

TOWN OF NEDERLAND AGENDA

REGULAR BOARD OF TRUSTEES MEETING

NEDERLAND COMMUNITY CENTER
750 Hwy 72 Nederland, CO 80466

March 2, 2010

7:00 P.M.

THE BOARD OF TRUSTEES WILL MEET STARTING AT 5:30 PM FOR A BUDGET WORKSHOP

A. CALL TO ORDER

B. ROLL CALL

C. CONSENT AGENDA

- Warrants
- February 19, 2009 Regular Meeting Minutes

D. PUBLIC COMMENT ON NON-AGENDA ITEMS (Speakers limited to 3 minutes)

E. NEW BUSINESS

1. Discussion and approval of Res 2010-07 approving an application to dissolve lot lines
2. Discussion and approval of 2010-08 approving an application to dissolve lot lines

F. OTHER BUSINESS

- Surveys went out and are due back on March 12th

G. Executive Session: Executive session pursuant to C.R.S. 24-6-402(4)(f) for the Board of Trustees to conduct an employee review

H. ADJOURNMENT

B.O.T. Action Summary – March 2, 2010

ITEMS 1 and 2

TITLE: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND APPROVING THE DISSOLUTION OF INTERIOR LOT LINES BETWEEN LOTS 144 AND 160, BIG SPRINGS SUBDIVISION, TO ESTABLISH ONE NEW LOT TO BE KNOWN AS LOT [REDACTED], BIG SPRINGS SUBDIVISION

AND

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND APPROVING THE DISSOLUTION OF INTERIOR LOT LINES BETWEEN LOTS 145, 146 AND 159, BIG SPRINGS SUBDIVISION, TO ESTABLISH ONE NEW LOT TO BE KNOWN AS LOT [REDACTED], BIG SPRINGS SUBDIVISION

Background:

Nederland Municipal Code Section 17-73 authorizes the Board of Trustees to approve the dissolution of interior lot lines of previously-subdivided lots upon a recommendation of the Planning Commission and a finding that the application meets the following criteria:

1. The dissolution of lot line shall be titled with the same name as the original subdivision.
2. Proposed parcel boundaries and development shall be suitably located and sized with respect to the physical characteristics of the land and the character of the neighborhood.
3. A lot created by the dissolution of any lot lines cannot be resubdivided except in compliance with a subdivision process of this Chapter (Chapter 17)
4. The lots to be combined are held in identical ownership at the time of application.
5. The lots to be combined are not separated by an easement, right-of-way or any other dedication to an individual or entity other than the owner of the property.
6. The lots to be combined are in the same zoning district.
7. The lots to be combined are part of the same underlying plat.

Doreen Day submitted two applications for lot line dissolutions: (1) to combine Big Springs Lots 144 and 160, where her current residence is located; and (2) to combine Big Springs Lots 145, 146 and 159. In accordance with Code Section 17-73, the

Planning Commission considered these two applications on February 24, 2010. The Commission voted to recommend approval of both applications.

Should the Board approve these applications, Staff recommends that such approval be contingent upon the applicant providing a map, suitable for recording with the County, that accurately depicts the new consolidated lots. Such a map is essential for property recording purposes.

One remaining issue to be resolved: the Board must determine how the newly-created consolidated lots will be designated. Staff believes it makes sense to retain one of the original lot numbers for the consolidated lot (e.g., Lot 144 or Lot 159). This may minimize confusion later for someone looking at the numbering of the subdivision as a whole. The applicant may have a request concerning lot designation, but no request was made to the Planning Commission.

Potential Objectors: None known.

Input from Other Sources: None.

Budget/Time Implications: None.

Action/Recommendation: Move to adopt the resolutions approving each proposed lot line dissolution.

