



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.

Joe Kellogg's Merger Story

Joe acquired a neighboring lot off of Sunshine Canyon Drive in 1993, just one week before Boulder County's merger rule became effective. When the rule went into effect, he received no notification that his properties had been merged nor did he receive an adjustment to his taxes. When Joe applied for a building lot determination on one of the lots, he was told the County would only allow one building site on these two lots - even though his two lots are deeded separately and he has continued to pay separate tax bills for each of his lots.

A Boulder County Land Use Department Planner later confirmed in writing that Joe had two good building sites, one on each of his properties, but only one building site was considered legal by the County on the suddenly "merged" lots. Joe believes that the current policy is a "calculated political betrayal and that individuals that are victimized by the land merger policy of Boulder

County are a small price to pay for political grandstanding in the name of open space. The ones who are losing because of this merger rule are the innocent, helpless, and vulnerable small landowners."

Despite Joe's opposition to the land merger policies of the County, he has consistently voted in favor of open space initiatives. Like most small landowners, Joe is a conscientious owner and steward of his land. He has spent months of his spare time during the past 10 years thinning the overgrown forest on his property, substantially improving the health of the forest. Joe also invested a significant amount of money in the construction of a county road to improve access to his property.

Ironically, had Joe put the lot in anyone else's name or if another buyer had purchased the lot prior to May 19, 1993, the merger rule would not apply and the building rights for the lot would not have been revoked. Because of Boulder County's merger policy, Joe's property has been significantly devalued, his ability to sell or transfer his properties individually has been restricted, and his plans to build a home have been delayed indefinitely.

The Larson's Merger Story

Richard & Flora Larson bought their family home on Olde Stage Road in 1964. Three years later, they purchased the vacant lot next to them as an investment.

In 1993, they were contacted by the County Assessor and told that their two lots had been merged for tax advantages. At the time, the Larsons told the Assessor, "No, we do not want to merge our properties, even if it's a tax advantage. We purchased our vacant lot in a separate transaction and on a separate deed. We may want to build in the future." Their property tax bills were kept separate and they have continued to pay high taxes on each of their lots.

Recently, when they went to the County for a well permit, they were told that their properties had been merged and that they had only one property. The Larsons don't understand how the County can claim that their properties have been merged without their consent. Even more unbelievable is that the County has continued to collect high taxes on their vacant property even though they consider it merged. "Our lot has essentially become open space paid for by our investment at no cost to the County."

In the nearly forty years that they've owned their property, the Larsons have come to rely on their investment as a significant nest egg. A recent property valuation of their vacant lot was conservatively estimated at \$250,000, prior to their knowledge of the merger. In the end, Boulder County's merger policy has left this family with worthless land, no nest egg, 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