



Boulder County
Land Use Department
Publications

Fourmile Canyon Fire Recovery Building Permit Review Processes

Land Use Department
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Office Hours:

Monday – Friday 8:00 AM to 4:30 PM

Building Permits can be applied for
and issued until 4:00 PM

Fourmile Canyon Fire Recovery Building Permit Review Processes

Building Permit Submittal Checklist for single family dwellings within the Fourmile Fire Burn Area.

The County has approved code changes to help expedite the review process for owners applying for permits to rebuild structures lost in the Fourmile Canyon fire. This includes eliminating the usual Site Plan Review (SPR) process to rebuild structures lost in the fire for most situations. Feel free to contact our planning staff to help determine which process you may need. If you wish, you may ask for a case manager so that you have one main contact person or you can start by asking any of our staff your general questions. Boulder County Land Use staff can be reached by calling 303-441-3930 or email planner@bouldercounty.org or at FourMileRebuilding@bouldercounty.org.

Permits will generally fall into one of the following processes:

1. "BP Only" (Building Permit Only) - Rebuilding a structure that was damaged or destroyed in the fire to its original location, floor area, and height will require a building permit only. It may also be possible for property owners to add additional square footage on their property under this process if the size thresholds for SPR aren't met. Call our staff to determine how much square footage can be replaced and under which process. Timeline: approximately two weeks.

Exterior colors must be medium to dark earth tones unless it's appropriate to have other colors due to the historic character of the immediate area to use other color choices.

Although the process may be easiest for rebuilding in the same location, there are situations where this might not be the best solution. With the change in the landscape there may now be debris flow dangers or other issues to consider. There could also be new opportunities to find better solar access for energy efficiency, to shorten driveways for safety and ease of maintenance, etc. Our staff is available to help you identify these issues and aid you in finding solutions.

2. "BP+" (Building Permit Plus) - Changing the size and/or location of structures provided they meet setbacks and the expansion is not more than 530 square feet larger, and meets the criteria below, requires "BP+".

This process is basically a building permit plus a limited administrative planning review process. We will evaluate the following criteria: The location change or resulting footprint expansion must avoid dangerously steep slopes, wildfire-prone draws or other natural hazards, prominent ridgelines, riparian areas or wetlands; must not compromise emergency or safe access; must not interfere with septic field; must not have a significant negative visual impact on adjacent properties; and must not impair historic resources or a distinct rural community character. Exterior colors must be medium to dark earth tones unless it's appropriate to have other colors due to the historic character of the immediate area to use other color choices. Property owners proposing more than 6,000 square feet of total residential floor area are not eligible for BP+ if they are proposing more square footage than previously existed.

It may also be possible for property owners to add additional square footage on their property under this process if the size thresholds for SPR aren't met. Call our staff to determine how much square footage can be replaced and under which process.

This is a two- week administrative process designed to run concurrent with the two-week building permit review but combined may be slightly longer. Property owners are strongly encouraged to call Land Use staff before submitting the BP+. Timeline: approximately three weeks.

3. **Site Plan Review (SPR)** - If your proposal doesn't meet the requirements for "BP Only" or "BP+," you will need to apply for the full Site Plan Review or other applicable process. Site Plan Review is an administrative review process under Article 4-800 of the Land Use Code. For more information see the Site Plan Review handouts on our web page or call the Land Use Dept. Timeline: approximately 6 weeks for the SPR review plus 2 weeks for building permit review.

If your property has gone through prior county review processes, any conditions of approval required at that time will still apply to the rebuilding process.

To be eligible for the expedited review and to be able to replace nonconforming structures and uses, applications for building permits must be received within two years (by September 30, 2012, with the possibility of a one-year extension).

Zoning Setback Requirements

The Zoning Resolution requires new construction to meet the required setbacks. A setback is a fixed minimum distance from your property line. All properties affected by the fire were in the Forestry zone district. In the Forestry district, the front and rear setbacks are 15 feet, and side setbacks are 25 feet. Contact the Planner On Call at 303-441-3930 or planner@bouldercounty.org to help determine which property lines are front, rear, or side property lines for your property.

