

# 8 Chapter 8

## 8 Land Use



Figure 8-1: Jamestown through the eyes of the elementary school students

Land use describes the different ways the land is utilized to provide development sites and circulation for the community's needs. Land use planning tries to reconcile the needs of present and future users and to solve conflicts that potentially exist among various land uses. Planning for land use is important because the total land use pattern establishes the character or form of the town, which in turn affects sociability, privacy, and the environment. Comprehensive research and community input are basic to any meaningful land use plan.

### Existing Land Use

Jamestown has three major types of land use: residential, vacant, and forest service land. Limited non-residential (e.g. commercial, service, and government) properties also exist. The residential use is concentrated in the center of town on, what is known as, the original plat. There is also some residential development in the east and west ends of town. Vacant land is distributed throughout the town in the form of undeveloped platted lots and mining claims. Forest Service land is located in the east and west ends of town. Overall, residential uses comprise approximately 26% of the land, vacant land approximately 35%, and Forest Service - 18%. The remaining land is used for parks, open space, circulation, mixed commercial and service uses, and public uses.

For planning purposes, the town can be divided into 3 major land areas: the central section (core area), the area to the west, and the area to the east. The central section or core area is predominantly residential. The residential use is almost entirely comprised of single family detached homes sited on 0.3-0.75 acres (13,000 to 32,000 square feet) each. There are currently approximately 147 housing units within 131 structures in Jamestown, nearly 100 are located in the central section. The houses are one story or two stories (some with garages) that range from less than 1,000 square feet to about 2,500 square feet. The housing pattern contributes significantly to the character of the town. Very few undeveloped lots remain in this area. Commercial uses are located on Main Street and cottage industry exists in various locations. Other uses or facilities in the central area are the Town Hall, the Jamestown Elementary School, the Post Office, Fire Hall, and the Jamestown Community Church.

The west end of town is approximately 10% developed, 50% vacant land, and 40% Forest Service land. The vacant land that is not Forest Service land is entirely composed of overlapping mining claims. The Forest Service land is undeveloped and expected to remain so.

The major uses in the east end of town are vacant, Forest Service, park, and cemetery. There are also a few homes located in this area. The properties on the east and west ends of town tend to be larger than those in the central, or core, area.

Jamestown sits on the edge of the Colorado Mineral Belt and mining is a large factor in Jamestown's history. Although new and /or expanded mining operations in the area is not as high of a threat as it once was, there is still a possibility for those operations to occur and the impact to the social and physical environment of Jamestown caused by a large mineral development may be significant.

## Land Use Types and Locations

The following are the land location and land use terminology used to describe land use and development within the town. These concepts are displayed on the Existing Land Use Map, the Future Land Use Map and the Planning Area Map (maps follow this page). The Planning Area Map conveys the different character of development density in the town. The Existing Land Use Map reflects the development and land use present in 2016. The Future Land Use Map shows the expected land uses that will occur on vacant parcels and / or underutilized lots. The Future Land Use is a guide; uses can be changed over time if the new use is compatible with the mountain character, respectable to adjacent land uses, and adequately supported by infrastructure and utilities.

**Definitions** (see Future Land Use Map and Planning Areas Map for locations)

- 1. Core Area:** This is where the concentration of development has occurred in the past. The boundaries of this area are defined by the existing water system and as established in the original town plat. Parcels in the Core Area tend to be between 15,000 square feet and 30,000 square feet in area.
- 2. Non-Core Area:** This land lies outside of the Core Area. It is designated as an area of low density development. Parcels tend to be over an acre in area.

