

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

Clear Creek County Planning Department
P.O. Box 2000
Georgetown, Colorado 80444
(303) 679-2436 - phone
(303) 569-1103 - fax

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*.

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 of approval, approval with conditions, or denial. 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.

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.

1507.04.45 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 Sewage Disposal System Narrative – providing evidence of the physical and legal capability to provide sanitation as follows:

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 individual sewage disposal system currently exists or is proposed, evidence that the sewage treatment system and leach field are in accordance with the County Individual Sewage Disposal System regulations.

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 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.

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 recorded with the County Clerk and Recorder.

WARNING!

The following pages are form fill pages.
Not all browsers submit the following pages properly.
DO NOT USE GOOGLE CHROME
At this time, Google Chrome will not work with form fill.
Please choose another browser to complete your
application.
As always, save a copy for your files and call to verify
that your form submitted properly.

**DO NOT ASSUME THAT WE HAVE
RECEIVED YOUR APPLICATION.**

If you are attempting to make payment please wait for someone at Clear Creek
County to call you to collect payment. **DO NOT SUBMIT YOUR FORMS WITH
ANY CREDIT CARD INFORMATION.**

Checks made out to Clear Creek County can be sent to the following address:

Clear Creek County
Land Use Department
PO Box 2000
Georgetown, CO 80444
Phone: 303-679-2436 Fax: 303-569-1103
planning@co.clear-creek.co.us

Please call with any questions or to verify that your permit has submitted
successfully!

CLEAR CREEK COUNTY PLANNING DEPARTMENT
Post Office Box 2000
Georgetown, CO 80444
303.679.2436

Exemption for Certain Illegal Divisions of Land

(Select One)

Unimproved (\$700)

Improved with Valid County Occupancy Approval (\$200)

Improved without Proper County Occupancy Approval (\$300)

**Included is a \$100 required fee to process and create vested property rights*

OWNER(S): _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

EMAIL ADDRESS: _____

HOME PHONE: _____ WORK PHONE: _____

APPLICANT(S): _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

EMAIL ADDRESS: _____

HOME PHONE: _____ WORK PHONE: _____

LEGAL DESCRIPTION OF PROPERTY (1/4 Section & Section-Township-Range or Subdivision-Lot & Block):

PARCEL IDENTIFICATION NUMBER (PIN): _____

CURRENT NUMBER OF LOTS: _____ ACREAGE OF EACH: _____

NUMBER OF LOTS PROPOSED FOR LEGALIZATION: _____ ACREAGE OF EACH: _____

DESCRIBE REASON FOR REQUEST:

I (we) do hereby certify that the information contained in or presented in connection with this application is true and accurate to the best of my (our) knowledge and belief. I (we) do hereby further agree to abide by the agreements, conditions and stipulations that are a part of this request.

I (we) understand that the Planning Department staff will need to go onto my (our) property in order to process this request.

OWNER(S): _____ DATE _____

OWNER(S): _____ DATE _____

APPLICANT(S): _____ DATE _____