



# 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](http://www.bouldercounty.org)

## BOULDER COUNTY LAND USE

### Allenspark Townsite Planning Initiative Community Meeting Summary

July 23, 2018

Boulder County Land Use Department

## PURPOSE

On July 23, Boulder County staff met with members of the Allenspark Townsite community to provide an update on developments and outcomes of recent discussions regarding the Allenspark Townsite Planning Initiative, and to identify topics of greatest interest to the community. The goal was to collaboratively define a process for moving forward to identify next steps and determine how to best address community concerns.

## PRESENT

### Boulder County Land Use

Christy Wiseman, Long Range Planner I

Dale Case, Land Use Director

Denise Grimm, Land Use Senior Planner

Jose Ruano, Long Range Planner I

Nicole Wobus, Long Range Planning and Policy Manager

Sinead O'Dwyer, Long Range Planner I

### Boulder County Public Health

Erin Dodge, Water Quality Program Coordinator

### Members of the Allenspark Community

Twenty-five members of the public signed in for the event. See list of attendees posted on website.

## MEETING SUMMARY

Nicole Wobus provided an overview of the meeting objectives, background information, and a summary of previous Allenspark Planning Initiative efforts. Denise Grimm presented on relevant Land Use Code provisions and how changes since the beginning of the Townsite Planning Initiative have taken place that are available as tools to address some community concerns. The overview included possibilities for establishing a Rural Community District (RCD) in the Allenspark Townsite, Adaptive Reuse of a Historic Landmark, incentives and site-specific flexibility in applying certain Code provisions for properties with historic landmark designation, potential recognition of properties with an existing non-conforming use as a Use of Community Significance, and other provisions.

The meeting included group discussions to allow for participants to interact with each other in identifying topics of interest and possible approaches to addressing concerns. Participants expressed a wide variety of opinions; however, the following interest areas were identified as high priority for future consideration:

- Changing the presumptive size maximum applicable to townsites (currently 1,500 square-feet).
- Addressing the needs of existing businesses in and immediately surrounding the townsite
- Setback regulation restrictions in Forestry zoning
- Maintaining the Allenspark Townsite community character
- Housing-related issues, including limiting short term rentals, and long term housing availability and affordability
- Historic preservation

Other topics discussed included insufficient infrastructure in terms of Regional Transportation District (RTD) and phone services, a need for more accurate mapping, and challenges with meeting septic regulations and standards.

There was an interest in the possibility of creating an RCD for the Allenspark Townsite. More information on the experiences of Niwot (the only existing RCD in the county) was requested. A community working group was identified as the preferred form of communication between the county and community residents.

The community indicated a preference for establishing a community working group for future communication and to address priorities identified during the meeting. Ten individuals signed up to participate in the working group.

## **GROUP DISCUSSIONS**

Following staff presentations participants gathered into four groups of 6-10 people lead by Boulder County Land Use staff facilitators. Each group worked from a list of topics of potential interest to help facilitate the discussion. The following list highlights an overview of the discussions among groups that took place under each topic.

### Documenting a Vision / Historic Preservation

Several groups discussed documenting a vision for community character and incorporating this vision as an element of the Boulder County Comprehensive Plan (BCCP). This vision would consider the work done as part of previous 747 Community Project efforts, however would focus on the Allenspark Townsite. Among the discussion was the understanding that different people may have different perspectives of an appropriate character for the area (color, cabins log exteriors, etc.). Groups thought a community vision statement could be simple and straight forward, documenting an interest in preserving existing character. Approaches to the preservation of existing character that were mentioned included creating a RCD, historic preservation, code updates, and possible rezoning. Multiple groups were interested in the possibility of utilizing the Adaptive Reuse of a Historic Landmark provisions of the Code, other incentives, and site-specific flexibility in applying certain Code provisions for properties with historic landmark designation.

### Address Needs of Existing Businesses

The planning-related needs of existing businesses were primarily portrayed as revolving around issues of non-conformance with the Code. Several businesses were described as non-conforming due to a past change in zoning from Business to Forestry. There were concerns that parcels with vacant businesses are rezoned to Forestry when they temporarily go out of business. Parcels currently zoned Business are not rezoned to Forestry; in cases where existing businesses are nonconforming, the right to continue a nonconforming use terminates as soon as the use is abandoned through the discontinuance of the use for an uninterrupted period of six months or more, as a result of causes within the control of the property owner or their agent. This falls under the Abandonment of a Nonconforming Use (Land Use Code 4-1003 under Nonconforming Uses).

