

**PROPOSED EXCEPTION TO THE MINIMUM LOT SIZE AS A RESULT OF A SUBDIVISION  
MARCH 27, 2017 v.4**

Addition of Section 13 to the Town of Jamestown Subdivision Regulations, Pamphlet SR2009:

**Section 13. Exception to the 2.3 Acre Minimum Lot Size:**

- 13.1 The Board of Trustees may grant an exception to the minimum lot size requirement of 2.3 acres if the Applicant demonstrates that the proposed subdivision meets the adopted Town goals and objectives described in the most current version of the *Jamestown Comprehensive Plan*, and that the proposed subdivision meets the criteria established in these Subdivision Regulations to promote both safe building sites and preservation of Town character.
- 13.2 Definitions. For purposes of this Section 13, the following terms shall have the following meanings:
- a. Lot – A measured portion of land having fixed boundaries designated on a plot or survey and is considered buildable if the proposed development meets current development standards adopted and applied at the time of building permit issuance
  - b. Out-lot - When included within the boundary of a recorded plat, means a parcel set aside and restricted to purposes other than housing development; an out-lot may include a park or other land dedicated to public use, or undeveloped land reserved to private use
- 13.3 To be considered for an exception, the Applicant must request the exception in writing, and submit the following materials (“Submittal Materials”) prior to submitting a preliminary plat:
- a. Processing fee of \$100
  - b. Adequate fees to cover the cost of the public notice of the public hearing as determined by the Town Clerk.
  - c. A list of the names and addresses of property owners of properties located within 300 feet of the site
  - d. Adequate fees to cover the cost of certified mailings to property owners within 300 feet of the site as determined by the Town Clerk.
  - e. A legal description of the property subject to the application.
  - f. Proof that the Applicant is the owner of the property or, if the applicant is not the owner of property, written owner consent to the filing of the application
  - g. Summary of exception request including how the request addresses the standards in Sections 7 and 11, and the criteria in Section 13.4 of these Subdivision Regulations.
  - h. Sketch map of subject site with total acreage, identified hazard areas, proposed area of resulting lot(s) and any out-lot(s), and location of proposed building site(s) including adequate area for a residence and an on-site waste water treatment system if the proposal includes a buildable lot.
  - i. Additional funds will be required after the public hearing if additional costs to the Town are incurred in accordance with 13.4.h.
- 13.4 Process
- a. The Applicant may request an exception to the minimum lot size prior to preparing a preliminary plat and pursuing a formal subdivision process under these Subdivision Regulations.

- b. The Applicant will be responsible for the costs of public notice publication (see 13.4.d. below), and mailing of the certified letters to adjacent property owners within 300 feet of the property (see 13.4.f. below).
- c. The Board of Trustees shall hold a public hearing to consider the exception request between 30 and 60 days of the Town Clerk receiving a complete set of Submittal Materials and all required fees.
- d. The Town Clerk shall cause public notice of the public hearing to be posted at the Jamestown Town Hall posting site or other approved public location.
- e. The Town Clerk shall notify community email subscribers of the proposal via the community email distribution list.
- f. The Town Clerk shall forward to each surface owner within 300 feet of any boundary of the proposed exception site by certified mail, return receipt requested, notice of the public hearing not less than 30 days prior to the hearing. The Town Clerk will insert the date, location, and time of the public hearing on the submitted posting notice.
- g. The Applicant will post the subject property at least 30 days prior to the public hearing.
  - i. The posting shall be along the frontage of the property on an existing street. If the property has multiple frontages, one sign is to be posted per frontage.
  - ii. The posting notice shall contain, in minimum four inch letters, "NOTICE OF PROPOSED EXCEPTION TO THE MINIMUM LOT SIZE OF A SUBDIVIDED PARCEL" and "PUBLIC HEARING", and space for the DATE, LOCATION and TIME of the public hearing in at least two inch letters, to be filled when a public hearing date is set.
  - iii. The posting shall be securely fixed and reasonably weather resistant.
  - iv. The Applicant shall ensure that the posting remains legible and on the property until the hearing date and time.
- h. The Board of Trustees shall consider the application at a duly-notice public hearing at which the Applicant and interested parties shall have the right to present evidence and testimony to the Board. At the conclusion of the public hearing, the Board of Trustees may act to approve, approve with conditions, disapprove, or continue the application to a later date for further consideration. The Board may further direct that Town staff prepare for consideration at a later date a proposed set of written findings and order for approval, approval with conditions or disapproval. No action of the Board of Trustees shall be final until set forth in a resolution or other writing adopted by the Board of Trustees, which will document the Board's reasoning and final decision upon the exception request.
- i. Upon any approval of an exception to the minimum lot size requirement by the Board of Trustees, the Applicant may submit an application for subdivision with the approved exception for minimum lot size in accordance with these Subdivision Regulations.

