

From: [Greg Anderson](#)
To: [!LongRange](#)
Cc: sharon.e.anderson@colorado.edu
Subject: [EXTERNAL] Commissioners to Consider Temporary Moratorium on Site Plan Review Applications for Larger Houses, Pending Regulation Changes
Date: Monday, September 16, 2024 1:37:50 PM

Ethan,

I have owned 13.5 acres in Boulder County on County Road 68j for many years. Our tax burden is oppressive. This year we will pay over \$10,000 for the privilege of owning dirt in Boulder County.

I am so furious at the County for continually trampling my property rights.

My 125% Boulder County issued “allotment” of allowed square footage on my 13.5 acres is 4200 sq. ft. When trying to build a home for the multiple generations in my family that includes 4 children, their spouses, and our grandchildren, that number is untenable. I know 4200 sq ft sounds like a lot to those of you who think you are entitled to tell me how to live, but I assure you it is not.

I do almost all of my own work. I have a tractor, and a large collection of tools. I need a garage/shop that protects my investments and keeps them secure from the large population of transients your policies have attracted, and the elements. Couple that need, with some modest recreational gear and a large family, and I can’t build a house that will host my family and a shop for my work in the 4200 sq ft you’ve “allotted” me. Now you want to reduce that by 1000 sq ft (25%)!! On 13.5 acres!!!

I read the memo, and it is so self-righteous. “...the broad authority to plan for and regulate the use of land to best protect and promote the health, safety, and general welfare of the present and future inhabitants of Boulder County”. What a complete bunch of self-righteous garbage!! This continued government overreach does nothing to protect me, my family, or my rights. It is just another rammed down our throat’s government taking of rights and freedoms.

This, and policies like this, is exactly why Boulder is unaffordable. To suggest that this policy will make Boulder affordable is laughable!

Your woke garbage does nothing for those of us that actually invested in the community of Boulder. My family and I have a long history in Boulder and you and “staff” continue to destroy it.

Sincerely,
Gregory S Anderson
3034370297



September 16, 2024

Dear Boulder County Commissioners,

Better Boulder respectfully **opposes the proposed Moratorium**. We believe that moratoriums are bad governance and should only be used in the most extreme circumstances. We do not see a legitimate need for one at the time. We are concerned that a moratorium does not provide due process to affected property-owners and will have significant negative consequences for them, as well as for the many local green, small businesses that work with them on their homes.

Should you proceed with a moratorium over the wide-spread public objections, we ask that you modify the County proposal to minimize the potential harm to affected property-owners and businesses. This includes delaying the start of any moratorium until the end of the year and guaranteeing a maximum moratorium period of three months. Additionally, make it clearer that submission of a Site Plan Review application prior to commencement of the proposed moratorium will subject the underlying project to review under all the rules and criteria present at the time of submittal.

Recently adopted statewide housing laws are encouraging land-use policies that can help people live in high-cost areas like Boulder County. Specifically, with the elimination of occupancy limits, larger homes now have a greater capacity for renters and multi-generational or non-conventional households. Shrinking houses will reduce the space for bedrooms and, thus, reduce the affordability and availability of equitable rental housing solutions.

We note that you also raise environmental concerns with respect to large houses. Yes, building a larger house can potentially result in embodied energy. However, in light of Boulder County's strict energy-efficiency standards, new and remodeled homes in unincorporated property are leading the nation in new, resilient and innovative sustainability characteristics. The proposed moratorium will only extend the period that inefficient existing housing structures operate on prospective redevelopment sites.

While we understand the broader ecosystem and rural/agricultural character concerns are driving this effort, we feel that this would be a good time to have robust discussion about the more holistic questions of affordability and sustainability in Boulder County's housing stock. Better Boulder would be happy to be part of that conversation. We have a number of specific thoughts that might help to creatively address some of the County's goals. A few preliminary ideas include:

- Allow ADUs county-wide. This will quickly lower the median dwelling unit size.
- Lowering the threshold for the requirement of Transfer development Credits from 6,000sf. to 5,000 sf., enhancing the financial incentive for people to keep their homes smaller.
- We have a desperate housing shortage in Boulder County. Consider opportunities for multi-dwelling unit configurations (duplexes, triplexes, co-ops, and permanently affordable pocket neighborhoods (ie. Habitat for Humanity projects)) in appropriate locations, that increase the availability of small, green, affordable homes.



Better Boulder looks forward to engaging with the County over the next several months as these zoning changes are developed to assure the best outcome for all of Boulder County's residents. However, the low impact of having a few additional new and expanded homes during this analysis period does not warrant the severe damage you will cause to homeowners, small local businesses and our construction industry workforce. Please refrain from imposing a moratorium.

Sincerely,

Better Boulder

From: [Bruce Bryant](#)
To: [!LongRange](#); [Preston Rickwood](#); [Ellen Yong](#)
Subject: [EXTERNAL] opposition to moratorium
Date: Monday, September 16, 2024 4:48:48 PM

The Director of planning is being boy if this law passes as it is written my house under article 19 will be limited to 1100 ft.² if it is the intention to keep the poor where they belong that is down then by all means come at me.

I don't even like big houses, 7000sf dwellings that support one or two people are a waste of mankinds resources. this taking of my land will help keep the rich people rich, and the poor people poor. you are injuring me by an amount of money that has two commas in it. this law is a perfect example of exclusionary zoning, and the Director of planning and the county attorney have been very naughty boys and their mothers should be ashamed. I am not a native to Boulder. I was not born here. I chose to come to exactly this place because of what Boulder represents, and I am sick to my stomach after having to deal with the boulder county planning department regarding my burn down home, and I am ashamed to explain my situation to my friends and family when they ask why I have not rebuilt my home. I run a local boulder based small business specializes in building passive houses for my community. The structures I build require extra floor area for insulation and the added floor area of insulation plus the demand for accessory dwelling units to provide reasonable. Housing is being adversely impacted by a reduction to my already small presumptive size maximum.

As a small-businessperson building homes in Boulder County, and a Marshall Fire victim, I must strongly object to both the proposed SPR moratorium and forthcoming resolution. I urge the commission to reconsider these arbitrary and capricious rule changes that will hurt both my business and my family.

Bruce Bryant

From: [Lu Cordova](#)
To: [!LongRange](#)
Subject: [EXTERNAL] For the land use hearing
Date: Monday, September 16, 2024 5:23:48 PM

Thank you, Ethan, for the return call and all the time you spent with me to explain the land use changing. That must be hard to deliver such crushing news, so I appreciate your willingness to do so and your empathy and advice. Below is the email we discussed. I also know from my work with Polis, that Commissioners rely heavily in staff and their recommendations, so this email is to you and your colleagues as much as it is to Commissioners. I hope it gives you a persepective, and a viable option for where to put the line.

Warm regards,
Lu

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Dear Commissioners,

I cannot be there for the hearing, but I applaud your focus on affordable housing.

I work for Governor Polis spearheading the development of a renewable energy and climate resilience research park in Golden. I work closely with the School of Mines, CU, and CSU, and with Jefferson County Planning and their Commissioners.

Workforce housing is a key component of our project and I am aware of how desperately we need this for the people of Colorado whom we serve. I understand that many decisions are complex, and I have been involved in numerous stakeholder sessions, listening carefully so we can maximize the benefits and minimize the damages that change inevitably brings.

I am also an economist, and a Boulder County resident for 24 years, who is now caught in the middle of the potential change in land use. At almost 70 years old, I am finally building my dream home and am scheduled for a Site Plan Review on October 7th, after years of work and preparation, site plan meetings and visits. My case is a bit unusual in that my property is zoned agricultural, and part of my dream has been to turn an old farmhouse on the property into an ag-tech incubator where entrepreneurs can test innovations that will help farmers and preserve our natural resources.

I have put almost \$200,000 of my savings into this project and the property just in the first half of 2024, not to mention the work that had been going on around the incubator for many years.

I was told, *and relied on*, a PSM of 3900 sf for the new home construction, which would only be one bedroom because it also had to include offices for my ag work and the living room has to double as a showcase for innovation and a reception area for founders to pitch and nonprofits to use as a fundraising venue.

My project, however, is not unique from others who may also be caught in a moratorium when they have spent years and tens, if not hundreds, of thousands of dollars based on what they had been told by the County.

May I make a suggestion that could vastly reduce damages to people like me, and still preserve the essence of the good you are trying to achieve?

Instead of making the "Moratorium Line" at the point when somebody has *delivered* documents in an SPR, make it at the point when you first have a meeting and give people their direction on PSM and the process. That first meeting is where people rely on what you tell them and start spending lots of money and time following your direction. That is the point where you can hold back and tell people you're in the middle of a change, before people start turning their lives around to spend countless hours and money with architects and planning docs based on what they have read on your website and what the staff told them.

By the time people schedule an SPR, even if that appointment is weeks out, they already have done all the work and paid all the money to have the documents, because they don't know if the appointment is going to be in a couple days or a couple weeks. My appointment isn't scheduled until October 7th, but obviously I already have all the documents or I would not have called to schedule it.

By moving the moratorium line to the first meeting where you give people advice that they do rely on, financially and emotionally, seems more fair.

I would suggest, and respectfully request, that you allow those people who are deep into the process to schedule their SPR by the end of this month, and let them go through that process. Yes, you may have a flurry of activity as those like me who have put their heart and soul into it will rush to have their dream come true, but it is the right and kind thing to do and a way to show the people of this wonderful county that we can work through these changes in a caring way.

Thank you for all you do to make Boulder County a wonderful place to call home.

Sincerely,
Lu Cordova
5860 51st St, Boulder
720.938.9974

From: [Bob and Susie Real Estate](#)
To: [!LongRange](#)
Subject: [EXTERNAL] temporary moratorium on SPR
Date: Monday, September 16, 2024 4:50:14 PM

Mr Abner,

I'm writing to express my opposition to the proposed moratorium.

The current regulations for building using the PSM + 125% maximum may not be perfect, but eliminating the option of a site plan review is not the right solution. The guidelines for setting the PSM requiring the inclusion of only the existing neighborhood or not being able to use the adjacent neighborhood does not always make sense. The SPR gives the opportunity to make a more informed decision on neighborhood compatibility. Not all increases in house size are evil.

More time should be given to a more thorough analysis of the perceived problem and consideration given to the "unintended consequences".

Regards.

Bob Grotluschen 303-579-4682 *call or text*
bobg@boulderco.com

From: [Candice Hurowitz](#)
To: [!LongRange](#)
Subject: [EXTERNAL] Opposition to Moratorium
Date: Monday, September 16, 2024 10:24:06 AM

Good Morning Boulder County Commissioners,

I reach out to you with deep concerns about the proposed moratorium targeting houses that are proposed as greater than the median size of the surrounding neighborhoods. As the owner of a general contracting firm who specializes in custom homes for private clientele in the Boulder area, this drastic measure has the potential to cause great harm to my small business. A moratorium that halts the issuance of building permits will result in a loss of potential work and income that would lead me to have no other choice than to lay off staff members. I've spent many years building my business and it's disappointing to know that the impacts of these drastic measures are not being considered in regards to how they affect the local building community. I subcontract 30-50 other small businesses during the course of my construction projects, many of them minority owned, and those businesses too would suffer from this drastic measure.

