



Community Planning & Permitting

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BOULDER COUNTY PLANNING COMMISSION AGENDA ITEM #5.2

January 15, 2025 at 1:30 p.m.

*All Commissioners' public hearings and meetings will be offered in a hybrid format where attendees can join **through Zoom** or **in person** at the Boulder County Courthouse, 3rd Floor, 1325 Pearl Street, Boulder.*

PUBLIC HEARING with PUBLIC TESTIMONY

STAFF: Jack Sheehan, Long Range Planner I

Docket DC-24-0005: Text Amendments to the Land Use Code Related to Exemption Plats.

Text amendments to the eligibility for Exemption Plat (Article 9-300.A) section of the Land Use Code, specifically two subsections where eligibility for the process (Sections 9-300.A.2 and 9-300.A.3) currently only applies to Building Lots meeting a specific definition of a Building Lot (as defined in 9-100.A.7). The text amendment proposes to allow any parcel meeting any definition of a Building Lot to be eligible for an Exemption Plat under these subsections.

Action Requested by Planning Commission: Recommendation of Approval to BOCC

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SUMMARY

On December 17, 2024, staff received authorization (Exhibit B) from the Board of County Commissioners (BOCC) to pursue text amendments to the Boulder County Land Use Code (the Code) related to the Exemption Plat eligibility section, which define what applications may utilize the exemption plat process (Article 9-300.A). Specifically, there are two sections of the

Code related to Exemption Plat eligibility (Sections 9-300.A.2 and 9-300.A.3) which include reference to subsection 9-100.A.7 that staff is recommending to be modified.

DISCUSSION

The definition of a Building Lot found in Article 9-100 includes a list of eleven subsections each of which describes a different way that a parcel can be found to be a Building Lot. Article 9-100.A.7 of the Code defines a Building Lot when specific circumstances are met including; when a parcel was divided and no longer conforms to the recorded plat, and where the county issued a building permit for that parcel for the construction of Floor Area which required a Building Lot, and that permit was not for minor work, and where in reliance on that permit the structure was substantially completed and inspected, and where a reliable deed that did not create discrepancies in boundaries was created.

The following Code provisions proposed for amendment reference this specific Building Lot definition (9-100.A.7). Staff proposes amending these provisions so that they instead refer to any legal Building Lot (changing the reference to Article 9-100 from Article 9-100.A.7) and allowing any parcel meeting the definition of a Building Lot to utilize the exemption plat process under these subsections.

9-300.A.2 No Exemption Plat approval shall permit an increase in the number of Subdivided Lots unless any additional resulting Subdivided Lot is 35 acres or more, unless the additional density was recognized through a court action where the county was given timely notice of the pending action by the court and given the opportunity to join as a party in interest in the proceeding, or unless the Parcel adding the additional density meets the definition of a Building Lot in Article 9-100.A.7.

9-300.A.3 Unsubdivided Land is not eligible for an exemption Plat unless:

c. It is part of an application involving Subdivided Land where both Parcels meet the definition of a Building Lot, as described in 9-100.A.7.

Criteria Analysis

Article 16-100.B contains criteria for amending the text of the Code. No text amendment shall be adopted by the Board of County Commissioners unless the Board has determined the following:

1. The existing text is in need of the amendment.

This is a technical update to the Code that expands access to the Exemption Plat process by removing an unnecessary limitation.

2. The amendment is not contrary to the intent and purpose of this Code.

It is within the intent and purpose of the Code to provide the public with adequate methods of modifying property boundaries and updating associated plats.

3. The amendment is in accordance with the Boulder County Comprehensive Plan.

As proposed, the text amendment does not make changes to the Code that would alter the current Code's consistency with the goals and policies of the Comprehensive Plan. Allowing this change will not increase the number of Building Lots in the county which would be contrary to the Boulder County Comprehensive Plan, since meeting the definition of a Building Lot is still required.

PUBLIC COMMENT

Staff issued a notice including a press release and publication in the GovDelivery channel after the text amendment was authorized.

Public hearings before Planning Commission and the Board of County Commissioners will be noticed to the public and provide opportunities for the public to provide comments.

