



Land Use

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**BOULDER COUNTY
BOARD OF COUNTY COMMISSIONERS
February 5, 2015 – 11:00 am
Hearing Room, Third Floor
Boulder County Courthouse**

Staff: Michelle Hoshide, Planner I

DC-13-0001 Various Policy Clarifications and “Clean-Up” Amendments

Text amendments to Articles 1, 3, 4, 7, 8, 9, 13, and 17 to correct and clarify miscellaneous provisions within the Boulder County Land Use Code related to: advertising requirements for BCCP public hearings, eligibility of floodplain variances, clarification in the Kennel use classification, clarification in the Vehicle Service Center use classification, applicability of SPR in the Rural Community Districts, reinstating the Airport regulations, clarification to boundary line adjustment criteria, correcting references to Community Uses in the Sign regulations, and correcting the name of Boulder County Public Health throughout the Code.

Public testimony will be taken – Action requested.

OVERVIEW:

These text amendments, specifically described in docket DC-13-0001, were initiated in early 2013 at a public meeting with the County Commissioners and are intended to clarify wording and update various sections of the Land Use Code. The proposed text amendments were presented to Planning Commission on May 15, 2013, where no concern or opposition was expressed. After Planning Commission, the text amendments were postponed due to the 2013 Flood and Extreme Rain event which redirected staff time to assisting in recovery efforts. While recovery efforts are still under way throughout the county, staff has been able to resume some level of normal activities. Therefore, these text amendments are finally able to proceed to the Board of County Commissioners for review and approval.

PROPOSED AMENDMENTS

The Land Use Code is a living document. While some amendments are large in scope, other amendments are more discrete. County staff, members of the public, and decision makers will occasionally identify areas in the Code that are ripe for amendment but not in need of urgent change. We like to package these less urgent changes into one docket in order to achieve a higher level of efficiency in reviewing and approving these proposals.

Staff identified the following nine amendments for this clarification and “clean-up” docket, which was already reviewed by Planning Commission in May 2013. Italicized words indicate Land Use Code language – if words are stricken, staff is proposing to delete these words from the Code; if words are underlined, it means staff is proposing to add these words to the Code.

Article 3-205 Public Review

Staff suggests we specify that Boulder County Comprehensive Plan public hearings require the same advertising requirement as Land Use Code text amendments and comprehensive rezonings (at least 14 days in advance of the public hearing in a newspaper of general circulation). It is currently our practice to advertise Boulder County Comprehensive Plan amendment public hearings for both Planning Commission and the Board of County Commissioners at least 14 days in advance, but the Code does not require it. This amendment would codify our current advertising policy.

Proposed Amendment:

Article 3-205.B. Planning Commission Review

3. Notice of public hearings for comprehensive rezonings, ~~and~~ Land Use Code text amendments, and Boulder County Comprehensive Plan amendments shall include:

- a. a notice of the hearing, containing the applicable elements set forth in Subsection 3-205B.2.a., above, published in a newspaper of general circulation within Boulder County at least 14 days prior to the public hearing date.*

Article 3-205.C. Board of County Commissioners Review

3. Notice of public hearings for comprehensive rezonings, ~~and~~ Land Use Code text amendments, and Boulder County Comprehensive Plan amendments shall include:

- a. a notice of the hearing, containing the applicable elements set forth in Subsection 3-205B.2.a., above, published in a newspaper of general circulation within Boulder County at least 14 days prior to the public hearing date.*

Article 4-409.B. Appeals and Variances (Floodplain)

There is a provision within the Floodplain regulations that allows a variance from the floodplain procedures and regulations if the structure is listed on the National Registry or State Inventory of Historic Places. Staff suggests allowing Boulder County landmarked structures to receive this protection as well. That is, the suggested language allows variances for any historically-designated structure regardless of whether it is nationally or locally designated. This section was referred to the Federal Emergency Management Agency's Denver office (FEMA) in 2013 and then again in 2015 to assure compliance with the National Flood Insurance Program, and FEMA suggested we adopt the language underlined below. The language was not suggested to change per FEMA when referred in 2015. An email from the area FEMA representative to staff is included with the referral responses as Exhibit C. (Note: The subject change was proposed prior to the 2013 flood event, and since that time other changes to the Floodplain regulations have been approved that do not affect this section or proposed language.)

Proposed Amendment:

Article 4-409.B. Conditions for Variances

~~2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.~~

2. Variances may be issued for the repair or rehabilitation of designated historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

Article 4-503.F. Kennel

Clarification is necessary in this use classification. Currently the Code seems to offer conflicting direction as to when Limited Impact Special Review is the required review process and when Special Review is the required review process for a kennel.

Proposed Amendment:

F. Kennel

1. *Definition: Any place or premises, other than a pet shop or veterinary clinic, used in whole or part for the purpose of keeping eight or more dogs or cats in any combination whether the animals are boarded or household pets.*
2. *Districts Permitted: By Special Review or Limited Impact Special Review in A; by Special Review in F and MI*
3. *Parking Requirements: One space per 300 square feet of floor area, with a minimum of two spaces.*
4. *Loading Requirements: None*
5. *Additional Provisions:*
 - a. *For kennels with eight to 12 dogs or cats:*
 - i. *the animals shall be kept a minimum of 100 feet from any property line or other mitigating circumstance exists or may be created which has the same or better mitigating effect; and*
 - ii. *kennels of this size require Limited Impact Special Review in the Agricultural zoning district, and Special Review in the Forestry and Mountain Institutional zoning districts.*
 - b. *For kennels with more than 12 dogs or cats:*
 - i. *the animals shall be kept a minimum of 300 feet from any property line or other mitigating circumstance exists or may be created which has the same or better mitigating effect.*
 - ii. *kennels of this size require Special Review in all permitted zoning districts.*
 - c. *If a single family dwelling is used as the holding facility for boarded animals, the use shall be limited to no more than 12 boarded animals but in no case shall there be more than 15 dogs including household pets or no more than 15 total cats including household pets, and the requirements of 5 (a) above shall apply.*
 - d. *One single family dwelling, occupied by the owner, operator, or manager of the business will be considered customary and incidental as a part of this use.*
 - e. *Kennels which legally existed on April 1, 2000 will be considered conforming at their present levels of use provided a site plan and description of the operation is submitted to the Land Use Department by December 31, 2000.*

Article 4-512.N. Vehicle Service Center

Staff suggests amending the definition of Vehicle Service Center to be more inclusive of fueling technologies that might not be petroleum-based. It is worth noting that the current technology is not conducive to refueling at a typical vehicle service center due to the time required for recharge. However, we are beginning to see businesses with electric vehicle recharge stations which are available to customers. Locally, one can find recharge stations at Alfalfa's, City of Boulder Recreation Centers, and Walgreens (at the 28th Street location in Boulder and the McCaslin location in Louisville). Staff suggests adding additional provision 5.b. to make clear that vehicle recharge stations can be accessory to another use without being considered a Vehicle Service Center.