Verification of Setbacks and Height

It is the property owner's responsibility to locate the proposed structure in the proper location. If your application shows that you are placing your construction at the minimum setback, or within 20% of the required setback or maximum height, you will be required to provide a survey to verify that your building is correctly placed and not too tall. For setback surveys, only the property lines in question need to be surveyed, not necessarily the entire boundary. If you can demonstrate that you are rebuilding in the same location as the structure that was destroyed, you may not need a setback survey. Talk to your case manager about how to demonstrate and document the location of the destroyed structure.

Other Factors to Consider:

Will I be required to purchase Development Credits (TDCs) when I rebuild?

The County requires development over 6,000 square feet of residential floor area to offset some impacts by purchasing development credits. This requirement applies only to new residential floor area that did not legally exist before the fire so it would not apply unless your original structure was less than 6,000 square feet and you plan to now build a house larger that exceeds 6,000 square feet. TDCs (Transferable Development Credits) will not be required for homes over 6,000 square feet being rebuilt (to the same original, legally existing size or smaller) which were lost as a result of the Fourmile Canyon fire.

Are there any incentives if I want to rebuild smaller?

The County has a program where owners can market and sell development credits from their site. Under the program owners who decide to restrict their square footage (starting at 2,000 square feet and below) are eligible to sell off development credits (TDCs). This allows the property owner to get some monetary incentive for building smaller structures. For more information contact a Land Use staff member or visit www.BoulderCountyTDCclearinghouse.org.

When is Site Plan Review (SPR) Required?

Site Plan Review is typically required in order to issue building permits for development on any vacant parcels, for cumulative increases in floor area of more than 1,000 sq. ft. (residential or nonresidential) over that which existed on the parcel as of September 8, 1998, for cumulative increases in residential floor area which results in a total residential floor area of a size greater than 125% of the median residential floor area for the defined neighborhood in which the subject parcel is located, and for changes in use unless the change in use is to a residential use. SPR is also required for grading permits (except for grading as part of normal agricultural or mining practices), and floodplain development permits issued by the Transportation Department. For rebuilding structures lost in the fire, SPR is not required unless rebuilding more than 530 square feet in excess of what was lost in the fire and one of the other triggers for SPR is met. SPR will also be required if more square footage is proposed than what previously existed and the total area will exceed 6,000 square feet.

What about the County's neighborhood compatibility size presumptions?

Typically when building in the County the allowable residential square footage is presumed limited to 125% of the neighborhood median. Fire destroyed and damaged properties may rebuild what previously existed without regard for the neighborhood size presumption. People wanting to build more than 530 square feet larger might require Site Plan Review if it's over the size presumption.

How will the County determine the Site Plan Review presumptive size limitation for the neighborhood now that many of the houses are gone?

We will still rely on Assessor records and will base the presumptive size limitation (125% median) on the neighborhood, as it existed prior to the fire on September 6, 2010. This only applies to those rebuilding projects that require Site Plan Review. Most projects will be eligible for simply a BP Only or BP+ review.

Will wildfire mitigation be required?

Wildfire mitigation such as defensible space for structures and building with ignition resistant materials will be required.

Will the Floodplain Overlay Zoning District requirements apply?

Very few destroyed structures were in the floodplain. If you do want to build in the floodplain our regulations (LUC Article 4-400) will apply.

How will the County determine what size I can rebuild?

The County will use County Assessor data as our base source of size data to determine what was legally existing on a parcel. If this information is not accurate, the County can also consider information from building permits, Public Health on-site wastewater system permits, aerial photography, site plans, owner information, and other relevant information on a case-by-case basis.

How long do I have to rebuild a nonconforming structure or use (does not meet setbacks, height, or has a use not presently allowed in the zoning district)?

There is a two-year window for people to rebuild non-conforming structures or structures containing non-conforming uses. A one-year extension may also be possible.

What if I don't rebuild in the two years?

Conforming structures and uses can still be rebuilt after the two years but would require the current land use processes prior to rebuilding, which includes Site Plan Review. If a nonconforming use or a structure containing a nonconforming use is not rebuilt within the two years the use and/or structure would not be permitted to rebuild without coming into conformance. This would include structures that didn't meet current setbacks but were destroyed in the fire – if the time to rebuild elapses, any new structure would be required to meet the setbacks of the zone district or it would need a variance.