Since starting work in the residential construction industry in Boulder, I've been continually amazed at the increase in sustainability of these larger homes, which come at a hefty price to the home owners who should have freedom of choice to pursue the building of a larger home that meets their family's needs. As a native of Colorado, attendee of CU Boulder, and a resident of Boulder county for the last 15 years I've never felt as though the larger homes I see scattered throughout the county are contributing negatively to the very fabric of the Boulder community. Rather, I am continually inspired by the creative and sustainable design I see in Boulder. Post COVID, many people have begun to need office space in their own homes, creating another need for larger homes to accommodate this.

I believe there are many alternatives to moratoriums that need to be considered, including incentives for affordable housing, zoning reforms, or impact fees/taxes on these larger homes. By addressing the underlying issues through thoughtful policies rather than blunt moratoriums, Boulder County can continue to support economic growth, meet diverse housing needs and maintain community vitality. I believe there are solutions that can meet everyone's needs -- please don't sacrifice the building community of architects, builders and tradesmen as a means to an end.

Sincerely,

Candice Hurowitz, Owner
Taylor Construction
c: (720) 713-9994
www.taylorboulder.com



From: [COSIMA KRUEGER-CUNNINGHAM](#)
To: [!LongRange](#)
Subject: [EXTERNAL] Support for Proposed Moratorium on Oversized Houses
Date: Monday, September 16, 2024 6:16:22 AM

Dear Commissioners,

I applaud your proposed moratorium on oversized houses. I hope it can be extended into long term policy. Please do not cave to the aggressive development interests who do not care about exceeding the environmental carrying capacity limits of Boulder County or about leveraging/plundering unaccounted-for energy and natural resource externalities that allow for short-term gain for a few at long-term cost to the Earth's beleaguered biosphere and Boulder's long-term quality of life.

Cosima

Cosima Krueger-Cunningham

Boulder, CO 80302-7101

Sent from my iPad

From: [Cait McQuade](#)
To: [!LongRange](#)
Subject: [EXTERNAL] support for moratorium on review of larger home site plans
Date: Monday, September 16, 2024 10:15:09 AM

Mr. Abner,

I support the moratorium. Our regional community will benefit from any steps that local and regional government can take to increase housing affordability. I see these benefits to affordable housing:

- our whole society will function better if diverse groups of people (including wealth diversity) regularly come into contact with one another.
- when middle and lower income households are excluded from a community, we lessen our ability to attract the best teachers, first-responders, artists, skilled trades people, etc.
- improved education and health for people--especially children--in middle and lower income households
- it's just morally right!

As for purported disadvantages to a community that makes affordable housing available: I can't tell what the consensus is about changes to property values and crime levels. I'd like to believe the experts who say the changes are beneficial to the community, but *even if they are damaging*, I believe the benefits outweigh things like lower property values and higher crime.

I want to live in a diverse region. Period.

Thank you,

Cait McQuade
4495 Martin Dr
Boulder CO

From: [Joshua Palmer](#)
To: [!LongRange](#)
Cc: ["Michael Cerretani"](#)
Subject: [EXTERNAL] Boulder County Commission Amendment Hearing (Sept 17)
Date: Monday, September 16, 2024 1:10:11 PM
Attachments: [Outlook-el1cqq5d.png](#)

To whom it may concern with the Boulder County Commission;

As a resident, architect, and owner of a construction company in Boulder County I have several concerns regarding the moratorium on housing size increases based upon median neighborhood home size which is seeking approval tomorrow, September 17. I may have missed the documents seen by the commission, but it would be good to see the data supporting this measure that also addresses the following:

- Additions or remodels of homes are not the primary driver of the cost of housing. The cost of homes throughout the country have seen a jump recently in nearly every state and neighborhood, independent of what has happened in terms the home additions or increases in size.
 - While it is certainly true that an addition or larger home can affecting neighboring home values, any one or group of increases beyond the median area is highly unlikely to have dramatic affect to nearby values. It is fairly well known that the cost per square foot of a home typically decreases as the total area increases ([link](#), [link](#)...) With that in mind, any increase in the size of a home in a neighborhood will have a diminishing effect in terms of not only increasing its own value in a neighborhood, but also the knock-on effect of any increases to the surrounding neighborhood. For many neighborhoods, there is a range in value for a neighborhood, this typically values the smaller homes at a much higher price per square foot than the larger homes, curbing the effects of any one home to the value of the entire neighborhood.
- The primary driver of home prices is the lack of supply. The limited supply of homes -- supply and demand-- needs to increase to meet the demand. The [National Association of Realtors](#) tracks housing shortage and shows that just to meet the demand of people moving to and getting jobs in the area, it would take nearly 6,000 more permits in Boulder, County. If the Commission would like to help ease housing costs, it might be a better use of resources to focus on making it easier for housing units to be permitted and built or to make it easier for developers to increase supply. Of course, more affordable homes would be the best, but if demand keeps outpacing supply, it's very difficult to see how these moves at the edges will have any meaningful impact to housing prices.
- Limiting the area built on any lot to meet the "median" within a neighborhood is disruptive to any person seeking to build an ADU on their property. This moratorium would make it practically impossible for most people in any neighborhood, unless perhaps their current home was dramatically below the median, to build an ADU. Per most institutions that study housing policy and affordability, ADUs should be one of the

primary tools in the toolbelt of jurisdictions looking to increase housing supply ([link](#), [link](#), [link](#)). If the goal of the County is to ameliorate housing costs, they should look to increase the supply of housing stock. If they want to increase supply, they should make it easier, not harder, to build ADUs.

- Property Taxes can be addressed in a number of different ways. Tackling property taxes by unreasonably capping home sizes (which will have negligible impact on rising housing costs relative to increasing supply) would seem to be a backwards way to protect existing homeowners from rising property taxes.
 - Perhaps the county could help notify the community of SB 223 and State Initiatives 50 & 108 which are seeking to limit the rate of property tax increases this fall. If these measures pass, it will likely help anyone seeking help with their property taxes. ([link](#))
 - The County has the ability to mitigate the taxes levied, the methodologies for assessing home values, or the approval of appeals to rising property assessments without encumbering homeowners to arbitrary size limitations.
- Environmental impact. It is true that the construction industry is responsible for a large portion of the materials that end up in landfills. This moratorium would have some impact on those projects that are increasing the size of homes. Overall though, it would be interesting to hear how this would have a dramatic environmental impact. Deconstructing an existing building or portion of it so that the homeowners can achieve their desired layout, which could be just as likely and allowed by this moratorium, could add even more waste to the landfill. In addition;
 - If environmental impact is the concern, it would seem there should be a greater focus on incentivizing homeowners and builders to reuse and adapt existing. Of course, this is not mutually exclusive to the moratorium.
 - Another and more effective way to increase supply in be more sound way for the environment would be to focus on making it easier for builders and developers to build walkable compact housing units that would have less construction waste and provide more units for the area of land disturbed.

As it stands, it is difficult to see how this moratorium would achieve the stated objectives of the County in a direct manner. If there is the data to back it up, it does not seem to be available to the public. That being said, there are many ways to address housing and the environment more efficiently and directly than what has been laid out. It would be great to hear from the County Commission, should they vote in approval of this, why this measure is the appropriate solution.

Thank you for your time and consideration,

Joshua Palmer

Architect / Builder / Owner
720.727.7279



From: [Andrew Pharis](#)
To: [!LongRange](#)
Subject: [EXTERNAL] To Boulder County Commissioners - Comments on Memorandum
Date: Monday, September 16, 2024 3:31:29 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)

Dear Ethan Abner & Board of County Commissioners,

I am writing as a licensed architect and concerned individual regarding the proposed temporary moratorium on processing new applications for residential development that exceed the median Residential Floor Area, as outlined in the recent memo and draft resolution.

I am currently working with landowners who hope to build a single-family residence on their property for their family to live in. They have invested substantial resources in the design of a home based on guidelines provided by the Community Planning & Permitting Office in the form of a preapplication packet that defines the Presumptive Size Maximum allowed on their property as 125% of the Neighborhood Median.

If this moratorium is enacted as currently proposed, it would create significant hardship for the landowners I mentioned, as well as many other Boulder County Residents in similar circumstances, who would effectively have to abandon the current designs of their homes and start again under the new, more restrictive guidelines. This not only results in a financial burden but also undermines the integrity of the preapplication process, which we relied on in good faith.

I respectfully urge the Board to either not approve the moratorium or, at the very least, consider an exception for landowners who have already received a preapplication packet outlining the Presumptive Size Maximum of their residential development. These landowners have made substantial progress toward the design of their projects and should not be penalized for acting within the guidelines previously provided by the county.

Furthermore, while I understand and appreciate the county's goals of managing residential development as they pertain to protecting the environment, I hope the County Attorney's Office & Community Planning & Permitting Office have considered the socioeconomic impacts of these new restrictions and their goals also consider the fair treatment of individuals in their community.

Thank you for your time and consideration on this matter. I look forward to a thoughtful resolution that addresses both the county's planning needs and the reasonable expectations of property owners.

Sincerely,
F. Andrew Pharis II, AIA



Andrew Pharis, AIA

Project Architect

Vertical Arts Architecture | Denver

ARCHITECTURE | PLANNING | LANDSCAPE | INTERIORS



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andrew@vertical-arts.com
www.vertical-arts.com
871 Santa Fe Drive
Denver, CO 80204

From: [Meg Regan](#)
To: [!LongRange](#)
Subject: [EXTERNAL] Public Comment regarding Temporary Moratorium on SPR Applications for Larger Houses
Date: Monday, September 16, 2024 11:35:11 AM

Hello Mr. Abner,

As a member of the Boulder County community, I strongly encourage changes to the proposed moratorium to unequivocally exclude Marshall Fire rebuilds. For any homes that qualify for Article 19 expedited permitting, they should be able to rebuild under those parameters (tied to the pre-fire RFA) without delay. If a Marshall Fire rebuild does need SPR, they should not be subject to a moratorium.

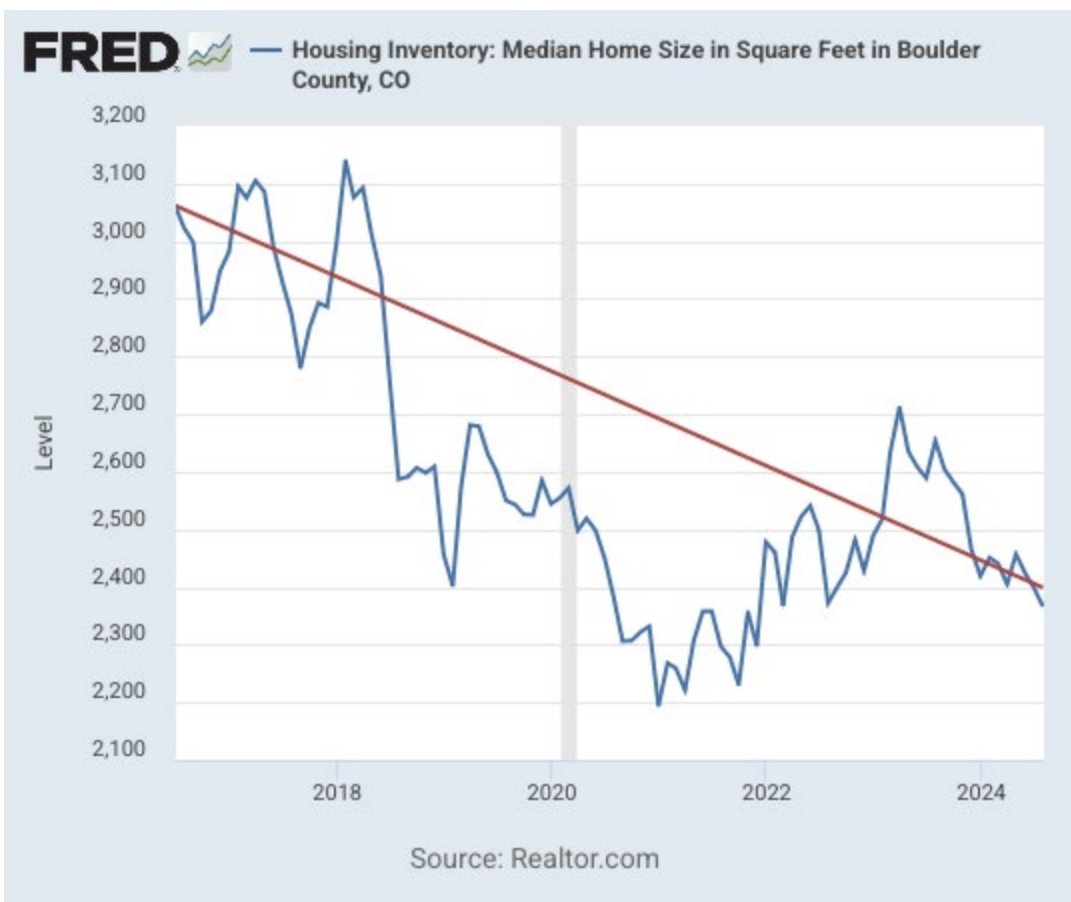
From speaking with fellow community members, many of those still embarking on the permitting process have challenges inherent to the property that have already required years to navigate, and I would like to see the County supporting them as much as possible in finding a path forward. Being subject to a moratorium adds unnecessary delays and pain, and is counter to the stated intention of the County to support residents through rebuilding.

