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May 18, 2020

Board of Trustees
Town of Blue River, Colorado
P.O. Box 1784
Breckenridge, CO 80424
michelle@townofblueriver.org

Re: Lot Line Adjustment – Lot 5, Louise Placer Subdivision, Blue River, CO (the "Property")

Dear Members of the Board,

This firm represents H.L. "Skip" and Janet Bilhartz, trustees of the Bilhartz Family Trust (the "Bilhartz"), owner of Lot 4, Louise Placer Subdivision, known by street address as 143 Tesemini Lane, Blue River, CO 80424. On or about April 9, 2020, the Bilhartz received a letter (the "Letter") and a Land Survey Plat and Partial Topographic Survey (the "Survey Map") for the Property from Mark Meiser, owner of the Property. The Letter and Survey Map indicate that Meiser proposes to adjust a lot line to divide the Property into two (2) buildable lots of approximately 2.05 acres, more or less (the "Parcels"). From the Survey Map, it appears that the only buildable sites on both Parcels directly abut Tesemini Lane due to the slope of the Property as it runs east to Highway 9.

The Bilhartz sent a letter to Michelle Eddy, Town Manager for the Town of Blue River to be read into the record at the Town of Blue River Planning and Zoning Commission meeting held on May 5, 2020 opposing the Meiser's lot line adjustment. In addition, two-thirds of the homeowners in Louise Placer voiced their opposition to the lot line adjustment at the same meeting. Regardless, the preliminary plat was approved and sent to you for consideration. This letter is sent to reiterate the Bilhartz' opposition to the lot line adjustment and is hereby entered into record on Meiser's application therefore at the Board of Trustees meeting for the Town of Blue River, Colorado on May 19, 2020 at 6:00pm MST.

The Bilhartz strongly oppose Meiser's Application for Lot Line Adjustment. The Property's subdivision will

- (1) decrease the other Louise Placer owners' property values;
- (2) destroy the character of Louise Placer; and
- (3) overburden fire and rescue services

by decreasing free space between buildings in contravention of the Town of Blue River's Municipal Code (the "Town Code") and the Protective Covenants, dated July 19, 1980, recorded July 23, 1980 at Reception No. 209258 in the Records of Summit County, Colorado (the "Covenants", enclosed) to which the Property is subject.

Louise Placer was established in the 1980s providing potential homebuilders with an opportunity to purchase large lots on which to build a single-family residence. The seclusion offered by Louise Placer's lot size is central to the character of the subdivision and why owners decided to build their homes there in the first place. A lot line adjustment dividing the Property destroys the adequate free spaces and seclusion that characterize the neighborhood, thereby damaging all owners' property values.

The Code states that maintaining sufficient open space is one of its goals (*see* the Town Code, §17-1-10(a)) and that protecting and conserving the value of land throughout the municipality and the value of buildings and improvements on the land is one of its specific purposes (*see* Town Code, §17-1-10(c)(3)). Similarly, the Covenants were established to protect lot owners against improper use of surrounding building sites that depreciates the value of their property and to secure and maintain adequate free spaces between structures, among other purposes (*see* the Covenants at Clause II A.).

As mentioned above, the Survey Map provided with Meiser's letter shows that any suitable building sites on the Property would directly abut Tesemini Lane due to the slope of the Property as it runs east to Highway 9. By rough approximation, the Property only has 0.50 acres of buildable area abutting Tesemini Lane. This necessarily would mean that each Parcel would have approximately 0.250 acres, or 10,890 sq. ft., on which to build a structure. Building on such a small area contravenes the express purpose of the Town Code and the Covenants because there will be insufficient open space as prescribed by the Town Code and/or inadequate free space as prescribed by the Covenants. Further, since the adequate free space between structures is at the heart of an owners' decision to purchase a lot in Louise Placer, all lot owners' property values will diminish because the character of Louise Placer will be forever changed.

The subdivision of, and potential addition of two dwellings on, the Property will overburden valuable municipal resources. Moreover, Red, White and Blue Fire Protection District will have to serve an additional lot in Louise Placer. Due to the size of the buildable areas on the Property, it appears that two structures built thereon would necessarily be in close proximity to one another. Any fire at one structure may spread quickly to the adjacent structure

and then jump to adjacent lots and structures built thereon. Maintaining adequate free space among structures is part and parcel of the Town Code and the Covenants because of the risk of fire among structures and the burden to the Town of Blue River and Summit County's valuable public emergency services. Further, the survey plat indicates that the parcels will be served by a shared driveway. A shared driveway may inhibit emergency service access to either Parcel causing significant damage to structures built thereon, or surrounding lots and structures, in the event of a fire.

The Board of Trustees for the Town of Blue River should deny Meiser's application for Lot Line Adjustment. The Property's subdivision will decrease other Louise Placer owners' property values, destroy the character of Louise Placer by decreasing free space between buildings and overburden valuable fire and rescue services.

Sincerely,

Mark D. Cribbet

Mark D. Cribbet

May 18.2020

Town of Blue River Trustees:

Thank you for the opportunity to comment on the "Public Hearing and Plat review/approval Lot 5 Louise Place Subdivision". My wife, Martie, and I are 40+ year full time residents of the Town of Blue River and own Lot 103 Sherwood Forest, 0272 Blue Grouse Trail.

