



Land Use

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930 • Fax: 303.441.4856
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

Allenspark Regional Comprehensive Plan – Phase 2

April 12, 2012 – 6:30-8:00 pm

Meeting #3

Topics: Working Agreements, Business Zoning

Agenda

- | | |
|--|-----------|
| • Working Agreements (Joy Spatz, Jeff Kolen, Abby Shannon) | 6:30-6:45 |
| • Proposed Process for Reviewing Proposals (Abby Shannon) | 6:45-7:15 |
| • Business Zoning (Tammy Ackerman and Abby Shannon) | 7:15-7:55 |
| • Wrap-up and next steps (Abby Shannon) | 7:55-8:00 |

Working Agreements

These agreements were developed with the 747 Community Plan core team, Abby Shannon, and Dale Case. Garry Sanfacon facilitated the discussion.

WORKING AGREEMENTS – This is how all participants¹ will act during meetings

- We don't interrupt
- We take the time to ensure understanding
- We are hard on the issue, not the person
- We are future focused
- We come prepared
- We are honest, forthright and transparent
- We strive to be succinct
- We are open to all ideas and willing to think outside the box
- We inquire and clarify what someone said (in person or email) rather than making assumptions (in the moment, later, or by phone)
- We recognize we are here to do our best
- We're helpful to each other

These working agreements will help us move forward on the project in a constructive, open, collaborative manner.

PROPOSED Work Plan/Timeline as of March 29, 2012

We will continue the meeting schedule established by the 747 Community Project – although perhaps not as consistently – on the 2nd and/or 4th Thursdays of each month. We will meet in the Allenspark Firehouse from 6:30-8:00. The meetings listed below will be led by county staff. We encourage the 747 Community Project participants and other community members to discuss previous meetings, prepare unified responses to staff proposals, and to otherwise utilize “open” Thursdays (or any other day of the week) as you deem necessary. Land Use staff will email the entire list (416 email address as of 4/12/12) to announce meetings, distribute work product, and

¹ County staff, property owners, interested parties, etc. Everyone.

request input. We will use a combination of emails and meetings to work toward solutions to meet our goals. Rather than carving this work plan into granite, we have chosen to utilize an easily editable digital format. If the community or Land Use staff feels we need to spend more time on certain topics, if additional community outreach is needed, if additional meetings would be helpful, this schedule will be revised.

General Process for Reviewing Each of the 747 Community Plan Proposals

1. Review each 747 proposal individually with Land Use staff during a meeting at the Firehouse. Land Use staff will ask questions in order to understand the intent of the proposal. The community should ask questions of staff to make sure that goals, priorities, and intent is accurately conveyed.
2. Staff Written Response. Staff will summarize what they heard at the community meeting including the intent of the proposals. Staff will identify potential issues/concerns and identify why they are issues or concerns. Staff will identify areas of agreement. Staff will seek to clarify areas that are unclear. 747 Core Group will review Land Use staff’s written response and ask for clarification and give feedback via phone or email or meeting. The purpose of this step is to allow the core team an opportunity to review a draft for accuracy before it is sent to the entire email list. Then staff will post the written response on the county website (and it can be posted on the 747 website too). Staff will email notice that the written response has been posted. Everyone will be able to see the written response, send comments/reactions/responses to staff.
3. Community Meeting to discuss the written response. If the Land Use Department has the resources to do so, meetings will be facilitated by a professional who is outside county staff or the community. The goal of this meeting is to work through possible “sticking points” in staff’s written response to the 747 proposal at hand and to identify options for possible solutions.
4. Staff Written Summary (repeat #2, if necessary)
5. Community Meeting (repeat #3, if necessary): Goal is to strive to find maximum areas of agreement.
6. 747 will conduct a survey if the revised proposal is substantially different than original proposal.
7. Once consensus for the implementation of an individual proposal is reached, we can take individual proposals to Planning Commission for consideration to be acted upon and then set aside until all other proposals are acted upon and formally adopted.
8. Repeat steps 1-7 for each proposal.

Date	Topic
11/10/11	Business Zoning discussion
1/12/12	Building Materials discussion
February/March	Land Use staff to draft Working Agreement based on meetings with the Core Group and Expectations for materials, meetings, and communication
4/12/12	Discuss draft Working Agreements and staff’s conceptual summary for implementing Built Environment proposal with the 747 Core Team (step #2)
4/20/12	Abby to email staff’s conceptual summary for implementing Business Zoning proposal
4/26/12	Discuss staff’s conceptual summary for implementing Business Zoning and Building Materials proposals (step #3)
April/May, TBD	747 Community Project leaders to take county staff, BOCC on a field trip to review the Built Environment proposal, points system (might be 2 field trips)

7/14/12 Open House/Public Meeting at ? (Highlands Camp?)
8/5/12 Open House/Public Meeting at ? (Highlands Camp?)