RECOMMENDATION

Staff recommends that the Planning Commission recommend to the Board of County Commissioners approval of Docket DC-24-0005: Text Amendments to the Land Use Code Related to Exemption Plats and certify this Docket for action to the Board of County Commissioners. Certification includes the approved text of the Docket found in Exhibit A, and the official record of the Docket before the Planning Commission including staff comments and materials, public testimony, and Planning Commission action/discussion.

Exhibit A

9-300 Exemption Plat

A. Eligibility For Exemption Plat

2. No Exemption Plat approval shall permit an increase in the number of Subdivided Lots unless any additional resulting Subdivided Lot is 35 acres or more, unless the additional density was recognized through a court action where the county was given timely notice of the pending action by the court and given the opportunity to join as a party in interest in the proceeding, or unless the Parcel adding the additional density meets the definition of a Building Lot in Article 9-100.A.7.

9-300 Exemption Plat

A. Eligibility for Exemption Plat

3. Unsubdivided Land is not eligible for an exemption Plat unless:
 - a. It is part of an application to add it to Subdivided Land to create a Subdivided Lot of 35 acres or more; or
 - b. The county has received proper notice in a judicial process and a court has entered an order changing the boundary lines shown on a Plat or the action has been settled through a boundary line agreement; or
 - c. It is part of an application involving Subdivided Land where both Parcels meet the definition of a Building Lot, as described in 9-100.A.7.



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Authorization Memo

BOULDER COUNTY BOARD OF COUNTY COMMISSIONERS PUBLIC MEETING

December 17, 2024 at 10:30AM

All Commissioners' public meetings will be offered in a hybrid format where attendees can join through **Zoom** or **in-person** at the Boulder County Courthouse 3rd Floor, 1325 Pearl Street, Boulder. The Commissioners retain the right to switch all hearings and meetings to in-person only instead of hybrid if technical difficulties arise.

Authorization under Article 16-100.A of the Boulder County Land Use Code for Text Amendments to the Land Use Code Related to Exemption Plats (Article 9-300)

Staff: Jack Sheehan, Community Planning & Permitting, Planner I

Public testimony will not be taken – action requested

SUMMARY

Staff requests authorization from the Board of County Commissioners to pursue text amendments to the Land Use Code (“the Code”) related to Exemption Plats (Article 9-300). These text amendments are to make minor technical changes in the Code. Specifically, there are two sections of the Code related to Exemption Plat eligibility which include reference to subsection 9-100.A.7 that staff has identified as needing to be modified.

9-100.A.7 is one definition of a Building Lot. When specific circumstances are met including when a parcel was divided and the county issued a building permit for that parcel, the permitted structure was built, and a reliable deed was created.

1. 9-300.A.2 No Exemption Plat approval shall permit an increase in the number of Subdivided Lots unless any additional resulting Subdivided Lot is 35 acres or more, unless the additional density was recognized through a court action where the county was given timely notice of the pending action by the court and given the opportunity to join as a party in interest in the proceeding, or unless the Parcel adding the additional density meets the definition of a Building Lot in Article 9-100.A.7.

In updating this section staff propose to change the reference underlined above to allow any parcel meeting the definition of a Building Lot to apply for an Exemption Plat which would result in an increase in the number of subdivided lots rather limiting this option to Building Lots resulting from the circumstances specifically described in 9-100.A.7.

Exhibit B

2. 9-300.A.3 Unsubdivided Land is not eligible for an exemption Plat unless:
 - c. It is part of an application involving Subdivided Land where both Parcels meet the definition of a Building Lot, as described in 9-100.A.7.

In updating this section staff propose to change the reference underlined above to allow any unsubdivided parcel meeting the definition of a Building Lot to apply for an Exemption Plat rather than limiting this option to Building Lots resulting from the circumstances specifically described in 9-100.A.7.

This is a technical update to the Code that expands access to the Exemption Plat processes by removing an unnecessary limitation that is currently in place. Standard notice including a press release and publication in the GovDelivery channel will occur and public hearings before Planning Commission and the Board of County Commissioners will provide opportunities for the public to provide comments will be held. Staff intend for this update to be expedited with the goal of presenting this amendment to Planning Commission in January 2025.

ACTION REQUESTED

Staff requests authorization from the Board of County Commissioners to pursue these text amendments to the Land Use Code (“the Code”) related to Exemption Plats (Article 9-300).