Thank you,
Meg Regan
Bari-Don Knolls and Louisville

From: [Preston Rickwood](#)
To: [!LongRange](#)
Subject: [EXTERNAL] Proposed SPR Moratorium
Date: Monday, September 16, 2024 4:32:40 PM
Attachments: [1000007313.png](#)

Mr. Abner:

After reviewing the memorandum entitled "Moratorium Memo" I have serious concerns about the reasonability and necessity of both the proposed moratorium and the eventual permanent resolution. Especially that no justification was established for the arbitrary figure of 2,500 sq. ft. The median home size in Boulder County was 2,364 sq. ft. as of August 2024 and has been trending downward for the last 6 years.



<https://fred.stlouisfed.org/series/MEDSQUFEE8013#0>

Furthermore, as a tradesperson studying for passive house certification, the arbitrary selection of a square foot limit penalizes passive houses for being well insulated.

Therefore my conclusion is that both the moratorium and resolution are unreasonable and unnecessary. As a resident of Marshall, I expect the commission to vote no on both. I remain,

Yours Truly,

Preston A. Rickwood

From: [Harry](#)
To: [!LongRange](#)
Subject: [EXTERNAL] Site Plan Large House Moratorium
Date: Monday, September 16, 2024 12:26:55 PM

To Whom it May Concern,

I am writing in STRONG opposition to the moratorium on site plan review for large houses. On my 35+ acre lot, restrictions as proposed are onerous and should not be implemented. This is an over reach on the County's part on home construction.

Harry Ross
4mile Canyon

From: [Loachamin, Marta](#)
To: [Boulder County Board of Commissioners](#)
Subject: FW: [EXTERNAL] Opposed to SPR Amendment/ Moratorium
Date: Monday, September 16, 2024 9:54:33 AM

Record

From: wfshaub@aol.com <wfshaub@aol.com>
Sent: Monday, September 16, 2024 9:38 AM
To: Commissioner Levy <commissioner.levy@bouldercounty.gov>; Commissioner Loachamin <commissioner.loachamin@bouldercounty.gov>; commissioner.stolzman@bouldercounty.org
Subject: [EXTERNAL] Opposed to SPR Amendment/ Moratorium

Dear Commissioners,

I am opposed to any changes in the current SPR process. The current system is not perfect, but it has left most applicants reasonably satisfied with the resulting determination, I being one of those. Any decrease in size limitations will render most future applicants frustrated without recourse other than litigation. The proposed changes may also have the unintended consequence of a complete disregard for the civil procedure.

Bill Shaub

From: [Geo](#)
To: [!LongRange](#)
Subject: [EXTERNAL] Comment for BCC public meeting; larger houses, site plan review, land use code
Date: Monday, September 16, 2024 4:53:34 PM

Dear Boulder County Commissioners,

I am commenting as a long time resident in the WUI of the Magnolia area concerning the current practice of allowing residential development to be 125% of the median residential floor area of nearest neighborhood in question for proposed residential construction.

I used to believe Boulder County and its land use department was exemplary when it came to conscious concern of residential growth effects on the land, especially when bordering USFS in the WUI, as well as effects on said neighborhood/s in question. The current allowance of ever increasing % of median floor area size with each successive new construction or major renovation/expansion encourages people to increase their footprint to the maximum. When combined with smaller lots, land buffers if any, dwindle drastically.

Why isn't the size of new residential construction in proportional relation to its acreage based on surrounding neighborhood homes to property median average taken into consideration?

The real life cost of this current 125% formula affects everyone, in part, resulting higher taxes and valuations driven by larger, typically luxurious homes in areas of more modest homes. Had the formula kept to median floor area of said neighborhood/s and not increasing, the footprints wouldn't be as out of proportion as they are now especially if size of acreage to homes in neighborhoods is taken into consideration.

Thanks for your consideration,

Yvonne Short
618 Aspen Meadows Rd. (off Magnolia)
Nederland 80466

From: [Susan Wagner](#)
To: [!LongRange](#)
Subject: [EXTERNAL] Temporary Moratorium on Site Plan Review Applications for Larger Houses
Date: Monday, September 16, 2024 3:13:39 PM

Dear Mr. Abner,

I support the proposed moratorium on site plan review applications for larger houses, pending regulation changes.

My husband and I live at 12300 Magnolia Drive, our legal residence since 1989, in unincorporated Boulder County. Pressure to develop lands surrounding Nederland has grown immensely over the past 10-15 years, reflected in the town's abandonment of the Comprehensive Development IGA with the county in 2022 and its revocation this year of its Rights of Nature resolution. There are developers at the gate, urging Nederland leaders to annex wild lands for dense developments -- or for unnecessarily large homes -- in order to avoid the county's more responsible policies that have maintained a healthy environment while permitting appropriately limited development.

I believe our Nederland-area concerns are shared by residents throughout unincorporated Boulder County, especially those in areas designated as Environmental Conservation Areas, like the Magnolia ECA where we live.

At a time of climate catastrophes, wildfires, loss of wildlife habitat, and accelerating extinctions of life forms, we commend the county for the decision to review and amend regulations on site plan reviews. We urge the Commissioners to adopt a temporary moratorium on site plan reviews for larger houses as a positive step toward maintaining the proper balance between the need for human housing and the need for a healthy ecosystem for all of us.

Thank you for allowing this public comment. I hope to attend the hearing virtually tomorrow.

Sincerely,

Susan Wagner (and Steven Durkee)
12300 Magnolia Drive
["Grand View Lode"]
Nederland, CO 80466

From: [Jason Zerbe](#)
To: [!LongRange](#)
Subject: [EXTERNAL] oppose: Temporary Moratorium on Site Plan Review Applications for larger homes
Date: Monday, September 16, 2024 11:53:00 AM

Hello,

I encourage you to remove any and all limitations to development. Boulder has tried this many times and suffered hilarious/sad knock-on affects to affordable housing for low and middle income earners.

I suggest the county allow development of large houses but with the disclaimer that these high fire prone areas will not be protected. Let the ultra wealthy fend for themselves and stop using my tax dollars to bail these folks out. I disagree with the arsonist's methods but I understand the need to draw attention to these equity issues; there are many in the fire fighting and forestry community who agree with me.

Regards, Jason

From: [james.cowart](#)
To: [!LongRange](#)
Subject: [EXTERNAL] Temporary Moratorium on Site Plan Review Applications for Larger Houses
Date: Sunday, September 15, 2024 12:43:25 PM

It is my impression that Mining Claims are increasingly used to permit Larger Houses, without fully considering factors such as:

1. Ingress/Egress, including ROW Easements, and approval of adjacent Federal and State/County Agencies (USDA-FS, BLM, BCPOS, etc.).
2. Wildfire Protection, including increased onsite water storage, and staging areas.
3. Mining Health & Safety approval by DRMS, etc.
4. Adjacent Mining Claim Development. Claims permitted since 1872 Act are usually found adjacent to one another, hence clusters of mostly remote homes may require additional permitting requirements.

Jim Cowart, P.E.

From: [Christine Deignan](#)
To: [!LongRange](#)
Subject: [EXTERNAL] moratorium on residential floor area
Date: Sunday, September 15, 2024 7:22:20 PM

Dear Boulder County Long Range Planning Commission:

I am in the process of planning to build what will be my primary home where I will age in place. This will be on a vacant lot at 75 N Sky View in unincorporated Boulder County near Nederland, in the Bonanza Mountain Estates subdivision. The Bonanza subdivision was platted as a residential neighborhood in the 1960s. The house will not be replacing an existing cabin; this lot has never been developed.

As per my pre-application meeting with a Boulder County Planner on September 10, under the proposed moratorium I will be restricted to the median house size in my neighborhood, which is 2175 sq ft.

I would like to build a modest 3 bedroom, 2 bath house with a 2-car garage. This is a configuration that will be useful to a wide range of residents in the future, from families to couples to roommates.

A garage in the mountains is not just a convenience in snowstorms. It is a safer place to charge an electric car. It protects vehicles from hail, animals, and damage from the strong ultraviolet light at high altitude. My current car is a 12-year-old Subaru Outback which has been stored outside in Nederland for almost all of its existence. It has significant UV damage, including clouded headlights and a crusty roof rack. My next vehicle will almost certainly be an electric car, which I will charge at home. That electric car will need to last for 20 years or more and will greatly benefit from being kept in a garage.

The minimum size for a garage where I can actually put 2 cars, a snow thrower, yard maintenance gear and other items that would normally go in a storage shed is 24 x 20 or 480 square feet. That leaves me less than 1700 square feet for living space. Due to geographical limitations on my lot, it may not be feasible to build the one-level home that I want, so I may need to waste some of that space on stairs.

Please consider limiting the moratorium and the new rule to houses that will be greater than 3000 square feet. Most of the concern seems to be with the enormous houses that are popping up in rural areas. However, the median size is low in the Bonanza residential subdivision because:

- the largest house is 4537 sq ft
- all of the rest are under 4000 sq ft
- 6 houses are 768 sq ft or less
- many houses are/were seasonal cabins
- most do not have garages

Another point regarding the proposed new rule is that unless all new homes are built exactly to the median size, the median will continue to decrease. The median can never increase under the new rule. So if it is likely that the new rule will be (for example) up to 10% larger, please use that limit in the moratorium rather than penalize those of us who are trying to build now.

Because building is not practicable in the winter in Nederland, you will be setting me back by a full year if I have to wait out the 6-month moratorium to get a fully functional home. So again, please consider limiting the moratorium to houses that will be greater than 3000 square feet.

Thank you for your consideration,

Christine Deignan
Nederland

From: [Jim Green](#)
To: [!LongRange](#)
Subject: [EXTERNAL] Proposed Moratorium on applications for large homes in Boulder County.
Date: Sunday, September 15, 2024 6:57:02 PM

Dear Mr. Abner—

I am writing you regarding the proposed Moratorium for large homes in Boulder County.

