



Community Planning & Permitting

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BOULDER COUNTY BOARD OF COUNTY COMMISSIONERS

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PUBLIC HEARING with PUBLIC TESTIMONY

STAFF: Hannah L. Hippely, AICP, Andrea Vaughn, Ethan Abner

Docket DC-22-0003: Article 19 Marshall Fire Accessory Dwelling- Land Use Code Text Amendments

Text amendments to Article 19-500 and related sections of Article 4-516 of the Boulder County Land Use Code, which will establish regulations for the construction of Accessory Dwellings as part of rebuilding after the 2021 Marshall Fire.

Action Requested by the Board of County Commissioners: Approval

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SUMMARY

On December 30, 2022, Boulder County declared a local disaster in response to the Marshall Fire (“Fire”), which caused severe damage to properties and destroyed 157 residences in unincorporated Boulder County. During community outreach and engagement regarding rebuilding immediately after the Marshall Fire, community members expressed a desire to

see Accessory Dwellings become more easily and widely permitted within the Fire-impacted area. Article 19 was amended—through the inclusion of 19-500—to provide a tailored response to the Fire and support rebuilding and recovery, however, Accessory Dwellings were not addressed at that time. This text amendment broadens the allowances for Accessory Dwellings to include a Disaster Recovery Unit (Article 4-516) and modifies 19-500 to allow the Disaster Recovery Unit Accessory Dwelling through an expedited process. Under the current Boulder County Land Use Code (the Code) Article 4-516, an Accessory Dwelling may only be constructed if it is a Family Care Unit, Agricultural Worker Unit, or Historical Unit and is approved through Limited Impact Special Use Review (LU).

PROJECT GOALS

On May 3, 2022, the Board of County Commissioners authorized Community Planning & Permitting to consider the expansion of Accessory Dwellings in two phases: the first phase is focused on the Marshall Fire area to assisting fire survivors in their recovery. The second phase is intended to be a more comprehensive text amendment, which will consider expanding the allowance of Accessory Dwellings county-wide.

Accessory Dwellings provide an opportunity for additional flexibility on a property, which may allow people to age in place, allow more intergenerational living on a property, and provide some affordable housing stock in the county. Accessory Dwellings are smaller units and provide one and two bedroom housing options needed by today's smaller, childless households, which account for nearly two-thirds of all households in the United States.¹ These units can provide an income stream to property owners if they are rented out and, in that way, can also contribute through their smaller size to a more affordable housing opportunity to the community. In the case of those who lost their home in the Marshall Fire, the Accessory Dwelling may provide an option to build and live in a small unit on the property prior to rebuilding the principal residence and keep the Accessory Dwelling permanently rather than removing or decommissioning the unit and transitioning the structure to another purpose, as would be necessary if a Temporary Dwelling (allowable through Art. 19-500.B of the Code) were constructed.

Phase I has proceeded on an expedited timeline in response to the needs of Fire survivors who are currently in the rebuilding process and need to make immediate housing, design and financing decisions. The proposed text amendment would allow those most impacted by the Marshall Fire an allowance for an Accessory Dwelling if those units meet the parameters defined in the amendment. The proposed text amendment defines a Disaster Recovery Unit Accessory Dwelling and outlines parameters that limit the size of the unit, includes the unit in Residential Floor Area calculations, prohibits certain uses (i.e., short-term rentals), requires use of the same access point and an additional on-site parking space, requires the Principal and Accessory Dwelling to remain in common ownership, establishes a timeline for completion of the unit, requires property owners to demonstrate adequate access to water and sanitary sewer facilities for the additional unit, and clarifies the relationship between this article and previous land use approvals and conservation easements. Additionally, the text amendment defines different types of Accessory Dwellings—Detached, Attached to an Accessory Structure, and Attached to the Principal Structure, Conversion of Existing Floor Area—and their permitting processes (i.e., site plan review waiver).

¹ The ABCs of ADUs A guide to Accessory Dwelling Units and how they expand housing options for people of all ages, AARP 2019 - <http://aarp.org/ADU>

The proposed text amendment is designed to support rebuilding for those most impacted by the Marshall Fire and to provide predictability in outcomes while still implementing the county's adopted Land Use Code and Comprehensive Plan and their essential land use principles intended to direct more intensive development in or adjacent to cities; retain the unique, scenic and rural character of the county; and help make Boulder County a more inclusive community by supporting the housing needs of individuals by expanding the available housing options. Staff finds all these goals can be achieved with the regulations as proposed.

DISCUSSION

The proposed Code amendment modifies Article 4-516, the definition of Accessory Dwelling and Article 19-500 section F "Allowances and Requirements for Eligible Structures and Floor Area" by adding a new subsection 2 for Disaster Recovery Units. The components of the text amendment are discussed below:

Article 4-516 Accessory Dwelling:

Currently, there are three types of Accessory Dwellings allowed in the Code (Family Care Unit, Agricultural Worker Unit, or Historical Unit). The proposed text amendment adds the Disaster Recovery Unit as a fourth option for property owners who lost their homes in the Marshall Fire.

Article 19-500.F.2, Disaster Recovery Unit:

Article 19-500.F.2.a establishes that "a single Accessory Dwelling may be constructed as part of the post Fire redevelopment of the property when the principal Single Family Dwelling was destroyed by the Fire". Allowing one Accessory Dwelling balances the various Housing goals in the Comprehensive Plan related to enabling increased residential density that meets affordability needs, innovating to address the evolution of conditions, accommodating Accessory Dwellings in defined areas and circumstances where they will have limited impacts, and supporting affordable housing with the long-standing vision that directs additional development to municipalities. As noted later in the report, ADUs built within the proposed parameters are consistent with the goals and policies of the Boulder County Comprehensive Plan. ADUs offer a way to include smaller, relatively affordable homes in these rural neighborhoods without the same level of impact as creating new subdivisions. By definition, ADUs will be located where development already exists and do not add significantly to sprawl or visual impacts.

As the intent of Phase I is to quickly respond to the needs of individuals who lost their home in the Fire and need both to solidify their rebuilding designs and plan for housing in the near term, the allowance for an Accessory Dwelling is proposed to be available to those whose principal residence was destroyed by the Fire. The county has already completed its damage assessment efforts, which provided staff and property owners with clear accounting of the destroyed homes in unincorporated Boulder County. Rebuilding Coordinators have been assigned for each of these property owners and those staff members will be able to incorporate the additional task of reviewing the Accessory Dwelling into the work they are already doing with property owners. Phase II of the project is anticipated to closely follow

Phase I and will evaluate and consider expansion of the allowance for an Accessory Dwelling to others in the county.

The Phase I text amendment has been processed in a timely manner, with public engagement primarily focused on input from Marshall Fire survivors. Phase II will include more extensive public engagement with the entire unincorporated Boulder County community as well as in-depth analysis of the potential impacts of reshaping policies related to Accessory Dwellings. As part of Phase II, staff will also conduct a more detailed land use analysis to determine the locations where Accessory Dwellings may be appropriate, given the rural nature of unincorporated Boulder County, which lacks public services (water, sewer) in many areas. Limiting the scope of applicability of Phase I limits the potential for Accessory Dwellings constructed under this provision to conflict with the outcome of Phase II. However, Staff has heard members of the public express a desire that the applicability of the Accessory Dwelling amendment be expanded further than what is proposed.

Article 19-500.F.2.b details the requirements (i-x) for an Accessory Dwelling.

- i. The Accessory Dwelling is limited to 700 sq. ft.

As currently drafted, the regulations establish a simple approach to addressing the size of an Accessory Dwelling. This approach applies the same allowance to all properties in the same manner; it does not grant a larger allowance to those properties that happen to be in a neighborhood where the homes are larger. Limiting the Accessory Dwelling size will ensure the unit is subordinate to the principal dwelling and is necessary to ensure the text amendment is not contrary to the purpose and intent of this Code which does not permit Multifamily Dwellings in the relevant zoning districts.

The size of the Accessory Dwelling has generated the most public comment with many members of the public expressing a desire for a larger allowance. The Zoom poll from the community meeting resulted in 45% of respondents preferring a maximum size of less than 1,000 sq. ft. and 50% of the respondents preferring a maximum size of 1,000 sq. ft. The results of the online survey were similar with 41% of respondents preferring a maximum size of less than 1,000 sq. ft. and 54% of respondents preferring a maximum size of 1,000 sq. ft. Six percent of respondents indicated that they did not think Accessory Dwellings should be built in their neighborhood.

An alternative approach to the size parameter suggested by the Planning Commission would be to relate the size of the Accessory Dwelling to the size of the Single Family Dwelling. Language drafted using this approach could state “An Accessory Dwelling shall not exceed 30 percent of the size of the Residential Floor Area of the principal Single Family Dwelling OR 1000 sq. ft., whichever is less”.

- ii. The Floor Area shall be considered Residential Floor Area and shall fit within the size allowance provided in Article 19-500.F.1.a above.

The Code was amended in 2008 to establish the amount of Residential Floor Area presumed to be compatible in a neighborhood. This presumption allowed for an acceptable rate of increase in the development on property within Boulder County

and was part of a strategy to implement the updates to the Sustainability Element of the Boulder County Comprehensive Plan. Including the Accessory Dwelling in the allowable amount of Residential Floor Area on a parcel upholds the intent and purpose of the Code and Comprehensive Plan and ensures that Accessory Dwellings will fit within the character of the neighborhood.

As people are planning to rebuild, they will need to consider the total amount of Residential Floor Area they will be rebuilding and establish the size of the Accessory Dwelling they want to build as part of that effort. This planning effort and the need to know the allowed parameters is one of the reasons for the timeline of Phase I.

- iii. Primary Dwelling Short-Term Rentals, Secondary Short-Term Rentals, and Vacation Rentals shall not be permitted on properties with an Accessory Dwelling.

Support for Accessory Dwellings in the Comprehensive Plan is found in the Housing Element as one way to provide additional housing for residents to address the lack of available affordable housing in the community. The Housing Element of the Comprehensive Plan supports addressing the lack of affordable housing in the community. Allowing Accessory Dwellings for residents furthers this goal by providing smaller housing, which is generally less expensive to rent for long term tenants. However, if Accessory Dwellings are converted to short term rental uses, they no longer serve the immediate housing needs of the community. For this reason, the Code sections related to short-term rental already precludes Accessory Dwellings from being used for this purpose. Staff is recommending that the text of this Code change include the proposed language for the sake of clarity and ease of use by the public. Staff has recommended a clarification of this portion of the text in regard to the use of the primary dwelling. Not allowing the principal dwelling to be used as a Secondary Dwelling Short-Term Rental or Vacation Rental helps ensure that properties where the intensity of the use is increased due to an additional Dwelling Unit are not further intensified by these uses thus maintaining neighborhood character and preserving the primary dwelling as part of the housing stock.

- iv. The Accessory Dwelling shall use the same access point and driveway as the Principal Residence.

This requirement helps maintain the single family character of the property and neighborhood and prevents the traffic impacts of the new Dwelling Unit from being pushed to other locations. Additionally, the development of new driveways can often have significant impacts on the land and environmental resources. Utilization of the same driveway minimizes this potential and reduces the need to review access points and driveways through a land use process.

- v. Parking Requirements: One onsite parking space must be provided for the Accessory Dwelling.

For the currently proposed size of 700 square feet, staff recommends one parking space be required onsite. An additional Dwelling Unit in the rural areas of the County is likely to generate additional parking needs, and the impact of these additional needs on neighborhoods will be reduced by requiring that parking remain onsite. Should

the size allowance increase through the public process, the number of parking spaces required may also need to increase. This is already a requirement of the Code for all Accessory Dwellings and including it in this section is recommended for ease of use of the Code. At the recommendation of Planning Commission, staff has drafted text which aligns the proposed text with the existing language in the Code.

- vi. Adequate water service must be demonstrated at the time of building permit submittal. If the property receives water service from a public water source a letter from the Water District stating that it approves of two dwellings on the parcel must be provided. If the property is served by a well a letter from the Colorado Division of Water Resources that states that the existing well permit can accommodate a second dwelling unit must be provided.

An additional Dwelling Unit generates the need for additional water service to a property. As the county is not a water service provider, the entity that does provide water or regulate the use of water must permit the development of an additional Dwelling Unit on a property. To Staff's knowledge, within the Marshall Fire area water service is provided by wells which are regulated by the State Division of Water Resources, the East Boulder County Water District and the City of Lafayette.

- vii. Adequate sanitary sewer service must be demonstrated at the time of building permit submittal. If the property receives sanitary sewer service from a public source a letter from the Sanitation District stating that it approves of two dwellings on the parcel must be provided. If the property is served by an onsite wastewater system, a septic permit for a system that can accommodate a second dwelling unit must be provided.

An additional Dwelling Unit generates the need for additional sanitary sewer service for a property. As the county is not a sanitary sewer service provider, the entity that does provide sanitary sewer service or regulate septic systems (Boulder County Public Health) must approve the development of an additional Dwelling Unit on a property in compliance with its regulations.

- viii. The Accessory Dwelling shall remain in common ownership with the property. Accessory Dwellings shall not result in the creation of additional building lots nor result in the change of the property to Condominium Ownership.

Accessory Dwellings are not intended to drive the creation of additional building lots in the County nor are the regulations drafted in a way that would support Condominium Ownership.

- ix. In instances where the Accessory Dwelling is constructed prior to the principal dwelling, a complete building permit application for the principal dwelling must be submitted by March 29, 2027. After this date, the Accessory Dwelling will be considered the principal dwelling and use on the property. A one-time extension of up to one year may be granted by the Director if good cause is demonstrated.

This section clarifies that the Accessory Dwelling may be constructed prior to the principal single family dwelling, but that if the principal dwelling unit is not pursued within the timeframe of Article 19-500, the dwelling unit on the property at the time

Article 19-500 sunsets would be considered the principal dwelling unit. A dwelling unit cannot be considered accessory without a primary dwelling unit on the property. After March 29, 2027, the property would be subject to the standard requirements and allowances in the Code.

- x. Accessory Dwellings shall remain subject to explicit limitations that were imposed on a property through a prior County land use approval or conservation easement.

This section clarifies that previous decisions and existing restrictions continue to apply when evaluating if a property is eligible for an Accessory Dwelling.

Article 19-500.F.2.c, Special Provisions by Accessory Dwelling Building Type, establishes requirements for the various types of Accessory Dwellings and outlines associated parameters and review processes. The proposed text amendment defines specific types of Accessory Dwellings: Detached, Attached to Accessory Structure, Attached to the Principal Structure and Conversion of Existing Floor Area. Various types have been developed to reflect the various ways in which an Accessory Dwelling is typically added to a property. Different types of units have different potential impacts, and the additional provisions reflect this. Those types with the potential to have more impacts include specific limitations or require additional review. Detached and Attached to Accessory Structure types, which have the greater potential for additional impacts, are encouraged to be clustered with the development that preexisted the Fire, though the proposed text provides an option to pursue a different location through the Site Plan Review Waiver process. The Attached to the Principal Structure and Conversion of Existing Floor Area types have minimal additional requirements as these are unlikely to have new or different impacts than have already been addressed by Article 19-500.

TEXT AMENDMENT CRITERIA ANALYSIS

Article 16-100.B contains criteria for amending the text of the Code. Staff finds that these criteria are met in the context of this Docket, as follows:

The existing text is in need of amendment: In order to expand the use of Accessory Dwellings in Boulder County the Code requires amendment. Article 19 was created to allow the County to respond to disasters and to facilitate rebuilding in a timely, safe, and responsible manner while also encouraging reasonable improvements in redevelopment consistent with current regulations and the Comprehensive Plan. The addition of 19-500 was instituted to provide an efficient rebuilding and recovery process, which included an allowance for temporary housing units. However, this allowance restricted owners to one permanent dwelling unit unless an Accessory Dwelling unit was approved through Limited Impact Special Review, in accordance with existing Accessory Dwelling regulations in Article 4-516.G, which restrict these dwellings to family care units, agricultural worker units, and historical units. Creating an allowance for an Accessory Dwelling within Article 19-500 is necessary to implement the intent of the Phase I component of this text amendment which, as explained above, is to respond to the needs of those planning for rebuilding their home now, on a quicker timeline than will take place under Phase II.

The amendment is not contrary to the intent and purpose of this Code: The Boulder County Land Use Code is enacted to protect and promote the health, safety, and general welfare of present and future inhabitants of Boulder County. The proposed text amendment seeks to

support rebuilding efforts while mitigating the land use impacts of Accessory Dwellings by establishing appropriate parameters. The proposed text amendment conforms to the intent of the Code and does not significantly deviate from the current Code requirements and regulations.

