
BOULDER COUNTY SLOPE ADVISORY COMMITTEE

*SUMMARY REPORT to the BOULDER
COUNTY COMMISSIONERS*

Presentation to BOCC September 2, 1999

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I. EXECUTIVE SUMMARY

Background

In January of 1999, Land Use staff proposed new regulations dealing with development of parcels on steep slopes. The regulations were an attempt to codify explicit criteria that would be used when property owners wished to develop on slopes greater than 20%. The proposed slope regulations passed Planning Commission on a 3-2 vote. At that hearing a number of citizens spoke in favor of new regulations which would help mitigate some of the impacts from future development, but many citizens raised concerns with the new regulations, questioning the flexibility and the overall necessity of imposing another layer of restrictions when the existing Site Plan Review process (SPR) already examines slope issues. For the next few weeks, staff received further comments and concerns regarding the proposal.

In answer to the many issues raised, the Board of County Commissioners (BOCC) decided to defer the hearing on the proposed regulations and to appoint a citizen advisory committee to look at the proposal and identify other possible options to achieve some of the same purposes. The specific charge to the Committee is in Appendix A. The BOCC appointed seven citizens as advisors.

The Slope Advisory Committee (the Committee) met nine times between March 26 and June 1. Two more meetings were held on June 22 and July 7 to write and revise the final report. There was also a site visit to view SPR applications in the field to better understand the process. The Committee spent these meetings exploring the topics identified in the BOCC's charge as well as other related issues which were identified through the meeting process and public input. The first six meetings were spent gathering information that the Committee requested on various subjects including; wildfire hazards, wildlife/environmental concerns, house and land data, geologic hazards, viewsheds, building code requirements, and Site Plan Review/County review processes. A full list of contributors and reference materials is in Appendix D and Appendix E.

The next three meetings were predominantly spent discussing the various issues the Committee had identified as important.

Proposed Slope Regulations

The general consensus of the Committee is that the purposes of the proposed slope regulations are worthwhile. There was some disagreement as to whether regulations or restrictions on development based on slope were an appropriate measure. The majority (five) felt that regulations based on slope of a parcel were not the appropriate tool while the minority (two) felt slope regulations were appropriate. The majority feels by bringing all the issues pertaining to mountain development under the umbrella of slope, too wide a net is cast. There would have been many situations where people would have been subject to strict restrictions when there may not have been a need to do so or the problem could have been effectively mitigated. The recurring theme was to deal with these issues on a site-by-site impact basis. This means some ambiguity will remain in the SPR process. Each site has its own litany of constraints and attributes that need to be evaluated without inflexible predefined restraints being in place on a site. The Committee feels criteria should be developed around the specific impacts present on each site such as wildfire, erosion, wildlife, etc. In other instances (e.g. wildfire, floodplain), the Committee believes that the existing criteria the County uses do an excellent job of mitigation and education. In some instances slope could be an appropriate trigger for increased site plan scrutiny.

II. AREAS OF RECOMMENDATION

Through the meetings, the Committee has focused on six areas around which to make their recommendations. The six areas are:

- Natural Hazards
- Natural Values
- Aesthetics
- Visual Impacts
- Communication
- Legal Issues / Compensation

Discussion on each topic area produced a wide range of options and possible solutions. It became clear the Committee was dealing with complex issues that often were interrelated and thus, solutions to a particular problem could not be developed exclusive of the other issues. The Committee reached consensus on a number of issues regarding mitigation of impacts associated with development on steep slopes. Generally, the Committee believes there are hazards, visual impacts, aesthetic concerns and natural value considerations that need to be taken into consideration when development occurs in the mountains. The preferred alternatives are a site-specific approach that may require additional measures/restrictions when slopes reach specific threshold points and for the County to pursue other alternatives to regulations e.g., mountain TDRs, open space purchases, conservation easements, etc. Through the discussions, the scope of the Slope Committee's recommendations expanded to address many of the issues that were brought forward. Specific recommendations regarding the Site Plan Review process and general communication suggestions are a part of the expanded scope.

A. NATURAL HAZARDS

Portions of the proposed slope regulations were predicated on the mitigation/ prevention of problems resulting from development occurring in areas susceptible to natural hazards. The Committee identified four hazards that may pose a serious threat to people and property if proper mitigation measures are not taken. The four include fire, erosion, flood and sedimentation. The Committee heard information regarding these potential hazards from fire experts and a representative of the State Geologist's Office (see Appendix D for more detailed information). The Committee focused on two general areas; 1) requiring effective mitigation measures for proposed development and 2) getting as much information regarding what might be required to people up front and in clear terms. They suggested that criteria be put in the Land Use Code, which specifies the level at which increased studies, and scrutiny would occur.

