



"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

September 2008

President's Column

Howdy Land Use Coalition Members,

Get ready for an interesting election in November, as all three Boulder County commissioner slots are up for grabs. We will be hosting a luncheon with all nine of the commissioner candidates on Thursday, September 25. We plan to ask them questions about their views on the current Land Use Code process and other land use issues important to LUC members. Space is limited - please make sure you reserve a spot early as this promises to be a packed crowd.

Boulder County's Land Use Code revision process has been going on for nearly four years now. Commissioners Toor and Pearlman set this revision process as one of their top agenda items when they took office in 2004. The LUC has been there every step of the way. We and other Boulder County property owners are largely indebted to the tireless efforts of our Code Committee.

So far, the update has consisted of added regulations instead of better clarification of the existing code. We have had some success and our input and participation have improved some of the proposed land use codes. We all got it when a woman from the former Soviet Union shared her story with the County commissioners and spoke of her old communist government telling her that she only had a right to live in 72 sq. ft. She thought that this was the beginning of the end of her American dream when her new "Land of the Free" government/County commissioners chose to regulate her property rights to a numerical number that they say we should be happy with. See page 2 for a summary of the outcome of the recent codes that were passed and the upcoming proposed revisions.

Participation is the key to the LUC's success. We're searching for members who are willing to stand up and speak out about code revisions. We need your help to consider and weigh Boulder County's unending proposals and to change the land use code. We need folks like you to step up and help bring the code into community agreement instead of allowing for the commissioners to push their agenda through.

Please join us at the Land Use Coalition by volunteering or making a donation to create a new era of activism in the protection of our/your property rights. We need you to activate the switch in yourself for the benefit of all of us!

All the Best!

Dirk Arnold

Land Use Coalition President

Phone: 303.449.5000, E-mail: dirkarnold@earthlink.net

ANNOUNCEMENTS

LUC LUNCHEON WITH THE BOULDER COUNTY COMMISSIONER CANDIDATES

SEPT. 25 AT 11:30 AM

All 9 of the candidates will attend the luncheon to answer questions and concerns on land use issues in Boulder County. How's this for numbers? There are 3 candidates representing 3 parties running in each of the 3 districts. See page 4 for more details.

RSVP DEADLINE: SEPT. 20

Boulder County Code Revision Update

"Expanded Transfer of Development Rights (TDR) Program, including structure-size considerations"

These changes to the Land Use Code were adopted by the County Commissioners despite prolonged and vigorous objections by affected landowners. They took effect on August 8, 2008. The regulations are complex, so only a broad summary can be presented here.

First are some definitions: "Neighborhood" is now defined as a subdivision of seven or more lots, certain rural towns: Allenspark, Eldora, and five others, or properties within 1500 feet of a parcel under consideration (but excluding the defined subdivisions and towns, plus any lots in municipalities). "Residential Floor Area" includes any floor area except covered porches and agricultural outbuildings (basements, garages, storage sheds, etc. ARE included).

Receiving the most public attention were size "thresholds" on "Residential Floor Area", above which owners must purchase what are now called "Development Credits" before construction. The size "threshold" is 6000 square feet throughout the county, except in county-approved TDR-receiving sites (where it is 9000), and in the rural towns where it is 1500 (until and unless landowners in those individual towns and the county arrive at another "threshold" via an ongoing planning process).

Changes to Site Plan Review (SPR) potentially have much more impact on typical rural landowners. ANY residential development in excess of 125% of the median existing in the "Neighborhood" now MUST be "minimally visible", as determined by the Land Use Director. Since very few "Neighborhoods" in the rural county have "Residential Floor Area" medians above 4800 square feet (80% of 6000), or are likely to be "minimally visible", it is probable that this particular regulatory change will be the one effectively limiting rural house sizes in Boulder County (except in the rural towns where the "thresholds" will probably end up being substantially lower).

Exempt from these regulations are housing on certain county-approved conservation easements, and county-approved Accessory Dwelling Units, and existing residences (until enlarged). Some recently approved subdivisions are also exempt for a few years. Perhaps on the plus side, the Land Use Director has the authority to waive SPR for certain increases in existing "Residential Floor Area". Landowners also do have the option of selling "Development Credits" from their property in certain cases in exchange for a conservation easement further restricting use of their property; these provisions are too complex to summarize here.

All construction in the rural county is now, of course, subject to the "BuildSmart" regulations adopted earlier this year.