There was also mention that several businesses serve as primary residences, and thus have multiple principal uses which are only allowed under certain circumstances and require special approval [Note: Some businesses with minimal traffic impacts and only one employee can be run out of one's home. This falls under the Home Occupation accessory use definition (Land Use Code 4-516 under Accessory Uses). There are limitations on signage for Home Occupation]. Currently multiple principal uses are not allowed in Business or Forestry Districts, except for allowed Agricultural uses, Forestry uses, Mining uses, or any combination thereof; for multiple principal uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses preserve the landmark; or for second principal uses approved through Special Review. The community's business needs were described as central to the long-term sustainability of Allenspark.

### Setback Regulations / Accurate Mapping

The setback regulations of the Forestry zoning districts in the Allenspark Townsite were described as restrictive and as not meeting the contextual needs of existing small lot sizes in the area. Most homes in the townsite are in the setbacks. According to participants, this contributes to the difficulty of going through planning processes. Non-conforming language in the Code was also described as confusing. A separate concern was that Boulder County aerial maps often show buildings entirely outside the parcel boundary, as county maps are not based on land survey data specific to each parcel. This was described as a concern to community members in the Allenspark Townsite. Many individuals have had surveys that depict a more accurate representation of structure location within their respective parcel boundaries. There was discussion of how the land survey data could be leveraged to produce more accurate county mapping for the area.

### Townsite House Size Maximum

There was a mix of opinions among the groups in regard to increasing the townsite house size maximum of 1,500 square feet. There was also some ambiguity of whether the 1,500 square feet is a set limit. It was explained that the 1,500 square foot maximum is presumptive, thus a property owner has the ability to make the case for a larger house size through the Boulder County Site Plan Review Process if they demonstrate that a larger size is compatible with the neighborhood. There was a general consensus however, that the county explore the possibility of exempting accessory residential structures (garages, sheds, etc.), up to a certain square footage, from the 1,500-square-foot townsite Presumptive Size Maximum.

### Create a Rural Community District (RCD)

Boulder County Land Use staff explained that an RCD is a type of district that townsites can create to implement a vision for future development within their townsite limits. RCDs are intended to

encourage flexibility in the land use patterns of established rural communities. It may appropriately limit, but may not alter or expand the uses allowed in the zoning districts which govern the subject parcels immediately prior to the creation of the RCD. Therefore, if the community wanted to make existing businesses in Forestry zoning come into conformance, these areas would have to be rezoned to business prior to establishing the RCD. An RCD would allow the community to see the list of allowed uses and determine whether specific uses are appropriate for the Allenspark Townsite. There was interest among the groups in exploring the possibility of creating an RCD for the Allenspark Townsite; however individuals had concerns about adding more restrictions to the area. Participants felt they needed more information on Niwot’s experiences (Niwot is the only townsite that has utilized the Rural Community District thus far).

Evolving Land Use Issues

Discussions in regard to evolving land use issues primarily focused on concerns revolving around setbacks, and housing. The setback concerns, as mentioned previously, were primarily described as being attributed to small lot sizes in the area and mapping accuracy limitations. Participants in many of the groups had concerns in respect to the negative impacts of short-term rentals on housing attainability and affordability. Businesses in the area have difficulty finding employees due to the scarcity of affordable housing in the area. Participants also described the Allenspark Townsite as having an aging population, and wanting to attract younger families. Many groups felt that the difficulty in attracting young families was primarily due to housing costs and the townsite Presumptive Size Maximum of 1,500 square feet. Participants mentioned that younger families would be more inclined to move to the area if house sizes can accommodate for larger families.