Specific Committee Recommendations and Direction:

- ✓ First step is to do a **hazards assessment**. Wildfire and floodplains are pretty well mapped, but geologic hazard information (mapping, text, details) is lacking. Need to research what's already available and what might be acquired.
 - ✓ Consider an **educational slope map** that indicates a proposal to build on a slope of over [x] % will trigger greater scrutiny and perhaps a professional geologic investigation, BUT there are no automatic limitations applied. Geologic issues that may require analyses include erosion, sedimentation, soils depth, rockfall, slope stability (access road cut and fill, grade, etc.).
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- ✓ Consider setting up a **slope review hierarchy** ...slopes < [x] % go through a [normal] review, slopes between [x] and [y] % require professional review, and slopes > than [y] % require engineering. There was not full agreement on what x and y should be. Five members of the Committee felt 30 and 40 were appropriate triggers and the other two thought 25 and 35 appropriate.
 - ✓ Consider **local area** when calculating slope and base the scrutiny of review on where the disturbance will occur. The slope should be calculated based on the average slope of the area of the house footprint and driveway including a 25% buffer added along each dimension.

B. NATURAL VALUES

The Natural Values category consists of wildlife habitat, environmental resources, riparian corridors, native species and landscape integrity. The County currently deals with development on a site-by-site basis and can often mitigate the impacts that may result on site. The problem lies in the incremental development and the continued fragmentation of habitat and increased stress on the natural environment. Again, the Committee thought a strong education and information program would help. Efforts to address the issues on a site-specific basis should be continued. The County should provide more information to people so that they know what the possible issues of concern and expectations are as early in the process as possible. Investigating the merits of alternative land management programs like Transfer of Development Rights (TDR), General Improvement Districts (GID), etc. to protect those areas that are in most need of preservation. Set priorities for target locations based on areas identified in the [Boulder County Comprehensive Plan].

Specific Committee Recommendations and Direction:

- ✓ Some mapping already exists in the Comprehensive Plan - this information needs to be broadly distributed. **Education and information** needs to be made directly available to people - brochures, the Web, mailings, etc. Also put more information about natural values in the Land Use Code.
 - ✓ **Protection measures** should include mountain TDRs, PDRs, real PUD clustering options, General Improvement District formation, etc....they all should be voluntary, not required, so landowners have a menu of options. Need a point person with expertise in TDRs, PDRs, conservation easements and other options to work with landowners.
 - ✓ Need to **make distinctions between natural values** that are to be preserved and those that can be disturbed provided there are sound impact mitigation techniques available.
 - ✓ Agree that there is a **slope component** to natural values e.g. landscape texture and diversity.
 - ✓ The standard should be that **all disturbances be revegetated** with native species where possible, and that retaining walls or other techniques be used where revegetation will not take hold. Add to SPR in text and handouts that where revegetation is unlikely to work e.g. where slopes are > 100%, retaining wall or other stabilization measures will be required.
 - ✓ Natural values **should be a consideration** when addressing house size and location. Specific
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evaluation should be on a site-by-site basis.

C. AESTHETICS

Not surprisingly, this topic may have had the least amount of consensus amongst the group. The areas covered in the discussion included house size, home design, road cuts, location, revegetation, and the broad subject of "community values." Many aspects were not specifically slope related and were more community related. The Committee grappled with questions like "How can one measure or value aesthetics?" "How can one work within the established character of an area (social, architectural, building size)?" and "house size can be used to get at other issues e.g. renters, number of cars, visual impacts. Is this reasonable or fair?"

There was consensus on preserving community values as defined by an area's developed, natural and social character. The premise is what may be appropriate for one area such as Allenspark may not be appropriate for an area like Pinebrook Hills or vice-versa. Mountain locations are often considered special and desirable precisely because of their separate unique characters. Eldora, Allenspark, Fourmile/Sunshine, Pinebrook Hills are all located in the mountains yet each is distinct. Using the Rural Community District (RCD) regulations allowed through zoning was cited as an appropriate way to deal with many of these issues. RCD would allow the regulations to fit the area and would have the local community making the decisions on what is appropriate for their community. There was also a suggestion of expanding the RCD concept to include transportation corridors and/or viewsheds that have an impact on the local community, such as the Peak-to-Peak from Ferncliff to Meeker Park.

Specific Committee Recommendations and Direction:

- ✓ "Bigger" homes should not have "major" view impacts (BUT cookie cutter formulas do not work).
- ✓ Regarding house size, the County does not apply any fixed formula (e.g. no more than 50% larger than the neighboring dwellings). There was no consensus on whether there should be one where visual buffering was minimal.
- ✓ Three out of seven of the Committee members feel that house size should be related to and in keeping with the neighborhood character.
- ✓ Regarding who can apply for a Rural Community District zoning designation (RCD), anyone may do so but there needs to be some identified unifying character to the area, a reasonable number of buildings and vacant parcels, a significant landowner interest, etc. The Committee asked staff to look into the possibility of having a "**Corridor RCD**" option developed that would allow RCD overlays along roads and to allow the RCD option for existing subdivisions.

D. VISUAL IMPACTS

The Advisory Committee wanted Ed Russell's work regarding viewsheds forwarded on to the Parks and Open Space Committee to help them identify parcels that may be suitable for preservation because of their significance in protecting important viewsheds. Further study to identify locations

where views should be protected and from how far away would be useful. Again, the Committee does not feel it is appropriate for the County to get into detailed design review of structures. The focus should be to address the visual impacts with bulk, location, colors, etc. Ed's analyses show areas where increased sensitivity to size and location need to be considered because of impacts to views.