Proposed Amendment

Article 4-512.N. Vehicle Service Center

1. *Definition: A facility for the retail sale of ~~gasoline and other petroleum products~~ fuel for vehicles and/or where light maintenance or vehicle service activities such as engine tune-ups, lubrication, minor repairs, recharge of electrical vehicles, and carburetor cleaning are conducted.*
2. *Districts Permitted: By right in B, C, and GI*
3. *Parking Requirements:*
 - a. *One Space per gas pump, plus two spaces per service bay*
 - b. *One stacking space per service bay and car wash bay*
4. *Loading Requirements: none*
5. *Additional Provisions:*
 - a. *A one bay car wash may be accessory to the vehicle service center.*
 - b. *Electric vehicle recharge stations built in conjunction with and accessory to homes or businesses that are for use by the owners, employees, or customers of the homes or businesses shall not be considered Vehicle Service Centers.*

Article 4-802 Applicability and Scope of the Site Plan Review Process for Development

There are a number of types of development proposals that trigger Site Plan Review and they are all listed in Article 4-802 in the Land Use Code. Staff has noticed that one of these triggers should be amended to accurately reflect the Code amendments in the Niwot Rural Community Districts, which were approved in 2012.

In 1995, the Board of County Commissioners created the first Niwot Rural Community District (NRCD). Encompassing the commercial district of Niwot, the purpose of creating this district was to maintain and protect the historic character of the area. In 2009, a second Niwot RCD was created encompassing the historic residential areas to the north and south of the commercial district. The purpose of the NRCD II was to establish setback regulations that addressed existing conditions better than the setbacks of the Rural Residential zone district. The original district (also known as NRCD I) has undergone periodic review and amendment, most recently in August 2012 when the parking regulations were amended and the types of projects that would trigger Site Plan Review were amended.

In the NRCD I, "Site plan review is not required for a change of use. A site plan review waiver process is required when demolishing any square footage or adding less than 1000

square feet. A full site plan review process is required when building on a vacant parcel or adding 1000 square feet or more to a property” (Article 4-116.B.4.). The regulations for the NRCD II do not describe alternative site plan review triggers therefore the typical site plan review triggers apply. These triggers include (but are not limited to) new structures on vacant parcels, increases in residential floor area that would result in a home larger than the presumptive size maximum, and cumulative increases in floor area of more than 1,000 square feet since September 8, 1998.

The following amendment is necessary to accurately reflect when Site Plan Review is required as specified in the particular Rural Community District. Further, the proposed language provides flexibility for future RCDs, should they be created.

Proposed Amendment:

Article 4-802 Applicability and Scope of the Site Plan Review Process for Development

A. *Site Plan Review shall be required for (unless not required or waived pursuant to sections B and C below):*

1. [not proposed for amendment]
2. [not proposed for amendment]
3. [not proposed for amendment]
4. [not proposed for amendment]
5. [not proposed for amendment]
6. [not proposed for amendment]
7. *Development occurring in a Rural Community District as described in the regulations for that District.*

Airport Regulations

When the Zoning Ordinance and the Subdivision Regulations were joined together in 1994 to form the Boulder County Land Use Code, the airport regulations were inadvertently omitted. The Airport Influence Areas still appear on the zoning map. These overlay zones surround the Boulder Municipal Airport, Vance Brand Airport in Longmont, the Erie Municipal Airport (formerly known as the Erie Airpark Tri-County Airport), and the Rocky Mountain Metropolitan Airport in Jefferson County (formerly known as the Jefferson County Airport). Staff suggests adding this section back into the Code. Maps of the influence areas are included in the backup materials as Exhibit A. Two of those airports (Erie Municipal and Rocky Mountain Metropolitan) are located in neighboring counties (Weld and Jefferson, respectively) – the blank areas on the maps represent areas outside of Boulder County.

It is worth noting that, even though the text was inadvertently omitted, Land Use refers applications under consideration to the airport and the Federal Aviation Administration (FAA) if the proposed project is within the Influence Areas. Further, we would consider the impacts of any development in those areas based on the docket-specific review criteria adopted in the Land Use Code.

From Boulder County Zoning Resolution – February 1992 (Article 22, Part 8), add as new section:

Proposed Amendment:

Article 4-119 Airport Overlay Zone

1. *No structure or use shall create any unreasonable electrical interference with navigational signals for radio communications between airports and aircraft, make it unreasonably difficult for pilots to distinguish airport lights from others, result in glare in the eyes of the pilots using airports, unreasonably impair visibility in the vicinity of airports or otherwise in any way create a hazard or endanger the landing, take-off, or maneuvering of aircraft intending to use airports.*
2. *Except as otherwise provided in this article, no structure shall be erected, altered, or be maintained at a height which intrudes into the Airport Protection Surfaces, as defined by ~~Section 28-204C~~ Article 18-107. The location and boundaries of the Airport Protection Surfaces are designated in the following official maps, as amended, which are hereby incorporated into this Resolution for purposes of this regulation:*
 - (A) *That map entitled F. A.R. Part 77 Surfaces -Vance Brand Airport-prepared by Denver Regional Council of Governments and dated February 3, 1989.*
 - (B) *That map entitled F.A.R. Part 77 Surfaces -Boulder Municipal Airport-prepared by Denver Regional Council of Governments and dated January 27, 1989.*
 - (C) *That map entitled F.A.R. Part 77 Surfaces -Jefferson County Airport-prepared by Denver Regional Council of Governments and dated February 2, 1989.*
 - (D) *That map entitled Erie Airpark Tri-County Airport, Erie, Colorado - APPROACH PLAN prepared by Denver Regional Council of Governments and dated December 1, 1987. These maps shall be the official Boulder County Zoning Maps for the purpose of establishing height limits for structures hereunder and shall be kept on file and open to public inspection by the Zoning Administrator.*
3. *Any permit or variance granted may include conditions that require the owner of the subject structure to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.*

Article 9-102 General Exemption Criteria

Within the Subdivision Exemption regulations under the additional criteria for boundary line adjustments, one criterion states a boundary line cannot be approved “solely for convenience of construction.” The reality is that property owners apply for boundary line adjustments because they would like to make improvements to their property. The purpose of the suggested amendment is to allow boundary line adjustments that facilitate new development but only if the boundary line adjustment, “substantially advance(s) a legitimate land use purpose.” Legitimate land use purposes would be site-specific but may include resolving structure encroachment or trespass issues, clearing title of the land, improving the management of natural resources, recognizing geographic conditions, or avoiding adverse land impacts.

