



# Land Use

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## **BOULDER COUNTY PLANNING COMMISSION AGENDA ITEM #3**

**January 18, 2012 – 4:30 PM**

**Hearing Room, Third Floor  
Boulder County Courthouse**

### **Docket BCCP-10-0002: BOULDER COUNTY COMPREHENSIVE PLAN UPDATE**

Report on BCCP Update neighborhood meeting conversations and comments about the draft Guiding Principles and other matters related to the BCCP. Staff will be asking Planning Commission for direction on preparing revisions to the Guiding Principles.

*Action Requested: Approval*

Public Testimony will be taken.

(Staff Planners: Bill Davidson and Peter Fogg)

Docket Webpage: <http://www.bouldercounty.org/government/pages/bccpupdate.aspx>

### **SUMMARY**

Staff has worked with Planning Commission, the public, and County staff over the last year to craft a set of Guiding Principles for the Boulder County Comprehensive Plan. After Planning Commission and the Board of County Commissioners discussion of drafts in May and June of 2011, Planning Commission endorsed the draft Guiding Principles as being ready for discussion at public outreach meetings. Seven public meetings were held between August and October of 2011. Staff then incorporated a number of the public's suggestions and comments about the Guiding Principles into a revised draft.

Planning Commission discussed the draft revisions in November, and made recommendations of what should be changed in the draft they had been presented.

### **COMPREHENSIVE PLAN UPDATE**

The Boulder County Comprehensive Plan expresses the County's vision and aspirations for its future. The BCCP is the guiding document and the lens through which land use and related issues are viewed.

It has become apparent since the adoption of the original 1978 Comprehensive Plan that many of the issues and subjects it addresses have become much more intertwined than ever before. Increasingly, no action or decision can be made that does not have consequences or influence on other matters covered by the Plan. The current Plan's primary focus continues

to be on maintaining an appropriate and distinctive urban/rural balance, protection of agricultural lands, and preservation of our environment and natural resources. That balance remains essential, but now the issues of environment, economy, and society are inextricably connected. A Plan revision and renewal needs to recognize this dynamic.

The Guiding Principles are intended to summarize in declarative sentences the many goals and policies of the Plan, and to acknowledge that their interrelationships require greater attention to seeking an acceptable and ongoing balance between them, a condition or objective often referred to as “sustainability.” The Guiding Principles express a commitment to the residents, institutions, and enterprises in Boulder County that the Plan’s goals, policies, and subsequent implementation tools should be responsive to them.

The Principles serve as a compass to guide the County into the future. The goals and policies of the Plan more specifically set the course for this continuing journey.

## **RECOMMENDED GUIDING PRINCIPLES**

Below are the Guiding Principles which have resulted from extensive discussions with the public, Planning Commission, and staff. The themes staff has extracted from the current Plan and amalgamated into Principles cover the areas of rural character and preservation, sustainability, environment, economy, society, and regional cooperation. The number of Principles has been reduced from eleven to six, based on requests from all parties to keep the Guiding Principles as succinct as possible and to eliminate the repetition of similar ideas in the interest of clarity.

The recommended Guiding Principles are:

In shaping and navigating our future, Boulder County supports the following **Guiding Principles**:

- 1. Encourage and promote the respectful stewardship of our natural systems and environment by pursuing goals and policies in addition to preservation which achieve significant reductions in our environmental footprint.**
- 2. Consider and weigh the interconnections among social, environmental, and economic areas in all decisions.**
- 3. Create policies and make decisions that are responsive to issues of social equity, fairness, and access to community resources for all county residents.**
- 4. Encourage and support a dynamic, stable, and flexible local economy which distinguishes between urban and rural economies, and directs uses to appropriate locations.**
- 5. Maintain the rural character and function of the unincorporated area of Boulder County by protecting environmental resources, agricultural uses, open spaces, vistas, and a distinction between urban and rural areas of the county.**

## 6. Encourage and promote regional cooperation and coordination in working with other entities and jurisdictions.

It is staff's recommendation that these be adopted as an amendment to the Boulder County Comprehensive Plan.

### GUIDING PRINCIPLES DISCUSSION

#### Public Discussions

At the public meetings staff heard and engaged in considerable discussion and conversation about the Guiding Principles and other Comprehensive Plan issues. Other comments and questions were related to issues other than the BCCP. Some of the Comprehensive Plan issues discussed would require a greater level of detail than staff believes is appropriate for inclusion in a concise set of Guiding Principles. Some suggestions, such as including a Mountain Element in the Plan, will be addressed later in the BCCP update process as work on the individual Elements progresses. One of the issues most frequently mentioned was public participation. This issue was also discussed by Planning Commission at your November meeting.

The following major issue areas relating to the Guiding Principles were mentioned most often in the public meetings.

- Public participation
- Private property rights
- Transportation
- Definition of sustainability
- Definition of rural

The issue of public participation is discussed in greater detail later in this report. Private property rights are currently discussed in the Plan, as may be found in the excerpted language appearing in **Attachment C**. Staff believes that inclusion of the transportation in the Guiding Principles would require a level of specificity not otherwise found in the Principles. As with all of the Plan Elements, the Transportation Element of the Plan fully addresses the goals and policies of the subject. The two definitions mentioned should be discussed in greater detail elsewhere in the Plan. As part of the BCCP Update, staff intends to prepare and include a glossary of terms frequently used in the Plan to address concerns about meaning and clarity for readers of the Plan. Attempting to define specific terms within the Principles themselves will greatly expand the scope and length of the Principles.

During the course of our public outreach, staff heard numerous comments of concern and even resentment about what are felt to be excessive restrictions on property rights and overregulation, inconsistencies in the translation of county positions advocating sustainability and the proposed Guiding Principles into the Land Use and other county codes, and a disproportionate burden of the consequences that unincorporated residents have to bear resulting from land use decisions and policies that primarily benefit and reflect the interests of municipal residents and visitors. These comments have been listed by themes in Attachment E on pages 6 and 7. While many of them are beyond the scope, authority and purpose of the BCCP in general and the Guiding Principles in particular, staff believes it is important to make note of them, and will continue to record such comments for future

reference and consideration by Planning Commission, the County Commissioners, and others as we proceed with the Update.

#### Planning Commission Discussions

As requested at the November Planning Commission meeting, staff has undertaken rewording of the Guiding Principles addressing sustainability, environment, economy, and intergovernmental cooperation. Additionally, staff has explored approaches to the elevation of public participation to a prominent place in the Plan.

The following points were made by individual Planning Commissioners in emails as ideas which could be incorporated into the Guiding Principles. Copies of the complete emails appear in **Attachment D**.

- Golden Rule (mutual trust and self-respect)
- Inclusiveness
- Quality of Life
- Personal freedom vs. community needs

#### Inclusion of these Issues and Ideas in the Plan

The Guiding Principles, as they have been drafted and discussed up to this point, have focused on the desired future for the county as expressed through the Comprehensive Plan. Some of the points mentioned above are essentially ways of doing business, rather than related to the development, preservation, and sustainability facets of the Comprehensive Plan. Staff believes that all are important ideas, and recommends that in lieu of including them in the Guiding Principles themselves, that they be noted in the text of the Introduction chapter of the Plan. This will give them a higher level of emphasis than they are currently given in the BCCP without mixing them with brief principles focusing on land use and sustainability.

Public participation in comprehensive planning is vital to achieving the best possible results. The essential concept of public participation and the other ideas regarding desirable approaches in the operation of county government are not limited to the BCCP. In fact, they are long-standing values regarding government itself which are employed throughout the entire county organization, and long recognized as basic to representative government and democracy at all levels.

Discussion of public involvement currently appears in the BCCP, as referenced in **Attachment C** to this report. Public participation is essential in developing plans which are responsive to individual needs and desires, while considering the larger view. Other points noted above are currently touched upon in the Plan, although the terminology may differ in some cases from that used in the Guiding Principles discussions.

