



Community Planning & Permitting

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BOARD OF COUNTY COMMISSIONERS BUSINESS MEETING

May 3, 2022 – 10:30 AM
Via Zoom

Authorization under Article 16-100.A of the Boulder County Land Use Code for Text Amendments to the Land Use Code related to Accessory Dwellings

Staff: Hannah Hippely, AICP

Public testimony will not be taken – action requested

SUMMARY

On December 30, 2022, Boulder County declared a local disaster in response to the Marshall Fire, which caused severe damage and loss of property in Boulder County. During the community outreach and engagement about rebuilding after the Marshall Fire, community members expressed a desire to see Accessory Dwellings become more easily and more widely permitted within the Fire impacted area.

A variety of needs were expressed in relation to the desire to include an Accessory Dwelling as part of a Fire rebuild. These include: providing an affordable housing option by providing smaller units, creating a housing options which may allow residents to return to their community, generating an income stream to help people offset the financial burden that reinvesting in the rebuilding of their property, creating space for multigenerational living, contributing more housing units to the area in response to the housing shortage.

While the impetus for this proposed text amendment was the Marshall Fire and the immediate needs of those residents, the reasons to support and allow the expansion of Accessory Dwellings exists for many other residents of Boulder County. The creation of additional dwelling units in the unincorporated areas of the County where urban services are not available and the demands for additional services generated by additional populations in rural and remote areas cannot be met by the County has traditionally resulted in the limited allowance for Accessory Dwellings in the Land Use Code. This fact remains valid today however, recent updates with in the Housing Element of the Boulder County Comprehensive Plan and the Boulder Valley Comprehensive Plan related to addressing the regional housing crisis could support a limited and targeted expansion of Accessory Dwellings within the County. The priority for staff is to address the needs of Marshall Fire survivors first. To benefit from any regulatory relief, the Land Use Code text amendment would need to occur quickly as fire survivors need to make design and financing decisions soon. As staff begins this process, we anticipate moving forward with a limited Accessory Dwelling expansion program to benefit fire survivors. The anticipated schedule for the first phase of the text amendment is attached as Exhibit A. A broader review of the use of Accessory Dwellings countywide will also occur as a

separate text amendment. Staff anticipates that much of the work for the targeted text amendment will inform the broader effort and a timeline for the larger scope effort will be developed later.

BCCP Housing policies that support the County reviewing options and potentially allowing more opportunities for ADUs.

BCCP

HO 1.04 *Limited Increases in Density.* In circumscribed situations, the county may enable increased residential density that meets affordability needs, is integrated within or adjacent to existing developed areas, is capable of being served by adequate public facilities, is considerate of long-term cost impacts on public facilities, and has strong multimodal transportation connections or potential for such connections.

HO 1.06 *Innovation and Evolution of Housing Solutions.* The county allows for innovation and creativity in policies and regulations as demographic conditions, building typologies, and new housing strategies evolve over time.

HO 3.05 *Accessory Dwelling Units.* The county will consider accommodating more housing in defined areas and circumstances by providing opportunities for well-designed attached and detached accessory dwelling units with limited impacts on the county's natural resources and transportation infrastructure.

PH 5.01 *Affordable Housing.* Boulder County recognizes there is a connection between individuals having safe, affordable housing and their physical and mental health, and the county supports efforts to create, conserve and preserve affordable housing.

BVCP

“Preserve & Enhance Housing Choices” 7.07 Mixture of Housing Types

The city and county, through their land use regulations and housing policies, will encourage the private sector to provide and maintain a mixture of housing types with varied prices, sizes and densities to meet the housing needs of the low-, moderate- and middle-income households of the Boulder Valley population. The city will encourage property owners to provide a mix of housing types, as appropriate. This may include support for ADUs/OAUs, alley houses, cottage courts and building multiple small units rather than one large house on a lot.

Through the text amendment process staff would consider if and how the use of Accessory Dwelling Units may be expanded in a way that reflects the goals and policies of the Comprehensive Plan while permitting Accessory Dwellings in locations where enough of the basic needs are met, access to services is available, and the ADU will fit into the character of the area. The analysis to determine the extent of an amendment will be based on review to include services availability, public engagement, analysis of comprehensive plans, and referral agencies' comments.

ACTION REQUESTED

Staff requests that the Board of County Commissioners authorize text amendments focused on the Marshall Fire response which would be pursued immediately as well as an authorization for staff to consider the expansion of Accessory Dwellings more broadly within the County as described in this memo, specifically changes to Article 4 and Article 19 of the Boulder County Land Use Code related to the Accessory Dwelling use and any other related Articles and provisions necessary to integrate these changes.

Anticipated Timeline for Marshall Fire Response Accessory Dwelling Unit Text Amendment

5/1 – 5/21 - Docket Set Up, Research & Analysis, Prepare Outreach and Engagement, Preliminary Drafting

5/3 – Authorization by The Board Of County Commissioners

5/22 -5/28 – Outreach and Engagement Activities (May Include Surveys, In-Person or Virtual Community Meetings, Virtual Activities)

5/29 – 6/7 – Finalize Draft Text Amendment for Referral

6/8 – 6/22 Referral & Public Comment Period and Community Meeting to Review Draft Text Amendment

6/29 - Development Review Staff Meeting (DRSM) For Internal Staff Review of Draft Text Amendment

6/30 – 7/1 - DRSM Follow Up, Finalize Proposed Text Amendment, Draft Planning Commission Staff Report

7/12 – Planning Commission Hearing Materials Due

7/20 – Planning Commission Public Hearing

7/21 – 7/26 – Planning Commission Follow Up and Draft Board of County Commissioners Staff Report

7/27 - Board of County Commissioners Hearing Materials Due

8/4 - Board of County Commissioners Hearing

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
May 1	2	3	4	5	6	7
Docket Set Up, Research & Analysis, Prepare Outreach & Engagement, Preliminary Drafting						
		Business Meeting - Authorization				
8	9	10	11	12	13	14
Docket Set Up, Research & Analysis, Prepare Outreach & Engagement, Preliminary Drafting						
15	16	17	18	19	20	21
Docket Set Up, Research & Analysis, Prepare Outreach & Engagement, Preliminary Drafting						
22	23	24	25	26	27	28
Outreach & Engagement Activities						
29	30	31	Jun 1	2	3	4
Finalize DRAFT for Referral To Jun 7						

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jun 5	6	7	8	9	10	11
From May 29	Finalize DRAFT for Referral		Referral Due Out	Referral & Public Comment Period		
12	13	14	15	16	17	18
Referral & Public Comment Period Community Meeting to Review Draft This Week						
19	20	21	22	23	24	25
Referral & Public Comment Period			Referral Period Ends	Incorporate Feedback Prep for DRSM		

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jun 26	27	28	29	30	Jul 1	2
From Jun 23	Incorporate Feedback Prep for DRSM		Development Review Staff Meeting	DRSM Follow Up, finalize proposed amendment language and PC Staff Report		
3	4	5	6	7	8	9
DRSM Follow Up, finalize proposed amendment language and PC Staff Report						
10	11	12	13	14	15	16
DRSM Follow Up, finalize proposed amendment language and PC Staff Report		PC Staff Report Due	PC Preparation			
17	18	19	20	21	22	23
PC Preparation			Planning Commission Hearing	PC Follow Up & Draft BOCC Staff Report		
24	25	26	27	28	29	30
PC Follow Up & Draft BOCC Staff Report				BOCC Hearing Materials Due		
31	Aug 1	2	3	4	5	6
				Board of County Commissioners Hearing		