I think your consideration of a moratorium to stop processing site plan review applications for larger homes is unreasonable, unethical and an incredible infringement on personal property rights.

Boulder County already has a restriction in place that allows homes of UP to 125% of the median residential floor are in the surrounding neighborhood to be built. This policy has been in place for quite some time and the property owners in Boulder County work within that restriction. To suddenly and dramatically change the rules of the game, with virtually no solid evidence as to why, is an egregious taking of property rights. It will be devastating to numerous property owners and families that have dreamed of building a new home or expanding their existing one.

I ask you to vote against this proposal.

Thank you.

Jim Green
303-775-2553

From: [Ronald Hostetler](#)
To: [!LongRange](#)
Subject: [EXTERNAL] Article 4-800 Public Hearing 9/16/2024
Date: Sunday, September 15, 2024 11:36:35 PM

Good morning Mr. Abner:

It has come to my attention that the Board of County Commissioners (BOCC) is considering a temporary moratorium on SPR applications with a proposed size over the median Residential Floor Area for a neighborhood.

I currently own a home and two adjacent vacant lots in the Kuhlmann Heights area. Our neighborhood currently has a presumed compatible square foot limit of 3,155. sf. Homes with under 4,000 sf should not be considered excessive in size or damaging to the characteristic of the neighborhood.

I am strongly opposed to the proposed amendment to reduce the maximum square footage limits from 125% of the median to the median square footage of the neighborhood.

Site plan applications should put more emphasis on the the size of the building parcel, the proximity to surrounding structures, overall fit with the immediate surrounding homes and how the proposed construction would enhance the value and appeal of the overall community. Having a strict limitation based on square footage puts burdensome restrictions on the ability to design structures that maximize the overall efficiency, safety and desirability of the neighborhood.

Regards,
Ron Hostetler
ron.hostetler89@gmail.com

From: [Bart Manchester](#)
To: [!LongRange](#)
Subject: [EXTERNAL] SPR
Date: Sunday, September 15, 2024 9:37:17 PM

it feels like most of the problems probably stem not from the 125% rule, but by the exceptions which seem to be granted semi regularly for far beyond 125% it seems to largely favor the rich who buy development rights or somehow get exceptions and build huge houses - while regular folk are told you can only add 400 sq ft onto your 60 year old 2300 sq ft ranch house. Why should it even be sq ft - like why not sq ft of foot print?

I also feel the 125% is a broken metric for some of us in the county. We live in a small ranch house and sometimes think of expanding a little to better support visiting grandchildren and expanding families - we live near several small homes, but also near Erie which has many large homes - the plots near us have started to have more and more people join the city/town and then build more and more buildings and build huge homes and expand homes - but those sq ft don't get included in our 125% stuff even though these are homes just two plots away - this gives a big incentive for the country plots to join a town to be able to build much more liberally and then the county loses all control of those acreage plots.

Additionally the 125% rule rewards 'neighborhoods' for expanding each of them can add the 25% and then as more neighbors do this the average size goes up - where as for my my bigger house neighbors join the city/towns and then my average goes down and each year I am more restricted.

Now another issue is it seem my patience and conservative approach to planning an expansion may penalize me as the rules sound like they are going to become more restrictive - so all the people who madly added on and stretched the 125% rule stuff get extra rewarded for doing so as their larger homes will become even harder to create in boulder county and people like me will be stuck in our small older homes wishing we had just expanded as much as we could have in the past.

Additionally I think it isnt right that there is no consideration of plot size. A home which might seem large on a 6000 sq ft plot surrounded by 10 other homes will seems small on 4 acres. Why should a 8 acre plot be restricted to 2400 sq ft while a few blocks away are 100s of 4500 sq ft homes?

Additionally with the push for more housing and cheaper housing you should open up more for ADUs - even the towns are allowing more and more ADUs - my 9 acre plot could be developed into quite a few homes (20? 30? 40?) yet 2 2500 sq ft homes are not even allowed by the county - I could have two modest homes and still have 100s more trees and acres of pasture - but if I join the city then I can do like my neighbor and start putting up pools and pool houses and extra 3 car garages etc..

I sure dont have all the answers - but I feel like having simpler rules with fewer exceptions for the rich which recognizes the delta between small and big plots as well as takes into consideration the trend to escape the clutches of the "overly restrictive county" would be good.

We want to support the country feel of our county living, but would like to feel we had more freedom to do what we want with our own land while maintaining the country feel - ultimately

Sq ft alone seems like even a weird restriction - what is the goal of the county even and why are these rules the way to achieve them? If we want to maintain a country look/feel perhaps we should just allow large homes as long as they meet that feel instead of making such a big deal about Sq ft.. maybe t should be based on a rato of plot - a 6000 sq ft house with 3 levels on 5 acres with good style can fit very pleasantly into boulder county feel where as a 5000 sq ft 2 story house on a 8000 sq ft plot next to a 1960 farm house wont..

From: [Bill Stonehocker](#)
To: [!LongRange](#)
Subject: [EXTERNAL] Temporary Moratorium
Date: Sunday, September 15, 2024 9:06:58 PM

Dear County Commissioners,

Hearing about the moratorium being voted on at your next meeting in the midst of our building project has caused us great distress. We purchased a 76-acre farm in Boulder County six years ago planning for our retirement. My husband and I both come from farming families, and after living on a small farm while working and raising our children we are looking forward to farming fulltime in our retirement. The property we chose was in very run-down condition. We have been busy removing unpermitted buildings, revegetating the fields and doing a restoration project on Left Hand Creek. During this time, we have continued to put up hay on fifty acres and board horses. We have lived off site driving to the farm to work and looking forward to the day when we could build a home that would be a gathering place for our children and our large extended family. We began working with Rodwin Architecture this past May to make that dream a reality. It has been an enjoyable process picturing how each space in our home could best be used.

This surprise moratorium would stop our dream and out of fear we have already started looking at property outside of the county. We love the property we own and have already put countless hours and significant money into cleaning it up and improving it. We also have incurred expenses with the design process of the house and Ag buildings. We do not want to give up on this property and are very frustrated that rules can change that much from when we bought the property, at that time we were told by the building department that when we rebuilt the current unsafe house we would be allowed more than enough space to build the home that we needed, as we have multiple adjoining properties that already have houses larger than the neighborhood median. The proposed new rules would dramatically reduce the allowed square footage to well below what we need. We cannot redesign the house to meet our needs within the proposed new limits.

We have been working to keep our home design one that will blend with the area, but also meet our needs. Having big family gatherings takes space and with most of the biggest holidays being during winter months you can not plan on being outdoors. We also need to keep the useability of the house by the next family to own it in mind and insure it will be sellable in the future.

A large part of the design of our home is to make it a home where we can age in place. This means space for ADA compliant bathrooms, doors and hallways. With the tight housing market here and knowing we will someday need to hire help, we planned a space for a future live-in caretaker. This way we could offer someone a job with housing included. With such rigid restrictions in place this would not be something we could do. Without a lock off anyone we hire to help us will have to drive in.

Having a moratorium would stop our project completely and not give us any means to get it back on track. Most building department regulations make sense, building net zero, not adding to light pollution, making houses safer from fire. Stopping people from building at all so they can't live on their own land seems very unfair.

Sincerely Bill and Terri Stonehocker

From: [David Biek](#)
To: [Boulder County Board of Commissioners](#)
Cc: [Christine Cowles](#)
Subject: [EXTERNAL] Please don't enact a moratorium on building
Date: Saturday, September 14, 2024 6:13:33 PM

Dear Commissioners,

I'm not a fan of large homes but based on a conversation with a County planner last week, it sounds like you're planning to place a moratorium on all homes being planned that are over the neighborhood median. My modest 1900 sf townhome in Boulder would be over the neighborhood median in many parts of the County if it had a basement and 2 car garage. I know this from a lot of experience.

I have been running a small architecture firm of seven in Boulder for 30 years and about half of our work are homes and remodels in the County. If I understand what you're intending to implement, this will likely require me to lay off half or more of my staff. It looks to me like a sledgehammer blow to my industry and all those whose livelihoods depend on construction and I'm not clear what it's hoping to achieve or why such as drastic measure is appropriate. My clients are generally not overly wealthy by Boulder standards, but nearly all of the homes we've worked on in the past decade in the County have exceeded the neighborhood median. Families with kids where both parents need a home office and are caring for an elderly parent, they sometimes need more space. News of the moratorium has already put a stop to more than \$100,000 in fees for our firm at a time when we are already reeling from the negative effect of spiraling construction costs and high interest rates. The past 20 months have been brutal for me personally. I'm 65 years old, can't afford to retire, and have had to work an average of 55-hour weeks over that period to keep my business afloat. Talking to my colleagues, it doesn't sound like I'm alone.

It is even more unfair to people who stand to lose a sizable portion of the value of their properties or who have already spent thousand of dollars in fees, as my clients have, based on the assumption that they can rely on the rules that have been in place for a decade.

Why is this an emergency and what do you think this will accomplish?

If your intent is to keep the lid on housing costs and provide more affordable housing, which I am in total support of, why not choose other methods that will be much more fair and more likely to accomplish that, rather than asking one sector in the economy to bear these enormous costs? While politically less popular than targeting large homes, I suggest that allowing for more density and ADUs and incentivizing people to build smaller homes will be much more effective.

Breaking the back of the construction sector might bring costs down, but it's a brutal way to accomplish that and it will do a lot of damage to families.

Thanks,

David Biek and Christine Cowles

David Biek
Principal Architect



303.819.2424 (m)
www.arcadea.com

From: [Prescott Brown](#)
To: [!LongRange](#)
Subject: [EXTERNAL] Public Comment on Temporary Moratorium for Larger Homes
Date: Saturday, September 14, 2024 2:05:04 PM

Dear Boulder County Commissioners,

I am submitting a public comment to support the exploration of a moratorium on homes within Boulder County that exceed the median residential floor area for a neighborhood. I personally am facing the potential impact of such a home being built on the property adjacent mine. I live in a peaceful neighborhood in unincorporated Boulder where the median floor size is 2,500 square feet. There is a proposal for a house in excess of 5,000 square feet that would not only diminish the peaceful nature of this neighborhood, but it would also create unnecessary adverse environmental and resource impacts. Unincorporated Boulder County contains many sensitive habitats, migratory corridors for elk and other animals, and other important environmental assets. Building large, new homes impedes on the County's ability to maintain these important corridors and essential resources. Not only do the homes strain resources, but the actual construction of the homes causes disruptions to neighborhoods and surrounding wildlife through construction activities, which, for large homes, can typically span more than 2 to 3 years from start to finish on undeveloped lots.

Additionally, in my experience, I have often found that builders of these large homes are unaware of their environmental impact. I have concerns for the environment, including fire safety and animal species. Architects may even be brought in from out of state and be unaware of our specific environmental conditions, including water, site impacts and fire risk.

As a long-time resident of Boulder County, I'm saddened to see this happening more and more, even though homes should not be exceeding 125% of the existing neighborhood median size without detailed review.

Just because someone can build a large home, doesn't mean they should. People should consider the impact of their decisions beyond their property line.

Again, I support the commissioners in exploring this moratorium.

