

# Clear Creek County Subdivision Regulations: Article 15

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## ARTICLE 15 EXEMPTIONS

### 1501 Intent

To establish criteria and a review process whereby the Board may grant exemptions from the definition of the terms "subdivision" and "subdivided land" for any division of land if the Board determines that such a division is not within the purpose of Article 28, Title 30 of the Colorado Revised Statutes. The Board has adopted five exemptions from the definition of the term "subdivision"; (1) Lot Combination, (2) Exemption by Resolution, (3) Exemption for Certain Illegal Divisions of Land – Unimproved, (4) Exemption for Certain Illegal Divisions of Land – Improved Without Proper County Occupancy Approval, and (5) Exemption for Certain Illegal Divisions of Land – Improved With Applicable County Occupancy Approval. When Article 15 is applicable, it supersedes Articles 3, 4, and 5, but Exemptions are subject to Article 14 (Design Criteria) and such other provisions of these Regulations as by their terms apply.

### 1502 Prerequisite

Prior to submittal of the exemption request, the applicant shall meet with the Planning Department to determine whether the exemption request meets the exemption criteria and to explain the procedure and submittal requirements. If it is determined that the application meets the criteria of any other process outlined in these Regulations, or the applicant is using the exemption process to circumvent the subdivision process, 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.

### 1503 Lot Combination

#### 1503.01 Purpose

The Lot Combination process is to eliminate real property boundaries between two or more parcels to result in one larger parcel. The process is intended to provide a streamlined approach because it has been identified that fewer lots in the unincorporated part of the county where there is no available public water or sewer is desirable. However, if there currently is public water and/or sewer availability, the County believes that further review of the lot combination request is warranted.

#### 1503.02 Criteria

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

1503.02.1 Applications that propose the combination of two or more lots where the resulting number of parcels is fewer than what was begun.

1503.02.2 Parcels being combined shall be contiguous with at least 10 feet of common boundary. This contiguity may span over a road or road right of way provided the width of the road or right of way is no further than 60', or by an intervening body of water.

1503.02.3 Parcels being combined shall be within the same taxing district as identified by the office of the Clear Creek County Assessor (*revised 12/18/18*).

#### 1503.03 Submittal Process

This submittal process shall apply to all Lot Combinations. If the proposal creates a larger lot, parcel or tract that could be further subdivided outside of a County subdivision process, it will require further review pursuant to 1503.04 (*revised 12/18/18*).

1503.03.1 The applicant shall submit one (1) copy of the submittal to the Planning Department.

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- 1503.03.2 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.
- 1503.03.4 The Planning Director shall evaluate the application, and shall approve or deny the request for Lot Combination. The Planning Director's decision shall be based on the evidence presented, compliance with the adopted standards, regulations, policies and other guidelines (*revised 12/18/18*).
- 1503.04 Additional Submittal Process  
The following process will be required for lot combinations that will create a larger lot, parcel or tract that could be further subdivided outside of a County subdivision process (*revised 12/18/18*).
- 1503.04.4 The Planning Department is responsible for publishing a notice in a newspaper of general circulation in Clear Creek County a minimum of fourteen (14) calendar days prior to the Board's public hearing.
- 1503.04.5 The Board, during a public hearing, shall evaluate the application, referral comments, staff report, and public testimony, and shall approve or deny the request for Lot Combination. The Board's decision shall be based on the evidence presented, compliance with the adopted standards, regulations, policies and other guidelines.
- 1503.05 Submittal Requirements
- 1503.05.1 Application Form and a signed and notarized Lot Combination Agreement as provided by the Planning Department.
- 1503.05.2 The appropriate fee(s), as established by the Board.
- 1503.05.3 Deeds or other proof of ownership for the subject properties.
- 1503.05.4 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 (*revised 12/18/18*).
- 1503.05.5 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.
- 1503.05.6 Letter(s) of "No Objection" from any known utility company if utility easements are proposed to be vacated. If utility easements exist and are not proposed to be vacated, a letter from the owner and/or utility company explaining why the easements are to remain.
- 1503.05.7 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 in order to determine conformance with criteria found at 1503.02.2 if conformance with such criteria cannot be determined otherwise.

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## 1503.06 Final Documents

1503.06.1 The Planning Department will notify the applicant of what is required to finalize the decision of the Board following the public hearing or following approval by the Planning Director. The fully executed agreement and attachments, if applicable, shall be filed with the County Clerk and Recorder's Office.

1503.06.2 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.

