

Application Review Process
GUIDES

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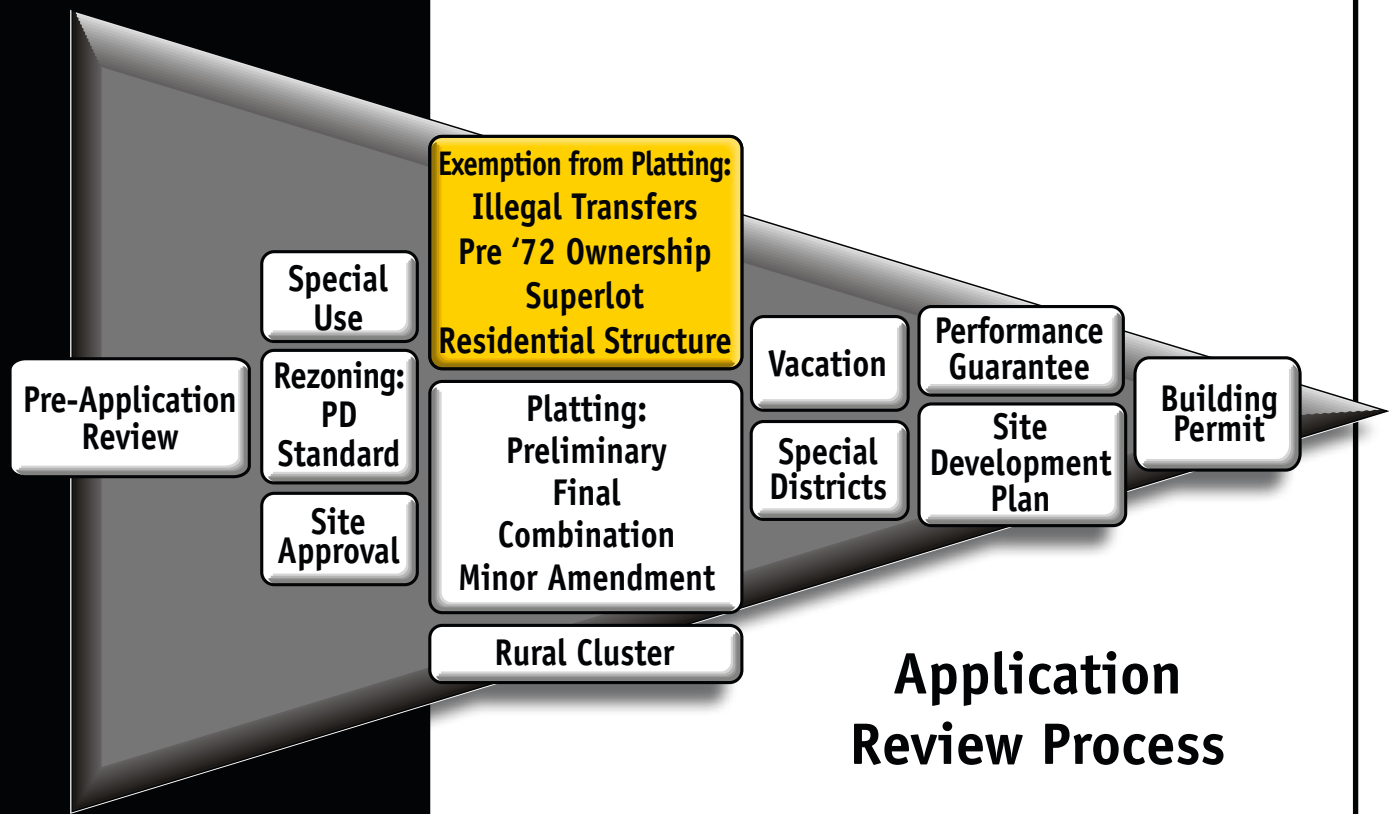
Exemption from Platting Process Illegal Transfers of Land

This guide describes the Exemption from Platting Process for Illegal Transfers of land. Users should utilize this guide in conjunction with the Policy and Procedural Manual, Land Development Regulation and the Pre-Application Review guide.

State Statute requires that the Board of County Commissioner's approve any subdivision of land that creates a new parcel or increases or decreases the size of an existing parcel of land. Purchasing a 5-foot strip of land, or a 10-acre strip of land, from a neighbor and recording the sale creates an Illegal Transfer of Land.

