



*"To enhance the quality of life in Boulder County,  
and protect people's opportunity to own, use, and enjoy  
their property by promoting environmentally sound,  
fair and consistent land use decisions."  
- Land Use Coalition Mission Statement*

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# The Land Use Lantern

Newsletter of the Land Use Coalition

December 2006

## *President's Column*

Greetings LUC Members and Landowners:

At our annual strategy meeting in September, we discussed the many issues that are facing Boulder County landowners today. In order to improve our effectiveness as an organization, we are focusing our time and efforts on these goals: 1) Continue to provide input on the County Code revision process and changing attitudes at the Land Use Department, 2) Improve our public outreach and education efforts, 3) Encourage small businesses in unincorporated Boulder County to get involved in the Code revision process, and 4) Become more involved at the State Legislature.

Prior to the October joint session meeting of the Boulder County Board of Commissioners and Planning Commission, the LUC sent a letter to the BOCC (Board of County Commissioners) voicing our concerns about the direction of the Code revision process and changes that needed to be made at the Land Use Department. We've included a copy of the letter with this newsletter. Since then, several newspapers have picked up on the story and a couple of our members provided input in these articles.

The BOCC has chosen to take the Code revision process off course and is focusing on limiting house size with the use of TDRs (Transferrable Development Rights) and creating a Sustainability program to coincide with the implementation of Green Building regulations. No one at the County seems to have a concrete definition of just what Sustainability is and how it relates to the Land Use Code revision process, but that has not stopped them from barreling ahead on this issue. The Planning Commission met last month to add Sustainability to the Boulder County Comprehensive Plan, any day now the County will be launching a special website dedicated solely to Sustainability, and the BOCC is embarking on a four-city publicity tour to promote Sustainability and the rest of their agenda. I encourage you to attend one of these public meetings and share your thoughts with the Commissioners on how the Code revision process is off course and how they need to look at improving the existing code per their stated goal at the beginning of this process, instead of adding another bureaucratic layer that makes it even more difficult for regular folks build their dream house or for farmers and ranchers to continue their operations in the rural parts of the County. We've included the County's announcement and meeting dates in this newsletter. For more information on these topics, please come to one of our monthly meetings.

In 2007 we will be sending a survey to our members and to people who have submitted a Boulder County Land Use application within the last year. Our intent is to get a better gauge on the treatment that people are receiving from the Land Use Dept. and the obstacles that applicants face. We will use this data to improve our educational materials and to do a now-and-then comparison with the survey we sent out several years back. We are also in the process of overhauling the LUC website. Please let me know if you have any suggestions or feedback on information you'd like to see on our website. In our ongoing public luncheon series, the LUC will be hosting a January 12th luncheon on the "Stewardship of Private Forest Land" in Boulder County. Several speakers will share information about the role of landowners in the health and management of private forestland. Make your reservations now, as space is limited and this topic promises to draw a crowd.

If you own a business in unincorporated Boulder County, we encourage you to take an active role in the Land Use Code revision process. Residential landowners are not the only ones affected by Boulder County's restrictive and subjective Land Use Codes. If you want to replace your roof, add porches to your rental cabins, move dirt, or attempt to make a living in the agriculture sector, chances are you can't do it "legally" without getting entangled in the County's bureaucratic red tape. Please get involved and make a difference for businesses in Boulder County.

We need your help to achieve our ambitious goals. Our 100% volunteer organization fights for the rights of thousands of landowners in Boulder County. Our core group of dedicated volunteers needs some relief! If you have an interest in helping the LUC achieve our goals, please donate some of your time to one of these efforts. If your time is limited or if you live out of town, please consider making a donation to the LUC. I hope to see you at our next meeting on December 6.

Happy Holidays to you and your family!

*Pam McElwain*

Phone: 303-666-7903, E-mail: [pam.mcelwain@comcast.net](mailto:pam.mcelwain@comcast.net)

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# LUC Letter to BOCC re: Code Revision Process

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October 26, 2006

Dear Boulder County Commissioners:

It has been more than a year and a half since the County's Land Use Code revision process began. We would like to take this opportunity to share with you our thoughts on the revision process, administration of the Land Use Code, and direction for the future.