Thank you for your consideration,

Prescott Brown

From: [Deborah Cave](#)
To: [!LongRange](#)
Subject: [EXTERNAL] Temporary Moratorium on SPR Applications for Larger Houses
Date: Saturday, September 14, 2024 8:18:33 AM

Mr. Abner – I was not aware of the proposal for a temporary moratorium on SPR applications for larger homes until reading Cheryl Gordan's letter (sent 9.13.24 to your office). I am the chair of the Unincorporated Boulder County Committee (UBCC), formed in the aftermath of the Marshall Fire to advocate for our community during rebuild.

It is not clear from the BoCo News & Information memorandum, dated 9.10.24, whether Marshall Fire rebuilds would fall under the 6 mo. moratorium in those cases where the SPR process is triggered. IF that is the case, we are respectfully requesting that *all* Marshall Fire rebuilds, including those who would trigger the SPR process, be excluded from the 6 mo. moratorium. This will ensure that those who have not been able to move forward as quickly as others in their community will not be penalized.

Thank you for your consideration.

Deborah Cave
Chair, UBCC
720 299 1210

bc: UBCC

From: [Cheryl](#)
To: [!LongRange](#)
Cc: [Stolzmann, Ashley](#); [Levy, Claire](#); [Loachamin, Marta](#); [Case, Dale](#); [Tim Drugan](#); [mbennett@prairiemountainmedia.com](#); [mbyars@prairiemountainmedia.com](#); [Boyd, Shaun](#); [john@boulderreportinglab.org](#)
Subject: [EXTERNAL] Re: BoCo's moratorium on building applications
Date: Friday, September 13, 2024 4:02:55 PM

Dear Ethan,

I live in a neighborhood that was partially decimated by the Marshall Fire. [Boulder County's proposed moratorium on site review applications](#) will impact Marshall Fire victims who haven't yet rebuilt, but intend to. These residents have been delayed in their rebuilding process for many different reasons (insurance, financial hardship, personal circumstances, etc.) and the last thing they need now is for the county to throw another roadblock up that prevents them from building their home and returning to normalcy in their lives. Seems the county was recently trying to help those that are delayed in their rebuilding, and now this new restriction would do the opposite.

Many Marshall Fire victims were able to begin rebuilding immediately, so to impose new rules and restrictions almost three years into the process would be unfair to those that simply moved slower. Although the press release implies that Marshall Fire rebuilds would be exempt, I have been informed that any rebuild that triggers a [Site Plan Review](#) is subject to the six-month moratorium. Is this true? Some of the fire victims that built smaller dwellings (ADUs/DRUs) to live in while they cobbled together resources to begin rebuilding their lost home would be impacted by the moratorium. While the county's goal may be to limit the size of homes being built in the county, they should be sure that a new restriction wouldn't have the unintended consequence of setting back fire families yet again.

Please exempt ALL Marshall Fire rebuilds from this proposed initiative instead of applying this moratorium to all of unincorporated Boulder County.

Sincerely,

Cheryl Gordon
303 882 5077

From: [Craig Harrison](#)
To: [!LongRange](#)
Subject: [EXTERNAL] Temporary Moratorium on SPR Applications for Larger Houses (Public Comment)
Date: Friday, September 13, 2024 10:32:31 AM

Dear Boulder County Board of Commissioners:

I recently learned about the proposed moratorium on Site Plan Review (SPR) applications for homes exceeding the median Residential Floor Area in unincorporated Boulder County. As a small landowner in unincorporated Boulder County and the owner of eight Transferable Development Credits (TDCs), I want to express my concerns and opposition to these changes.

On a personal level, I'm worried about the potential negative impact this proposal could have on the value of my land, the TDCs I purchased for a future multipurpose barn, and the eventual salability of my property.

On a broader level, I question the necessity and benefits of this proposal for Boulder County. The county already has some of the strictest building and planning regulations in the country, and many of the larger homes built here are also among the most energy-efficient. We currently have an effective market-based system in place, offering a fair pathway for individuals to build larger homes through mechanisms such as increased property taxes, higher building permit fees, stricter Home Energy Rating System (HERS) standards, and the unique Transferable Development Credits (TDCs) program, which I've rarely heard of outside of Boulder County.

If affordability is the true focus of this proposal, optimizing Boulder County's vast Open Space portfolio could have a far greater impact in creating affordable housing solutions than simply restricting home sizes in unincorporated areas.

I urge the County Commissioners to vote against this proposed moratorium and consider a more holistic, incentive-based approach rather than adding more restrictions and regulations. Additionally, I encourage greater collaboration with the incorporated cities within Boulder County to develop solutions that benefit the entire county, rather than focusing only on the unincorporated areas.

Respectfully,

Craig & Nicole Harrison
4380 N 95th Street
Lafayette, CO 80026

From: tedd.harshawproperties.com
To: [Commissioner Levy](#); [Commissioner Loachamin](#); [Commissioner Stolzmann](#); [!LongRange](#)
Subject: [EXTERNAL] NO on Ending Site Plan Review applications for larger houses in unincorporated Boulder County.
Date: Friday, September 13, 2024 3:49:01 PM
Importance: High

Hi Commissioners,

My wife and I are against ending Site Plan Review applications for larger houses in unincorporated Boulder County. It will hurt middle- and lower-income workers. It is an infringement on property rights.

Sincerely,
Edward and Christine Harshaw
303-641-4001

From: [Stephanie Lyon](#)
To: [!LongRange](#)
Subject: [EXTERNAL] Oppose the Moratorium on Site Plan Review Applications in Boulder County
Date: Friday, September 13, 2024 8:57:07 AM
Attachments: [image001.png](#)

Dear Ethan,

Please express my opposition to the proposed moratorium on Site Plan Review applications for larger houses in unincorporated Boulder County to the Boulder County Commissioners. This moratorium will cause harm to all trades associated with home building in Boulder County and cost countless people their jobs, not to mention an incredible infringement on personal property rights.

Sincerely,

stephanielyon | BROKER ASSOCIATE | 303 818 5357
boulder | lohi | cherry creek | milehimodern.com

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the coolest homes in town

milehimodern will never ask you to wire money or provide wiring instructions. Beware of phishing emails or fraudulent phone calls requesting a bank wire. Please call your lender, title company, or closing attorney to confirm any wiring instructions over the phone.

Dear Boulder County Commissioners,

I support limiting house size HOWEVER, I believe size limits need to be done in a more equitable way, assessed across the board, equally. House size should NOT be based on “what your neighbors have” unless the policy is intentionally aimed at increasing property values of some neighborhoods while intentionally keeping others neighborhoods lower. In my view, PSM is a form of exclusionary zoning as it zones neighbors into being less valuable than others. The current White House explains that exclusionary zoning contributes to a racial wealth gap if neighborhoods are zoned into being less valuable, the homes purchased by those families will not be worth as much over time stating, “*in the long run, this diminishes wealth not only for the generation purchasing the home, but for descendants who receive a lesser inheritance.*” (1)

Currently, PSM draws lines between neighborhoods and limits property values in small, typically more affordable neighborhoods – also limiting housing options and flexibility to those residents in the smaller, more affordable neighborhoods. What the PSM says to me is simply: if you have more, you are entitled to more....if you live in a wealthy neighborhood, with large homes, you are entitled to a bigger house AND if you live in a “cute” little neighborhood with smaller homes, you deserve less, your property is worth less, your generational wealth will not increase and you have fewer housing options if you ever need multigenerational housing.

I lost my house in Marshall in the Marshall Fire. Our PSM was ~3,400 sf whereas the PSM in the Calwood Fire was 7,500-7,911 sf - this is a huge discrepancy and I would imagine directly reflected in property values and wealth in those areas respectively. I hope before Boulder County decides to further limit the development rights of smaller neighborhoods, it evaluates the demographics of the neighborhoods with larger homes vs the neighborhoods with smaller homes to determine if this policy is perpetuating a cycle of the “haves” and the “have nots”.

Secondly, it should be pointed out that the definition of “neighborhood” only draws a thicker line between the ‘haves and have nots’. For example, in Marshall, the Wildflower Ranch, known for expansive homes that are nearly 10,000 square feet – however, despite these homes being our adjacent neighbors, they don’t count in our PSM because “they’re a different neighborhood”?

Third, PSM is a relatively new policy in Boulder County. In 2007, our property went through a SPR and was granted over 6,000 sf of residential area but now we are allowed approximately 3,400 sf? And if the County passes this moratorium and holds us to a *median* size, my property would be limited to 2,700 sf. If that much development right can be TAKEN from an owner in a matter of a few years, Boulder County could – and perhaps, should - do that to every property and limit it equally, across the board. The transfer development credits (TDCs) prove that there is an economic loss to the restriction of development rights – the only difference is neighbors in wealthy neighborhoods have been able to sell TDC by choice because they were lucky or wealthy enough to be in wealthier neighborhoods with big homes. But since my family bought in an old mining community, we’re not compensated for that taking of property value that the PSM and this current proposal do. This policy puts smaller neighborhoods at an economic disadvantage and is completely inequitable.

Finally, it must be clear that the PSM currently includes everything from garages (a standard 2 car is about 600 sf) to sheds (a 10x12 shed is 120 sf) and, it even includes insulation layers (in a small Passive House, this could easily be 300-600 sf); this alone equates to approximately 1,000 sf of

NONHABITABLE space; perhaps the County could reconsider what's defined as PSM square footage. If I am held to the 2,700 sf, this would effectively give me 1,700 sf for a home – and if I was to want or *need* a DRU/ADU, it is not even a viable option for my family.

Finally, to claim this is for environmental reasons is a total lie. If this is for environmental reasons, then this is a matter of the State, not local –and it should not be selectively put on the back of smaller neighborhoods. If this is for environmental reasons, then you should be looking for opportunities to allow more density and ADUs and you would be stopping the largest of homes – not just allowing them in certain neighborhoods.

So while I agree there could be a limit to housing size, Boulder County needs to find a more equitable, more progressive way than currently written.

Thanks for consideration,

Megan Monroe, Boulder County resident

The White House. Exclusionary Zoning: Its Effect on Racial Discrimination in the Housing Market.
<https://www.whitehouse.gov/cea/writtenmaterials/2021/06/17/exclusionary-zoning-its-effect-on-racial-discrimination-in-the-housing-market/>

From: [Josh Ritzer](#)
To: [!LongRange](#)
Subject: [EXTERNAL] Request for Consideration Regarding Moratorium and SPR Application
Date: Friday, September 13, 2024 1:53:37 PM

Dear County Commissioners and County Planning Team,

I am writing to respectfully ask that you consider families like ours, who have already made a significant investment in the architectural design and SPR process, when determining the scope and boundaries of the upcoming moratorium.

My wife and I have been doing everything possible to expedite the design process and submit our SPR application before the moratorium takes effect. Unfortunately, despite our best efforts, we have been placed on a waitlist for the SPR application process. This has been incredibly stressful and heartbreaking for us, as we are deeply invested in this house project.

We have committed our life savings to purchase this property with the vision of creating a family farm. Our family is large, with two parents who work from home and children who take online classes. Most of the additional square footage we're requesting is for adding a couple of rooms above the garage, and we are only increasing the existing building footprint by 178 square feet.

The house is currently distressed and requires significant renovation before we can move in. If we are unable to include this addition during this remodel, it would result in the need for a second construction project later, which would greatly increase costs and add additional disruption and stress that comes with living in a house while under construction.

We sincerely hope the County will take into account the difficult position that families like ours are in and show compassion for those who have already made substantial investments and are actively engaged in the process.

Thank you for your time and consideration.