Proposed Amendment:

9-102 General Exemption Criteria

A. Criteria for all Exemptions

- 1. Any new parcel created shall not increase the degree of nonconformity of an existing structure.*
- 2. No exemption shall be approved if development will occur on a topographic or geologic hazard.*
- 3. No exemption shall be approved by the Board within a Floodplain Overlay District, unless it is determined by the County Engineer that all proposed uses are capable of receiving a floodplain development permit.*
- 4. All proposals for the development of parcels created shall conform to the provisions of Article 7 of this Code and the Transportation Standards, including but not limited to access.*
- 5. Proposed parcel boundaries and development shall be suitably located and sized with respect to the physical characteristics of the land, the character of the neighborhood, and the County's goals of preserving agricultural and forestry lands.*
- 6. Proposed subdivisions involving subdivided land shall go through an exemption plat process if applicable under Section 9-200, below, or subdivision review pursuant to the Subdivision Regulations of Article 5 of this code.*
- 7. The proposal shall be in accordance with the Comprehensive Plan, any applicable intergovernmental agreement affecting land use or development, and this Code.*

B. Additional Criteria for Boundary Line Adjustments

- 1. Divisions which create any number of parcels equal to or less than the number of original unsubdivided parcels are subject to the following conditions:*
 - a. Where the original building lot is in conformance with the lot requirements of the zoning district in which the parcel is located, any parcels created shall also conform to those requirements.*
 - b. Where original building lots are nonconforming with respect to the lot requirements of the zoning district in which located, any parcels created should not increase the degree of nonconformity.*
 - c. A boundary line adjustment shall not be approved ~~solely~~ primarily for convenience of construction and shall substantially advance a legitimate land use purpose under this Code.*

Article 13 Sign Regulations Governing Specific Zoning Districts

Staff suggests changing the reference from *Institutional and Use of Community Significance* identification signs to *Community Use* identification signs throughout Article 13. Because of a Land Use Code change six years ago (DC-09-0005), the Code no longer contains a grouping of uses called “Institutional Uses.” We replaced this grouping with “Community Uses” which includes the following individual classifications: Adaptive Reuse of a Historic Landmark, Camp, Cemetery, Church, Educational Facility, Membership Club, Reception Halls and Community Meeting Facilities, and Use of Community Significance.

Proposed Amendment:

13-200 Definitions

A. Terms and phrases used in this Article shall have the following meaning:

- 1. Commercial Sign: A sign containing a message advertising the manufacture, sale or availability of products, accommodations, services, attractions, or activities or that is intended to attract attention to a business or to products, property, accommodations, services, attractions, or activities that are offered or exist for sale or for hire.*
- 2. Freestanding Sign: A sign that is erected on its own self-supporting permanent structure, detached from any supporting elements of a building.*
- 3. Identification Sign: A sign that is designed and intended to identify only the business, place, organization, building, street address, or person on the property on which the sign is located.*
 - a. ~~Institutional and Use of Community Significance~~ Community Use Identification Signs: A sign associated with a legal use on a parcel under Article 4-~~506~~ 504.*

[the remainder of section 13-200.A. to remain unchanged]

13-600 Sign Regulations Governing Specific Zoning Districts

A. Forestry, Mountain Institutional and Agricultural Zoning Districts

- 1. The following signs shall be permitted in the Forestry, Mountain Institutional and Agricultural Zoning Districts:*
 - a. One identification sign, provided the total surface area of such sign does not exceed two square feet.*
 - b. ~~Institutional and Use of Community Significance~~ Community Use identification sign subject to the following limitations:*
 - i. The total surface area of such sign shall not exceed 16 square feet per sign face.*
 - ii. The total area of such sign does not exceed 32 square feet.*

[the remainder of section 13-600.A. to remain unchanged]

B. Rural Residential Zoning District

- 1. The following signs shall be permitted in the Rural Residential Zoning District:*
 - a. One identification sign, provided the total surface area of such sign does not exceed two square feet.*
 - b. ~~Institutional and Use of Community Significance~~ Community Use identification sign subject to the following limitations:*
 - i. The total surface area of such sign shall not exceed 16 square feet per sign face.*
 - ii. The total area of such sign does not exceed 32 square feet.*

[the remainder of section 13-600.B. to remain unchanged]

C. Estate Residential, Suburban Residential, Multifamily, and Manufactured Home Park Zoning Districts

- 1. The following signs shall be permitted in the Estate Residential, Suburban Residential, Multifamily, and Manufactured Home Park Zoning Districts:*

- a. *One identification sign for each parcel upon which an occupied dwelling is located, provided the total surface area of such sign does not exceed two square feet.*
- b. ~~*Institutional and Use of Community Significance*~~ *Community Use* *identification sign subject to the following limitations:*
 - i. *The total surface area of such sign shall not exceed 16 square feet per sign face.*
 - ii. *The total area of such sign does not exceed 32 square feet.*

[the remainder of section 13-600.C. to remain unchanged]

D. Transitional, Business, Commercial, Light Industrial, Historic, Economic Development, and General Industrial Zoning Districts:

- 1. *The following signs shall be permitted in the Transitional, Business, Commercial, Light Industrial, and General Industrial Zoning Districts:*
 - a. [not proposed for amendment]
 - b. [not proposed for amendment]
 - c. [not proposed for amendment]
 - d. ~~*Institutional and Use of Community Significance*~~ *Community Use* *identification sign subject to the following limitations:*
 - i. *The total surface area of such sign shall not exceed 16 square feet per sign face.*
 - ii. *The total area of such sign does not exceed 32 square feet.*

[the remainder of section 13-600.D. to remain unchanged]

Public Health

Staff proposes to change references throughout the Code to Boulder County Public Health (instead of *the Boulder County Public Health Department*), per this agency’s request. There are 30 sections within Code that need to be amended. All references proposed for amendment have been listed in Exhibit B.

Proposed Amendment:

The first of 32 instances:

1-1400 Other Plans, Rules, and Regulations Cited in this Code

- A. *In addition to the requirements specifically established within this Code, the following plans, rules, and regulations may contain additional requirements:*
 - 1. *all applicable statutory provisions;*
 - 2. *the Boulder County Building Code (the ‘Building Code’);*
 - 3. *the Boulder County Multimodal Transportation Standards (the ‘Transportation Standards’);*
 - 4. *the Boulder County Comprehensive Plan (the ‘Comprehensive Plan’) adopted pursuant to Article 28 of Title 30, C.R.S., and comprehensive development plan intergovernmental agreements affecting land use in the unincorporated County as they may be entered into pursuant to Article 20 of Title 29, C.R.S.;*
 - 5. *the Boulder County Storm Drainage Criteria Manual (the ‘Drainage Manual’);*
 - 6. *any applicable rules of ~~the Boulder County Public Health Department~~, Board of Health and/or appropriate state agencies;*
 - 7. [not proposed for amendment]

8. [not proposed for amendment]
9. [not proposed for amendment]
10. [not proposed for amendment]
11. [not proposed for amendment]

REFERAL RESPONSES

This docket was referred to our typical referral partners (Transportation, Public Health, Parks and Open Space) as well as our contacts in the local FEMA and FAA offices. While staff was still exploring the possibility of reinstating the Airport Overlay Zone text in the Code, we contacted the airport managers for the four airports within (or near) Boulder County. Staff was able to speak with two of the managers (Vance Brand and Boulder Municipal) and to the Community Development Director for the Town of Erie. None of the managers expressed concerns or submitted any additional comments.

On May 1, 2013, a draft version of this staff report was emailed to the Land Use Code listserv and was posted to the Boulder County Land Use website. Staff received one letter expressing concern about the Vance Brand Airport. This letter suggests we take a larger look at the impacts of airports in Boulder County. There were no further comments received by the public at the Planning Commission hearing in May 2013.

