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District 2**

LUC Questions for 2008 County Commissioner Candidates

1. LAND USE DECISION PROCESS

The Boulder County Land Use Code is complex, confusing, and occasionally contradictory. Much emphasis is placed on views and aesthetics, and interpretation is subjective.

Questions for Current Commissioners

Four years ago the commissioners committed to revising the Code to improve its “clarity, fairness, usability, (and) effectiveness . . .” Little, if any, progress has been made toward achieving these goals, and the Code revision process has been diverted into putting new and complex additions into the Code.

How do you explain this failure? What are your top 3 (or more) priorities to correct this failure now and in the continuing process? How do you plan to accomplish them?

Questions for Challengers

Terms such as neighborhood character, rural character, visibility, and public benefit are difficult to define. What criteria will you use to make decisions when these terms are applied to a situation?

Character is the key term here. Should a property owner be allowed to build a 20,000 square foot mansion on their 3 acre lot? The answer is yes. Should that property owner be allowed to build a mock castle complete with moat and drawbridge? That would be up to the community. The character of the Boulder countryside is small farms, utilitarian buildings, and a few houses of modern design. The rural character of Boulder County has been lost to the normal age of time. The county has plenty of open space (which they lack funds to properly maintain) for which we can all share the beauty, if someone owns their property and they have both the financial and neighboring communities support to build their dream home, the commissioners should have no allowance to interfere.

Do you think the Land Use Code is in need of revision?

Yes it is. The codes are outdated to a time when a larger portion of both city and county was dependent on agricultural wealth. As the processes of technology and shipping have changed, so has the face of Boulder County. The county, once home to a sugar beet mill, a very large canned vegetables company, and several mines, no longer resembles the society of that era. As technology companies have become the principle private employers in our county, we need to welcome the change, the people, and the diversity they both bring to our community. While several areas should retain their rustic charm and amenities, those areas are in fact already protected by both the support of the local people and several regulations already enacted, those areas will remain as we currently enjoy them for what they have to offer.

List your top 3 (or more) priorities in revising the Code. How would you go about making changes?

The first change is the rule of vacation rentals to private property. Especially as we are in our current financial downturn, we must allow our citizenry the opportunity to gain wealth. As many people allow their homes to be rented on a weekly basis (which is currently against code) they are both benefitting themselves as well as the county and city economies with support of tourism money.

The second change is the overuse of both the agricultural and conservation easements that the current commissioners generally overrule many permit applications with. The definitions are subject to the whims of the commissioners, generally allowing them to make decisions “on the fly” and failing to set a standard for many architects, engineers, and developers to follow. If a business cannot be easily built and permitted within the county, why should it choose to make the efforts when nearby counties and cities offer much less restrictions? The absence of the business then creates more economic hardships for the county.

Finally is the housing limits issue. Put simply, the commissioners overstepped their boundaries, invaded the personal lives of you and your neighbors, and started themselves on a path toward a totalitarian rule. The code needs to be revised to black-line this entire section and return it to a financial and neighbor decision.

Question for All Candidates

Should Boulder County have a role in restoring a barn-raising sense of community to replace today’s confrontations between neighbors? If yes, suggest some approaches.

The county is reflective of the general society in this regard. Many neighborhoods have areas where people are unfamiliar with one another, they choose not to engage their fellow neighbors, and they prefer to remain anonymous not only on their block, but even toward their next-door neighbors. This is a personal issue that relies solely upon the

individuals. Should an argument escalate to the point of requiring outside assistance, the county has always supported an open mediation environment where parties can air their grievances... the question then becomes, “how does the county make the decision as to who gets their way?” unfortunately this answer is not easy, nor should it be. People will remain solitary to an extent, but for the county to force an issue of camaraderie is not in its best interest.

2. Economic viability in the Unincorporated County

The Boulder County Comprehensive Plan supports preservation of agriculture. Regulations are often in conflict with modern agricultural operations, as well as modifications which are necessary to adapt to changing economic realities. Innovative approaches such as Agri-tourism (including lodging and recreation), Day Care, etc. have proven extremely effective as means of adding income and vitality to agricultural properties in Europe and elsewhere, but are rarely allowed or are excessively regulated in rural Boulder County. What, if any, of these types of uses would you support? If you do not support these kinds of uses, please state your reasons.

As stated on my website, I sincerely desire the tourism levels of Boulder County to increase, hopefully to a level of full-support for many of our locally owned small businesses. I fully support the Agritourism idea as I have been witness to its positive effects in a vineyard I visited in California. I know that current codes would not allow this process to take place, so there would need to be an immediate change to them, which I am fully committed to doing. Likewise, the issue of tourism is severely hampered by the current commissioners’ refusal to engage the sport-enthusiast community in such areas as LeftHand Canyon, the “play areas” northeast of Nederland, and the denied 4X4 event requests outside of Lyons.