What if I've previously been through a Land Use review process such as Site Plan Review, Limited Impact Special Review, or Subdivision Exemption?

Previous land use reviews remain valid. Conditions placed on the property or development must be honored in the redevelopment of your property. If there was a land use review on your parcel, the Resolution or Determination Letter should be included in your packet of materials. If they haven't been included in your packet or if you misplaced this information, we are happy to provide you a copy – just call (303) 441-3930 or email planner@bouldercounty.org.

Do I need to underground my electricity from the power pole to my house?

Property owners in the BP or BP+ process will not be required to underground their utilities although we highly encourage it. When utilities are underground, they won't be knocked down by a tree or downed in a wind or ice storm. If your property was previously required to have underground utilities through SPR, you are required to keep the utilities underground. The good news is that underground electricity service probably survived the fire.

Transportation Review

Boulder County Transportation and Engineering
Department 303-441-3930.

1. Will an existing driveway that doesn't meet current Boulder County Transportation and Engineering ("the County") standards have to be upgraded?

If an existing driveway does not have acceptable emergency vehicle pullouts and/or turnarounds, the existing driveway must be improved to the extent practicable. Where the driveway is modified, extended, or relocated, changes to the driveway must comply with the Boulder County Road Standards to the degree practicable.

2. Do I need to establish legal access?

The County will not review legal access if the existing driveway, in the original configuration, is used again. If portions of the driveway are modified, extended, or relocated, then the County will not review legal access. Legal access will be reviewed for new driveway proposals extending beyond the property owner's subject parcel. Granting reuse/use of the existing driveway for the reconstructed residence will not affirm that the property has legal access. Future Land Use Review of the property, unrelated to the Fourmile Fire Rebuilding Process, will trigger a standard legal access review by the County.

3. Will the County maintain/grade roads that currently are not maintained by the county due to the increased heavy vehicle traffic?

The County will not maintain or grade private roads. The county may provide minor maintenance and/or grading necessary to ensure emergency access or for control of erosion on unmaintained county roads upon request of the residents using the road for a limited amount of time (two years – the time in which the Fourmile fire regulations are applicable). After that timeframe, the maintenance responsibility will fall back to the residents residing off of the road.

4. Will Access Improvement and Maintenance Agreements (AIMAs) be required of residents who did not have them before, but should have them according to how they gain access to a maintained public road (via an unmaintained County road or private road)?

AIMAs will be issued with the BPs for the reconstructed residents for residents that require them, but did not have a Road Maintenance Waiver (RMW) prior.

5. How will County road Right-Of-Way (ROW) encroachment issues be handled with reconstructed properties?

Where the destroyed structure was built within County road ROWs, the County will require structures to be built out of the county road ROWs if possible. When the residence cannot be built outside of the County road ROW due to the parcel dimensions or topography, the County will consider a County road ROW vacation process to legalize the reconstructed residence location.

Boulder County Public Health Review

Boulder County Public Health 303-441-1190.

How will Public Health handle on-site wastewater systems?

Boulder County Public Health strongly encourages utilizing an approved on-site waste water system (OWS). Property owners can hook up to an existing system provided they rebuild the same number of bedrooms that previously existed. OWS systems will not need to meet current codes if the rebuilt home contains the same (or a fewer) number of bedrooms that existed prior to the fire (as recorded in the Assessor / Building Division records). Property owners are advised to familiarize themselves with the SepticSmart conditions that apply to their OWS system after rebuilding. This also applies to previously permitted or unpermitted vaults. For information concerning SepticSmart, visit www.SepticSmart.org.

If a property owner is moving the location of the house, an application process is required Public Health to determine that minimum setback requirements are met. No OWS can be expanded (increase in number of bedrooms or flow) within the floodway.

Will homeowners with older septic systems be forced into upgrades when they rebuild?

If the existing septic system is functioning properly, an upgrade will not be required because of the fire. If an OWS is approved and the property owner is building the same number of bedrooms, they can move forward with application to Public Health. Public Health will update their database to reflect a new home being connected to an existing septic system, and there will be no charge for the permit.

If the current OWS is an unapproved system or an approved system but the owner increases the number of bedrooms, the OWS system will go through Public Health's normal permitting and approval process and normal fees apply.