Specific Committee Recommendations and Direction:

- ✓ **Baseline questions** that need to be asked when defining visual impacts **include [from where] and [from how far away]**?
- ✓ Importance of viewshed becomes more of a local issue (Importance of views should not only be from major roads) as development gets more sparse.
- ✓ County SPR deals more with bulk (size) than architecture...materials, location, number of daily views from off-site and [compatibility] should be the primary concerns. [If it's an award winning house should we (the County) make sure everyone can see it]?
- ✓ Regarding whether viewsheds as determined from roads is a fair and reasonable consideration, the Committee directed staff to review Ed Russell's work as presented at the Committee's fourth meeting and to contact Rocky Mountain National Park regarding their visual impact studies for possible application in Boulder County.
- ✓ **Viewsheds should be an important factor for open space purchase considerations.** Have Ed Russell present his analysis and maps to the Parks and Open Space Advisory Committee.
- ✓ It was agreed that visual impacts and viewsheds are important considerations, but that to conclude that steep slopes are categorically an aesthetic issue is too simplistic; a 0% slope could result in major visual impacts or a steep slope in a hidden valley might have none.
- ✓ **Use educational viewshed map in pre-application conferences** to help make people aware of issues and that greater scrutiny may be applied. This educational viewshed map should include viewsheds from significant trails on County Open Space and other public lands.

E. COMMUNICATION

Through the process the Committee received a lot of input (letters, phone calls, testimony) from the public. One of the major issues brought forward was a considerable amount of misunderstanding and confusion regarding County processes and requirements. There was considerable time spent in the Committee meetings clearing up misinformation, but much of the discussion revolved around how to get information to the people who need it in a timely manner (landowners, agents, realtors, etc.). The Committee feels there are two fronts where improved communication is needed. First of all potentially impacted parties need to be notified when there is a proposed change in the regulations. The failure to notify property owners of the proposed Slope Regulations helped fuel a feeling of mistrust and animosity toward County government.

The Committee also feels a stronger effort needs to be made to improve the communication flow throughout County review processes. Handouts and WEB site have been a tremendous help but more needs to be done. Clarifying the criteria used in the review so people have a better idea of what to expect up front would be helpful (e.g. what is meant, for example, by "significant impact"). These criteria are cited for SPR determinations but must be clear, objective and fairly unambiguous. The Committee also supports modifying the Site Plan Review process to have the planner meet on site with the applicant. This will help the applicant understand what the County is looking at and help the County understand why the applicant made the choices for their proposal. There would have to be an understanding that the planner could only offer general feedback at that site visit and would not be able to make determinations until the review by all the other agencies was completed.

Specific Committee Recommendations and Direction:

- ✓ In general it is typical that only a part of a story, issue or position gets told. It all needs to get out, the good and the bad, without personality filters, biases, misinformation, lobbying, etc. so people know "who is to be damned". County government is not solely or exclusively affecting mountain living; the example of state taxing regulations on vacant land was brought up. **The need is to communicate fairly, fully and clearly.**

 - ✓ **Consider employing or developing a position for a pro-active advocate /ombudsman** who has understanding of all the different regulations, processes, involved in development and who takes a pro-active approach in providing persons with alternatives to development i.e. TDRs, conservation easements, etc. **Work at forming neighborhood groups** that could get together for the purpose of identifying possible solutions for preserving valuable parcels in their area.

 - ✓ **Provide handout and WEB site information** regarding the above-mentioned alternatives to development.

 - ✓ In Land Use determination letter there **should not be any "hidden" criteria** (e.g. carrying capacity). All conditions should be spelled out by having an explanation of why decision was made (why is slope being changed from 1:1 to 1.5:1, etc.) Criteria being used should be cited.

 - ✓ **Post Site Plan Review Dockets on the Land Use Web Site.**

 - ✓ Explore requirements to require a **hazards disclosure form** be signed/acknowledged by the property owner as part of the SPR process.

 - ✓ Regarding the question **"What is "better communication"?"** Committee members had several suggestions:
 - o work at developing clear definitions so what is meant is conveyed e.g. some of the 14 SPR criteria are vague;
 - o work on reducing the "sense of intimidation" and being overwhelmed that some people feel when they are in the Land Use Department;
 - o notify people in advance of pending regulation or policy changes and have
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- discussions about them before acting (3,000 letters cost \$900 to produce and mail - Ann Mygatt □ this does not include staff time);
- o get the weekly County columns running again in the newspapers.
- ✓ Regarding SPRs, there was general agreement that **landowners/agents should be notified when the site visit is to occur** so they can be there as well if they choose. Letting people know up front what might cause SPR delays would be useful.
 - ✓ Regarding the Land Use Coalition's SPR flow chart, the "Land Use Preview/Recommendation" step is intended to get **staff and the applicant/owner on-site together** to start education and dialogue early in the process. The County's concern with this is that at a minimum three staff people from three different departments need to be there to assess potential issues (SPR planner, Parks and Open Space, Transportation). This is difficult to coordinate. If it were to happen issues could be discussed but no commitments could be made at that time.
 - ✓ Have **public policy consultant** quantitatively and qualitatively review the SPR process for consistency, clarity, fairness and treatment of applicants.