The proposed draft language reflects the expedited text amendment process by maintaining a simple and streamlined review process for those rebuilding and attempting to establish parameters that can potentially be considered in the context of the countywide amendment.

The amendment is in accordance with the Boulder County Comprehensive Plan: As proposed, the text amendment does not make changes to the Code that would alter the current Code's consistency with the goals and policies of the Comprehensive Plan. The proposed modification supports the following specific elements of the Comprehensive Plan while remaining in accordance with the broader policy which directs additional development to urban areas:

- **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.

PUBLIC ENGAGEMENT

Prior to drafting the regulations, staff met virtually (May 25, 2022) and in-person (May 26, 2022) with community members to discuss concepts related to Accessory Dwellings and solicit initial feedback. Polling at the community meeting regarding initial Accessory Dwelling concepts was conducted and responses are included as Exhibit C. An online survey was also available between May 25, 2022 and June 1, 2022 and those results are included as Exhibit D. The draft amendment text was posted on the Community Planning & Permitting Department's website and sent out to the Land Use Code update listserv on Thursday June 16, 2022. Additionally, the UBC group sent notice of the public comment period to their email list. The agency referral and public comment period was open from June 16, 2022 to June 28, 2022, with written public comments attached as Exhibit E and agency referral responses attached as Exhibit F.

PLANNING COMMISSION SUMMARY

Planning Commission considered the proposed text amendment on July 20, 2022. Staff presented the proposal and responded to clarifying questions from the commissioners. Planning Commission heard from members of the public after which staff provided a response to portions of the public comments where clarification or explanation was necessary. Planning Commission followed with a discussion of the text amendment. A recording of the entire Planning Commission meeting is available online. For reference, a summary of the key points is provided below:

- *Clarification Regarding Destroyed Homes:* Commissioners discussed the applicability of the Accessory Dwelling Allowance for destroyed homes. Staff clarified that the damage assessment records are how the destroyed homes are identified. The Commission asked that this clarification be added and asked staff to explore a potential expansion to include homes that may not have been destroyed but were rendered “uninhabitable.”
- *Size:* Most of the discussion was centered around the size of the unit. Planning commissioners agreed that the size allowance for the unit should be increased. No maximum allowance was agreed upon, but suggestions from commissioners ranged from 800 sq. ft. to 1,200 sq. ft. with all Commissioners finding that the 800 -1000 sq. ft. range to be supportable. Many commissioners also supported exploring alternative language that limited the size of the Accessory Dwelling to a percentage of the primary dwelling’s floor area and provided direction to staff to develop this option, again no explicit percentage was agreed to.
- *Parking Requirement:* One commissioner noted that the parking requirement was redundant with existing requirements in 4-516.G. Staff provided an explanation for its inclusion in this section and acknowledged that the language would be adjusted to reflect existing language.
- *Distance from Principal Dwelling:* Planning commissioners directed staff to clarify the 50-foot location requirement. Some also expressed concern that 50-foot would be unworkable for most homeowners if the home was required to be fully within the 50 foot distance, but staff and other commissioners noted that it was possible to locate a structure farther away through Site Plan Review Waiver.
- *Height Limit:* One commissioner suggested that the 20 ft. height limit for Detached Accessory Dwellings be eligible for an increase through site plan review.

Commissioner Libby moved that PC approve and recommend approval with the additions of the comments and recommendation made by Planning Commission. The motion was seconded by Commissioner Fitch and unanimously approved.

CHANGES TO THE DRAFT TEXT FOLLOWING PLANNING COMMISSION

Following Planning Commission staff has made edits to the draft text in order to capture the direction that was given.

The first change occurs on page A-4 (Article 19-500.F.1.a.ii) where clarification is necessary. While generally the size presumed to be compatible with the neighborhood is 125% of the median Residential Floor Area in the defined neighborhood, the full scope of the definition found in Article 4-806.A.2.a provides for 2,500 sq. ft. when 125% of the median Residential Floor Area calculation results in a smaller number. It was not the intent of Article 19-500 when it was adopted to utilize or create a different method for determining the presumptive size and this clarification helps align the sections of the Code and confirms for those property owners that the default of 2,500 sq. ft. will be utilized when applicable.

The next change is found on page A-5 (Article 19-500.F.2.a). Here Planning Commission requested additional clarity around how a home is determined to be destroyed. As was explained by staff at the hearing, the county post-disaster damage assessment teams investigated each property after the Fire, and county records are clear in regard to which homes were destroyed. Staff has proposed to add language that indicates that these damage assessment records are what will be used determine if a residence was destroyed. Planning Commission also asked that staff explore the possibility that those properties where the home was damaged or rendered uninhabitable be included as eligible for an Accessory Dwelling as these property owners may also be unable to live in their homes if they must do extensive repairs of a nature similar to where the house was destroyed. Staff has drafted language, which would allow the Director to consider these instances on a case-by-case basis.

As noted above, Planning Commission also recommended changes to Article 19-500.F.2.b, which relates to the size of the Accessory Dwelling. Although the Planning Commission did not agree on what the maximum square footage should ultimately be, all supported increasing the maximum size allowance for the unit and appeared to agree that 800 – 1000 sq. ft. should be considered. Planning Commissioners also directed staff to develop alternative language that would establish a size limit for the Accessory Dwelling based on a percentage of the Primary Dwelling (i.e., 30%) and with an explicit limit (i.e., 1,000 sq. ft.), whichever was less.

Staff reviewed Accessory Dwelling regulations in twelve other jurisdictions to better understand how other communities regulated these units. Though limitations on size ranged from 550 sq. ft. to 1,250 sq. ft., approximately 66% of the jurisdictions reviewed capped the maximum size of accessory dwellings to a number that was less than or equal to 1,000 sq. ft. In addition to these maximums, many regulations also limited the size of an accessory dwelling to a percentage (generally between 30% and 50%) of the primary dwelling. In most cases the maximum size allowed for the accessory dwelling was limited to the lesser of the percentage of the primary dwelling or the stated maximum. A table summarizing these size parameters is found in Exhibit G.

Staff also considered the Residential Floor Area size parameters that exist in the Code to better understand how a percentage metric could be applied and what results it might yield. Staff applied this same exercise to the US Census data for the median floor area in new single-family houses completed in the West in 2021. This data is provided in the table below.

	Default Size Presumption 2,500 sq. ft.	Size Threshold for Purchase of Transferrable Development Credits 6,000 sq. ft.	Median floor area in new single-family houses completed in the West in 2021, 2,206 sq. ft.
30 %	750	1800	662
35 %	875	2100	772
40 %	1000	2400	882
45 %	1125	2700	993
50 %	1250	3000	1103

Based on the direction from Planning Commission and the information above, staff offers the following two options for establishing the size parameter in the draft text amendment:

Option A: The Accessory Dwelling is limited to [700, 800, 900, 1000] sq. ft.

Option B: The Accessory Dwelling shall not exceed [30, 35, 40] percent of the Floor Area of the Floor Area of the principal dwelling or [700, 800, 900, 1000, sq. ft.], whichever is less.

Staff has drafted the text to include a range of options for the Board of County Commissioners to consider. Given the variation in opinion on Planning Commission, staff would suggest that 35% with a 900 sq. ft. limitation may best capture those various views.

Below are several examples of floor plans and elevations demonstrating how ADUs can look and be configured at the various sizes.

446 Square Foot Studio

Studio ADU – 446 Square Feet

Downloadable Floor Plan: [PDF](#) | [CAD File](#)



STEPHEN DALTON ARCHITECTS
www.SDArchitects.net



DEL MAR ACCESSORY DWELLING UNIT
STUDIO
446 SF

7/20/2020

721 square feet two bedroom

A Sustainable and Sunny ADU

Tired of living in a house with so many walled off and dark spaces that the sun couldn't shine in, the home's owners built and moved into the bright, airy, modern and very accessible ADU they created in their yard. (The original, larger home has become a rental.) The ADU is located within a conservation district and was constructed using sustainable materials and environmentally friendly techniques. One such feature is the deck trellis, which allows light in while diffusing the heat of the afternoon sun.



▲ Although this ADU has only 721 square feet of living space, there is room enough for two bedrooms.

Design: Propel Studio | Builder: JLTB Construction | Photo by Josh Partee | Cost to build: \$185,000 in 2017 | Article adapted from "ADU Case Studies" by Lina Menard on AccessoryDwellings.org

From ABCs of ADUs - <https://www.aarp.org/content/dam/aarp/liva>

936 square feet 2BR/1BA home. with an additional 216 sq. ft. of carport space elevation sketch and floorplan created by the U.S. Department of Agriculture.

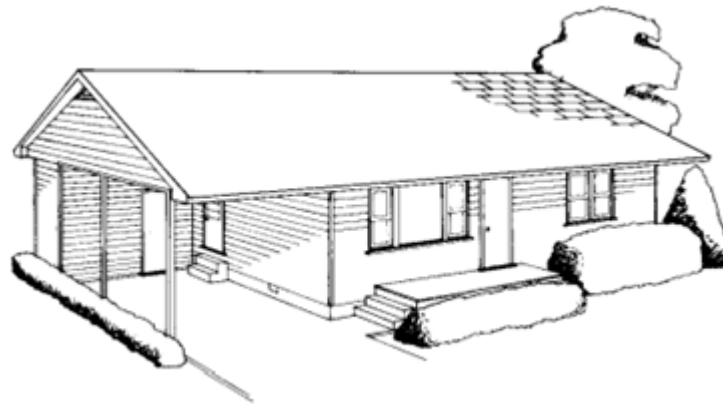


Image courtesy of U.S. Department of Agriculture

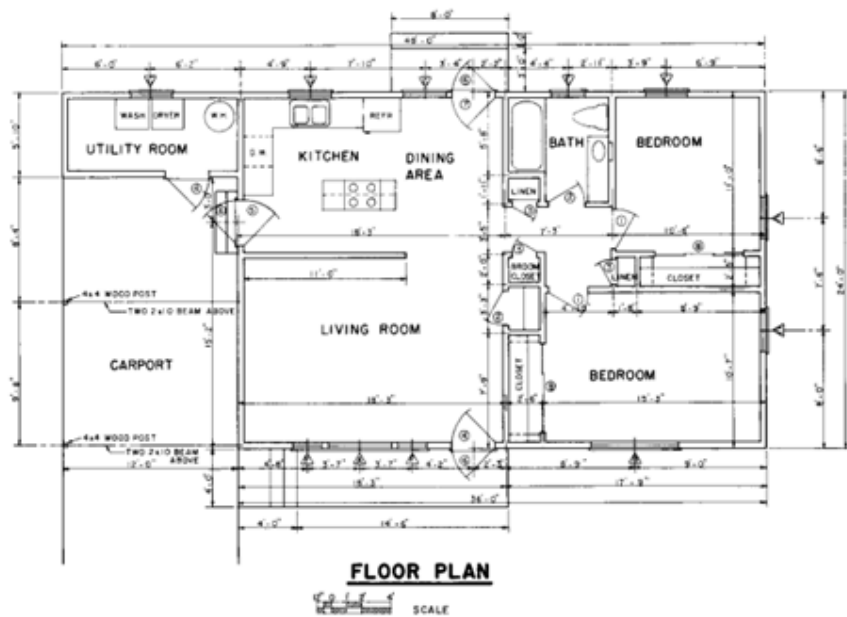
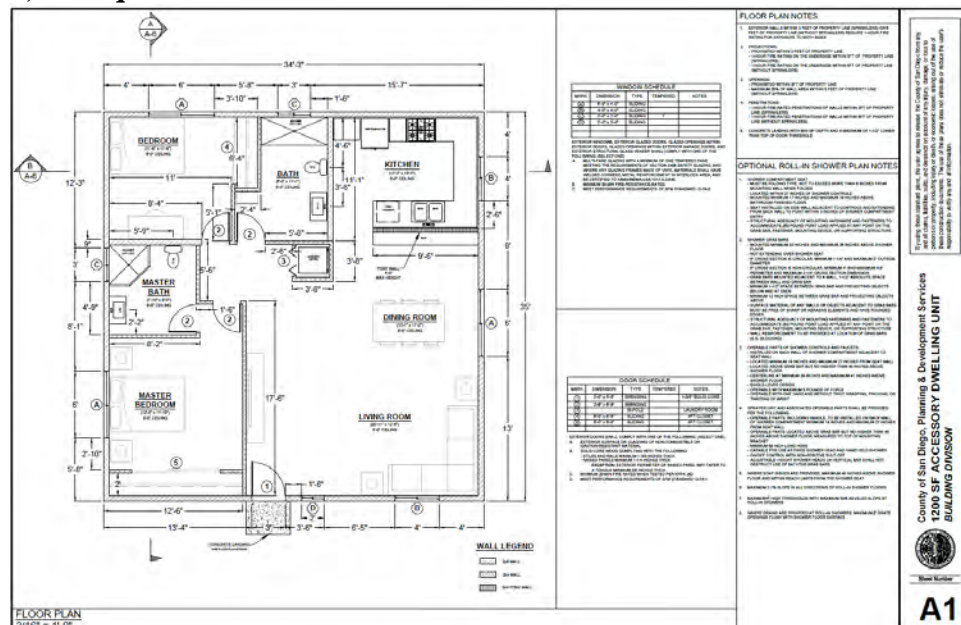


Image courtesy of U.S. Department of Agriculture

1,200 Square Feet



Source: SanDiego County Standard ADU Building Plans -
https://www.sandiegocounty.gov/content/sdc/pds/bldg/adu_plans.html

Next, Planning Commission pointed out that Article 4 of the Code already includes a parking requirement and including it in Article 19-500.F.2.b is repetitive. While this is correct, staff recommends leaving it in Article 19-500 for ease of use of the Code by those rebuilding. It can be difficult for those who are not familiar with the Code to cross reference various sections to discover details such as this. Keeping the parking requirement in Article 19 results in all of the relevant requirements being located in one place. Staff has updated the text in Article 19-500 so that the two sections addressing the parking requirement use the same language.

Lastly, Planning Commission asked that clarification be added to the location requirement associated with the Detached and Attached to Accessory Structure types in Article 19-500.F.2.c. As proposed, these accessory structures are encouraged to be clustered with the existing development on the site (or that which preexisted the Fire) in order to reduce the potential that these new structures will have unacceptable impacts. If the new structures are not located within 50 feet of the footprint of the residence, then the Site Plan Review Waiver will be used to evaluate the proposed location. In order to clarify how the 50 feet is measured, staff has proposed language which establishes that the measurement will be taken at the two closest points on the new structure and the footprint of the residence that was destroyed.

RACIAL EQUITY

Commissioners Bloomberg and Gargano both expressed the desire that Phase 2 of this project incorporate racial equity and discrimination lenses. As with other types of analyses that will be conducted as part of Phase 2, staff intends to conduct a more in depth and intentional analysis of racial equity and discrimination as part of the Phase 2 text amendment. As part of this analysis, staff intends to use Boulder County's Racial Equity Impact Tool to reflect upon Phase 1 and to begin the work on Phase 2.

STAFF RECOMMENDATION

STAFF RECOMMENDS THAT THE BOARD OF COUNTY COMMISSIONERS APPROVE DOCKET DC-22-0003, ARTICLE 19 MARSHALL FIRE ACCESSORY DWELLING- LAND USE CODE TEXT AMENDMENTS.

DOCKET DC-22-0003: PROPOSED TEXT AMENDMENTS TO ARTICLE 19-500 (MARSHALL FIRE 2021) AND ARTICLE 4 - Text amendments to the Boulder County Land Use Code to provide an allowance for an Accessory Dwelling to be built as part of Marshall Fire recovery and other changes to the Code necessary to integrate the text amendment.

Article 4-516 Accessory Dwelling

1. Definition: A dwelling unit which is accessory to a permitted Principal Use and which is limited to the following, allowed purposes:

d. Disaster Recovery Unit as permitted under Article 19.

Article 19-500 MARSHALL FIRE 2021

On December 30, 2021 Boulder County and the communities of Louisville and Superior experienced a tragic disaster from high winds and wildfire. Boulder County declared a local disaster emergency pursuant to § 24-33.5-709, C.R.S., as amended, in response to the Marshall Fire (the "Fire"), which caused severe damage and loss of life and property in Boulder County.