Specifically, Senate Bill 35 requires that any parcel of land less than 35 acres that was created after May 1972 must have been approved by the Board of County Commissioners to be considered "valid" and legal. The Bill also allows the Board of County Commissioners to exempt from the definition of the terms "subdivision" or "subdivided land" certain cases if specific requirements are met.

If the specific criteria can be met, the Exemption from Platting Process resolves the illegal transfer of property without requiring the land owner to undergo the Preliminary and Final Plat Processes.



Application Review Process

Exemption From Platting Criteria

To qualify for an Exemption from Platting to Legalize an Illegal Division of Land, the owner must demonstrate all of the following:

1. That the owner swears that they were unaware of the illegality of the sale at the time of transfer;
2. That only one single parcel will be legalized, regardless of the number of illegally created contiguous parcels acquired in the sale;
3. That the owner can demonstrate a diligent and unsuccessful attempt to obtain relief from the sale through normal judicial procedures; and
4. That the owner has not been granted any other exemption to legalize an illegal division. The understanding being that once the legislative intent, provisions and requirements of Part 1, Art. 28, Title 30 C.R.S. have been discovered by the owner, said owner would be aware of such problems in future land acquisitions.
5. That the lot meets the minimum area requirements for the proposed use in the property's zone district. If the land does not have the appropriate zoning, a rezoning will be required. The rezoning must be processed either prior to, or concurrent with, the Exemption From Platting Application. For additional information, please see the Rezoning Guide.

Residential Structure Exclusion

In some circumstances, a property may qualify for the Residential Structure Exclusion (RSE) Process. The RSE is an administrative process that skips the Board of County Commissioners Hearing. See the RSE guide if you qualify. To qualify for a Residential Structure Exclusion, all of the following criteria must be met:

1. A residential structure exists on the lot or parcel created by the illegal division of land
2. The current owner of the residential structure did not create the illegal lot or parcel and the owner affirms that they were unaware of the illegality of the sale at the time of transfer.
3. The illegal lot or parcel was created before September 10, 2002. (The date of the adoption of the Residential Structure Exclusion Process)
4. The lot or parcel size complies with the zone district minimum land area requirements that existed at the time the lot or parcel was subdivided. If the lot or parcel size did not comply with the zone district requirements, the owner must obtain a variance for the lot or parcel size to be eligible for this exemption.
5. The type of system and the minimum lot or parcel size complied with Jefferson County Health and Environment's requirements that existed at the time the lot or parcel was subdivided when an individual sewage disposal system serves the residential unit. If the type of system or the lot or parcel size did not comply with Health and Environment's minimum requirements, the owner must obtain a variance from Health and Environment for the type of system or the lot or parcel size to be eligible.
6. The residential structure is served by a public or private central water system or by a lawful in-place well.
7. Appropriate permits were obtained for the residential structure, including without limitation, building, sewage disposal system, well, access, and driveway.
8. An Exemption Survey is submitted that shows the parcel size and the location of the residential structure in relationship to the lot or parcel boundaries. When an individual well and/or an individual sewage disposal system serves the residential unit, the survey must show the location of the well and/or sewage disposal system in relationship to the lot or parcel boundaries, unless waived by Jefferson County Health and Environment. Prior to recording, all structures, wells and sewage disposal systems must be removed from the survey.
9. The access to the lot or parcel complies with the Building Permit requirements of the Zoning Resolution.

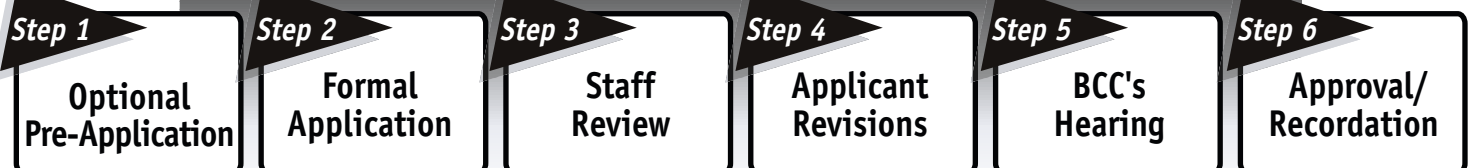
The Process

All applications for an Exemption from Platting Process for an illegal transfer of land are encouraged to complete the Pre-Application Review process before submitting the formal Exemption from Platting application.

The Exemption from Platting Process to legalize an illegal transfer of land is a 6-step process which concludes with a decision by the Board of County Commissioners (BCC).

