

# Clear Creek County Subdivision Regulations: Article 14

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## ARTICLE 14 DESIGN CRITERIA

### 1401 Intent

The following standards shall apply to all new divisions of land in Clear Creek County thereby resulting in the creation of lots which are developable in conformance with these Regulations and other applicable County regulations.

### 1402 Applicability

This Article is applicable to any division of land.

### 1403 Overall Design Criteria

#### 1403.01 Protection of the Natural Environment

Developments shall be designed to minimize the alteration of natural landforms and significant stands of native vegetation, and to preserve, wherever practical, distinctive natural features. Placement of lots and alignment of roads shall respect the existing contours of the land and the natural environment.

#### 1403.02 Waterway and Wetland Protection

1403.02.1 Soil disturbance and dwellings are discouraged within twenty-five (25) feet from the top of the bank of a lake, stream or intermittent stream. Structures or disturbance within twenty-five (25) feet shall require an analysis demonstrating suitability prepared and stamped by a Colorado licensed Professional Engineer.

1403.02.2 Soil disturbance and structures are prohibited within twenty-five (25) feet of a wetland area, as determined by the U.S. Army Corp. of Engineers.

1403.02.3 Soil disturbance and structures are prohibited within the 100-year flood plain.

#### 1403.03 Ridgeline Protection

1403.03.1 To preserve the character of the County's prominent ridgelines and to minimize visual impact, building envelopes on prominent ridgelines are discouraged.

1403.03.2 Ridgeline zones shall be defined as an elevation decrease of fifty (50) feet below the point of departure of the projected overall average slope angles from the slope cross section.

1403.03.3 Dwellings and structures proposed for location inside prominent ridgeline zones shall be subject to special review, which may include, but is not limited to, design, height, form, color, exterior materials, lighting, window area, and similar characteristics related to overall visual impacts.

#### 1403.04 Slope Stability

Building envelopes shall avoid slopes in excess of thirty (30) percent, unless a site-specific analysis, prepared and stamped by a Colorado licensed Professional Engineer, is submitted which demonstrates that the geologic hazards listed in 1303.06 do not jeopardize the dwelling.

#### 1403.05 Protection of Wildlife

Developments shall be designed to avoid or mitigate impacts to significant wildlife habitats including breeding grounds, nesting areas, migration routes, and wintering areas. Developments shall also take appropriate measures to preserve and improve such wildlife habitats.

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## 1403.06 Areas Subject to Environmental Hazard

Lots proposed for development shall not be located in areas subject to avalanches, landslides, rockfalls, mudflows, unstable slopes or soil unless these hazards are eliminated or mitigated. If hazards cannot be mitigated, then affected areas shall be placed in tracts where development is prohibited.

## 1403.07 Protection of Historical and Archaeological Sites

Developments shall be designed to avoid or mitigate impact to historical and archaeological sites on the state and national register of historic places. Any mitigation efforts shall be approved by the State Historic Preservation Office.

## 1403.08 Solar Orientation

Clear Creek County has a severe winter climate but a high number of days with sunshine. It is the County's policy to encourage the design of developments such that solar access is maximized for each building site and on adjacent properties. This objective is of lesser importance, however, than avoiding environmental damage, minimizing site disturbance, fitting the development to the terrain and protection of ridgelines.

## 1403.09 Minimum Lot Size

1403.09.1 All subdivisions and minor subdivisions of land pursuant to these regulations that creates new parcels of less than five (5) acres, shall be provided with a centralized water supply system, unless said parcels are at least 50 % within the alluvial area as described in the '*Hydrogeologic Map of Clear Creek County*', kept on file with the Planning Department. The boundary lines on this map shall be determined by the scale appearing on the map. Where there is a conflict between the boundary lines illustrated on the map and actual geologic conditions of a parcel, the person contesting the location of the boundary shall be given a reasonable opportunity to present their case to the Planning Manager and shall submit appropriate technical evidence to support such contests. The Planning Manager shall not allow deviations from the boundary line as mapped within the boundary areas, unless appropriate technical evidence clearly and conclusively establishes that the map location of the line is incorrect.

1403.09.2 As per the *Clear Creek County Onsite Wastewater Treatment System Regulations*, Section 3 (10); all subdivisions and minor subdivisions of land pursuant to these regulations that creates new parcels of less than five (5) acres, shall be provided with central sewage treatment works.

## 1404 When Significant Mitigation Efforts are not Incorporated

When significant mitigation efforts are not incorporated into the development in order to comply with the overall design criteria as outlined in Section 1403, the Board reserves the right to require land to be reserved for one or more of the following functions:

1404.01 To protect prominent natural landforms/landmarks, distinctive natural features, and significant stands of native vegetation.

