

LUC Questions for 2008 County Commissioner Candidates Will Toor Responses

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?.

I disagree with the premise of the question. I believe that we have made significant improvements to the code, including the repeal of the mountain mergers provisions, expanding allowed uses in agricultural areas, and significant improvements to site plan review. Perhaps the most contentious aspect of SPR has been neighborhood conflict over home size. Because the code had rather general language on neighborhood compatibility, there was little guidance to property owners or neighbors on what housing size could be expected to be approved. The new language, which sets a presumptive size of 125% of the median home size in the neighborhood, will give far more certainty to neighbors and property owners.

As we move forward on additional improvements to the code, I believe that top priorities should include clearer standards for right of way vacations and subdivision exemption; performance based standards for larger scale institutional uses; and an ability to consider new uses based on their impact, rather than on the notion that anything that is not explicitly recognized in the code is not allowed.

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?

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

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

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.

There actually are many cases where neighbors do work together in a cooperative fashion. However, there also are real differences in vision between many neighbors on what they would like to see in their neighborhoods. The townsite planning process may be a way for some of the townsites to develop a common vision. In addition, the changes to SPR, by making the issues around house size more predictable, should reduce neighborhood conflict. I also think that we should make sure that the county removes barriers to community building activities, whether it be house concerts, community supported agriculture, or groups of neighbors working together on community renewable energy systems or shared septic systems.

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.

I am very open to considering additional uses, as accessory uses to agriculture. Things like the type of agritourism one sees in New Zealand, with people coming to spend a summer learning how to do organic farming, strike me as very positive models to encourage.

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?

I think we need to be careful here. I am open to expanding the ability of agricultural properties to have additional ag related activities, if this really serves other farmers,

and helps to make agriculture economically viable, but we will need to carefully consider impacts and unintended consequences.

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?

I think we need to be very careful here. While there may be a few places where small shops to serve a surrounding neighborhood may be appropriate, in general such operations will not be viable without a larger, more regional customer base. There is great logic to the comp plan vision, where commercial activities are largely contained within the urban areas, not the rural areas of the county. Housing for agricultural workers is currently an allowed use through the agricultural accessory dwelling unit provision in the code. There may be some tweaks to this that would make sense. In general, I would not support creating additional residential density in the rural areas of the county unless this is tied to TDRs to remove development in more remote or environmentally sensitive areas.

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?

The single most important thing Boulder County can do in this arena is to continue to acquire water rights, and hold them for agricultural use on open space land that is leased to farmers, and to tie water to the land on conservation easements, so that this water cannot be diverted to fuel municipal growth.

“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.

Boulder County has been very active in addressing this issue. This year we created a new Food and Agriculture Policy Council to provide the BOCC with input and advice on how to support sustainable agricultural production for local use. We have created a new Growers' Association model to allow multiple small farmers to lease county owned land, and have made land available for this purpose. The first functioning site is the Jay Road Church of Christ property. We also worked with Haystack Mtn Goat Dairy to provide an opportunity for a functioning dairy to come back to Boulder County. While this did not come to fruition when Haystack faced financial problems, I believe it is the type of effort we should continue to make. We have also started a new training program for new farmers, to help new farmers have a higher likelihood of succeeding. I believe we should expand these efforts, listen to the small farmers, and work with them to address the obstacles to their success.

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?

In the past, there has been considerable discretion in the definition of neighborhood, and this has often been a point of contention in the SPR process. By explicitly defining what constitutes the relevant neighborhood, all property owners and neighbors will have certainty on the neighborhood that will be applied. The new language, which sets a presumptive size of 125% of the median home size in the neighborhood, will give far more certainty to neighbors and property owners on acceptable house sizes, which should make it easier for property owners to make plans, and should reduce contention within neighborhoods. The intent is to allow neighborhoods to evolve and change over time, but provide some certainty that new development will not be significantly out of scale with the existing neighborhood.

Question for Challengers

What do you think of these recent changes?

County residents rejected the Neighborhood Conservation Overlay District concept almost unanimously years ago. Recently residents of townships 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?

In fact, the county adopted a set of changes to SPR that apply all over the county. However, given the very small houses that exist in the townships, we were concerned that 125% of median would be unreasonably restrictive, and set the 1500 square feet in order to loosen the regulations in the townships (although I personally voted for a slightly larger number of 1800 square feet). We also committed county staff resources to support township planning initiatives for any township in which the residents are interested in working with the county to develop a more fine tuned set of planning tools to enhance and preserve what is best about their communities.

What role should the county take in neighborhood planning?

I believe that the approach we are taking makes good sense – not to insist that any township go through a planning process, but to offer that opportunity to each township, and to commit county resources to assist in the process. Ultimately, any changes made should reflect the outcome of this planning process, as long as this is consistent with the goals of the county comprehensive plan.

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?

Obviously, all public lands agencies have a responsibility to manage their lands. This means many things – managing to support the ecological health of the land; providing appropriate recreational opportunities for residents, and managing lands adjacent to development to address fire hazards. As far as fire hazards go, given the beetle epidemic, cutting large numbers of trees in areas far from development makes little sense – fire mitigation needs to be very carefully targeted. The type of efforts that the County is engaged in at bald Mountain and in the Magnolia Road area are good examples of significant forest management projects that target both ecological restoration and fire mitigation.

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

The most important steps are to provide information to landowners, and to provide outlets for trees and slash. The county purchased an air curtain burner this year, and created a dropoff site near Allenspark, in cooperation with Larimer County. We are working on creating a similar site near Nederland. These sites will allow useable wood to be salvaged, and other wood to be burned in a safe manner.

We are also working with the private sector and other public agencies to create additional biomass power use, which both displaces fossil fuel use and provides an outlet for wood. The county has a biomass heater for our Parks and open space/Transportation complex; are seeking grant funding for a joint biomass project for the Nederland Town Shop and the Nederland area County Transportation shop; and have partnered with the Governors' Energy Office on feasibility for several small and large companies.

These efforts have been funded by a combination of general fund dollars, open space funds where appropriate, and grant funds.

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

Portions of the open space sales tax are dedicated to maintenance. These cannot, however, be used to support fire mitigation on private lands. We do need to commit some general fund dollars to this, and should continue to seek state and federal funds, but much of the responsibility will rest on the private landowners to mitigate fire danger on their property.

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?

I do not support term limits as a general principle. I believe that voters should be able decide for themselves who they wish to support at each election.

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?

I believe that a reasonable compromise would extend the term limits for the DA and County Commissioners to 12 years, just as been done for other elected offices such as sheriff and assessor.

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?

We are actually already considering modifications to fine-tune Buildsmart. Staff has worked with the pool and spa industry to modify the outdoor energy use standards to achieve significant reductions in energy use while working financially. We are also considering modifying the language around remodels to make it clear that relatively small remodels do not trigger the full set of requirements in Buildsmart. We have also met with the EPA energy Star building staff to get their input on prescriptive approaches that may achieve high energy performance at low cost.

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