

RESOLUTION 2018-13

A resolution approving Boulder County Land Use Docket DC-17-0002 Proposed Amendments to the Boulder County Land Use Code for Parking-related Uses and 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-17-0002 (the “Docket”), authorized by the Board at a public hearing on November 28, 2017, Boulder County Land Use staff proposed text amendments to Articles 4-513, 4-500, and 4-516, as set forth in the Boulder County Land Use Department’s memorandum and recommendation dated November 28, 2017, 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 15, 2017. The Planning Commission recommended approval of the Proposed Amendments, and certified the Docket for action to the Board.

F. On November 28, 2017, 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 (the “Public Hearing”). No members of the public spoke at 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 16 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 November 28, 2017.

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 Jones, seconded by Commissioner Domenico, and passed by a 2-0 vote. Commissioner Domenico was excused.

ADOPTED on this 31 day of May, 2018.

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



Cindy Domenico, Chair

A handwritten signature in blue ink, appearing to read "Elise Jones".

Elise Jones, Vice Chair

A handwritten signature in blue ink, appearing to read "Deb Gardner".

Deb Gardner, Commissioner

ATTEST:

A handwritten signature in blue ink, appearing to read "Cecilia S. Lacey".

Clerk to the Board

Exhibit A
Proposed Amendments

Article 4-513 Transportation Uses

Delete existing use

~~D. Park and Ride Facility~~

- ~~1. Definition: A parking area and transit facility the purpose of which is to allow the parking of motor vehicles with a connection to mass transit service.~~
- ~~2. Districts Permitted: By Special Review in all districts~~
- ~~3. Parking Requirements: To be determined through Special Review~~
- ~~4. Loading requirements: none~~
- ~~5. Additional Provisions: none~~

Replace with new use

D. ~~Park and Ride~~ Multimodal Parking Facility

1. Definitions: A public parking area and transit facility the purpose of which is to allow the parking of motor automotive vehicles and non-automotive modes to connect with a connection to mass transit, shuttle services, or rideshare programs; or a public parking area to allow the parking of automotive and non-automotive modes to service an area of public significance such as existing townsites, open space, and areas which have cultural, environmental, or historical value, where provision of on-site parking is constrained and allowing off-site parking facilities would help maintain the character and function of the area or district served.
2. Districts Permitted: In all districts, by Limited Impact Special Review for lots with less than 15 automotive parking spaces or by Special Review for lots with 15 or more automotive parking spaces.
3. Loading requirements: none To be determined through Special Review or Limited Impact Special Review
4. Additional Provisions: none
 - a. This use is not required to be located on a building lot or comply with the minimum lot size requirement for the district in which it is located.
 - b. Parking for uses on open space parcels controlled by a government entity shall not require review under this section if the parking lot is in accordance with an open space management plan approved by the Board of County Commissioners.

- c. The parking facility must meet all applicable provisions of the Boulder County Multimodal Transportation Standards.
- d. Electric vehicle service equipment or electric vehicle supply equipment (“EVSE”), also referred to as a charging station, must be provided for new or expanded parking lots that total 15 or more automotive parking spaces.
 - (i) On-site installation may not be required if a more suitable location is appropriate. Factors to be considered in determining suitability are land use impacts, proximity to employment areas, townsites or historical areas, existing or planned EVSE infrastructure in the area, electric infrastructure on-site and nearby, and location in relation to arterial roadways. For cases in which on-site installation is not required, the applicant shall be subject to the *Electric Vehicle Charging Fund* standards, as adopted by the Board of County Commissioners.
 - (ii) A Level 2 or Level 3 EVSE with a minimum of one SAE J1772 EV Plug, or the equivalent, is required for the first 15 automotive parking spaces. If no Level 3 EVSE is installed then for each additional 25 automotive parking spaces, one additional Level 2 EVSE with a minimum of one SAE J1772 EV Plug, or the equivalent, is required. If Level 3 EVSE is installed, then no additional EVSE is required.
 - (iii) For ease of use, parking spaces with an EVSE shall be designated for electric vehicle charging, and stations are required to register with an electric vehicle charging information network.
- e. Internal traffic circulation systems shall be designed to mitigate conflicts between vehicular, bicycle, and pedestrian traffic. Pedestrian paths or sidewalks will connect to transit or shuttle stops, and the public area served. When an area of public significance is served, pedestrian walkways or sidewalks on the parcel will connect to existing or planned walkways to the area being served.
- f. For surface lots with 50 or more automotive parking spaces, interior landscaping must cover at least 5% of the parking area.
- g. Lighting shall comply with Article 7-1600 Outdoor Lighting of the Boulder County Land Use Code. Additional restrictions on quantity of lights, hours of operation, and lighting locations may be determined through the applicable review process.

