

RESOLUTION 2017-33

A resolution approving Boulder County Land Use Docket DC-16-0005 (Proposed Boulder County Land Use Code Text Amendments related to Article 4-802(B)(3)(a) of the Site Plan Review regulations)

Recitals

A. The Board of County Commissioners of Boulder County (“the Board”) is authorized to amend the text of County's Zoning Regulations according to the procedures in the regulations and C.R.S. § 30-28-112, -116 and -133.

B. Under other statutory authority, the Board is empowered to adopt regulations related to the control of land use, including but not limited to Article 65.1 of Title 24 (Areas and Activities of State Interest); Articles 67 and 68 of Title 24 (Planned Unit Developments and Vested Rights); Article 20 of Title 29 (Local Land Use Enabling Act); Articles 11 and 15 of Title 30 (County Powers and Police Power); Article 1 of Title 32 (Special District Control); and Article 2 of Title 43 (County Highways), C.R.S.

C. By Resolution 94-185, adopted October 18, 1994, the Board approved a unified Boulder County Land Use Code (“the Land Use Code”), which the Board has amended on subsequent occasions.

D. In the present Docket, DC-16-0005 (the “Docket”), authorized by the Board at a public business meeting on December 1, 2016, Boulder County Land Use staff proposed text amendments to Article 4-802(B)(3)(a), as set forth in the Boulder County Land Use Department’s memorandum and recommendation dated December 1, 2016 with its attachments (the “Staff Recommendation”)

E. The Boulder County Planning Commission (“the Planning Commission”) held a duly noticed public hearing on the Proposed Amendments on November 16, 2016. The Planning Commission recommended approval of the Proposed Amendments, and certified the Docket for action to the Board.

F. On December 1, 2016, the Board held a duly noticed public hearing on the Docket and considered the Staff Recommendation, documents and testimony presented by the County Land Use Department staff, and one member of the public (the “Public Hearing”).

G. Based on the Public Hearing, the Board finds that the Proposed Amendments included in Exhibit A meet the criteria for text amendments contained in Article 4 of the Land Use Code, in

that the existing text is in need of amendment; the Proposed Amendments are not contrary to the intent and purpose of the Land Use Code; and the Proposed Amendments are in accordance with the Boulder County Comprehensive Plan.

Therefore, the Board resolves:

1. The Proposed Amendments in Exhibit A are approved for incorporation into the Land Use Code, effective December 1, 2016.

2. Under §30-28-125, C.R.S., the Board authorizes the Clerk to the Board to transmit this Resolution, with its Exhibit A, to the County Clerk and Recorder for filing and appropriate indexing. This transmittal should state recording Reference No. **2735571**, the recording of the Boulder County Land Use Code on November 4, 2005, which this transmittal amends.

A motion to approve the Proposed Amendments, was made at the Public Hearing by Commissioner Domenico, seconded by Commissioner Jones, and passed by a 2-0 vote. Commissioner Gardner was excused.

ADOPTED on this 24 day of January, ^{CGL}₂₀₁₇ ~~2016~~ *nunc pro tunc* 1st day of December, 2016.

**BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY:**



Deb Gardner, Chair

Cindy Domenico

Cindy Domenico, Vice Chair

Elise Jones

Elise Jones, Commissioner

ATTEST:

Cecilia G. Lacey

Clerk to the Board

Exhibit A
Proposed Amendments

4-802.B. Site Plan Review shall not be required for:

3. Restoration of a structure that has been damaged or destroyed by causes outside the control of the property owner or their agent provided the restoration involves the original location, floor area, and height. Such restoration must comply with the current provisions of the Boulder County Land Use Code other than 4-800 (also see Nonconforming Structures & Uses, Article 4-1002(D) and 4-1003(F)).

a. Such restoration must be commenced within ~~six months~~ one year after the date on which the structure was damaged or destroyed, or a latent defect discovered ~~and completed within one year after the date on which the restoration commenced~~. This limitation may be extended in the case of extenuating circumstances as determined by the Director.