Staff would emphasize that the question being discussed is not whether public involvement is a good idea, but whether the concept should be brought into the Guiding Principles themselves or be discussed in the Introduction section of the Plan.

The options for discussing public participation in the BCCP are:

1. Elevate the discussion of public participation to the beginning of the Plan by including it in an updated Introduction section, rather than in the Guiding Principles themselves. The Guiding Principles seek to succinctly describe a desired future to be achieved through goals and policies of the Boulder County Comprehensive Plan. The inclusion of a Guiding Principle noting that the public will be part of the planning process is not a part of what is to be achieved in the planning future of the County, but instead addresses the public's critical role in achieving that future.
2. Recognize that public involvement is an essential and valued part of the planning process, and deserves the highest level of prominence in the Plan by being included as a Guiding Principle. Despite its different orientation from the other Principles in describing a way of operating rather than a part of a desired planning outcome, its inclusion would be unlikely have any negative or conflicting consequences for the Guiding Principles or the Plan itself.
3. Leave the discussion of the issue as it is in the current Plan, as shown in the language in Attachment C.

Should Planning Commission decide that a Guiding Principle addressing public participation is a desirable addition to the Principles, staff would recommend the adoption of the following language:

**Seek to have the public effectively engaged in the planning process through the promotion of public dialogue and discussions on broad planning actions. Public participation should occur through open communication regarding long range planning and policy issues.**

Staff recommends that the concepts of public participation and private property rights be elevated to a more prominent place in the Plan by including them in a revised introduction to the Plan. Staff believes that those mentioned by Planning Commissioners can also be included in the Introduction though the narrative language of that introduction, which will be a part of the upcoming phase of the update project.

#### **RECOMMENDATION**

Staff recommends that the Boulder County Planning Commission ADOPT the Guiding Principles into the Boulder County Comprehensive Plan by **APPROVING Docket BCCP-10-002**.

- ATTACHMENT A: Guiding Principles - Draft Version from November, 2011 PC meeting
- ATTACHMENT B: Guiding Principles - Draft Version Taken to Public Outreach Meetings (a.k.a. May 24, 2011 version)
- ATTACHMENT C: Current Comprehensive Plan References to Public Participation
- ATTACHMENT D: Emails from Planning Commission Members
- ATTACHMENT E: Notes from Neighborhood Outreach Meetings

# ATTACHMENT A

## **Draft Guiding Principles** **November, 2011 revision discussion version**

The material presented herein provides revised language which staff has prepared for the Guiding Principles discussion, based upon substantial staff conversation and public comment.

In shaping and navigating our future, Boulder County supports the following **Guiding Principles**:

- 1. Encourage and promote the respectful stewardship of our natural, human and community resources by all of our institutions and individuals in achieving a sustainable future which carries on the values of the Boulder County community.**
- 2. Acknowledge that all policy and regulatory decisions have interconnected social, environmental, and economic consequences that must be carefully considered and weighed to achieve a sustainable future.**
- 3. Take actions which result in policies and decision-making that preserves and respects our natural systems and environment, while reducing our environmental footprint.**
- 4. Create policies and make decisions that are responsive to issues of social equity, fairness, and access to public resources for all county residents.**
- 5. Encourage and support a dynamic local economy, in partnership with Boulder County municipalities and other public/private initiatives, which directs uses to appropriate locations, distinguishes between urban and rural economies, is stable yet flexible, and provides a variety of employment opportunities for all county residents.**
- 6. Locate urban uses within or adjacent to existing urban areas in order to maintain a distinction between urban and rural areas of the county.**
- 7. Maintain the rural character and function of the unincorporated area of Boulder County by protecting environmental resources, agricultural uses, open spaces, and vistas.**
- 8. (Deleted)**
- 9. Recognizing that the County cannot effectively pursue the aspirations contained in these Guiding Principles by itself, we will continue to seek out and, through formal agreements and other means, work with entities that share capabilities**

**and responsibilities in building a sustainable and interlinked social, environmental, and economic community for present and future generations.**

# ATTACHMENT B

## Draft Guiding Principles

May 24, 2011 public outreach discussion version

In shaping and navigating our future, Boulder County supports the following **Guiding Principles**:

1. **Encourage and promote the respectful stewardship of our land, human, and community resources by all of our institutions and individuals in achieving a sustainable future which carries on the values of our community.**
2. **Acknowledge that all policy and regulatory decisions have interconnected social, environmental, and economic consequences that must be carefully considered and weighed to achieve a sustainable future.**
3. **Take actions with respect to environmental issues which result in policies and decision-making that preserves and respects our natural systems and environment, and reduces our environmental footprint.**
4. **Make decisions and create policies that are responsive to issues of social equity, fairness, and access to societal resources for all county residents.**
5. **Encourage and support a dynamic local economy, in partnership with Boulder County municipalities, which directs uses to appropriate locations, distinguishes between urban and rural economies, is stable, flexible, and able to accommodate change, and provides meaningful employment for all county residents.**
6. **Locate urban uses within or adjacent to existing urban areas in order to maintain a distinction between urban and rural areas of the county.**
7. **Maintain the rural character and function of the unincorporated area of Boulder County by protecting environmental resources, agricultural uses, open spaces, and vistas.**
8. **Address countywide sustainability by having Boulder County government take a primary role in the areas of environmental integrity, rural character, and preservation of our natural resources.**
9. **Continue to craft and maintain formal agreements between Boulder County, the county's municipalities, and other regional governments and entities that share responsibilities in building a sustainable social, environmental, and economic community for present and future generations.**



# ATTACHMENT C

Attached are the introductory paragraphs to the Goals Element of the BCCP and Goal 1 of the Sustainability Element for your consideration and reflection as you look at a public participation/involvement statement for the BCCP 2010 Update.

## **Introductory paragraph to the Goals Element of the BCCP**

### BCCP GOALS

“One primary concern must be fair resolution of conflicting individual interests while providing the maximum opportunities for individual self-development. All institutions - political, social, economic, and educational - must work together to further enhance the dignity of the citizen and permit the maximum opportunities for individual choice. The people within the county vary in their interests, values, desires, and accordingly, in their perception of what is “needed”. Public involvement is, therefore, essential in the development, interpretation and implementation of these goals.

These broad stated goals are the foundation on which land use policies and proposals have been constructed to help provide a means for satisfying some of these specific and widely-differing individual interests and for integrating them on a County-wide basis through the vehicle of the Comprehensive Plan.”

## **Goal 1 of the Sustainability Element**

### SUSTAINABILITY ELEMENT

“The county recognizes and accepts that weighing individual wants and needs with those of the larger public and society is a complex but essential responsibility of government. Implementing the Comprehensive Plan involves the need to balance competing goals and policies in cases where they cannot be harmonized. With that understanding in mind, Boulder County’s land use management tools and practices should be designed to promote decisions and actions supporting outcomes that are consistent with the principles of sustainability.”

# ATTACHMENT D

## **E-mails received from Planning Commissioners regarding the Guiding Principles**

## Davidson, William

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**From:** Doug Young <douginboulder@gmail.com>  
**Sent:** Wednesday, November 16, 2011 7:59 PM  
**To:** Fogg, Peter; Davidson, William; Case, Dale  
**Cc:** Ben Blaugrund; Daniel Cohen; Gail Hartman; John Gerstle; John Gerstle; Meg Blum; Scott Holwick; W.C. Pat Shanks; Sanfacon, Garry  
**Subject:** BCCP-10-0002: Draft Guiding Principles, Mash-Up And Realignment, Nov 16, 2011

As discussed at our Nov 16 PC hearing, docket BCCP-10-0002, here's the followup as requested by planning staff.