Additional Proposals to Discuss:

Building Materials
Built Environment
Interface committee discussion
Comprehensive Plan discussion

BUSINESS ZONING – DISCUSSION

This is a conceptual summary. This is not a final plan. The purpose is to find areas of agreement and disagreement so that we can focus on ways to address the points of disagreement. It captures issues that were raised in the Business Zoning proposal and ways staff could support achieving these goals. Tammy Ackerman, Chair of the committee that worked on the Business Zoning Proposal, has responded to the staff summary as noted in *red italics*. This should not be accepted as the final product from staff or the community. It's a starting off point for discussion (see step #3 above).

Issue: Businesses along Business Route 7

747 Community Plan proposal: All existing businesses along Business Route 7 from the Allenspark townsite to Ferncliff should be zoned Business.

That is partially correct. The proposal also identifies five additional properties within the townsite that had been historically zoned Business but were down zoned in 1984. The goal is to reinstate Business zoning to those properties identified on the map. This goal is consistent with the 747 comprehensive plan that reads:

- *“Re-establish the Business Zone District along Business Route 7 to bring existing historically operated businesses in the Allenspark Townsite into regulatory conformity and to encourage most new business development to take place within the townsite of Allenspark”.*

Desired outcome: The 747 Community Plan desires all existing businesses to be conforming.

Boulder County staff response: Agree that it makes sense to rezone businesses along Business Route 7 from the Allenspark townsite to Ferncliff and with some further guidelines and specific allowance to ensure the community character is maintained. A new business zone could allow the range of uses (businesses currently allowed in B) or it could be more finely tailored to include those businesses and combination of businesses desired by the community. The new zone should have setbacks, height limits and size requirements more appropriate for a small community.

Discussion: Staff proposes a new zone for a three reasons. The townsite has a public water system and could have a sewer system as well. First, the front setbacks for the current B zone are too constraining given the existing conditions and parcel sizes in the townsite. Second, the B zone allows structures to be up to 50 feet tall. Based on the existing development pattern in the townsite and the small parcel sizes that exist, this maximum height is not in character with the townsite. An appropriate height would be more in line with the Forestry zone district which allows up to 35 feet. Third, the community plan seeks to encourage small businesses that serve the residents and visitors to the northwest corner of Boulder County. This could be done by limiting uses (for example, the community expressed a disapproval of medical marijuana centers which are currently allowed in B) and/or relating the maximum

building size to the parcel size or establishing a maximum building size. There is a concern from staff that perhaps parcels could be combined to enable larger businesses that serve the highway passersby rather than the residents and visitors who stay in the area.

Another reason to support a new zone district is that it could allow multiple principal uses. This would allow, for example, a business on the first floor of a structure with a residence on the second floor. A new structure such as this would require a review process such as site plan review (most likely) to make sure the structure itself meets the requirements for new development. But site plan review is a shorter (and administrative) process as opposed to Special Use Review. Multiple principal uses is currently allowed in the B zone but Special Use review is required – even if the difference uses are within the same structure.

The intent of the proposal for the Highway 7 Business district is to rezone the properties identified on the map to the currently existing Business zone that benefits other businesses within the Townsite. If the county proposes to rezone all of the businesses within the Allenspark townsite to a newly defined business zone district, then that will require dialogue with the existing business owners that would lose the current Business zoning as it exists in today's regulation. The Historic Business District that the 747 Community Project has proposed (for those historic businesses outside the townsite) to the County incorporates those historic uses as well as the types of businesses the community has expressed as acceptable. If the county chooses to open dialogue in regard to creating a new business district the aforementioned document provides a place to start. Such dialogue between the County and the community should include the following:

- *Identification of those items within the current Business zone that are a concern to the county and why they are of concern.*
- *Discussion about the five properties proposed for Business zoning that currently are not being used for business purposes. These discussions must include the potentially affected property owners.*
- *The pros and cons to the alternative solution, that being to retain the current Business zoning for the properties that are currently zoned Business.*
- *Clarification of what defines multiple principal use as compared to incidental use (a term used by Dale Case in regard to Meeker Park having a grocery store as well as lodging facilities).*

Issue: Existing Businesses within the Allenspark region 747 Community Plan proposal: Rezone seven existing lodging and retail business to a new Historic Business zone district.

Desired outcome: The 747 Community Plan desires all existing businesses to be conforming.

Boulder County staff response: Keep the existing Forestry zone district for these seven properties.

Discussion: Staff does not support rezoning all existing business in the Allenspark fire district to a business zone. These businesses are diverse in the locations, parcel sizes, intensity of development, and impact on the land and natural resources and staff believes expansion of any of these uses deserves a thorough public review. Changes have been made to the Land Use Code in recent years which allow more flexibility to the Resort Lodge, Conference Center, and Guest Ranch as well as the Use of Community Significance classifications. For example, more uses now qualify to apply for the Use of Community Significance designation and the process was changed from Special Use review to Limited Impact Special Review which is a shorter process. A use classification for Camps was also recently added which provides places such as Camp Tahosa and Meadow Mountain Ranch the ability to become conforming should they seek an expansion. One of the uses in the 747 proposal for Historic

Business and located on the map is Lane Guest Ranch. The owner has begun the process with Land Use but has not yet made a formal application.