CRITERIA REVIEW

Article 16 of the Land Use Code allows for amendments to the Code:

16-100 Text Amendments

- A. *Text amendments may be initiated by the Planning Commission or the Board of County Commissioners through the Land Use Department. Text amendments shall be reviewed and acted upon in accordance with the procedural provisions contained in Article 3 of this Code.*
- B. *No text amendment shall be adopted by the Board of County Commissioners unless the Board has determined that:*
 1. *the existing text is in need of the amendment;*
 2. *the amendment is not contrary to the intent and purpose of this Code; and*
 3. *the amendment is in accordance with the Boulder County Comprehensive Plan*

The Board of County Commissioners initiated these text amendments at a Business Meeting on April 30, 2013. The existing text is in need of the proposed amendments in order to make the minor clarifications as described above. The amendments are not contrary to the Code but rather resolve some discrepancies and correct it, and they are in accordance with the Boulder County Comprehensive Plan.

RECOMMENDATION

STAFF AND PLANNING COMMISSION RECOMMEND THE BOARD OF COUNTY COMMISSIONERS APPROVE DOCKET DC-13-0001: VARIOUS POLICY CLARIFICATIONS AND “CLEAN-UP” AMENDMENTS.

Attachments

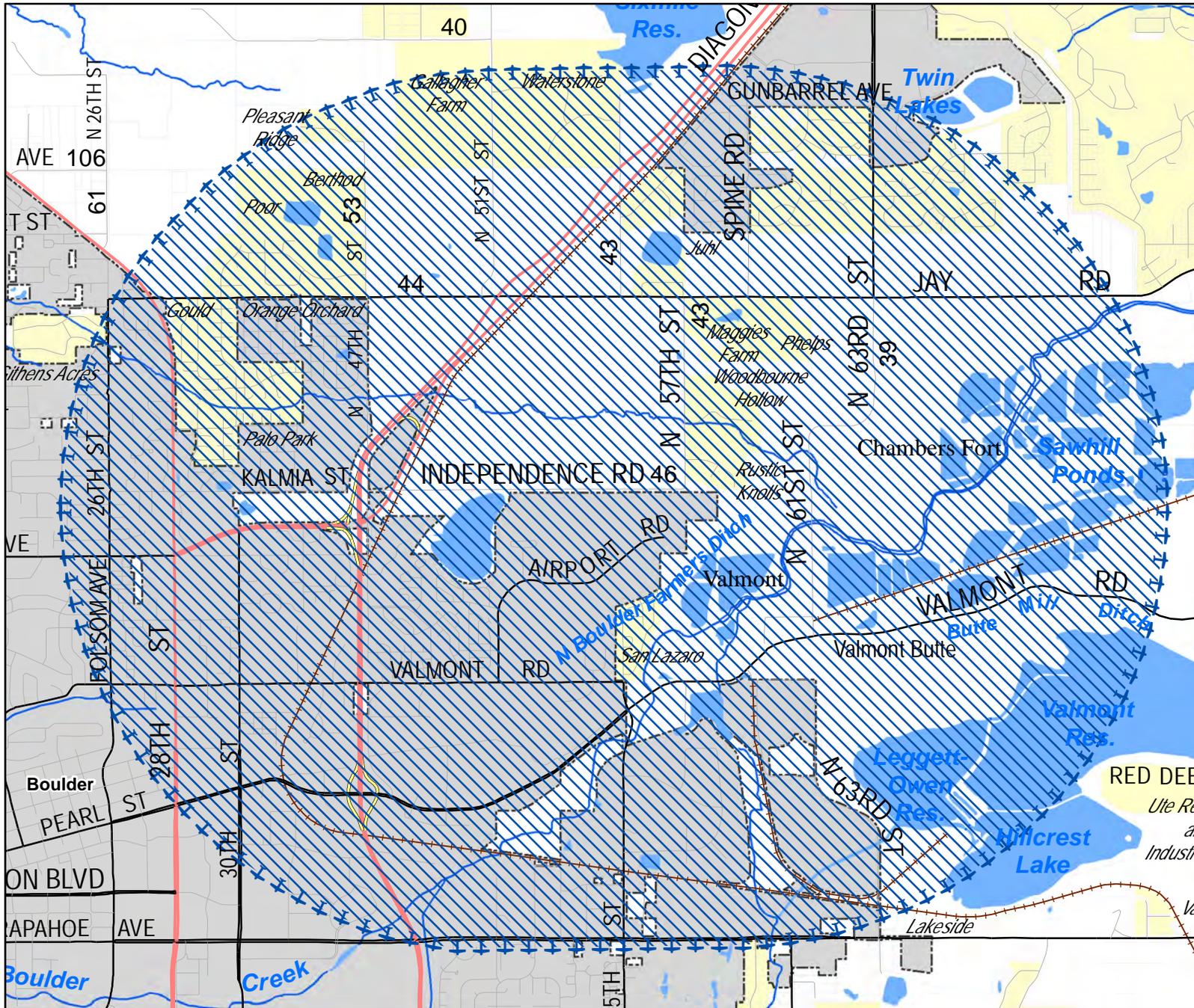
Exhibit A Maps of Airport Overlay Zones in Boulder County

Exhibit B Code References to Public Health for Amendment
Exhibit C Written Comments from Referral Partners and Members of the Public