Regards, Doug Young

### **Draft Guiding Principles**

Mash-Up And Realignment

Doug Young

November 16, 2011

### **Draft Guiding Principles - Summarized**

- A. Sustainability
- B. Environmental
- C. Social
- D. Economic
- E. Urban Uses, Urban Areas
- F. Rural Character
- G. The Golden Rule
- H. Plays Well With Others

### **Draft Guiding Principles - Derived from November 2011 revision from staff**

- A. Sustainability: best of 1 & 2 (combine/merge/rewrite)
- B. Environmental: 3 (possibly influenced by 8)
- C. Social: 4
- D. Economic: 5
- E. Urban Uses, Urban Areas: 6
- F. Rural Character: 7
- G. The Golden Rule (proposed)
- H. Plays Well With Others: 9

### **Proposed New Guiding Principle G, "The Golden Rule"**

All planning and policy, as well as our day-to-day interactions, will be based on mutual trust and respect for all residents, visitors and employees of Boulder County.

**Davidson, William**

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**From:** Dan Cohen <urbaninvestmentgroup@gmail.com> on behalf of Cohen, Dan <dan@urbaninvestmentgroup.com>  
**Sent:** Tuesday, December 27, 2011 4:40 PM  
**To:** Doug Young  
**Cc:** Fogg, Peter; Davidson, William; Case, Dale; Ben Blaugrund; Gail Hartman; John Gerstle; John Gerstle; Meg Blum; Scott Holwick; W.C. Pat Shanks; Sanfacon, Garry  
**Subject:** Re: BCCP-10-0002: Draft Guiding Principles, Mash-Up And Realignment, Nov 16, 2011  
**Attachments:** Cohen comments on GP - 12-2011.pdf; ATT00001.htm

I am largely in agreement with the comments made by Doug below. Please see the attached document for my specific recommendations. I apologize for taking so long to get these to you and hope that they are not too tardy to be useful.

Happy New Year.

Dan

Dan Cohen

Urban Investment Group

303.807.3308

**[www.urbaninvestmentgroup.com](http://www.urbaninvestmentgroup.com)**

## DRAFT GUIDING PRINCIPLES FOR THE BCCP UPDATE – DAN COHEN COMMENTS

Below are my suggested revisions to the November, 2011 version of the Draft Guiding Principles:

### General Comments

- My preference is that the guiding principles be: 1) More succinct; 2) Communicate one clear concept per principle; and 3) Use minimal jargon (particularly as it pertains to the word “sustainability”).
- Revise the Introductory sentence to say “In shaping and navigating our land use future, Boulder County supports the following Guiding Principles:”

### Suggested Revisions to the Principles:

1. Stewardship of Natural Resources: Edit as follows: “Encourage and promote the respectful stewardship of our natural, ~~human and community~~ resources by all of our institutions and individuals in achieving a sustainable future which carries on the values of the Boulder County community.” [I don’t understand the intended meaning of “human and community resources.” We’ve said in the introduction that these are our guiding principles, so we don’t need to restate in each principle that these should be implemented by our institutions or that they are the values of our community.]
2. Sustainability: Redraft to say “Promote environmental, social, and economic sustainability in policy and regulatory decision making.”
3. Delete. (Redundant with 1 and 2).
4. Social Equity: No change.
5. Economy: No change.
6. Urban v. Rural: No change.
7. Preserve Rural Character: No change.
8. Delete.
9. Inter-Governmental Cooperation: Too many words, no clear point. Restate in fewer words that this is about making integrated decisions with related local communities.
10. Inclusiveness: Add a principle that says: “Ensure inclusiveness and responsiveness to diverse opinions.”

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11. Quality of Life: Fundamentally, land use decisions are about quality of life. Add a principle that says: "Maintain and improve upon the characteristics of Boulder County that are fundamental to our unique quality of life."
12. Personal freedom v. community needs: Add a principle that says: "Strive to achieve balance of the often competing values of preserving personal freedom/private property rights with the broader values of community (i.e., peace and quiet, safety, ease of movement, and aesthetics)."
13. Land Use and Transportation: Add a principle that says: "Promote easement of movement and limited consumption of natural resources by recognizing the inherently integrated nature of transportation and land use patterns."

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# ATTACHMENT E

## **2010 BCCP UPDATE: 2011 NEIGHBORHOOD MEETINGS**

### **Questions Raised at Two or More Meetings and Responses**

#### **Boulder County Comprehensive Plan**

- **What does “sustainability” mean in terms of the BCCP and draft Guiding Principles?**

Boulder County’s sustainability mission statement is *“To ensure that Boulder County’s operations and decision-making processes reflect our deep commitment to Environmental, Social and Economic sustainability and to build partnerships to help make the broader community more sustainable.”* For more information about the county’s sustainability mission and initiatives enter Boulder County Home Page in a browser or <http://www.bouldercounty.org> Click on “Departments”, then “Commissioners Office”, then “Sustainability Office”. Sustainability is defined in its namesake Element of the BCCP as follows:

“Sustainability means the use, development and protection of all our resources in a manner that does not deplete them while enabling the residents of Boulder County to meet their current needs and maintain a fulfilling quality of life without compromising or foregoing the ability of and opportunity for future residents to do the same.”

Sustainability links the issues of environment, economy and social equity together. An action or decision in any one of these areas will have consequences on the others whether anticipated or not and whether desirable or not. So for shorthand purposes, sustainability is balance, accountability and responsibility.

- **Does this Update include incorporated cities?**

Not directly. Each incorporated area has its own planning, zoning and regulatory authority independent from the county. The BCCP goals and policies apply only to the unincorporated area insofar as providing guidance for county land use regulations, transportation system management and other county programs. The same would be true for the Guiding Principles. However, both the BCCP and Guiding Principles put some emphasis on the importance of intergovernmental cooperation to address issues that are county-wide in nature. The intergovernmental agreements between the municipalities and county defining urban growth boundaries and rural areas are an example of this goal being implemented.

- **What is the timeline and public process plan for the BCCP Update?**

Staff hopes to complete the Update within 12 to 18 months, but this is flexible dependent on research requirements, analyses, and public participation in the content of proposed changes. There are four general phases planned at this time. The first is the phase we are in now, initial public outreach on the history and purposes of the BCCP and comment on the draft Guiding Principles. The second phase will involve dissecting, assessing and editing each of the existing BCCP Elements or chapters for clarity, redundancy, accuracy in references/dates/data, relevance to contemporary and anticipated issues or

needs, harmony with the Guiding Principles, and recommendations for additional language or policy direction. This phase will also consider the drafting of new Elements where it is determined that the Plan is silent or missing topics that should be addressed, again with respect to the Guiding Principles. A third phase or a task paralleling the second phase will be to assess and revise the maps contained in the Plan and create new ones where needed or useful to the readers and users of the Plan. The fourth or final phase will be continuing in conjunction with the other three and involve revised formatting and design, inclusion of graphics, developing reference indices and appendices, and so forth for both a hard copy and on-line version of the document. Public outreach, involvement, and information sharing will be built into each phase. Public hearings before the county Planning Commission and County Commissioners will be scheduled and noticed through various media as the work progresses and adoption actions are proposed.

- **How many square miles v. acres are within Boulder County?**

The county encompasses 741 square miles or 474,335 acres. These figures include all the municipalities, federal and state lands, open space, etc.

- **Is the purpose of the BCCP Update to find and get rid of redundancies?**

Yes, that is one major objective as part of our intention to both update the Plan and to make it much more user friendly, both in its clarity and in its presentation (formatting, graphics, cross-referencing, index and appendices, on-line and hard copy versions, etc). The BCCP has not had a cover-to-cover review since its adoption in 1978. Individual Elements (chapters) have been revised and rewritten since then, but this has been an incremental process. There are currently over 430 policies within the Plan, and staffs' initial cover-to-cover review identified a lot of redundancies and, in some cases, seemingly conflicting policies that could be eliminated or consolidated into more precise and consistent language.

- **Will there be a revisiting and public discussion of the existing BCCP goals?**

At this time the goals are not under consideration for revisions. However, the Planning Commission and/or County Commissioners can decide to revisit them once they have taken action on Guiding Principles or at other points in the Update process as revisions to the Plan's Elements are brought forward, new ideas or directions are proposed, and the public has provided comments during each phase of the Update.