Should businesses related to agriculture be allowed on farms or ranches (examples might include agricultural machinery repair and sales, welding shops, grain-storage facilities and farm stores, and irrigation equipment companies)? If not, why not?

So long as the business does not break federal or state laws and maintains nominal business hours, I, as a commissioner, would welcome any small business to our community. The abrasive action of recent commissioner ‘business closings / denials’ is proof of how out-of-touch this group is to the needs of our county. Again, this is an issue that needs community involvement, meaning that if several members of a neighboring community are upset about something, let’s say trucks hurting the road, there needs to be an open forum where both sides are allowed to talk and are allowed to come to an equally satisfying compromise. No business should be denied the opportunity to grow simply because some elected officials “feel” like it shouldn’t be there.

Changes in agricultural operations often eliminate the need for agricultural buildings, which soon deteriorate if no new use for them is found. “Adaptive reuse” is a concept advocated by historical preservationists, among others, as a means of

preserving such buildings and avoiding waste. New uses for buildings such as barns, sheds, etc. might include things like small businesses (shops, offices, or cafes), separate residences, Bed and Breakfasts, housing for agricultural workers, etc. Which of these uses would you support? If you don't support such uses, how do you propose to preserve such buildings and avoid wasting them?

Again my issues are firm on this, so long as the business does not break federal or state laws, maintains nominal business hours, and has the support of the community (even if by compromise) the county should not intervene. The only exception I would have is quality of life concerns... should an old barn be refurbished to meet basic shelter requirements or should it meet a higher standard because it is considered a "renovation"? Possibly this would be a per-occurrence situation. Conversely, I do not support the current commissioner's issue of 'upfront' business. Should you choose to have a business, you should be allowed to run it in the manner you see fit.

A reasonably reliable and adequate supply of irrigation water is a key to viability for many agricultural operations. Distribution of irrigation water was originally grossly uneven in Boulder County, and aggressive purchases of water rights by municipalities have created further problems. At this point in time, water usage is far from optimum. Do you support the concept of increasing agricultural viability through better usage of the available water, including cooperation among private landowners, city and county open space departments, and municipalities? If so, how would you facilitate such cooperation? If not, why not?

This is similar to the Weld County proposal that all new agricultural permits must be accompanied by two sources of water, an issue of ditch shares and wells. This county has always promoted a fair business agreement between farmers and it is generally assumed that "all is well". The county, through mitigation, has often created hostile environments for farmers (according to former agricultural workers who no longer work as such due to farmers losing crops and lands). This is an unfair practice... the truth is that should a farmer wish to irrigate their crops or a rancher wish to water their livestock, they must be allowed fair and reasonable access to a water source... from the state laws of water rights down to opening a temporary damn on someone else's property... this is an issue that needs to involve many parties. As for my personal preference, I do not see why cooperation between farmers cannot be as common as competition.

"Sustainable agriculture" including "locally grown produce" from relatively small operations has received quite a bit of press lately, and some study of its feasibility. Problems which are emerging include irrigation water supply, housing for agricultural workers, and leasing practices by the open space departments (which favor large operations which are easier to administer). Assuming you favor such farming, how would you address these infrastructure barriers? If you don't support such operations, particularly on open space lands, please indicate why not.

The solution on this matter is not going to be easily found. The problem is that each operation will be faced with many obstacles that:

- A) the local are will need to resolve
- B) the common source of water must be maintained
- C) the rules and regulations already in practice must be followed
- D) the exceptions must be found that can offer relief to the local grower while not setting a precedence for future growers that may have a malicious agenda
- E) Creating a feasible environment where consumers would choose to purchase said “locally grown produce”, aside from the weekend farmer’s markets. This step is crucial as the markets, while a great alternative to grocery stores and their “imported” produce, limits the season for many of the local farmers who can only harvest either enough to sell that weekend or leave the product to “die on the vine”

3. HOUSE SIZE LIMITS AND COMMUNITY PLANNING

Recently, the Land Use Code has been lengthened and made much more complex by the addition of the Expanded TDR program and changes in Site Plan Review.

“Neighborhood” is now defined as a subdivision of 7 or more lots, specified townsites, or properties within 1500 feet of a parcel under consideration (defined subdivisions and towns are excluded). Now, any residential development in excess of 125% of the median development in a “Neighborhood” must be “minimally visible” as determined by the Land Use Director.