Infrastructure/Septic Regulations and Standards

Concerns in regard to infrastructure needs in the Allenspark Townsite primarily pertained to cell phone, internet, and Regional Transportation District (RTD) services. The area was described as in need of better cell phone and internet service. There was discussion of the difficulty of placing telecommunication poles in mountain communities due to “not in my backyard (NIMBY)” opposition. There was also recognition that placing poles in certain mountain communities may not be financially feasible for telecommunication companies. Residents in the area were described as being within the RTD tax district; yet do not receive such services. Septic and sewage regulation were also a topic of discussion, where individuals felt they could not meet the current regulations due to setbacks. More information on septic concerns can be found in the Questions Addressed by Staff section below.

**GROUP DISCUSSION OUTCOMES**

The following table is a summary of discussion outcomes. Participants expressed a wide variety of opinions. The table below reflects topics identified as priorities. If a topic was mentioned by at least one individual as high priority, the table refers to that topic as high priority.

Topics	May need BCCP change?	May need Land Use Code change?	Priority for Community? (1-3; 1= top)
Document the vision for maintaining community character (some groups did not discuss community vision beyond wanting to preserve existing character)	✓		1

Address needs of existing businesses in and immediately surrounding the townsite through:			1
a) Rezoning to Business		✓	
b) Bringing existing non-conforming uses into conformance with the Land Use Code (e.g., recognizing existing uses as Uses of Community Significance)			
Historic preservation			1
Change townsite house size maximum (currently 1,500 ft <sup>2</sup> ) (RFA to not include garages, sheds, etc.)	✓	✓	1
Create a Rural Community District (of interest but requested more information on Niwot's perspective)		✓	2
More accurate mapping			3
Setback regulations			1
Evolving land use issues (vacation rentals, marijuana); (specifically short term rentals were a concern)	✓	✓	1
Infrastructure (RTD and Phone service)	✓		2
Septic regulations and standards			3

## QUESTIONS ADDRESSED BY STAFF

- *Is the presumptive size maximum specified for townsites a limit (1,500 sf) or a threshold?*
  - Within townsites the “Presumptive Size Maximum” is 1,500 sf. This means that the presumed maximum amount of residential floor area that would be deemed compatible under the Site Plan Review (SPR) standards (4-806 A.2.) would be 1,500 sf. During the SPR process an applicant can make the case that a residential floor area greater than 1,500 sf is compatible with the neighborhood, based on the specific circumstances of the parcel and the properties surrounding it, and in accordance with the SPR criteria included in Article 4-800 of the Boulder County Land Use Code available at: <https://assets.bouldercounty.org/wp-content/uploads/2017/02/land-use-code-article-04.pdf>

- For areas other than townsites the Presumptive Size Maximum residential floor area is 2,500 sf, or 125 percent of the Median Floor Area for the defined neighborhood (i.e., the platted subdivision, or within 1,500 feet of the parcel).
- *Does the County recognize land beyond the townsite as being part of the Allenspark townsite?*
  - The eastern section beyond the platted townsite, referred to as Morgers, is incorporated into the townsite for the Site Plan Review purposes of the Land Use Code. The Allenspark Townsite Map adopted for purposes of the Land Use Code is available at: <https://assets.bouldercounty.org/wp-content/uploads/2017/03/land-use-code-map-allenspark-townsite.pdf>
- *Why are townsites limited to 1,500 sf and areas outside the townsite are 2,500 sf or 125 percent of the Median Floor Area?*
  - When SPR regulations were updated in 2008 there was an understanding that the 1,500 sf value was an appropriate reference point for achieving compatibility with surrounding structures within townsites. It is subject to potential revision based on input from the townsites. Note that assessors records show that the median residential floor area for the Allenspark townsite is 922 sf. The average sf is 1,144 and the maximum sf is 4,800.
- *If you build a 1,500 sf house in the townsite do you still have TDC credits to sell as a result of limiting house size?*
  - Yes. A property owner may limit the development potential on their property and sell the development credits per Land Use Code section 4-1300. The 1,500 sf size threshold for townsites does not affect the ability to receive TDCs for limiting house size.
    - Restricted to 2,000 square feet = Two Development Credits
    - Restricted to 1,500 square feet = Three Development Credits
    - Restricted to 1,000 square feet = Four Development Credits
- *How do TDC's work on undeveloped land?*
  - In the mountain region a property can receive five development credits for keeping land undeveloped severing development rights from a vacant building lot (properties in the plains area receive 10 credits). Bonus credits are available for property with environmental value, and for properties that remove structures from the flood plain.
- *Are fees waived for selling TDC's on vacant property that will not be developed?*
  - The County does not charge to evaluate a property when determining the eligibility for TDC's, except when the County is looking at environmental values, one hundred dollars is required to cover staff evaluation of the property.).
- *What happens to the underlying land in terms of the assessor and transferability for TDC's sold on vacant property?*