- **Is there a distinction in describing/defining "rural" between the mountains and the Plains (and will there be a "Mountain Element" added to the BCCP)?**

There is no specific distinction. The same goals directing urban growth to urban areas and maintaining the rural character and uses in the unincorporated areas applies across the county. The mountainous areas are for the most part zoned Forestry, which lists uses that are allowed and the review processes applicable to each. The 1978 BCCP did contain a Mountain Element but many factors, including changes in the Land Use Code and the delegation of jurisdictional authority over some of the Element's topics, have made it out of date or inappropriate for addressing land use and related issues in that region of the county. The desire for including a Mountain Element was expressed at three of the neighborhood meetings, and staff has been considering this for some time as issues and needs in the mountains, as well as the condition of the mountain forests and ecosystems, have evolved since 1978.



- **Why isn't Niwot labeled in the videos shown at the neighborhood meetings?**

The two videos only labeled incorporated (municipal) areas. Niwot, while having many of the attributes of a municipality, is unincorporated and therefore under the county's jurisdiction. It does have a special place in the BCCP as a distinct Community Service Area with specific policies regarding its semi-rural character and land uses. Please refer to the BCCP's **Niwot, Lefthand, Boulder Creek Element** by going to <http://www.bouldercounty.org>, then clicking on "Departments", then "Land Use", then "Planning", then "Boulder County Comprehensive Plan" for more details and a map of the Niwot Community Service Area.

- **Which isn't one of the nine municipalities that have signed the "Super Intergovernmental Agreement" with the county?**

Ward.

- **Why isn't transportation called out specifically in the BCCP goals and the draft Guiding Principles?**

Transportation goals were incorporated into the 1978 BCCP (Goals G.1 – G.3) and, with the adoption of a significantly revised Transportation Element in 2010, have been expanded. Transportation was not named specifically in the draft Guiding Principles because the Principles are intended as a common thread to be applied to all the Elements of the Plan, not just a specific Element here and there. However, staff will have a conversation with Planning Commission about this question as well as others and ask for Planning Commission's preferences.

- **How are "rural" and "rural character" defined?**

There is no specific definition or description of these terms in the BCCP. For example, the Plains Planning Area Element of the current Plan states *"Land uses within the Plains Planning Area should continue to be related to agricultural activities, environmental resources protection, low-density residential development and other activities consistent with the rural character of the county"*. Other Elements of the Plan and their policies focus on preserving and maintaining significant environmental resources in their many forms and functions, scenic areas and corridors, minimizing visual impacts, and so forth. The Land Use Code, zoning districts, open space acquisition programs and other tools are designed to implement many of these policies as well as to channel "urban development" to urban areas. Nonetheless, this Update process will include work on developing some definitions or language that clarifies what "rural" and "rural character" means in the context of Boulder County's diverse landscape.

## Other Questions

- **What is the maximum subdivision build-out population for Boulder County?**

There are currently 380+/- platted and approved subdivisions in the unincorporated area of Boulder County. They include a total of 13,555 residential lots. Around 1,312 are vacant. Household population averages vary over time, but using an average of 2.5 persons per household, the build-out population for these subdivisions would be 33,877 people.

- **What is the breakdown of open space ownership?**

The following figures are from January, 2011:

- Federal lands (US Forest Service, National Park Service, etc) cover 168,169 acres.
- State lands (Colorado State Parks, state Land Board) cover 1,371 acres.
- County open space (including publicly and privately owned lands and jointly owned county/municipal lands) totals 97,870 acres.
- Municipal parks, open space, conservation easements, and watershed lands total 53,384 acres.
  - The sum is 320,794 acres or 67.6% of the 474,335 acres within Boulder County's boundaries.

- **Is there an "end game" for county open space acquisitions?**

There is no final target or benchmark set for open space acquisitions although most of the land that will be open space has now been acquired. Voters have approved six open space sales tax initiatives since 1993 which have provided the bulk of the funding for land purchases and conservation easements and ultimately the voters control the amount of funds that will be available for this purpose. For more information on the county's Parks and Open Space programs please go to <http://www.bouldercounty.org>, then click on "Departments", then "Parks and Open Space", and select your area of interest/inquiry from the menu provided.

- **Is there a "threat" of eminent domain being used to acquire open space?**

No, the county has never used eminent domain to acquire open space. The County has worked with hundreds of willing sellers on open space acquisitions. The 10 types of open space acquisition tools used by the county can be reviewed at <http://www.bouldercounty.org> then click on "Departments", then "Parks and Open Space", then "Acquisitions".

- **Do county-owned open space lands go off the tax rolls?**

Property acquired in fee, where the county owns the land, becomes publicly owned and is not taxed. Property where conservation easements have been purchased remains in private ownership and stays on the tax rolls, although the value of the land would be less because the development potential has been purchased and removed. The public instead gains a benefit from the landowner's agreement to keep the land in an open space condition. The loss of property tax revenue from agricultural land purchased by the county for open space is negligible because it was, in most cases, taxed at the very low agricultural exemption rate set by the state.

- **How is fair market value determined for purchases of open space land?**

The Parks and Open Space Department negotiates new open space transactions with willing landowners. The fair market value of a transaction is equal to the price that the landowner is willing to accept and the price that the County is willing to pay. Just as for purchasers of private real estate interests, the amount the County is willing to pay varies and depends on all of the factors of the deal, including but not limited to the property's location in the county, acreage, condition, proximity to other

open space, structures and other improvements, water rights, timing requirements for payments to the seller, etc. The Parks and Open Space Department uses market information it gathers from private sales, past County deals and deals done by municipalities or land trusts in the county and nearby areas to determine the market value of each transaction.

- **Does the county sell lands acquired for open space, and if so is the dollar amount spent on the acquisition fully recovered?**

The County buys property at market value, unless the seller makes a full or partial donation. The County only sells property subject to conservation easements, which are partial interests in land. This reduces properties' original full market value, because when the County purchases land it is buying land that could be developed which therefore has a higher value, and then the County is only selling the underlying interest and the property is thereafter subject to conservation easement restrictions. If a member of the public hears differently we encourage him or her to contact the Real Estate Division of POS if they have value questions for a particular property.

- **Does the acquisition of land for open space take that land off the tax rolls and thereby reduce revenue for the state and county?**

The vast majority of the properties purchased for open space already have an Agricultural designation, so they are already being taxed at an extremely low rate (often under \$100, usually under \$1,000 per year). While this is revenue lost on the real estate tax rolls, the tax is made up for in a number of ways, including lease revenue collected from agricultural tenants and the perceived increase in value to private properties that lie adjacent to protected open space. Recent studies done by the Trust for Public Land (TPL) demonstrate that conservation actually "pays its way" and more. TPL's studies include two in the Colorado area. Anyone interested can find the studies by typing the following searches into an online search engine:

1. Conservation: An Investment That Pays
2. TPL Colorado's Conservation Easement Tax Credit
3. TPL [Denver Park Value Report](#)

- **How is the dollar amount determined that the property owner pays in the purchase leaseback agreement program?**

If the County purchases an agricultural property and leases it back to the seller, the lease amount is consistent with leases of other County agricultural open space lands to other tenants. The Parks and Open Space Department negotiates the lease amounts, which are based on market factors such as whether or not the land is irrigated, whether it contains any buildings that can be used for hay or other crop storage, etc.

- **ROADS: Several questions and comments were posed regarding road maintenance funding, plans and responsibilities in unincorporated Boulder County, particularly roads in county-approved subdivisions, such as:**

- **What did the 1995 BCCP amendments say that modified the county’s policy regarding road maintenance in subdivisions (is the road maintenance issue related to how the BCCP is interpreted)?**
- **Are roads a land use issue, or really a budgeting issue?**
- **Landowners pay sales and property taxes, so they should rightfully expect road maintenance services.**
- **Establishing local improvement districts for subdivisions as an alternative to county road maintenance would create management problems and inconsistencies in the types and levels of services provided.**

The county Transportation Department has prepared a number of information resources that address most of the issues and questions about road maintenance gathered at the BCCP Update neighborhood meetings. Please go to the website at <http://www.bouldercounty.org/pages/default.aspx>. Click on “Departments” in the **About Us** column on the left, then click on “Transportation”, then scroll down to **Quick Links** and click on “Subdivision Road Paving Workgroup”. This site also provides a link for sending questions or comments directly to the Transportation Department.