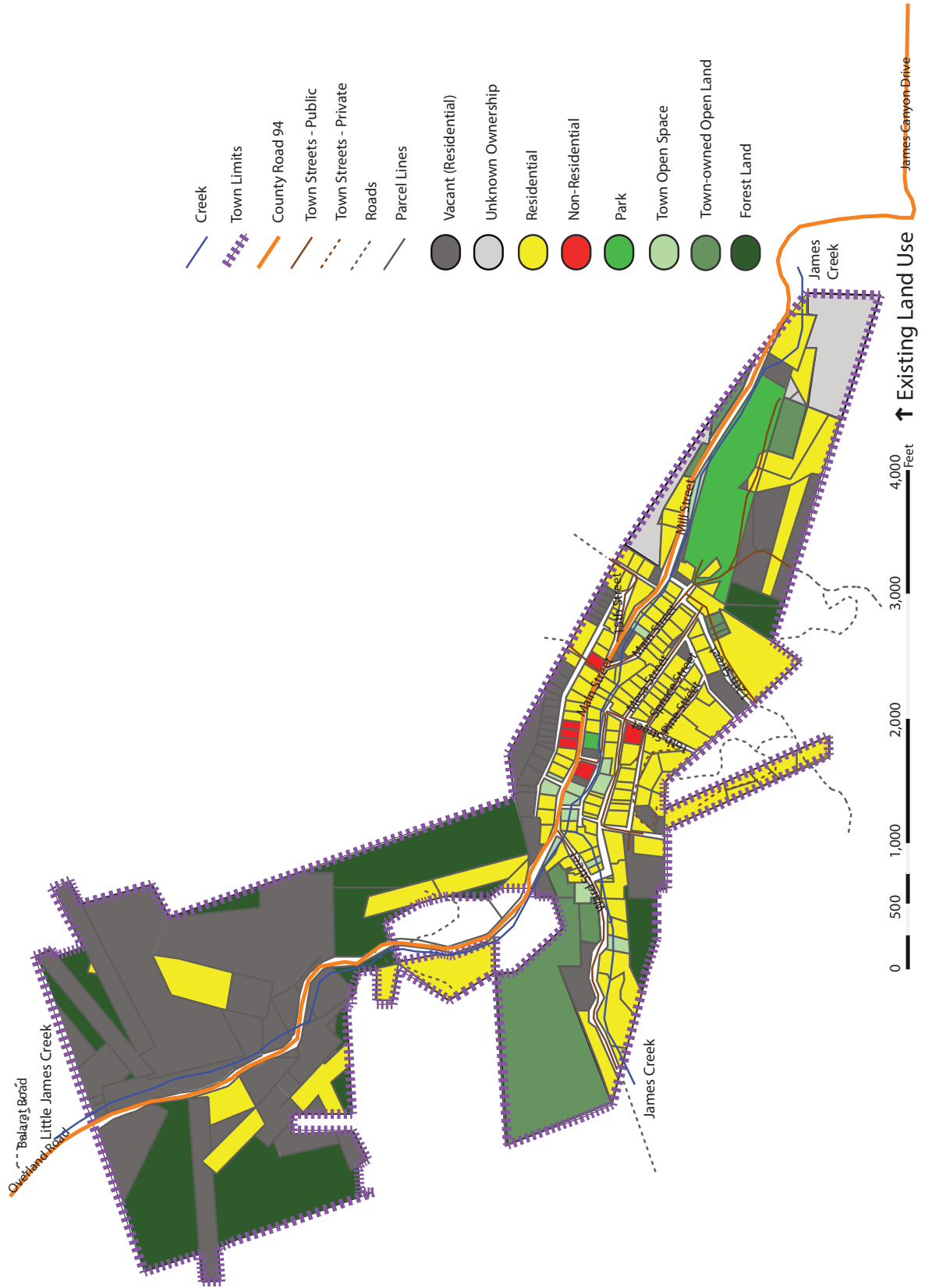


Figure 8-2: Existing Land Use

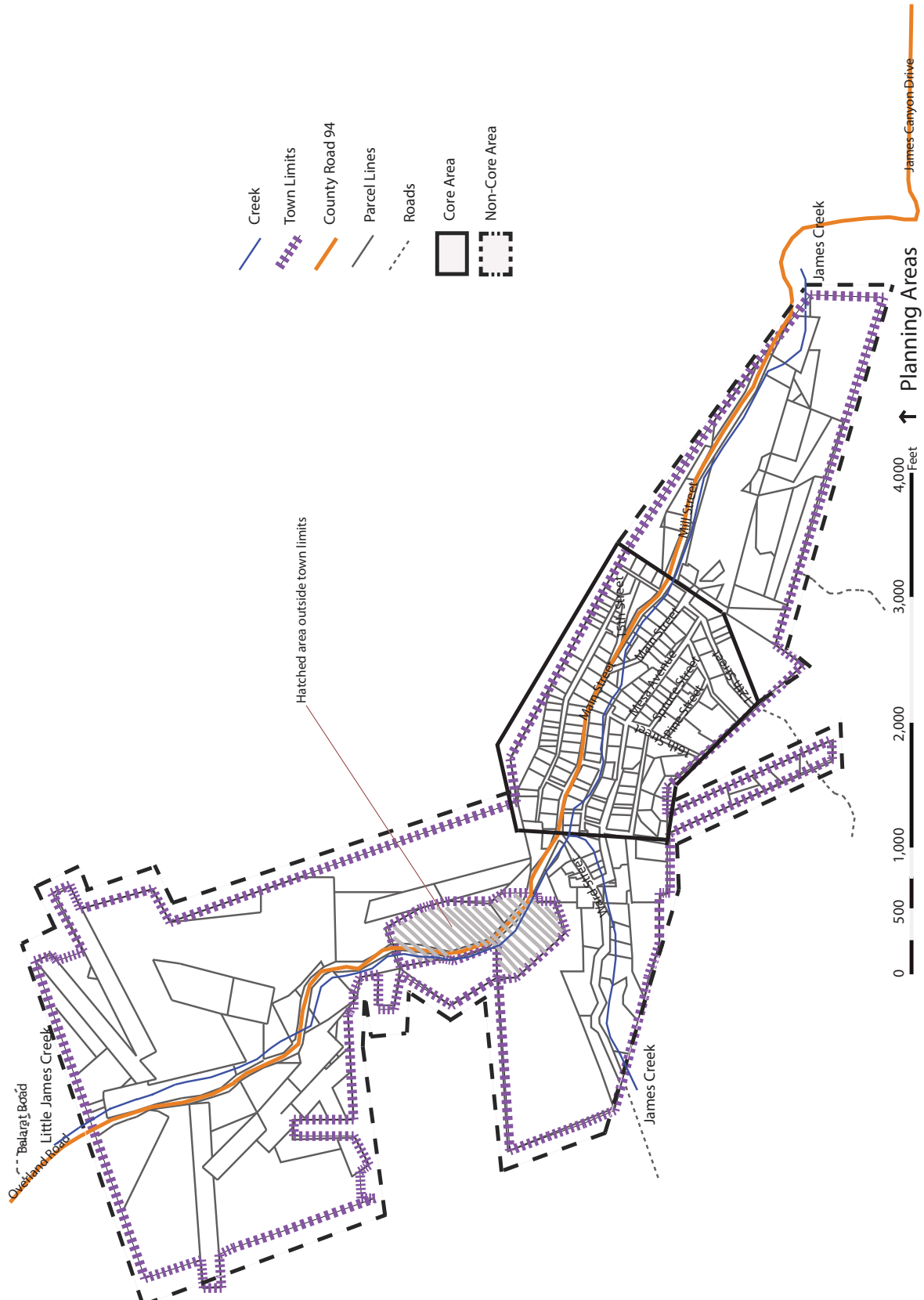


Figure 8-3: Planning Areas

3. **Residential:** This is defined in relation to the existing housing stock and/or the desired type of development. For Jamestown this means single family development. Accessory dwelling units may be supported in certain locations that can accommodate them safely. Any more intense development, such as duplex, triplex or fourplex, will place an undue burden on the service systems and the environment. Cottage Industry is allowed in residential areas.
  - o Cottage Industry: This refers to the type of production or assembling that occurs within a building whose primary use is residential. Such types are generally under the craft category (i.e., leather, woodworking, etc.). The use must be compatible with its surrounding. There must be no more noise, pollution, traffic congestion, etc. associated with the cottage industry than is normally associated with residential use.
4. **Non-residential:** Uses that are not residential in nature but support local residences and residents. These include small retail trade, services, government offices, mixed-use and education facilities.
  - o Small Retail Trade: The uses under this category are grocery, craft, stationary, and other types which are compatible with the town's location and character.
5. **Park:** Community area used for active and passive recreation and as a gathering place.
6. **Open Space:** Town-owned land dedicated as open space (unbuildable); recreation and habitat uses may occur on these areas.
7. **Town-Owned Open Land:** Undeveloped town-owned land that is not designated as a park or other use; areas may be used for passive recreation.
8. **Forest Land:** Land within the town limits that is under the jurisdiction of the United States Forest Service.