F. LEGAL ISSUES / COMPENSATION

Specific Committee Recommendations and Direction:

- ✓ Look at **tax breaks** for granting of conservation easements (see attached memo from Isaacson, Rosenbaum, Woods & Levy, PC)
 - ✓ Have someone knowledgeable in the office that could help people **explore the options** they have to developing their property.
 - ✓ Explore **changing state tax policies** that encourage development of properties because of the high tax on vacant land.
 - ✓ **Changes in Land Use Code** to allow mountain TDR program and to allow areas around transportation corridors and existing subdivisions to pursue RCD type zoning.
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III. RELATED ISSUES AND RECOMMENDATIONS

The Committee was asked to prioritize the following section based on the criteria that follow. The ratings and any notes follow each section.

1 = High Priority: encourage further development ASAP

2 = Secondary Priority: look into further development as time, staff and resources allow.

3 = Neutral: no strong opinion one way or another

4 = No Interest: further development is not practical or useful

A. VESTING

Concern or problem addressed: Legally, Site Plan Review determinations do not vest development rights and development is subject to changes in the Land Use Code or other applicable regulations. On projects over 2,500 square feet above grade, the determination expires three years from the date it was issued.

People are looking for assurance they will be able to build and not lose the money they have invested in the property. The discussion revolved around whether there should be a longer period than three years.

Options:

⇒ Longer initial period before vesting expires.

⇒ Process that allows for renewing determination letter. Staff for a fee will check out the proposal and the site and if there has not been any significant change then staff will extend determination letter for x? number of years.

Priority

When asked to prioritize this issue the Committee's priority breakdown was as follows:

One member as a high priority

Four members saw this as a secondary priority

One rated it no interest.

A breakdown of the options showed the Committee generally accepting the idea of renewing a determination letter with three of the Committee members choosing this as a high priority and three as a secondary priority. A longer initial [vesting] period was not as widely supported with one member ranking it as a high priority item and one as a secondary priority.

B. APPEALS REVIEW PANEL

Concern or problem addressed: Brings third party into process, may help alleviate perception of subjective BOCC hearings.

Options:

⇒ Composition of panel: Planning Commission review, expert panel (architect, engineer, community representative), intra-county panel.

⇒ Timing of process: when it should occur and who can initiate?

✦ *Potential Positive:* Third party review, vs. just County staff and BOCC.

☐ *Potential Negative:* Adds another layer onto the review process while BOCC still makes final decision. Timing is an issue.

Priority

No members ranked this as a high priority item. Three members rated this as a secondary priority, 3 members as no interest and one rated it as neutral.

C. TDRS/PDRS

Concern or problem addressed: Provides an option for landowners to get money back from investment while preserving sites that have important/significant identified resources or are "difficult" to build.

Options:

- ⇒ Mountain-to-mountain transfers
- ⇒ IGA with Lyons to accept some development from surrounding area and help preserve a buffer around the community.
- ⇒ Combine with GID (option below) to purchase development rights
- ⇒ Determine size and location of receiving sites

- ✦ *Potential Positive:* Voluntary process offers options to development on important parcels, TDR option clusters development so impacts are not spread throughout the mountains. PDRs allow for development rights to be purchased; land could stay in private ownership and still remain undeveloped or be sold to adjacent land for buffer.

- ⇒ *Potential negative:* Difficult to locate receiving areas due to neighborhood opposition; possible strain on infrastructure due to increased density; program is complicated so people who do not understand may not take advantage; voluntary program may not catch all the parcels which are important; cost of PDRs may prove too expensive without combination with the GID option.

Priority

Four members rated this concept as a high priority and the other three members found it to be a secondary priority. One Committee member rated mountain-to-mountain transfers as no interest: further development is not practical or useful. Another Committee member rated it as a secondary priority if the receiving sites were formerly merged contiguous parcels, which may be recognized at their original configuration if a development right is used.

D. BUILDING ENVELOPE DESIGNATION

Concern or problem addressed: Concerns similar to vesting above. Provides a level of security to property owner that they know where building will be allowed on the property. County currently reviews building envelopes through Site Plan Review but rarely sees them, as they do not provide a benefit over review for the entire development.

Options:

- ⇒ Specific review process for building envelopes. Would have to consider access issues at that time.
 - ✦ *Potential positive:* Provides some level of assurance to property owners /potential purchasers.
 - ⇒ *Potential negative:* What is the benefit? Would still need to come back through SPR process for buildings.

Priority

Two members rated this as a high priority, two as a secondary, two as neutral and one as no interest.

E. RURAL COMMUNITY DISTRICTS (RCD)

Concern or problem addressed: Boulder County is not made up of homogenous communities and restrictions or guidelines that are appropriate in one area of the County may not be at another location. Allows local identification of issues and solutions.

Options:

⇒ Broaden criteria for RCD eligibility e.g. along transportation corridors, subdivisions.

- ✦ *Potential Positives:* Local [buy in] of restrictions or guidelines. Good tool to evaluate and identify characteristics of the area that are important to preserve.
- ☐ *Potential Negatives:* Tremendous amount of time and energy needed to set up district. May be difficult to get required community consensus on the issues. If widely adopted could create a haphazard set of land use restrictions across the County. Program is specifically geared towards old town sites, what happens to the areas surrounding these that still impact the town site?

Priority

Three rated this as a high priority, two as secondary priority, one neutral and one no interest. The Committee Member who rated no interest feels more needs to be done to make the option known to people.

