

**BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM**

**Tuesday, February 13 at 1 P.M. This Hearing  
Will Be Held Virtually and In Person**

**PUBLIC HEARING:**      **ZON-21-0105:** Authorization to arrange for abatement of rubbish as needed throughout Property, including abandoned, inoperative or unlicensed vehicles, as defined under Article 14 of the Land Use Code (175 S. 7<sup>th</sup> Street).

**STAFF MEMBERS:**      Scott Weeks, Code Compliance Specialist II  
Dale Case, Community Planning & Permitting Director

**Location:**      175 S. 7<sup>th</sup> Street, Nederland, CO, 80466 in unincorporated Boulder County  
**Zoning:**      Forestry (F)  
**Owner(s):**      Matthew Phillips

**SUMMARY:**

The Boulder County Community Planning & Permitting (CPP) Director requests that the Board of County Commissioners authorize the County to arrange for the abatement of rubbish and removal of abandoned, inoperative or unlicensed vehicles located at 175 S. 7<sup>th</sup> Street in unincorporated Boulder County (the “Property”) according to Article 14 of the Boulder County Land Use Code (the “Code”) and Colorado Revised Statute §30-15-401.

Upon authorization by the Board of County Commissioners, Article 14 of the Code permits the CPP Director to seek an administrative entry and seizure warrant from Boulder County District Court to allow a contractor, retained by the County, to enter the Property and remove the rubbish, including the removal of abandoned, inoperative or unlicensed vehicles described below. The County would charge back the cost of abatement, with penalties, to the property owner(s).

Despite multiple attempts by the Code Compliance team, the County Attorney’s office to work with the Property owner, including mailing multiple letters, informing the owner of the violations and potential penalties and consequences, rubbish and abandoned, inoperative or unlicensed vehicles remain on the Property, disrupting the community aesthetic and posing a health and safety issue to the public.

**THE PROPERTY:**

The Property is located at 175 S. 7<sup>th</sup> Street in unincorporated Boulder County, also identified as Assessor’s Parcel #158321221001 (the “Property”). The Property owner of record is Matthew Phillips, with a mailing address as noted on Boulder County Assessor’s records of 706 Copperdale Lane, Golden, CO 80403 (*See Exhibit 1*). This Property is in the Forestry zoning district.

## **VIOLATIONS OF THE LAND USE CODE:**

This memo specifically addresses the Property's violations of Article 14 of the Boulder County Land Use Code.<sup>1</sup> The purpose of Article 14 is "[t]o protect the health, safety, and welfare of the citizens of Boulder County through the removal of rubbish (including trash, junk, and garbage); weeds and brush... from land in the unincorporated areas of the County." The Property has rubbish, including trash, junk, discarded materials, and debris, which not only disrupts the neighborhood and community aesthetic, but also poses a health and safety hazard to the public.

Several items are impermissibly stored throughout the Property. These items consist of building materials, containers, barrels, discarded household items, and general trash and debris (*See Exhibit 2*).

Article 14-400(C) of the Code defines rubbish as "Garbage, trash, and junk including, but not limited to unwanted or discarded household items; waste from building construction, remodeling, and repair; tree branches, grass and shrub clippings, leaves, or other general yard and garden waste; motor vehicle parts or tires, or abandoned, unlicensed, or inoperable motor vehicles including without limitation mobile or manufactured homes; newspapers, magazines, packaging materials, waste paper or cardboard; dead animal carcasses; and any other unsightly or discarded material which causes or is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of community standards of cleanliness or generally accepted neighborhood aesthetics."

The Property includes many items that are considered rubbish under Article 14-400(C) (*See Exhibit 2 for photos of the violations discussed below*):

- *Unwanted or Discarded Household Items*

As seen in the photographs in Exhibit 2, the Property has unwanted or discarded household items on the Property including buckets, storage containers, storage chests and appliances.

- *Unwanted or Discarded Building Materials*

Building materials including siding, wood, containers, barrels and equipment exist on the property.

