

Dear Boulder County Commissioners:

I support the recommendations made to you by the Boulder County Planning Commission and the Land Use Coalition re: Docket DC-04-04 as outlined below:

- **Throw out the proposed amendments and simply rescind the County’s merger policy that was in effect from 1993 to 2003.** Nothing was “done” to the properties when they were “merged” so rescinding the policy altogether does not present any adverse affects. People can voluntarily choose to combine their properties in compliance with the new State Law, C.R.S. 30-28-139. These landowners are not asking to receive any special treatment. They deserve to be treated the same as other Boulder County landowners regardless of whether or not they happen to own adjacent properties “in the same name.” Imposing the entire burden of securing free open space for Boulder County on these individual citizens because they didn’t know using the same name on two adjacent deeds would permit the County to take their land without compensation was both unfair and unjust.
- Short of rescinding the merger policy, please **follow the recommendations that the Planning Commission has made to you twice now** – once in November 2003 and again in June 2004 – **to form a citizens committee to review the County’s 1993-2003 merger policy.** The Planning Commission is a voluntary citizens advisory panel and their votes against the proposed text amendments and in favor of forming a committee should not be ignored. In forming this committee, I request that you appoint at least one merger victim and a member of the Land Use Coalition to the panel.
- If you fail to rescind the merger policy and you choose to ignore the recommendations of the Planning Commission, please throw out the proposed text amendments and direct the Land Use Department to draft a simplified “unmerge” policy as proposed by the Land Use Coalition. This can be done by asking the following questions: **“Was the parcel a legal building lot on May 18, 1993?”** (the day before the County’s merger policy went into effect) or if the adjacent property was purchased between May 19, 1993 and September 30, 2003, **“Would the parcel have been a legal building lot if a different name had been entered on the deed?”** If either of the answers is YES, the properties should be administratively recognized as separate “buildable lots” under the Boulder County Land Use Code.
- **Reasons why the proposed text amendments should not be incorporated in the Land Use Code:**
 1. The proposed “unmerge” process in Article 18-121.B.4 (repeated in Articles 9-103.A and 9-102.E) is subjective, vague and complicated. Four of the five proposed requirements (a, c, d, and e) are addressed in Site Plan Review. **Landowners shouldn’t have to design and engineer a “hypothetical” house or prove legal access in order for the county to “unmerge” their properties.** The text is not specific as to where the burden of proof lies in the requirements of Subsections a, c, d, and e – will landowners have to hire and pay for engineers, soil scientists, and surveyors to perform expensive site testing?
 2. **Most alarming is the provision that disallows properties from being “unmerged” administratively when the Assessor’s office has combined the property tax records of “merged” properties.** This appears in several articles of the proposed text amendments: 18-121.B.4.b; 9-103.A.2; and 9-102.E.3. The Assessors Office and Land Use Department operate independently; this provision is an unfair loophole created to allow the County to continue to confiscate landowners’ rights. All “merger” victims should have the right to “unmerge” their properties, regardless of how the Assessor’s Office sends out tax bills.
 3. Article 18-121-B.5 states that “parcels combined solely under Subsection 18-121.B.2” are eligible for the administrative “unmerge” process. **Any “mergers” that occurred under Subsections 18-121.A.4 and 18-121.B.2 of the Land Use Code should be permitted to be “unmerged” administratively without having to go through a subdivision exemption process.**
 4. Under Administrative Review, Article 9-103.C states that the Director will notify adjacent property owners. In the Land Use Code, the County was never required to notify the affected landowners when their building rights were revoked under the County’s 1993-2003 “merger” policy. **The County should notify the landowners who own “merged” properties, not their neighbors.** Input from neighbors is immaterial in this process, as no new lots or homes are being created.
 5. The fee schedule in 9-103.B.1 is not specific. **The Subdivision Exemption process currently used to "unmerge" properties often requires applicants to pay hundreds, if not thousands, of dollars for staff time and for engineers or other professionals to inspect the properties.**

Thank you for your consideration of these comments. I hope you will choose the most straightforward option and simply rescind this unjust policy.

_____ (Signature)

_____ (Name)

_____ (Address)

Place
postage
here

**RE: DOCKET DC-04-04
AUG. 24 BOCC HEARING**

**BOULDER COUNTY COMMISSIONERS
C/O GRAHAM BILLINGSLEY, DIRECTOR
LAND USE DEPARTMENT
PO BOX 471
BOULDER CO 80306-0471**