- **Is there some central source where people can find out about and get information on land use activities and issues when meetings and decisions are pending?**

The Boulder County website is the best centralized information source and can be accessed at <http://www.bouldercounty.org> or by entering Boulder County in a browser. County departments are listed alphabetically, and each one has links within them to find out what’s happening and pending. For example, clicking on “Commissioners’ Office” will provide information on upcoming hearings, meetings and other events as well as a live video link to their public hearings. The Land Use Department has a **Land Use Services by Division** heading that provides information on Planning Commission agendas and hearings. Clicking on “Planning” under Land Use Services provides access to the Land Use Code and the BCCP as well as information on the BCCP 2010 Update project. Under Land Use Services by Division there is another heading titled **Docket Review Notification Postcard** which provides information on how to have your name put on mailing lists. You can also find a listing of applications that have been filed with the Department and land use dockets that are under review at this location. We also use other notification tools like posting properties that are under review for a land use activity, press releases, mailing lists, direct mail to property owners, legal notices in newspapers, and neighborhood meetings.

## **2010 BCCP UPDATE: 2011 NEIGHBORHOOD MEETINGS**

### **Specific Questions and Responses**

#### **Nederland and Allenspark (August 30<sup>th</sup> and 31<sup>st</sup>)**

##### **Boulder County Comprehensive Plan**

- **Is Nederland considered “urban” or “rural”?**  
Good question. While not “urban” in the sense of size, density or perhaps even “character”, and located in a rural setting, Nederland is considered “urban” because it has the powers and duties

of a municipality as described in the Colorado statutes (annexation, adoption and enforcement of municipal codes and regulations, election of local government officials, taxation, entering into intergovernmental agreements, etc). Included in these powers and duties is the responsibility to provide “urban services” to its residents either through municipal facilities, contracts/agreements with other service providers, or a combination of both.

- **How do “subarea” plans, like the Eldora and Magnolia Environmental Preservation Plans, get included into the BCCP?**

These types of resident-initiated Plans may be incorporated into the BCCP by applying for a BCCP amendment. The county staff reviews the amendment proposal and documents, discusses the proposal with the applicants, and prepares a recommendation for action by the county Planning Commission at a public hearing. Notices of the hearing are published in newspapers, press releases from the county, and sent to interested and potentially affected parties and agencies. Typically county staff has been working with the resident planning group during the development of their Plan before it reaches the BCCP amendment application phase. Planning Commission does not incorporate all the resident Plan goals, objectives and policies verbatim into the BCCP for a number of reasons, the principle one being that county land use codes and decision-making must remain within county governance structures and procedures. What has been done is the Planning Commission adopts BCCP policies that acknowledge the local Plan and call for the county to coordinate with the residents in reviewing land use activities and proposals that are within the recognized Plan area, using the local Plan’s goals and objectives for additional reference and guidance in preparing county responses to the land use activity. Refer to the Eldora Preservation Plan pages in the BCCP at <http://www.bouldercounty.org/government/pages/bccp.aspx> for an example of adopted county policies.

- **Is the recently revised Transportation Element “done”? There are concerns over cuts in RTD services and some interest in talking about other transportation issues and ideas.**

The Transportation Element has been revised and was adopted in 2010. However, as is true with all Elements of the BCCP, discussions with county staff about amendments to the Elements or clarifications regarding the policies, programs and other activities the Elements call for can be initiated at any time by contacting the relevant county department or the Land Use Department by letter, E-Mail, telephone, and/or appointment.

- **Have there been any studies done re: the impacts on the mountains from growth on the Plains?**

We are not aware of any specific studies but will undertake some literature and Web searches to find out. Suggestions for possible sources or site for information are welcomed.

- **Who came up with the goals in the 1978 BCCP?**

The 1978 BCCP goals were initially drafted by staff with participation by the Planning Commission and County Commissioners after numerous neighborhood and other public outreach meetings. They were adopted in February 1975 after a series of public hearings.

## Other Questions

- **Is there a difference in county building and land use codes between seasonal vs. year-round structures?**

Not at this time, although staff discussions about distinctions between the two and options for recognizing them have taken place and may be considered further as part on the on-going Land Use Code revision program.

- **Are rural areas paying their own way in terms of services provided e.g. taxes?**

Probably not. For example the mountain road system requires a variety of regular maintenance activities like plowing, sanding, dust suppression, shoulder work, and so forth at a per mile cost often exceeding the equivalent service on the Plains, but the property tax and other revenues from the mountains as a percentage of the county's road maintenance budget do not approach that of the revenues coming from the Plains area. HOWEVER, we will ask for some advice from other county departments about how to best approach and respond to this question in more quantifiable details.

- **Use the Allenspark 747 Plan as a source of public feedback and guidance.**

The county has copies of the Plan and is in discussions with the 747 Committee and Allenspark about its content and proposals. The information will be referred to as the discussions proceed.

## **Boulder** (September 14<sup>th</sup>)

### Boulder County Comprehensive Plan

- **The current BCCP has addressed the urban sprawl issue. What is the "clear and present danger" looming out there that the BCCP should address which it currently does not?**

Much of the Update effort is to edit and clean up the existing Plan to eliminate redundancies, clarify seeming inconsistencies or vagueness, develop a consistent and more user friendly, accessible format for the entire document (both hard copy and on line versions), and incorporate some Guiding Principles that provide the connecting tissue or theme for all Elements of the Plan. The current Plan tackled the fundamental question "where should urban growth occur v. where should the county retain its rural character, attributes and environmental features". The Update intends to look at how the principles of sustainability – economic, environmental and social – can be incorporated in a meaningful and useful way. This topic is expected to receive more discussion and emphasis than is currently found in the Plan, although a Sustainability Element was added in 2007 and can be reviewed by going to <http://www.bouldercounty.org/government>, then selecting "Land Use Department", "Planning" and scrolling to "Comprehensive Plan."

## Other Questions

- **How did Rock Creek and Gunbarrel come about and get developed?**

Very briefly, Rock Creek resulted from the formation of a Metropolitan District to provide water and sanitation services to lands that were then annexed to the Town of Superior and developed. The Gunbarrel area began initial development in the early 1960s in response to IBM locating its facility midway between Longmont and Boulder. At the time county zoning and the lack of a comprehensive plan allowed the many subdivisions and other development that make up the Gunbarrel area today. The city of Boulder has annexed most of the commercial, business and retail areas, while the bulk of the residential area remains in the unincorporated county. For more information about the history of either of these topics contact the county Land Use Department.

- **What is the future of the Conoco-Phillips site in Louisville?**

Conoco-Phillips will be constructing a major research and development facility on the property. For details about the plans, phasing and timing of development, employment numbers and so forth contact the City of Louisville at (303) 666-6565.

- **How did the development of the Foothills Parkway affect Boulder's municipal boundaries?**

This question and others regarding development within the City of Boulder should be directed to the city's Department of Community Planning and Sustainability at (303) 441-1880.

## Lafayette (September 21, 2011)

### Boulder County Comprehensive Plan

- **Did the regulations to restrict square footage in neighborhoods come from the BCCP?**

The goals and policies in the Sustainability Element of the BCCP led to the revision and implementation of these regulations.

## Other Comments

- **Do cities adopt or are they required to adopt the same codes and regulations as the county's?**

No. Municipalities adopt their own codes and regulations which are applied within their boundaries.

- **How do Homeowners' Associations (HOAs) work with the county?**

HOAs enforce their own covenants. HOAs that wish to be placed on a referral list for direct notification about land use applications, activities, proposed Code changes or other planning-related projects within their area or that might affect their area should contact the Land Use Department.

