

Clear Creek County Subdivision Regulations: Article 8

ARTICLE 8 BOUNDARY LINE ADJUSTMENTS

801 Intent

To establish criteria and a review process for divisions of land that revise real property boundaries without increasing the number of legal building sites, unless the parcel is physically divided by a currently paved, County maintained road or a state or federal highway.

801.01 Relationship to other Articles

When Article 8 is applicable, it supersedes Articles 3, 4, and 5, but a Boundary Line Adjustment is subject to Article 14 (Design Criteria) and such other provisions of these Regulations as by their terms apply.

801.02 Applicability

If it is determined that the application meets the criteria of any other process outlined in these Regulations, or the applicant is using the Boundary Line Adjustment process to circumvent the 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 or other appropriate process, as identified in these Regulations.

802 Prerequisite

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

803 Criteria

An application for any Boundary Line Adjustment must meet, at a minimum, all of the following criteria. If the proposal can meet the additional criteria, as outlined in 805, it may be processed administratively as a Minor Boundary Line Adjustment.

803.01 Resulting parcels comply with the adopted standard platting conditions, County adopted Best Management Practices, and any other conditions determined applicable by the Planning Department.

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

803.03 Must comply with one of the following:

803.03.1 Will not increase the total number of parcels.

803.03.2 Resulting parcels were previously divided by a currently paved, County maintained road or a state or federal highway and proposed division is consistent with that physical division.

803.03.2.1 All resulting parcels can meet minimum acreage requirements for newly created lots.

803.03.3 Resulting parcels are publicly owned land proposed for transfer into private ownership and at least some of which are then combined with existing adjacent private lands. If the proposal meets this criteria, it may be exempt from 803.05.

803.04 Parcels zoned Mountain Residential - Single-Family Units (MR-1) or Mining One (M-1) are able

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to meet area requirements as follows:

- 803.04.1 Lots less than two (2) acres in size which were legally created prior to 2 April 1979, shall not be decreased to less than one (1) acre.
 - 803.04.2 All lots created after 2 April 1979, are required to be a minimum of two (2) acres.
 - 803.04.3 Legally created parcels less than one (1) acre shall not be decreased in size unless a Variance from this requirement has been granted by the Board of Adjustment.
- 803.05 Resulting Parcels will all have legal access and all proposed driveways can meet adopted driveway standards.
- 803.05.1 Any new roadway proposed to serve five or more residences must meet adopted roadway design standards.

804 Submittal Process

This submittal process shall apply to all Boundary Line Adjustments, unless the application meets the criteria for a Minor Boundary Line Adjustment.

- 804.01 The applicant shall submit one (1) copy of the submittal to the Planning Department.
- 804.02 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.
- 804.03 The Planning Department will conduct a site characteristics analysis and perform a site visit to verify these characteristics. Once the submittal is determined completed (by the Planning Department), staff 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 proposal. The applicable agencies shall be determined per case.
- 804.04 Adjacent property owners and referral agencies shall be given twenty-one (21) calendar days prior to the Board of County Commissioners' public hearing to comment.
- 804.05 If the application includes a request for a utility easement vacation, all known utility companies within the area will be notified and shall be given twenty-one (21) calendar days prior to the Board of County Commissioners' public hearing to comment.
- 804.06 The Planning Department will review the referral comments, discuss the concerns with the applicant, prepare a staff report for the Board of County Commissioners (Board) and notify the applicant of the hearing date and time and the number of submittals required for the Board.
- 804.07 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 Board's public hearing.
- 804.08 The Board shall evaluate the application, referral comments, staff report, and public testimony, and shall approve, approve with conditions, or deny the Boundary Line Adjustment. 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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804.09 If deemed appropriate, the Board may remand the case to the Planning Commission for review and recommendation prior to making a decision.

805 Minor Boundary Line Adjustment

805.01 Purpose

The Minor Boundary Line Adjustment process, an administrative process conducted by the Planning Department, is intended to revise real property boundaries between up to four (4) existing parcels of land (*revised 12/18/18*).

805.02 Criteria

In addition to meeting the criteria in 803, an application must meet, at a minimum, the following.

805.02.1 Will not increase the total number of parcels

805.02.2 Parcels zoned Mountain Residential - Single-Family Units (MR-1) or Mining One (M-1) which are legally created parcels less than one acre shall not be decreased in size unless a Variance from this requirement has been granted by the Board of Adjustment and all of the resulting parcels have existing permitted principal uses.

805.02.3 No more than four (4) parcels of land may be involved in a Minor Boundary Line Adjustment (*revised 12/18/18*).

805.02.4 The adjustment shall not create a larger lot, parcel or tract that could be further subdivided outside of a County subdivision process (*revised 12/18/18*).

805.03 Submittal Process

The following submittal process shall apply to all Minor Boundary Line Adjustments:

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

805.03.2 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.

805.03.3 Once the submittal is determined complete (by the Planning Department), the Planning Department may conduct a site characteristics analysis and perform a site visit to verify these characteristics and determine if the application meets the criteria for a Minor Boundary Line Adjustment (*revised 12/18/18*).

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

805.03.4 If the application meets the criteria of the Minor Boundary Line Adjustment, as determined by the Planning Department, staff will notify immediately adjacent property owners of the subject parcels and any referral agencies that may be affected by the proposed division. The applicable agencies shall be determined per case and based upon the site characteristics analysis (*revised 12/18/18*).