**TOWN OF NEDERLAND
Boulder County, Colorado**

RESOLUTION 2010 - 07

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND APPROVING THE DISSOLUTION OF INTERIOR LOT LINES BETWEEN LOTS 145, 146 AND 159, BIG SPRINGS SUBDIVISION, TO ESTABLISH ONE NEW LOT TO BE KNOWN AS LOT [REDACTED], BIG SPRINGS SUBDIVISION

WHEREAS, the Town of Nederland, Colorado (“Town”) is a statutory municipality, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to Article 23 of Title 31, C.R.S., the Town is authorized to regulate the subdivision, use and development of land within its jurisdiction; and

WHEREAS, pursuant to this authority, the Town has adopted regulations governing requests to dissolve lot lines that form the boundaries between two (2) or more platted lots within a subdivision; and

WHEREAS, such lot line dissolution regulations are found in Section 17-73 of the Nederland Municipal Code (“Code”); and

WHEREAS, Code Section 17-73 requires the owner of two or more contiguous lots to apply to the Town for the dissolution of lot lines and for such application to be initially considered by the Nederland Planning Commission (the “Commission”), who shall make recommendation thereon to the Nederland Board of Trustees (“Board”); and

WHEREAS, Doreen Day (the “Applicant”), the owner of contiguous Lots 145, 146 and 159 within that subdivision previously-approved by the Town as the Big Springs Subdivision and recorded at [REDACTED] in the real property records of Boulder County, Colorado, has applied to the Town to dissolve the interior lot lines between said lots, as illustrated on **Exhibit A**; and

WHEREAS, in accordance with Code Section 17-73(e), the Commission considered the Applicant’s request at a regular meeting conducted on February 24, 2010, during which the Commission voted to recommend approval of said request to the Board; and

WHEREAS, the Board, also having considered the Applicant’s request, the Commission’s recommendation and the approval criteria set forth in Code Section 17-73(c), wishes to approve the Applicant’s request, subject to the terms and conditions set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND, COLORADO:

Section 1. The application submitted to the Town by Doreen Day, as record owner of contiguous Lots 145, 146 and 159 within the Big Springs Subdivision, Nederland, Colorado, to dissolve those interior lot lines that form the boundaries between said lots, as further illustrated on **Exhibit A**, attached hereto and incorporated herein by this reference, is hereby approved. Upon the effective date of this Resolution, the consolidated lot created by this approval shall be designated as Lot [REDACTED], Big Springs Subdivision, Nederland, Colorado.

Section 2. Pursuant to Nederland Municipal Code Section 17-73(e)(3), the approval set forth in Section 1 above shall become effective upon the recordation of this resolution and a map accurately depicting this lot line dissolution and lot consolidation, at the Applicant's sole expense, in the Boulder County Clerk and Recorder's office. Failure of the Applicant to either provide an accurate map suitable for recording or to pay all necessary costs of recording within fourteen (14) days of the date of this Resolution shall render the approval set forth in Section 1 null and void.

RESOLVED, APPROVED and ADOPTED this 2nd day of March, 2010.

TOWN OF NEDERLAND

By: _____
Martin Cheshes, Mayor

ATTEST:

Christi Icenogle, Town Clerk

EXHIBIT A

[MAP/ILLUSTRATION OF LOT LINE DISSOLUTION]

**TOWN OF NEDERLAND
Boulder County, Colorado**

RESOLUTION 2010 - 08

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND
APPROVING THE DISSOLUTION OF INTERIOR LOT LINES BETWEEN LOTS 144
AND 160, BIG SPRINGS SUBDIVISION, TO ESTABLISH ONE NEW LOT TO BE
KNOWN AS LOT [REDACTED], BIG SPRINGS SUBDIVISION**

WHEREAS, the Town of Nederland, Colorado (“Town”) is a statutory municipality, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to Article 23 of Title 31, C.R.S., the Town is authorized to regulate the subdivision, use and development of land within its jurisdiction; and

WHEREAS, pursuant to this authority, the Town has adopted regulations governing requests to dissolve lot lines that form the boundaries between two (2) or more platted lots within a subdivision; and

WHEREAS, such lot line dissolution regulations are found in Section 17-73 of the Nederland Municipal Code (“Code”); and