F. GENERAL IMPROVEMENT DISTRICTS (GID)

Concern or problem addressed: An approved GID would allow tax revenues to be spent to purchase and maintain open space in the district's geographic area.

Options:

- ⇒ Define specific purpose of district(s)
- ⇒ Define specific geography of district(s)
- ✦ *Potential Positives:* Money generator for expenditure in local area(s).
- ☐ *Potential Negatives:* Needs voter approval – may be divisive unless “super majority” approves.

Priority

Two Committee members rated this as a high priority, three as secondary (one of the three was between secondary priority and neutral), one rated it neutral and one as no interest. The no interest rating was based on the Committee member's feeling that it was not feasible and a countywide tax would be more acceptable.

G. COUNTY REWARD SYSTEM FOR BUILDING LESS

Concern or problem addressed: Positive reinforcement for people who [do the right thing.]

- ✦ *Potential Positives:* Carrot method of getting people to do right thing.
 - ☐ *Potential Negatives:* What are rewards? If monetary who pays? What are criteria?
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IV. ANNOTATED BIBLIOGRAPHY / APPENDIX

A. SLOPE ADVISORY COMMITTEE MISSION AND MEMBERS

Increasingly, the County is receiving applications for mountain development that are "difficult sites" or in areas that already are placing a strain on the limits of service capabilities. "Difficult sites" are sites on slopes that, when developed, may lead to undue scarring, erosion, significant changes in drainage patterns and runoff volumes, rockfalls, increased wildfire risks, as well as increased visual disturbance. Other difficult sites may be on ridgelines, riparian corridors, significant wildlife habitat, viewsheds and the like. Currently the County uses a case-by-case review, called Site Plan Review, to mitigate the significant impacts of such development. In the Site Plan Review process some landowners complain they have no foreknowledge of the exact limitations they may face and inconsistent standards may be applied to similar development situations. Some neighbors, on the other hand, complain that Site Plan Review does not go far enough in mitigating the impacts. The proposed slope regulations are an attempt to deal with these concerns while providing a means for property owners to still develop their land to some extent.

The Commissioners ask the Slope Advisory Committee to examine the proposed slope regulations and to explore additional or alternative ways of dealing with difficult sites, such as: the formation of a general improvement district for the purpose of purchasing difficult sites; a transfer of development rights program to move the potential development to more appropriate locations in the mountains; greater clarification in the Site Plan Review process so that when slopes reach a certain degree of steepness, the scrutiny of the application will be more intense; earlier definition of building envelopes; utilization of current mountain PUD regulations to cluster development to reduce impacts; or other viable options the Committee develops. The Committee will act as a sounding board and brainstorming group. It is not expected the group will reach consensus on the issues but will have a reasonable discussion of reasonable options. The Commissioners expect the Committee to issue a final report that includes any ideas, which a majority of the Committee members support.

COMMITTEE MEMBERS

SAM WEAVER - Sugarloaf Area

AUDREY GODELL - Eldora

SYLVIA DANE - Fourmile Canyon

ED RUSSELL - Lyons Area

JIMMY KEITH - Nederland/Magnolia Area

PETER BRADY - Salina

PHIL STERN - Allenspark Area

B. SLOPE ADVISORY COMMITTEE AGENDA SUMMARIES

March 22, 1999

AGENDA

- Welcome and Introductions
- Mission and Background
- Meeting Process and Scheduling

Overview of National Trends in Slope Development Regulations H. Lawrence Hoyt, County Attorney

- Assignments for Next Meeting
- Adjourn

April 13, 1999

AGENDA

- Review of March 22, 1999 Minutes

Trends in Mountain Development

Dale Case, Staff

Current County Review Processes and Issues

- *Site Plan Review - David Callahan, Staff
- *Wildfire Constraints - Chris White, Staff
- *Building Constraints - Gerry George
- Discussion of Problems/Possible Solutions
- Assignments for Next Meeting

April 19, 1999

AGENDA

- Review of April 13, 1999 Minutes
- Organization
- *Meeting Protocol
- *Public Involvement

Information Requests from Last Meeting

- *SPR video shown
 - *BLM land disposal status
 - *Additional data on house sizes, remodels and additions
 - Continued Discussion on County Review Processes and Mitigation Measures for Development
 - Assignments/Scheduling for Next Meetings
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April 26, 1999

AGENDA

-Review of April 19, 1999 Minutes

Information Requests from Last Meeting

*County Wildfire Hazard Identification and Mitigation System (WHIMS) handout

*Home Sprinkler handout

-Discussion of Committee Members' Issues and Goals (handout)

GIS Mapping Model for Identifying Viewsheds and Visual Disturbance

Ed Russell, Slope Committee

-Public Comment Period

-Assignments/Scheduling for Next Meeting

May 3, 1999

-Review of April 26, 1999 Minutes

-Organization/Scheduling

Fact Finding - Geologic Hazards [Considerations for Development on Steep Slopes]

Karen Berry - Geologic Engineer, CPESC - Colorado State Geological Survey

*Presentation, Discussion, Questions

-Continuation of Public Comment from April 26, 1999

-Assignments for Next Meeting

May 3, 1999

May 10, 1999

-Review of May 3, 1999 Minutes

Fact Finding Continued

*Natural Values, Wildlife, Plants - Rich Koopmann, Parks and Open Space

*County Policy on House Sizes - Graham Billingsley, Land Use Director

-Committee Begins Options Discussion

-Assignments

May 13, 1999

-Review of May 10, 1999 Minutes

Committee Discussion Continued

*Planning Commission Draft Slope/Hillside Regulations of Jan. 20, 1999

*Natural Hazards

*Natural Values

*Etc.