## Future Development and Land Use

During the creation of the *1981 Comprehensive Plan*, some of the sentiments / findings on major land use issues included that the small town character be maintained, development should be limited to the central area, development should be guided by the ability of the town to provide services, and opportunity for commercial growth should be provided. In general, Jamestown wished to maintain its character while providing for a moderate level of growth and thus assure a pleasant, healthy, and safe environment.

Many of these ideals exist today. Through the planning process for the *2015 Long Term Recovery Plan*, the community expressed that Jamestown should explore land use options that will allow Jamestown to manage growth while retaining the town's mountain character: a unique mountain town with residential properties, necessary facilities to support those residences, and enough activity to support local businesses. Any future development should be executed in an informed, conscientious and culturally appropriate way that contributes to the overall sustainability and small mountain-town character of Jamestown and the surrounding environment.

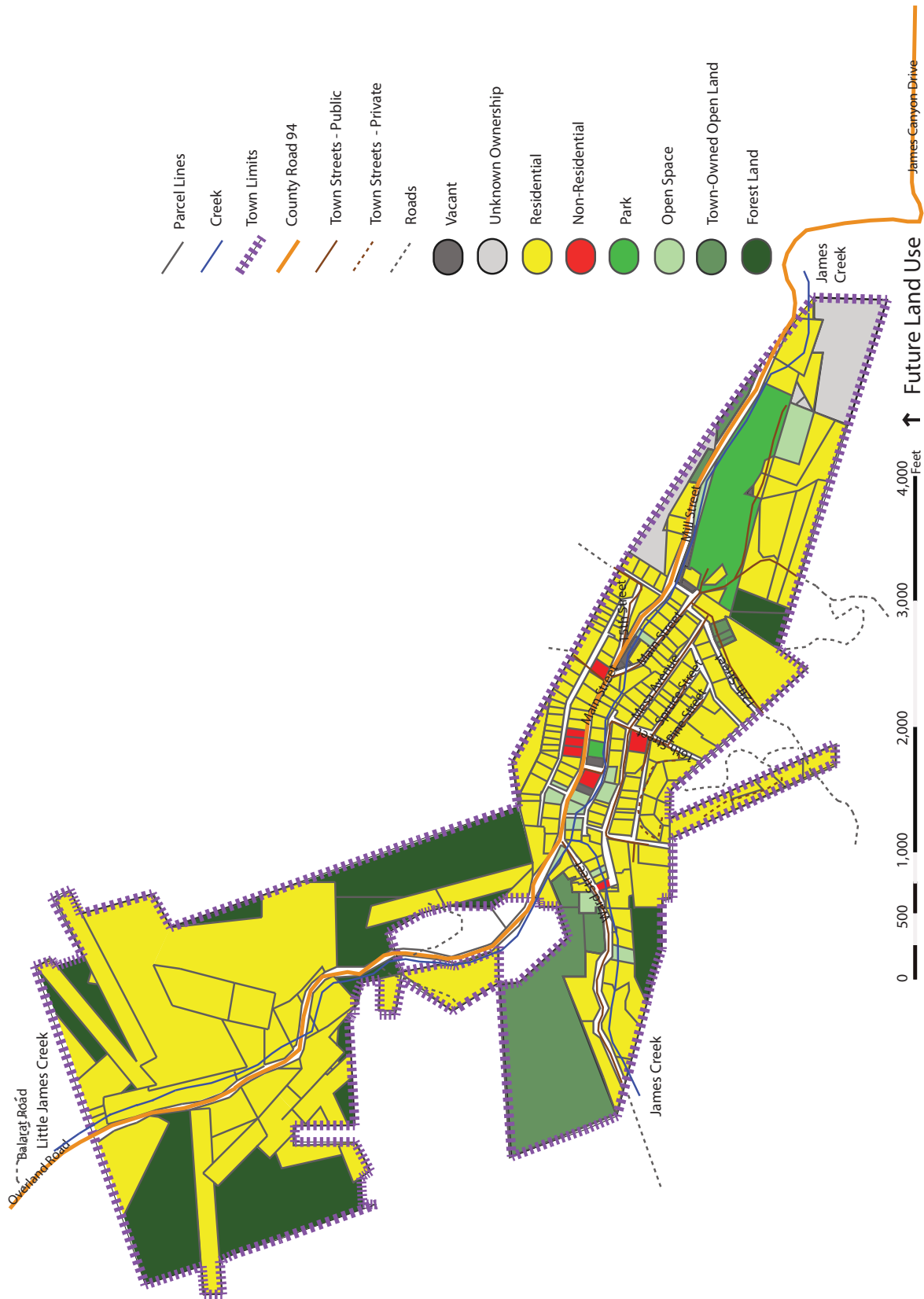


Figure 8-4: Future Land Use

During the *2015 Long Term Recovery Plan* process, the community also recognized the need to provide new opportunities and affordable housing options to allow for a diverse population that includes families that will support the continuance of the Jamestown Elementary School. There was also the desire for regulations, ordinances, and resolutions that provide some control safety measures for new development but also some flexibility. Accessory dwelling units were deemed important to the Town because they represent the single biggest opportunity for the Town to accomplish certain housing goals, in particular, the goals of aging in place, and providing housing for a mix of ages and a mix of incomes.

The remaining vacant land within the existing town limits represents possible future development sites. Subdivision of a limited amount of existing properties was also seen as a means to allow for some future growth, as well as enabling the replacement of properties lost due to the 2013 flood event.

The existing land use patterns are the most compatible and beneficial in terms of preserving the small town character. Policies may be established to guide this development in a manner that reflects town values while allowing for some growth. In addition, the Town allows for accessory dwelling units on qualifying properties to allow for more affordable housing as well as aging-in-place options. This will ensure that future land uses will be compatible with the Town's expectations. One of the most important factors in community development and planning is the citizens' desire for self-determination. Jamestown's residents are willing and capable of providing the guidance necessary to promote healthy growth.

