

MEMO

TO: Boulder Planning Commission, et al.

FROM: Lee Nellis, FAICP

DATE: October 13, 2021

RE: Revision to Immediate Amendments to Subdivision Regulations

A citizen comment alerted to me to the need to resolve a potential source of confusion in the proposed amendments.

The definition of right-of-way currently reads as follows:

Right-of-Way: A right-of-way is a linear area that is used as a street or trail, and/or for irrigation works or utilities, and/or other public purposes and that has been or will be dedicated to the public or otherwise acquired by the government or an irrigation or utilities provider. **The area of a right-of-way area is outside any lot.**

The potentially confusing language is “will be,” which is a case of the planner assuming that everyone understands the context. I said ‘will’ because in the context of subdivision review, the PC and TC will frequently be looking at proposed rights-of-way that will not be dedicated until a final plat of the subdivision is recorded.

Without that context, one might see this as open-ended and think about all the potential rights-of-way or easements that exist on the landscape (driveways, irrigation ditches, etc.) that could be considered.

Right-of-Way: A right-of-way is a linear area that is used or proposed to be used as a street or trail, and/or for irrigation works or utilities, and/or other public purposes and that has been or will be dedicated to the public on the subdivision plat. ~~or otherwise acquired by the government or an irrigation or utilities provider.~~ **The area of a right-of-way is outside any lot.**

This should make it clear that we are only talking about rights-of-way that are part of the subdivision review process.