- *Material which causes or is likely to cause a public hazard*

Discarded trash and debris on the Property has been reported to attract rodents and wildlife.

- *Unacceptably offensive in light of community standards of cleanliness or generally accepted neighborhood aesthetics*

The Property is located directly adjacent to and visible from multiple residential homes. Area residents have expressed concern with the effect this Property has had on the enjoyment and value of the community, as well as its failure to adhere to acceptable community standards for a forestry residence.

As outlined above, the Property contains items that are considered rubbish Article 14 of the Code. The ongoing violations of Article 14 of the Code are the reasons the current zoning case, ZON-21-0105 remains open.

## **BACKGROUND and LAND USE's ABATEMENT ATTEMPTS:**

The following section is a timeline of the communications between county staff and the property owner in an attempt to resolve the zoning violations on the Property.

Key:

Yellow = Attempts by the Boulder County CPP to connect with the Property Owner

Blue = Attempts by the Boulder County Attorney's Office to connect with the Property Owner

- August 13, 2021: CPP received initial complaint about rubbish on the Property and opened zoning case ZON-21-0105.
- October 12, 2021: Staff inspected the Property and confirmed violations of the Land Use Code related to rubbish and outdoor storage (*See Exhibit 2*).
- November 9, 2021: Staff sent Notice of Violation for rubbish and accessory outside storage on property (*See Exhibit 3*)
  - *No response received.*
- October 18, 2022: Staff inspected Property and found that the violations remained.
- November 21, 2022: Staff sent a 10-day Notice of Violation for rubbish and accessory outside storage (*See Exhibit 4*)
  - *No response received.*
- July 10, 2023: Staff inspected Property and found that the violations remained.
- July 13, 2023: County Attorney's Office sends letter, via certified mail, with zoning violation resolution deadline of July 27, 2023 (*see Exhibit 5*).
  - *No response received.*
- August 15, 2023: Staff received email from property owner as follow-up from phone message from County Attorney's office, stating he is actively clearing the property of rubbish.
- August 16, 2023: County Attorney's Office sends letter, via certified mail, with zoning violation resolution deadline of August 20, 2023 (*see Exhibit 6*).
- August 28, 2023: Staff advised Property owner of the option of either a 30-day extension or stipulation agreement.
- August 31, 2023: Staff received email response from property owner requesting 60-day extension. Staff responded agreeing to draft a stipulation agreement to clean up the property in 60 days from the date of September 1, 2023 (November 1, 2023).
- September 5, 2023: Staff received a response from the Property owner stating intent to have the Property cleared by end of September 2023.
- October 2, 2023: Staff received an update from property owner that progress has been made. Staff responded with reminder of November 1, 2023 deadline.
- December 5, 2023: Staff inspected Property and found violations remained.
- February 5, 2024: Staff contacts Property owner via email regarding violations and hearing date.

## **RECOMMENDATION:**

The Boulder County CPP Director requests that the Board of County Commissioners

1. Uphold the Director's determination that a violation of Article 14 of the Boulder County Land Use Code exists on the Property; and
2. Authorize the CPP Director, through the County Attorney, to seek an administrative entry

and seizure warrant from a district court as authorized by Article 14 of the Boulder County Land Use Code and Section 30-15-401(1)(A), Colorado Revised Statutes. This warrant will authorize the County to enter the Property to remove all rubbish, including discarded household items and building materials, piles of materials and waste, storage bins/containers, any abandoned, unlicensed, and inoperative vehicles, and any other unsightly or discarded material, either existing or generated in the process of abatement (*see Exhibit 2*). The cost of abatement, an inspection fee of 5%, and any other associated costs will be billed to the Property owner.