The county now has established a "Development Credits Clearinghouse" to handle TDRs and "Development Credits" (see the Land Use Dept. Website for details). The County Commissioners are supposed to review these regulations (except the changes to SPR) after six months.

"Lodging in a Dwelling"

The changes proposed in this docket are intended to clarify the Land Use Code regarding the long-standing use of residences, particularly mountain cabins, as short-term vacation rentals. The Planning Commission considered the staff recommendation at its August meeting, and made several changes. These included exempting Resort Lodges, etc. from the docket, exempting rentals of 60 or fewer nights per year from regulation (with 61-100 nights potentially subject to some regulation, but only on a complaint-driven basis). The use would not be allowed in rural residential zones (Rural Residential, Estate Residential, Suburban Residential) except by Special Review, but would be "by right" in the other zones. The Planning

Boulder County Code Revision Update (cont.)

Commission asked for substantial clarification regarding what "applicable minimum health and safety standards" are to be applied to all short-term rentals of more than 60 days per year.

This docket is to go before the County Commissioners in the near future, but no date has been announced as yet. The proposed text seems to require significant and substantial modifications to meet the intent stated by the Planning Commission. It is not clear whether the staff actually will make these modifications before the docket goes to the County Commissioners.

For more information on upcoming public hearings, please visit the County's Land Use Dept. website: <http://www.co.boulder.co.us/lu/>

*By Dick Schillawski
LUC Vice President and Code Committee Chair*

To join the LUC's Code Committee, please contact Dick at rschillawski@earthlink.net



Coming in September...

The LUC will have a new and improved website!

Please visit our new site at:

www.landusecoalition.org



LUC CALENDAR

- LUC September Meeting - 5:30 PMSept. 3
- LUC Luncheon with the Boulder County
Commissioner Candidates *
Boulder Broker Inn - 11:30 AMSept. 25
* *RSVP Deadline is Sept. 20*
- LUC October Meeting - 5:30 PMOct. 1
- LUC November Meeting - 5:30 PMNov. 5
- LUC December Meeting - 5:30 PMDec. 3

LUC monthly meetings are usually 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 check our website to confirm our next meeting date and time: www.landusecoalition.org

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, please contact Betty Gibbs at: gbibbs@wcox.com

LAND USE COALITION OFFICERS

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|-----------------|------------------|
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- Forest Land Use Committee - Bill Carpenter (303-619-2635)
- Luncheon Committee - Jo Wiedemann (303-447-2569)
- Newsletter Committee - Ann Mygatt (303-449-8007)



PO Box 20265
Boulder, CO 80308

OUR NEXT LUC MEETING IS
WED. SEPT. 3 - 5:30 PM
OLIVE GARDEN IN BOULDER
(NW CORNER OF 28TH & PEARL)

LUC LUNCHEON - THURSDAY, SEPTEMBER 25

Join us for a Discussion on Land Use Issues with:

THE BOULDER COUNTY COMMISSIONER CANDIDATES

District 1

Patrick Brophy - Republican
Ralph Shnelvar - Libertarian
Will Toor - Democrat

District 2

Aaron Hobbs - Republican
Ben Pearlman-Democrat
Bo Shaffer - Libertarian

District 3

Cindy Domenico - Democrat
Randy Luallin - Libertarian
Dick Murphy - Republican

The LUC will submit written questions to the candidates prior to the luncheon. Candidate responses will be posted afterwards on our website. We are particularly interested in what plans the candidates have for revision of the Land Use Code, implementing the Development Credit purchase program to limit house size, and shaping communities. We also want to know what the candidates think about the role of the commissioners in reducing confrontations and encouraging a viable rural economy?

The luncheon will provide a great opportunity to raise your own land use issues! Please join us. Space is limited, Please RSVP by Sept. 20.

Date: September 25, 2008

Time: 11:30 am
Lunch & Discussion:
11:45 am - 1:30 pm

Cost: \$17 includes choice of 3 lunch entrees and non-alcoholic drink
Please bring cash or a check made out to the LUC

Place: Broker Inn
555 30th St. - Boulder, CO *

RSVP: RESERVATION DEADLINE:
SAT. SEPT. 20TH, 4:00 PM
to Jo Wiedemann
Phone: 303.447.2569 or e-mail:
jowiedemann@comcast.net

* Go south from Baseline & 30th to the end on right side, please park in back (south side of bldg.) & enter at Bentley Club bar door