WHEREAS, Code Section 17-73 requires the owner of two or more contiguous lots to apply to the Town for the dissolution of lot lines and for such application to be initially considered by the Nederland Planning Commission (the “Commission”), who shall make recommendation thereon to the Nederland Board of Trustees (“Board”); and

WHEREAS, Doreen Day (the “Applicant”), the owner of contiguous Lots 144 and 160 within that subdivision previously-approved by the Town as the Big Springs Subdivision and recorded at [REDACTED] in the real property records of Boulder County, Colorado, has applied to the Town to dissolve the interior lot lines between said lots, as illustrated on **Exhibit A**; and

WHEREAS, in accordance with Code Section 17-73(e), the Commission considered the Applicant’s request at a regular meeting conducted on February 24, 2010, during which the Commission voted to recommend approval of said request to the Board; and

WHEREAS, the Board, also having considered the Applicant’s request, the Commission’s recommendation and the approval criteria set forth in Code Section 17-73(c), wishes to approve the Applicant’s request, subject to the terms and conditions set forth in this Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF
THE TOWN OF NEDERLAND, COLORADO:**

Section 1. The application submitted to the Town by Doreen Day, as record owner of contiguous Lots 144 and 160 within the Big Springs Subdivision, Nederland, Colorado, to dissolve those interior lot lines that form the boundaries between said lots, as further illustrated on **Exhibit A**, attached hereto and incorporated herein by this reference, is hereby approved. Upon the effective date of this Resolution, the consolidated lot created by this approval shall be designated as Lot [REDACTED], Big Springs Subdivision, Nederland, Colorado.

Section 2. Pursuant to Nederland Municipal Code Section 17-73(e)(3), the approval set forth in Section 1 above shall become effective upon the recordation of this resolution and a map accurately depicting this lot line dissolution and lot consolidation, at the Applicant's sole expense, in the Boulder County Clerk and Recorder's office. Failure of the Applicant to either provide an accurate map suitable for recording or to pay all necessary costs of recording within fourteen (14) days of the date of this Resolution shall render the approval set forth in Section 1 null and void.

RESOLVED, APPROVED and ADOPTED this 2nd day of March, 2010.

TOWN OF NEDERLAND

By: _____
Martin Cheshes, Mayor

ATTEST:

Christi Icenogle, Town Clerk

EXHIBIT A

[MAP/ILLUSTRATION OF LOT LINE DISSOLUTION]

Doreen S. Day
47 Doe Trail
P.O. Box 1061
Nederland, Colorado 80466
303-2583771
Feb. 5, 2010

Gentlemen:

Enclosed is my request to the Town Trustee's to do a lot line adjustment to my properties on Doe Trail. These lots are paid off and all in my name. My taxes are paid up to date. The specific lots I am requesting are as follows:

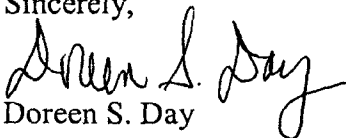
Lot 146, lot 145, & lot 159. I would like to have these lots adjoined as 1 parcel. I am putting my property up for sale (Lot 160, my home) this Spring. My neighbor had requested to purchase the above mentioned lots.

Also, I am requesting that the property, Lot 144, be adjoined to my home lot, Lot 160. I had to run my leach field onto that lot; therefore, I feel it would be best to sell that lot with the property. Lot 144 and Lot 160 would then become one piece of property

Finally, I also have Lot 2 on the Morrow Subdivision. I spoke with Lee Stadele who stated that the Lot 2 was subdivided in 1988 and was stated that it was not a build able lot. Can I petition this statement to say it is a build able lot? If not. He suggested donating the lot to the town for a tax write-off. If that would be possible, what would be the tax benefit for me? I am unfortunately not a wealthy person who can just donate land that I paid \$20,000.00 for, but for a sizeable write-off, it might be appealing.

Thank you all for your time and consideration. Hopefully, I can have this done in a timely manner, at your next town meeting.

