

MINOR BOUNDARY LINE ADJUSTMENT PROCESS GUIDE

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

PURPOSE

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.

1. 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.
2. 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.

The Minor Boundary Line Adjustment process, an administrative process conducted by the Planning Department, is intended to revise real property boundaries in cases where a) no new building sites are being proposed, b) existing encroachments or encroachments of a developed parcel(s) will be resolved, or c) identified deed conflicts will be resolved. The Minor Boundary Line Adjustment process does not apply if the application includes a request to vacate a utility easement.

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.

VESTED PROPERTY RIGHTS

As part of this process, the county will simultaneously process the vested property rights for the Minor Boundary Line Adjustment 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.

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 this Guide, it may be processed administratively as a Minor Boundary Line Adjustment.

1. Resulting parcels comply with the adopted standard platting conditions, County adopted Best Management Practices, and any other conditions determined applicable by the Planning Department.
2. Resulting parcels comply with all applicable zoning, building, fire and health codes, rules and regulations.
3. Must comply with one of the following:
 - A. Will not increase the total number of parcels.
 - B. Resulting parcels were previously divided by a currently paved, county maintained road or state or federal highway and proposed division is consistent with that physical division.
 1. All resulting parcels can meet minimum acreage requirements for newly created lots.
 - C. 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 these criteria, it may be exempt from 803.05.
4. Parcels zoned Mountain Residential - Single-Family Units (MR-1) or Mining One (M-1) are able to meet area requirements as follows:
 - A. Lots less than two (2) acres in size which were legally created prior to April 2, 1979, shall not be decreased to less than one (1) acre.
 - B. All lots created after April 2, 1979, are required to be a minimum of two (2) acres.
 - C. 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.
5. Resulting Parcels will have legal access and all proposed driveways can meet adopted driveway standards.
 - A. Any new roadway proposed to serve five or more residences must meet adopted roadway design standards.

ADDITIONAL CRITERIA

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

1. Will not increase the total number of parcels.
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.
3. No more than four (4) parcels of land may be involved in a Minor Boundary Line Adjustment.
4. The adjustment shall not create a larger lot, parcel or tract that could be further subdivided outside of a County subdivision process.

PREAPPLICATION CONFERENCE: 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 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 process of the County Subdivision Regulations.

SUBMITTAL PROCESS

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

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.
3. The applicant shall be notified of any inadequacies, missing, or incomplete documentation. An incomplete submittal shall not be processed.
4. 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.
5. 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.
6. 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.
7. Adjacent property owners and referral agencies shall be given twenty-one (21) calendar days to comment.
 8. 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.
 9. 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.
 10. If an appeal cannot be resolved between parties, the case will go to the Board for a decision in a public hearing.

GENERAL SUBMITTAL REQUIREMENTS

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

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 Treasurer'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 $\frac{1}{2}$ " 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 division; 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 the proposed parcels shall be depicted in a heavy solid line.
- ▶ 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.
- ▶ 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.

ADDITIONAL SUBMITTAL REQUIREMENTS

The following submittal requirements apply, except when determined inappropriate by the Planning Department or the Board.

Water Supply Report - evidence that a legal water supply sufficient in terms of quality and quantity is available as follows:

- ▶ 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.

- ▶ 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.
- ▶ 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.

Sewage Disposal System Report - evidence of the physical and legal capability to provide sanitation as follows:

- ▶ 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.
- ▶ If the proposal is served by existing onsite wastewater treatment system, copies of any OWTS Permits and a letter from a Colorado licensed Professional Engineer stating the systems are not failing shall be provided.
- ▶ 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.
 - A. Each system and leach field shall be in accordance with the County Onsite Wastewater Treatment System regulations.
 - B. There shall be a ban on the use of other than low phosphorus detergents.

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 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.

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 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.

Fiscal Impact and Project Descriptive Report - a narrative explanation of the following project elements:

- ▶ 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.
- ▶ 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:
- ▶ The projected yearly tax revenue at full build out using figures provided by the County Assessor.
- ▶ 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.

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.

Traffic Report - the report shall minimally include:

- ▶ All existing access to the properties from County, State, and Federal road systems/exit interchanges.

- ▶ 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.
- ▶ 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.
- ▶ 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.

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.

FINAL DOCUMENTS

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 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.
2. 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 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.
3. The approved Plan shall also be submitted in a digital form as specified by the County Mapping Department.
4. The applicant shall submit to the Planning Department new deeds reflecting the newly created legal descriptions for each parcel.
5. Final approval is not valid until the final Plat and Resolution are signed by the Board of County Commissioners or Planning Director, the new deeds are received and all are recorded with the County Clerk and Recorder.
6. The applicant is responsible for payment of all recording fees associated with the final plan and deeds.

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

- A. 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-ways 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 judgment 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 judgment 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!

MINOR BOUNDARY LINE ADJUSTMENT EXEMPTION APPLICATION

Application Fee is \$500

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

Total Application Fee: \$600

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

PARCEL NUMBER _____ Legal Description _____
1/4 Section & Section-Township-Range or Subdivision-Lot & Block

PARCEL NUMBER _____ Legal Description _____
1/4 Section & Section-Township-Range or Subdivision-Lot & Block

PLEASE PROVIDE A BRIEF DESCRIPTION OF PROPOSED BOUNDARY LINE ADJUSTMENT(S):

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 _____