805.03.5 Adjacent property owners and referral agencies shall be given twenty-one (21) calendar days to comment.

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805.03.7 Appeals may be filed by any aggrieved party and must be submitted in writing to the Planning Department within twenty-one (21) calendar days following publication.

805.03.7.1 If there are no appeals, or appeals are received and resolved between parties, the Planning Department will provide, in writing, the conditions of final approval and notify the applicant of any modifications or requirements needed to finalize the application.

805.03.7.2 If an appeal cannot be resolved between parties, the case will go to the Board for a decision in a public hearing.

806 General Submittal Requirements for All Boundary Line Adjustments

In addition to the following submittal requirements, the Planning Department may request other materials or information as deemed necessary, before or during the process.

806.01 Application Form as provided by the Planning Department.

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

806.03 Deeds or other proof of ownership for the subject properties.

806.04 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.

806.05 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.

806.06 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.

806.07 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.

806.08 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:

806.08.1 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 division; a general legal description; and the case number.

806.08.2 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.

806.08.3 The boundaries of the proposed parcels shall be depicted in a heavy solid line.

806.08.4 Boundaries of adjacent properties or portions of those boundaries that are in immediate proximity of the parcels under consideration shall be depicted in a lighter line weight.

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- 806.08.5 Other elements that may be required are: existing and proposed roads; existing structures; utilities; earthwork; site modifications including location of wells and septic systems; existing and proposed contours; and easements.
- 806.08.6 If the proposal includes publicly owned land proposed for transfer into private ownership, it may be exempt from the site plan requirements, but a map depicting the proposal will be required.
- 806.09 If the application includes a request to vacate a utility easement, a list of all known utility companies providing service to the area.
- 807 Additional Submittal Requirements for All Boundary Line Adjustments
The following submittal requirements apply, except when determined inappropriate by the Planning Department or the Board.
- 807.01 Water Supply Report - evidence that a legal water supply sufficient in terms of quality and quantity is available as follows:
- 807.01.1 If the proposal is located within an existing water or special district, a letter stating the properties are currently served by the district or 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.
- 807.01.2 If the proposal is served or proposed to be served by individual wells, copies of the Well Permits issued by the Division of Water Resources or other evidence that a legal water supply is available to serve the proposed properties.
- 807.01.3 If required by the Planning Department, an analysis prepared by a water attorney, water consultant, or water engineer that provides evidence that the physical and legal water supply is available.
- 807.02 Sewage Disposal System Report - evidence of the physical and legal capability to provide sanitation as follows:
- 807.02.1 If the proposal is located within an existing sewer or special district, a letter stating the properties are currently served by the district or a letter of commitment stating the capacity to serve the proposed properties and feasibility of extending service to that area.
- 807.02.2 If the proposal is served by existing onsite wastewater treatment systems, copies of any OWTS Permits and a letter from a Colorado licensed Professional Engineer stating the systems are not failing shall be provided (*revised 12/18/18*).
- 807.02.3 If the proposal is planning to be served by onsite wastewater treatment systems, evidence that the following requirements are met. Such evidence shall be prepared and stamped by a Colorado licensed Professional Engineer (*revised 12/18/18*).
- 807.02.3.1 Each system and leach field shall be in accordance with the County Onsite Wastewater Treatment System regulations (*revised 12/18/18*).
- 807.02.3.2 There shall be a ban on the use of other than low phosphorus detergents.

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- 807.03 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.
- 807.04 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.
- 807.05 Fiscal Impact and Project Descriptive Report - a narrative explanation of the following project elements:
- 807.05.1 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.
 - 807.05.2 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:
 - 807.05.3 The projected yearly tax revenue at full build out using figures provided by the County Assessor.
 - 807.05.4 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.
- 807.06 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.
- 807.07 Traffic Report - the report shall minimally include:
- 807.07.1 All existing access to the properties from County, State, and Federal road systems/exit

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interchanges.

- 807.07.2 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.
- 807.07.3 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.
- 807.07.4 A 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.

807.08 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.

808 Final Documents

- 808.01 The Planning Department will notify the applicant of what is required to finalize the decision of the Board following the public hearing or following Conditional Approval by the Planning Director. The fully executed resolution and attachments, if applicable, shall be filed with the County Clerk and Recorder's Office.
- 808.02 Upon approval of the preliminary plan by the Board or the Planning Director, a certified Land Survey Plat for all affected boundaries, or 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, may be required. This shall be submitted on mylar, as specified by the Planning Department.
 - 808.02.1 The approved Plat shall also be submitted in a digital form as specified by the County Mapping Department.
- 808.03 The applicant shall submit to the Planning Department new deeds reflecting the newly created legal descriptions for each parcel.
- 808.04 Final approval is not valid until the final Plat and Resolution are signed by the Board of County Commissioners, or the Findings of Fact are signed by the Planning Director, new deeds are received and all are recorded with the County Clerk and Recorder.
- 808.05 The applicant is responsible for payment of all recording fees associated with the final plan and deeds.
- 808.06 If the approved plan includes publicly owned land proposed for transfer into private ownership, it may be exempt from 808.02, however, a map will be required to accompany the Board's Resolution.