Sincerely,
Josh Ritzer
5775 Jay Road, Boulder

Kristen Heiffeld

798 Rosevine Lane
Erie, CO 80516
(719)439-9324
kristen@rodwinarch.com

13th September 2024

Boulder County Commissioners' Office

Ethan Abner
P.O. Box 471
Boulder, CO 80306

Dear Mr. Abner

I am writing to express my opposition to the proposed temporary moratorium on submitting site plan review applications and the potential reduction in allowable development size for homes. As a designer who is directly involved in the local construction and design industry, these proposed measures will have a severe and far-reaching impact on my livelihood and the broader community.

A moratorium on site plan review submissions and the imposition of stricter size limits will have a devastating effect on employment in Boulder County. The construction and design sectors are critical sources of jobs for many people in our community, and such restrictions will drastically reduce the number of new projects. This will inevitably lead to layoffs, reduced income, and fewer opportunities for local businesses to thrive. If people look elsewhere to build, local firms—including mine—will be faced with the need to reduce staff, and the economic consequences will ripple throughout the county.

The size restriction limiting homes to 125% of the median size has already been challenging for those seeking to build new homes. In the aftermath of the COVID-19 pandemic, homes are being used in more diverse and essential ways than ever before. Homes now need to accommodate workspaces, areas for fitness, multi-generational living arrangements, and the ability to quarantine if necessary. The need for larger footprints is not driven by luxury, but by a shift in how homes are functioning as essential spaces. By further reducing the allowable size for new construction, the county will limit homeowners' ability to adapt their living spaces to meet these needs, and will ultimately result in people building outside of Boulder County, reducing the design and construction industry substantially.

It's also important to note that reducing home sizes does not solve the issue of affordability. Property prices in Boulder County are already high, and limiting the size of new homes does nothing to address this underlying problem. In fact, it disproportionately hurts those with lower incomes who depend on steady employment in the construction industry.

In conclusion, while I understand the need to consider environmental and community factors when planning development, this moratorium and the reduction in home size will do more harm than good. It threatens the livelihood of workers in the construction and design industries, reduces job opportunities, and ultimately harms the broader Boulder County economy. I urge you to reconsider these measures and seek alternatives that will support both sustainable development and the economic well-being of our community.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Kristen Heitfeld". The signature is written in a cursive, flowing style.

Kristen Heitfeld

Project Architect

Rodwin Architecture + Skycastle Construction

1245 Pearl Street Suite 202

Boulder, CO 80302

September 12, 2024

To: Boulder County Commissioners

From: Karl Whitten

RE: Potential SPR Moratorium

Dear Commissioners,

In reviewing possible outcomes of initiating an SPR Moratorium on modifying allowable home s.f. It seems that it could create inequities of size and value of existing homes. Inevitably bigger homes will become more valuable while smaller homes in the same neighborhood may be devalued. If the owners of the smaller homes would like to do an addition, their s.f. limits would be 25% less than their neighbors were allowed to do previously.

Site Plan Review has very adequately curbed s.f. of new homes and additions. The PSM rarely if ever approaches the size of bigger homes in a neighborhood. Reducing it by 25% will take numerous homeowner's greatest nest egg and reduce the value. If the moratorium is enacted County staff should be required to have neighborhood meetings to explain the potential outcomes.

I find it interesting that the Authorization Memo published discusses house sizes from 1990 to 2005 but does not address home sizes built in the last two decades. The presumptive size as currently used has controlled home sizes substantially, in looking at 2023 SPR's for new homes and scrapes the proposed house size plus attached garage is actually down approximately 1400 s.f. from 2005.

I believe that a 25% reduction of allowable s.f. discriminates against those who would want to enlarge their home at some point in time. After years of using the same size analysis, to make such a substantial cut is certainly unethical and should be illegal.

Character of neighborhoods, especially in the Boulder area, are constantly in flux. That is typical in costly locales such as ours. Sustainability has been addressed repeatedly by Boulder County and measures taken regarding construction have been difficult and extremely expensive to address. A 25% reduction in s.f. does not equate to a 25% reduction in carbon footprint. The third impact mentioned in the memo is affordability. As a resident of Boulder County for almost 6 decades I can tell you "that ship sailed a long time ago". Policies created and maintained by Boulder County have created this situation and there's no going back. I would ask what measures the County has taken in constructing affordable housing or allowing ADU's similar to other municipalities?

Please do not create more affordable housing by devaluing Boulder County citizens' property.

Respectfully,

Karl Whitten

1641 Harris Ct. Erie, CO 80516

Dave and Linda Weiss

9545 Crystal Lane Longmont CO

From: [Nathan Knecht](#)
To: [!LongRange](#)
Subject: [EXTERNAL] Comments towards a temporary moratorium
Date: Thursday, September 12, 2024 2:12:39 PM

Hello Ethan,

Rarely are moratoriums a good look.

In my experience as an architect I have yet to work on a project that the owner had a PSM over 5,000 sf. I think overall the County is doing a pretty good job keeping house sizing down. Perhaps we have some County areas that this is not the case but we should not be punishing people with PSM sizes under 5,000 while the County explores ways to limit larger house sizes. I'd love to know what the County considers a 'large' home before we start talking about moratoriums. The long range affect of the 125% PSM does not contribute too much to house size growth over the long run and while we continue to move towards energy efficiency with net zero, no gas construction and fire rated house planning people have other factors keeping the house sizes down. while only a handful of projects might be immediately affected it could be argued both ways that the immediate impact to the long range planning is so small that a moratorium is unduly punitive to a few people that have carved out time and resources to start a project now under the existing guidelines.

Please, continue to explore the issues without a moratorium.

Nathan Knecht, AIA

CONNECT | architecture
1510 Zamia Ave #103 Boulder, CO 80304

p. (303)579-4432
e. nathan@connectarchitecture.com
www.connectarchitecture.com

From: [Michael Lovato](#)
To: [!LongRange](#)
Subject: [EXTERNAL] moratorium on Site Plan Review for larger homes
Date: Thursday, September 12, 2024 9:22:18 AM

Hi there,

I am writing to request more information on the proposed moratorium. Living in unincorporated Boulder County, I am curious for a personal reason, and my initial response is to oppose that moratorium.

If you can provide reasoning that may convince me or change my mind, I would appreciate seeing it, please.

Thank you,

ML

--

Michael Lovato

Associate Real Estate Broker

Lovato Properties

303-956-3217

<http://www.lovatoproperties.com>

[Instagram](#) | [Facebook](#) | [YouTube](#)

From: [Rebecca Weihe](#)
To: [!LongRange](#)
Subject: [EXTERNAL] Proposed temporary moratorium on processing new applications for residential development over the median Residential Floor Area within the defined neighborhood in the unincorporated county pending consideration of Boulder County Land Use Cod...
Date: Thursday, September 12, 2024 2:32:09 PM

Good Afternoon

As a resident of Boulder County, I would like to say that I **OPPOSE** the proposed temporary moratorium on processing new applications for residential development over the median Residential Floor Area within the defined neighborhood in the unincorporated county pending consideration of Boulder County Land Use Code amendments

Why:

1. Most properties are on larger plots of land, and can easily accommodate the higher square footage without much of an impact to views/neighbors/"feel". The 125% of median already seems too little in many cases.
2. Even at 125% of median, those who have the money to spend, will and do spend more money to acquire TDRs. It seems to not stop those who have extra money and want to build bigger - if there is an option to buy TDRs. It does stop the "common" families who want to do a modest upgrade to a 1970's home (for example) and cannot afford the extra TDR cost in addition to a construction cost.
3. Including outbuildings or garages into the median square footage (those that are NOT agricultural) still make the current 125% too small and challenging to work with as is. Often the neighbor's Ag building looks worse than a proposed "new" garage, but the garage will be denied if not an ag building and making the total sqft too large.
4. A "blanket rule" does not work with such varied and unique properties like those we have in Boulder County.

Thank you,

--

Rebecca Weihe
7094 Redwing Pl, 80503

Broker Associate

WK Real Estate | wkre.com

Cell: 303.903.3231

2101 Ken Pratt Blvd. Ste 100, Longmont CO 80501



From: [d.ervin](#)
To: [Boulder County Board of Commissioners](#)
Subject: [EXTERNAL] Potential large home moratorium
Date: Wednesday, September 11, 2024 9:50:00 AM

Please oh please oh please let it be so!

And maybe a standardized definition of "affordable housing" afterwards?

Thank you, Boulder county commissioners, for being the guardrails that Boulder County relies on for adult leadership.

My best to you all,

Debra Ervin
Louisville

From: john@johncanova.com
To: [!LongRange](#)
Subject: [EXTERNAL] Against Moratorium
Date: Wednesday, September 11, 2024 5:42:37 PM

Hello Ethan,

Just wanted to write to let you know that I'm strongly against the Moratorium on Large Homes for Boulder County.

Firstly, I think it is a Property Rights infringement.

Secondly, I know a lot of people in the Construction Trades and they are very hard working folks whose livelihoods would be damaged by this moratorium.

I like a
number
of citizens

of

Boulder

County

are

strongly
against
this.

Thanks for listening,
John

From: [Koenig Sharon \(US Partners\)](#)
To: [!LongRange](#)
Cc: [Koenig Gary \(US Partners\)](#)
Subject: [EXTERNAL] Opinion Against the Moratorium on Larger Homes
Date: Wednesday, September 11, 2024 7:40:48 PM

Dear Commissioners,

I believe that your team has already addressed the concerns around large homes with three critical policies: HERS home energy requirements, the purchase of transfer credits for home builders of homes larger than 6000 sq ft., and the 125% rule in neighborhoods to help maintain the character, sustainability, and property values.

The HERS codes, set in 2010 to help new homeowners and builders develop energy-efficient properties, significantly reduce energy use. Perhaps it's time to offer homeowners and builders more incentives and rewards for achieving 5-star status.

I wholeheartedly support the current code that building a home that is 125% larger than the neighboring existing homes is a just and reasonable requisite.

Further restrictions are unnecessary and make the already arduous task of the permitting process feel punitive.

Thank you for your consideration and for allowing for open commentary on this critical topic.

Respectfully,

Sharon Koenig

From: [Viki Lawrence](#)
To: [Boulder County Board of Commissioners](#)
Subject: [EXTERNAL] Home size
Date: Wednesday, September 11, 2024 10:22:44 AM

I want to heartily agree with even just a temporary limit on home sizes. When I became a single parent with 2 young children I ended up moving to Louisville in a standard suburban home with 4 bedrooms. My plan had been to leave the suburbs and move to a rural location (such as I had always lived before) with a smaller home once my children grew up. Turns out that is impossible because every small home on property is bought by speculators, the house scrapped and replaced with a huge house for mega bucks and lots of profit for the investor. So a “standard“ buyer can’t compete with the inflated property values. I am frustrated that this is what has become of my life long home, Boulder County.

Viki Lawrence
511 W Spruce Way
Louisville

From: [Betina Mattesen](#)
To: [!LongRange](#)
Subject: [EXTERNAL] Large Houses
Date: Wednesday, September 11, 2024 6:01:37 AM

I support the proposed moratorium and future Land Use changes which will help us attain our goals of resource sustainability and respect for land and neighborhood character. It will provide important protection and education to landowners and builders/designers county wide. I appreciate this effort.

Betina Mattesen
Peak2Peak Forest Watch
Nederland

From: [Susan McVicker](#)
To: [Boulder County Board of Commissioners](#)
Subject: [EXTERNAL] House size
Date: Wednesday, September 11, 2024 11:50:10 AM

Dear County Commissioners,

You are placing a moratorium on approving larger house sizes. Please do not intervene in this way. Please continue to rely on zoning laws to create the desirable community that abides by percentage of house size to lot size, solar shade rules, and other zoning protections.