1503.06.2.1 The approved Plat shall also be submitted in a digital form as specified by the County Mapping Department.

## 1504 Exemption by Resolution

### 1504.01 Purpose

The Exemption by Resolution process is a subdivision exemption procedure used when a division of land is considered to have unique circumstances or, the Board of County Commissioners otherwise determines the request is not within the purpose of "subdivision" under CRS 30-28-101(10).

### 1504.02 Criteria

The proposal is unique in that it does not meet the criteria for any other process outlined in these Regulations, and the resulting parcels can comply with the conditions determined to be applicable by the Board.

### 1504.03 Submittal Process

This submittal process shall apply to all Exemptions by Resolution:

1504.03.1 The applicant shall submit one (1) copy of the submittal to the Planning Department.

1504.03.2 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.

1504.03.3 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.

1504.03.4 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 exemption. The applicable agencies shall be determined per case.

1504.03.5 Adjacent property owners and referral agencies shall be given twenty-one (21) calendar days to comment.

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1504.03.6 The Planning Department will review the referral comments, discuss the concerns with the applicant, prepare a staff report for the Board of County Commissioners and notify the applicant of the hearing date, time and place.

1504.03.7 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.

1504.03.8 The Board, during a public hearing, shall evaluate the application, referral comments, staff report, and public testimony, and make a decision to 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.

### 1504.04 Submittal Requirements

In addition to the following submittal requirements, the Planning Department may request other materials or information as deemed necessary due to the uniqueness of each case, before or during the process to facilitate a recommendation by the Planning Department to the Board.

#### 1504.04.1 General Submittal Requirements

The following submittal requirements shall apply to all Exemption by Resolution applications.

1504.04.1.1 Application Form as provided by the Planning Department.

1504.04.1.2 The appropriate fee(s), as established by the Board.

1504.04.1.3 Deeds or other proof of ownership for the subject properties.

1504.04.1.4 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.

1504.04.1.5 Certification from the County Treasure's Office that all ad valorem taxes have been paid no more than thirty (30) days old from the date of application.

1504.04.1.6 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.

1504.04.1.7 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.

1504.04.1.8 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:

1504.04.1.8.1 The title shall be placed at the top of the sheet along the long dimension of each sheet and shall include: the name

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of the proposed exemption; a general legal description; and the case number.

1504.04.1.8.2 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.

1504.04.1.8.3 The boundaries of all parcels involved in the proposal shall be depicted in a heavy solid line.

1504.04.1.8.4 Boundaries of adjacent properties or portions of those boundaries that are in immediate proximity of the proposal shall be depicted in a lighter line weight.

1504.04.1.8.5 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.

## 1504.05 Final Exemption Documents

1504.05.1 The Planning Department will notify the applicant of what is required to finalize the decision of the Board following the public hearing. The fully executed resolution and attachments, if applicable, shall be filed with the County Clerk and Recorder's Office.

1504.05.2 Upon approval of the preliminary exemption plan 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 may be required. This shall be submitted on mylar, as specified by the Planning Department.

1504.05.2.1 The approved Exemption Plat shall also be submitted in a digital form as specified by the County Mapping Department.

1504.05.3 The applicant shall submit to the Planning Department new deeds reflecting the newly created legal descriptions for each parcel.

1504.05.4 Final approval is not valid until the final Plat and Resolution are signed by the Board of County Commissioners, the new deeds (if applicable) are received and all are recorded with the County Clerk and Recorder.

## 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.

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- 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 onsite wastewater treatment system requirements. If sanitary treatment requirements cannot be met, the applicant(s) must apply for and receive a variance from the County Board of Health (*revised 12/18/18*).
- 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.

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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.

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- 1505.04.9.2 Depict all existing and proposed roads, utilities, earthwork, site modifications including location of wells and septs, 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 Onsite Wastewater Treatment System Report - evidence of the physical and legal capability to provide sanitation as follows: (*revised 12/18/18*)
  - 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 onsite wastewater treatment system(s) is proposed, evidence that the following requirements are met. Such evidence shall be prepared and stamped by a Colorado licensed Professional Engineer (*revised 12/18/18*).
    - 1505.04.11.2.1 Each treatment system and leach field shall be in accordance with county sanitary sewage disposal requirements (*revised 12/18/18*).
- 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

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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.

## 1506 Exemption for Certain Illegal Divisions of Land – Improved Without Proper County Occupancy Approval

### 1506.01 Purpose

The purpose of this exemption, an administrative process conducted by the Planning Department, is to provide a process to remedy some illegal divisions of land when, at the time of submittal of an application, the land is improved with a structure which has not received proper County occupancy approvals. For these purposes, “improved” means the land has been altered from its natural condition and contains a permitted principal use structure.