Please note that actual review times may vary based upon the specifics of the application and upon the responsiveness of the applicant in providing information and corrections. If you have any questions regarding the Exemption From Platting process, please contact the Jefferson County Planning and Zoning Division at 303-271-8700.

Typical Exemption from Platting Process



Step 1 Pre-Application Review Meeting

Prior to the submittal of a formal application, applicants are encouraged to complete an optional Pre-Application Review process. This process was developed to improve communication between applicants and county staff. The intended result is a more efficient application review process.

Step 2 Formal Application

The applicant shall submit the completed application form, fees and support documents in the manner and quantity identified by their Case Manager. The applicant must set up an appointment with the Case Manager to review the application submittal. The Case Manager will review the submittal package for completeness at this meeting. A submittal package that is not complete in terms of type and quantity of documents required or adequacy of the graphic provided will not be accepted for review.

The applicant is responsible for identifying and notifying individual property owners. If the subject property is located in the mountain region of Jefferson County (west of the Hogback) all individual property owners within 1320 feet (1/4 mile) from the subject property must be notified. If the subject property is located in the plains region of Jefferson County (east of the Hogback) all individual property owners within 500 feet from the subject property must be notified.

The applicant must also notify all registered homeowners associations within 1 mile of the subject property in the plains and 2 miles of the subject property in the mountains. The Planning and Zoning Division will provide the applicant with a list of homeowners associations and community groups to be notified by mail.

A complete description of the materials required for submittal with the exemption application is provided in the next section of this guide.

Step 3 Staff Review

The Case Manager will refer the application, referral fees and support documents to the county divisions and other agencies identified by the Case Manager. Agencies involved in the review process evaluate the Exemption From Platting application for impacts in a variety of areas such as traffic, water and sewer, fire, and wildlife.

The Case Manager will coordinate the staff review and provide the applicant the Staff Comments.

Step 4 Applicant Revisions

The applicant should work with the Case Manager to resolve all issues and prepare the application for Hearing. Depending on the extent and substance of the required revisions, subsequent referrals may be necessary. The Case Manager will determine the need for additional referrals.

Additional fees will be charged for resubmittals that do not address previously redmarked plans, comments and recommendations. Additional fees will also be charged for resubmittals that evidence new changes that are not in response to staff or referral agency redmarks, comments and recommendations.

If there is no written response to staff comments within 60 calendar days after referral comments are provided to the applicant, the application will be considered withdrawn. The applicant will then have to file a new application with the required fee and documents. The Planning and Zoning Director may extend this 60 day maximum response deadline for additional 60 days periods if, in their opinion the delay in response is out of the control of the applicant.

Step 5 Board of County Commissioners Hearing

Following the submittal of all required public hearing documents, staff will schedule the Board of County Commissioners public hearing.

The applicant will be responsible for posting a sign(s) on the subject property which serves as public notice that the application will be heard by the Board of County Commissioners. Sign(s) will be given to the applicant at least 15 calendar days prior to the scheduled hearing. It is the applicant's responsibility to post the sign(s) on the property a minimum of 14 calendar days prior to the hearing. One sign must be posted on each boundary of the property for each 500 feet of frontage on either a public or a private street up to a maximum of 6 signs. If the property does not have any street frontage at the time of posting, then a minimum of one sign must be posted on the property at the location most visible to the general public. Staff may require the posting of off-site signs, in the number deemed appropriate, if in the opinion of staff, signs on the property would not be readily seen by the general public.

At the public hearing, the applicant will provide a sworn certification that such notice was posted upon the subject property. The property must remain posted for the 14 calendar days prior to the hearing.

The Board of County Commissioners shall review the request, staff report, other evidence, and public testimony at one or more public hearings. Upon conclusion of the presentation of testimony, evidence and arguments in the hearing(s) before the Board of County Commissioners, the Board may render a decision which approves, approves with conditions, or denies the Exemption.

Step 6 Completion of Conditions of Approval/Recordation

Upon approval by the Board of County Commissioners, applicants must complete the Exemption From Platting process and comply with all conditions of approval within one (1) year. Failure to do so will result in the Exemption From Platting being considered null and void.

The Case Manager will notify the applicant of the conditions of approval. Applicants may be required to provide additional information depending on the specific nature of their application including, but not limited to, construction plans for public improvements, deeds for right-of-way and/or road or drainage easements, performance guarantees for public improvements or landscaping, and park and school fees. These items must all be completed prior to, or concurrent with, the recordation of the Exemption Survey Mylar. At the completion of the Exemption From Platting process, applicants may proceed to the building permit process.