The following code provisions provide for an efficient rebuilding and recovery process. These regulations provide flexibility by extending time frames for rebuilding following the Fire. The regulations also allow flexibility in structures' location, size, and height while considering potential impacts on neighbors and the environment. In addition, the requirements set forth in these code amendments reduce risk from future wildland and urban fires to help build a more resilient community.

The provisions in this Article pertain to structures destroyed or damaged by the Marshall Fire and wind event and any necessary land restoration efforts resulting from the Fire.

A. Structure Deconstruction/Site Clean Up

1. A Deconstruction/Site Clean-Up Permit is required for each property where a structure(s) was destroyed by the fire. This permit is required to be closed out prior to issuance of a building permit for new construction, eligible structures, and temporary structures.
 - a. The deconstruction recycling requirements of the Boulder County Building Code, commonly known as "Boulder County BuildSmart," shall not apply to the Deconstruction/Site Clean-Up Permit.
 - b. A Deconstruction/Site Clean-Up Permit must be applied for by June 30, 2022 unless an extension is granted by the Director for good cause. Extensions shall not be longer than 30 days.
 - c. Deconstruction/Site Clean-Up Permits must be closed out by September 30, 2022 unless an extension is granted by the Director for good cause. Extensions shall not be longer than 30 days.
 - d. Site condition requirements include:
 - i. IF REBUILDING IMMEDIATELY: If a property owner intends to build on the property within 180 days of the Deconstruction/Site Clean-Up Permit final inspection date, a temporary construction fence shall be installed around the perimeter of the disturbed area and erosion and sediment control measures must be in place until construction begins.
 1. If a complete building permit application for a new structure(s) has not been submitted within 180 days of the deconstruction/site clean-up final inspection and close-out date, the Not Rebuilding Immediately requirements below must be implemented.
 - a. A one-time extension of the 180-day timeframe allowing a property owner to maintain temporary construction fencing and erosion and sediment control measures (versus re-grading and stabilizing the site) following clean-

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up completion may be granted for good cause by the Director for up to 90 days.

- ii. IF NOT REBUILDING IMMEDIATELY: If a complete building permit application for a new structure(s) will not be submitted within 180 days of the deconstruction/close-out permit final inspection date, any excavated area(s) must be backfilled and the site returned to its natural grade, areas of disturbed soil must be seeded and stabilized, and erosion and sediment control must be in place until vegetation is at least 70% established.
2. Other requirements, including but not limited to permits related to hazardous material removal and water quality administered by the Colorado Department of Public Health and Environment, may be required.

B. Temporary Structures on Fire-Affected Properties

1. Temporary structures require a building permit and shall comply with zoning setback requirements, unless the Director determines that existing site conditions make such location impractical or unnecessary.
2. Temporary Housing Units
 - a. Temporary housing is intended to house those whose residence was destroyed by the Fire on a short-term basis while preparing for or rebuilding the new residence. Temporary housing units shall only be occupied by the property owner and the owner's family.
 - b. Only one temporary housing unit shall be permitted per property, unless the owner can demonstrate that an additional unit is necessary.
 - c. The final status (i.e. removal, decommissioning, etc.) of the structure used for temporary housing must be approved prior to the issuance of the building permit for the temporary housing unit and the structure must be removed or converted to the approved final condition upon final inspection of the permanent dwelling unit.
 - i. Structures that remain on site will count towards the total Residential Floor Area on the property.
 - ii. Only one permanent dwelling unit is allowed to remain on the property unless an accessory dwelling unit is approved. If the property was Nonconforming because of multiple permanent dwellings, it may be rebuilt to the same level of Nonconformity.
 - iii. Once a building permit to rebuild a permanent dwelling unit has been issued, the temporary housing unit may remain while a valid County building permit for work on the permanent dwelling unit is in effect. Within two weeks of County issuance of a certificate of occupancy for the permanent dwelling unit, the temporary housing unit must either be removed from the property along with the site of its location being fully restored, or must be converted to a legal, permanent accessory structure.
 - d. The use of a Recreational Vehicle (RV) or other temporary dwelling on a chassis with wheels is allowed provided:
 - i. Electrical service is provided and a building permit for Temporary Electrical service is issued;
 - ii. An on-site connection to the potable water supply is provided;

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- iii. A method for the safe disposal of effluent is approved of by Boulder County Public Health;
- iv. The use of an RV or other temporary dwelling on a chassis with wheels as a temporary housing unit shall be limited to two years from adoption of this amendment. This timeframe may be extended by the Director for up to 180 days if a building permit application for a permanent dwelling unit has been issued; and
- v. Recreational Vehicles or other temporary dwellings on a chassis with wheels must be safe for temporary occupancy. They must be licensed and operable, installed according to manufacturer's specifications and adhere to applicable County safety requirements such as being properly secured/tied down.

3. Temporary Accessory Structures

- a. A temporary accessory structure may be located on an affected property to assist with rebuilding on, or cleanup of, the property, provided a building permit is issued for the structure if required.
- b. Temporary accessory structures may not exceed 500 sq. ft.
- c. Temporary accessory structures are allowed for up to 5 years from the adoption of this Code or must otherwise be permitted as a permanent structure. Structures that remain on site will count towards the total Residential Floor Area on the property.

C. Fire-Damaged/Destroyed Structures Eligible for Expedited Rebuilding

- 1. Any legal structure(s) or Floor Area (residential or non-residential) that was damaged or destroyed by the Fire, may be rebuilt or repaired if approved through the process set forth below. Construction within the defined parameters is exempt from Land Use Code site plan review approval (Article 4-800) and special use review approval (Article 4-600). Development Credit acquisition exemptions and requirements (Article 4-1300) apply.
- 2. Eligible Structures and Legally Existing Floor Area include:
 - a. Structures and Floor Area erected according to a valid County building permit.
 - b. Structures and Floor Area erected without a valid County building permit, if the owner can demonstrate that the structure or Floor Area preexisted the effective date of building permit requirements in the County (January 27, 1966 for Subdivided Land, and December 22, 1975 for Unsubdivided Land), or was exempt from applicable building permit requirements. This information can be obtained through County Assessor's records, photographs, maps, and surveys, property damage assessment or other documentation deemed acceptable by the Director.
 - c. Nonconforming Structures and Structures containing Nonconforming uses. Nonconforming structures and uses are those that do not conform to the zoning district regulations (such as setbacks) in which the nonconforming structure or use is located as a result of the adoption or amendment of this Code.
 - d. Accessory structures, such as outbuildings, may be built prior to the construction of the anticipated principal use (i.e., the permanent dwelling unit).
 - e. A ground-mounted Accessory Solar Energy System that otherwise requires a site plan review waiver under this Code associated with an eligible structure, provided the Director

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determines that the proposed location of the system will not have a significant adverse visual impact on neighboring private and public property.

3. Proposed construction that is outside the scope of the defined parameters outlined in Section 19-500.F may be undertaken if approved under the applicable provisions of the other articles of this Code, such as Site Plan Review.
- D. Access Requirements to Construct Eligible Structures and Floor Area
1. If the previous access point is being reused, demonstration of legal access is not required. If the access point is being relocated, demonstration of legal access is required. Modifications to pre-existing driveways should meet Multimodal Transportation Standards.
- E. Timeframe for Eligible Structures (Including Nonconforming Structures and Structures Containing Nonconforming Uses)
1. A property owner must submit a complete building permit application to build an eligible structure or Floor Area to the Community Planning & Permitting Department within 5 years after the adoption of this Code. A one-time extension of up to one year may be granted by the Director if good cause is demonstrated.
 2. Work under a valid building permit must continue within the timelines provided for under the Boulder County Building Code.
- F. Allowances and Requirements for Eligible Structures and Floor Area
1. Eligible structure(s) may be issued a building permit upon the Director determining the following parameters are met:
 - a. Size. Floor Area may built in the following manner.
 - i. Rebuild Legally Existing Floor Area
 1. Legally Existing Floor Area as of December 30, 2021 and Floor Area approved under a Site Plan Review may be built.
 - ii. Increase in size
 1. An increase in Floor Area is permitted provided it does not exceed the lesser of either:
 - a. the size presumed to be compatible with the defined neighborhood
 - Clarification based on public comment (changes from original proposal indicated with double-underline):**

(~~125% median Residential Floor Area~~ as defined in 4-806.A.2.a) on December 30, 2021, or

 - b. an additional 1,000 square feet (including both residential and non-residential Floor Area).
 - iii. When new construction results in Residential Floor Area over 6,000 square feet and exceeds the Residential Floor Area that legally existed on the property as of December 30, 2021, Development Credits must be purchased for any Residential Floor Area that exceeds what was legally existing as of December 30, 2021, pursuant to Article 4-1300 of this Code.

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- b. Location. Structures must be located in the same general location as the previously existing structure.
 - i. Reuse of the footprint (area of the foundation of the previously existing structure) is required. Structures with a footprint of less than 1,500 sq. ft. shall reuse at least 30% of the footprint, structures with a footprint of 1,500 to 2,500 sq. ft. shall reuse at least 40% of the footprint and structures with a footprint over 2,500 sq. ft. shall reuse at least 50% of the footprint.
 - 1. A location change that does not fall within these parameters may be reviewed through the Site Plan Review Waiver process for the limited purpose of evaluating the location shift and its impacts. The Director's written determination under this limited Site Plan Review Waiver process may be directly appealed to the Board of County Commissioners.
 - ii. Nonconforming Structures and Structures containing Nonconforming Uses may be permitted to relocate to a larger degree when the relocation will result in a higher degree of conformity. Setbacks for Nonconforming Structures and Structures containing Nonconforming Uses from an irrigation ditch shall be 20 feet from the centerline of the ditch, provided the development does not conflict with the easement(s) for the ditch.
 - iii. Floor Area that was distributed amongst multiple structures may be redistributed so long as redistributed Floor Area does not change use classification.
- c. Height. Allowable increases in height include:
 - i. On an eligible structure that was previously one story, the height of the replacement structure may be increased up to a maximum total height of 20 feet from existing grade.
 - ii. Height may also be increased up to the maximum height allowable in the zoning district if the new second level on a structure that was previously one-story does not exceed 800 sq. ft., or if a previously-existing second story is expanded by a maximum of 500 sq. ft.
 - iii. Impacts on neighboring views should be considered, and the stories above (particularly if in a shifted footprint) shall be stepped back or broken up to mitigate the visual impacts from the massing.
- d. Earthwork. Non-foundational earthwork of up to 500 cubic yards associated with modifications to the driveway or structure relocation is permitted.
- e. Previous approvals. Rebuilding under this section shall remain subject to explicit limitations that were imposed on a property through a prior County land use approval or conservation easement.

2. Disaster Recovery Unit

- a. A single Accessory Dwelling may be constructed when the principal single family dwelling was destroyed by the Fire.

Clarification based on Planning Commission discussion (changes from original proposal indicated with double-underline):

- a. A single Accessory Dwelling may be constructed when the principal single family dwelling was destroyed by the Fire according to Boulder County's damage assessment records. The

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Director may also consider an Accessory Dwelling allowance on properties with a damaged principal single family dwelling, if repairing the damage would require a similar level of rebuilding to single family dwellings that were destroyed according to Boulder County's damage assessment records.

b. Requirements:

- i. The Accessory Dwelling is limited to 700 sq. ft.

Options based on Planning Commission discussion (indicated with double-underline):

Option A: The Accessory Dwelling is limited to [700, 800, 900, 1000] sq. ft.

Option B: The Accessory Dwelling shall not exceed [30, 35, 40] percent of the Floor Area of the principal dwelling or [700, 800, 900, 1000, sq. ft.], whichever is less.

- ii. The Floor Area shall be considered Residential Floor Area and shall fit within the size allowance provided in F.1.a above.
- iii. Primary Dwelling Short-Term Rentals, Secondary Short-Term Rentals, and Vacation Rentals shall not be permitted on properties with an Accessory Dwelling.

Staff Clarification (changes from original proposal indicated with double-underline):

Primary Dwelling Short-Term Rentals, Secondary Short-Term Rentals, and Vacation Rentals are not permitted in an Accessory Dwelling. On properties with an Accessory Dwelling the principal dwelling is not eligible for use as a Vacation Rental or Secondary Short Term Rental.

- iv. The Accessory Dwelling shall use the same access point and driveway as the Principal Residence.
- v. Parking Requirements: One onsite parking space must be provided for the Accessory Dwelling.

Clarification based on Planning Commission discussion (changes from original proposal indicated with double-underline):

Option A: Parking Requirements: At least one off-street parking space must be provided.

Option B: Parking Requirements: One onsite parking space must be provided for the Accessory Dwelling.

- vi. Adequate water service must be demonstrated at the time of building permit submittal. If the property receives water service from a public water source, a letter from the Water District stating that it approves of two dwellings on the parcel must be provided. If the property is served by a well, a letter from the Colorado Division of Water Resources that states that the existing well permit can accommodate a second dwelling unit must be provided.
- vii. Adequate sanitary sewer service must be demonstrated at the time of building permit submittal. If the property receives sanitary sewer service from a public

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- source, a letter from the Sanitation District stating that it approves of two dwellings on the parcel must be provided. If the property is served by an onsite wastewater system, a septic permit for a system that can accommodate a second dwelling unit must be provided.
- viii. The principal single family dwelling and the Accessory Dwelling shall remain in common ownership. Accessory Dwellings shall not result in the creation of additional building lots nor result in the change of the property to Condominium Ownership.
 - ix. In instances where the Accessory Dwelling is constructed prior to the principal dwelling, a complete building permit application for the principal dwelling must be submitted by March 29, 2027. After this date, the Accessory Dwelling will be considered the principal dwelling and use on the property. A one-time extension of up to one year may be granted by the Director if good cause is demonstrated.
 - x. Accessory Dwellings shall remain subject to explicit limitations that were imposed on a property through a prior County land use approval or conservation easement.
- c. Special Provisions by Accessory Dwelling Building Type
- i. Detached
 - 1. Definition: A standalone Accessory Dwelling separate from the principal single family dwelling or other accessory structures.
 - 2. Height Limit: 20 feet.
 - 3. Location: If the structure is located more than 50 feet from the footprint of the single family dwelling destroyed by the Fire, Site Plan Review Waiver shall be required for a Detached Accessory Dwelling for the limited purpose of reviewing the structure's location and its impacts.
 - a. The Director's written determination under this limited Site Plan Review Waiver process may be directly appealed to the Board of County Commissioners.

Clarification based on Planning Commission discussion (changes from original proposal indicated with double-underline):

- 3. Location: If the structure is located more than 50 feet from the footprint of the single family dwelling destroyed by the Fire, as measured from the two closest points of the Accessory Dwelling and the footprint, Site Plan Review Waiver shall be required for a Detached Accessory Dwelling for the limited purpose of reviewing the structure's location and its impacts.
 - a. The Director's written determination under this limited Site Plan Review Waiver process may be directly appealed to the Board of County Commissioners.
- ii. Attached to Accessory Structure
 - 1. Definition: An Accessory Dwelling sharing either a wall or floor with a detached accessory structure (i.e. detached garage).

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2. Location: Rebuilding of a detached accessory structure that includes an Accessory Dwelling shall comply with the location requirements of section F.1.b above.
3. If a new structure is located more than 50 feet from the footprint of the single family dwelling destroyed by the Fire, Site Plan Review Waiver shall be required for the new Structure for the limited purpose of reviewing the structure's location and its impacts.
 - a. The Director's written determination under this limited Site Plan Review Waiver process may be directly appealed to the Board of County Commissioners.

Clarification based on Planning Commission discussion (changes from original proposal indicated with double-underline):

3. Location: If the structure is located more than 50 feet from the footprint of the single family dwelling destroyed by the Fire, as measured from the two closest points of the Accessory Dwelling and the footprint, Site Plan Review Waiver shall be required for a Detached Accessory Dwelling for the limited purpose of reviewing the structure's location and its impacts.
 - a. The Director's written determination under this limited Site Plan Review Waiver process may be directly appealed to the Board of County Commissioners.
- iii. Attached to the Principal Structure
 1. Definition: An Accessory Dwelling designed as part of the principal single family dwelling and sharing either a wall or a floor with the rest of the structure.
 2. Location: Rebuilding of a principal structure that includes an Accessory Dwelling shall comply with the requirements of section F.1.b above.
- iv. Conversion of Existing Floor Area
 1. An Accessory Dwelling may be developed by converting legally existing floor area on a parcel into a Dwelling Unit.
 - a. Conversion may occur without a Land Use review process.
 - b. In order to allow the reasonable reuse of an existing structure, the Director may grant an exception to the size limitation if good cause is demonstrated.
3. Redevelopment must mitigate the risk of wildfire both to the subject property and neighboring properties in the surrounding area by incorporating the list of Boulder County Building Code wildfire provisions set forth in Appendix A. Appendix A is applicable until amendments to the Boulder County Building Code wildfire provisions become effective.
4. The property owner must submit a traffic management and construction staging plan to provide awareness related to construction activities in the neighborhood. The plan shall provide details

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of construction phasing, the location of a construction materials storage area, parking and loading areas, worksite access point, trash receptacles and dumpsters, construction trailer, construction fencing, and other details associated with the construction activities.

