

EXEMPTION BY RESOLUTION PROCESS GUIDE

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

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 two exemptions from the definition of the term "subdivision"; (1) Lot Combination, and (2) Exemption by Resolution. 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.

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.

VESTED PROPERTY RIGHTS

As part of this process, the county will simultaneously process the vested property rights for the Exemption by Resolution Final Exemption plat.

What are "vested property rights"? - In accordance with Colorado statutes, the County retains the power to change zoning/subdivision regulations and other land use regulations from time to time. In short, Colorado law holds that the landowner or developer has the right to complete an approved development under the rules that are in place at the time of the approved plat and that the County cannot enforce any newly adopted land use regulations on the approved plat during the vesting period.

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).

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.

SUBMITTAL PROCESS

This submittal process shall apply to all Exemptions by Resolution:

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

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 notification will inform them of the proposal and that Exemption by Resolution cases will automatically grant vested property rights upon approval from the Board. The applicable agencies shall be determined per case.
5. Adjacent property owners and referral agencies shall be given twenty-one (21) calendar days to comment.
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.
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 to notify the public of the proposal and the vested property rights to be considered.
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.
9. In the event the Board approves the proposal, no more than 14 days after Board approval, the Planning Department will publish a notice in a newspaper of general circulation in Clear Creek County describing generally the type and intensity of use approved, the specific parcel or parcels of property affected, and stating that vested property rights have been created.

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.

- Application Form as provided by the Planning Department.
- The appropriate fee(s), as established by the Board.
- Deeds or other proof of ownership for the subject properties.
- 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.
- 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.
- Vicinity Map - submitted on a 8 $\frac{1}{2}$ " x 11" sheet of paper, that indicates the location of the subject

properties in relation to the general context of the County.

- 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.
- 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:
 - 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 exemption; a general legal description; and the case number.
 - 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.
 - The boundaries of all parcels involved in the proposal shall be depicted in a heavy solid line.
 - 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.
 - 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.

FINAL EXEMPTION DOCUMENTS

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.
2. Upon approval of the preliminary exemption plan by the Board, a full certified Land 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.
 - A. The approved Exemption Plat shall also be submitted in a digital form as specified by the County Mapping Department.
3. The applicant shall submit to the Planning Department new deeds reflecting the newly created legal descriptions for each parcel.
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.

DESIGN CRITERIA

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.

Applicability

This Article is applicable to any division of land.

Overall Design Criteria

1. 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.

2. Waterway and Wetland Protection

- A. 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.
- B. 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.
- C. Soil disturbance and structures are prohibited within the 100-year flood plain.

3. Ridgeline Protection

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

4. 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.

5. 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.
6. 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.
7. 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.
8. 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.

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:

1. To protect prominent natural landforms/landmarks, distinctive natural features, and significant stands of native vegetation.
2. To protect wetlands, 100-year flood plain, and surface water.
3. To buffer or provide transitions between different land uses.
4. To protect significant wildlife habitats.
5. To avoid significant natural hazard areas.
6. To protect historical and archaeological sites on the state and national register of historic places or of local significance.

Subdivision Improvements

1. 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.

2. 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.
3. 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.

Roads

1. 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.
2. 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.
3. These improvements may be imposed in lieu of, or offset by, County adopted impact fees.
4. 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.

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.

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:

1. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area.
2. Lots shall be laid out to provide positive drainage away from all building envelopes.
3. Drainage shall be designed so that any concentration of storm drainage from any lot to an adjacent lot will be mitigated.
4. Appropriate off-site and on-site drainage easements shall be obtained.

Soil Suitability

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

2. 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.

Fiscal Impacts to Existing Services

1. 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.
2. School District - Measures shall be provided to sufficiently address the needs of the school district.
3. 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.

Required Dedications and Easements

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

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.

Guarantee of Public Improvements

1. 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:
 - A. 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.
 - B. 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.
2. 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.

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!

EXEMPTION BY RESOLUTION APPLICATION

Application Fee is \$700

An additional \$100 fee will be required to process and create vested property rights

Total Application Fee: \$800

CLEAR CREEK COUNTY PLANNING DEPARTMENT

Post Office Box 2000 Georgetown, CO 80444

303-679-2436

OWNER(S) _____

MAILING ADDRESS _____

CITY _____ STATE _____ ZIP _____

EMAIL ADDRESS _____

HOME PHONE _____ WORK PHONE _____

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 _____

PARCEL NUMBER _____ Legal Description _____

1/4 Section & Section-Township-Range or Subdivision-Lot & Block

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 _____