**Attachments:**

- Exhibit 1 – Parcel Report for 175 S. 7<sup>th</sup> Street
- Exhibit 2 – Site Photos
- Exhibit 3 – Notice of Violation, November 9, 2021
- Exhibit 4 – Notice of Violation, November 21, 2022
- Exhibit 5 – County Attorney Letter, July 13, 2023
- Exhibit 6 – County Attorney Letter, August 16, 2023



# Parcel Report

Community Planning & Permitting  
 Courthouse Annex  
 2045 13th St. - 13th & Spruce Streets  
 P.O. Box 471 Boulder Colorado 80306-0471  
 www.bouldercounty.gov  
 Planning 303-441-3930 Building 303-441-3925

Parcel Number <b>158321221001</b>	Section <b>21</b>	Township <b>1S</b>	Range <b>73</b>
Subdivision <b>ELDORA - MT</b>			

### SITE ADDRESS (1)

R0026464 175 S 7TH ST UNINCORPORATED, 80466

### OWNER INFORMATION (1)

Account	Name	Mailing Address
R0026464	PHILLIPS MATTHEW A	, 706 COPPERDALE LN, , GOLDEN, CO 80403-9779

### LOCATION INFORMATION

Note: The estimate acres will likely not match the recorded acreage of the property, please see the legal description, plat, or deed for the actual acreage.  
 Because of small inconsistencies in the locations of lines in the map layers, this location information searches may show information from adjacent parcels even though no overlap is visible on the screen.  
 View the map at an appropriate scale to resolve any uncertainty.

On or Adjacent to Parcel	
Estimated Area	16,260 (.37a.)
Zoning	F (0.37 Acres)
Floodplain	Boulder County: NOT PRESENT FEMA: X (0.37 Acres)
Open Space Ownership	NOT PRESENT
County Plats	ELDORA (0.14 Acres); ELDORA HAPPY VALLEY (0.37 Acres)
Wind and Snow Load	185 mph. 55 lbs/sqft.
Fire Protection	NEDERLAND FIRE



### LEGAL DESCRIPTION (1)

### ACRES

R0026464	LOTS 1-4 INC & LOTS 37-39 BLK 29 ELDORA ID 26465 COMB HERE	R0026464	0.37
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### PERMIT AND DOCKET HISTORY (22)

Note: Parcel numbers and addresses may change over time. Only permits/dockets with the exact same parcel number or address at the time of application are shown.

On Parcel Number: 158321221001

Permit/Docket Parcel Number(s)	Type Permit/Docket Address(es)	Application Name Application Date	Application Status	Status Date Permit Value
<b>BP-20-2161</b>	Electrical Lift Station	175 7th St		
158321221001	175 7TH	9/11/2020	Permit Complete	10/5/2020
	Electrical For Septic Alarm			\$150.00
<b>MINP-2014-</b>	OWTS Minor Repair			
158321221001	175 7TH	9/3/2014	Final Inspection Pending	10/12/2020
<b>ENFW-2014-</b>	OWTS Enforcement			
158321221001	175 7TH	9/3/2014		10/9/2014
<b>RUB-13-0011</b>	Rubbish Enforcement	175 S. 7th St. (Eldora)		
158321221001	175 7TH	5/29/2013	Closed	8/29/2013
Complainant states that there are rubbish concerns on the property.				
<b>TDC-12-0034</b>	TDC Reissuing	Sadler TDC reissue		
158321221001	175 7TH	4/16/2012	Complete	4/16/2012
REissue of TDC-12-032				
<b>TDC-12-0033</b>	TDC Reissuing	Sadler TDC		
158321221001	175 7TH	4/16/2012	Complete	4/16/2012
Reissue of Phillips TDC 12-0031 t Jeffrey K. Sadler.				
<b>TDC-12-0032</b>	TDC Restricting	Phillips 175 S 7th TDC 4 of 4		
158321221001	175 7TH	4/16/2012	TDC Closed	9/9/2013
TDC 12-0032 for property at 175 S. 7th Street. Restricting to 1,000 sq ft.				