5. Revegetation and erosion control are required on the property. The property owner must include a revegetation and erosion control plan with the building permit application for review and approval by the Community Planning & Permitting Department. The full installation of the approved plan must be inspected and approved prior to issuance of a certificate of occupancy for the permanent dwelling unit.
6. Nonconforming Structures and Structures Containing Nonconforming Uses. Alteration of Nonconforming Structures and Structures containing Nonconforming Uses are eligible for the allowances outlined in this Article provided the overall encroachment into the setbacks and/or height are not increased. Nonconforming Uses may be reestablished at the previous level of Nonconformity.

G. Appeals related to Eligible Structures and Floor Area

1. If the Director finds that the building permit application does not comply with the applicable standards or requirements, the application cannot be processed through this expedited review process and may require the applicable review process (such as Site Plan Review or Special Use Review). The Director may delay a decision on any application, if the Director finds that insufficient information has been presented to evaluate compliance with the parameters and requirements set forth in this Section.
2. While the Director is not required to make a decision on a building permit application within a specified time and may delay a decision on a reasonable basis as provided herein, the Director shall make a good-faith effort to process requests as soon as practicable after a complete building permit application has been submitted.
3. The applicant may appeal the Director's final decision on a building permit application using the same process as set forth in Article 4-808 for appeals of Site Plan Review determinations.

H. Compliance with Other County Permitting Requirements

1. Any other County permitting requirement or related provision not specifically addressed in Article 19-500, shall be presumed to apply, unless the Director determines that strict application is contrary to the intent and purposes of this Article. The Director may grant appropriate relief from the strict application, subject to reasonable mitigating measures.
2. In the event of a conflict between this Article 19-500 and any other code provision, this Article shall apply.

I. Enforcement

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The County may enforce Article 19-500 through the provisions set forth in Article 17-300 of this Code. Nothing in this Article shall limit the County's existing enforcement authority under Articles 14 or 17 of this Code, the Boulder County Building Code, or other applicable law.

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19-500 - Appendix A

R327.4 Restrictions in Wildfire Zone No. 2. Buildings constructed in Wildfire Zone 2 shall comply with this section.

R327.4.1 Roof covering. Roof covering materials installed in Wildfire Zone 2 shall be listed Class A roof covering materials or be constructed as a Class A roof assembly. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be fire stopped to preclude entry of flames or embers, or have one layer of 72-pound (32.4 kfg) mineral-surfaced, non-perforated cap sheet complying with ASTM D 3909 installed over the combustible decking.

R327.4.1.1 Roof valleys. When provided, valley flashings shall be not less than 0.019 inch (No. 26 galvanized sheet gage) corrosion-resistant metal installed over a minimum 36-inch-wide underlayment consisting of one layer of 72-pound mineral-surfaced, non-perforated cap sheet complying with ASTM D 3909 running the full length of the valley.

R327.4.2 Gutters and downspouts. Gutters, downspouts, and gutter covering devices shall be constructed of noncombustible material. Gutters shall be provided with an approved means to prevent the accumulation of leaves, pine needles and debris in the gutter.

Exception: Buildings meeting one of the exceptions to Section R401.3 of this code may be constructed without gutters and downspouts.

R327.4.3 Spark arrestors. Chimneys serving fireplaces, barbecues, incinerators or decorative heating appliances in which solid or liquid fuel is used shall be protected with a spark arrester. Spark arresters shall be constructed of woven or welded wire screening of 12 USA standard gauge wire (0.1046 inch)(2.66 mm) having openings not exceeding ½ inch (12.7 mm). The net free area of the spark arrester shall not be less than four times the net free area of the outlet of the chimney.

R327.4.4 Fences, retaining walls and similar appurtenances. Fences, retaining walls or other appurtenances that connect to buildings must be constructed of *noncombustible materials* or *ignition-resistant materials* for a distance of 3 feet beyond the exterior walls.

R327.4.5 Protection of eaves. The leading edge of the roof at the fascia must be finished with a metal drip edge so that no wood sheathing is exposed.

Eaves, fascia, and soffits, covered decks or covered porch ceilings shall be protected on the enclosed underside by one of the following materials or methods:

1. *Noncombustible materials.*
2. *Ignition-resistant materials.*
3. Materials approved for a minimum of 1-hour fire-resistance-rated construction.
4. 2-inch-thick nominal dimension lumber.

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5. 1-inch-thick nominal *fire-retardant-treated wood*.
6. $\frac{3}{4}$ -inch-thick nominal *fire retardant-treated* plywood labeled for exterior use.
7. Any materials permitted by this code.

Exceptions:

1. Vinyl or plastic soffits, fascia or *trim* are not permitted.
2. Rafter tails or roof beam ends may be exposed if they are *heavy timber* having minimum dimensions not less than 6-inch nominal in width and not less than 8 inches nominal in depth.

R327.4.6 Exterior walls. Exterior walls of buildings or structures shall be constructed with one of the following methods:

1. *Noncombustible materials* approved for a minimum of 1-hour fire-resistance-rated construction on the exterior side.
2. Approved *noncombustible materials*.
3. *Heavy timber or log wall construction*.
4. *Fire-retardant-treated wood* labeled for exterior use on the exterior side.
5. *Ignition-resistant materials* on the exterior side.

Such material shall extend from the top of the foundation to the underside of the roof sheathing.

Exception: *Trim* is not required to meet the materials requirements for exterior walls.

R327.4.7 Unenclosed under floor protection. Buildings or structures shall have all underfloor areas enclosed to the ground with exterior walls in accordance with Section R327.4.6. For decks, see Section R327.4.8.

Exception: Complete enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams, and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or *heavy timber construction* or *fire-retardant-treated wood* labeled for exterior use.

R327.4.8 Decks, appendages, and projections. Decks and other unenclosed accessory structures attached to buildings shall be constructed of the following materials:

R327.4.8.1 Deck surface: *Non-combustible* material, approved wood thermoplastic composite lumber with an ASTM E84 flame- spread index no greater than 200, *ignition- resistant building materials* or any *approved* Class A roof assembly.

R327.4.8.2 Deck framing: Deck framing shall be constructed of one of the following:

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1. 1-hour fire resistance-rated construction
2. *Heavy timber* construction.
3. Approved *noncombustible materials*.
4. *Fire-retardant-treated wood* labeled for exterior use.
5. *Ignition-resistant building materials*.
6. Wood with a minimum nominal thickness of at least 2 inches for joists and 4 inches for beams and columns or posts.

R327.4.11 Vents. Attic ventilation openings, foundation or under-floor vents, or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed 1/8 inches or shall be designed and *approved* to prevent flame or ember penetration into the structure. Gable end and dormer vents shall be located at least 15 feet from property lines and shall be designed and *approved* to prevent flame or ember penetration into the structure. Underfloor ventilation openings shall be located as close to grade as practical.

R327.4.12 Detached accessory structures. Detached accessory structures shall have exterior walls constructed in accordance with Section R327.4.6.

R327.4.12.1 Underfloor areas. Where the detached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches of the ground with exterior wall construction in accordance with Section R327.4.6 or underfloor protection in accordance with Section R327.4.7.

Exception: The enclosure shall not be required where the underside of all exposed floors and all exposed structural columns, beams, and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or *heavy timber construction* or *fire-retardant-treated wood* on the exterior side. The *fire-retardant-treated wood* shall be labeled for exterior use.

R327.4.13.1 Weed barrier and gravel or crushed rock. A weed barrier and gravel or crushed rock not less than ¾-inch in diameter applied at least 2 inches thick must be installed beneath decks, unenclosed floors, and around the perimeter of the building to extend at least 3 feet beyond the exterior walls and at least 2 feet beyond the driplines of decks, bay windows and other eaves and overhangs.

Exception: Noncombustible surfaces, such as poured concrete or asphalt, or other *approved noncombustible* materials, such as a weed barrier and brick, concrete or stone pavers, may satisfy this requirement.

Exhibit B

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

Exhibit B

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.

Exhibit B

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

Exhibit B

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		

1. Do you think that neighbors should be notified and allowed to comment on an Accessory Dwelling proposal in their neighborhood?

No

Unsure

Yes

Yes

Yes

No

No

Yes

No

No

Yes

No

Unsure

No

No

Yes

Yes

No

No

No

Unsure

Yes

No

No

No

No

Yes

No

No

No

Yes

Yes

Yes

Yes

Yes

No

Unsure

No. of		
Summary	Respondents	%
Yes	13	36%
No	19	53%
Unsure	4	11%
Total	36	100%

1.What do you think is an acceptable size for an Accessory Dwelling in your neighborhood?
Between 600 and 800 square feet

Between 600 and 800 square feet
1000 square feet
1000 square feet
1000 square feet
1000 square feet
Between 600 and 800 square feet
1000 square feet
1000 square feet
Between 600 and 800 square feet
Between 600 and 800 square feet
Between 600 and 800 square feet
1000 square feet
1000 square feet
Between 600 and 800 square feet
1000 square feet
Between 600 and 800 square feet
1000 square feet
Between 600 and 800 square feet
1000 square feet
1000 square feet
Between 600 and 800 square feet
1000 square feet
Around 500 or 600 square feet
1000 square feet
Around 500 or 600 square feet
1000 square feet
Between 600 and 800 square feet
1000 square feet
Between 600 and 800 square feet
1000 square feet

Summary	No. of Respondents	%
500-600	2	6%
600-800	13	39%
1000	18	55%
Total	33	100%

1. For those of you who answered “No” or “Unsure” to the previous question does this list capture your concerns?

Yes
Mostly
Yes
No
Yes
Yes
Yes
Mostly
Yes
Mostly
Yes

No. of		
Summary	Respondents	%
Yes	8	67%
No	1	8%
Mostly	3	25%
Total	12	100%

1.If you are a resident of the fire impacted area where do or did you live?

- Marshall Townsite / West Marshall Drive Area
- Panorama Park
Panorama Park
- S 68th Street / Bari -Don Knolls
- Marshall Townsite / West Marshall Drive Area
- S 68th Street / Bari -Don Knolls
Red Ash Lane / East Marshall Drive Area
S 68th Street / Bari -Don Knolls
Marshall Townsite / West Marshall Drive Area
Marshall Townsite / West Marshall Drive Area
Paragon Estates / Empire Drive
Red Ash Lane / East Marshall Drive Area
Paragon Estates / Empire Drive
S 68th Street / Bari -Don Knolls
Red Ash Lane / East Marshall Drive Area
Panorama Park
Spanish Hills
Marshall Townsite / West Marshall Drive Area
Paragon Estates / Empire Drive
Paragon Estates / Empire Drive
Paragon Estates / Empire Drive
South Vale / Cherryvale Area
Paragon Estates / Empire Drive
Paragon Estates / Empire Drive
Benchmark
Paragon Estates / Empire Drive

Summary	No. of Respondents	%
Marshall Townsite / West Marshall Drive Area	5	19%
Panorama Park	3	12%
S 68th Street / Bari -Don Knolls	4	15%
Red Ash Lane / East Marshall Drive Area	3	12%
Paragon Estates / Empire Drive	8	31%
Spanish Hills	1	4%
South Vale / Cherryvale Area	1	4%
Benchmark	1	4%
Total	26	100%

1.What level of planning and zoning review should Boulder County require prior to issuing a building permit?

No review is necessary as long as the Accessory Dwelling meets certain parameters.

- No review is necessary as long as the Accessory Dwelling meets certain parameters.
- No review is necessary as long as the Accessory Dwelling meets certain parameters.
- No review is necessary as long as the Accessory Dwelling meets certain parameters.
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- No review is necessary as long as the Accessory Dwelling meets certain parameters.
- No review is necessary as long as the Accessory Dwelling meets certain parameters.
- No review is necessary as long as the Accessory Dwelling meets certain parameters.
- No review is necessary as long as the Accessory Dwelling meets certain parameters.
- Planning review should be required for all Accessory Dwellings.
- No review is necessary as long as the Accessory Dwelling meets certain parameters.
- No review is necessary as long as the Accessory Dwelling meets certain parameters.
- No review is necessary as long as the Accessory Dwelling meets certain parameters.
- No review is necessary as long as the Accessory Dwelling meets certain parameters.
- Planning review should only be required for Accessory Dwellings that are separate structures than the primary home.
- Planning review should be required for all Accessory Dwellings.
- Planning review should only be required for Accessory Dwellings that are separate structures than the primary home.
- No review is necessary as long as the Accessory Dwelling meets certain parameters.
- Planning review should only be required for Accessory Dwellings that are separate structures than the primary home.
- No review is necessary as long as the Accessory Dwelling meets certain parameters.
- No review is necessary as long as the Accessory Dwelling meets certain parameters.
- Planning review should be required for all Accessory Dwellings.
- No review is necessary as long as the Accessory Dwelling meets certain parameters.
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- No review is necessary as long as the Accessory Dwelling meets certain parameters.
- Planning review should be required for all Accessory Dwellings.
- Planning review should only be required for Accessory Dwellings that are separate structures than the primary home.
- Planning review should be required for all Accessory Dwellings.

Summary	No. of Respondents	%
No review within certain parameters	26	70%
Review required for all	5	14%
Planning review for detached	6	16%
Total	37	100%

1.Do you think an Accessory Dwelling should be presumed to be allowed?

Yes
 Yes
 Yes
 Yes
 Unsure
 Yes
 Yes
 Yes
 Yes
 Yes
 Yes
 Yes
 Yes
 Yes
 Yes
 Yes
 No
 Yes
 Yes
 No
 Yes
 Yes
 No
 Yes
 Yes
 Unsure
 Yes
 Unsure
 No
 Yes
 Unsure
 Yes
 Yes
 Yes
 Unsure
 Yes
 Yes

Summary	No. of	
	Respondents	%
Yes	30	77%
No	4	10%
Unsure	5	13%
Total	39	100%

1.What do you think are the most appropriate types of Accessory Dwellings for your neighborhood? Please select all that apply:

In a separate single-story structure ;Above or beside a detached garage ;Attached to the home ;Integrated into the home (e.g. basement, main floor, or attic apartment)

In a separate single-story structure

In a separate single-story structure ;Above or beside a detached garage

Above or beside a detached garage

In a separate single-story structure ;Above or beside a detached garage ;Attached to the home ;Integrated into the home (e.g. basement, main floor, or attic apartment)

In a separate single-story structure ;Above or beside a detached garage ;Attached to the home ;Integrated into the home (e.g. basement, main floor, or attic apartment)

Above or beside a detached garage

In a separate single-story structure

Integrated into the home (e.g. basement, main floor, or attic apartment)

In a separate single-story structure ;Above or beside a detached garage ;Attached to the home ;Integrated into the home (e.g. basement, main floor, or attic apartment)

Above or beside a detached garage

In a separate single-story structure ;Above or beside a detached garage ;Attached to the home ;Integrated into the home (e.g. basement, main floor, or attic apartment)

Attached to the home

In a separate single-story structure ;Above or beside a detached garage ;Attached to the home ;Integrated into the home (e.g. basement, main floor, or attic apartment)

I don't think that Accessory Dwellings are appropriate for my neighborhood

In a separate single-story structure

In a separate single-story structure

I don't think that Accessory Dwellings are appropriate for my neighborhood

In a separate single-story structure

In a separate single-story structure

In a separate single-story structure

In a separate single-story structure

In a separate single-story structure

In a separate single-story structure ;Above or beside a detached garage ;Attached to the home ;Integrated into the home (e.g. basement, main floor, or attic apartment)

Above or beside a detached garage ;Attached to the home ;Integrated into the home (e.g. basement, main floor, or attic apartment)

In a separate single-story structure ;Above or beside a detached garage

In a separate single-story structure ;Attached to the home ;Integrated into the home (e.g. basement, main floor, or attic apartment)

In a separate single-story structure ;Above or beside a detached garage

In a separate single-story structure ;Above or beside a detached garage ;Attached to the home ;Integrated into the home (e.g. basement, main floor, or attic apartment)

In a separate single-story structure ;Above or beside a detached garage ;Attached to the home ;Integrated into the home (e.g. basement, main floor, or attic apartment)

Above or beside a detached garage ;Attached to the home ;Integrated into the home (e.g. basement, main floor, or attic apartment)

Integrated into the home (e.g. basement, main floor, or attic apartment)

Summary	No. of	
	Respondents	%
Separate Structure	22	69%
Connected to garage	17	53%
Attached to home	13	41%
Integrated	11	34%
Total	32	100%

1. Based on what we have discussed so far are you in favor of allowing Accessory Dwellings?

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

No

Yes

Yes

No

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Unsure

Summary	No. of Respondents	%
Yes	30	86%
No	2	6%
Unsure	3	9%
Total	35	100%

Unsure
Unsure

1. Who is in attendance tonight?

Architect
 My structure was damaged but not destroyed.
 My home was destroyed.
 My home was destroyed.
 My home was destroyed.
 My home was destroyed.
 My home was destroyed.
 Other
 My home was destroyed.
 My structure was damaged but not destroyed.
 My home was spared but I lost an outbuilding.
 My home was destroyed.
 My home was destroyed.
 My home was destroyed.
 My structure was damaged but not destroyed.
 My home was destroyed.
 Resident of the burn area but my structures were not impacted.
 My home was destroyed.
 Architect
 My home was destroyed.
 Current renter interested in Accessory Dwellings
 Current renter interested in Accessory Dwellings
 My home was destroyed.
 Home Builder
 Architect
 My home was destroyed.
 Other
 Architect
 My home was destroyed.
 Resident of the burn area but my structures were not impacted.
 My home was destroyed.
 My home was destroyed.