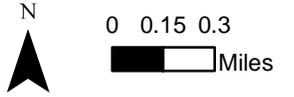


Land Use Department Airport Influence Map: Boulder Municipal Airport

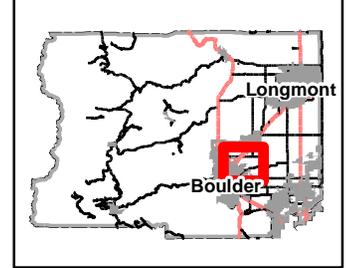
Exhibit A



-  Airport Influence
-  Streams
-  Water
-  Municipality
-  Subdivisions



County Location



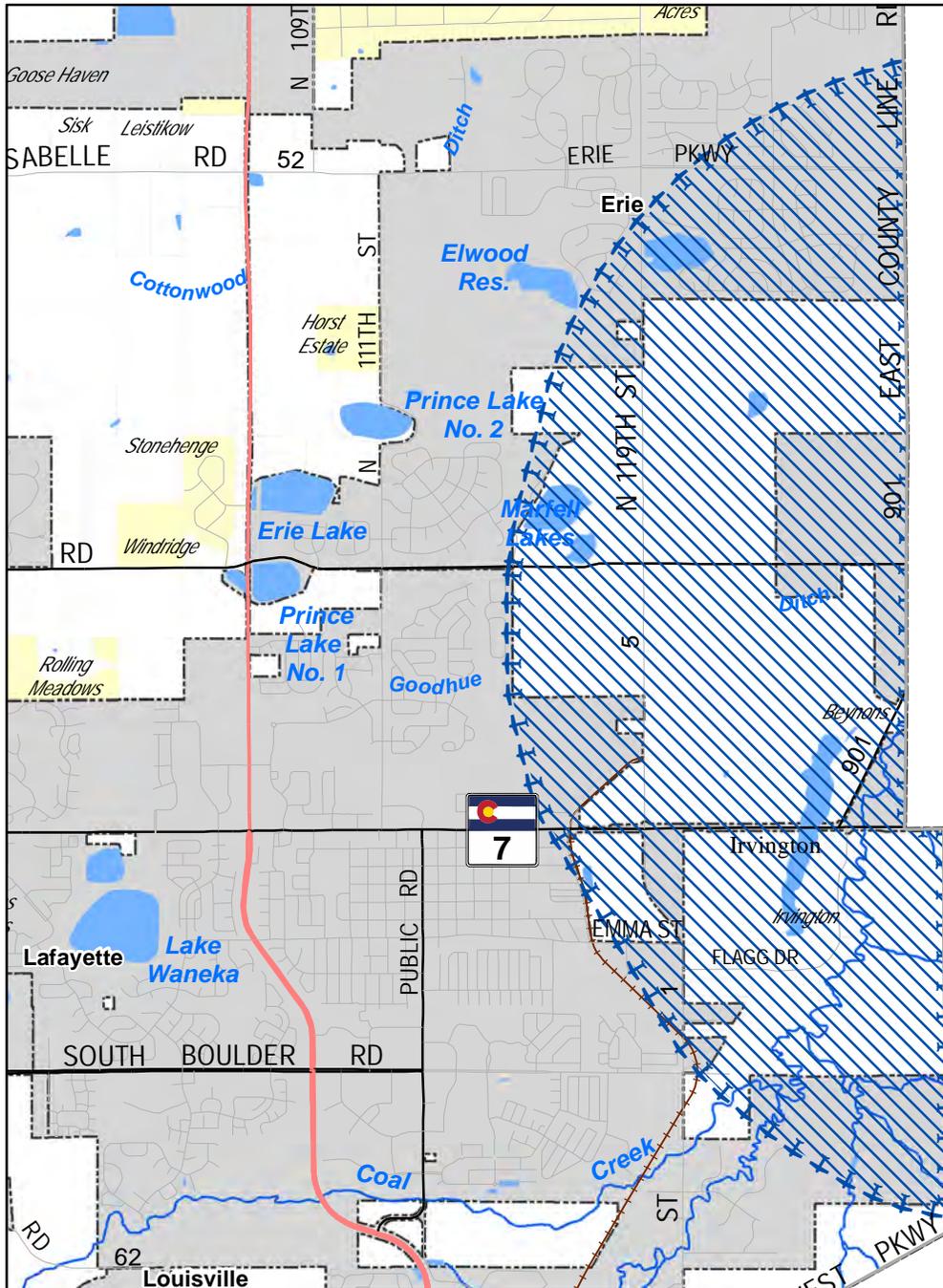
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Date: 5/7/2013

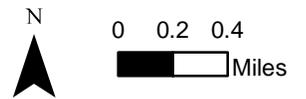


Land Use Department Airport Influence Map: Erie Municipal Airport

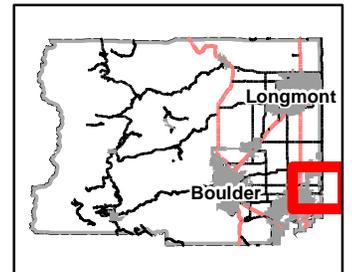
Exhibit A



- Airport Influence
- Streams
- Water
- Municipality
- Subdivisions



County Location



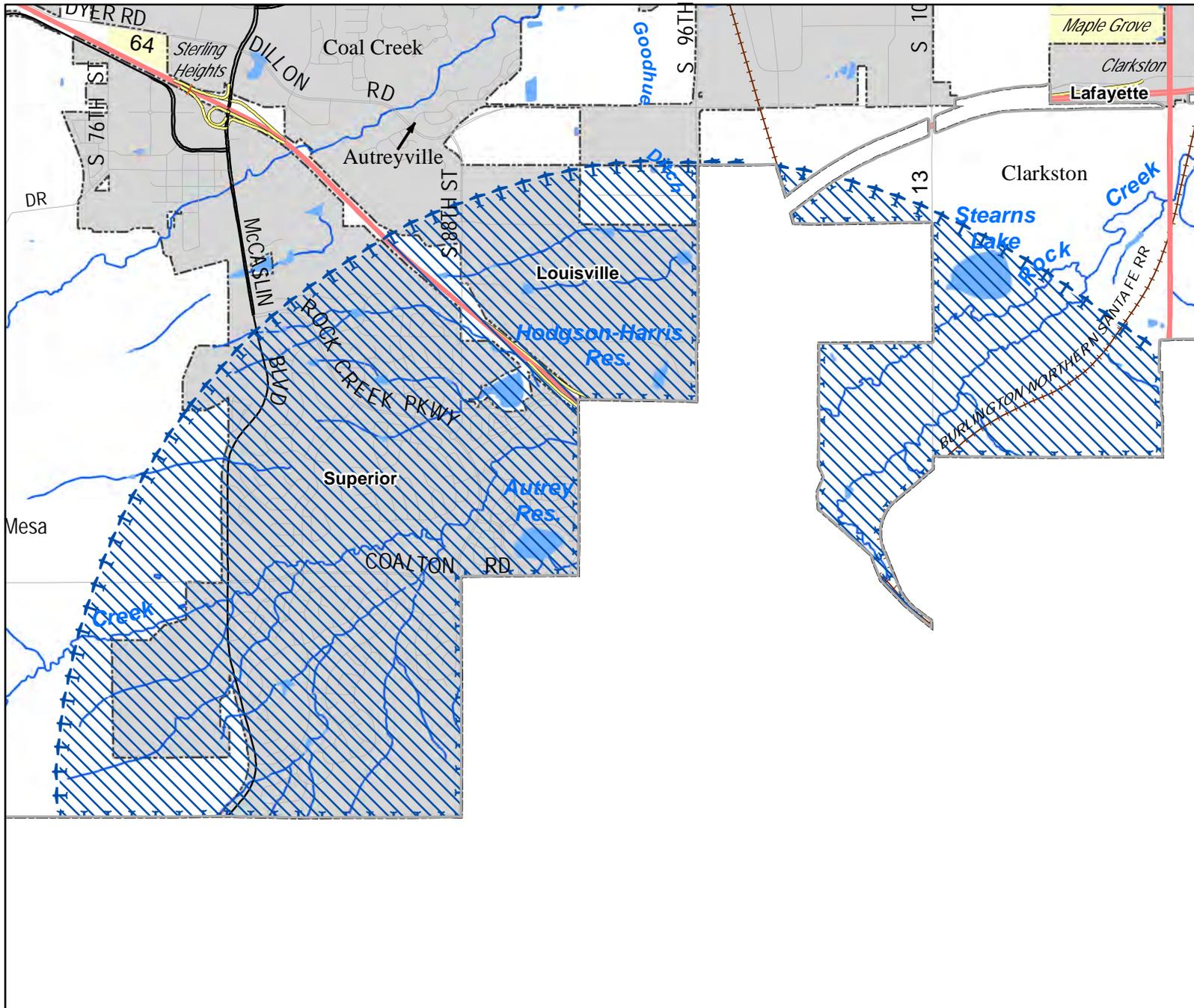
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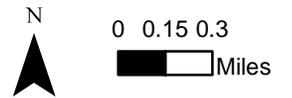