## Longmont (September 26<sup>th</sup>)

### Boulder County Comprehensive Plan

- **Is there a link between the proposed BCCP Guiding Principles and the United Nations' Agenda 21 or other international agendas?**

No. The BCCP was crafted in response to the concerns and aspirations of county residents regarding rampant development, environmental preservation and integrity, respect for individual rights, and intergovernmental cooperation on issues of importance to people in both the urban and rural areas. What is now being referred to as “sustainability” by many people and institutions around the globe has been a part of the core of the BCCP since its adoption in 1978. The proposed Guiding Principles, introduced at the neighborhood meetings this year, are a consolidation and refinement of the many goals in the BCCP into statements that are intended to convey the BCCP’s intent and purpose to readers in a consolidated form.

- **How do you achieve a balance between social/environmental/economic sustainability goals?**  
Sustainability is frequently described and diagrammed as a three-legged stool, the legs consisting of economic, social, and environmental considerations. The idea is that the stool will be unstable unless all three legs are of equal length and strength. From a comprehensive planning perspective, sustainability means that the three legs ought to be considered and, to the practical extent possible, weighed against the benefits or impacts land use proposals may have on each of them before making decisions about the proposal. In reality, every land use decision has consequences, and they are not easily defined as being either black or white, so there are no perfectly balanced or harmonized outcomes although an effort should be made to look at the cumulative big picture. The county’s strong suit is in maintaining the rural character and environmental integrity of the unincorporated county, whereas the municipalities are deeply active in social and economic considerations as well as environmental ones. The 1978 BCCP’s cornerstone goals of locating urban development in or next to urban areas and working with municipalities to help provide a full range of economic and social opportunities within community service areas will remain in place. For additional information on the county’s existing sustainability goals and programs please go to <http://www.bouldercounty.org/sustain/initiative/pages/aboutsustain.aspx>. The BCCP’s Sustainability Element describes current sustainability goals and policies from a land use perspective, which can be found at <http://www.bouldercounty.org/government/pages/bccp.aspx> and then clicking on Sustainability Element under **Amendments to the Second Edition**.
- **Does the BCCP discuss or deal with water and other resources? Does the county have any jurisdiction over water?**  
BCCP goals and policies do address water (as well as other resources) in several ways: maintaining water quality; keeping agricultural water on the land for agricultural uses; protection/preservation of riparian areas and wetlands; cooperation or consolidation of urban services, including potable water, between municipalities and other service providers; balancing urban growth with the capacity and capability of providing full services to that growth; and discouraging the proliferation of special districts, including water districts, within the county, are some examples. However, most of the goals and policies are qualified with “encouraging” or “discouraging” a practice or activity since the county has little to no regulatory authority over the use or sale of water except where the county actually owns water rights. The establishment



or adjudication and regulation of water rights and water uses are largely the responsibility of several state agencies and courts. For instance, the State Engineer's Office has the authority over the drilling and use of water wells for residential and other purposes. The county does have some regulations within its Land Use Code that address water storage, transmission/distribution systems, and infrastructure associated with the use of water. Depending on a variety of criteria and factors, these regulations may require that a proponent for a water project file an application with the county for review, referral and action by Planning Commission and/or County Commissioners through public hearing procedures.

- **How does one get "urban" services?**

By annexation into a municipality. Urban services typically include the provision of public water, and sewer, emergency services like police and fire protection, emergency medical care, storm water and flood management, urban parks, public transportation options, etc.

## Other Questions

- **What are the plans for the Cherry Creek Tree Farm that county Parks and Open Space purchased?**

Please contact Jim Daus at the county Open Space and Parks Department for more information at (303) 678-6200 or at [jdaus@bouldercounty.org](mailto:jdaus@bouldercounty.org).

- **What percentage of unincorporated county land is not available for high-intensity development**

"High-intensity development" means different things to different people. The Boulder County Comprehensive Plan and Land Use Code make a distinction between rural development, urban development that requires or is more appropriately provided the range of services provided by a municipality, and development in rural areas that may have a high or significant impact on the site, surrounding lands, neighbors, roadway system, and other characteristics or features in the area. Here is some information for unincorporated (non-municipal) lands that may be helpful to answering, or at least narrowing the scope of the question:

- Unavailable federal lands = 58,447 acres (Indian Peaks Wilderness, Rocky Mountain National Park)
- Unavailable state lands = 831 acres (Eldorado Canyon State Park – Boulder County portion)
- Unavailable county open space lands = 97,870 acres
- County-approved rural residential subdivisions = 19,205 acres
  - The **sum** is 176,353 acres or 37% of the 474,335 acres within Boulder County's boundaries. Municipalities cover 50,432 acres or 10.6% of the county, which is where most high-intensity development is more appropriately located.

The county has 17 zoning districts, each of which allows certain uses "by right" (uses not requiring an approval by the Planning Commission and/or the County Commissioners) and other uses that do require a review and approval ("discretionary review") through public hearings. The

Agricultural and Forestry zones are the predominant districts. Together they cover 402,990 acres or 85% of the county. These two districts limit “uses by right” to single family dwellings and specific activities related to agriculture and forestry enterprises. More “high-intensity development” proposals like mining (both surface and subsurface); commercial feed yards, agricultural products processing /storage; commercial, business, retail development; camps and lodging; educational facilities; and subdivisions are subject to a discretionary review. There are also five residential (totaling 19,162 acres) and five business/commercial/industrial (totaling 1,691 acres) zoning districts. The residential districts are on the Plains, interspersed within the Agricultural district, and are mostly filled with subdivisions approved by the county prior to the adoption of the BCCP in 1978. The commercial/business/industrial districts, with a few exceptions, are located adjacent to municipalities where the expectation is they will be annexed.

- **Are there different tax rates between cities and the county? Are they related to the range of services provided? Where can more information be found?**

There are approximately 96 different taxing authorities set up throughout the county – each with their own budget and mill levy. Some of them are service providers to rural areas like water and sanitation districts and fire protection districts. Based on how the areas of the taxing authorities overlap, there are about 275 different tax areas - with the mill levy for all the authorities in each area added together to create a total mill levy for that tax area (the total mill levy times your assessed value determines your taxes). The more authorities in your tax area, probably the more you will pay in taxes. People living in a city have the budget of their city to support that people living in rural areas do not. But some small rural tax authority might have a budget that creates a large mill levy for the properties within their area, so their taxes may be higher than a city dweller’s (Ex: fire district needs several new engines and a new station to put them in). To find out more about the taxing authorities and areas, you can go to the Assessor’s Office web site at <http://www.bouldercounty.org/government/dept/pages/assessoroffice.aspx> Enter “abstracts” into the Search the Site box in the upper right corner of the page, click on Submit, then click on **Abstracts** for summaries from 2010 back.

## **Niwot (October 5, 2011)**

### **Boulder County Comprehensive Plan**

- **Who sets/establishes the goals of the BCCP?**

The goals are drafted by county staff based on some analyses of the issues/topics they are meant to address and with public participation. State statutes charge county planning commissions with the authority to make, adopt and amend comprehensive plans, so the Boulder County Planning Commission adopts the goals at one or more public hearings. They are then sent to the County Commissioners with a request that they accept them, also at one or more public hearings.

- **Will Land Use work with Niwot to create its own Plan and codes or regulations?**

At present the Land Use Department does not have the staffing to undertake a project of that nature. The Niwot Community Service Area (NCSA) is recognized in the current BCCP as a distinct and unique community. Eight objectives and 14 policies in the Niwot, Lefthand, Boulder Creek Subregion Element that provide direction for land use planning within the NCSA.

## Other Questions

- **What drives the Land Use Code updates, and how does the public influence the process and content?**

Updates are considered when there is a perceived issue to be addressed that is either not covered or inadequately covered in the current Code. A Code amendment may also be proposed to implement a goal or policy in the BCCP. Code updates may be initiated as a result of public comment, staff recommendations, Planning Commission recommendations, or County Commissioner direction. Before an amendment process formally begins the Commissioners hold a public hearing to authorize proceeding with the work. If authorized, the public is invited to participate through a variety of means; neighborhood meetings, interactive websites and mailing lists, public notices and press releases about the update, conversations with staff, and so forth.

