

RESOLUTION 2023-015

A resolution conditionally approving Boulder County Community Planning & Permitting Docket SE-22-0009: Koch Building Lot Recognition

Recitals

A. Diane Koch (the “Applicant”) applied to Boulder County for a Subdivision Exemption under Article 9 of the Boulder County Land Use Code (the “Code”) to recognize an approximately 0.33 acre parcel as a legal Building Lot.

B. The subject parcel is located at 154 Olde Carter Lake Road (Parcel #158136100030), located approximately 0.2 mile south of its intersection with State Highway 72, in Section 36, Township 1 South, Range 71 West, in a Forestry zoning district in unincorporated Boulder County (the “Property”).

C. The Property is approximately 0.33 acre and located in the Forestry zoning district where the minimum legal Building Lot size is 35 acres. There is an existing 1,569-square-foot residence on the Property, which was constructed circa 1949. Originally, the Property was part of Site 19 in the Wondervu “subdivision,” held jointly on one deed with Sites 20 and 21. This is reflected in deeds dated February 10, 1931 at reception number 90279948 and March 31, 1955 at reception number 90574026. While the area is called the Wondervu subdivision in some old hand-drawn maps, it has never been officially platted or recognized by the county as a subdivision. This is in contrast to the “Wondervu Project” subdivision, located north of this area, which was platted and recorded in 1936.

D. The Property was created in 1959 when a portion of the lot was conveyed to a new owner (reception number 90635024, recorded July 2, 1959). The portion of the lot conveyed was approximately 0.33 acre. In 1959, the minimum lot size in the Forestry zoning district was 1.0 acre, as required under the Code as of 1954. As such, the Property would not have been considered a legal building lot when it was created in 1959.

E. The above-described request was processed and reviewed as Boulder County Community Planning & Permitting Docket SE-22-0009 (the “Docket”), as further described in the memorandum and written recommendation to the Board of County Commissioners (the “Board”) by Boulder County Community Planning & Permitting Department planning staff dated January 19, 2023, together with its attachments (the “Staff Recommendation”). The Staff Recommendation found that the proposal could meet the criteria for approval, and therefore, recommended that the Board conditionally approve the Docket.

F. At an online public hearing on the Docket held on January 19, 2023, the Board considered the Staff Recommendation as well as the documents and testimony presented by Community Planning & Permitting Department planning staff. The Board also heard testimony from the Applicant and her realtor, Kathy Keating. One member of the public spoke at the public

hearing.

H. Based on the public hearing, the Board finds that with the recommended conditions of approval, the Docket meets the criteria for subdivision exemption to recognize the Property as a legal Building Lot under Article 9-400 of the Code.

I. Therefore, the Docket can be approved, subject to the conditions stated below.

Therefore, the Board resolves:

Docket SE-22-0009 is approved on the basis and terms set forth in this Resolution, above, and subject to the following conditions:

1. The Applicant shall comply with all applicable post-approval requirements for a Subdivision Exemption as listed in Article 3-206.C of the Code, within one year after the date of approval, unless an extension(s) of time is granted as allowed in Article 9-700 of the Code.

2. Prior to the recordation of any Subdivision Exemption approval, the Applicant shall obtain the appropriate existing well permit from the State of Colorado Division of Water Resources and provide a copy to Boulder County Community Planning & Permitting.

3. The maximum total residential floor area on the subject parcel shall not exceed 1,500 square feet and the total above grade residential floor area shall not exceed 850 square feet.

4. The Applicant shall be subject to the terms, conditions, and commitments of record and in the file for SE-22-0009: Koch Building Lot Recognition.

[Signature Page to Follow]

A motion to approve the Docket was made by Commissioner Ashley Stolzmann, seconded by Commissioner Marta Loachamin, and passed by a 2-1 vote. Commissioners Ashley Stolzmann and Marta Loachamin voted in favor, and Commissioner Claire Levy voted in opposition.

ADOPTED as a final decision of the Board on this _____ day of February 2023.

**BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY:**

Claire Levy, Chair

Ashley Stolzmann, Vice Chair

Marta Loachamin, Commissioner

ATTEST:

Clerk to the Board