<b>TDC-12-0031</b>	TDC Restricting	Phillips 175 S 7th TDC 3 of 4		
158321221001	175 7TH	4/16/2012	TDC Closed	9/9/2013
TDC 12-0031 for property at 175 S. 7th Street. Restricting to 1,000 sq ft.				
<b>TDC-12-0030</b>	TDC Reissuing	Stratton reissue of Philips TDC 2 of 4		
158321221001	175 7TH	4/16/2012	TDC Closed	9/9/2013
Sale of TDC-12-028 from Mathew Philops to James Stratton Redeemed 4/10/12				
<b>TDC-12-0029</b>	TDC Reissuing	Stratton - reissue of Philips TDC 1 of 4		
158321221001	175 7TH	4/16/2012	Extinguished	4/11/2012
Sale of TDC-12-027 from Mathew Philops to James Stratton Redeemed 4/10/12				
<b>TDC-12-0027</b>	TDC Restricting	Philips TDC 1 of 4		
158321221001	175 7TH	4/2/2012	TDC Closed	9/9/2013
One of four TDC for limiting property no more than 1,000 square feet.				
<b>TDC-12-0028</b>	TDC Restricting	Philips TDC 2 of 4		
158321221001	175 7TH	4/2/2012	Complete	4/2/2012
One of four TDC for limiting property no more than 1,000 square feet.				
<b>TDCD-11-0014</b>	TDC Determination	Phillips		
158321221001	175 7TH	7/12/2011	Final Complete	7/25/2011
<b>RES-10-0025</b>	Research	175 7th		
158321221001	175 7TH	5/14/2010	Closed	1/1/2012
The wildfire rating is MODERATE per Eric P.				
<b>MAJP-2005-</b>	OWTS Major Repair			
158321221001	175 7TH	11/15/2005	System Not Approved	10/11/2005
<b>BLD-05-0091</b>	Building Lot Determination	PHILLIPS BLOT		
158321221001	175 7th	6/22/2005		
0.367 acres (approx) determined to be a legal building lot				
<b>MAJP-2004-</b>	OWTS Major Repair			
158321221001	175 7TH	9/17/2004	System Not Approved	10/11/2004
<b>PAC-02-0026</b>	PreApplication Conference	PHILLIPS		
158321221001	175 7th	6/4/2002		
Matt wants to vacate the alley that runs to the north of his home in Eldora. I told him we would typ. only recommend approval of the portion under the house, not the entire alley				
<b>MAJP-2000-</b>	OWTS Major Repair			
158321221001	175 7TH	12/5/2000	System Not Approved	12/15/2000
<b>MAJP-1999-</b>	OWTS Major Repair			
158321221001	175 7TH	11/22/1999	System Not Approved	12/1/1999
<b>BP-99-1859</b>	Residential Remodel			
158321221001	175 7TH	10/15/1999		
NEW MTR HSG/SERVICE UPGRADE/BREAKER BOX				\$500.00
<i>These Permits/Dockets are on a different parcel number, but have an address that is associated with the parcel</i>				
<b>ZON-21-0105</b>	Zoning Enforcement	150 S 7th St		
158321219006	175 7TH	8/13/2021	Attorney Action	5/5/2023
Report of junk throughout the property.				

### RECENT DEEDS (6)

Date	Type	Reception No	Amount	Grantor	Grantee
4/12/2012	DT	3217652	\$0		PHILLIPS MATTHEW A
4/12/2012	DT	3217653	\$0		PHILLIPS MATTHEW A
4/2/2012	DT	3215536	\$0		PHILLIPS MATTHEW A
4/2/2012	DT	3215537	\$0		PHILLIPS MATTHEW A
9/13/1999	WD	1980568	\$102,000		
7/21/1965	WJ	789101	\$0		

### ASSESSOR'S STRUCTURE INFORMATION

Account	Class	Design	Year Built	Remodeled
R0026464	SINGLE FAM RES IMPROVEMENTS	1 Story - Ranch	1922	0

Building	Floor Area Description	Size	Structure Information
1	FIRST FLOOR (ABOVE GROUND) FINISHED AREA	459	CONST - Commercial: Frame
	DECK AREA	273	EXT_WALL_PRIMARY: Log
	ENCLOSED PORCH AREA	40	FOUNDATION: Piers
			ROOF_DSN: Gable
			LAND_PERCENT: 75% LAND RATIO