Question for Current Commissioners

How are these changes consistent with the objectives of the Land Use Code revision process?

Question for Challengers

What do you think of these recent changes?

The commissioners’ overstepped their boundaries, invaded your personal life, and set themselves up to create a totalitarian rule. I personally see that there is an agenda between the three current commissioners in which they are determined to sway a population from finding and living in our county. The rule is flawed and should never have been allowed or accepted.

County residents rejected the Neighborhood Conservation Overlay District concept almost unanimously years ago. Recently residents of townsites rejected being planned from the top down as Special Character Areas. With the adoption of the

recent Code changes, residential development on lots in rural towns such as Allenspark, Eldora, etc. is effectively limited to 1500 square feet maximum because of visibility constraints until, and unless, the residents and the county arrive at some other “threshold”.

Given this history, was this imposition on the rural towns proper?

Why are these communities unable to make their own choices? Why must the county “rule from afar”? If someone wants to build houses and there is a chance they can sell them, ask the community (several times if need be) to offer opinions on the buildings and allow the developer / home owner to retort. If no consensus is then reached, then involve local government to AID in the issue and allow all parties to compromise. We are all capable of making our own decisions; the commissioners’ had no right in telling the communities “YOU CANNOT DO THIS!”

What role should the county take in neighborhood planning?

Minimal to the point of infrastructure and feasibility. Beyond that there needs to be a community gathering where people are allowed to voice their opinions, a support system enacted whereby the population impacted by the planning must be made aware of it and allowed the opportunity to speak either for or against it and then be allowed to explain.

4. OPEN SPACE/FOREST MANAGEMENT:

Currently there are 3 separate sales taxes earmarked for open space in Boulder County. The County either owns or controls thousands of acres of open space through outright acquisition, conservation easements, deed restrictions or other methods.

Management of our open forest and open space lands, including establishment of slash sites, wildfire mitigation, controlled burns, fire safety, thinning of overgrown forests, noxious weeds, and beetle kill prevention, are of great concern to homeowners and other residents.

Please answer the following questions, addressing specifically the above concerns in your answer, and any other concerns you may be able to identify:

Do you agree that the County has a responsibility to maintain its own forest land? If not, explain why not. If so, given that resources may not be sufficient to cover the costs of management, how would you prioritize the above concerns?

The county keeps what the county bought. If we cannot maintain what we own, we should sell it. If someone else is telling us to do something (i.e. forest access control) we must receive compensation for it. Very simple.

What should the County do, if anything, to support homeowners in managing their own forest land? How should the effort be funded?

What the county owns, the county maintains. What the property owner owns, the property owner must maintain. If you cannot afford to maintain a Ferrari, do not buy it. Likewise, if you cannot afford to maintain your home, do not buy it. In the case of insurmountable odds (i.e. forest fires and Pine Beetles) the county should make reasonable efforts to maintain the safety and enjoyment of your lands and that of the wilderness and/or plains areas. There is currently a pool of money set aside for such issues, the plans are intact and remedy is available. I applaud the commissioners' for trying to maintain a preemptive readiness for such issues.

Should there be a special tax for open space or forest maintenance, or should we use general tax funds?

The county already receives an open space tax plus they receive entitlements from the Colorado lottery. There is no need to ask for more tax.

5. TERM LIMITS

Boulder County voters rejected the effort by previous County Commissioners to abolish limits on their terms. Do you agree with the current limit of 8 years for county commissioners?

Questions for Current Commissioners

Do you plan to repeat your predecessors' attempt to abolish term limits for Boulder County Commissioners? Will you commit to not doing so?

6. BUILDSMART

See <http://www.bouldercounty.org/lu/buildsmart/index.htm>

Current Commissioners

How do you plan to monitor the effectiveness of BuildSmart? Will cost effectiveness be included in your evaluation?

For Challengers

Very briefly comment on the following sections of BuildSmart. (What should be mandatory? Importance of cost effectiveness, etc.)

1. Deconstruction

- 2. Waste Reduction and Recycling**
- 3. Energy and carbon emissions**
- 4. Renewable energy offsets for outdoor energy uses**
- 5. Water Conservation**
- 6. Indoor Air Quality**

The simple answer is... if you can afford to build in such a way, then we welcome you to do so, especially as there are state and federal tax incentives if you choose to “build green”. There should be no requirements, except for pollution controls, imposed by these standards. Many municipalities already work with businesses to build ‘eco-friendly’ and many developers, especially commercial and retail, already are entertaining and asking for such things as LEED buildings and energy alternatives.