May 20, 1999

-Review of May 13, 1999 Minutes
Committee Discussion Continued
*Review of Flip May 10 Flip Chart Note
 *Aesthetics
 *Visual Impacts
 *Communication
 *Education

June 1, 1999

-Review of May 20, 1999 Minutes
Committee Discussion Continued
*SPR Appeals Review Committee
 *SPR Notification
*Legal Issues/Compensation
 *Open Space Input
 *Building Envelopes

June 22, 1999

Afternoon Session
 1:00 p.m.
Site Visit to Spencer SPRs.
 SPR-99-109 & SPR-99-110
 Pinebrook Hills
Evening Session
 7:00 p.m.
 Review June 1, 1999 Meeting minutes
Committee Review of Draft Report to County Commissioners

July 7, 1999

*Review June 22, 1999 Meeting minutes
***Committee Review of Draft Report to County Commissioners**

***PUBLIC COMMENT PERIOD**

C. FLIP CHART NOTES

Slope Advisory Committee ☐ Flip Chart Notes May 13 & 20 Meetings.

NATURAL HAZARDS

- ✓ First step is to do a **hazards assessment**. Wildfire and floodplains pretty well mapped, but geologic information (mapping, text, details) is lacking. Need to research what's already available and what might be acquired. ☐ County
 - ✓ Maybe consider a **slope overlay map** that says a proposal to build on a slope of over ☐x☐ % will trigger greater scrutiny and perhaps a professional geologic investigation, BUT there are no automatic limitations applied. Geologic issues that may require analyses include erosion, sedimentation, soils depth, rockfall, slope stability (access road cut and fill, grade, etc). ☐ County
 - ✓ Consider a **% slope-to-allowable disturbance ratio**...some form of disturbance multiplier that has as its baseline a number for disturbance on level ground. ☐ County
 - ✓ Consider setting up a **slope review hierarchy** ...slopes < ☐x☐ % go through a ☐normal☐ review, slopes between ☐x☐ and ☐y☐ % require professional review, and slopes > than ☐y☐ % require engineering. ☐ County and Applicants
 - ✓ Look into requiring a **hazards disclosure** on property deeds. ☐ County
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NATURAL VALUES

- ✓ Some mapping already exists in the Comprehensive Plan - this information needs to be broadly distributed. **Education and information** needs to be made directly available to people - brochures, the Web, mailings, etc. Also put more information about natural values in the Land Use Code.
 - ✓ **Protection measures** should include TDRs, PDRs, real PUD clustering options, General Improvement District formation, etc....they all should be voluntary, not required, so landowners have a menu of options. Need a point person with expertise in TDRs, PDRs, and other options to work with landowners.
 - ✓ Need to **make distinctions between natural values** that are to be preserved and those that can be disturbed provided there are sound impact mitigation techniques available.
 - ✓ Agree that there is a **slope component** to natural values e.g. landscape texture and diversity.
 - ✓ Question whether natural values should **affect house size and/or location**...no fixed consensus...generally needs a site-by-site determination.
 - ✓ The standard should be that **all disturbance be revegetated** with native species where possible, and that retaining walls or other techniques be used where revegetation will not take hold. Add to SPR in text and handouts that where revegetation is unlikely to work e.g. where slopes are > 100%, retaining wall or other stabilization measures will be required.
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AESTHETICS

- ✓ How can one measure or value aesthetics? How can one work within the established character of an area (social, architectural, building size)?
 - ✓ [Bigger] homes should not have [major] view impacts (BUT cookie cutter formulas do not work).
 - ✓ House size can be used to get at other issues e.g. renters, number of cars, visual impacts. Is this reasonable or fair?
 - ✓ Regarding house size, the County does not apply any fixed formula e.g. no more than 50% larger than the neighboring dwellings. There was no consensus on whether there should be one where visual buffering was minimal.
 - ✓ Regarding who can apply for a Rural Community District zoning designation (RCD), anyone may do so but there needs to be some identified unifying character to the area, a reasonable number of buildings and vacant parcels, a significant landowner interest, etc. The Committee asked staff to look into the possibility of having a **Corridor RCD** option developed that would allow RCD overlays along roads.
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ETC.