Account	Class	Design	Year Built	Remodeled
R0026464	SINGLE FAM RES IMPROVEMENTS	TOOL SHED	1922	0

Building	Floor Area Description	Size	Structure Information
2	TOOL SHED	213	

**ESTIMATED RESIDENTIAL FLOOR AREA**

Floor Area Description	Size
Account Number R0026464	
Building Number 1	
FIRST FLOOR (ABOVE GROUND) FINISHED AREA	459
ENCLOSED PORCH AREA	40
	<hr/>
	<b>499</b>
Building Number 2	
TOOL SHED	213
	<hr/>
	<b>213</b>

**ROOMS**

Account	Bld	Rooms	Bed	Bath	Bath 3/4	Bath 1/2
R0026464	1	2	1			

**TAXING DISTRICT**

COUNTY  
BOULDER CO TEMP HS SAFETY NET FUND  
BOULDER COUNTY CAPITAL EXPEND FUND  
BOULDER COUNTY CONTINGENCY FUND  
BOULDER COUNTY DEVEL DISABILITY FUND  
BOULDER COUNTY GENERAL OPERATING  
BOULDER COUNTY HEALTH & HUMAN SERVICES  
BOULDER COUNTY JUDGMENT LEVY FUND  
BOULDER COUNTY PUBLIC WELFARE FUND  
BOULDER COUNTY PUBLIC WORKS  
BOULDER COUNTY REFUND ABATEMENT  
BOULDER COUNTY RETIREMENT FUND  
BOULDER COUNTY ROAD & BRIDGE  
BOULDER COUNTY SELF INSURANCE FUND  
BOULDER COUNTY SOLID WASTE FUND  
ECOPASS DISTRICT  
NEDERLAND ECOPASS DISTRICT  
FIRE PROTECTION DISTRICT  
NEDERLAND FIRE DIST BOND REDEMPTION  
NEDERLAND FIRE DIST GENERAL OPERATING  
NEDERLAND FIRE DIST PENSION  
NEDERLAND FIRE DISTRICT OTHER  
NEDERLAND FIRE DISTRICT REFUND/ABATE  
LIBRARY DISTRICT  
NEDERLAND LIBRARY DIST BOND REDEMPTION  
NEDERLAND LIBRARY DISTRICT GENERAL OPER  
SCHOOL DISTRICT  
BOULDER VALLEY RE-2 INSURANCE  
BOULDER VALLEY RE-2 RESERVE  
BOULDER VALLEY RE-2 TAX CREDIT  
BOULDER VALLEY RE2 ABATEMENT REFUND  
BOULDER VALLEY RE2 BOND REDEMPTION  
BOULDER VALLEY RE2 CAPITAL CONSTRUCTION  
TECHNOLOGY & MAINTENANCE  
BOULDER VALLEY RE2 GENERAL OPERATING  
BOULDER VALLEY RE2 OVERRIDES  
BOULDER VALLEY RE2 TRANSPORTATION  
TRANSPORTATION DISTRICT  
RTD GENERAL OPERATING  
UNINCORP CTY PLACE HOLDER DISTRICT  
UNINCORP CTY PLACE HOLDER DISTRICT

**ACCOUNT ASSESSED VALUE**

Account	Land	Structures	Total
R0026464	\$37,100	\$112,900	\$150,000

Site Photos  
175 S. 7<sup>th</sup> Street

ZON-21-0105



# Site Visit: October 12, 2021



# Site Visit: October 18, 2022



# Site Visit: October 18, 2022



# Site Visit: July 10, 2023



# Site Visit: July 10, 2023





# Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303-441-3930  
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • [www.BoulderCounty.org](http://www.BoulderCounty.org)

## NOTICE OF VIOLATION ZON-21-0105

November 9, 2021

Matthew Phillips  
706 Copperdale Lane  
Golden, CO 80403

RE: ZON-21-0105 [Rubbish, Accessory Outdoor Storage]

Dear Mr. Phillips:

On August 13, 2021 the Boulder County Department of Community Planning and Permitting (“CPP”) received a report of rubbish and unpermitted accessory outdoor storage on the property located at 175 S. 7<sup>th</sup> Street in unincorporated Boulder County. This .37 acre property is in the Forestry zoning district, and its principal use is single family residential.