It is the communities desire to have all existing businesses brought into conformity through this process. Thus eliminating the concern of being thrown into an "illegal" non-conforming status due to making improvements to their property.

- *Lloyd Lane of Lane Guest Ranch indicated he was approached by Hannah Hippley and told he needed to begin the Special Use Process in the Fall of 2011. Hannah clarified that Lloyd Lane is required to go through the 'Use of Community Significance' process due to concern that improvements were made to the property without permits, consequently throwing Lane Guest Ranch into 'illegal non-conforming status'. This example of non-conforming status is an argument for bringing all businesses into conformity using the townsite planning initiative process as the conduit.*

Nonconforming uses are allowed to continue operations and can seek building permits for modifications that do not increase the intensity of the use but rather improve the safety of existing structures.

See non-conforming language. The above paragraph is an oversimplification of what non-conforming means to a property owner.

Staff's concerns include that there is greater likelihood of those historic businesses disappearing if they had a business zone, particularly those with frontages on Highway 7.

There is a much greater likelihood that the historic businesses will disappear as the current owners pass on and leave behind structures that by non-conforming definition do not allow for modernization such as esthetic upgrades requiring permits, e.g., new kitchen appliances requiring plumbing changes, larger closets, updating bathrooms, etc. By not bringing these properties into conformity through this process, these properties lose any competitive edge that might be gained by modernizing their facilities. Stone Mountain Lodge outside of Lyons is a case in point. We heard them testify at the Use of Community Significance hearing that they aren't even allowed to remove the dated paneling inside their units and hang drywall because it would require a permit.

Dayton who owns Eagle Plumes indicated that he was required to remove a deck he built being told that since he was non-conforming it had to be removed. (at that time the code required only decks being constructed more than 30 inches from the ground, to be permitted)

Another concern is that conformance with the zoning map does not necessarily mean compliance with other important health and safety regulations such as safe drinking water, healthy disposal of wastewater, safe structures, and safe access to the highway, and all the other criteria that are reviewed during the Land Use planning review process. Through adoption of the above- mentioned Code amendments, the County has made clear the importance of these long established uses. We have also scaled the process and requirements to recognize these uses and allow them to extend their viability by making changes while maintaining public safety, protecting the environment, and embodying the character of the Allenspark area.

For the properties already served by a Special Use Permit the reasoning behind establishing an historic business district for those properties is as follows:

- *A Special Use permit has a 5 year Sunset provision that puts at risk the historical preservation of the existing lodges as evidenced by the Lazy H (Alpine Mountain Ranch) now known as Rocky Mountain Pathways. That property was purchased and put into operation a mere one week from the Sunset provision kicking in which would have triggered the loss of*

the Special Use Permit. Boulder County at first said that the Sunset date had already passed. We were able to provide documentation that it in fact had not. The sunset provision gives Buyers extreme leverage when considering a purchase. In addition, while a Special Use Permit is a step up from being non-conforming the parameters are so confining that it often times results in a much longer market as stated above, again putting at risk the historic businesses sustainability.

Discussion should include the following:

- **One Solution:** *A baseline is established that includes current and historical uses, current capacity, square footage, water source, sanitation, peak traffic count, parking spaces etc, for each of the identified properties. When a use is proposed outside of the established baseline a process is triggered that includes a public review process.*
- *Additionally for the larger parcels; a specific building envelope could be identified that includes all existing structures. If there is a future proposal intensifying use through development of additional structures a public review process would be triggered.*

Issue: How rezoning is initiated

747 Community Plan proposal: Boulder County should “establish or reinstate” business rezoning to existing businesses.

Desired outcome: The community plan suggests Boulder County initiate the rezoning so that the process does not burden the property owner with submittal requirements or fees typically associated with a rezoning request.

Boulder County staff response: Boulder County can initiate rezoning of existing businesses along Business Route 7.

Discussion: Staff supports rezoning the established businesses in the Allenspark townsite. This would entail designating a Land Use staff person to process the rezoning application, gaining the consent of property owners, and making sure rezoning would not lead to conflicts with other regulations (such as Public Health, fire district, or other established requirements). The rezoning request would be referred to property owners within 1,500 feet of each parcel proposed for rezoning as well as the typical group of referral agencies. Rezoning properties requires public hearings before the Planning Commission and approval from the Board of County Commissioners. Other property owners could apply for this new zone through the regular land use rezoning review process.

“Other property owners could apply for this new zone through the regular land use rezoning review process.” Precisely what these recommendations are designed to avoid. Simply put, bringing these properties into conformity does not remove the responsibility of the property owner to pull permits when expanding which would trigger the other health and safety referrals, hence negating the argument. The community has over 80 % consensus that these particular businesses have stood the test of time and should be granted appropriate zoning without having to navigate the waters of the Special Use Process or rezoning. For some unknown reason Boulder County chose to grant business zoning to Sunshine Mountain Inn and The Raymond Store. Both properties are well outside the townsite with varying lot sizes and similar historical uses as the properties these proposals seek to establish a Historic Business zone district.

For more information, contact Abby Shannon: ashannon@bouldercounty.org or 720.564.2623