### 1506.02 Criteria

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

1506.02.1 The division of land was created without county approval between September 1, 1972 and January 7, 2009, the date of adoption of this process.

1506.02.2 An existing permitted principal use structure is located upon the illegal parcel(s). The existing illegal structure(s) must be certified through the applicable Building Department and/or Site Development Department processes, where applicable.

1506.02.4 Resulting parcel(s) and structure(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*.

1506.02.5 Resulting parcel(s) are 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.

1506.02.6 Resulting parcel(s) shall have a permitted ISDS, other approved method of sanitation, or the ability to obtain an approved method for sanitation in compliance 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.

1506.02.7 The applicant must be able to provide documentation of an adequate physical water supply for the resulting parcel(s).

1506.02.8 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.

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## 1506.03 Submittal Process

If the purpose of legalizing a specific parcel(s) is to obtain a building permit, this exemption process may be reviewed concurrently with the building permit plan review conducted by the Land Use Division. Upon approval of the exemption process and any other required variances or deviations, where applicable, the Planning Department will sign off for the issuance of a building permit.

1506.03.1 The applicant shall submit two (2) copies of the submittal to the Planning Department.

1506.03.2 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.

1506.03.3 The Planning Department will conduct a site characteristics analysis and perform a site visit to verify these characteristics and determine if the application meets the criteria for an administrative approval.

1506.03.4 The Planning Department will notify property owners adjacent to the subject parcel(s) and any referral agencies that may be affected by the proposed division. The applicable agencies shall be determined on a case by case basis.

1506.03.5 Adjacent property owners and referral agencies shall be given fourteen (14) calendar days to comment.

1506.03.6 The Planning Department shall evaluate the application and referral comments and shall approve, approve with conditions, or deny the exemption. The Planning Department's decision shall be based on the compliance with the adopted standards, regulations, policies and other guidelines.

1506.03.6.1 If the Planning Department denies the application, the applicant shall have the right to appeal the decision to the Board of County Commissioners in the form of a public hearing. Appeals must be filed within twenty-one (21) calendar days following the Planning Department's denial of the application.

## 1506.04 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.

1506.04.1 Application form as provided by the Planning Department.

1506.04.2 The appropriate fee(s), as established by the Board.

1506.04.3 Deeds and/or other proof of ownership for the subject properties.

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- 1506.04.4 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.
- 1506.04.5 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.
- 1506.04.6 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.
- 1506.04.7 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.
- 1506.04.8 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.
- 1506.04.9 Scaled Site Plan - the drawing shall, at a minimum, include the following items:
  - 1506.04.9.1 Scale and north arrow designated at true north.
  - 1506.04.9.2 Boundaries of the property.
  - 1506.04.9.3 If required by the Planning Department, surveyed existing contour lines depicted at five (5) foot intervals for proposed areas of disturbance (e.g., roads, driveways, homesites, wells and septics). For the remainder of the plan, surveyed existing contour lines depicted at ten (10) foot intervals.
  - 1506.04.9.4 Depict all existing and proposed building improvements, roads, utilities, earthwork, streams, site modifications including location of wells and septics, easements, and rights-of-way, where applicable.
  - 1506.04.9.5 Delineate setbacks from all property boundaries.
  - 1506.04.9.6 If required by the Planning Department, a surveyor setback verification form must be submitted for any property boundary or building setback in question.
- 1506.04.10 Water Supply Narrative – providing evidence that a physical water supply sufficient in terms of quality and quantity is available as follows:
  - 1506.04.10.1 For a division of land located within an existing water or special district, proof of service to the proposed parcel(s).
  - 1506.04.10.2 For a division of land where an individual well(s) exists, information that the well(s) is sufficient to serve the proposed parcel(s). If available, a copy of the state approved well permit(s) shall be submitted.
  - 1506.04.10.3 For a division of land where an individual well(s) or some other form of water supply is proposed, evidence that a physical water supply is available and is adequate to serve the proposed use.

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1506.04.11 Onsite Wastewater Treatment System Narrative – providing evidence of the physical and legal capability to provide sanitation as follows: (*revised 12/18/18*)

1506.04.11.1 For a division of land located within a sanitation district, proof of service to the proposed parcel(s).

1506.04.11.2 For a division of land where an onsite wastewater treatment system currently exists or is proposed, evidence that the treatment system and leach field are in accordance with the County Onsite Wastewater Treatment System regulations (*revised 12/18/18*).