CPP staff inspected the property on Tuesday, October 12 and confirmed the violation. Based on this inspection, the [Director of Community Planning and Permitting has determined that the property is in violation of Boulder County Land Use Code. A copy of the land use code can be found via website at <https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code>.

### **Rubbish/Accessory Outdoor Storage**

#### **Rubbish**

To protect the health, safety, and welfare of Boulder County, Article 14 of the Boulder County Land Use Code (the Code) prohibits the accumulation of rubbish on a property. Rubbish is defined in Article 14-400(C), and includes: trash and junk, tree branches, yard waste, motor vehicle parts, abandoned, unlicensed, or inoperable motor vehicles, and other unsightly or discarded material. The full definition of rubbish is included with this letter.

Code compliance staff observed rubbish on the property including building materials, wood scraps, miscellaneous household items, and in violation of Article 14. Photos of the observed violation are attached.

#### **Accessory Outdoor Storage**

Accessory outside storage is permitted in the Forestry Zoning District, but it must comply with Article 4-516(J) of the Code. Specifically, you may place items which are customary and incidental to the main use of single-family residential on your property for more than 24 hours provided:

- a. The area of placement does not exceed 5% of the lot area;
- b. Items are adequately screened from the view of adjacent roadways and properties;
- c. Any unit, bin, room, or container used for storage is a permanent structure;
- d. Any vehicles or trailers are licensed and operable not are not used for storage; and

- e. With the exception of the prohibition on using vehicles or trailers for storage, accessory outdoor storage of agricultural products and operable agricultural equipment is exempt from these additional provisions.

Many of the items on your property that are considered rubbish might be able to be kept on the property as accessory outside storage, provided they comply with the requirements of Article 4-516(J). However, at this time, based upon inspection, none of the items meet these requirements.

**Resolution:**

- 1. Within 30 days from the date of this letter, remove from the property all rubbish and items not customary and incidental to the main use of the property.**

**AND**

- 2. Within 30 days from the date of this letter, ensure that all items stored on the property as accessory outdoor storage comply with the provisions in Article 4-516(J).**

Please note that failure to comply with the County's requirements for abatement of Article 14 violations as noted above may result in the Director requesting County Commissioner and Court authorization to arrange for County abatement of the violation. If the abatement is performed by the County, a bill for the reasonable costs of abatement may be issued to the property owner.

This letter is the official notification of the Article 14 violations observed on the property. The property owner may appeal the Director's determination that a violation exists to the Board of County Commissioners. Any such appeal must be submitted in writing to the Land Use Department no later than 30 days after the date of this violation notice.

A follow-up inspection will be made on or around December 9, 2021, to verify that the violation has been corrected.

This letter is the official notice from Boulder County informing you of the violation and how it may be corrected. Failure to correct the violation may result in legal action. Under Colorado law, zoning violations are punishable by fines up to \$1000 and continuing up to \$100 per day until the violation is corrected. That being said, we would prefer to work with you to resolve these violations without resorting to legal action.

For additional information or questions, you may contact me directly at (720) 564-2621 or via email at [sweeks@bouldercounty.org](mailto:sweeks@bouldercounty.org).