1404.02 To protect wetlands, 100-year flood plain, and surface water.

1404.03 To buffer or provide transitions between different land uses.

1404.04 To protect significant wildlife habitats.

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1404.05 To avoid significant natural hazard areas.

1404.06 To protect historical and archaeological sites on the state and national register of historic places or of local significance.

## 1405 Subdivision Improvements

1405.01 In each new development, the Board shall determine the type, location and extent of necessary public improvements depending upon the characteristics of the proposed development and its relationship to surrounding areas. Improvements shall be made by the applicant at the applicant's expense according to standards and specifications prepared and stamped by a Colorado licensed Professional Engineer in accordance with County regulations.

1405.02 Proposed improvements shall conform to the objectives of the County master plans and all other applicable regulations pertaining to the development of land including, but not limited to the County's road standards and Best Management Practices.

1405.03 Underground placement of utility lines shall be required in all subdivisions; unless the public utility determines that physical constraints make underground placement infeasible or exempted by the Board.

## 1406 Roads

1406.01 All roads and rights-of-way shall be constructed in conformance with the County road standards and other applicable County regulations, unless a deviation of standards is granted by the Board.

1406.02 The subdivider may be required to make improvements to the existing access road(s) to the proposed subdivision to safely accommodate anticipated increase in traffic volume generated by the proposed development.

1406.03 These improvements may be imposed in lieu of, or offset by, County adopted impact fees.

1406.04 Multiple access points to a subdivision are highly encouraged, and may be required, based on emergency service recommendations or requirements, and to safely accommodate total anticipated traffic volume of the proposed development on new and/or existing access.

## 1407 Erosion and Sediment Control

Erosion and sediment control shall be designed and constructed in accordance with County Best Management Practices, County road design standards, Uniform Building Code, and other applicable County regulations.

## 1408 Drainage

Drainage improvements shall be designed and constructed in accordance with County road design standards, Uniform Building Code, and other applicable County regulations. In addition, the following design requirements shall be met:

1408.01 Individual lot drainage shall be coordinated with the general storm drainage pattern for the area.

1408.02 Lots shall be laid out to provide positive drainage away from all building envelopes.

1408.03 Drainage shall be designed so that any concentration of storm drainage from any lot to an adjacent lot will be mitigated.

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1408.04 Appropriate off-site and on-site drainage easements shall be obtained.

1409 Soil Suitability

1409.01 The layout of subdivisions shall create lots having soil conditions which are suitable for the intended use.

1409.02 Areas subject to geologic hazards shall not be platted for any use which might endanger health and safety, life or property unless the hazards are mitigated in a manner acceptable to the County.

1410 Fiscal Impacts to Existing Services

1410.01 Emergency Services - Measures shall be provided to sufficiently address the needs of the Clear Creek Fire Authority, Evergreen Fire Protection District, and all other applicable emergency services providers.

1410.02 School District - Measures shall be provided to sufficiently address the needs of the school district.

1410.03 County, State, and Federal Roads - Measures shall be provided to sufficiently address the needs of the County Road and Bridge Department and the Colorado Division of Transportation.

1411 Required Dedications and Easements

Dedications and easements shall be specifically referenced on the applicable documents (e.g., final plat, subdivision improvements agreement).

1412 Other Public Improvements

Other reasonable improvements, not specifically mentioned herein and found appropriate and necessary by the Board of County Commissioners, shall be constructed at the developer's expense within such time and in conformance with such specifications as deemed necessary and appropriate.

1413 Guarantee of Public Improvements

1413.01 No final plat shall be approved until the applicant has submitted and the Board of County Commissioner has reviewed and accepted one or a combination of the following:

1413.01.1 Subdivision improvements agreement (SIA) to construct any required public improvements shown in the final plat documents together with collateral that is sufficient, in the judgement of the Board, to make reasonable provision for the completion of said improvements in accordance with design and time specifications.

1413.01.2 Other agreements or contracts setting forth the plan, method and parties responsible for the construction of any required public improvements shown in the final plat documents which, in the judgement of the Board, will make reasonable provision for completion of said improvements in accordance with design and time specifications.

1413.02 As improvements are completed, the subdivider may apply to the Board for a release of part or all of the collateral. Upon inspection and approval by the County, the Board shall release the collateral. If the Board determines that any improvements are not constructed in substantial compliance with the specifications, it shall furnish the applicant a list of specific deficiencies and shall withhold collateral sufficient to ensure such compliance. If the Board determines that the applicant has not constructed any or all of the improvements in accordance with all of the specifications, the Board may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvement in accordance with the specifications.