Sincerely,


Doreen S. Day

Nederland Planning Commission
Community Center
750 Hwy 72

Minutes

Wednesday, Feb 24, 2010
7:00pm

1. Call to Order

Present: Chairman Martin, Commissioners Martin, K. Meuller, Osterloo, Blankenship, and Trustee Cornell

Absent: Commissioners Jackson and Daron Mueller

Also Present: Christi Icenogle, Town Clerk

2. Approval of minutes from February 9, 2010

A motion to approve the minutes was made, seconded, and approved.

3. Public Comment: There was not public comment

4. Discussion and Approval of request for dissolution of lot lines

Doreen Day, owner of the property, was before the Planning Commission to request the dissolution of lot lines for lots 146, 145, and 159 in Big Springs. Her neighbor wants to buy these lots.

She also wants to combine lots 144 and 160, where her home is located.

She also had questions about another lot she owned (Lot 2 in the Morrow Subdivision). It needs to be established if Lot 2 is a buildable lot so a value could be established, as she was interested in possibly donating it to the town for a tax credit.

The Commissioners thought both applications were appropriate, as they would bring small unbuildable lots into larger lots.

The Planning Commission reviewed the criteria of 17-73 to make sure the application met all aspects. It was determined that it did.

They discussed deed restricting the lots so they could not be re-subdivided. It was discussed that it would have to go through the subdivision process if the owner desired to do that.

A motion was made by Commissioner Osterloo and seconded by Commissioner Blankenship to approve the application for the dissolution of lot lines 146, 145, and 159 and between lots 144 and 160 with a deed restriction stating that the lot lines will not be subdivided again.

A hand vote of the Planning Commission resulted in the motion passing 4:0:1 with Trustee Cornell abstaining.

5. Discussion on Wind Turbine Ordinance and recommendation to the Board of Trustees

The Planning Commission continued their work on the wind turbine ordinance.

Specific points they had a difficult time agreeing on were in section 16-96 (f), the section dealing with views as discussed in f (4) and f(7). They discussed whether the ordinance should protect scenic vistas and views for the whole town, the surrounding neighbors, or for both. Some did not want one neighbor to be able to prevent a wind turbine from being installed. Others felt adjacent neighbors should have significant input into whether a turbine is allowed if one is proposed to potential be placed in a place that it can ruin a view.

A motion to approve the small wind turbine ordinance as edited this evening. A motion was made by Kevin and seconded by Commissioner Bill Blankenship

6. Other business

this requirement;

- b. All other applications must provide at a minimum an improvement location certificate within the last five (5) years; or
- c. A recorded boundary line survey of the subject property at the County Clerk and Recorder's office within the last five (5) years. No survey dated more than five (5) years prior to the date of the application shall be accepted.

(4) That the proposed lot meets all of the requirements for a legal lot within the zoning district in which the property is located.

(c) Requirements for approval of dissolution of lot lines. The following criteria shall be met by the applicant prior to approval of a dissolution of lot lines in accordance with the procedures provided in this Section. Properties that do not meet the following requirements must follow the replat provisions of Chapter 17, Article II of this Code in order to change the location of any lot line.

- (1) The dissolution of lot line shall be titled with the same name as that of the original subdivision.
- (2) Proposed parcel boundaries and development shall be suitably located and sized with respect to the physical characteristics of the land and the character of the neighborhood.
- (3) A lot created by the dissolution of any lot lines in accordance with this Section cannot be resubdivided except in compliance with a subdivision process of this Chapter.
- (4) The lots to be combined are held in identical ownership at the time of the application.
- (5) The lots to be combined are not separated by an easement, right-of-way or any other dedication to an individual or entity other than the owner of the property.
- (6) The lots to be combined are in the same zoning district.
- (7) The lots to be combined are part of the same underlying plat.

Any application under this Section shall be submitted to the Zoning Administrator.

The Zoning Administrator shall review the application and either:

- a. Advise the applicant in writing that the application is incomplete or ineligible for the procedure under this Section and provide the reasons for such determination; or
- b. **Submit the request to the Planning Commission with the recommendation of the Zoning Administrator. A copy of the recommendation shall be provided to the applicant**

RECOMMENDATIONS: The Commission should make a motion to approve this application as it meets all the requirements and has the approval of the zoning administrator.