- h. A stormwater management plan or drainage plan is required for final design and construction.
- i. Rideshare requirements will be determined during review. Depending on the location and use of the multimodal parking facility, designated parking spots for rideshare vehicles may be required.

Article 4-516 Accessory Uses

**Remove Parking from Article 4-500
4-500**

V. Parking

- ~~1. The quantity and location of vehicle parking shall be appropriate for the site and use characteristics. A deviation in the number of required parking spaces as described in each use classification may be appropriate based on the specific circumstances of the proposal including but not limited to available on-street parking, seasonal or temporary needs for parking, shared parking agreements, reliance on alternative modes or other transportation demand management strategies.~~
- ~~2. A parking area may be shared to meet the parking requirements provided a signed agreement of sufficient length of time is provided. Revocation of the agreement will result in the loss of the dependent use until that use has provided adequate parking through other means.~~
- ~~3. For multiuse facilities, the parking for the most intensive use as defined in by the Land Use Department shall control.~~

**Replace with new accessory use
4-500516**

W. Parking

1. Definition: A permanent parking area
2. Districts Permitted: By right in all districts, subject to the additional provisions below and any specific provisions associated with the property's principal use.
3. Parking Requirements
 - a. The quantity and location of vehicle parking shall be appropriate for the use and site and use characteristics. A deviation in Deviating from the number of required automotive parking spaces as described in each use classification may be appropriate based on the specific circumstances of

~~the a~~ proposal including without limitation ~~but not limited to~~ available on-street parking, seasonal or temporary needs for parking, shared parking agreements, reliance on alternative modes or other transportation demand management strategies.

b. A parking area may be shared to meet the parking requirements, ~~provided a~~ A signed sufficient, binding agreement for the duration the parking area will be shared is required. ~~of sufficient length of time is provided.~~ Revocation of the agreement will result in the loss of the dependent use until that use has provided adequate parking through other means.

c. For multiuse facilities, the parking for the most intensive use as defined in ~~by~~ the Land Use Department shall control.

4. Loading requirements: ~~none~~ As needed for primary use requirements

5. Additional Provisions:

a. Parking for uses on open space parcels controlled by a government entity shall not require review under this code if the parking lot is in accordance with an open space management plan approved by the Board of County Commissioners.

b. The parking facility must meet all applicable provisions of the Boulder County Multimodal Transportation Standards.

c. Electric vehicle service equipment or electric vehicle supply equipment (“EVSE”), also referred to as a charging station, must be provided for new or expanded parking lots that total 15 or more automotive parking spaces.

(i) On-site installation may not be required if a more suitable location is appropriate. Factors to be considered in determining suitability are land use impacts, proximity to employment areas, townsites or historical areas, existing or planned EVSE infrastructure in the area, electric infrastructure on-site and nearby, and location in relation to arterial roadways. For cases in which on-site installation is not required, the applicant shall be subject to the *Electric Vehicle Charging Fund* standards, as adopted by the Board of County Commissioners.

(ii) A Level 2 or Level 3 EVSE with a minimum of one SAE J1772 EV Plug, or the equivalent, is required for the first 15 automotive parking spaces. If no Level 3 EVSE is installed then for each additional 25 automotive parking spaces, one additional Level 2

EVSE with a minimum of one SAE J1772 EV Plug, or the equivalent, is required. If Level 3 EVSE is installed, then no additional EVSE is required.

- (iii) For ease of use, parking spaces with an EVSE shall be designated for electric vehicle charging, and stations are recommended to register with an electric vehicle charging information network.
- d. Internal traffic circulation systems shall be designed to avoid conflicts between vehicular, bicycle, and pedestrian traffic. Pedestrian paths or sidewalks will connect to the area being served.
- e. For surface lots with 50 or more automotive parking spaces, interior landscaping must cover at least 5% of the parking area.
- f. Lighting shall comply with Article 7-1600 Outdoor Lighting of the Boulder County Land Use Code. Additional restrictions on quantity of lights, hours of operation and lighting locations may be determined through the applicable review process.
- g. A stormwater management plan or drainage plan is required for final design and construction.
- h. For uses applying Transportation Demand Management strategies, areas reserved for rideshare vehicles shall have markings and signs indicating that the space is reserved for a rideshare vehicle.