



# Land Use

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**BOULDER COUNTY  
BOARD OF COUNTY COMMISSIONERS  
PUBLIC HEARING**

**March 13, 2012 – 9:00 A.M.**

**Hearing Room, Third Floor  
Boulder County Courthouse**

## **PUBLIC HEARING**

### **Docket DC-12-0001: TEXT AMENDMENT TO ARTICLE 18-189D OF THE LAND USE CODE**

Request: Proposed Land Use Code amendment to Article 18-189D (definition of “Residential Floor Area”) of the Boulder County Land Use Code; by the Boulder County Land Use Department

(Staff Planner: Kimberly Sanchez, Planning Division Manager)

## **BACKGROUND**

Amendments to the Site Plan Review (SPR) regulations were approved by the Board of County Commissioners (BOCC) and became effective on August 8, 2008. The revised SPR (and related) regulations included the following primary elements:

- Defined neighborhoods throughout unincorporated Boulder County for purposes of evaluating compatibility of proposed development within an applicable area
- A definition of residential floor area
- Presumptive size limitations for development (=125% median of the residential floor area in a defined neighborhood)
- Factors to rebut the size presumption, which allow the applicant or the Director to overcome the size presumption under limited circumstances when it is demonstrated that the size presumption does not adequately address the size compatibility of the resulting development in the neighborhood

A public hearing for the six-month review of the 2008 Site Plan Review regulations was held in front of the Board of County Commissioners on March 3, 2009. At that time staff discussed the new Site Plan Review regulations and how they have been operating since their implementation. No major changes were proposed; however, minor tweaks have been done to the regulations in order to offer more clarity.

At a public hearing on an appeal of the Director’s determination on a Site Plan Review application on April 14, 2011, the BOCC authorized an amendment to the specified exceptions in the Article 18-189D definition of residential floor area. The current exceptions exempt gazebos and carports under 200 square feet each, up to a total of 400 square feet, from counting as residential floor area. The

current definition thus limits the exemption to 200 square feet for each category of structure, which in the context of the April 14, 2011 hearing, the Board felt was unnecessarily limiting. The BOCC therefore directed staff to analyze a text amendment that would revise the Code to exempt 400 square feet total of gazebo or carport in any configuration from counting as residential floor area.

### **DISCUSSION**

The proposed amendment is discussed below (proposed edits are ~~struck through~~ or underlined, and **highlighted**).

### **PROPOSED AMENDMENT TO ARTICLE 18 - DEFINITIONS**

#### **18-189D Residential Floor Area**

For the purposes of Site Plan Review and the presumptive size thresholds associated with the Expanded Transfer of Development Rights Program, Residential Floor Area includes all attached and detached floor area (as defined in 18-162) on a parcel including principal and accessory structures used or customarily used for residential purposes, such as garages, studios, pool houses, home offices, and workshops. **(Exemptions: Gazebos and carports under 200 square feet up to a total combined size of 400 square feet.)**

The regulations currently exempt gazebos and carports under 200 square feet from counting as the residential floor area. Since, as currently written, a 200 square foot gazebo and a 200 square foot carport each could be exempted for a total of 400 square feet (and not count towards the residential floor area on a parcel), staff is proposing to revise the exception in order to allow a maximum of 400 square total of either, or any combination thereof. As a result, examples include:

- 200 square foot gazebo and a 200 square foot carport, for a total of 400 square feet
- 100 square foot gazebo and a 300 square foot carport, or any sized configuration of the two totaling 400 square feet
- 400 square feet of gazebo
- 400 square feet of carport
- Any combination of either type of structure totaling 400 square feet

The proposed amendment will provide more flexibility to property owners, up to the same 400 square foot total that was previously allowed to be exempt. Staff perceives no differences in impact between the two types of structures and hence no reason to limit each to 200 square feet per the exemption.

### **PUBLIC COMMENT**

The proposed change was emailed to the Land Use Code listserv on February 1, 2012 (prior to the Planning Commission public hearing) and again on February 24, 2012 (following Planning Commission's action). Two comments regarding the proposed text amendment have been received: Rodwin supported the proposed text amendment; Drogsvold had a question regarding why garages are not also exempt (emails are attached).

### **PLANNING COMMISSION ACTION**

Planning Commission, at their February 15, 2012 meeting, heard the proposed docket and made a motion to approve the changes as proposed. No members of the public spoke during the public

hearing. Planning Commission recommended approval and certified for action to the Board of County Commissioners this motion unanimously with a vote of 6-0.

**SUMMARY AND RECOMMENDATION**

This Land Use Code text amendment will provide reasonable flexibility in the existing exemptions from residential floor area and improve the clarity of the Land Use Code, while still achieving the goals of the regulations. The proposed change will not create any additional land use impact and is simply a reconfiguration of the allowance currently in the Code. Staff finds that the need for the amendments has been demonstrated, the amendments are not contrary to the intent and purpose of the Code, and the amendments do not conflict with the Boulder County Comprehensive Plan; consequently, the criteria for text amendments in Article 16-100.B. of the Land Use Code are met.

**STAFF RECOMMENDS THAT THE BOARD OF COUNTY COMMISSIONERS APPROVE DOCKET DC-12-0001: TEXT AMENDMENT TO ARTICLE 18-189D OF THE LAND USE CODE.**

**ATTACHMENTS**

Public comment:

- email from Scott Rodwin, Rodwin Architecture
- email from Bruce Drogsvold, Wright Kingdom Real Estate

## Lanning, Meredith

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**From:** Scott Rodwin <Scott@rodwinarch.com>  
**Sent:** Wednesday, February 01, 2012 9:36 AM  
**To:** Sanchez, Kimberly  
**Subject:** Boulder County Land Use Code: proposed text amendment DC-12-0001

Hi Kim,

I just wanted to weigh in in favor of the proposed language change on Boulder County Land Use Code: proposed text amendment DC-12-0001. Seems like it gives more flexibility.

Thanks,  
Scott

### **RODWIN ARCHITECTURE**

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[www.rodwinarch.com](http://www.rodwinarch.com)

## Lanning, Meredith

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**From:** Bruce Drogsvold <bdrogsvold@wkre.com>  
**Sent:** Friday, February 24, 2012 10:23 AM  
**To:** Sanchez, Kimberly  
**Subject:** Why just carports and not garages?

Bruce Drogsvold

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