

**DRAFT**

<p style="text-align:center"><b>BOULDER COUNTY PLANNING COMMISSION</b></p> <p style="text-align:center"><b>AGENDA ITEM #??</b></p> <p style="text-align:center"><b>November 19, 2003 -- 1:30 p.m.</b></p> <p style="text-align:center"><b>Hearing Room, Third Floor, Boulder County Courthouse</b></p>
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**PUBLIC HEARING**

**STAFF PLANNER:** Graham Billingsley

**STAFF RECOMMENDATION RE:**

**Docket DC-03-07: BOULDER COUNTY LAND USE CODE Text Amendment**

**Request:** Text Amendment to Section 18-121: Building Lot, of the Boulder County Land Use Code to codify section 30-28-139, C.R. S, enacted from Senate Bill 03-67 effective October 1, 2003, regarding county regulations providing for the merger of two or more parcels of land (requiring, in essence, regulatory mergers occurring on or after October 1, 2003 to have the consent of the affected property owners).

**PURPOSE:**

In the 2003 Colorado legislative session, the legislature passed Senate Bill 03-67, amending the County Planning Act (Part 1 of Article 28 of Title 30, Colorado Revised Statutes) by adding a new Section 30-28-139 related to "Procedures To Be Followed by County Governments in Connection with the Merging of Parcels of Land." A copy of this legislation (hereafter called "the Act") is attached for your reference. In essence, the Act prohibits the County from merging land parcels on or after the effective date of the Act (October 1, 2003), without first providing notice to the affected landowners, holding a hearing before the BOCC, *and* obtaining the consent of the affected landowners. The Act also requires the County's merger regulations to incorporate the provisions of the Act. The purpose of this Docket is to fulfill that legislative mandate.

The County's current Land Use Code has two principal merger provisions. One is "merger by deed," which occurs under the definition of "parcel" in Section 18-183 of the Code (defining a parcel as "[a]ll contiguous land held under one deed"), as well as under Subsection 18-121.A.4. of the Code (providing for lots platted in subdivisions prior to the adoption of the Comprehensive Plan to be merged if put on the same deed under certain circumstances). The second merger provision, enacted as Subsection 18-121.B. in 1993, applies only in the mountainous area of the County, and effectuates a merger for substandard, vacant, and contiguous parcels which come into the same ownership on or after May 19, 1993.

*DRAFT PC Staff Recommendation*  
*Docket DC-03-07: Proposed text amendments to Section 18-121*  
*November 19, 2003*

Since most parcel mergers have likely already occurred prior to October 1, 2003 (the Act's effective date), the Act should not have much impact on the County's existing merger regulations. However, mergers that occur for the first time on or after October 1, 2003 (i.e., contiguous parcels put on the same deed for the first time on or after that date, or mountainous parcels coming into the same ownership under Subsection 18-121.B. on or after that date), would be covered by the Act. Such mergers cannot occur unless the County provides prior notice to the affected landowners and an opportunity to request a hearing, and then, in the event of a timely requested hearing, obtains the affected owners' consent to the merger, all as required by the Act.

The attached amendments codify the requirements of the Act as a new Subsection C., under the definition of "building lot" contained in Section 18-121 of the Code. The amendments incorporate the express language of the Act, with some additions and clarifications to that language which are noted in italics.

**RECOMMENDATION:**

Therefore, the Land Use staff requests that the Planning Commission approve, and recommend to the Board of County Commissioners that it approve, Docket #DC-03-07, codifying the Act (S.B. 03-67) as a new Subsection C. of Section 18-121 of the Boulder County Land Use Code.