1506.04.12 General Requirements – when deemed necessary by the Planning Director, 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 by the applicant entirely. An irrevocable letter of credit or other security approved by the County Attorney may be required to ensure such improvements.

## 1506.05 Final Documents

1506.05.1 If required by the Planning Department, the applicant shall submit a new deed(s) reflecting the legal description for the newly created parcel(s).

1506.05.2 Final approval is not valid until the resolution is signed by the Planning Director and the new deed(s), if applicable, is received and recorded with the County Clerk and Recorder.

## 1507 Exemption for Certain Illegal Divisions of Land - Improved With Valid County Occupancy Approval

### 1507.01 Purpose

The purpose of this exemption, an administrative process conducted by the Planning Department, is to provide a process to remedy some illegal divisions of land when, at the time of submittal of an application, the land has been improved with applicable County occupancy approval. For these purposes, “improved” means the land has been altered from its natural condition and contains a permitted principal use structure.

### 1507.02 Criteria

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

1507.02.1 The division of land was created without county approval between September 1, 1972 and January 7, 2009, the date of adoption of this process.

1507.02.2 An existing permitted principal use structure with valid occupancy approval is located upon the illegal parcel(s).

1507.02.3 Resulting parcel(s) and structure(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*.

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1507.02.4 Resulting parcel(s) are 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.

1507.02.5 Resulting parcel(s) shall have a permitted ISDS, other approved method of sanitation, or the ability to obtain an approved method for sanitation in compliance 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.

1507.02.6 The applicant must be able to provide documentation of an adequate physical water supply for the resulting parcel(s).

1507.02.7 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.

### 1507.03 Submittal Process

If the purpose of legalizing a specific parcel(s) is to obtain a building permit, this exemption process may be reviewed concurrently with the building permit plan review conducted by the Land Use Division. Upon approval of the exemption process and any other required variances or deviations, where applicable, the Planning Department will sign off for the issuance of a building permit.

1507.03.1 The applicant shall submit two (2) copies of the submittal to the Planning Department.

1507.03.2 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.

1507.03.3 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 an administrative approval.

1507.03.4 The Planning Department shall evaluate the application and shall approve, approve with conditions, or deny the exemption. The Planning Department's decision shall be based on the compliance with the adopted standards, regulations, policies and other guidelines.

1507.03.4.1 If the Planning Department denies the application, the applicant shall have the right to appeal the decision to the Board of County Commissioners for in the form of a public hearing. Appeals must be filed within twenty-one (21) calendar days following the Planning Department's denial of the application.

### 1507.04 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.

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- 1507.04.1 Application form as provided by the Planning Department.
- 1507.04.2 The appropriate fee(s), as established by the Board.
- 1507.04.3 Deeds and/or other proof of ownership for the subject properties.
- 1507.04.4 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.
- 1507.04.5 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.
- 1507.04.6 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.
- 1507.04.7 Water Supply Narrative – providing evidence that a physical water supply sufficient in terms of quality and quantity is available as follows:
  - 1507.04.7.1 For a division of land located within an existing water or special district, proof of service to the proposed parcel(s).
  - 1507.04.7.2 For a division of land where an individual well(s) exists, information that the well(s) is sufficient to serve the proposed parcel(s). If available, a copy of the state approved well permit(s) shall be submitted.
  - 1507.04.7.3 For a division of land where an individual well(s) or some other form of water supply is proposed, evidence that a physical water supply is available and is adequate to serve the proposed use.
- 1507.04.8 Onsite Wastewater Treatment System Narrative – providing evidence of the physical and legal capability to provide sanitation as follows: *(revised 12/18/18)*
  - 1507.04.8.1 For a division of land located within a sanitation district, proof of service to the proposed parcel(s).
  - 1507.04.8.2 For a division of land where an onsite wastewater treatment system currently exists or is proposed, evidence that the treatment system and leach field are in accordance with the County Onsite Wastewater Treatment System regulations *(revised 12/18/18)*.
- 1507.04.9 General Requirements – when deemed necessary by the Planning Director, 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 by the applicant entirely. An irrevocable letter of credit or other security approved by the County Attorney may be required to ensure such improvements.

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## 1507.05 Final Documents

1507.05.1 If required by the Planning Department, the applicant shall submit a new deed(s) reflecting the legal description for the newly created parcel(s).

1507.05.2 Final approval is not valid until the resolution is signed by the Planning Director and the new deed(s), if applicable, is received and rec