Building permit submittal requirements:

The following materials must be submitted in order for the review process to begin.

- Building permit application.
- Three (3) sets of construction documents – including a site plan, engineered foundation plans, structural plans, dimensioned floor plans of eave level, a typical wall section, and a radon mitigation system plan. See the Permit Check List for a complete list of requirements (see page 6 of the publication).
- Application deposit fee is not required – full payment of the building permit is due at issuances of the building permit.
- Indicate on the construction documents whether the new dwelling will comply with the BuildSmart Performance or Prescriptive path.

Re-use of Existing Foundation:

In many cases the foundation has been damaged to the point it can't be reused. An engineer licensed by the State of Colorado is required to evaluate the foundation and provide an original stamped, signed and sealed letter addressing it may be reused for the new structure.

Applicable Building Codes:

- Currently the 2006 International Residential Code applies for building permits submitted before December 31, 2010. Building permits submitted January 1, 2011, will be subject to the 2009 International Code series and Boulder County's amendments.
- Note the provisions of BuildSmart, the provisions of Section R327 for Ignition Resistant construction (exterior materials in the wildfire zone) and fire sprinkler systems will required be applicable to projects in the Fourmile Canyon burn area.

What are the Fees?

The fees are based either on the valuation of work shown on the application, or calculated using the county's building valuation data schedule which is available upon request. An application deposit **will not** be collected at the time of submittal of the building permit application.

Note: All Building Permit Fees will be due upon permit issuance. Building materials purchased in Boulder County are exempt from county taxes when you present your building permit to the materials vendor at time of purchase.

Do You Have to be a Licensed Contractor?

As of July 1, 2008, general contractors, HVAC contractors, and roofing contractors require licensing through Boulder County. Electricians and plumbers must be state-licensed. For information go to:

www.bouldercounty.org/apply/licenses/Pages/contractorlicensing.aspx, or
call 303-441-3926, or
email: building_official@bouldercounty.org

When do I Need Inspections?

With most projects there are several required inspections. The type and number of inspections needed depend on the individual project. When your building permit is issued, a list of the required inspections will be given to you, or you may ask for one.

All requests for inspections must be made by 3:30 p.m. the business day prior to the inspection.

The time of the inspection cannot be pre-arranged or guaranteed. It is advisable to not schedule concrete the same day as the inspection. When requesting an inspection, please give the following information: Building permit number, project address, owners name, your phone number, type of inspection requested, and the date of the inspection.

What Needs to be Submitted for Issuance of a Building Permit?

Although circumstances may vary depending upon the work involved; the following are general submittal requirements:

- Evidence of sanitation such as a sewer tap or letter of commitment from the Sanitation agency or a copy of your septic approval from the Boulder County Public Health 303-441-1190 located at Broadway and Iris in Boulder. Whenever a project increases the total number of bedrooms or involves sanitation facilities, Health Department approval will be required. A Certificate of Occupancy will not be issued without septic approval from Public Health.
- If your property does not front on a County Road shown on the official Boulder County Road Map it may be necessary to submit additional information such as recorded easements or other proof of legal access. So the inspectors will be able to find your property, a location map should also be submitted unless you are in an easy-to-find location.

What Plans are Necessary?

Your project must be prepared in a graphic form. These **construction drawings or plans must be drawn to ¼" scale**, and show all proposed work and details. If you lack experience in preparing plans, professional assistance is recommended and in the long run could save you money. The submittal requires **three** complete sets of plans to be submitted to the Building Inspection Division for plan review. The plans and specifications must clearly indicate the nature and extent of the proposed work stamped by a licensed architect, if applicable.

A Complete Set of Legible Plans Must Include:

- Site Plan.
- An engineer-stamped foundation plan from a Colorado Licensed Engineer.
Note: Reuse of existing foundation requires an engineers evaluation.
- Floor plan of each story showing existing conditions.
- Floor plan of each story showing purposed construction.
- Elevations drawings for each side of the building.
- Wall cross-section.
- Floor, wall, ceiling and roof framing details.
- Recycling Checklist.