Land Use Department Airport Influence Map: Rocky Mountain Metropolitan Airport

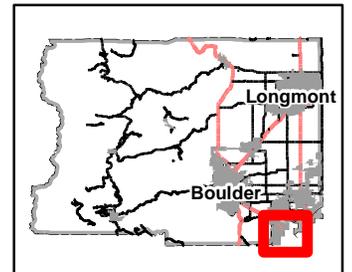
Exhibit A



- Airport Influence
- Streams
- Water
- Municipality
- Subdivisions



County Location



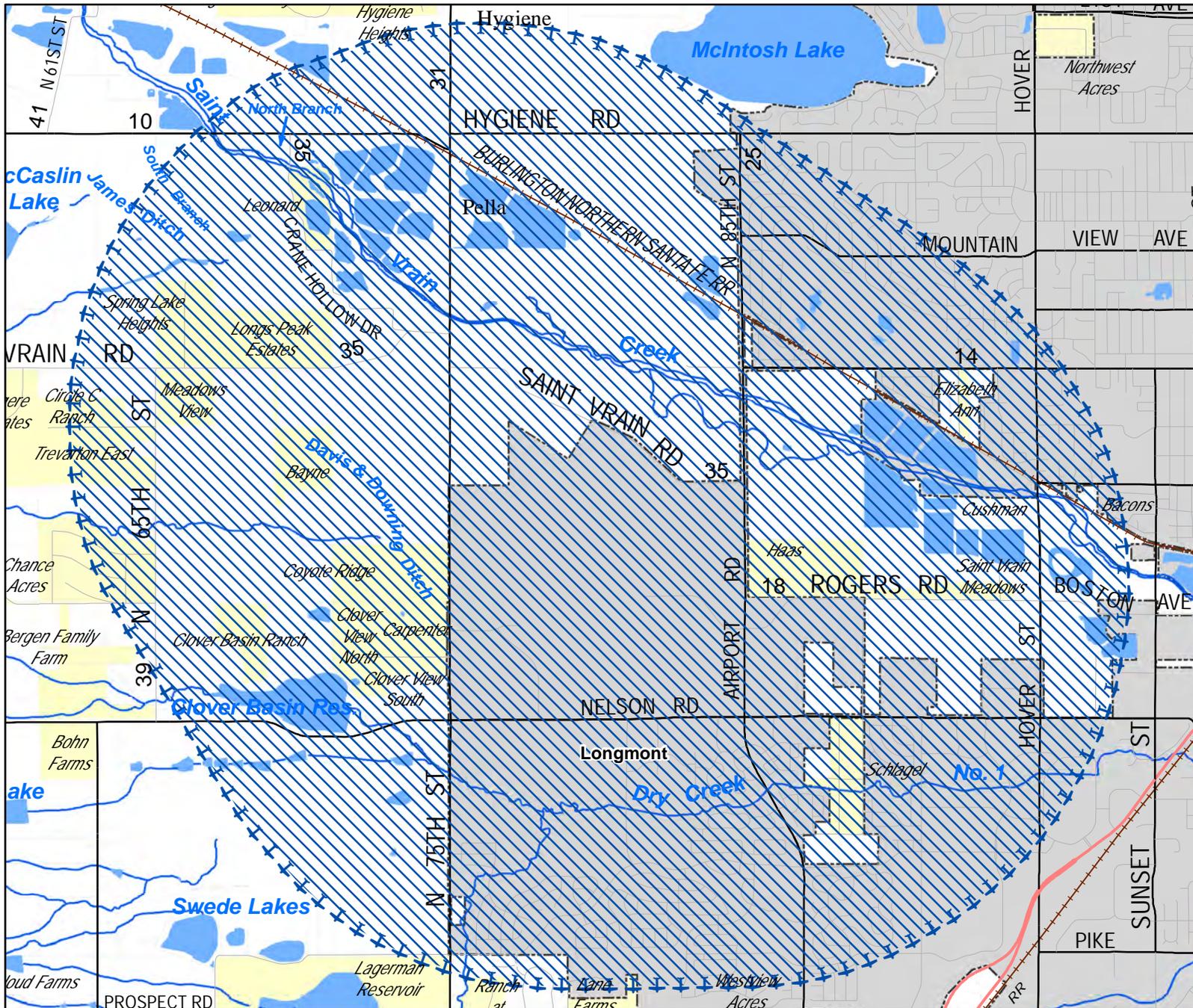
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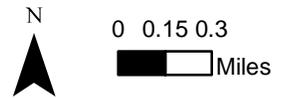


Land Use Department Airport Influence Map: Vance Brand Airport

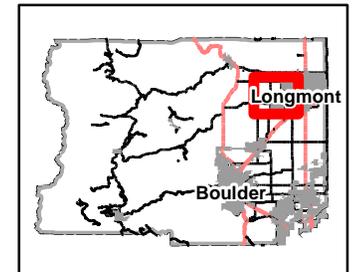
Exhibit A



- Airport Influence
- Streams
- Water
- Municipality
- Subdivisions



County Location



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Date: 5/7/2013

References for “the Boulder County Public Health Department” which need to change to “Boulder County Public Health.”

1. **1-1400.A.6.:**
any applicable rules of the Boulder County Public Health Department, Board of Health and/or appropriate state agencies;
2. **3-201.A.2.b.:**
For water supply, sanitation, or water quality concerns, the applicant will meet with members of the Environmental Health Section of the Boulder County Public Health Department. The Boulder County Public Health Department Staff will also review the location of the property in relation to the identified radiation hazard sites as shown on the Boulder County Public Health Department maps.
3. **3-203.E.4.m.(ii):**
Where an on-site treatment system is proposed, location and results of soil percolation tests and proposed on-site wastewater system or other type sewage treatment areas and a boring log and classification of the soils encountered to a depth of eight feet or to bedrock, whichever is lesser. The tests shall be sufficiently representative to assure that all proposed subdivided lots can reasonably be assumed to meet the Boulder County Public Health Department requirements.
4. **3-203.G.1.c.:**
Sewage Collection. Plans for an adequate and safe sanitation system must be provided. This system must be designed, constructed and maintained in accordance with all applicable regulations and requirements of the Boulder County Public Health Department and other applicable regulatory agencies.
5. **3-203.G.1.c.(ii):**
Sewer system design must be based on the maximum number of estimated users of the development, and must be approved by the Boulder County Public Health Department prior to application.
6. **3-203.G.1.d.(i):**
The source and method of distribution must be approved by the Boulder County Public Health Department and other applicable regulatory agencies. The source of the water supply should be sufficient to meet all the present and future domestic and agricultural requirements of the proposed area.
7. **3-204.C.2.:**
The Boulder County Public Health Department will review the on-lot sewage disposal reports
8. **3-204.C.2.b.:**
The Boulder County Public Health Department may require the applicant to submit additional engineering or geological reports or data and to conduct a study of the economic and engineering feasibility of a sewage treatment works prior to making its recommendations.
9. **3-204.C.3.:**
The Boulder County Public Health Department shall review the potential for radiation hazard.

10. 4-507.E.6.a.(ii):

Dwellings must have an on-site wastewater system recognized and approved by ~~the Boulder County Public Health Department~~ according to their applicable regulations. Existing systems do not need to be repaired or replaced unless required by ~~the Boulder County Public Health Department~~.

11. 4-804.C.7.:

Location and results of soil percolation tests (~~Boulder County Public Health Department~~ approval) where onsite wastewater systems or similar systems are proposed. This may include site approval and discharge permit, if required, as issued by the Colorado Department of Health.