13.5 Exception Criteria; The Board of Trustees will consider the following standards and criteria when determining whether an exception to the 2.3 acre minimum lot size requirement should be approved, with or without conditions:

- a. Unless otherwise determined by the Board of Trustees, no more than two lots of less than 2.3 acres each are created.
- b. Each proposed buildable lot is at least 15,000 square feet in area.
- c. The minimum lot size allowed is that size determined by the Board of Trustees to be compatible in size to neighboring parcels within 300 feet of the subject property.
- d. The lot's ability to be serviced by the municipal water system or other appropriate water

- source.
- e. The lot's ability to be served by existing or proposed public or private access to the street system, considering the appropriateness of such access plan with respect to safety, traffic, location, grading, aesthetics, emergency access, parking and other considerations.
  - f. The proposal includes wildfire protection and suppression options to increase the safety of the site. Such requirements shall be made part of the subdivision agreement.
  - g. Inclusion of setbacks or other restrictions as necessary to retain the character of the neighborhood and impacts to adjacent property owners. Such requirements shall be made part of the subdivision agreement.
  - h. Potential aesthetic and financial impacts on adjacent properties and the neighborhood.
  - i. Special consideration will be made for replacing lots lost due to natural disasters.
  - j. Relevant evidence and testimony provided by neighboring property owners, submitted in writing or orally at a Board Meeting, shall be given due consideration by the Board of Trustees.
  - k. The lot meets the standards Section 4.3 and 7 of these Subdivision Regulations, and Colorado State Statues, as amended, including but not limited to:
    - i. Access to the existing road system / highway system.
    - ii Building areas are outside of hazard areas.
    - iii Adequate area exists for an onsite waste water system and structures. The Board may require proof from Boulder County that the property for which the exception for a smaller lot size is requested still has adequate space and terrain for a septic and setbacks for the septic from structures.

13.6. If an area proposed for subdivision under this Section 13 is not intended for housing development, the area shall be designated and referred to as an "out-lot" on the subdivision preliminary and final plat. The subdivision preliminary and final plats shall include language in the notes that the out-lot is not intended for habitation.

13.7 If an exception to the 2.3 acre minimum lot size requirement is approved, the Applicant is required to submit a formal subdivision application per these Subdivision Regulations within 2 years of approval. If the Applicant does not submit a preliminary plat within 2 years of the date of Board of Trustees approval of the exemption request, the Applicant must apply for a new exception from the Board through a new review process. The exception for a minimum lot size of less than 2.3 acres is finalized when a final plat approved by the Board of Trustees and signed by the Town is recorded with Boulder County.

**Other changes in Subdivision Ordinance:**

Section 7.2 –

7.2 b.) Preliminary Plat: which shall include:

- Total number of lots and acreage for each lot. For each lot; accurate dimensions of all boundaries, streets, alleys, easements, areas reserved for public use or other features. The total, gross acreage for each lot shall not be less than 2.3 acres, excepting any lots for which a variance to the minimum lot size requirement is requested pursuant to Section 12 or an exception has been granted for the minimum lot size through Section 13 of these Subdivision Regulations.