House sizes are necessarily larger today than when most homes were built in Boulder in the 1960's. People need offices as they are working from home. Many children are home schooled and after school activities take place in homes. Sandwich generations are taking care of seniors at home. Adult children can't afford to move out of the family home while in school or newly graduated. The easiest density is Family density, taking care of multi generations in the family home. Yes, this does create a larger carbon footprint, but this is more than offset by smaller corporate workspaces, single occupant apartments, driving to work or school.

How we live today leads us to larger house sizes than what we had 50 years ago. Rely on zoning regulations to protect neighborhoods from oversized construction. Otherwise, let homes be the size they need to be for modern times.

Thank you for your consideration.

Susan McVicker
1045 Miami Way, Boulder, CO 80305
720.301.8080

From: [Ann Marie Mills](#)
To: [!LongRange](#)
Subject: [EXTERNAL] The Moratorium in BoCo
Date: Wednesday, September 11, 2024 4:49:35 PM

I live in Longmont and have lived in Boulder County since 1989. During this time the County and the city have grown in tremendously. I have enjoyed living and working as a Realtor during this entire time. I have listed and sold houses and condos from 1 bedroom units up to 6,000 sq. ft homes and have found there is a place for each kind of property in Boulder County. There are buyers for all types of homes.

Just because we have a "housing shortage" so to speak doesn't mean that there should only be tiny homes being built. There is no reason in the world why we can have a huge variety of homes on the market. If your concern is that there are not enough less expensive homes and too many very expensive homes then you should find another way to influence the building of smaller less expensive homes. The "market " will decide whether these large homes are excessive or not. IF they sit on the market because there are no buyers to live in them, so be it.

If you want to incentivize the building of less expensive homes you can certainly find ways to encourage it at the county level. Be it less expensive building permits or other concessions to first time or lower income buyers, but just blatantly saying we will not long be able to build these beautiful homes for which the county is becoming well known for is a big mistake.

Please reconsider this moratorium. You will just cause the prices of the existing homes to escalate even more. Unless that is your objective, I suggest you reconsider.

Respectfully yours,

--

Ann Marie Mills
Broker Associate in The Niwot Group
ann.mills@compass.com
www.annmillsrealtor.com
www.TheNiwotGroup.com

From: [Julia Kashkashian](#)
To: [!LongRange](#)
Subject: [EXTERNAL] Comments for BCC Public Hearing Sept 17
Date: Monday, September 9, 2024 5:29:47 PM

To Hannah L. Hippely, Long Range Planning Division Manager:

As residents of rural unincorporated Boulder County, my husband and I are submitting the following comments to the public record for the “Proposed Temporary Moratorium on processing new applications for residential development over the median Residential Floor Area ...”.

We strongly support the proposed Moratorium.

The current Boulder County Land Use Code that allows for 125% of the median residence size of a defined neighborhood creates a trend of ever larger homes being proposed, approved and built in rural unincorporated Boulder County. There is no current incentive to build in a manner that maintains the existing character of a defined neighborhood. With each successive approved Permit, the median size only grows and the next applicant can apply to build an even larger home. The resulting reinforcing loop to larger home sizes is NOT sustainable by any measure.

As noted in the Planning Staff’s request to propose amendments to the County Land Use Code, average home sizes in Boulder County were significantly more than twice the average home size in the US, per the data reported for 2005.

In our relatively small neighborhood, bounded by Niwot Road to the south, 63rd Street to the East, Nelson Road to the north, and Hwy 36 to the west, in the past few years construction has occurred at several addresses, for which the applications were for permits in excess of the Presumptive Size Max (7561 N. 49th St, 8277 Ouray, 5741 Prospect Rd and 9087 63rd St, to note a few). Many of these properties include new barns, arenas, and supposed agricultural outbuildings and workshops that add to the hardened footprint on the landscape, even while not always calculated in the Presumptive Size Max. The ever increasing home sizes are destroying the rural character of the county, adding unsustainable demands on water, energy and land, disturbing ecological connections and functions of the local ecosystems, and undermining the viability of the few agricultural operations that remain.

We also strongly support the Planning Staff request to authorize amendments to the County Land Use Code. We hope those amendments will indeed reduce the current compatible size from 125% of the median of a defined neighborhood to the median of a defined neighborhood.

We also hope those amendments will consider:

- * Including covered porches and similar spaces that are attached to the residences being built, but are not included in calculations of the presumptive size max,
- * Providing some genuine incentive for the construction of smaller homes, perhaps a reduction in property tax calculations for a certain period, and
- * Eliminating outlier (largest and smallest) home sizes when considering a defined neighborhood, such that homes like the 15,000+sq ft residence adjacent to ours don’t skew the PSM.

We look forward to the staff’s creative approaches to promoting genuine sustainability in rural unincorporated Boulder County.

Thank you for the opportunity to comment on this vital work.

Julia M. Kashkashian
Sent from my iPad

From: [Kim Cattau](#)
To: [!LongRange](#)
Subject: [EXTERNAL] SPR Moratorium
Date: Thursday, September 5, 2024 9:57:13 AM

Hi – I’m writing to express significant concerns about the potential moratorium on Site Plan Review.

Moratoriums are an extreme and abrupt way to buy time to consider changes, while significantly impacting the economy and many local small businesses, such as my own. I have done many projects in unincorporated Boulder County over the years, and feel this is quite unfair to homeowners to put this kind of halt on projects, and leaving so many things unknown. Moratoriums create a mad-rush to submit ill-conceived and undeveloped ideas just to protect rights and opportunity, rather than allowing property owners to work with their design team at an appropriate pace to come up with good design solutions.

I’ve also experienced Boulder County projects that needed to go through SPR or SPRW process for reasons other than building large homes, and it feels unfair to those to halt progress. A recent example is where we submitted permit documents for an interior remodel (no new square footage), and learned that a previous owner had enclosed the carport without a permit. That additional square footage meant that more than 1000 SF had been added, while the total square footage was still under the PSM. A moratorium on SPR would have meant this homeowner would be unable to move forward with permitting for an interior remodel that had no impact on building size.

Another current project is one where the structure is non-conforming in regards to setbacks due to the large setbacks along Valmont Road, and the setbacks for a ditch through the property. These setbacks essentially leave no buildable space on the lot. Because of the limitations on the lot, this project will likely need to go through both a variance and an SPR process in order to put a small less than ~1000 SF addition onto a less than 1000 SF existing home.

Putting a moratorium on SPR / SPRW would impact much more than just “large homes”. The process of SPR / SPRW is already quite onerous and subjective, giving the County opportunities to express concern if relevant. Fully blocking all projects from this project seems quite unfair. And blocking submittals at the median vs. 125% of the median (which is generally our reference point for design) is additionally restrictive and unfair.

Thanks,

Kim Cattau, AIA, NCARB
Principal
Slope Architecture, LLC

303.223.4295

From: [Gwenael Hagan](#)
To: [!LongRange](#)
Subject: [EXTERNAL] Opposed to A Moratorium on Boulder County Site Plan Reviews
Date: Wednesday, September 4, 2024 2:51:34 PM

Hello. We are a 43 year old company with its beginning and roots in Boulder. We employ 51 people. A moratorium will cause job losses and while in place, do nothing to address any specific concern.

If the concern is about environmental impact, today's building codes effectively address that. If it is about affordability, please focus on zoning reforms or incentives for affordable housing or impact fees on larger homes. In short, please address the concern without imposing a moratorium.

Cordially,



Gwénaël Hagan
President, Signature Windows + Doors

[303-882-0150](tel:303-882-0150) www.signaturewindows.co

ghagan@signaturewindows.co



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From: [Tina Townsend Poole](#)
To: [!LongRange](#)
Subject: [EXTERNAL] Sept. 17th SPR Moratorium meeting
Date: Tuesday, September 3, 2024 4:09:50 PM

Mr. Abner,

I am a local Architect writing to weigh in on the topic of the SPR Moratorium under discussion this month by the BOCC.

- Job Losses: Design and Construction are a significant source of employment – these are real people – your constituents. A moratorium would halt work for architects, contractors, engineers, and many other trades, leading to widespread job losses. Construction drives local economies by creating demand for materials, services, and retail. Halting new projects could trigger a broader economic downturn, affecting businesses and reducing tax revenues for the county.
- The 125% of the median is very restrictive compared to other municipalities, but does a good job finding balance between preserving existing neighborhood character and allowing for the natural growth in house sizes that comes with land costs becoming more expensive over time.
- Housing Shortage: Restricting new construction exacerbates housing shortages, making homes more expensive, not less. Limiting the supply of new homes, regardless of size, could lead to higher prices for existing homes. This method of adding to the housing stock has been picked up even at the Federal Presidential level. It is the way forward.
- Such a substantial change should be a ballot question rather than a decision by three commissioners who did not run on a platform stating they would severely restrict houses sizes below the current rules, as it would fundamentally affect thousands of County property owners land use rights (and the value and utility of that property).
- Impact Fees or Taxes: Establish impact fees on large homes to fund affordable housing projects or community services, addressing concerns without stopping construction altogether.

I appreciate your consideration of this topic and request the BOCC vote **NO** on creation of a temporary moratorium on the processing of SPR Applications.

Tina Townsend Poole | Principal Managing Architect
[Mosaic Architects + Interiors](#)

1701 15TH Street, Suite C | Boulder, CO 80302
c. 720.601.9036 | p. 303.247.1100 x 117
Vail | Boulder | San Francisco | Santa Barbara | Napa

From: [Edward Anderson](#)
To: [Larremore, Liana](#); [Yelton, Dana](#)
Subject: [EXTERNAL] Building Size Moratorium Due Process Concerns
Date: Friday, August 23, 2024 11:57:49 AM

Hi Liana and Erica, I would like to start a discussion with you about the legal due process aspects of the current [home size moratorium proposal](#).

I have several concerns that due process is not being applied in the process to possibly remove Boulder County landowners' property rights. I would like your opinion on the following due process issues in this case:

1. Substantive Due Process

Arbitrary and Capricious Regulation: Could the new square footage restriction be considered arbitrary or unreasonable if it lacks a clear and justifiable connection to public health, safety, or welfare? The Supreme Court's decision in *Village of Euclid v. Ambler Realty Co.* (1926) upheld the constitutionality of zoning laws but emphasized that they must not be arbitrary or unreasonable. If the restriction imposes a significant burden on property owners by substantially reducing property value or making the property less viable for development, could this be grounds for a substantive due process challenge under the principles established in *Penn Central Transportation Co. v. New York City* (1978)?

2. Procedural Due Process

Lack of Notice and Hearing: Were property owners provided with adequate notice and the opportunity to be heard before these new restrictions were implemented? The Supreme Court's decision in *Mullane v. Central Hanover Bank & Trust Co.* (1950) established that due process requires "notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." If Boulder County implemented the new square footage restrictions without providing direct and adequate notice to affected property owners, this could be a violation of procedural due process

This point especially resonates with me. I was lucky to hear about this proposal at our pre-application meeting and probably would be unaware of the proposal otherwise. Are there any plans to notify other landowners of this hearing?