Submittal Requirements



The items indicated below must be submitted to the Case Manager in order to process your request. Initially, one copy of each document should be submitted by the applicant for review by the Case Manager. At such time as the documents are deemed adequate, additional required copies will be requested by the Case Manager.

1. Application Form and Fee(s)

Completed application form, including community notification forms, balance of processing fee and referral fee(s).

2. Proof of Ownership

A copy of the current recorded deed (available in the Record Room, second floor of the Jefferson County Administration and Courts Building) or title commitment for the property(ies) involved in the request. Deeds of trust are not acceptable.

3. Proof of Water

The applicant must provide one of the following:

A. A written statement from the appropriate water district, verifying that all necessary water taps have been issued. (If water taps have not been issued, the letter from the water district must verify that water taps are available and a plat note must be added to the Exemption Survey restricting the issuance of a Building Permit until water taps have been issued.)

B. Well permit(s). Permit information can be obtained from the Colorado State Division of Water Resources at 303-866-3587. If the requirements for an Exemption from Platting are met and the exemption is approved, the State of Colorado Water Engineer will evaluate a well permit application (pursuant to CRS 37-92602) and will issue a well permit if the statutory provisions are met.

C. A court approved plan for water augmentation

4. Proof of Sewer

The applicant must provide one of the following:

A. A written statement from the appropriate sanitation district, verifying that all necessary taps are available or have been issued.

B. A written statement from the Jefferson County Health and Environment indicating the viability of obtaining individual septic permits.

5. Proof of Access

If the property does not have direct access to a county, state, city or town maintained street or road, the owner must provide at a minimum, a copy of an easement of record, at least 20 feet in width, proving access from a dedicated or maintained county, city, state, or town maintained street or road.

6. Proof of Fire Protection

A written statement from the appropriate fire district, indicating that they serve the referenced property.

7. Legal Description

A legal description of the entire property to be divided.

8. Deeds

Any deeds for dedications of rights-of-way or easements or any performance guarantees for public improvements.

9. Exemption Survey

An Exemption Survey in a format acceptable to the county (see Exemption Survey Format section of this guide for format and required elements).

10. Flood Plain Report

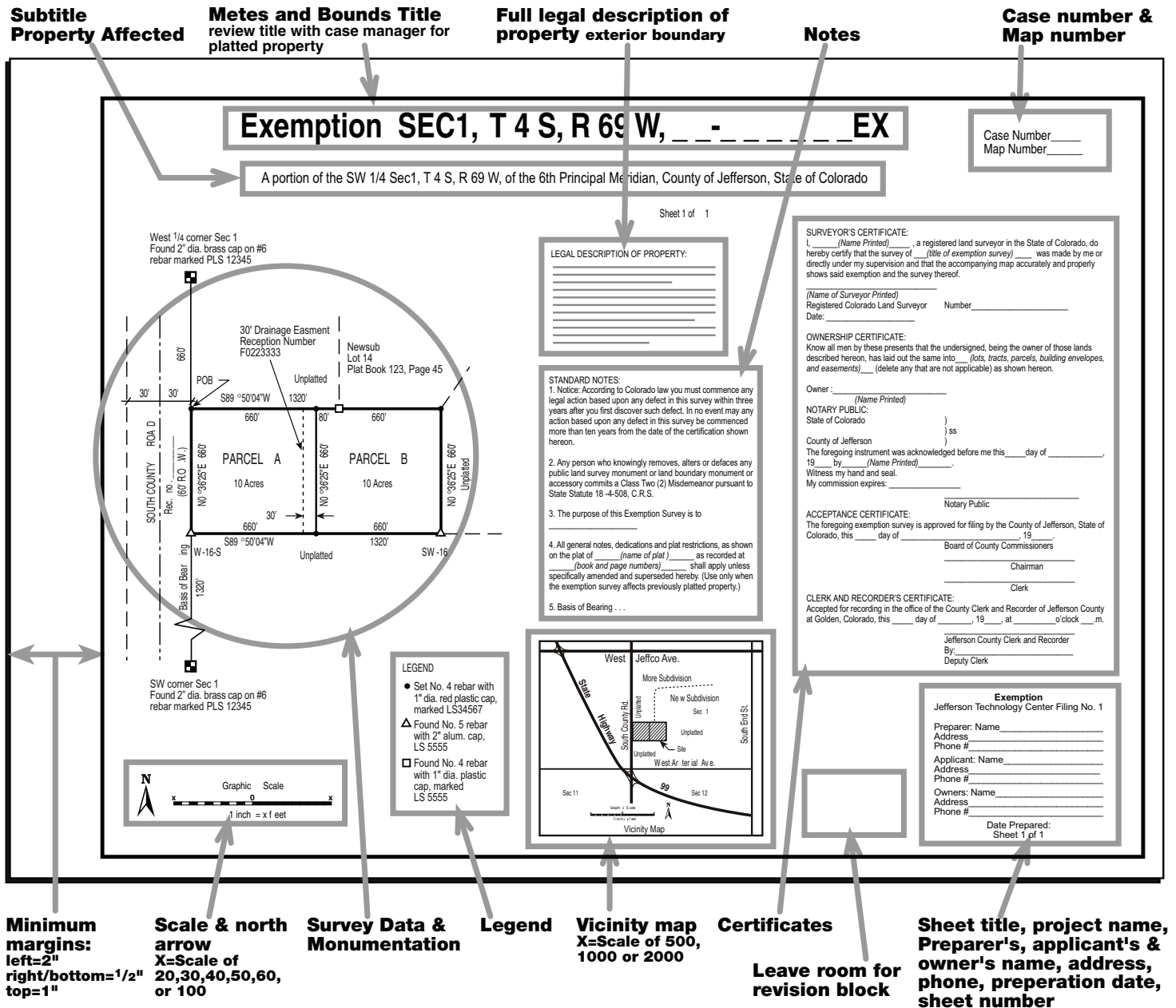
If development activity is proposed within the Floodplain Overlay District, a floodplain report and plan in accordance with the Zoning Resolution. For any modifications to the floodway a Conditional Letter of Map Revision must be obtained prior to exemption approval.