Since 1980, Jamestown has grown by 39 persons in 34 years, just over one person per year. Excluding replacement houses for those lost due to the 2013 flood event, the past trend for development within the town is approximately one single-family house per year. According to the 2015 housing survey, 56% of respondents indicated that they were satisfied by the pace of development with 15% not satisfied. Sixty-three respondents indicated the growth rate was "about right".

If the trend continues, the town would need 20 available lots to accommodate the growth rate over the next 20 years. The philosophy expressed in the *1981 Comprehensive Plan* was to develop existing lots within town limits before considering annexation of undeveloped land – particularly public land. According to the *2015 Land Use and Housing Study*, the projected growth can be met with the existing vacant platted lots and mining claims in town particularly if the larger parcels are subdivided. However, a number of these parcels do have hazard issues associated with them which will need to be considered with future development proposals and run-off and drainage issues caused by development need to be addressed. Further discussion on environmental factors such as natural hazards and drainage are discussed in the Environment Chapter of this plan. New parcels will also need to have adequate access, area for on-site wastewater treatment systems, and utility service.

Additional growth can also be accommodated with the allowance of accessory dwelling units on larger lots in town or through subdivision of properties that are large enough to do so under current regulations. Growth through the development of vacant properties and the allowance of accessory dwelling units was better supported than the annexation of public lands to accommodate growth.

## Service Area and Annexation

The Town has not extended its boundaries since the *1981 Comprehensive Plan* was prepared and at this time, annexation is not a popular option. Beyond that, there are very few private properties adjacent to town limits to consider annexing if it were found beneficial to the Town to do so. Another interesting occurrence due to overlapping mining claims and past setting of town limits, a number of private properties along the edge of town are partially in town limits and partially outside town limits (see appendix for location of these properties). The associated property owners may want to annex to bring properties fully within town limits.

According to State Statutes<sup>1</sup>, prior to final adoption of an annexation within a three-mile area, the Town must adopt a three-mile plan. A three-mile plan is a long range guide on where a municipality would consider annexation and how the municipality will adequately service those annexed areas. The plan must generally describe the location, character, and extent of future public utilities and infrastructure and also convey land uses for the areas under consideration. A community's comprehensive plan may also be used as a three-mile plan. Typically with a comprehensive plan, a service area is established which identifies areas where the municipality is willing to serve in the future and, therefore, annex. Through the 1981 Jamestown Comprehensive Plan, the Town set its service area to be equivalent to the town limits.