- **Why are parcels considered combined when put on one deed and therefore not resalable separately?**

We would need more specific information and clarification about this question to provide an answer. Please contact the Land Use Department and we will be happy to discuss this concern with you.

- **Why is the Parks and Open Space Department able to create or separate off smaller parcels from their acquisitions while private landowners cannot?**

The Land Use Code allows the County to approve 'community facility lot splits' into less-than-35-acre parcels if the County ends up with fee title to the land or a conservation interest over the land.

## **2010 BCCP UPDATE: 2011 NEIGHBORHOOD MEETINGS**

### **Comments, Sentiments, Opinions, Observations**

The following are remarks staff noted during each meeting that will be passed along to the county Planning Commission, County Commissioners, and other county departments for their reference and consideration as the BCCP Update proceeds. They are also being forwarded to everyone who has provided us with an E-Mail address at the neighborhood meetings, open house, and other venues. Responses have not been provided by the Land Use staff at this time because many of the remarks go beyond the scope and content of the Boulder County Comprehensive Plan or the specific role and responsibilities of the Land Use Department to comment on. They also do not lend themselves to quantitative or "yes/no" answers and explanations, such as how many acres of open space have the county acquired and does the county comprehensive plan apply to municipalities.

#### **Allenspark and Nederland**

- Sometimes the Land Use Code does not reflect the BCCP's goals and policies: talk and language about desirability of meeting "sustainability" principles can be frustrated/complicated for landowners by regulations, approval processes, permit needs, rigidity in codes, etc.
- Use the Allenspark 747 Plan as a source of public feedback and guidance.
- Consider adding some kind of Technology Element into the BCCP as a response to Guiding Principle #5, particularly since mountain residents have needs for access to new and improving communication/information technologies.
- There should be an allowance in the codes and regulations for more incremental energy efficiency improvements to homes and structures that are responsive to owner needs, plans, and financial capabilities.
- The sustainability of Allenspark is hindered by the Land Use Code.
- Government should take primary roles in initiatives, programs, and decision-making only with citizen backing and encouragement.

### **Boulder**

- The Guiding Principles are relatively "healthy" and a good start. Some will be subjective and in the eye of the beholder, but there will be things that cannot and should not be defined in any more details – will need gray areas for the future to decide.
- The BCCP Update appears to be a coordinated effort – that's very important.
- Are gravel roads an element of "rural" when they require dust suppression with water and chemicals, create erosion and load sediment into water courses, affect nearby vegetation, discourage pedestrian/alternative modes uses as trip numbers increase, impact residents living along them and are hard on cars? Does paving to reduce or eliminate these impacts make an area non-rural?
- Why are the county's vehicle trip threshold numbers for paving or surfacing alternatives to gravel different (lower) than the EPA's?
- With regard to Guiding Principle #7 (and also the BCCP in general): how do you define "rural" and "rural character"? These need some description to better inform people about what they mean, especially when land use proposals like RTD rail stations, facilities and Park & Rides are being talked about in the unincorporated county – would the county give up open space for these or other uses?

### **Lafayette**

- When you're talking about sustainability in the Comp Plan, isn't it to limit private property rights or the enjoyment and use of one's property? Where does it say anything in the Guiding Principles about personal property rights?
- The Comp Plan should not be so one-sided as to restrict property rights.
- The Comp Plan needs to balance jobs, population and social/ economic principals. The City of Boulder helps drive sprawl since it lacks this balance (too many jobs for the city residents to fill).
- The Guiding Principles have lots of wording around rural verses urban. This is very frustrating for us since there is not any language about properties and uses in the Municipal Influence Areas

described in intergovernmental agreements. We are ping-ponged about what we can/cannot do because we are in the City of Lafayette's Influence Area but also within the unincorporated county. We do not have any rights.

- It seems that the use of the Comp Plan is to say no. Would like to see language about residents' rights in the Comp Plan.
- A resident described a personal experience where an application for additional square footage to the existing residence and adding a structure in a riparian area was not approved, but Parks and Open Space Dept. was able to extend a bike path into the same area. The applicant felt this was unfair and unequal treatment.
- A resident stated that local government is interfering with being sustainable when a landowner can't rebuild or has to tear down one structure in order to get additional square footage for another.
- Since the population in unincorporated Boulder County has remained relatively stable, the County should acknowledge the success of the goals and policies in the Comp Plan as an example of sustainability
- The IGA process needs to include language that consultation with adjacent property owners in affected areas of influence must occur before lines are drawn. Concern about IGA's being developed behind closed doors.
- County residents are entitled to economic viability and activity on their own property.

### **Longmont**

- Residents in county subdivisions are in a unique situation re: road maintenance, SPR criteria, etc. – "feel stranded".
- Build Smart involves "too much stick, not enough carrot".
- Concern that the language in Guiding Principles is linked to an international agenda (the UN's Agenda 21), and even if the Guiding Principles are not, the language is highly-emotional, inflammatory and raises red flags for some ("sustainability", "social-equity", "all county residents" mentioned as examples.) Terms need to be clearly defined.
- Concern with environmental movement's power, especially in Boulder County.
- Recognize that political attitudes can/will change over time.
- People paying sales and property taxes expect services from local government. Example: snow removal (in specific subdivision, didn't get the name).
- Communication improvement idea –put information in tax bills.
- Why using the term "sustainability"? It is a buzz word. Should substitute "balance" for "sustainability."
- People want objectives, not principles; they want the plan to be more pragmatic.
- Are roads a land use issue, or really a budgeting issue? The comprehensive plan is bigger than just land use. The road maintenance issue is related to how the comp plan is interpreted.

### **Niwot**

- The Comp Plan is good, but generally unhappy about the Building Code. [I] don't like it that people are not allowed to camp in tents or trailers on their own property for more than 14 days a year.
- Codes and rules are too restrictive. The county needs to consider personal freedoms.
- People should own the land, not the county, since landowners know what's the best stewardship for their property. All land should be kept private rather than being acquired and used for trails. People should be allowed to have their own crops/food and animals as they choose – that is "sustainability"
- "The goals of the Commissioners are not mine."
- Frustrated that cities/Commissioners/voters in municipalities impose their rules and values on unincorporated residents and landowners.
- The price/sq. ft. of energy upgrades is too much; Code restrictions have lowered the value of homes for sale because of the costs required to meet the Code.
- Is there a way to look at house values vs. building codes in Boulder County to see if there is a relationship?
- Concern about restrictive land use regulations and limitations on how much a house can be expanded. Costs associated with meeting regulations are prohibitive for development.
- Concern about the unincorporated community not being heard by the Commissioners.
- It's understandable that the county should control where subdivisions go, but the county doesn't need to be (act like) an HOA for places where HOAs don't exist.
- The BOCC drives its own socialist agendas through the Consortium of Cities.
- How can you have a sustainable future w/ our values – no one should judge others' values.
- Social equity and fairness don't mean much. The Guiding Principles should focus more on local economy; for example, currently can't set up a manufacturing business at home on 36 acres.
- Some decisions are made in committee without public involvement.
- A suggested modification to Guiding Principle #8 is to add "...through incentives...". The county needs to be more responsive when there are problems with the Code – this "should be done in months, not years."
- Add something like "The county will consider the impacts of regulations on the unincorporated residents when decisions are made by a vote of all county residents (municipal and otherwise)" to the Guiding Principles. Open space has been very successful to Niwot, but the regulatory pendulum has swung too far.
- SPR applicant – got a size analysis at the pre-application conference but the direction offered was too gray as to what would have to be below grade sq. ft. Since the process isn't black and white, needed to know both the above/below sq. ft. at the pre-application. Also do not understand the neighborhood character component (who decides what it is, how, and why).
- Simplify SPR and eliminate gray interpretations. Neighborhood character is not the county's responsibility – limit SPR to square footage only(?)
- The Codes should be clearer on what you can or can't do; it is too open to the regulators' interpretation.
- Boulder County's building codes "are insane."
- Open space & trails; [we] have resentment because close to 80% of open space is actually closed to the public, particularly with conservation easements. Would like open space trails on conservation easements and would like to get back to the original Trails Plan. **(NOTE: County Parks and Open Space provided the following clarifications to this comment):**