Other

Other reports, studies, or plans deemed necessary by the Planning and Zoning Division to address issues unique to the application. These items may be determined during the Pre-Application Review Process or identified in the referral to other agencies.

Exemption Survey Format

The following graphic indicates the required layout of an exemption survey. All surveys must be submitted in a 24" x 36" size format, multiple pages are acceptable when necessary. All paper surveys must be folded by the applicant to 9" x 12" in size. *Unfolded paper surveys will not be accepted.* The graphic shown below is provided for general reference only and should not be duplicated.



When the final Exemption Survey is submitted for recordation, the survey mylar must meet the following standards:

1. 24" X 36" in size (multiple sheets can be used).
2. Produced on mylar a minimum of three one-thousandth (0.003) of an inch in thickness, black line, with a matte finish on both sides.
3. Lettering a minimum of 0.10".
4. Survey must be free of corrections and erasures.
5. All signatures must be original on the mylar, affixed with black acetone based ink.

Exemption Survey Requirements

Exemption Surveys are subject to the regulations and policies of:

- Jefferson County Policy and Procedure 5.5
- Jefferson County Land Development Regulation
- Colorado State Statutes regulating the Practice of Surveying.
- Colorado State Board of Licensure for Professional Engineers and Professional Land Surveyors policies, bylaws and rules.

Certificates, Restrictions And Notes

The following certificates, acknowledgments, restrictions and notes shall be placed, when applicable, and appropriately signed and sealed on the final plat. With the approval of the Jefferson County Attorney's Office, the language of these certificates, restrictions and notes may be modified based on unique situations provided such modification protects the interests of Jefferson County.

Legal Description of Property: The boundary survey shall be an accurate reflection of the legal description. The method of description shall be by use of metes and bounds, except that in resubdivision, the subdivision, block, tract, and/or lot shall also be described. The legal description shall be in the following forms.

DESCRIPTION: A parcel of land in the _____ 1/4 of Section _____ Township _____ South, Range _____ West of the Sixth Principal Meridian, County of Jefferson, State of Colorado, more particularly described as follows:

- By land description such as:

_____ feet of the _____ 1/2 of the _____ 1/4 of Section _____, Township _____ South, Range _____ West, County of Jefferson, State of Colorado.

- By subdivision, block and lot numbers. Pertains only to resubdivisions of previously recorded plats.
- By metes and bounds, incorporating a complete closed traverse meeting the conditions and accuracy as specified in 5.2 of this Part. Show the area in acres to the nearest 0.1 acre, more or less, involved in the subdivision.