The failure to have a plan, either a three-mile plan or a comprehensive plan, prior to the finalization of an annexation could open a municipality up to litigation although challenges are limited to the county in which the land is located, neighboring municipalities within one mile (if any), and property owners of property within the annexation area.

As of this update, the Town is not interested in expanding the town limits nor its service area. If the Town and an adjacent property owner jointly desire pursuing annexation of the private property, the Town will need to amend the Jamestown Comprehensive Plan (or develop a three-mile plan) prior to an annexation to establish the new service area and then follow State Statutes in order to do so. This plan amendment would need to be reviewed and approved by Boulder County due to the intergovernmental agreement (IGA) for planning between the two entities. See the next section for more information on the IGA.

## Current Regulations and Programs

### *Development Standards and Land Use Regulations*

Jamestown's land development regulations consist of the comprehensive plan and a number of ordinances that define development and land use policy for the Town including those that apply to development within hazard areas.

**Ordinance 2, Series 1984** enacts regulations to control the density of population to the limit to which the Town can provide services; requires building permits for structures; limits building lot size to at least 15,000 square feet.

**Ordinance 4, Series 1995** prohibits use of mobile homes.

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<sup>1</sup> State of Colorado Department of Local Affairs





Figure 8-5: The prominent (private) land use in the town is residential; a few non-commercial properties exist, such as the Jamestown Community Church (image on the right)

Through the **1997 Intergovernmental Agreement**, building permits for properties in Jamestown are reviewed and issued by Boulder County.

**Ordinances 4, Series 1996; 2, Series 2002; 4, Series 2005; 2, Series 2008; 3 Series 2011; and 2, Series 2014** set building code standards (which are overseen by Boulder County.)

**Ordinance 2, Series 2009**, a set of subdivision regulations limits subdivision to 2.3 acres.

**Ordinance 7, Series 2010** prohibits medical marijuana centers (including cultivation operations, and product manufacturing) within town limits; **Ordinance 1, Series 2013** sets a moratorium on the licensing of recreational marijuana facilities (including cultivation facilities, product manufacturing, testing facilities, and retail stores) within the town.

**Ordinance 05-02, Series 2017** allows accessory dwelling units for properties with single family houses.

**Resolutions 2, Series 2015** and **5-22, Series 2016** sets the parameters for the Land Use and Housing Advisory Committee.

### ***Plans and Programs***

The following plans and programs exist for the community's benefit.

**Land Use and Housing Advisory Committee (LUHAC)** - The LUHAC consists of the members of the Community Planning Group 5, one of the planning groups created for the development of the 2015 Jamestown Area Long Term Recovery Plan, as well as other interested community members that desire to implement goals and strategies relating to land use and housing.

**2015 Jamestown Area Long Term Recovery Plan** – The *Jamestown Area Long Term Recovery Plan* was created after the 2013 flood event. The plan identifies vision and value statements for the community and sets strategies for returning the community to a pre-flood state as well as making additional improvements to meet community goals. Land Use and Housing was one of the topics of the plan.

**2015 Land Use and Housing Study** – A subsection of the *Hazard Identification and Risk Assessment*, the Land Use and Housing Study looked at land use and housing conditions in the Town and provided information on what appropriate development might be and where it might be located. The study featured a survey whose results included community attitudes on growth and development.

**FEMA HMGP and CDBG-DR Buy-out Properties<sup>2</sup>** – As of April 2017, the Town acquired nine properties through the Federal Emergency Management Hazard Mitigation Grant Program (FEMA HMGP) and the Community Development Block Grant – Disaster Recovery (CDBG-DR) funding sources. These properties were severely damaged during the 2013. Conditions exist as a result of the purchasing:

- The properties are to remain open space in perpetuity and are limited in the types of structures and uses allowed.
- The Town is obligated to ensure continued maintenance of the properties as well as ensuring all other terms of the agreement are met.

## Land Use Policies

1. Jamestown should maintain its small town character while allowing for moderate growth. This should be accomplished by maintaining a workable balance between new growth and the town’s financial, physical, and social capabilities to handle the impacts of new growth.
2. Development should be orderly and parallel the ability of the town to provide adequate services.
3. To insure a healthy environment, the density of development should be controlled through the adopted development limitation ordinance (Ordinance 2, Series 1984), the subdivision ordinance (Ordinance 2, Series 2009) and the accessory dwelling unit ordinance (Ordinance 05-02, Series 2017).
4. One of the most important issues is preservation of the small town character. To maintain this valuable asset, development should be limited to those uses that are compatible with the existing character of the town. Uses should be limited to residential, cottage industry, and small retail trade. These uses will allow for a variety of development, supply in-town employment opportunities, and provide for an increased tax base while maintaining the town’s character.