- ✓ Uniform criteria are hard to define, but if there are no criteria to meet applicants won't know what to respond to and what to avoid.
 - ✓ By default the first draft slope regulations said the most reasonable building sites on all parcels are those closest to the road (because of the cubic yard limitations). This is not valid across the board.
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VISUAL IMPACTS

- ✓ **Baseline questions** about defining visual impacts **include from where and from how far away?** County SPR deals more with bulk (size) than architecture...materials, location and compatibility should be the primary concerns. If it's an award-winning house should we (the County) make sure everyone can see it?
 - ✓ Regarding whether viewsheds as determined from roads is a fair and reasonable consideration, the Committee directed staff to review Ed Russell's work as presented at the Committee's fourth meeting and to contact Rocky Mountain National Park regarding their visual impact studies for possible application in Boulder County.
 - ✓ **Viewsheds should be an important factor for open space purchase considerations.** Have Ed Russell present his analysis and maps to the Parks and Open Space Advisory Committee. .
 - ✓ It was agreed that visual impacts and viewsheds are important considerations, but that to conclude that steep slopes are categorically an aesthetic issue is too simplistic; a 0% slope could result in major visual impacts.
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COMMUNICATION

- ✓ The Committee agreed to review the Land Use Coalition's SPR flow chart later in the meeting. In general it is typical that only a part of a story, issue or position gets told. It all needs to get out, the good and the bad, without personality filters, biases, misinformation, lobbying, etc. so people know "who is to be damned". County government is not solely or exclusively affecting mountain living; the example of state taxing regulations on vacant land was brought up. **The need is to communicate fairly, fully and clearly.**
 - ✓ Regarding the question **"What is 'better communication'?"** Committee members had several suggestions:
 - ✓ work at developing clear definitions so what is meant is conveyed e.g. some of the 14 SPR criteria are vague;
 - ✓ work on reducing the "sense of intimidation" and being overwhelmed that some people feel when they are in the Land Use Department;
 - ✓ notify people in advance of pending regulation or policy changes and have discussions about them before acting (3,000 letters cost \$900 to produce and mail - Ann Mygatt – this does not include staff time);
 - ✓ get the weekly County columns running again in the newspapers.
 - ✓ Regarding SPRs, there was general agreement that **landowners/agents should be notified when the site visit is to occur** so they can be there as well if they choose. Letting people know up front what might cause SPR delays would be useful.
 - ✓ Regarding the Land Use Coalition's SPR flow chart, the "Land Use Preview/Recommendation" step is intended to get **staff and the applicant/owner on-site together** to start education and dialogue early in the process. The County's concern with this is that at a minimum three staff people from three different departments need to be there to assess potential issues (SPR planner, Parks and Open Space, Transportation). This is difficult to coordinate. If it were to happen issues could be discussed but no commitments could be made at that time.
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D. CONTRIBUTORS AT COMMITTEE MEETINGS

1. County Staff

Dale Case - Project Manager, Land Use Department: Minutes, agendas, packet preparation, Trends in Mountain Development information and data, Steep Slope Impact Analyses - Vacant Lots, GIS maps of land status and slopes, New Homes and Additions to Homes in Unincorporated Mountains of Boulder County 1990-1999, slopes diagram, cut-and-fill slopes diagram from **□Planning for Hillside Development□** (American Planning Assoc. Planning Advisory Service #466); Docket DC-98-09: Boulder County Land Use Code Text Amendments - Article 4-700: Slope/Hillside Regulations

Graham Billingsley - Land Use Director: County processes and policy descriptions, responses to question from Committee and public; County Policy on House Sizes (May 3rd meeting), general resource to the Committee and public.

David Callahan - Manager, Current Planning Division: Site Plan Review Process and Issues (April 13th meeting), general resource to the Committee and public.

Peter Fogg - Manager, Long Range Planning Division: Flip chart recording, assistance to Project Manager, sometime contributor to discussions in Committee meetings.

Gerry George - Chief Building Official, Building Safety and Inspection Services Division: Building Constraints and Considerations (April 13th meeting), descriptions and responses to questions about the Uniform Building Code as it pertains to construction on slopes, general resource to the Committee and public.

Chris White - County Wildfire Mitigation Coordinator: Wildfire Constraints and Slopes (April 13th meeting), information on Wildfire Hazards and Identification Mitigation System (WHIMS), fire behavior, sprinklers, access for firefighting, general resource.

Rich Koopmann - Resource Planning Manager, Parks and Open Space Department: Impacts on Natural Values, Wildlife and Plants from Slope Development (May 3rd meeting), general resource.

H. Lawrence Hoyt - County Attorney: **□Overview of National Trends in Slope Development Regulations□** (March 22nd meeting), general resource.

2. Other Presenters

Karen Berry - Geologic Engineer, CPESC - State Geological Survey: A presentation on [Considerations for, Development on Steep Slopes] followed by a question and answer period (May 3rd meeting).

Mike Tombolato - Fire Chief, Colorado Cherryvale FPD: Wildfire Constraints and Slopes, a continuing discussion from the April 13th session (April 19th meeting).

Ed Russell - Slope Committee Member, Consultant with Computer Terrain Mapping, Inc.: A presentation on a methodology for defining significant viewsheds and sensitive visual areas with GIS and computer applications (April 26th meeting).

3. Material Presented to the Committee at Meetings

Mark Heath, Architect: [Elements of a Revised Site Plan Review Process] including a professional appeals board and a required on-site meeting before Application Submittal.

Land Use Coalition: [Desired Outcomes for the Slope Advisory Committee as Suggested by the Land Use Coalition] with 10 specific recommendations including looking into changing SPR from a regulatory process to a consultative, advisory process.

Tara Parks, Architect: Letter to the Committee dated April 26th describing concerns over the [nonscientific basis] for the draft slope regulations, citing a variety of County Comprehensive Plan policies that address safety, diversity of housing, and flexibility, and recommending changes to the SPR process so the criteria are [objective and unambiguous].