Acceptance Certificate: The Acceptance Certificate shall read as follows:

The foregoing Exemption Survey is approved for filing by the County of Jefferson, State of Colorado, this _____ day of _____, 20 ____.

Clerk

Board of County Commissioners Chairman

Clerk and Recorder's Certificate: The Clerk and Recorder's Certificate shall read as follows.

Accepted for filing in the Office of the County Clerk and Recorder of Jefferson County at Golden, Colorado, this day of _____, 20 ____.

Reception Number _____
Time _____

County Clerk and Recorder

By: Deputy Clerk

Surveyor's Certificate: The Surveyor's Certificate shall read as follows:

I, (name-printed) , a Registered Land Surveyor in the State of Colorado, do hereby certify that the survey of (title of Exemption Survey) was made by me or directly under my supervision on or about the _____ day of _____, 20____, and that the accompanying plat accurately and properly shows said subdivision and the survey thereof.

Registered Colorado Land Surveyor

SEAL

Number _____
Date _____

Ownership Certificates:

- All individuals shall sign their names as shown on the Deed of Ownership, or as shown on Deeds of Trust, mortgages, liens, etc.
- Corporation ownership or interest shall be shown by the official signatures of the necessary officers of the Corporation. The full name of the Corporation shall be shown above their signatures and the seal affixed.

(use for a single owner)

Know all men by these presents that the undersigned, being the owner of those lands described hereon, has laid out the same into _____ (*lots, tracts, parcels, building envelopes, and easements*) (delete any that are not applicable) as shown hereon.

Owner : _____
(Name Printed)

NOTARY PUBLIC:

State of Colorado)

) ss

County of Jefferson)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by _____ (*Name Printed*).

Witness my hand and seal.

My commission expires: _____

Notary Public

(use when multiple owners are involved)

Know all men by these presents that we, the undersigned, being the owners of those lands described hereon, have laid out the same into _____ (*lots, tracts, parcels, building envelopes, and easements*) (delete any that are not applicable) as shown hereon.

Owner: _____
(Name Printed)

Owner: _____
(Name Printed)

NOTARY PUBLIC:

State of Colorado)

) ss

County of Jefferson)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by _____ (*Name Printed*) and _____ (*Name Printed*).

Witness my hand and seal.

My commission expires: _____

Notary Public

(use when a corporation is the owner)

Know all men by these presents that the undersigned, being the owner of those lands described hereon, has laid out the same into (lots, tracts, parcels, building envelopes, and easements) (delete any that are not applicable) as shown hereon.

Owner: (Corporation Name Printed) By: _____

(President or Vice President's Name and Title Printed)

Attest:

 (Secretary's Name and Title Printed)

NOTARY PUBLIC:

State of Colorado)
) ss

County of Jefferson)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by (Name Printed) as president (or vice president) and (Name Printed) , as secretary of (Name of Corporation) , a (name of state) corporation.

Witness my hand and seal.

My commission expires: _____

Notary Public

(use when a partnership is the owner)

Know all men by these presents that the undersigned, being the owner of those lands described hereon, has laid out the same into (lots, tracts, parcels, building envelopes, and easements) (delete any that are not applicable) as shown hereon.

Owner : (Partnership Name Printed) By: (General Partner's name printed)

General Partner

NOTARY PUBLIC:

State of Colorado)
) ss

County of Jefferson)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by (Name Printed) as general partner for

 (name of partnership printed) .

Witness my hand and seal.

My commission expires: _____

Notary Public

Floodplain Plat Restrictions

The following plat restriction shall be placed on the first sheet of the final plat whenever any alterations to the floodplain boundaries, flood elevations or flood depths as shown on the Flood Insurance Rate Maps or in the Flood Insurance Study are proposed.

As a condition of approval of this Exemption Survey by the Board of County Commissioners of Jefferson County, no conveyance, sale or transfer of title of lots (insert lot numbers)* or tracts (insert tract names)** identified hereon, shall be made, nor any building permit or certificate of occupancy be issued by the County of Jefferson, State of Colorado, until such time as the following has been accomplished.

1. A letter of map revision from the Federal Emergency Management Agency has been submitted to Jefferson County.
2. A Certificate of Compliance has been issued by the County of Jefferson, signifying that the letter of map revision is consistent with the floodplain report as approved by the Board of County Commissioners in conjunction with this plat of (insert subdivision name).