We encourage you to stay with your goal of improving the Land Use Code for: "Clarity, Fairness, Usability, Effectiveness, Ability to preserve the County's rural character, and Ability to protect our environment." While in recent decades fairness has been a major problem (fairness toward the minority owning undeveloped rural lands has been sacrificed at the alter of preserving rural character, etc.), at present it seems as if most of your stated goals have gotten lost in the revision process. Perhaps each code revision meeting, whether public or not, should begin with the recitation of this goal. As inane as it might sound, this might help everyone stay on track and prevent losing sight of the purpose of this process. Or perhaps you have another method of restoring and maintaining the focus of your goals.

At the October 10, 2005 BOCC hearing, you prioritized a long list of suggested changes to the Land Use Code. At the top of the list are Site Plan Review, Green Building, and Mergers. To date, there have been three dockets concerning code revisions from this process: 1) Rescinding of mountain and subdivision mergers, 2) Changes to the agricultural regulations, and 3) Green Building.

We heartily thank you for addressing the merger situation first. Your majority decision to rescind the mountain and subdivision mergers is a testament to your willingness to improve the Land Use Code and fix the wrongs implemented by past Boards. Although this was a crucial step in the right direction, justice has not prevailed for all merger victims. The single deed merger issue is still a problem, and we encourage you to take another look at this unfair policy that leaves landowners paying taxes on land from which the County has stripped away the development rights without the owner's knowledge or consent. Up to this point, you have been unwilling to address or even acknowledge this situation. If fairness is part of your Land Use Code revision goals, you need to rectify this and address the single deed merger issue.

We have several members who are affected by the County's agricultural Land Use regulations and they continue to voice the opinion that the Boulder County government is out of touch with its agricultural community. Those who have provided input for the agricultural code revision are disappointed with the lack of significant improvements. We encourage you and the Land Use Department to develop further relationships with those in the agricultural community, particularly among the landowners who are most affected by your regulations. We are concerned with the lack of consideration for the necessity of profitability in agriculture, the substantial difficulties presented at urban-rural interfaces, the effects of policies of the city's and county's Open Space programs upon the remaining private-sector farmers, ranchers, and equestrians, and the lack of the flexibility which is essential for producers to adapt to the continuous, rapid changes in agriculture. Site Plan Review and the other review processes are frequently cited as problems, as are weeds, prairie dogs, and a number of other issues.

We have provided some input on green building and a few of our members have volunteered to participate on the green building study panels. We continue to recommend that any green building regulations (whether in the Land Use Code or Building Code) be implemented as suggested alternatives with incentives, rather than requirements. We are concerned about the added level of bureaucracy, additional complexity in the code, and increased costs to the applicant. Legitimate benefit to the environment based on proven scientific data, rather than a desire to limit ultimate house size, should be the driving factor in the implementation of Green Building regulations.

At the top of the code revision list from October 2005 is Site Plan Review. Ironically, it has been dropped to the bottom of the list of current code revisions. This is unacceptable. Contrary to the Land Use Department's sanguine presentation to the BOCC and the Planning Commission at the March 2006 study session, Site Plan Review is one of the driving forces behind this entire code revision process. SPR should remain at the top of the list and we encourage you to rectify this immediately. We continue to hear complaints about SPR and it should be the highest priority for review and improvement. To recap previous correspondence on this issue: the LUC maintains that SPR has sometimes been used inappropriately as a growth-control tool and/or means of harassment. In some cases, the results are arguably worse than they would have been without SPR. Some fundamental changes in the SPR process are needed to make it truly "appropriate." Please put Site Plan Review back at the top of the code revision list.

Another major area of concern that still needs to be addressed, in conjunction with the code revision process, is the much needed attitude adjustment at the Land Use Department. There has been a noticeable change in the way the new Commissioners operate, but unfortunately this seems to have had little impact at the Land Use Department. Despite claims to the contrary, things have not improved all that much. Although we have received some positive feedback, more often than not, we continue to be contacted by applicants in despair over the treatment they receive from the Land Use Department, confusion over the seemingly arbitrary and inconsistent application of the Land Use Code, and fear of speaking out as such action might jeopardize their application.

*(continued on next page)*

(LUC Letter to BOCC continued)

This is not acceptable and should be addressed immediately by the Commissioners. In these cases, we have observed that the Land Use Department works against the applicant instead of with them. Why not adopt a solutions-oriented customer service policy? In the past and at the recent Agricultural hearing, many people supported the idea of bringing in an ombudsman to help mediate and facilitate the code revision process. We encourage you to explore this possibility as a means of improving the overall performance of the Land Use Department as well.