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<sup>2</sup> Addresses and programs for the buy-out properties can be found in Chapter 7

5. Jamestown should choose those regulations that it will be able to administer relatively inexpensively and efficiently. Moreover, the implementation tools should work for the town by protecting Jamestown's small mountain-town character and by providing a way to handle new growth within the community.
6. Where conflict occurs over legal description of lots, the individual parties should be responsible to resolve the issue. Recognized boundaries exist that are a result of the original plat and natural topography. Conflicts concerning overlapping mining claims can be remedied through the application of recognized legal rights of patented claims. Development on this land should be guided by adopted development policies and regulations.
7. Jamestown should continue to strongly discourage mining within the municipal boundaries. Mining claims should be allowed to develop for residential property as land uses recommended in this plan. If mining does occur, all impacts – including but not limited to traffic, noise, and pollution, are to be adequately addressed by the mining entity.
8. Annexation should not be approved until such time as land within the town limits is no longer adequate to provide the area for growth or until such time as the town is able to accommodate new development with water service. These criteria will be considered in the context of a comprehensive plan amendment prior to approval of any annexation. Unless another acceptable source of domestic water is approved by the Board of Trustees, the cost of any utility extension to annexed properties are to be the burden of the property owner and/or developer of the annexed land.
9. Jamestown desires to see Forest Service land remain Forest Service land, i.e. undeveloped land with access to trails. If at any time Forest Service land is under consideration for disposal within or in the vicinity of the Town limits, the Town expresses the desire to be included in discussions with the Forest Service and Boulder County government to determine appropriate uses and development patterns prior to any action taken.

### **Proposed Land Use Programs**

1. The Town should continue to consider the following recommendations in regard to lot size:
  - That parcels in the Core Area be at least 15,000 square feet as reflected in Ordinance No. 2, Series 1984.
  - That any new construction on existing lots requires adequate area for proper onsite wastewater treatment and structure setbacks from adjacent properties and the wastewater treatment system.
  - If applicable and if a well exists in the area, the size of new lots should consider adequate spacing between wells and those between wells and onsite wastewater treatment systems.
  - That the Town may want to review the current subdivision ordinance to determine if an exception to the minimum lot size is appropriate.
  - That development of parcels that do not have adequate access and/or utility (water, electric, etc.) service should be discouraged.

2. To protect character and privacy of neighbors, the Town may want to conduct a study to see if additional development standards, such as setbacks from property lines, building height and maximum building size/footprint relative to parcel size, should be adopted. Setback requirements describe the placing of a dwelling on a lot with respect to adjacent dwellings and rights-of-way. This ensures adequate light, air, and carrying capacity of soil, safe access and egress, as well as preserves the existing character. Some examples are:
  - That any new construction be located 15 feet from any existing buildings
  - That any new construction be located greater than 10 feet from public rights-of-way.
3. The Town should consider requiring a drainage study with all new development proposals in attempt to have new development address any drainage and run-off issues that are caused by the project.
4. The Town should continue to implement the Long Term Recovery Plan Strategies to reach the goals of managing limited growth while protecting the environment and the unique character of the town.
5. If an adjacent property owner and the Town want to pursue annexation of an adjacent private property, the Town should update the comprehensive plan and use map, and have them reviewed by Boulder County, before the annexation is approved finalized.
6. The Town may want to consider developing a management / maintenance plan for its parks and open space properties.

### Topic Cross Reference

Because many of the topics in the comprehensive plan are inter-related, particularly to land use, below is a chart that conveys where additional related topics may be found.

<i>Chapter</i>	<i>For more information on:</i>
Environment	Natural hazards (and impacts on development), living with nature
Utilities	Town water service and on-site wastewater treatment
Circulation	Roads, access and getting around town
Facilities and Services	Town facilities and services, regional services
External Factors	Relationships with Boulder County and the U.S. Forest Service