3. Takings Clause

Regulatory Taking: Could the reduction in allowable building size be considered a "taking" under the Fifth Amendment, particularly if it significantly diminishes the value of my property? The framework established in *Penn Central Transportation Co. v. New York City* (1978) and further clarified in *Lingle v. Chevron U.S.A. Inc.* (2005) suggests that if a regulation deprives an owner of economically viable use of their land, it could be considered a taking. Additionally, the principles from *Lucas v. South Carolina Coastal Council* (1992) might apply if the restriction deprives me of all economically viable use of my property.

These due process issues are why property rights changes are often grandfathered to current owners. I believe the building height restrictions of the 1990's in Boulder County should be a model for future dimensional limitations on buildings.

I would like to hear your opinions on the points I outlined.

-Eddie Anderson

From: [Edward Anderson](#)
To: [Abner, Ethan](#)
Cc: [Rogers, Erica](#); [Larremore, Liana](#); [Yelton, Dana](#)
Subject: [EXTERNAL] Re: Information re: Proposed Temporary Moratorium
Date: Wednesday, August 21, 2024 2:51:32 PM
Attachments: [image001.png](#)
[NSA--bgracia-20240603_10327arapahoep.pdf](#)

Thank you for your reply. We are probably one of the most affected projects from this proposal since we bought the land less than a month ago and were told by Bonnie Gracia that our maximum square footage was 5,889 sq/ft. The median is 4,711 sq/ft. Finding out the new proposed size limitation less than a month after we bought it was a huge surprise to us. We invested our life savings in this land and we are planning on building a family at the new house and using our land to make a vegetable market garden.

The proposed size limitation has shocked my wife and me and forced us to change our plans rapidly. We were lucky to have a pre-application meeting yesterday to find out about this as soon as we did. I imagine there are lots of other vacant landowners in Boulder County who have yet to hear of this new proposed restriction. I feel like the passage of the proposed restrictions is rushed and does not follow due process. **Why rush this proposal from press release to vote in 1 month?** The outcome of this proposal would decrease vacant land's value by billions of dollars in Boulder County. There will be no preliminary hearing, but one vote on a moratorium. The rushed proposal is costing us extra money to expedite our Architect to design our forever home in a matter of weeks before the vote rather than the months we wanted to refine our design.

My other concern is the retroactive nature of removing property rights. In the 1990's there was a building height restriction change from 35' to 30' the change was grandfathered into existing lots to avoid retroactively removing land owners' rights. I think this legal precedent is fair and should be a model for your future other dimension limitations. The way your proposed size limitation removes current landowners' rights feels a little like an ex post facto law and does not sit well with me. **Why not grandfather in existing properties and have the new limitation apply for new land transfers?**

I'm also wondering what you think these size restrictions will increase affordability. You are limiting the supply of housing square footage which will drive up the cost. **How would decreasing the supply of housing square footage increase home affordability?** You will be making existing larger homes more expensive by increasing their scarcity. This feels like NIMBYism of existing homeowners that want to pull up the ladder to younger home builders who just want the same rules that earlier generations had to build wealth.

I'm also wondering how limiting the size of a house increases sustainability? I am an engineer and already aiming to build a net-zero house and in my modeling I was surprised to find how much easier it is to make a larger net-zero house than a smaller one. The reason is as the house's square footage increases, the wall perimeter increases at a slower rate. I could get into the math if you would like, but the high-level result is that a bigger house can have a lot more solar panels on it for the area of the insulated exterior wall. A tiny home would have a very difficult time achieving net zero because the proportion of livable area to the insulated wall is much lower. Also, the wood that will make up the majority of the building materials is effectively a carbon sink. I am very pro net-zero house and I would love to show you my calculations of how a bigger house with geothermal and solar can easily achieve net-zero compared to a smaller house. Boulder County already has increased efficiency standards for

larger homes. By decreasing the size you are letting new homes be built at a lower efficiency standard.

Finally, you mentioned addressing the neighborhood's character. I'm no fan of [McMantions](#) but these broad size restrictions do not address that problem directly. There can be beautiful houses that have larger square footage. My favorite house is Frank Lloyd Wright's Falling Water and it's 14,000 sq/ft. I could still build a monstrosity of a McMansion with my lower square footage if I use fake pillars or a two-story tall main entrance. I have paid a professional Architect to design a house that is custom to our land which takes advantage of our land's strengths and minimizes its weaknesses. I didn't buy my plans online. These design decisions were deliberate, however now rushed because of your rapid moratorium vote. **Do you simply think a larger home decreases a neighborhood's character?** My neighbor on my land has a 10,000+ sq/ft house and it does not bother me one bit.

I have put my questions in bold. I would like to hear your responses. This is such a serious issue for my family that I would like to schedule an in-person meeting with you to go over these points. Your email signature says you might be available tomorrow from 7:30am - 5pm I would clear my schedule to meet with you in that time range.

-Eddie Anderson
10327 Arapahoe Dr.

On Wed, Aug 21, 2024 at 1:06 PM Abner, Ethan <eabner@bouldercounty.gov> wrote:

Good afternoon Eddie—you recently had a pre-application conference with my colleague Dana. She forwarded an e-mail to me regarding some questions that you had about the temporary moratorium we're intending to propose.

On Monday we sent out a [press release that describes what staff will be proposing](#). Staff are currently working on the draft text for the temporary moratorium for the Commissioners to consider, assuming they authorize amendments to the Land Use Code. As part of that process, we are still discussing and finalizing certain details of the moratorium. I anticipate that the draft text will be available before the hearing and can provide you with additional information once it's finalized. It's important to note that this text is simply a recommendation by staff and subject to Commissioners approval or modification.

[You can also review the press release](#), which may provide some additional information about what we're intending to propose. The pertinent information is that the Board of County Commissioners will consider enacting a moratorium on Boulder County's processing of new SPR applications with a proposed size over the median Residential Floor Area for a defined neighborhood in unincorporated Boulder County. Currently, the Land

Use Code allows residential development up to 125% of the median residential floor area for a defined neighborhood and, in some cases, development over this presumed size limitation.

Finally, I have cc'ed my colleagues in the County Attorney's office who will be better suited to answer your legal questions.

Best,



Ethan Abner | Long Range Planner

Boulder County Community Planning & Permitting

Mailing Address: P.O. Box 471, Boulder, CO 80306

Main: 303-441-3930 | Direct: 303-682-6892

eabner@bouldercounty.gov

www.BoulderCounty.gov

My typical hours are Monday – Thursday 7:30am to 5pm and Friday 7:30am to 12pm.

From: [florence fetterer](#)
To: [Boulder County Board of Commissioners](#)
Subject: [EXTERNAL] YES to a moratorium on new large home construction on
Date: Wednesday, August 21, 2024 10:36:26 PM

Boulder County Commissioners:

It is heartening to see that a moratorium on building ever larger homes in Boulder County is being considered. The Boulder Reporting Lab quoted Commissioner Stolzmann with “It’s not my intention ever to take away someone’s creativity or their vision,” Stolzmann said. But, she added, “we have community norms and values to protect the environment and to protect those who don’t have as much as others.”

Hear hear! This, and the points raised in the [BRL story](#) really resonate with me. I walk at Davidson Mesa, and it has been depressing to see the views eclipsed by houses even larger than the ones they are replacing. I had hoped that after the fire, smaller houses and some multifamily dwellings would be built so that more people could enjoy the views and proximity to open space. If that had happened, there would be social benefits and environmental benefits too: more people housed for a much lower carbon cost. Instead, enormous, expensive houses are being built. They carry a cost for all of us in environmental degradation and higher property taxes.

I strongly support a moratorium on construction of larger homes in Boulder County.

Sincerely,

Florence Fetterer

From: [Nicholas Fiore](#)
To: [!LongRange](#)
Subject: [EXTERNAL] SPR moratorium
Date: Tuesday, August 20, 2024 11:22:05 AM

Hello Mr Abner

I've just heard about the moratorium you are proposing on SPR applications. Is the idea to stop ALL applications for SPR, or just those over the 125% threshold?

You understand what this means - a moratorium - to those whose livelihoods depend on construction? I hope so. Many many affected people, including the trades, designers, consultants, etc. Why not just change the codes - why stop work?

If the commissioners are concerned about house size, well, that horse left the barn. Restrictive construction policies over decades mean only wealthy people can build here. You know that, I know that, the Commissioners all know that too. I am not a fan of large houses (rarely do them over 4000k - more often at 3500 or less), but hitting a panic button moratorium is not good governance, and has more negative impacts than positive ones.

We are already experiencing a major slowdown in new design work, and the result is (or soon will be) a slowdown in permit applications and SPRs. I'd advise the Commissioners that the slowdown can meld nicely with a discussion and public discourse around changing house size policy. No one elected them on this issue - it deserves to be heard.

Lisa Morsel pulled a moratorium move a few years ago in the City for the exact same reasons, and the wider CC wisely walked back from this threat. It's punitive and unfair to the local workforce.

Thank You
Nick

Nicholas Fiore AIA (he:him)
Desk [720 515 7749](tel:7205157749)
Mobile [434 531 6837](tel:4345316837)
nick@flowerarchitecture.com

FLOWER
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A Curiosity Shoppe

From: [David Frank](#)
To: [!LongRange](#)
Subject: [EXTERNAL] Size limits?
Date: Tuesday, August 20, 2024 4:34:47 PM

Hello, I am writing in opposition to limiting house sizes. How is this anyone else's business how big someone wants their house to be, if its on an adequately sized lot? I personally don't feel the need for a McMansion, but I don't begrudge this limit on others, and as a builder, I welcome the income opportunity to help build homes like this. It is actually what (helps) allow a blue collar worker to afford to live here!

Thank you,
David

David Frank
D&D Builders, Inc.
720-298-2242

From: [Jeff Eckert](#)
To: [!LongRange](#)
Cc: [Walker, Samuel](#); [Yelton, Dana](#)
Subject: [EXTERNAL] Clarifacai on proposed moritorium
Date: Monday, August 19, 2024 4:15:58 PM
Attachments: [OutlookEmoji-16909422680338ba4c6db-9853-4a6e-8f10-39276f54eed8.png](#)

Ethan Abner,

Can you please clarify the language for exceptions to the proposed moratorium. As quoted from the notice of hearing, The language below would presumably exempt properties whereas the Pre- app meeting has taken place as "already being in the process" ? Likewise, properties where structures where destroyed by the Marshall fire in December 2022 would also be exempt even if the property owner is working on plans that are up to 125% of the presumed maximum but not yet begun the formal SPR process by scheduling a pre-app?

"The temporary moratorium will provide for certain limited exceptions, to include allowing applicants who are already in the process to continue their review and permitting property owners to rebuild a residential structure that has been damaged or destroyed by causes outside of their control."

I presume the planning department and county commissioners are aware that a number of property owners in which the structures were destroyed by the fire have been working on plans for as much as two years based on the 125% of presumed maximum, some may have completed a pre-app some may have not but some may have done both but not yet formally submitted for an SPRW or SPR. It often takes months and tens of thousands of dollars for an applicant to create all the plans and documents between the time they collect all the information at a pre-app meeting and the time they are able to submit a **complete** SPR request.

One could easily assume the exception language was tailored to not impact Marshall fire properties but others could interpret the language differently. Therefore clarification of the exception language as it relates to the Marshall fire properties would be helpful.

Best regards,

Jeff Eckert



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From: [Richard Lefcourt](#)
To: [!LongRange](#)
Subject: [EXTERNAL] House size
Date: Monday, August 19, 2024 10:12:42 AM

I think floor area should not be the criteria for regulation. To me, lot coverage and building height are far simpler to analyze and a more rational approach to plan review and neighborhood harmony. Richard Lefcourt, Architect.