- If the land is kept vacant it would be taxed as non-developable land (taxes would go down). It is a permanent restriction on the property that lasts in perpetuity and runs with the land.
- *Does 1,500 sf include outbuildings?*
  - The Residential Floor Area (RFA) includes a garage (attached or detached), sheds, and anything else that is non-agricultural (see definition of RFA in Section 18-189D of the Land Use Code).
- *What was the idea behind focusing on townsites as opposed to the entire 747 area?*
  - Focusing on townsites was a result of feedback from the Planning Commission that the scope of the previous 747 Community Project needed to be narrowed, and that a focus on the townsite reflects the intent of the Townsite Planning Initiative.
- *Is the County looking at a similar process for Raymond and Riverside?*
  - Yes, it is a possibility in the future; however the county's current focus is the Allenspark Townsite, in the interest of making initial progress working with a practical scope.
- *Are there any funds available for the septic updates that need to be done by 2023?*
  - The Septic Smart campaign was a series of studies that was used to address undocumented septic systems in the county. Septic Smart targeted high risk communities. If you do not have a documented approved septic system you will need an update. If you have an approved septic system that is functioning there are no new requirements.
  - The county does not currently have a program that helps fund updates, however permit fees may be waived in certain cases and the county can also help connect individuals with income based grants.
  - If you have a small lot, a vault is a viable option (permitted for year-long use).
  - Selling TDC's can also be an option to fund septic changes. There is currently a need for TDC's.
  - More information on Septic Smart is available at:  
<https://www.bouldercounty.org/environment/water/septicmart/>

#### ADDITIONAL COMMENTS

- It was stated that people in the 747 area did not receive an explanation for why the county shifted the geographic scope of the effort from the full scope covered by the 747 Community Project, to the narrower scope of just the Allenspark Townsite.
  - The 747 Community Project presented their proposals to the Planning Commission, and received feedback with concerns pertaining to conflicts with the Boulder County Comprehensive Plan and the geographic area associated with the 747 Community Projects proposals. The shift to focusing on townsites reflects that guidance.

- There was a request to explore the possibility of exempting accessory residential structures (garages, sheds, etc.) up to a certain square footage from the 1,500 townsite Presumptive Size Maximum. -

## **NEXT STEPS**

- Staff will work with those expressing interest in participating in a community working group. Staff and the working group will meet to further clarify and prioritize the community's concerns and interests, and to initiate steps to address issues. Please contact Jose Ruano (jruano@bouldercounty.org) if you are interested in participating in the community working group.

## Attachment A. Additional Reference Information and Topics Addressed in Staff Presentation

- The county recognizes that townsites have unique land use characteristics that may warrant special consideration, such as small lot sizes, setback constraints, limited space to accommodate parking, and sanitation needs.
- The Allenspark Townsite was platted in the late 19<sup>th</sup>, early 20<sup>th</sup> century in Chicago without clear recognition of the areas unique topographic characteristics and specific land affairs. This has led to townsite specific circumstances that, in some cases, may be difficult to reconcile with the Boulder County Land Use Code.
- The Allenspark Townsite is unique among other townsites in that it has a central grid system, whereas Raymond and Riverside follow a linear development pattern along one major road. The area has a more active business sector than Raymond and Riverside, and lots in the Allenspark Townsite are also generally smaller.

### The Boulder County Comprehensive Plan (BCCP)

- The BCCP is an advisory document intended for use by residents, landowners, and decision makers that describes the desired land use conditions and aspirations for the county. The document covers the entire county, defines broad based goals and action policies, and considers future needs and concerns. It sets the policy vision that informs the regulations that are in the Boulder County Land Use Code.
- The BCCP recognizes the unique characteristics of townsite communities. These characteristics include complexity of ownership patterns; unique natural hazards risks, specialized public service needs such as waste transfer stations, historic architectural character, and distinct development patterns. Some townsites have specific elements in the BCCP, including Gold Hill and Eldorado Springs.