Summary	No. of Respondents	%
Architect	4	13%
Structure damaged	3	10%
Home destroyed	16	52%
Resident - not impacted	2	6%
Outbuilding destroyed	1	3%
Renter interested in ADUs	2	6%
Other	2	6%
Home builder	1	3%
Total	31	100%

1.Which of these parameters do you think should be addressed in any new regulations? Please select all that apply:

Size limitations ;Off-street parking requirements
Owner must occupy the primary or accessory dwelling
Size limitations ;Primary and accessory dwelling must be sold together
Owner must occupy the primary or accessory dwelling ;Architectural restrictions (height, building design/materials, etc.);Primary and accessory dwelling must be sold together
Off-street parking requirements;Owner must occupy the primary or accessory dwelling ;Primary and accessory dwelling must be sold together;May not be short-term rentals

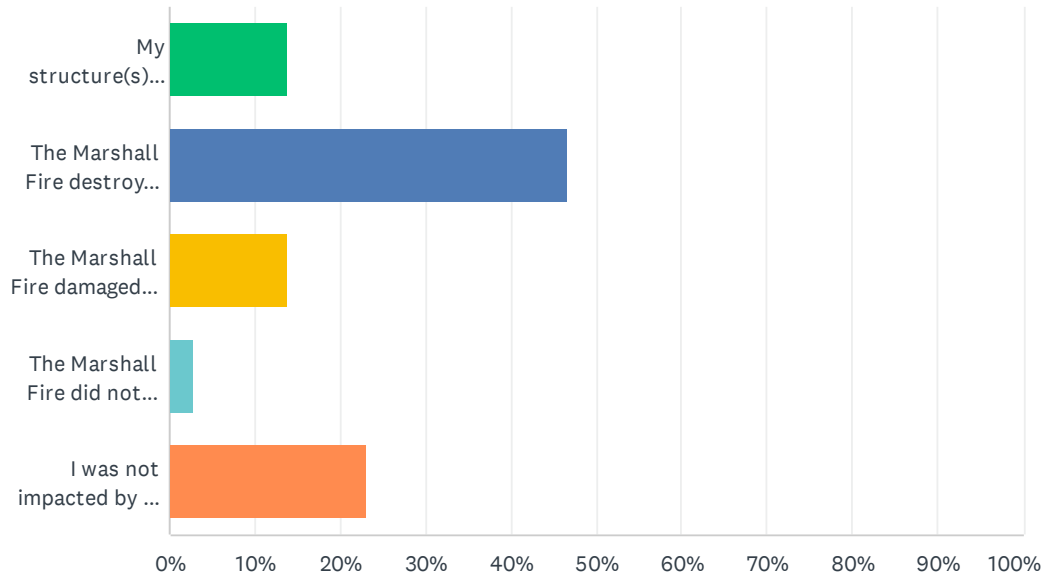
Size limitations ;Owner must occupy the primary or accessory dwelling
May not be short-term rentals

Size limitations ;Off-street parking requirements
Off-street parking requirements;Owner must occupy the primary or accessory dwelling ;Primary and accessory dwelling must be sold together;May not be short-term rentals
Owner must occupy the primary or accessory dwelling ;Primary and accessory dwelling must be sold together;May not be short-term rentals
Size limitations
Primary and accessory dwelling must be sold together
Size limitations ;Architectural restrictions (height, building design/materials, etc.);Primary and accessory dwelling must be sold together
Size limitations ;Off-street parking requirements;Architectural restrictions (height, building design/materials, etc.);Primary and accessory dwelling must be sold together;May not be short-term rentals
Primary and accessory dwelling must be sold together
Size limitations ;Owner must occupy the primary or accessory dwelling ;Architectural restrictions (height, building design/materials, etc.)
Size limitations ;Off-street parking requirements;Owner must occupy the primary or accessory dwelling ;Restricted to certain zones;Architectural restrictions (height, building design/materials, etc.);Primary and accessory dwelling must be sold together;May not be short-term rentals
Size limitations ;Off-street parking requirements;Owner must occupy the primary or accessory dwelling ;Architectural restrictions (height, building design/materials, etc.);Primary and accessory dwelling must be sold together;May not be short-term rentals
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Off-street parking requirements;May not be short-term rentals
Owner must occupy the primary or accessory dwelling ;Primary and accessory dwelling must be sold together
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May not be short-term rentals
Off-street parking requirements;Owner must occupy the primary or accessory dwelling ;Architectural restrictions (height, building design/materials, etc.)
Primary and accessory dwelling must be sold together
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Restricted to certain zones;Architectural restrictions (height, building design/materials, etc.)
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Size limitations ;Off-street parking requirements;Owner must occupy the primary or accessory dwelling ;Restricted to certain zones;Architectural restrictions (height, building design/materials, etc.);Primary and accessory dwelling must be sold together;May not be short-term rentals

Summary	No. of Respondents	%
Size limits	20	51%
Off street parking	21	54%
Owner occupied	20	51%
Sold together	27	69%
Architectural considerations	17	44%
Restrict STR	17	44%
Restricted to certain zone districts	5	13%
Total	39	100%

Q1 How were you impacted by the Marshall Fire?

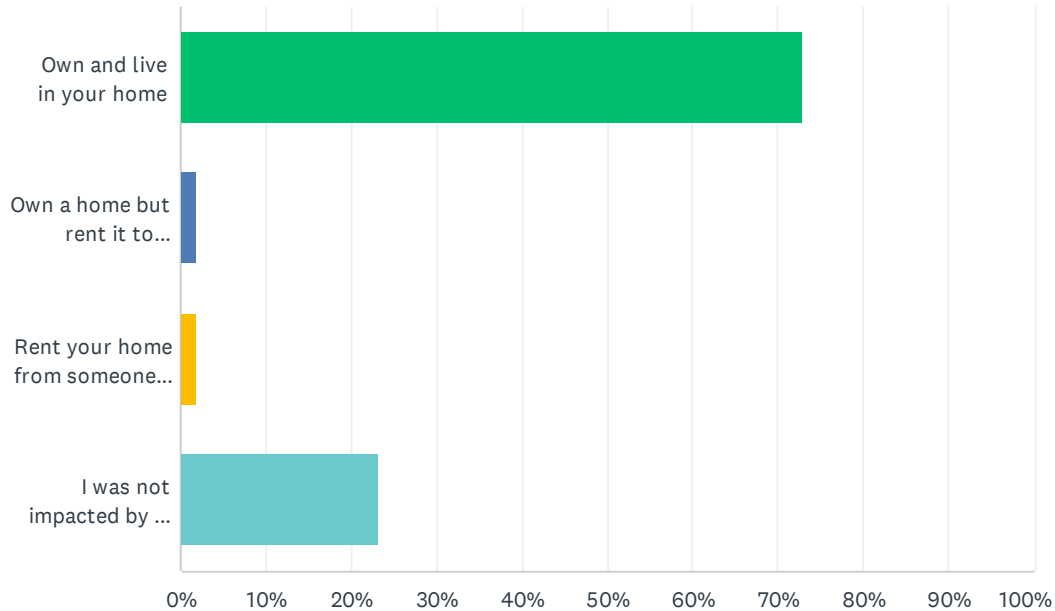
Answered: 109 Skipped: 0



ANSWER CHOICES	RESPONSES	
My structure(s) was not directly impacted by the Marshall Fire, but I live in the fire area	13.76%	15
The Marshall Fire destroyed my home	46.79%	51
The Marshall Fire damaged my home	13.76%	15
The Marshall Fire did not destroy or damage my home, but destroyed or damaged another structure on my property	2.75%	3
I was not impacted by the Marshall Fire but am interested in Accessory Dwellings	22.94%	25
TOTAL		109

Q2 If your home was impacted by the Marshall Fire, prior to the Marshall Fire did you:

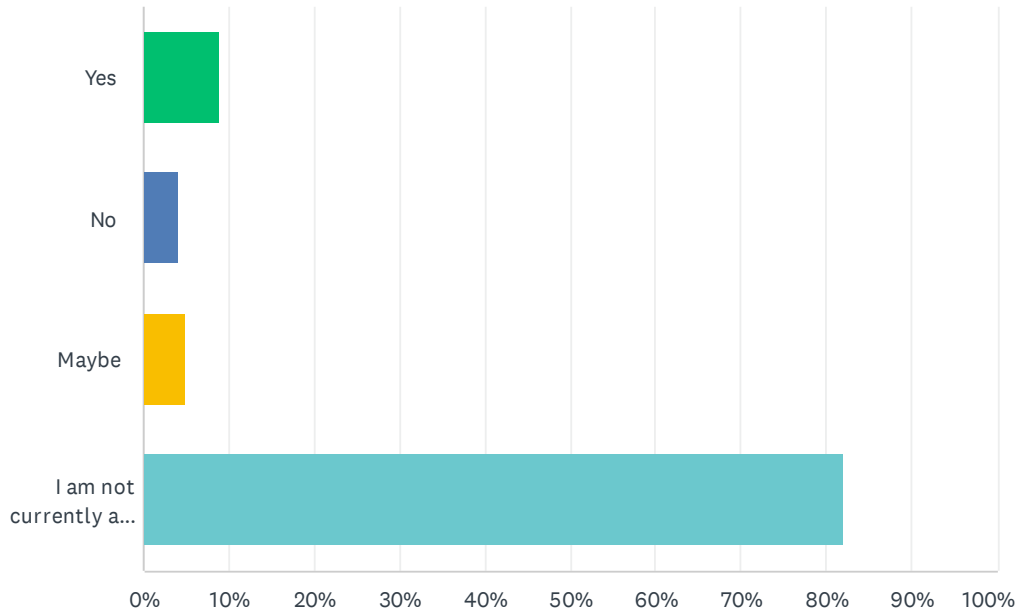
Answered: 103 Skipped: 6



ANSWER CHOICES	RESPONSES	
Own and live in your home	72.82%	75
Own a home but rent it to someone else	1.94%	2
Rent your home from someone else	1.94%	2
I was not impacted by the Marshall Fire	23.30%	24
TOTAL		103

Q3 If you are currently a renter, would you be interested in renting an Accessory Dwelling in unincorporated Boulder County?

Answered: 100 Skipped: 9



ANSWER CHOICES	RESPONSES	
Yes	9.00%	9
No	4.00%	4
Maybe	5.00%	5
I am not currently a renter	82.00%	82
TOTAL		100

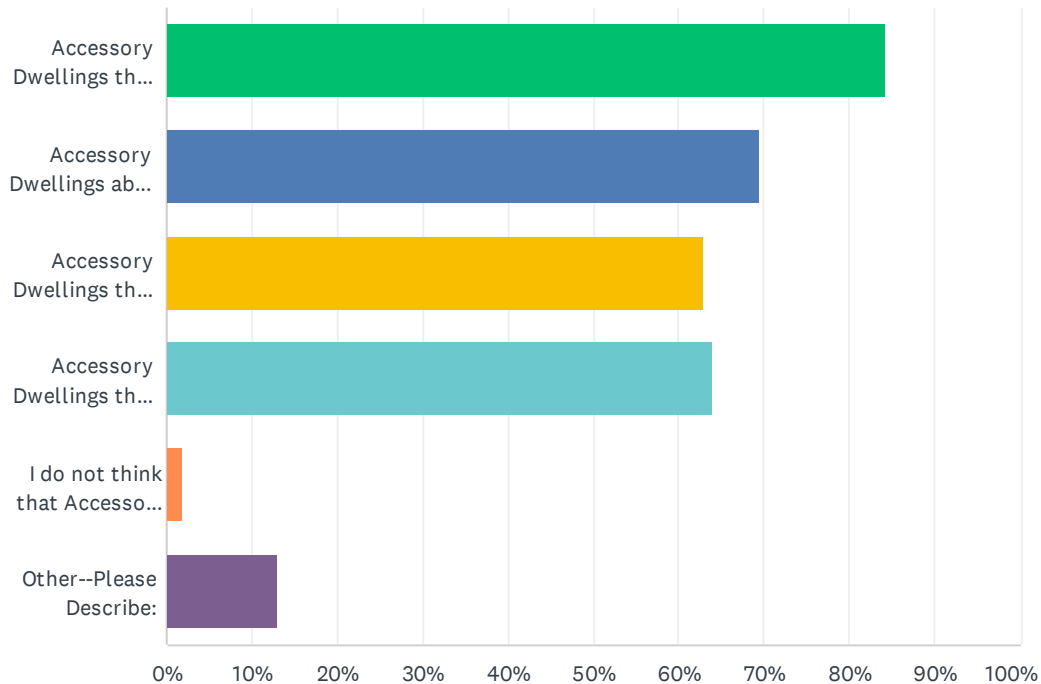
Q4 If you are a renter interested in living in an Accessory Dwelling in unincorporated Boulder County, what characteristics, besides rental price, are most important to you when choosing a home?