**“Nearly 60% of county-owned open space is open to the public. Also, properties encumbered by conservation easements are privately owned and managed. Boulder County cannot require the landowners to allow public use, except in a few limited instances where the landowner who granted the conservation easement to Boulder County wanted to allow public use.”**

- “Character” changes over time. 1960’s homes aren’t historic, so more flexibility in additions, renovations and remodeling needs to be allowed.
- Doesn’t like the community facility lots splits that county Parks and Open Space is allowed to do; it gives the appearance that Parks and Open Space is a developer. **(NOTE: County Parks and Open Space provided the following clarifications to this comment):**  
**“The Parks and Open Space Department does not add density to properties by this process; rather, the county uses this process to cluster density in small areas when the county is buying large parcels that have several building rights and the landowner desires to remain in an existing home or reserve a building right for a new home. This process accommodates those desires by carving off small house parcels using building rights the landowner already possessed.”**

### **Open House (November 15, 2011)**

- “Sustainable future”; is that the same definition as...what???
- Municipal Influence Areas need to be addressed in the BCCP.
- Sustainability needs to account for the individual property owners’ rights and opportunities to be more self-sustainable in unincorporated Boulder County.
- The Number 1 Guiding Principle should be:
  - Protecting rights of property owners (why this isn’t even on the list is truly troubling)
  - Acknowledge and provide for representation of minority unincorporated Boulder County property owners; and
  - Specifically provide (representation and participation) for residents in Municipal Influence Areas - currently it’s taxation without representation at its best!
- How do we keep or help county residents from commuting outside of Boulder County?
- The county should spend less money for “special” projects e.g. solar and Climate Smart, and more for road upkeep (two persons).
- Guiding Principle #7: add “...and current property owners.”
- Include designating wildlife corridors for large animals passing through the county (the idea of connectivity of counties for wildlife movement). See [wild.org](http://wild.org)’s “Yellowstone to Yukon” project for an elaboration of the concept.
- Unincorporated residents need representation with Boulder County departments and in the BCCP. We are a small group. We need to be allowed to live and practice sustainability!
- Respect for the environment and natural resources also has to include respect for all citizens, not just those who can pay for TDRs.
- There should be a Guiding Principle that discusses the importance of personal property.
- How do you balance individual property rights with “...the respectful stewardship...” in Guiding Principle #1?
- Where does transportation show up in the BCCP?
- Unincorporated Boulder County is the only area where the county gets to inflict ordinances – the cities protect their citizens but Boulder County residents are vulnerable.
- Those of us who live in unincorporated Boulder County need a voice in decisions such as how many square feet we can have on our own properties. What are we being compared to?

- These sound like good principles to go by.
- Concern about fracking, especially near residences, as well as its effects on water quantity and quality.
- Define “rural” to reflect production for local consumption and other sustainability principles.

## NOTECARD COMMENTS HANDED IN AT COMMUNITY MEETINGS

- “Communicate w/ citizens.”
- “Listen to citizens.”
- “Be responsive to residents’ needs when they come to you.”
- “One ‘simple’ addition to the Guiding Principles: include quality of life of residents & quality visitor experience.”
- “Keep properties in the unincorporated area viable and up-to-date according to current standards of living.”
- Comments on one card:
  - “1<sup>st</sup> – Thanks for being here & listening to us! Very appreciated.
  - 2<sup>nd</sup> – Build Smart and “tear down your barn” conflict w/ sustainability and the rural character of the neighborhood – makes no sense.
  - 3<sup>rd</sup> – I don’t have a strong reaction to open space – I love the rural nature and vistas they provide. So, help us in rural residential afford our homes – improve them, stay forever – every one of my neighbors has gardens, compost, and recycle. There are chickens – we do want to be stewards of our own acre lots and lessen our impact as global citizens – so help us maintain our homes. Restrictions are KILLING us financially – as well as emotionally – then we are not able to offer our best selves and resources to the global community – THAT is sustainability; offering our best selves to be in service to others. Help us! Give us our lives back. Please give us our freedom back. This is America. We want to thrive & shine. This is what inspires people to be sustainable, generous, etc. Please Help!!! What can we do to help?”
- “Thanks for listening . I feel that the county has, in the past, done a good job of implementing the 1978 Plan’s basic goal of balancing the needs of its citizens and desires to use and enjoy their property. My concern is that the county is trying to make a sharp left turn and adopt a vision aligned with the City of Boulder which excludes most of the other residents of the county, especially the rural landowners. I strongly disagree with the term ‘social equity’ in the guiding plan. Social Equity = Social Justice, meaning that the government should create a system of systematic discrimination to equalize outcomes for a group perceived to be disadvantaged. See attached quote. Suggest using neutral language like ‘equal access’. For example: Guiding Principle #4. Make decisions and create policies that provide equal access for societal resources for all county residents.
  - Social Equity (typed quote attached to notecard):
  - ‘Social equity can also be a value commitment that may involve implementing targeted programs as a way of bringing about equality of results (outcomes) as opposed to input equity – that is, treating every resident, consumer or client the same’ (2004, p. 144). In other words, some groups are given extra benefits in order to correct for past discrimination...’
  - Quote – Rice, M.F. (2004). Organizational culture social equity and diversity: Teaching public administration education in the post modern era. Journal of Public Affairs Education, 10(2). 143-154. [http://www.naspaa.org/jpaemessenger/Article/VOL\\_17-2/06\\_17n02\\_norman-major.pdf](http://www.naspaa.org/jpaemessenger/Article/VOL_17-2/06_17n02_norman-major.pdf) National Association of Public Schools and



There should be a statement confirming the county's respect for private property rights and peoples' ability to use, enjoy, and especially improve their property."

- "Add a principle that small and distributed is beautiful."
- "Encouraging home occupations minimizes traffic."
- "Promote and incentivize self-sufficiency (distributed solar, greenhouses, better rural telecommunications, etc)."
- "Increase density carefully e.g. mother-in-law units...solves both low-income housing and senior care issues."

### **Number of Comments, Issues and Opinions by Themes**

Several recurrent themes or topical subjects were raised at the meetings which went beyond conversations about the BCCP and the draft Guiding Principles. We have described six of them in general terms based on the specific comments listed above. They are summarized below in order of the number of times they were voiced. While we have not attributed the themes to any individuals or particular meeting, we have characterized them as concerns because that captures the sentiment we heard. We recognize that the six are not independent of each other and that there is some overlap between them.

- Concern about insufficient county representation for and responsiveness to needs and opinions of unincorporated county residents; sense that municipal resident and municipal government desires dominate county decisions with the impacts falling on the unincorporated population – **22**
- Concern about the "over-regulation" and restrictions contained in the Land Use and Building Codes governing allowable land uses, home remodeling, additions, upgrades, BuildSmart, Site Plan Review , etc. – **21**
- Concern about individual property rights not receiving their due recognition and consideration – **9**
- Concern about the lack of clear definitions ("urban", "rural", "sustainability", "social equity", etc) and the subjectivity of Code language/interpretations favoring county staffs and decision makers – **9**
- Concern about the lack of consistency and conformance in translating the BCCP goals/policies into Land Use and Building Codes; Codes are too inflexible and do not promote or allow property owners to pursue sustainability measures – **6**
- Concern about owning property/living within Municipal Influence Areas established by intergovernmental agreements; feels like being in limbo regarding who makes decisions about land use (being "ping-ponged" between the municipality and county) and being uninvolved in the decision making about intergovernmental agreements covering private property – **4**