12. 7-300.B.:

~~the Boulder County Public Health Department~~ shall be considered as the County's expert in evaluating the quality of the proposed water supply source. It shall be the responsibility of the applicant to provide such evidence as may be required by ~~the Boulder County Public Health Department~~.

13. 7-300.C.:

Water supplies shall be treated by a method acceptable to ~~the Boulder County Public Health Department~~ to conform to minimum local and State requirements. ~~The County Public Health Department~~ may require test wells.

14. 7-301.A.:

In addition to the requirements of the State Engineer and Public Health ~~Department~~, the following provisions shall be used to evaluate the adequacy of the water source intended to serve the proposed development:

15. 7-302.D.:

If a private water supply system is proposed, the applicant shall submit engineering plans to the County to be reviewed by the Land Use Department, County Engineer, and County Public Health ~~Department~~.

16. 7-302.D.1.:

If a private central water supply system is proposed, evidence must be submitted regarding the ability of the system to meet the minimum requirements of State and County Public Health ~~Department~~ regulations and this Section. Evidence regarding the means to repair and maintain the water system is also required.

17. 7-400.A.:

~~The Boulder County Public Health Department~~ shall be considered Boulder County's expert concerning the adequacy of the proposed sewage treatment system.

18. 7-400.B.:

In addition to the requirements of ~~the Boulder County Public Health Department~~ the provisions of this article shall be used to evaluate the adequacy of the sewage treatment system intended to serve the proposed development.

19. 7-402.A.:

For private systems, the applicant will be required to submit formal plans to the County which will be reviewed by the Land Use Department, County Engineer, and ~~the County Public Health~~

~~Department~~. The recommendations of these referral agencies will be given to the Planning Commission and the Board of County Commissioners.

20. **7-402.B.:**

On-site Systems. Where individual or central on-site treatment systems are proposed, lots shall be laid out to provide a suitable treatment area for each lot or grouping of lots based upon criteria established by ~~the Boulder County Public Health Department~~.

21. **7-402.B.2.:**

The applicant must contact ~~the Boulder County Public Health Department~~ to determine specific problems in the general vicinity which might affect the proposed on-site wastewater systems.

22. **7-402.B.3.:**

For central systems, the applicant must submit engineering data to prove that each site in the development is capable of accommodating an on-site wastewater system or accommodating an alternative engineered system in accordance with ~~the Boulder County Public Health Department~~ requirements.

23. **7-403.A.:**

Collection systems shall be designed and sized in accordance with guidelines and requirements furnished by the sewage agency providing the service and Boulder County Public Health ~~Department~~.

24. **7-1700.A.8.:**

Is determined by the Boulder County Parks and Open Space Department to serve as significant habitat for the black-tailed prairie dog (*Cynomys ludovicianus*), with reference to any published maps of ~~the Boulder County Public Health Department~~, the Colorado Division of Wildlife, or other such competent information source.

25. **8-506.A.2.b.:**

For water supply, sanitation, water quality or other public health concerns, the applicant will meet with members of the Environmental Health Section of ~~the Boulder County Public Health Department~~. ~~The Boulder County Public Health Department~~ Staff will also review the location of the property affected by the application in relation to the identified radiation hazard sites as shown on the Boulder County Public Health ~~Department~~ maps.

26. **8-511.L.5.:**

Development shall comply with all applicable County Building Code and Public Health ~~Department~~ regulations.

27. **17-300.A.4.:**

The Building Official shall not issue any occupancy permit or issue any final inspection approval until ~~the Boulder County Public Health Department~~ has completed a final inspection and approval of any required sanitation system to serve the proposed structure or use.

28. **19-100.B.1.f.:**

Temporary Emergency Housing Units shall be connected to an approved on-site wastewater system unless ~~the Boulder County Public Health Department~~ approves a different sanitation arrangement.

29. **19-100.H.1.b.(vi):**

interfere with septic field siting or property sanitation service as confirmed by ~~the Boulder County Public Health Department~~; or

30. **19-100.J.2.:**

Existing OWS systems may be used if they were not damaged in the Fire and if the restored residence or structure does not contain more bedrooms than preexisted the Fire. Owners should contact ~~the Boulder County Public Health Department~~ for details on applicable OWS requirements. The building permit and any required OWS permit or approval may be reviewed concurrently.

Shannon, Abigail

From: Suzanne Webel <suzannewebel@gmail.com>
Sent: Thursday, May 02, 2013 8:31 AM
To: Shannon, Abigail
Cc: Boulder County Board of Commissioners
Subject: DC-13-0001 Policy Clarifications and "Clean-Up" Amendments; Airport Regulations

To: Boulder County Planning Commission
Boulder County Land Use Department
Attn: Abby Shannon
Re: DC-13-0001 Policy Clarifications and "Clean-Up" Amendments: Airport Regulations
Date: May 1, 2013 for the May 15 Hearing

Dear Members of the Planning Commission and Staff:

I am writing to submit that "Airport Regulations" as outlined in this docket should *not* be merely a matter of clarification or clean-up. Instead, it is time to have a county-wide discussion about the adverse impacts our local municipal airports are having on thousands of unincorporated Boulder County residents who live near them. The regulations proposed in the May 15 agenda packet would, incredibly, protect the airports in this county from people living near them. In contrast, it is we, the county residents who live near the airports, who need to be protected from the airports! Only Boulder County can do this for us. We need your help.

Vance Brand Airport west of Longmont is typical of the problem. It is owned and run by the City of Longmont, whose current City Council has been conditioned by aggressive aviation advocates (the airport advisory board and a small but vocal cadre of pilots, plane owners, hired consultants, and others) to see the airport as a cash cow that must be cossetted and fed regularly in order to keep producing revenue for the city, as well as possibly even creating a few jobs. With regard to the latter, nothing could be further from the truth, but that's a separate discussion.

The Longmont airport used to be a small recreational facility with a small recreational footprint. Most of us who live west of town could put up with the low volume of small planes and other air traffic that took place over our farms and homes. However, in the past 15 years these activities of all kinds have increased to intolerable levels: the Mile-Hi skydiving operation is now one of the largest in the United States and has increased from one noisy jump plane to four; one zealous jet pilot has already succeeded in establishing a commercial jet business at the airport, with more promised; and various factions have recently prevailed in getting FAA and Council approval to expand the runway, which will result in even more air traffic. The airport is open 24 hours a day, 7 days a week.

The noise level of all this activity is appalling. Those of us who live in a large area generally

under the takeoff pattern can often no longer conduct a simple conversation inside our own homes when the jump planes or jets fly over our houses (the rudimentary maps in the PC agenda packet do not begin to describe the true area of impact). Airplane noise adversely affects the tranquility of our farm animals, the value of our properties, the wildlife and Open Space values nearby, and the quality of life of thousands of rural Boulder County residents.

We have attended and spoken at dozens of meetings, and we have sent hundreds of letters, requesting some form of relief from the racket. But because we don't vote in City Council elections, and because the Council members don't live in our neighborhoods and are thus oblivious to the impacts on all of us from the airport, they have turned a deaf ear to our plight. Council's indifference has emboldened the airport proponents to indulge in ever-more egregious behavior, literally right over our heads.

