

# Clear Creek County Subdivision Regulations: Article 7

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## ARTICLE 7 MINOR SUBDIVISIONS

### 701 Purpose

The Minor Subdivision process is an application to change real property boundaries to create four (4) or fewer new parcels.

#### 701.01 Relationship to other Articles

When Article 7 is applicable, it supersedes Articles 3, 4, and 5, but a Minor Subdivision is subject to Article 14 (Design Criteria) and such other provisions of these Regulations as by their terms apply.

#### 701.02 Applicability

If it is determined that the applicant is using this process to circumvent the full subdivision process (i.e. multiple applications in the same area of the County), the applicant shall be required to comply with the sketch plan, preliminary plan, and final plat process, in these Regulations.

### 702 Prerequisite

Prior to submittal of the Minor Subdivision request, the applicant shall meet with the Planning Department to determine whether the request meets the criteria and to explain the procedure and submittal requirements.

### 703 Criteria

An application must meet, at a minimum, all of the following criteria.

703.01 Creates no more than a total of four (4) parcels.

703.02 Resulting parcels can comply with the required County Platting Conditions and optional conditions determined to be applicable by the Board.

703.03 Resulting parcels comply with all applicable zoning, building, fire, and health codes, rules and regulations.

703.04 All of the parcels created comply with the minimum lot size requirements in the applicable zoning district.

703.05 Resulting parcels are accessed, at a minimum, by a public right-of-way or recorded easement which meet, or with improvements can meet, County Road Design Standards.

703.06 All of the parcels can comply with State and County Sanitary Sewage Disposal Requirements.

703.07 The applicant must be able to provide documentation of an adequate legal water supply for all proposed parcels.

### 704 Submittal Process

This submittal process shall apply to all Minor Subdivisions:

704.01 The applicant shall submit one (1) copy of the submittal to the Planning Department.

704.02 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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- 704.03 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.
- 704.04 The Planning Department will notify adjacent property owners within 300 feet of the boundaries of the subject parcels and any referral agencies that may be affected by the proposed minor subdivision. The applicable agencies shall be determined per case.
- 704.05 Adjacent property owners and referral agencies shall be given twenty-one (21) calendar days prior to the Planning Commission public hearing to comment.
- 704.06 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 and the number of submittals required for the Planning Commission.
- 704.07 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 public hearing.
- 704.08 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 minor subdivision. The Planning Commission's decision shall be based on the evidence presented, compliance with the adopted standards, regulations, policies and other guidelines.
- 704.09 The applicant may be required to modify the plan/plat or documentation, and/or provide additional information prior to the Board public hearing based on conditions/stipulations deemed necessary by the Planning Commission.
- 704.10 Following the recommendation by the Planning Commission, the Planning Department will schedule the minor subdivision for a public hearing with the Board, and notify the applicant of the hearing date and time and the number of submittals required for the Board.
- 704.11 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 hearing.
- 704.12 The Board shall evaluate the application, referral comments, staff report, the Planning Commission recommendation, and public testimony, and shall approve, approve with conditions, or deny the minor subdivision. The Board's decision shall be based on the evidence presented, compliance with the adopted standards, regulations, policies and other guidelines.

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### 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 a recommendation by the Planning Department to the Planning Commission and Board. All submittals shall be organized as specified in a table of contents by the Planning Department.

- 705.01 Application Form as provided by the Planning Department.
- 705.02 The appropriate fee(s), as established by the Board.

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- 705.03 Deeds or other proof of ownership for the subject properties.
- 705.04 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.
- 705.05 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.
- 705.06 Vicinity Map - submitted on a 8 ½" x 11" sheet of paper, that indicates the location of the subject properties in relation to the general context of the County.
- 705.07 Location Map - submitted on a 8 ½" x 11" sheet of paper or another size as approved by the Planning Department, that indicates the location of the subject properties in relation to roads, streams, utilities, adjacent parcels and other features.
- 705.08 Grading and Drainage Plan - submitted on a 24" x 36" sheet(s) of paper at a scale of 1" = 100' or another scale approved by the Planning Department. The Planning Department may exempt elements of this Plan if it is determined not to be applicable. The Plan shall be prepared and stamped by a Colorado licensed Professional Engineer, that indicates the following: finished contours at five (5) foot intervals, delineating extent of cut and fill slopes; location and construction details for all existing and proposed watercourses, retention and detention areas; ditch widening and treatment; drainage patterns and stormwater runoff from on-site and off-site flow; location and construction details for all existing and proposed culverts, retaining walls, curbs/gutters, etc.; stormwater management plan demonstrating compliance with the County's adopted Best Management Practices; lot lines, roads, and building envelopes; all applicable grading and drainage details, including notes; and anticipated slope stabilization measures for all cut and fill slopes.
- 705.09 Roadway Design and Construction Drawings - submitted on a 24" x 36" sheet(s) of paper at a scale of 1" = 100' or another scale approved by the Planning Department. The Planning Department may exempt elements of this Plan if it is determined not to be applicable. The Plan shall be prepared and stamped by a Colorado licensed Professional Engineer and be in conformance with the County road standards (unless exempted by the County) and shall provide plan and profile drawings. The Plan shall depict the following: proposed lot lines and building envelopes; demonstrated compliance with the County adopted Best Management Practices; proposed traffic flow within the division and from off-site roads; utility easements; adequate access and maneuverability for emergency and public utility vehicles; ingress, egress, and internal vehicular circulation; all existing and proposed roads; location of school bus turnarounds, if applicable; all existing and proposed access to the subdivision from County, State, and Federal road systems/exit interchanges; demonstration that all roads and associated cut and fill slopes do not encroach on or disturb adjacent properties, unless there is written approval from appropriate parties; and proposed road names which shall not duplicate existing road names; however, when adjoining existing roads, road names shall be continued.
- 705.10 Site Plan - submitted on a 24" x 36" sheet(s) of paper at a scale of 1" = 100' or another scale approved by the Planning Department. The Plan shall depict the following:
- 705.10.1 The title shall be placed at the top of the sheet along the long dimension of each sheet and shall include: the name of the proposed minor subdivision; a general legal description; and the case number.

