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Population and Housing Effects of Downzoning in Boulder, CO: A Case Study

Colorado possesses one of the highest degrees of home rule in the United States. This means that when there arises a question of the legitimacy of local legislation, responsibility defaults to the municipality's government rather than to the state, as long as said legislation does not violate the state's law. Given Colorado's liberal policy of home rule, Boulder County specifically has encountered issues regarding the relationship between its zoning laws and subsequent lack of housing affordability. This concern was addressed with the adoption of the Boulder County Comprehensive Plan of 1978, amended intermittently until 1999, that sought to accommodate a growing population while maintaining the city's view of the Flatirons, Boulder's iconic rock formations, as well as other Rocky Mountain foothills. A proposal brought to the forefront in 1984 by Land Use Department staff sought to implement the BCCP's recommendations through downzoning most of the unincorporated area of the county (de Raismes). This process of downzoning, or "changing zoning regulations to reduce the allowed size and density of new developments," (Fodor), was a response to previous years of upzoning from agricultural zones to various residential and commercial districts. This decision was largely speculative and resulted in "large areas zoned for urban uses and densities, but only scattered, minimal actual development," (de Raismes).

Boulder County's downzoning proposal that sought to artificially slow population growth eventually passed in 1986 an encompassed three main initiatives. First, the regulations for its agricultural zone district and its companion district in the mountainous area were altered to require 35-acre minimum lot sizes. Second, undeveloped parcels of land zoned for commercial or industrial use were downzoned to an agricultural designation, with the exception of those already existing in an urban enclave. Lastly, undeveloped residential areas were downzoned to agricultural or forestry designations, and already developed residential areas were rezoned to a "dead" zone district, meaning they "recognized established development, but future rezonings to these districts were not permitted," (de Raismes). In order to continue perpetuating the results of this downzoning, rezoning regulations were amended throughout the years to comply with the use and density provisions of the Comprehensive Plan. Therefore, in the years following the downzoning, "fewer than 10 parcels have received rezoning approvals, in a county which has more than doubled in population in that time," (de Raismes).

The evolution of Boulder's zoning laws has been shaped by an overwhelming desire of long-term residents to preserve their city's original population, character, and atmosphere (Dougherty). This inclination to preserve local culture is paired with certain urban management benefits to downzoning, such as alleviating traffic congestion. This desire among these more established residents often outweighs newer residents' instinct to allow a city with plentiful amenities, burgeoning industries (particularly technology), and beautiful natural surroundings to develop in conjunction with its booming population. Such a perspective, coupled with the inherent inclination to safeguard the county's unique surrounding natural environment, create city zoning laws that favor downzoning and which artificially drive up housing prices. These policies include the limitation of building sizes in the city that cannot exceed 55 feet, and in certain areas in the inner city and within a certain distance of the foothills cannot exceed 35, 38, and 40 feet (Meltzer).

While some of these zoning laws seek to preserve the views of Boulder's natural beauty, others either directly or indirectly impede population growth in Boulder. One such code states that no more than three or four unrelated adults (depending on the neighborhood) can share one housing unit. This and similar policies have created a scenario in which limited co-operative houses have gained popularity while the majority of the rest of the housing within the county has subsequently become increasingly gentrified (Grabar). Boulder's zoning laws that prohibit the building of any retail or other commercial stores in residential areas have also created an excess of crowding and traffic in downtown commercial centers. This effort to separate residential and commercial areas has further gentrified more high-income neighborhoods, thereby decreasing housing affordability. Boulder, as the "poster child for urban growth boundaries, growth limits, and zany building regulations," has a median home price over $1 million dollars, up from $300,000 just 17 years ago (Caldara). Additionally, to mollify threats of anti-growth citizen initiatives in 2001, "the legislature passed heavy regulations on new housing developments" that required the creation of special governmental districts and large internal bureaucracies, all of which accrue more costs for the home buyer (Caldara). These factors largely contributed to the present affordable housing crisis and income gentrification of Boulder.

The consequences and lasting legacy of downzoning and these other policies have resulted in a county in which 63% of its residents have been priced out of home ownership (Castle). According to Alain Bertaud, a Senior Research Scholar at the Marron Institute, some housing affordability problems are due to poverty, but in most cases, they are created or exacerbated by man-made constraints on the supply of land and floor space. When housing is considered to be not affordable, there is a consumption problem. People can afford to live there, but only in subpar or socially-unacceptable conditions. Geographical limitations, particularly the foothills that serve as a natural boundary for development, coupled with man-made constraints (strict zoning regulations) result in an extreme lack of housing affordability in Boulder. Such natural barriers result in legislation such as the development of the Blue Line, a boundary that prohibits developments beyond a certain elevation of the foothills by prohibiting municipal water access in these elevated areas (Burness). Other policies, such as the Open Space and Mountain Parks Provisions in the City of Boulder Charter, prohibit development on certain protected flatland as well. Bertaud also purports that cities with booming populations are growing rapidly for a reason - namely that households and companies naturally select the cities that will grow while leaving other cities with less potential. When the majority of a city's population cannot afford to live in the place where they work, there exists a problem of local government as well as one of consumption.

The effect of strict downzoning limits areas where people can afford to live. Due to Boulder County's limiting zoning laws, moving outward but within the city limits to build lower-income housing becomes impossible. Allowing such developments in certain areas away from the foothills and decreasing the strictness of these downzoning regulations would not impede the natural views that the city wants to preserve, but would allow more people who work in Boulder to be able to live within the city limits. Given this information, however, making municipal government decisions in response to geographic limitations can be difficult. A limited amount of space, given the natural boundaries of the mountains in Boulder, necessitates a value judgment of how to find a balance between impeding overcrowding and allowing the city to naturally grow with its industries and labor market. At some point, local governments are forced to decide between policies that seek to stunt population growth and those that attempt to accommodate a booming population within reasonable geographic limits.

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