We need Boulder County -- through its Land Use Code regulations and otherwise -- to help County residents maintain the peaceful enjoyment of our properties. "They" may try to tell you it can't be done; but many jurisdictions throughout the country are in fact successfully protecting nearby residents from airport nuisances near the homes of innocent victims.

Therefore, I respectfully request that you NOT approve the suggested "Airport Regulations" item on Docket DC-13-0001. Instead, please consider implementing new regulations ON the airports in our midst. Please grant us some relief from the racket!

Suzanne Webel
former President, Table Mountain Association
(writing for myself at this time)

Shannon, Abigail

From: Gindlesperger, Justin
Sent: Wednesday, May 01, 2013 3:08 PM
To: Shannon, Abigail; Grimm, Denise
Subject: FW: Appeals and Variances (Floodplain)

Here's the response from FEMA.

From: Gease, Michael [<mailto:Michael.Gease@fema.dhs.gov>]
Sent: Monday, April 29, 2013 1:54 PM
To: Gindlesperger, Justin; 'Prochno, Jamie (Jamie.Prochno@state.co.us)'
Subject: RE: Appeals and Variances (Floodplain)

Hi Justin. The language at 4-409.B is outdated and needs revision to avoid situations where blanket variances are granted to historic structures. I highly recommend you use the language from the state Model Ordinance at Article 4, Section D, Variances. The new wording for 4-409.B should read as follows:

Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

For the definition of "historic structure," if you use the current FEMA definition (also in the state model ordinance) it includes a locally certified program so you would not need to insert the language for local landmarks. But the key is there must be a review and determination that the proposed development will not alter the structure's designation. I am attaching a link to the FEMA guidance document on historic structures that you should use in your floodplain management program:

<http://www.fema.gov/library/viewRecord.do?id=3282>

If you have questions about these comments please feel free to contact me. Thanks,

Michael

Michael K. Gease, CFM

Natural Hazards Specialist-Colorado

FEMA Region VIII, Mitigation Division

303-235-4814

From: Gindlesperger, Justin [<mailto:jgindlesperger@bouldercounty.org>]
Sent: Wednesday, April 24, 2013 4:16 PM
To: Gease, Michael; 'Prochno, Jamie (Jamie.Prochno@state.co.us)'
Subject: FW: Appeals and Variances (Floodplain)

Our Land Use Department is doing some code updates and they wanted me to run this proposal past you.

It's in our Variance section of the floodplain regulations. The current Code is attached (if you need more for reference, let me know), and the proposal is to add "designated Boulder County landmarks" to the list of registries.

Thanks.

Justin

From: Grimm, Denise
Sent: Wednesday, April 24, 2013 3:28 PM
To: Shannon, Abigail; Gindlesperger, Justin
Subject: RE: Appeals and Variances (Floodplain)

Justin -you can let FEMA know that Boulder County is a Certified Local Government (meaning our historic program meets state and federal guidelines.)

From: Shannon, Abigail
Sent: Wednesday, April 24, 2013 3:20 PM
To: Gindlesperger, Justin
Cc: Grimm, Denise
Subject: Appeals and Variances (Floodplain)

Hi Justin,

Please run this proposed change past your FEMA and state water conservation board contacts. I need a response by Tuesday, May 7.

Article 4-409.B. Conditions for Variances

2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, ~~or~~ the State Inventory of Historic Places, or structures that are designated Boulder County Landmarks without regard to the procedures set forth in the remainder of this section.

And here's a screen clip of the section in the Code (we're looking at item #2 in this list):

B. Conditions for Variances

1. Generally, variances may be issued for new construction and substantial improve of one-half acre or less in size contiguous to and surrounded by lots with existing the base flood level, providing items (i-xi) in Paragraph 4-409(A)(4) have been full increases beyond the one-half acre, the technical justifications required for issuin
2. Variances may be issued for the reconstruction, rehabilitation or restoration of str Register of Historic Places or the State Inventory of Historic Places without regard the remainder of this section.
3. Variances shall not be issued within any designated floodway if any increase in flc flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minir the flood hazard, to afford relief.
5. Variances shall only be issued upon:
 - a. a showing of good and sufficient cause;
 - b. a determination that failure to grant the variance would result in exceptional h.
 - c. a determination that the granting of a variance will not result in increased flo to public safety, extraordinary public expenses, create nuisances, cause frau public as identified in Paragraph 4-409(A)(4) or conflict with existing local lav
6. Any applicant to whom a variance is granted shall be given written notice that th to be built with a lowest floor below the base flood elevation and that the cost of commensurate with the increased risk from the reduced lowest floor elevation.

4-70

Boulder Coun

Thank you!

Abby Shannon, AICP
Senior Planner, Boulder County Land Use
ashannon@bouldercounty.org
303.441.3930

Stay informed! Sign up for email updates from the Boulder County Land Use Department:

<http://www.bouldercounty.org/gov/media/pages/listserv.aspx>

From: Buddie, Matthew <Matthew.Buddie@fema.dhs.gov>
Sent: Friday, January 16, 2015 11:56 AM
To: Hoshide, Michelle
Subject: RE: Floodplain language for Boulder County's Land Use Code

Michelle-

The proposed language for variances of historic structures is fine and does not go against NFIP regulations. Thanks for the opportunity to comment.

Matthew Buddie

National Flood Insurance Program Specialist

FEMA Region VIII

Denver Federal Center, Bldg 710A

Denver, CO 80225

303.235.4730 (office)

303.842.4710 (cell)

matthew.buddie@fema.dhs.gov

From: Hoshide, Michelle [<mailto:mhoshide@bouldercounty.org>]
Sent: Friday, January 16, 2015 10:09 AM
To: Buddie, Matthew
Subject: Floodplain language for Boulder County's Land Use Code

Hello Matthew,

I am working on finishing some language clarifications for our Land Use Code. Back in 2013 we have reached out to FEMA to ensure that the proposed wording for a section of our floodplain regulations fit within your policy. Your department had recommended that we word it a specific was and we chose to go with your recommendation.

I am getting ready to finish these proposed changes and wanted to ensure that the suggested wording was still ok. Below is what we asked you, what we have currently and what we are proposing. Please review it and let me know your thoughts.:

Article 4-409.B. Appeals and Variances (Floodplain)

There is a provision within the Floodplain regulations that allows a variance from the floodplain procedures and regulations if the structure is listed on the National Registry or State Inventory of Historic Places. Staff suggested explicitly allowing Boulder County landmarked structures to receive this protection as well. This section was referred to the Federal Emergency Management Agency's Denver office (FEMA) to assure compliance with the National Flood Insurance Program and they suggested we adopt the language underlined below. An email from the area FEMA representative to staff is included with the referral responses in Exhibit C.

Existing Wording:

Article 4-409.B. Conditions for Variances

~~*2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.*~~

Proposed Amendment:

2. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

Thank you

Michelle Hoshide

Planner I | Boulder County Land Use Department

2045 13th Street, Boulder, CO 80302

Ph: 720-564-2613 Fax: 720-441-4856

mhoshide@bouldercounty.org

www.bouldercounty.org/lu