Sincerely,



Scott Weeks  
Code Compliance Specialist II

Attachments:

- Site Photos
- Excerpt from Boulder County Land Use Code Article 14







# Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303-441-3930  
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • [www.BoulderCounty.org](http://www.BoulderCounty.org)

## NOTICE OF VIOLATION ZON-21-0105

November 21, 2022

Matthew Phillips  
706 Copperdale Lane  
Golden, CO 80403

Matthew Phillips  
175 S. 7<sup>th</sup> Street  
Nederland, CO 80466

RE: ZON-21-0105 [Rubbish, Accessory Outdoor Storage]

Dear Mr. Phillips:

On November 9, 2021, the Boulder County Department of Community Planning and Permitting (“CPP”) sent you a notice of violation regarding rubbish and unpermitted accessory outdoor storage on the property located at 175 S. 7<sup>th</sup> Street in unincorporated Boulder County. CPP staff reinspected the property on Tuesday, October 18, 2022 and confirmed that the violation still remains on this property. Specifically, code compliance staff observed rubbish on the property including building materials, wood scraps, miscellaneous household items, in violation of Article 14 of the Boulder County Land Use Code.

### **Resolution:**

- 1. Within 10 days from the date of this letter, remove from the property all rubbish and items not customary and incidental to the main use of the property.**

**AND**

- 2. Within 10 days from the date of this letter, ensure that all items stored on the property as accessory outdoor storage comply with the provisions in Article 4-516(J).**

A follow-up inspection will be made on or around **December 1, 2022**, to verify that the violation has been corrected. Please note that failure to comply with the County’s requirements for abatement of Article 14 violations as noted above may result in the Director requesting County Commissioner and Court authorization to arrange for County abatement of the violation. If the abatement is performed by the County, a bill for the reasonable costs of abatement may be issued to the property owner.

This letter is the official notice from Boulder County informing you of the violation and how it may be corrected. Failure to correct the violation may result in legal action. Under Colorado law, zoning violations are punishable by fines up to \$1000 and continuing up to \$100 per day until the violation is corrected. C.R.S. § 30-28-124.5. That being said, we would prefer to work with you to resolve these violations without resorting to legal action.

**Matt Jones** County Commissioner   **Claire Levy** County Commissioner   **Marta Loachamin** County Commissioner

For additional information or questions, you may contact me directly at (720) 564-2621 or via email at [sweeks@bouldercounty.org](mailto:sweeks@bouldercounty.org).

Sincerely,

A handwritten signature in black ink that reads "Scott Weeks". The signature is written in a cursive, slightly slanted style.

Scott Weeks  
Code Compliance Specialist II

Attachments:

- Excerpt from Article 14 Boulder County Land Use Code
- Excerpt from Article 4-516(J) of the Boulder County Land Use Code



## Office of the County Attorney

Ben Pearlman, County Attorney • Tel: 303.441.3190 • Fax: 303.441.4794 • [ca@bouldercounty.org](mailto:ca@bouldercounty.org)  
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306-0471 • [www.bouldercounty.org](http://www.bouldercounty.org)

July 13, 2023

Matthew Phillips  
706 Copperdale Lane  
Golden, CO 80403

175 S. 7th Street  
Nederland, CO 80466

### ***VIA U.S. Certified Mail***

Re: 175 S. 7<sup>th</sup> Street – Rubbish and Impermissible Accessory Outdoor Storage  
Case Number: ZON-21-0105

Dear Property Owner:

This matter has been referred to the County Attorney's office by the Boulder County Community Planning and Permitting Department (CPP) because of ongoing zoning violations located at 175 S. 7<sup>th</sup> Street in unincorporated Boulder County (the "Property").

Scott Weeks, Boulder County Code Compliance Specialist, first sent you a notice dated November 9, 2021 regarding rubbish and impermissible accessory outdoor storage on the Property. A second notice of violation letter was sent to you regarding this same violation on November 21, 2022. To protect the health, safety, and welfare of Boulder County, Article 14 of the Boulder County Land Use Code (the Code) prohibits the accumulation of rubbish on a property. Rubbish is defined in Article 14-400(C) of the Code, and includes building materials, wood scraps, and miscellaneous household items.

A recent inspection on July 10, 2023 reveals that the Property is still in violation of the Boulder County Land Use Code.

As we have informed you previously, Colorado Revised Statutes (C.R.S.) §§ 30-28-124 and 124.5 allow the County to enforce zoning violations through legal action. Under C.R.S. §30-28-124.5, zoning violations are punishable by a one-time fine of up to \$1,000, in addition to continuing penalties of up to \$100 per day until the violations are corrected.