Answered: 19 Skipped: 90

#	RESPONSES	DATE
1	NA	6/1/2022 10:27 AM
2	Location, ability to have access to a backyard for the dogs, pet-friendliness, privacy, ground-floor access.	5/31/2022 10:05 PM
3	Access to back yard & garden, access to trails, neighborhood cohesion	5/31/2022 4:50 PM
4	N/a	5/31/2022 2:57 PM
5	n/a	5/30/2022 6:36 AM
6	Quiet, private entrance, a feeling of a quality , " neat " space. Nice view, adequate parking. A place to be proud of	5/30/2022 5:19 AM
7	Size, animals allowed	5/27/2022 7:47 PM
8	The dwelling includes basic amenities for day to day living (e.g. water, sewer, electric).	5/27/2022 3:06 PM
9	Parking availability	5/27/2022 3:04 PM
10	Size and amenities- garage, bathrooms	5/27/2022 2:00 PM
11	Energy efficiency, EV charging, heat pumps, running water, electricity, Wifi, etc.	5/27/2022 1:41 PM
12	NA - not a renter. But would definitely want at least 1200sf for my wife & myself (ages 80 & 77)	5/27/2022 10:54 AM
13	Privacy/separation from the main home	5/27/2022 7:20 AM
14	Privet out door space, health materials, energy efficiency, filtered water, good ventilation, built with resiliency in mind, natural light	5/26/2022 8:47 AM
15	Size and location	5/25/2022 11:39 PM
16	My daughetr with family of 4 would like to use our house for 2-3 years until theirs is rebuild - my wife and I need an ADU to live there - may also be used for long term aging and multi generational family	5/25/2022 8:05 PM
17	proximity to my house	5/25/2022 6:05 PM
18	Separation from primary living unit	5/25/2022 12:58 PM
19	Not a renter but: 1) living space greater than 700 square feet 2) ability to live in an ADU and not have to be a caregiver or caretaker	5/25/2022 11:12 AM

Q5 Accessory Dwellings can be part of an existing single-family home or built as a separate structure. What types of Accessory Dwellings do you think best fit in your neighborhood? Please select all that apply:

Answered: 108 Skipped: 1



ANSWER CHOICES	RESPONSES	
Accessory Dwellings that are separate single-story structures	84.26%	91
Accessory Dwellings above a detached garage (i.e., "granny flats")	69.44%	75
Accessory Dwellings that are attached to the primary home	62.96%	68
Accessory Dwellings that are integrated into the primary home (e.g., basement, main floor, or attic apartment)	63.89%	69
I do not think that Accessory Dwellings are appropriate in my neighborhood	1.85%	2
Other--Please Describe:	12.96%	14
Total Respondents: 108		

#	OTHER--PLEASE DESCRIBE:	DATE
1	I'm not picky here; if people want to build ADUs I'm all for it.	5/31/2022 10:05 PM
2	Tiny homes that are/can be mobile seasonal/temporary dwellings or more permanent.	5/31/2022 3:42 PM
3	Before answering this question, I need to understand how many Marshall Fire victims are interested, and how they plan on using the proposed ADUs. Without that information, I don't see how Boulder County can address their needs in a manner that is fair to them and to their neighbors.	5/31/2022 11:11 AM
4	Integrated ADU will serve the needs for care taking and be the least dramatic to change the	5/30/2022 9:50 AM

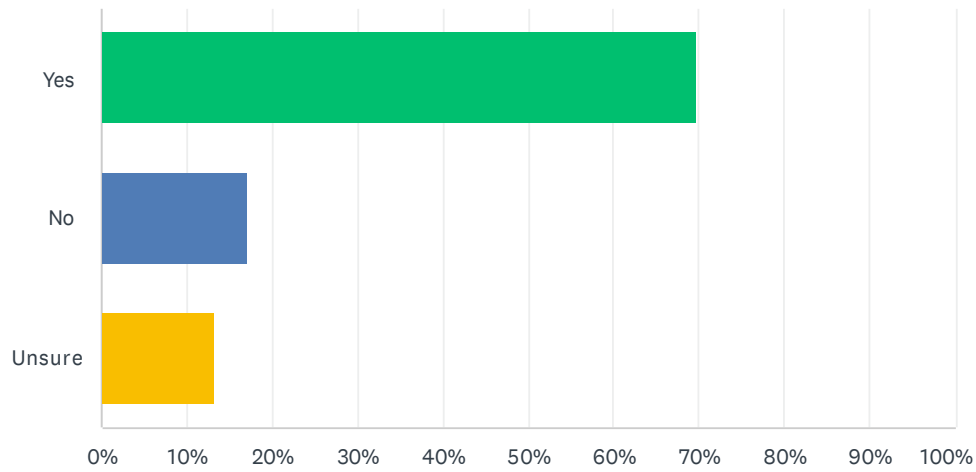
Accessory Dwellings in Unincorporated Boulder County
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neighborhood in appearance and use. Nobody wants to a bunch of AirBnB and rentals that will fundamentally alter the areas which have always been zoned and controlled for single family dwelling only currently. If the goal to make housing more affordable, Boulder County shall implement a county-wide ADU policy vs. an ADU policy for the Marshall Fire destroyed homes only. Of the # of fire destroyed homes, how many current homeowners intend to rebuild to have an ADU and how many of them truly need and intend to reside in a primary + ADU structure for their own and family needs? Homeowners will be horrified to see the neighborhood turns into a bunch of AirBnBs if anyone such as a new owner who is not affected by the fire can just come to put two rentals on these lots.

5	My home was in Spanish Hills. Because of the terrain a two story would fit better. There is a sloping hill and it would fit at the base of the hill and be a good distance from the primary home and neighbors. I would consider home layouts that best fit the lot as all lots are different in UBC.	5/29/2022 12:37 PM
6	Separate two story structures	5/27/2022 7:47 PM
7	For fire victims who lost their primary residence, would like the option of locating temporary RV/RV trailer on the property during the rebuild period.	5/27/2022 3:06 PM
8	Any of the above 4 are suitable for Paragon Estates	5/27/2022 10:54 AM
9	I think ADUs are okay for special circumstances but need to be thought through carefully in terms of long term density and neighborhood character changes	5/27/2022 9:39 AM
10	All of the above ADUs	5/27/2022 9:23 AM
11	For elderly parents it is important to have a ground floor dwelling with no stairs and the space necessary to support a life that they used to enjoy living before multi-generational living	5/27/2022 8:27 AM
12	It should not be a cheap garage storage type building but an actually building	5/26/2022 7:04 AM
13	The Marshall and S Vale neighborhoods are so diverse there is not a one size fits all answer.	5/25/2022 11:39 PM
14	Internal ADUs, attached, or detached. The point is to create more housing so allow any and all of the types.	5/25/2022 11:12 AM

Q6 Are you interested in building an Accessory Dwelling on your property?

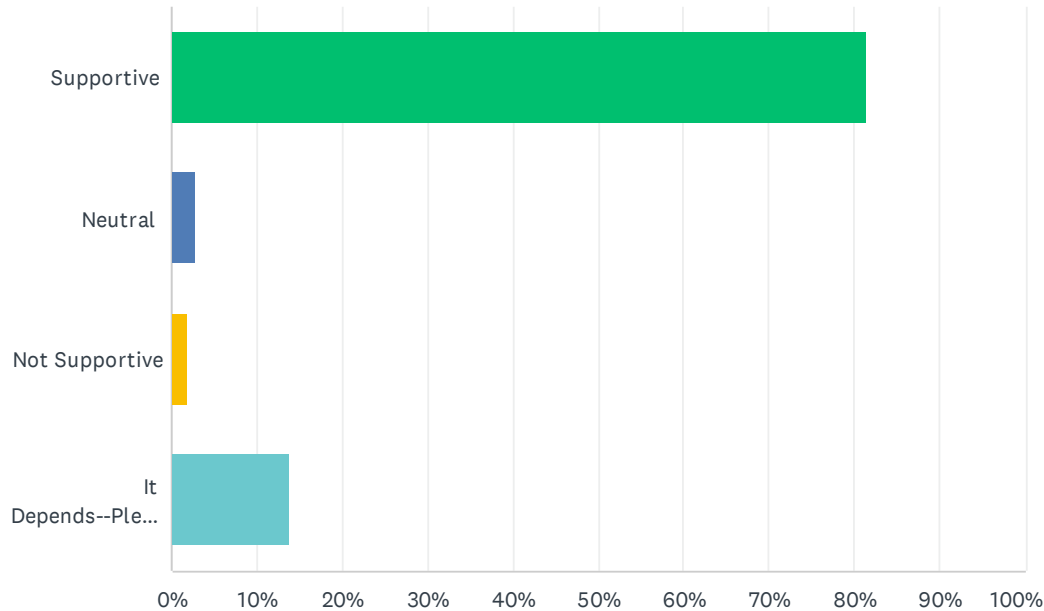
Answered: 106 Skipped: 3



ANSWER CHOICES	RESPONSES	
Yes	69.81%	74
No	16.98%	18
Unsure	13.21%	14
TOTAL		106

Q7 How supportive would you be of your neighbors constructing an Accessory Dwelling on their property?

Answered: 108 Skipped: 1



ANSWER CHOICES	RESPONSES	
Supportive	81.48%	88
Neutral	2.78%	3
Not Supportive	1.85%	2
It Depends--Please Explain:	13.89%	15
TOTAL		108

#	IT DEPENDS--PLEASE EXPLAIN:	DATE
1	knowing the details are important to making a decision and every situation is unique.	6/1/2022 2:37 PM
2	more of an issue in high density residential areas or if parking would be on common roads	6/1/2022 12:27 PM
3	depends on whether the ADU would be rented and also the construction/design	6/1/2022 5:53 AM
4	Views are very important...as long as those structures don't impede the views of Boulder and the Mountains, we would be very supportive.	5/31/2022 2:37 PM
5	In general, ADUs are not appropriate in our agriculturally zoned neighborhood. However, I could be sympathetic to other fire victims if they showed compelling reason that the ADU was critical to them being able to rebuild and move back in. However, it cannot be a blanket approval. Over half the homes in our areas were destroyed, and adding ADUs to most of them could drastically increase the density, traffic, activity, etc. There is also no infrastructure in our neighborhood to support increased density. No transit, unmaintained dirt roads, everyone is on well and septic, no walkable stores, etc.	5/31/2022 11:11 AM
6	a. More supportive if the rebuilding with an ADU is for immediate their medical or family needs and that they are committed to reside there for at least 5 years; b. Not supportive for new	5/30/2022 9:50 AM

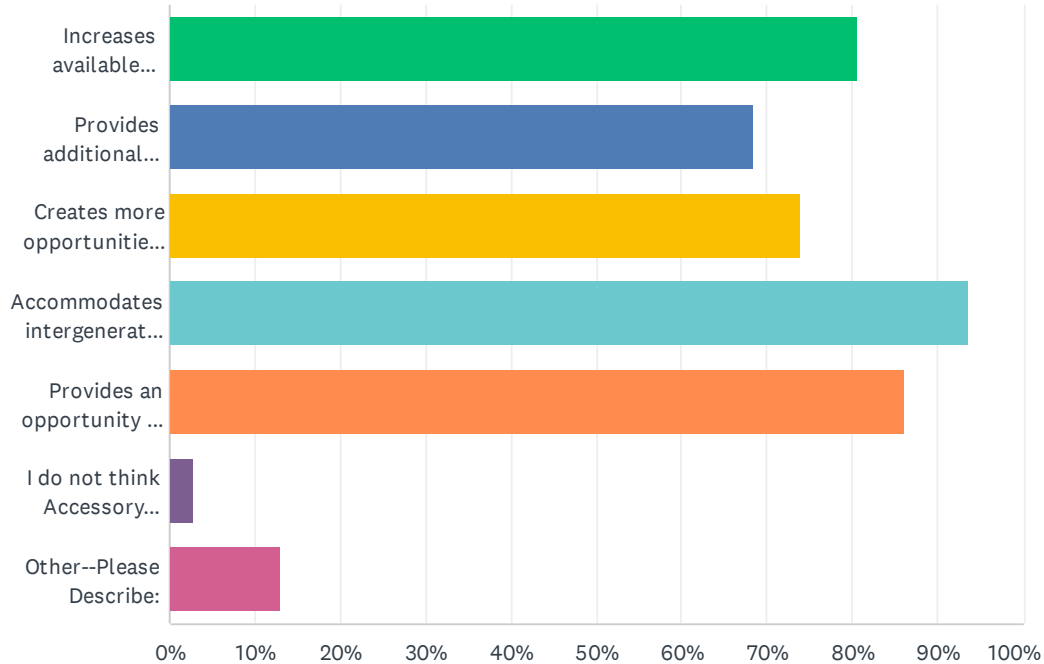
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homeowners to add ADUs - such wants shall be treated as everyone else in unincorporated Boulder County under same policy.

7	ADU's should fit in with the architecture and layout of the property, and should not be used for short-term rentals. ADU's should not be used for party houses in residential neighborhoods. . ADU's must provide off-street parking for all users of the ADU, especially in my neighborhood	5/30/2022 8:27 AM
8	We have a petition signed by more than 40 Marshall residents in support of AUD's	5/30/2022 5:30 AM
9	OK if part of the main house. Do not want separate buildings that can be rented at will to anyone.	5/28/2022 6:04 PM
10	There need to be restrictions on total size of structures on property. The loosening of RV's on burned property are getting out of control and are being moved in without zoning reviews and permits. I am worried that some will totally take advantage of this like they are now doing in my neighborhood with RV's. Can you please monitor RV's that are currently being installed in our neighborhood without going through zoning and permits. These along with uncontrolled storage etc on lots is not good for the neighborhoods and the county.	5/28/2022 3:12 PM
11	Supportive, as long as existing HOA guidelines are considered. Exceptions should be considered for those in need of temporary housing during rebuild of their primary residence following a natural disaster, e.g. Marshall Fire.	5/27/2022 3:06 PM
12	Would they rent it out long term or would it be a short-term rental? I don't favor short-term. Parking MUST be available. Do not crowd more residents in who will bring cars without space to park them.	5/27/2022 3:04 PM
13	Special circumstances only - permitted use with time limits, renewal. For need only.	5/27/2022 9:39 AM
14	We are interested in incorporating an ADU into our existing home (our child has a disability that sometimes requires her to be in a wheelchair, and she wants to be independent); however, I support the other 3 forms of ADUs as well. I would have more concerns about a separate ADU structure, but again would support it -- specifically because it is required to be a single story -- as long as neighbor concerns regarding view, etc. are taken into consideration.	5/27/2022 8:10 AM
15	We don't all agree	5/25/2022 7:54 PM

Q8 In your opinion, what are the potential advantages of Accessory Dwellings? Please select all that apply:

Answered: 108 Skipped: 1



ANSWER CHOICES	RESPONSES	
Increases available housing stock in Boulder County	80.56%	87
Provides additional income to property owners	68.52%	74
Creates more opportunities for affordable housing	74.07%	80
Accommodates intergenerational living and provides space for my family to live	93.52%	101
Provides an opportunity for people to remain in the community	86.11%	93
I do not think Accessory Dwellings provide any benefits	2.78%	3
Other--Please Describe:	12.96%	14
Total Respondents: 108		

#	OTHER--PLEASE DESCRIBE:	DATE
1	Could provide temporary housing during what could be a long rebuilding process.	5/31/2022 4:44 PM
2	I need to understand specifically how many fire victims want to build ADUs and why to answer this question. Can we support them with a case-by-case variance instead of making new rules with many unintended consequences?	5/31/2022 11:11 AM
3	A guest house for friends and family when they visit.	5/31/2022 8:24 AM
4	None of the advantages listed are unique or specific to Marshall Fire affected homeowners, thus change of ADU building codes shall be made at the Boulder County level not just a	5/30/2022 9:50 AM

Accessory Dwellings in Unincorporated Boulder County

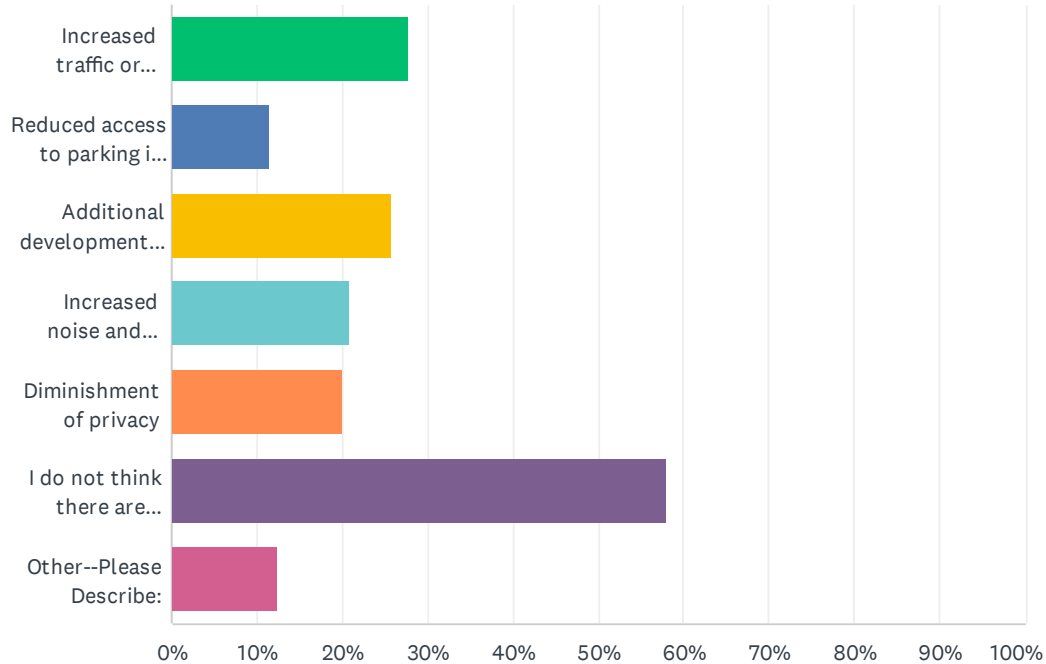
Exhibit D

default to fire destroyed lots. Given that fire destroy homes are such a small % of the total homes on Boulder County, there will be negligible relief to available housing unit. On the contrarily, there likely will be a material change if there is a county-wide policy change to current ADU building codes.

