration date and include a narrative stating the reason(s) for the applicants' inability to comply with the specified deadlines and the anticipated time schedule for completing the platting process. Additional review of the plan may occur resulting in additional conditions as applicable. In addition, an extension request fee may also apply.

207.02 Within thirty (30) days of approval of the final plat, the applicant shall submit the approved final plat and all required documentation to the Planning Department for recordation or the approval shall be void, unless stated otherwise in such approval. The applicant will be required to pay any fees associated with the recordation.

208 Performance Guarantee

208.01 As a condition of the final plat approval, the Board may, in its discretion, require the applicant to file a performance guarantee of financial security deemed adequate by and made payable to the Board.

208.02 The purpose of this performance guarantee shall be to assure that the applicant shall faithfully perform all conditions and stipulations as specified in the approval of the application.

209 Submittal Process

The following submittal process shall apply to all sketch plans, preliminary plans and final plats:

209.01 The applicant shall submit two (2) copies of the submittal to the Planning Department for each process.

209.02 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.

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- 209.03 Once the submittal is determined complete (by the Planning Department), staff will notify the applicant of the number of copies of the plan/plat and associated documentation required to be submitted for distribution to interest holders, adjacent property owners, and referral agencies. Referral packets shall be provided by the applicant in unsealed manila envelopes, with all submittal information properly folded and compiled, with sufficient postage. The staff shall mail the referral packets.
- 209.04 The applicant shall provide stamped envelopes addressed to the adjacent property owners and other landowners as required by the Planning Department, for notification of the plan/plat application.
- 209.05 The referral agencies shall be given a minimum of twenty-one (21) working days of receiving a complete submittal, unless additional time is requested and agreed upon by the Planning Department. The applicant is encouraged to meet with the referral agencies and other interested parties to address the referral concerns.
- 209.06 The Planning Department will review the referral comments, discuss the concerns with the applicant, prepare a staff report for the Planning Commission and notify the applicant of the hearing date and time.
- 209.07 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 Planning Commission hearing.
- 209.08 The applicant is responsible for posting and maintaining a notice(s) on the property at least fourteen (14) calendar days prior to the Planning Commission hearing.
- 209.09 The Planning Commission shall evaluate the application, referral comments, staff report, and public testimony, and make a recommendation to the Board to approve, approve with conditions, or deny the plan/plat. The Planning Commission's decision shall be based on the evidence presented, compliance with the adopted standards, regulations, policies and other guidelines.
- 209.10 The applicant may be required to modify the plan/plat or documentation, and/or provide additional information prior to the Board's public hearing based on conditions/stipulations deemed necessary by the Planning Commission.
- 209.11 Following the recommendation by the Planning Commission, the Planning Department will schedule the plan/plat for a public hearing with the Board, and notify the applicant of the hearing date and time.
- 209.12 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 hearing.
- 209.13 The applicant is responsible for posting and maintaining a notice(s) on the property at least fourteen (14) calendar days prior to the Board's hearing.
- 209.14 The Board shall evaluate the application, referral comments, staff report, the Planning Commission recommendation and public testimony, and shall approve, conditionally approve, or deny the plan/plat. The Board's decision shall be based on the evidence presented, compliance with the adopted standards, regulations, policies and other guidelines.
- 209.15 If denied by the Board, the submittal of a new application and processing fee(s) shall be required in order to pursue the proposed subdivision. A resubmittal of the plan/plat for the same or substantially same request, as determined by the Planning Department, shall not be accepted within one (1) year of such denial. The applicant may appeal the decision of the Planning

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Department, in writing, to the Board within ten (10) working days from the date of the decision.

210 Vested Rights

A vested property right may be established pursuant to Article 68 of Title 24, C.R.S., as amended, and the County adopted vested property rights regulations, as provided for in the Clear Creek County Zoning Regulations.

211 Final Documents

211.01 Upon approval of the Final Subdivision Plat by the Board, a full certified Land Survey Plat, or Improvement 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.

211.01.1 The approved Subdivision Plat shall also be submitted in a digital form as specified by the County Mapping Department.

211.02 Final approval is not valid until the final Plat and Resolution are signed by the Board of County Commissioners, and all are recorded with the County Clerk and Recorder.

211.03 The applicant is responsible for payment of all recording fees associated with the final plat and deeds.