



THE LAND USE COALITION

Real People. Real Stories.

This space was paid for by citizen donations to the Real People, Real Stories Committee of the Land Use Coalition in an effort to inform the public about the impact of land use issues on real people in our community.

Hundreds of Landowners have had their Building Rights Confiscated by Boulder County

Since 1993, Boulder County's practice of "merging" adjacent lots into one parcel because they are held under common ownership has eliminated hundreds of landowners' building rights. Since the County did not notify or get permission from the landowners, many are totally unaware that the County considers their lots merged and continue to pay inflated taxes on each of their separate lots. If they sell one of the lots, new owners will have a huge shock when they discover they cannot build because their property has been unknowingly merged. Here are some of their stories.

Habitat for Humanity's Merger Story

Habitat for Humanity was one of the first to be affected by Boulder County's Merger Policy. Even a non-profit organization dedicated to helping people obtain affordable housing is a target for the County's version of land use control. In 1993, the Commissioners approved a grant of \$60,000 for Habitat to purchase three lots at \$20,000 each for the construction of new houses for three low-income families. The three lots were purchased with the grant in the name of Habitat for Humanity and the families were chosen.

Habitat went through all the necessary review processes and one week before they were to pick up the building permits for the lots, a group of neighbors made an issue of the fact that affordable housing was to be built in their neighborhood. After a couple of hearings, the Commissioners decided that because the lots were contiguous and deeded under the

same name (Habitat for Humanity), the three lots would have to be merged into one lot and only one house could be built. Two low-income families were left without decent, affordable housing.

The Commissioners offered to continue the grant if Habitat could find two more properties for \$20,000. After a year of searching and soaring property costs, Habitat was able to locate only one more lot within the stipulated price range. The three families had to draw straws for the two houses and Habitat was forced to turn away one of the families.

According to Habitat Director Kurt Firnhaber, the process was "very frustrating for everyone involved. Neighbors sort of won, but a lot of people lost. As a result, Habitat received a lot of bad press in the community." If Habitat had been aware of, or received notice of the County's merger policy, the lots would have been originally listed in the names of the intended owners and no mergers would have taken place. Because of Boulder County's merger policy, Habitat for Humanity lost two valuable building sites, had to turn away a family, and sustained a damaged reputation.

Frances MacAnally's Merger Story

Frances owns two contiguous properties on Flagstaff Road. They were purchased in 1970 and 1972. She and her husband built a home on one and kept the other lot vacant as an investment for the future. As a widow now, Frances considers the vacant lot to be a major portion of her money to live on for retirement.

When Boulder County's merger rule went into effect in 1993, Frances was not notified and continued paying separate taxes on her two properties. In 2001, when she visited the Assessor's Office regarding her property tax bills, she was told

that her properties had been merged in 1993.

Upon seeking legal advice about her merger, Frances said, "my lawyer informed me that it would cost approximately \$30,000.00 to try to have my lots separated again. There would be no guarantee that I could win or that the County wouldn't change their mind the following year! This all having to take place when I was minding my own business and paying my taxes and trying to retire with a little money to live on!"

To add insult to injury, when Frances tried to recoup the excess taxes she'd been paying for at least seven years, she was told by the Assessor that she could receive a tax refund for only two tax years. In the end, Boulder County's merger policy has left this widow with worthless land, lost retirement money, and little hope of recovering either.

State Forbids Mergers Without Consent

A new state law went into effect on October 1, 2003, dictating the manner in which counties in Colorado are allowed to merge properties. Colorado Revised Statute 30-28-139 requires that the county give notice to the landowner and for the landowner to grant consent before adjacent parcels may be merged. In addition, counties are required to record the merger into one single deed and property tax ID number to protect future property owners.

JANUARY 22, 2004

A Boulder County Commissioner's Hearing will be held at 1:00 PM on Jan. 22, about the Land Use Code text amendment to require the County to notify and get consent of landowners when their property is a target for merging. The text amendment brings the County Code into compliance with the new state law, **however** it does not address mergers that took place in Boulder County prior to October 2003. At a November

hearing, the Boulder County Planning Commission unanimously recommended that the Commissioners form a committee to investigate eliminating Boulder County's existing merger policy.

The Land Use Coalition supports the change to the text amendment requiring consent of the owner before a property is merged. We applaud the Planning Commission Members in their efforts to effect change within their limited scope of power and support their recommendation to create a committee.

It is our hope that the Commissioners will recognize and acknowledge the grave wrongs that have been perpetrated on unknowing Boulder County landowners over the past ten years by eliminating the County's existing merger policy. Short of rescinding the merger policy, we support the Planning Commission's recommendation for the formation of a citizens committee to review the policy and determine the proper response.

Show up at the Jan. 22 hearing to voice your opinion of this grossly unfair treatment of your Boulder County neighbors. As the Commissioners' schedule is subject to change without notice, please call the Commissioners office at 303-441-3500 to confirm date and time for Docket #DC-03-07.

The Land Use Coalition is a diverse, non-partisan, grass-roots organization dedicated to informing, supporting and protecting citizens and their property rights in Boulder County, while also supporting open space, wildlife preservation and reasonable land use regulations. The LUC has influenced important statewide legislation and has helped shape local land use regulations.

Do you have a land use story you'd like to share? We invite and encourage your participation and support in our 100% volunteer, non-profit organization. For more information on mergers, call 303-666-7903 or visit our website at:

www.landusecoalition.org