5	Allows for multigenerational families to stay in Boulder and to mitigate the high property taxes	5/30/2022 5:19 AM
6	Accommodates on-site living for residents during the rebuild process in the aftermath of a disaster, e.g. Marshall Fire.	5/27/2022 3:06 PM
7	Provides a stepping stone to those effected by the fire to build incrementally in order to be back on their property vs. expensive rental units while rebuilding or remediating.	5/27/2022 12:19 PM
8	I 100% understand the importance of the need for additional income (especially for fire survivors - I'm not sure I would support this outside of UBC), as well as affordable housing. However, I want to emphasize the importance of ADUs in addressing INTERGENERATIONAL living, as well as in supporting family who have members/friends with a disability. For families with elders, and/or those with family/friends who may have a disability and want to be as independent as possible, an ADU would be extremely beneficial.	5/27/2022 8:10 AM
9	Want a place to live during rebuild	5/26/2022 4:50 PM
10	keeps the neighborhood at a nice scale while increasing density	5/26/2022 8:47 AM
11	Special needs seniors and adult children that require both independence and support.	5/25/2022 8:07 PM
12	provides a place for a family to live while they rebuild their destroyed home	5/25/2022 8:00 PM
13	Provides opportunities to get back on our land as we re-build our house	5/25/2022 6:05 PM
14	More housing eases our housing crunch. Also, allowing more of a new type (small units in this case) fills a market gap, thus reducing substitution (ie if I want an ADU I don't have to rent a home).	5/25/2022 11:12 AM

Q9 In your opinion, what are the potential disadvantages of Accessory Dwellings? Please select all that apply:

Answered: 105 Skipped: 4



ANSWER CHOICES		RESPONSES	
Increased traffic or population in my neighborhood		27.62%	29
Reduced access to parking in my neighborhood		11.43%	12
Additional development could impact features I appreciate such as my views or environmental resources		25.71%	27
Increased noise and activity levels		20.95%	22
Diminishment of privacy		20.00%	21
I do not think there are disadvantages to Accessory Dwellings		58.10%	61
Other--Please Describe:		12.38%	13
Total Respondents: 105			

#	OTHER--PLEASE DESCRIBE:	DATE
1	There are disadvantages but in neighborhoods with large lot sizes this should be allowed	5/31/2022 10:06 PM
2	1. Many of us in agriculturally zoned areas are here specifically because of the reduced density. Density may be appropriate in parts of cities such as Boulder. But there has to be a place for those of us who need peace without forcing us to move far away. Remember, some people desire peaceful living, but some require it because of disability. 2. Do not allow any ADUs granted to fire victims to be used by anyone other than the fire victims. If a property is sold to someone who wasn't an owner at the time of the fire, the right to build anything under this new policy must be forfeit. The purpose of this new policy must be to help fire victims. 3. The timing of this survey and public input process is problematic. Public notice was mailed	5/31/2022 11:11 AM

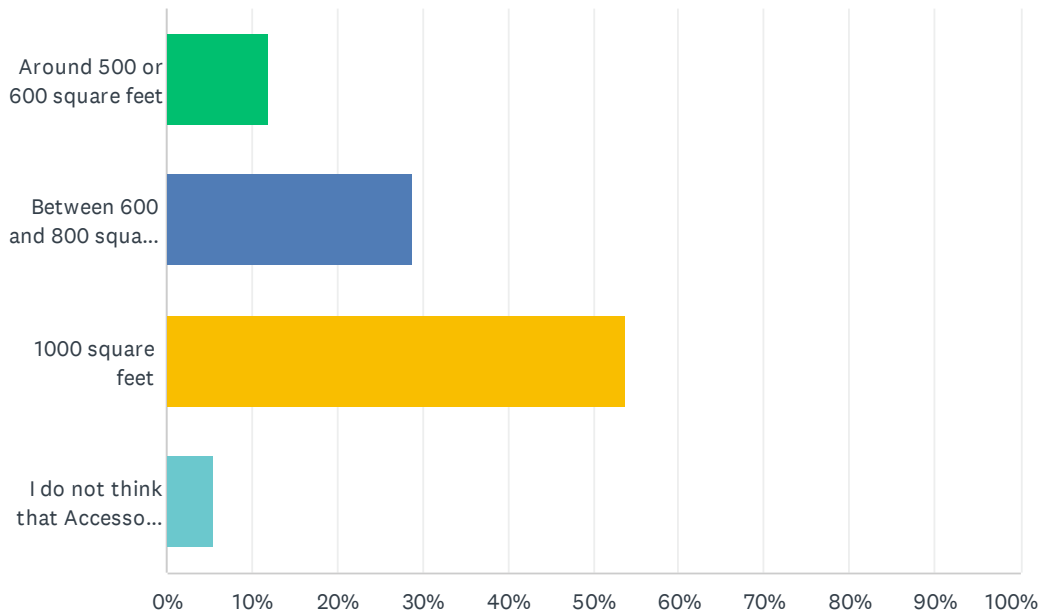
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one day prior to public meeting, and one week (including holiday weekend) before survey deadline. Many people that will be affected don't even know about this effort.

3	All the above are true and not unique to Marshal Fire affected neighborhood as commented in #9. If all Marshal Fire destroyed lots can now be built with an ADU including by new owners who are not fire victims, it is a huge problem and unfairness to the existing standing homeowners who have an agreement with Boulder County that their neighborhood is zoned and intended for a single family dwelling.	5/30/2022 9:50 AM
4	Marshall already has significant traffic and bike activity! The impact of a few additional people would be negligible.	5/30/2022 5:30 AM
5	In my neighborhood in Rural Boulder County, there are no problems with adding additional people to the neighborhood, which may be a problem in high-density neighborhoods. Also, we have HOA restrictions on building structures that block anyone's views.	5/29/2022 10:07 AM
6	Diminishes peaceful environment in the neighborhood.	5/28/2022 6:04 PM
7	Not overly concerned as long as limits are set for size, number (should be only one ADU permitted on one property), and number of individuals living in an ADU.	5/27/2022 3:06 PM
8	Allowing ADUs require great sensitivity to the existing neighborhood characteristics. Do not willy nilly double the population of neighborhoods.	5/27/2022 3:04 PM
9	This is a major change to density if approved. It seems it's being considered for more than special circumstances. The rules are fine as they are. Doubling density changes the character of a neighborhood too much.	5/27/2022 9:39 AM
10	I am guessing that, given the history and development of UBC, there were already ADUs in all of the UBC neighborhoods. I therefore don't think that rebuilding with ADU authority will have a significant or different impact on our neighborhoods. I appreciate the concept of allowing building of ADUs that are limited in extent (as described by BoCo), and believe this will allow our communities to maintain/rebuild our character.	5/27/2022 8:10 AM
11	In the area I live (S Cherryvale and Marshall) none of these are potential disadvantages. I only see advantages in my neighborhood and for my direct neighbors.	5/26/2022 9:09 AM
12	Accessory should be limited in size and people's views should be considered.	5/26/2022 7:04 AM
13	Silly question.	5/25/2022 11:12 AM

Q10 Many communities limit the size of Accessory Dwellings to ensure that they are smaller than, and actually “accessory” to, the primary home. Limiting the size can also help minimize the impacts of additional dwellings in a neighborhood. What do you think is an acceptable size for an Accessory Dwelling in your neighborhood?

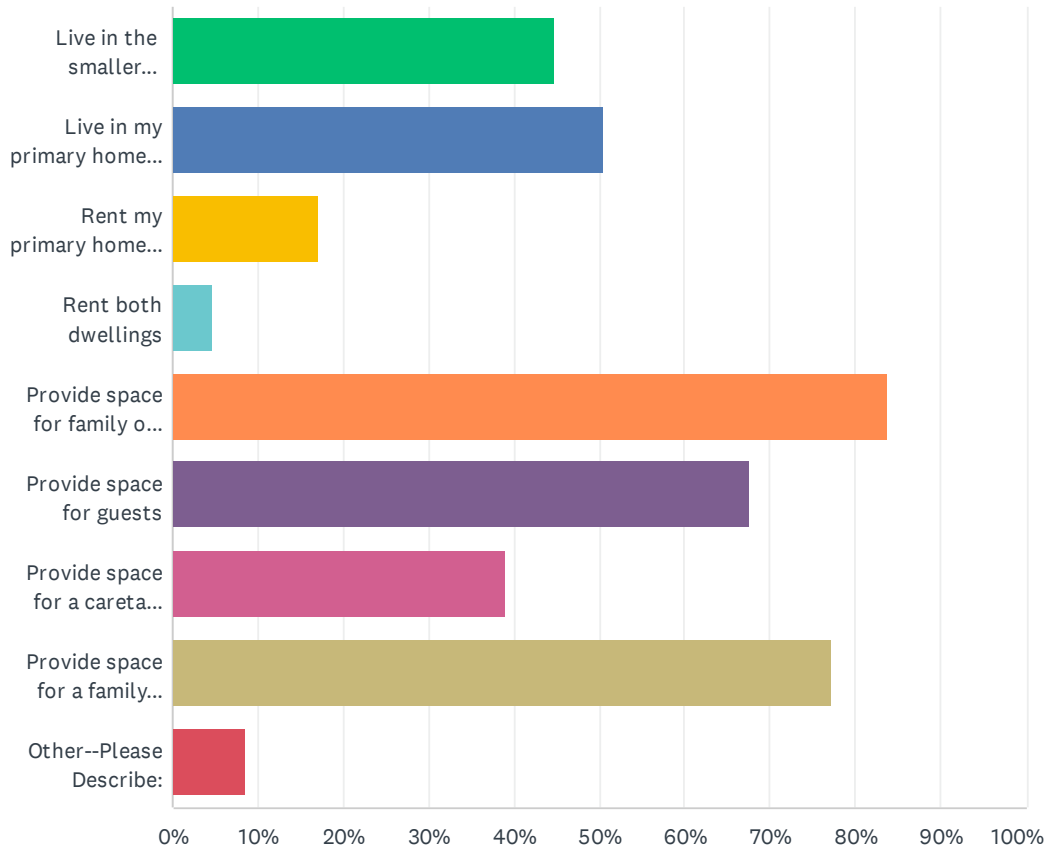
Answered: 108 Skipped: 1



ANSWER CHOICES	RESPONSES	
Around 500 or 600 square feet	12.04%	13
Between 600 and 800 square feet	28.70%	31
1000 square feet	53.70%	58
I do not think that Accessory Dwellings should be built in my neighborhood	5.56%	6
TOTAL		108

Q11 Please select all that apply. If I had an Accessory Dwelling, I would...

Answered: 105 Skipped: 4



ANSWER CHOICES		RESPONSES	
Live in the smaller dwelling while I rebuild my primary home		44.76%	47
Live in my primary home and rent the Accessory Dwelling		50.48%	53
Rent my primary home and live in the Accessory Dwelling		17.14%	18
Rent both dwellings		4.76%	5
Provide space for family or intergenerational living		83.81%	88
Provide space for guests		67.62%	71
Provide space for a caretaker of my property		39.05%	41
Provide space for a family member who needs to be cared for, or someone who will help care for a family member		77.14%	81
Other--Please Describe:		8.57%	9
Total Respondents: 105			

#	OTHER--PLEASE DESCRIBE:	DATE
1	Provide affordable housing for a person of low income who works and pursues a higher-ed	6/1/2022 10:58 PM

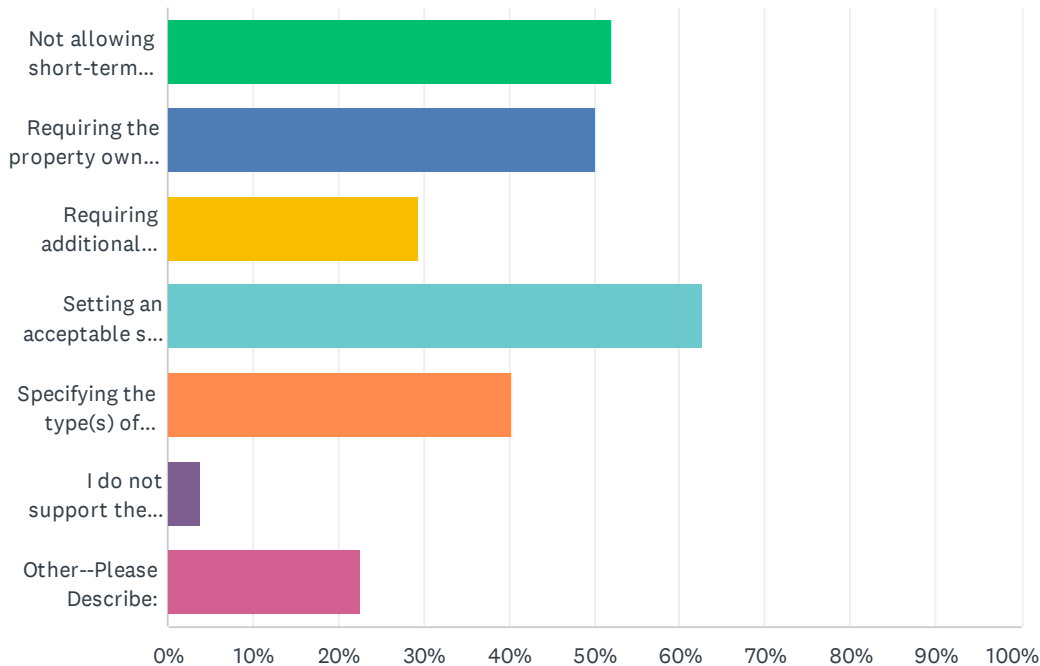
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degree in Boulder.

2	An accessory unit will provide a place to live while rebuilding the primary home and then could be rented to offset the cost to rebuild the property.	6/1/2022 10:27 AM
3	An ADU opens up many options for us that don't exist today, and helps us face the biggest financial setback of our lives. In the long term this is also likely the only way our daughter will be able to afford to live in her hometown.	5/31/2022 10:06 PM
4	a. Don't support any such uses to anyone who was not a fire victim to build on the Marshal Fire destroyed homesite - they shall be treated with the same policy as the rest in Boulder County; b. Will be open to fire victims who truly have an immediate need for caretaker and commit to stay for 5 years. All other intended uses shall be dealt with by a Boulder County-wide policy. c. Detached ADU has the most significant impact to alter existing neighborhood characteristics and attract a bunch of airBnBs in neighborhoods zoned for single family dwell. Since it is detached, detached ADUs can be built when there is a county-wide policy. The urgency of building a detached ADU first can be addressed by having a RV/mobile ADUs such as an RV on-site.	5/30/2022 9:50 AM
5	We did not get enough insurance \$ to rebuild. But if I were to rebuild, I would not include an AD for ourselves. However, my daughter & son-in-law lived next door and also lost their home. If they added an AD, we might consider in the future living in it as we get older. (currently ages 80 & 77) [REDACTED]	5/27/2022 10:54 AM
6	Possibly offer space to people displaced from a future disaster - or someone from the neighborhood who is working in their house if we finish our rebuild.	5/27/2022 9:30 AM
7	space for a live in nurse	5/27/2022 9:23 AM
8	We would construct our ADU to meet ADA requirements, so that it is accessible to those with disabilities. Finding appropriate independent living for those with disabilities is difficult, and this would allow a family/friend with disabilities/recovery from surgery etc. to be independent while providing appropriate care.	5/27/2022 8:10 AM
9	caretaker for family member housing may be used long term	5/25/2022 8:05 PM

Q12 Setting some parameters around Accessory Dwellings can help simplify the review process, create more predictable outcomes, and minimize negative impacts of development. What limitations regarding Accessory Dwellings would you support? Please select all that apply:

Answered: 102 Skipped: 7



ANSWER CHOICES	RESPONSES	
Not allowing short-term rentals on the property (i.e., Airbnb, VRBO, etc.)	51.96%	53
Requiring the property owner to live on site	50.00%	51
Requiring additional parking on the property	29.41%	30
Setting an acceptable size for Accessory Dwellings	62.75%	64
Specifying the type(s) of Accessory Dwelling that are allowed	40.20%	41
I do not support the construction of Accessory Dwellings in my neighborhood	3.92%	4
Other--Please Describe:	22.55%	23
Total Respondents: 102		

#	OTHER--PLEASE DESCRIBE:	DATE
1	making sure the design and materials are compatible with the architecture of the neighborhood	6/1/2022 2:37 PM
2	I support this process being as simple and quick as possible to help homeowners rebuild and survive this disaster.	6/1/2022 10:27 AM
3	I think they should be used at the owners discretion as long as it does not impact the	5/31/2022 3:19 PM

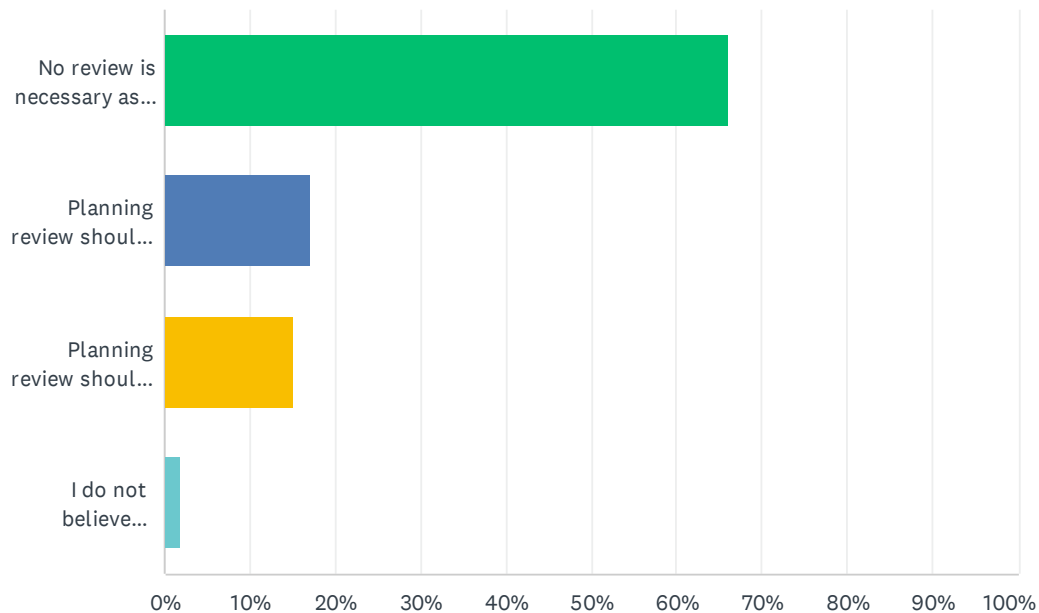
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neighbors adversely.