### The Allenspark Townsite Planning Initiative Efforts

**2008:** The county updated its Site Plan Review (SPR)<sup>1</sup> regulations as part of the process that engaged in planning discussions to address the unique issues facing townsites. The SPR process addresses bulk/massing of structures (how big, how tall, where its located on the property) and 16 specific standards that include, but are not limited to, the environment, safety, visual impacts, and compatibility. The compatibility component was a key focus of early discussions and played an important role in the update to the SPR regulations. The updated SPR regulations introduced a system for limiting house sizes to an amount that is compatible with the surrounding area. In general, that is determined by taking 125 percent of the Median Floor Area (MFA) for the neighborhood; however, mapped townsites such as Allenspark have a Presumptive Size Maximum of 1,500 sf. This change, in part, prompted the Townsite Planning Initiative and discussions on planning issues unique to townsites. It

---

<sup>1</sup> Site Plan Review is an administrative review process through the county Land Use Department that a property owner is required to go through if they propose to make substantial changes to their property. The purpose of SPR is to ensure that proposed development meets health and safety requirements and avoids natural hazards and damage to important ecosystems, and that any new buildings on the property will be compatible with the character of the surrounding area and in sync with the Boulder County Comprehensive Plan.

initiated a conversation on whether the 1,500 sf Presumptive Size Maximum was appropriate and whether other issues should be reviewed as well.

- **2008 – 2011:** The Allenspark area identified to participate in the Townsite Planning Initiative included the Boulder County area within the Allenspark Fire Protection District (747 telephone exchange) and the community effort was called the 747 Community Project. The 747 Community Project volunteers worked tirelessly to gather community input and develop a planning vision to be captured in a BCCP amendment or element specific to the community in the Allenspark area.
- **2011:** Five topic proposals created by the 747 Community Project were presented to the Planning Commission and Board of County Commissioners for feedback.
- **2011 – 2013:** Additional work was done by the county and the 747 team to work out more details and flesh out some of the proposals.
- **2013:** The 747 Comprehensive Plan was brought back to the Planning Commission for feedback. The Planning Commission expressed that parts of the plan conflicted with the BCCP. The Planning Commission's guidance primarily pertained to concerns with the goals related to the built environment, businesses, community representation, consistency with overall principles of the Comprehensive Plan and concerns related to the scope of the area. It was established that the BCCP should apply to the county as a whole consistently, and that perhaps different townsites should be dealt with individually. One option would be in the form of a summary of each townsite's vision to be incorporated into the BCCP as an element of the document. In September of that year the flood occurred, which caused severe staff constraints that made it difficult for staff to engage in the efforts going forward.
- **2016 – Current:** Taking the guidance from the Planning Commission into consideration, the county worked with a small group, that included Tammy Ackerman, Bill Elis, Joy Spatz, and others who were active in the earlier efforts, to try to come to a revised scope. Today it has been established that going forward the revised scope will pertain to the Allenspark Townsite specifically, and if necessary, moving on to other townsites as appropriate.

#### Rural Community District (Article 4 • 4-115)

- A type of district that townsites can create to govern the zoning within their townsite limits, which is intended to encourage flexibility in the land use patterns of established rural communities. It may appropriately limit but may not alter or expand the uses allowed in the zoning districts which govern the subject parcels immediately prior to the creation of the RCD.
  - For example, where there is currently business zoning the community would be able to see the list of allowed uses and determine whether specific uses are appropriate for the Allenspark Townsite and decide which specific uses to allow and which to not allow.
  - If the community were looking to allow business type zoning in more areas, the county may have two options to address the change.

- Specific areas may have to be changed to Business Zoning and then to Rural Community District zoning; or
- Change how Rural Community District zoning is applied altogether and make changes to the Code to avoid the interim step.
- There are several eligible communities including Allenspark, however Niwot is the only townsite that has utilized the Rural Community District thus far.
- The Rural Community District can be specific or broad. A vote must be taken within the community before it can be approved. The county works with the community to draft language and then at least 50 percent of the community must agree.