A conveyance, sale or transfer of a specific lot or lots or tract or tracts of land identified hereon may be made prior to compliance with the provisions of this paragraph where the subdividers and the proposed transferee, who must also qualify as a "subdivider" under the provisions of Section 30-28-137, C.R.S., as defined in Section 30-28-101(9), C.R.S., have been granted an exemption from platting from the Board of County Commissioners of Jefferson County, expressly conditioned upon execution of an Exemption Agreement between the Board and the subdividers whereby the transferee subdivider agrees in writing to compliance with the same requirements and restrictions of this paragraph and all pertinent provisions related thereto.

*Insert only those lot numbers which correspond to any lot being removed from the existing floodplain.
** Insert only those tract names which correspond to any tract being removed from the existing floodplain.

Steep Site Plat Restriction

The following Exemption Survey restriction shall be place on the first sheet of the survey where the presence of steep sites has been identified:

Prior to the issuance of each building permit, a geotechnical engineer, licensed in the State of Colorado and experienced in evaluating slope stability in mountainous terrain, shall certify to the county the following:

1. That a geotechnical study, including a test boring or excavation within the proposed building footprint has been conducted on the specific lot to which the building permit references. A formal slope stability analysis, evaluating the impacts of the proposed site grading and physical improvements, has been performed as part of the geotechnical study. A determination has been made as to the design criteria for structure foundations, retaining walls, site grading, and subsurface drainage necessary to assure the safety and structural integrity for all buildings and structures as defined in Section 1 of the Jefferson County Zoning Resolution.
2. That the proposed site grading, building envelope and location of individual sewage disposal system components are configured such that adequate long-term slope stability is provided.
3. That the plans submitted to the Jefferson County Division of Building Safety have been reviewed and/or prepared by the subject engineer and that he has verified that said plans meet or exceed the criteria set forth in paragraphs 1. and 2. above.

Before the county performs a final inspection pursuant to the County Building Code, an engineer, licensed in the State of Colorado and experienced in evaluating slope stability in mountainous terrain, shall verify and certify that the actual construction of the foundation and subsurface drainage system meets the specification in the plans as submitted in the building permit application.

Foundation Plat Restriction

The following plat restriction shall be placed on the first sheet of the final plat where the presence of expansive soils has been identified in site specific soils reports or in publications from the United States Geological Survey or Colorado Geological Survey.

Prior to the issuance of each building permit, a geotechnical engineer, licensed in the State of Colorado and experienced in design and construction of structures on expansive soils, shall certify to the county the following.

1. That a subsurface soils investigation, including a test boring, has been conducted on the specific lot to which the building permit references and that a determination has been made as to the design criteria necessary to assure the safety and structural integrity for all buildings and structures as defined in Section 1 of the Jefferson County Zoning Resolution.
2. That proper subsurface drainage has been designed for the specific lot to which the building permit references and that a determination has been made as to the design criteria necessary to assure the safety and structural integrity for all buildings and structures as defined in Section 1 of the Jefferson County Zoning Resolution.
3. That the plans submitted to Jefferson County Division of Building Safety have been reviewed and/or prepared by subject engineer and that he has verified that said plans meet or exceed the criteria set forth in paragraphs 1. and 2. above.

Before the county performs a final inspection pursuant to the Jefferson County Building Code, an engineer, licensed in the State of Colorado and experienced in the field of design and construction of structures on expansive soils, shall verify and certify that the actual construction of the foundation and subsurface drainage system meets the specification in the plans as submitted in the building permit application.

Wildfire Plat Restriction

The following plat restriction shall be placed on the first sheet of the plat whenever thinnings of forest cover are necessary to help reduce the hazards and risks of wildfire.

As a condition of approval of this plat by the Board of County Commissioners of Jefferson County, no conveyance, sale or transfer of title of lots (insert lot numbers) or tracts (insert tract names) identified hereon, shall be made, nor any building permit or certificate of occupancy be issued by the County of Jefferson, State of Colorado, until such times as the following has been accomplished by the developer. A letter of compliance has been received from the Colorado State Forest Service stating practices designed to reduce wildfire hazards have been completed. Such work may include, but is not necessarily limited to the following:

- Forest-wide thinnings
- Fuelbreak thinnings
- Prunings
- Debris disposal



Fees are on-line at our web site or call 303-271-8700. Make checks payable to Jefferson County Treasurer.