For the record, we would like to acknowledge that there are some great people working in the Land Use Department. However, the repeat offenders (a.k.a. bad apples) seem to operate in a "business as usual" mode that reflects poorly on the whole department. We encourage you, the Commissioners, to clean house and make the Land Use Department a positive reflection of your administration, rather than a team dedicated to carrying on the injudicious policies of past Commissioners.

We hope that you will address these items starting with your upcoming meetings on October 30. If you would like additional feedback on the items discussed in this letter, please feel free to contact Pam McElwain (LUC President) or Dick Schillawski (LUC Vice President). Thank you for your time and more importantly, thank you for this process.

Sincerely,

Members of the Land Use Coalition

cc: Boulder County Planning Commission, Graham Billingsley (LUD Director), Michelle Krezek

## LUC LUNCHEON - JANUARY 12



### Stewardship of Private Forest Land

*Addressing the Health, Care, and Management  
of Private Forest Lands in Boulder County*

Members of the Colorado Tree Farmer Committee and the Colorado Forest Association will speak about forest care issues facing owners and users today. They will discuss the strategy, steps and direction being taken to best steward this valuable asset. Topics include: overgrowth, same age trees, pine beetles, limited forest management, and limited market for stewardship byproducts. This informative presentation will be followed up by a question/answer session and open discussion forum.

Date: Friday, January 12, 2007  
Time: Registration: 11:30 a.m.  
Presentation/Lunch Buffet: 12:00 p.m.  
Cost: \$15 includes a buffet lunch and beverage  
Place: Broker Inn - Boulder, CO  
RSVP: By January 9 to Jo Wiedemann by e-mail:  
jowiedemann@comcast.net  
or phone: 303-447-2569

### Announcement from Boulder County re: Open Houses

Boulder County has scheduled several open houses to gain public input on a new Sustainability Element for the Boulder County Comprehensive Plan. Each open house will include the same program - information on Green Building, an expanded Transfer of Development Rights Program, and data on development trends in the unincorporated areas of the County; a short staff presentation; and time for recording individual comments.

The current schedule for open houses is:

Wednesday, December 13, 2006 - 5:00 to 7:30 pm  
at the Boulder County Resource Conservation  
Center - 1901 63rd Street - Boulder

Wednesday, January 3, 2007 - 6:00 to 8:00 pm at  
the Nederland Community Center Annex - 20  
Lakeview Drive - Nederland

Tuesday, January 9, 2007 - 5:00 to 7:30 pm at the  
Boulder County Parks and Open Space Offices -  
Prairie Room - 5201 St. Vrain Road - Longmont

\* Allenspark Open House to be added in January

For further information, please contact either Peter Fogg (pfogg@co.boulder.co.us) or Michelle Krezek (mkrezek@co.boulder.co.us) at 303-441-3930.

Seasons Greetings



PO Box 20265  
Boulder, CO 80308

OUR NEXT LUC MEETING IS  
WED. DEC. 6 - 5:30 PM  
OLIVE GARDEN IN BOULDER  
(NW CORNER OF 28TH & PEARL)

## LUC CALENDAR

- LUC December Meeting - 5:30 PM . . . .Dec. 6**  
 BOCC Hearings on Open Space/TDR Proposals -  
 BOCC Hearing Room - 11:00 AM . . . .Dec. 7  
 BOCC/Planning Commission Joint Session -  
 BOCC Hearing Room - 3:30 PM \* . . . .Dec. 13  
*(\*Note: this meeting has not been confirmed, call BOCC or LUD)*  
 BC Open House in Boulder - 5:00 PM . . .Dec. 13  
 BC Planning Commission Hearings  
 BOCC Hearing Room - 1:30 PM . . . .Dec. 20  
**LUC January Meeting - 5:30 PM . . . . .Jan. 3**  
 BC Open House in Nederland - 6:00 PM . .Jan. 3  
 BC Open House in Longmont - 5:00 PM . .Jan. 9  
**LUC Luncheon - 11:30 AM . . . . .Jan. 12**  
*Please RSVP for LUC Luncheon by Jan. 9*

LUC monthly meetings are held the first Wednesday of each month at 5:30 PM at the Olive Garden, located at 2685 Pearl St. on the northwest corner of Pearl and 28th in Boulder, phone: (303)546-6506.

Please confirm all Boulder County calendar items in advance.



Do you currently receive LUC newsletters by mail? If so, you can help us save money on printing and postage and keep up-to-date on Boulder County land use events by opting to receive our newsletters by e-mail. To switch to e-mail, please contact Betty Gibbs at: [bgibbs@wcox.com](mailto:bgibbs@wcox.com)

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