The following is required and by providing the information on your building plans, should enable the plan review process to proceed smoothly

Site Plan

- Indicate property lines.
- Show dimensions between all structures and property lines and between the main structure and all other structures on lot.
- Provide a north arrow.
- Show the Utility Routing Plan.
- Show erosion control including catch fence, silt fence/barrier, and/or construction fencing.
- Show wildlife safe fencing or any fencing over six feet high.

Foundation Plan

- Dimensioned spread footing layout (or caisson layout).
- Dimensioned foundation wall layout - floor framing above may also be on this page.
- Dimensioned interior footing pad layout, size, and reinforcement.
- Dimensioned deck pier layout, and size.
- An engineer-stamped foundation plan from a Colorado Licensed Engineer.
- Radon mitigation (**new residential only**).

Floor Plans

Provide a dimensioned floor plan for each floor that includes:

- Room sizes.
- Use of the rooms.
- Window and door openings (including height and width dimensions).
- Plumbing fixture locations.
- Furnace and water heater locations.

Floor Framing Plans

Provide a floor framing plan for each floor that includes:

- Column sizes and locations.
- Joist size and spacing.
- Beam and interior headers (types and sizes).
- Framing members around shafts and stairway openings.
- Header sizes over exterior openings, and hangers placement.

Deck Framing Details to Include:

- Column height, size, and location.
- Beam size above the columns.
- Joist size and spacing.
- Connection to building (hangers, ledger, bolting, etc.).

Boulder County BuildSmart

- Jobsite Construction/Recycling Checklist
- Manual J and Manual D (new residential only).
- Conformance with Boulder County Building Code Amendments Section N1101

Roof Framing Plan

- Rafter size and spacing.
- Ceiling joist size and spacing.
- Ridge beam size.
- Supporting beams.
- Hangers.
- Engineered truss layout with all supporting members and hanger type and placement.

Wall Section

- Section view of the footing and foundation wall with reinforcement size and placement.
- Frost depth to bottom of footing.
- Anchor bolt size and spacing.
- Wall stud size and spacing.
- Crawlspace, wall, and attic insulation.
- Exterior sheathing.
- Exterior wall.
- Interior wall and ceiling finish materials.
- Roof cover materials.
- Ceiling Heights.
- Hold downs.

Elevations

Provide elevation views from each of the 4 sides of the structure labeled as follows:

- North, south, east, and west view.

Include the following on each elevation drawing:

- Existing grade (natural grade).
- Finished grade.
- First story floor level.
- Exterior light fixture locations must be indicated on each elevation.

Note: Exterior light fixtures must comply with Article 7-1600 of the Land Use Code for down-lit, shielded fixtures.

Site Plan Review Information

If your project went through a Site Plan Review or other planning review process, please provide the following when applicable. If you are uncertain whether your project has gone through a planning review process, please contact a Planner On-Call at 303-441-3930 for information.

- Revegetation - formulate a plan consistent with the Land Use publication titled *Revegetation* and the requirements of your land use approval.
- Tree Preservation Plan.
- Screening/landscaping plan.
- Exterior color samples, if there was a color requirement as part of your Land Use approval.

May I Change My Mind?

If you need to change your application form, just ask for assistance. If you want to make minor changes to your plans, submit three (3) sets of revisions with a written description of the change to the Building Inspection Division. The revised plans will be reviewed and one of the approved copies will be returned to you. For major plan revisions after the building permit has been issued, an entirely new permit may be required. If the issued permit needs to be withdrawn and replaced with a new permit, you may be eligible for up to an 80% credit of the original building permit fee. Major plan revisions will also require the payment of an additional plan review fee.

How Long is the Permit Active?

Every permit is valid for 180 days after issuance. The permit will expire if the work authorized under the permit is not commenced within 180 days, or work is stopped at any time after the work is commenced for a period of 180 days. Before such work can begin again, a new permit must be obtained.

Phone inquiries may be made to the following offices:

Boulder County Offices	Phone #
Building Code Questions	720-564-2640
Driveway & Access Inquiries	303-441-3900
Planning & Zoning Inquiries	303-441-3930
Public Health Septic System Inquiries	303-441-1190

The Building Division office hours are 8:00 a.m. to 4:30 p.m., Monday through Friday.

Building permits can be applied for and issued until 4:00 p.m.

