

Briefing Note

Resolution to Approve Three Settlement Agreements, Release Portions of Conservation Easements and Dispose of Lots in Harbour Heights

Between 2021-2023, three property owners received clearing and building permits on parcels encumbered by previously recorded easements that removed density units from one or more of the parcels. Prior owners agreed to the easements as part of development plans on other sites. However, the property owners failed to pay property taxes, which caused the lots to escheat to the County. The lots were then purchased from the County through the direct sale process. Pursuant to the County's Comprehensive Plan and Codes pertaining to where and when density can be relocated, Harbour Heights does not allow for density transfer into or within, only density transfer out. The settlements attempt to balance the property owner's interest with the County's interests to avoid potentially expensive litigation for all of the impacted parties.

Conservation easements were not regularly tracked by county permitting staff as most occurred prior to both the Accela system usage as well the widespread use of the GIS system and layers, though there was a static map within the County's mapping database; which was not regularly updated.

Real Estate Services Division, in conjunction with Building and Construction Services and the County Attorney's Office is seeking approval of the Board of County Commissioners to execute the proposed settlement agreements and authorize execution of the documents pertinent to removal of the Conservation Easements on these parcels. Thus far, two of the three affected owners have executed the proposed settlement agreements. Those two are being presented to you at the Board of County Commissioners meeting on February 27, 2024. Should the third party execute the proposed settlement agreement, that item will be brought forward for Board presentation at a future meeting date.