First, I call your attention to the wording of the subject agenda item; "'Public Hearing and Plat review/**approval** [emphasis added] Lot 5 Louise **Place** [emphasis added] Subdivision". It is misleading and pre-decisional that the agenda item infers "**approval**" of the project. Chapter 17, Subdivision Regulations, Article X Application Review Procedures, Sec, 17-10-90 Public Hearings (e) states; "...*Town Board shall conduct a public hearing and shall, at the conclusion of the hearing, **approve, approve with conditions, deny the application, or continue the matter** [emphasis added] to a date certain.*" Clearly the Board has four options to choose as it decides on the project and inferring the Board will approve the project is subverting the public hearing process. The recorded name of the subdivision is Louise **Placer** Subdivision. A minor typo error I assume, but nonetheless an error that must be noted.

Second, I have visited the subject property and have reviewed the information presented in the Trustees Packet Material May 2020 and offer the following comments for your consideration.

1. "Lot Line Adjustment Application" dated 3/10/20

There are several strikethrough text and added language to the standard application that changes the intent of the application from **lot line adjustment** to **subdivision** of a lot to create a new lot, (see below):

~~The procedure for the amendment or partial replatting of approved subdivisions, including lot line adjustments, lot line vacations and resubdivision of single-family lots as duplex lots, shall be as follows:~~

~~(1) Applications for the amendment or partial replatting of approved subdivisions, including lot line adjustments, lot line vacations and re-subdivision of single-family lots as duplex lots, shall include the following:~~

I understand the application was submitted prior to the new Chapter 17 Subdivision Regulation, and subject to *Sec. 17-1-30.1 Temporary suspension of subdivisions that create new lots*. And qualifies under item (b) *Limited Exemption* by having been submitted prior to April 15, 2010. As such the application was accepted for processing. Perhaps the edits in the "Lot Line Adjustment Application" dated 3/10/20 were a means to reflect the new subdivision regulations. Were these edits done by the applicant and approved by the Town prior to accepting the application? Is so, the edits should be acknowledged and agreed by both the applicant and Town when the application was submitted and signed 3/10/20. Does such documentation exist in the record?

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2. While it is a requirement that the applicant provide the names and addresses of adjoining properties and the Town dutifully notified those property owners, was there any communication between the applicant and neighbors before submitting the application? The letters recently submitted by adjacent lot owners and others in the area clearly oppose the idea of subdividing Lot 5 into two separate lots. Was there any communication between the applicant and neighborhood to vet out their concerns prior to submitting the application to the Town?
3. I have read the five comment letters received from neighbors nearby to the subject property. I concur with all the concerns expressed and do not support the approval of the application for Lot Line Adjustment/Subdivision of Lot 5. The comments noted in the April 24, 2020 letter from the firm representing the owners of Lot 4 Louise Placer Subdivision presents a detailed itemization of the issues and concerns for not approving the project.
4. The letter from the Red, White and Blue Fire Protection District states that the project planning documents comply with the requirements of the 2018 International Fire Code. Additionally, Jay Nelson, Deputy Fire Chief, suggests that the developer of the lot contact the RWB office for information on the wildfire mitigation requirements that they will be required to follow as outlined in the Code prior to construction of any structures on these lots. The subject lot is situated on a ridge line that is visible across the Blue River valley by the Spruce Valley Ranch and portions of the Crown Subdivisions, as well as travelers along Boreas Pass Road. The ridge line is a prominent middle ground viewshed from those viewpoints. As such, removal of trees and construction of two homes on the parcel may negatively impact the scenic quality of the area. If the project were to be approved it is imperative that a site special wildfire risk assessment be conducted to minimize the amount of tree removal required to meet mitigation requirements.
5. Finally, what is the Board of Trustee decision space related to the "Lot 5 Louise Placer Subdivision" application? Chapter 17, Subdivision Regulations, Article III Minor Subdivision Sec. 17-3-70 Conditions for approval states, "*The Town Board may impose reasonable conditions upon any approval which are necessary to ensure continued conformance with these standards of approval, this code, or which are necessary to protect the health, safety, and welfare of the Town and its residents.*" Article X Application Review Procedures, Sec, 17-10-90 Public Hearings (e) states; "...*Town Board shall conduct a public hearing and shall, at the conclusion of the hearing, **approve, approve with conditions, deny the application, or continue the matter** [emphasis added] to a date certain.*" Within the decision space in the Town's Subdivision Regulations the Board does not need to approve the project.

Based on the information presented in the Trustees Packet Material May 2020 and the comments noted above, I encourage the Board of Trustees to not approve the "Lot 5 Louise Placer

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Subdivision" application as submitted. If the owner/developer of Lot 5 continues to pursue an application for subdivision of the property the Board may consider continuing the matter to a later date and identify specific conditions to protect the health, safety, and welfare of the Town and its residents that are reasonable for approval of the project.

Respectfully,

Paul Semmer