Jeffrey L. Pecka, Environmental Planner: Letter to Graham Billingsley supplementing comments made at the May 3rd meeting regarding 1) the [shared culpability for erosion and sedimentation problems]; 2) the overly generalized Geologic Hazards map in the County Comprehensive Plan; 3) the stability of unweathered granite as an ideal foundation; and 4) the status of BLM land disposals in the County.

Richard and Jan Fozzard, Architectural Review Committee in Pine Brook Hills: Letter dated March 16th expressing personal perspectives on both sides of the slope regulation/SPR issues (pros and cons) and offering an alternative sliding scale slope regulation with restrictions decreasing with the percent of slope.

Patty Baker: Letter to the Committee dated April 28th suggesting that an independent financial/legal analyst from outside the County, [someone with no agenda] be retained to [objectively define the real issues, the legal ramifications, and a fair and just way to compensate landowners].

David A. Fausset: Letter to Phil Stern and cc:ed to the Committee with 10 suggestions and nine process

steps to help [correct the current problems] with SPR and staff/landowner relations.

John B. Ashby, Geological Engineer: Letter to the Committee dated April 20th encouraging greater communication with the individual landowners and making SPR more [user friendly].

Judd Ptak: Letter to the Committee dated May 27th making nine specific recommendations including the elimination of SPR, consideration of a performance-based standard vs. traditional zoning, focusing on health and safety over other issues, and requiring equal application of any proposed regulations to all property owners.

Dirk Arnold, GRI: Letter to the Committee dated May 20th discussing the mechanics and merits of using TDRs in the mountains.

Public Comment: Comments addressed to the Committee by more than 40 individuals during the meetings of April 13th, 26th, and May 3rd.

E. REFERENCE MATERIALS DISTRIBUTED TO OR REVIEWED BY THE COMMITTEE

1. County Public Information Handouts

- ❖ [Site Plan Review Introduction and Application Packet]
- ❖ [Lighting Requirements]
- ❖ [Driveway Access for Emergency Vehicles]
- ❖ [Earthwork and Grading]
- ❖ [Building Height Determination]
- ❖ [Describing Slope]
- ❖ [Boulder County Wildland Fire Dangers]
- ❖ [Home Sprinklers]

2. Maps

- ❖ Boulder County Comprehensive Plan Geologic Hazard and Constraint Areas
- ❖ Boulder County Mountain Land Use Classifications (Assessor, Federal, Open Space)
- ❖ Boulder County Slope Category (from < 20% to > 60% in 10% increments)
- ❖ Boulder County WHIMS Vegetation Fuel Model - Lyons 7.5 Minute Quadrangle Area
- ❖ Critical Viewsheds and Ridgelines at Risk - a series of maps developed by Ed Russell, Slope Advisory Committee member and consultant with Computer Terrain Mapping, Inc.

3. Land Use Staff Materials

- ❖ Boulder County Land Use Code
- ❖ Docket # DC-98-08 Boulder County Land Use Code Text Amendments, Boulder County Planning Commission - January 20, 1999: Article 4-700 Slope/Hillside Regulations
- ❖ Regulating Hillside and Ridgeline Development - H. Lawrence Hoyt, County Attorney
- ❖ Trends in Mountain Development - data on mountain building permit issuance, house sizes, average house size and frequency from <1900 through the first quarter of 1999 in 10-year increments, etc.
- ❖ New Homes and Additions to Homes in Unincorporated Mountains of Boulder County: 1990 - 1999
- ❖ Steep Slope Impact Analysis - Vacant Lots
- ❖ Woodland Home Forest Fire Hazard Rating Point System
- ❖ Site Plan Review: Key to Better Development. Land Use Department video.

4. Other Materials

- ❖ Soil Survey of the Boulder County Area, CO. USDA - Soil Conservation Service, 1975.
 - ❖ Chart entitled "[Range and kind of limitation for...]" urban development for three major soil series in the mountains east of the National Forest boundary
 - ❖ A Brief Description of the Boulder County, CO Wildfire Hazard Identification and
 - ❖ Mitigation System (WHIMS) Hazard Risk Rating Model. C.M. Hay, Environmental modeling/Spatial Analysis Consultant. June 30, 1994.
 - ❖ Impact of Slope Steepness and Length on Water Erosion: Universal Soil Loss Equation.
 - ❖ Karen Berry - Geologic Engineer, CPESC, Colorado State Geological Survey.
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- ❖ Desired Outcome for the Slope Advisory Committee as Suggested by the Land Use Coalition. April, 1999.
 - ❖ Institute for Business and Home Safety Rating Schedule for Local Planning for Natural Hazards. April 1999.
 - ❖ Elements of a Revised Site Plan Review Process. Mark Heath. April, 1999.
 - ❖ A Place Apart: The Peak-to-Peak Scenic Byway Corridor Management Plan - A
 - ❖ Preservation Investment Strategy. Whiteman & Taintor. July, 1998.
 - ❖ Cut and Fill Slopes Diagram from Planning for Hillside Development. American Planning Association, Planning Advisory Service #466.1996.
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F. WRITTEN COMMENTS

Letters / e-mails are available for review at the Boulder County Land Use Department