#### Use of Community Significance (Article 4 • 4-504)

- An existing nonconforming use that the County determines to have at least two of the following characteristics: historic, cultural, economic, social, or environmental value.
  - For example, a property that used to be a store and is now zoned Forestry. The Forestry Zoning does not allow stores any longer; however, the owner wants the store to become conforming. The county can consider it under this process and decide that if it meets certain characteristics, it can become conforming under the Use of Community Significance. The property owner, for example, can state that the store has economic value, or that maybe it has social value because it is a use that the community needs and is a social necessity for the community.
  - This adds more flexibility for some of the existing uses that the community does not want to go away and that provide a benefit to the community.

#### Land Use Code Incentives for Historic Properties

- Multiple Principal Uses
  - Typically, the Code does not allow a parcel to be used for more than one principal use; however, for designated historic landmarks the county can determine that multiple uses serve to better preserve the landmark and can approve them through a Special Review.
  - For example, a property that has four cabins and the owner wants to use one cabin for a store and the other cabins for short term rentals. This is a use that the owner can potentially propose through the Multiple Principal Use distinction.

#### Historic Accessory Dwelling Unit (Article 4 • 4-507)

- The Land Use Code allows only single-family residential uses in most zoning districts. However, landmarked structures can be used as accessory dwelling units and another house may be able to be built as well. They can be used for short term rentals or an apartment type use that someone can live in on a long-term basis.

#### Adaptive Reuse of a Historic Landmark (Article 4 • 4-504)

- A community-oriented use that is compatible with the historic aspects of an existing designated Historic Landmark. Can be allowed through Limited Impact Special Review in all districts. This use must occupy a designated Historic Landmark.
- For example, there can be a property that has a variety of buildings on it and the owner wants to use those for something that is not otherwise allowed in the underlining zoning such as an old school house being turned into a museum. Under this use category the county can consider a use in any zoning district.
- The use must be found to be beneficial to the preservation of the Historic Landmark. The county can also find that it would be beneficial to the community to have that type of use.
- Examples in the county include the Altona Grange and the Cardinal Mill.

#### Transferable Development Credits (Article 4 • 4-1300)

- A property owner may limit the development potential on their property and sell the development credits.
  - Restricted to 2,000 square feet = Two Development Credits.
  - Restricted to 1,500 square feet = Three Development Credits.
  - Restricted to 1,000 square feet = Four Development Credits.
  - Restricted to be vacant = Five Development Credits (Mountain Region)
  - Bonus Development Credits may be awarded for Preservation of Historic Resources, significant conservation value, significance of floodway mitigation, etc.

#### SPR - Overcoming the Presumptive Size Maximum (Article 4 • 4-806)

- Historic structure(s) that are landmarked or otherwise protected that cause the residential floor area to exceed the size presumption can be allowed to remain and an exception made to the presumptive size maximum for the property.
- For example, a property in the townsite has a limit of 1,500 sf. The property currently has a 1,000 sf house but wants to add 900 sf; the presumptive size maximum will be overcome by 400 sf. If the owner is willing to preserve historic square footage, then the owner can overcome that and get extra square footage.

#### Exceptions to the Building Code

- Variances can be granted by the Chief Building Official for exceptions to the Building Code and the Green Building requirements for historic structures.

#### Financial Incentives

- Both National Register and Local Designation make properties eligible for:
  - Tax incentives for rehabilitation
  - State Historic Fund Grants (competitive and not for private residences)
- Only Local Designation makes a property eligible for:

- Boulder County's local rehabilitation grants
- Building Code exceptions
- Protection against demolition and detrimental alterations
- Possible approvals for additional density or uses not otherwise allowed by the Land Use Code

#### Boulder County Historic Preservation Rehabilitation Grants

- Eligibility: locally designated landmarks or contributing structures in local landmark districts.
- Properties are eligible to receive up to \$10,000 per year.
- Grant recipients must provide at least an equal amount of funds to match funds received from the County. This match can be met a number of ways, including, but not limited to: donated labor and/or materials, other grants resources, or the owner's private funds.
- Eligible projects: rehabilitation of exterior elements and/or structural stability (such as doors, porches, trim, siding, roofs, demolition of non-historic elements, steps, windows and foundation work.)