In addition, the County also retains the right to initiate legal action pursuant to Article 14 of the Code. Specifically, the Director of Community Planning & Permitting would request authorization from the Board of County Commissioners to arrange for the abatement of the rubbish violation per Article 14-500.C of the Code. If approved, this process would involve Boulder County entering the property, removing the rubbish, and charging the reasonable cost of abatement to you. *See* Article 14-500.E of the Code.

In order to correct these zoning violations without legal action, you must take the following steps:

1. Remove all rubbish and items that are not customary and incidental to the main use of the Property from the Property;

AND

2. Ensure that all items stored on the Property as accessory outdoor storage comply with the provisions in Article 4-516.J of the Boulder County Land Use Code.

If the ongoing zoning violations are not resolved by July 27, 2023 we will initiate legal action. Please contact me immediately to discuss this matter at (303) 441-3190 or by email at [ljames@bouldercounty.org](mailto:ljames@bouldercounty.org).

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Liana James", written in a cursive style.

Liana James  
Assistant County Attorney

Cc: Scott Weeks (*via email*)

Enclosures: November 9, 2021 Notice of Violation Letter  
November 21, 2022 Notice of Violation Letter



## Office of the County Attorney

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August 16, 2023

Matthew Phillips  
706 Copperdale Lane  
Golden, CO 80403

175 S. 7th Street  
Nederland, CO 80466

### ***VIA U.S. Certified Mail***

Re: 175 S. 7<sup>th</sup> Street – Rubbish and Impermissible Accessory Outdoor Storage  
Case Number: ZON-21-0105

Dear Property Owner:

This matter has been referred to the County Attorney's office by the Boulder County Community Planning and Permitting Department (CPP) because of ongoing zoning violations located at 175 S. 7<sup>th</sup> Street in unincorporated Boulder County (the "Property").

Scott Weeks, Boulder County Code Compliance Specialist, first sent you a notice dated November 9, 2021 regarding rubbish and impermissible accessory outdoor storage on the Property. A second notice of violation letter was sent to you regarding this same violation on November 21, 2022. To protect the health, safety, and welfare of Boulder County, Article 14 of the Boulder County Land Use Code (the Code) prohibits the accumulation of rubbish on a property. Rubbish is defined in Article 14-400(C) of the Code, and includes building materials, wood scraps, and miscellaneous household items.

An on July 10, 2023 reveals that the Property is still in violation of the Boulder County Land Use Code.

As we have informed you previously, Colorado Revised Statutes (C.R.S.) §§ 30-28-124 and 124.5 allow the County to enforce zoning violations through legal action. Under C.R.S. §30-28-124.5, zoning violations are punishable by a one-time fine of up to \$1,000, in addition to continuing penalties of up to \$100 per day until the violations are corrected.

In addition, the County also retains the right to initiate legal action pursuant to Article 14 of the Code. Specifically, the Director of Community Planning & Permitting would request authorization from the Board of County Commissioners to arrange for the abatement of the rubbish violation per Article 14-500.C of the Code. If approved, this process would involve Boulder County entering the property, removing the rubbish, and charging the reasonable cost of abatement to you. *See* Article 14-500.E of the Code.

In order to correct these zoning violations without legal action, you must take the following steps:

1. Remove all rubbish and items that are not customary and incidental to the main use of the Property from the Property;

AND

2. Ensure that all items stored on the Property as accessory outdoor storage comply with the provisions in Article 4-516.J of the Boulder County Land Use Code.

If the ongoing zoning violations are not resolved by August 30, 2023, we will initiate legal action. Please contact me immediately to discuss this matter at (303) 441-3190 or by email at [ljames@bouldercounty.org](mailto:ljames@bouldercounty.org).

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Liana James", with a stylized flourish at the end.

Liana James  
Assistant County Attorney

Cc: Scott Weeks (*via email*)

Enclosures: November 9, 2021 Notice of Violation Letter  
November 21, 2022 Notice of Violation Letter