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- 705.10.2 The Plan shall include: the preparation date; a north arrow designated at true north; a written and graphic scale; the name and address of the applicant, developer, engineer or surveyor who prepared the exhibit; vicinity map; the number of the sheet; and the total number of sheets.
- 705.10.3 The boundaries of the proposed parcels shall be depicted in a heavy solid line.
- 705.10.4 Boundaries of adjacent properties or portions of those boundaries that are in immediate proximity of the parcels proposed for subdivision shall be depicted in a lighter line weight.
- 705.10.5 Surveyed existing contour lines depicted at five (5) foot intervals for proposed areas of disturbance (e.g., roads, driveways, homesite, well and septic). For the remainder of the plan, surveyed existing contour lines depicted at ten (10) foot intervals.
- 705.10.6 Depict all existing and proposed roads, structures, utilities, earthwork, site modifications including location of wells and septic, and easements.
- 705.10.7 Depict all lots and building envelopes proposed, providing accurate dimensions for each.
- 705.11 Fiscal Impact and Project Descriptive Report - a narrative explanation of the following project elements:
  - 705.11.1 The need for the project, including, but not limited to the need for the number of residential units proposed.
  - 705.11.2 The number of lots, the size of each lot, and the total acreage.
  - 705.11.3 A narrative describing the availability and adequacy of existing infrastructure and other necessary services including, but not limited to: fire and police protection; schools; recreation; utilities; and open space.
  - 705.11.4 An analysis of the fiscal costs and benefits anticipated to be accrued to the County as a result of the proposed division. Such analysis shall include, but not be limited to:
    - 705.11.4.1 The projected yearly tax revenue at full build out using figures provided by the County Assessor.
    - 705.11.4.2 Projected costs associated with impacts to schools and emergency services (fire, police, and medical responses), and the County Road and Bridge Department for on and off-site road traffic impacts, construction, and maintenance.
- 705.12 Site Characteristics Analysis Report - an analysis of site features and environmental and wildlife impacts that may effect the evaluation of the development and proposed mitigation measures.
- 705.13 Traffic Report - the report shall minimally include:
  - 705.13.1 All existing access to the properties from County, State, and Federal road systems/exit interchanges.

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- 705.13.2 The most recent data available from the County or Colorado Division of Transportation (CDOT) outlining the vehicle trips generated on existing access to the proposed division from applicable County, State, and Federal road systems/exit interchanges.
  - 705.13.3 The number of vehicle trips likely to be generated during peak hours from the proposed division on existing County, State, and Federal road systems/exit interchanges.
  - 705.13.4 A written narrative describing the impacts from increased traffic resulting from the proposed division, including but not limited to, level of service, congestion, noise, dust, odors, and traffic hazards.
- 705.14 Water Supply Report - evidence that a legal water supply sufficient in terms of quality and quantity is available as follows:
- 705.14.1 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.
  - 705.14.2 For a division of land where individual wells are proposed, evidence that a legal water supply is available to serve the proposed properties.
  - 705.14.3 If required by the Planning Department, an analysis prepared by a water attorney, water consultant, or water engineer that provides evidence of the physical and legal water supply available.
- 705.15 Sewage Disposal System Report - evidence of the physical and legal capability to provide sanitation as follows:
- 705.15.1 For a division of land located within a sanitation district, a letter of commitment to serve the proposed properties stating the capacity to serve and feasibility of extending service to that area.
  - 705.15.2 For a division of land where individual sewage disposal systems are proposed, evidence that the following requirements are met. Such evidence shall be prepared and stamped by a Colorado licensed Professional Engineer.
    - 705.15.2.1 Each sewage treatment system and leach field shall be in accordance with the County Individual Sewage Disposal System regulations.
    - 705.15.2.2 There shall be a ban on the use of other than low phosphorus detergents.
- 705.16 General Requirements - the developer shall provide for the construction, at no cost to the County, school district, or public, all roads adjacent to publicly dedicated sites, traffic signalization to serve the site, extension of all utilities to the site, and other public infrastructure as required by the Board. An irrevocable letter of credit or other security approved by the County Attorney shall be required to ensure such improvements. The Board may, from time to time, review the adequacy of the security in light of inflation to ensure adequate security to fund the completion of the work in accordance with the improvements.

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### 706 Final Documents

- 706.01 Upon approval of the preliminary Minor 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.
- 706.01.1 The approved Minor Subdivision Plat shall also be submitted in a digital form as specified by the County Mapping Department.
- 706.02 The applicant shall submit to the Planning Department new deeds reflecting the newly created legal descriptions for each parcel.
- 706.03 Final approval is not valid until the final Plat and Resolution are signed by the Board of County Commissioners, the new deeds are received and all are recorded with the County Clerk and Recorder.
- 706.04 The applicant is responsible for payment of all recording fees associated with the final plat and deeds.