4	1. Main residence plus ADU must meet current floor area rules. 2. Maximum number of ADUs per neighborhood to minimize impact. 3. If property is sold by fire victim, right for ADU is forfeit. 4. Consider allowing the ADU to be built by fire victims, but don't allow multi-family residential uses until countywide policy is put into place. 5. Limit ADUs to neighborhoods that can appropriately support them.	5/31/2022 11:11 AM
5	We already have a permitting system for short term rentals. We could limit the number of permits per neighborhood or area, but still allow some short term rentals, while supporting and encouraging long-term rentals.	5/31/2022 9:04 AM
6	County shall not permit anything that it does not intend to be applicable in a county-wide policy. Otherwise it will not only be unfair to homeowners in the county but also put the Marshall Fire affected areas in danger of builders to profit from putting a bunch of rentals on those lots. Have nothing against builders however believe builder's profits have nothing to do with helping fire victims thus they shall be treated the same under a county-wide policy.	5/30/2022 9:50 AM
7	I think any ADU should be allowed if sufficient space is available.	5/29/2022 7:56 PM
8	No limitations	5/28/2022 11:15 PM
9	if short term, should go through the County's process to get licensed. But could be allowed if they do that process.	5/28/2022 8:38 AM
10	Setting the maximum number of individuals living in one ADU (no more than 3 related persons for example).	5/27/2022 3:06 PM
11	I believe there should be a square foot limit for both the home and the accessory dwelling, total.	5/27/2022 2:22 PM
12	Setting the size of the dwelling as a function of overall lot size.	5/27/2022 12:19 PM
13	All ok with me, our neighborhood needs more housing.	5/27/2022 12:00 PM
14	Parking is/was not an issue in our neighborhood of Paragon/Empire drives. All lots were quite big and almost never had issues with on street parking.	5/27/2022 10:54 AM
15	Support under limited circumstances and permitted active use only	5/27/2022 9:39 AM
16	if the lot is smaller than a acre then no short term rentals defined as less than 1 month.	5/27/2022 9:23 AM
17	Consider using a percentage formula - like no more than 40% the size of the primary living space.	5/27/2022 8:27 AM
18	Entry to Accessory Unit should not compete with primary entry so its clear which is the primary entry.	5/26/2022 1:38 PM
19	Setting restrictions based on UBC and not appreciating the differences in neighborhoods continues to create a barrier and inequity that should not be continued.	5/25/2022 11:39 PM
20	Limit that house and ADU are sold as one real estate when using same lot. NA for parking since we already have extra parking for 2-3 vehicles on existing lot and garage - no street parking required	5/25/2022 8:05 PM
21	Acceptable size should be smaller than the primary residence	5/25/2022 6:05 PM
22	the more amenity restrictions we place on these the fewer will get built. If we're really interested in these being a part of a larger solution of increasing housing stock it's unproductive to saddle them with design constraints.	5/25/2022 12:17 PM
23	A size limit makes sense as do traditional development rules like setbacks etc. In most cases, county residential has tons of parking already and so I think parking requirements for ADUs make no sense. Owner occupied (main unit or accessory) is really hard to enforce. Finally, the current requirement that an ADU must be for a caregiver or care receiver is really onerous and significantly limits new ADUs. I'd also question the legality of that requirement.	5/25/2022 11:12 AM

Q13 If more types of Accessory Dwellings than family care units and agricultural worker units were allowed, what level of planning and zoning review should Boulder County require prior to issuing a building permit?

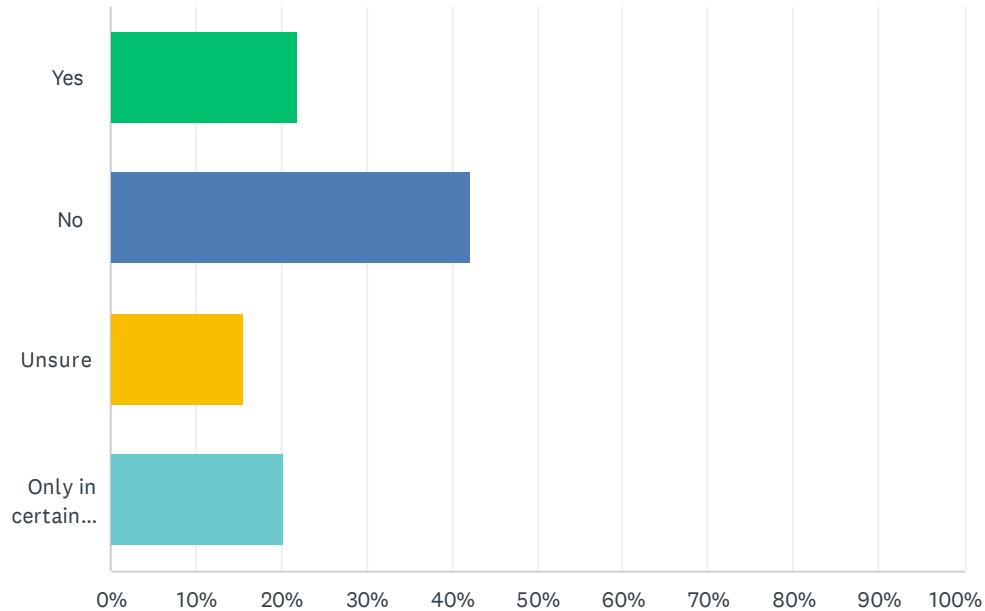
Answered: 106 Skipped: 3



ANSWER CHOICES	RESPONSES	
No review is necessary as long as the Accessory Dwelling meets certain parameters	66.04%	70
Planning review should only be required for Accessory Dwellings that are separate structures than the primary home	16.98%	18
Planning review should be required for all Accessory Dwellings	15.09%	16
I do not believe Accessory Dwellings should be permitted	1.89%	2
TOTAL		106

Q14 Do you think that neighbors should be notified and allowed to comment on an Accessory Dwelling proposal in their neighborhood?

Answered: 109 Skipped: 0



ANSWER CHOICES	RESPONSES
Yes	22.02% 24
No	42.20% 46
Unsure	15.60% 17
Only in certain circumstances--Please Describe:	20.18% 22
TOTAL	109

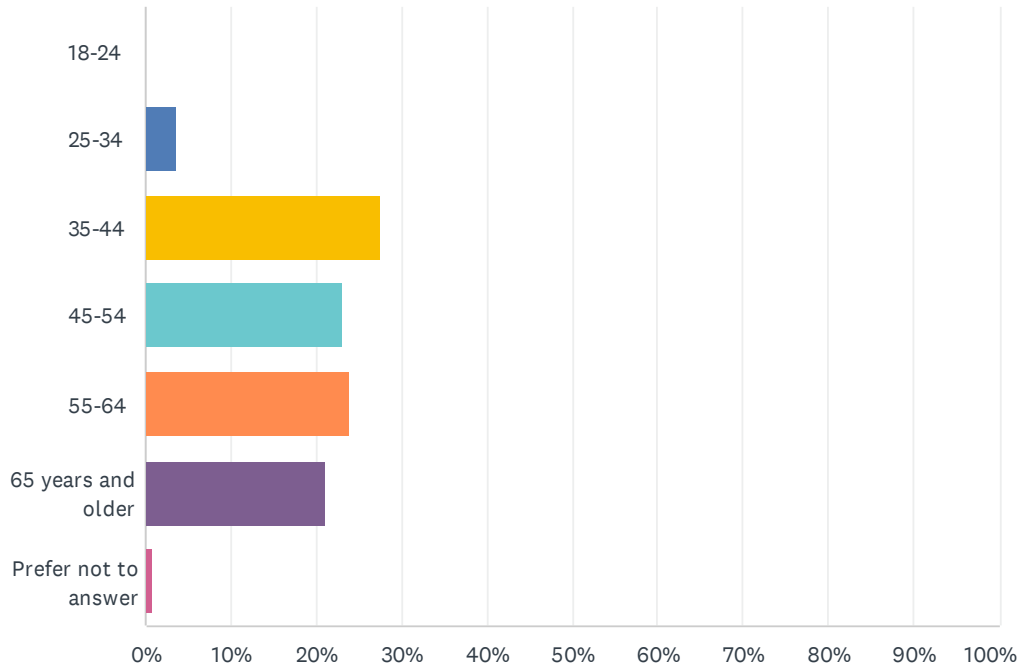
#	ONLY IN CERTAIN CIRCUMSTANCES--PLEASE DESCRIBE:	DATE
1	If the ADU applicant wants to build a larger unit than rules allow, or wants to build in a setback too close to neighbors, or wants to build higher than two stories total (including original construction such as a single-level garage).	6/1/2022 10:58 PM
2	doesn't seem to matter, planning & commissioners have seemingly allowed things to newcomers/non resident owners in the neighborhood that they said weren't allowed in the past (blocking views, adding retail services), and both are unresponsive to neighborhood input.	6/1/2022 2:37 PM
3	only in high density residential areas or if parking would be on common roads	6/1/2022 12:27 PM
4	If view is going to be obstructed	6/1/2022 10:06 AM
5	If tue proposed accessory dwelling impacts other homeowners views.	6/1/2022 10:06 AM
6	if the building parameters were strict only a cursory review should be necessary to ensure the ADU meets these parameters. neighbors should always be notified	6/1/2022 5:53 AM
7	Only if the property owner is asking for a variance	5/31/2022 2:57 PM

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8	depending on density, or use perhaps	5/31/2022 9:04 AM
9	Our neighborhood HOA has certain (modest) restrictions - mostly that structures cannot impede other residents' views, but also height restrictions on certain properties, - so they'd need to be reviewed to make sure they fit within those rules.	5/30/2022 8:51 AM
10	When the ADU will be a separate building and/or separate or different parking arrangements are to be considered, neighbors should be notified.	5/30/2022 8:27 AM
11	I support the building of ADUs in the Marshall burn area to get people back quickly. A review process would be useful for those not effected by the fire . It is urgent for us to get our son's home rebuild asap ! For our mental health.	5/30/2022 5:30 AM
12	Our HOA has an architectural review board that takes care of this. I think comments should be restricted to neighbors who can actually see the ADU. This prevents self-righteous NIMBYs from controlling neighborhoods.	5/29/2022 10:07 AM
13	Over 1500 sf	5/27/2022 7:47 PM
14	Only if these structures are deemed "permanent" vs. temporary for the purposes of housing during home reconstruction for example.	5/27/2022 3:06 PM
15	Only if the ADU exceeds the standards set for such a structure. Allowing neighbor comment and input that could impact the timeline for approval of such a structure that is within set standards and limits is unnecessary and not beneficial.	5/27/2022 12:18 PM
16	If short term rental is allowed on small residential lots then comments are appropriate	5/27/2022 9:23 AM
17	only if asking for an exception to the allowed parameters such as size	5/27/2022 8:27 AM
18	Only if this is either new construction above/on an existing building, or a new, detached building (just to ensure minimal impacts on neighbors). If the ADU will be part of an existing building, I don't believe it should require notification/comments from neighborhood.	5/27/2022 8:10 AM
19	Notified never hurts.	5/26/2022 4:50 PM
20	Neighbors should let neighbors know on their own out of respect, not a requirement	5/26/2022 6:38 AM
21	The notification process should not be the same time line of current notifications. This should EXPEDITE the process, not extend it.	5/25/2022 11:39 PM
22	ADUs that don't meet the parameters (basically exceptions) should be reviewed. Eg. an ADU that exceeds the size limit along with rationale.	5/25/2022 6:05 PM

Q15 What is your age?

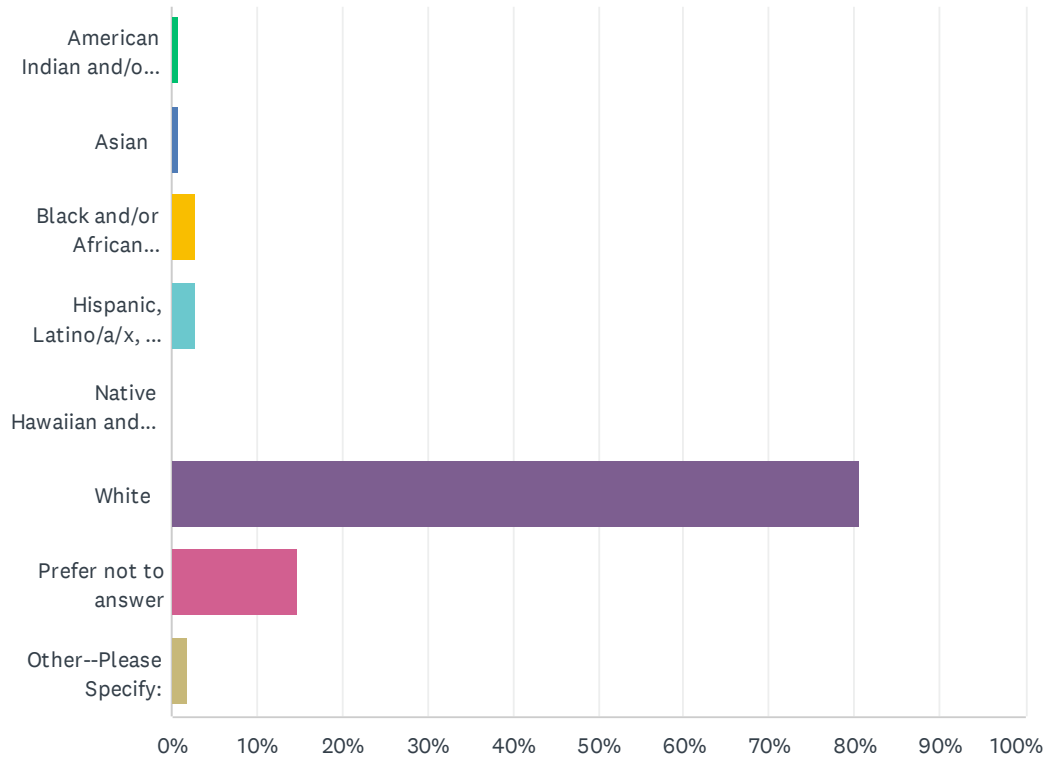
Answered: 109 Skipped: 0



ANSWER CHOICES	RESPONSES	
18-24	0.00%	0
25-34	3.67%	4
35-44	27.52%	30
45-54	22.94%	25
55-64	23.85%	26
65 years and older	21.10%	23
Prefer not to answer	0.92%	1
TOTAL		109

Q16 Which of the following best describes your race and/or ethnic heritage? Select all that apply:

Answered: 108 Skipped: 1



ANSWER CHOICES	RESPONSES
American Indian and/or Alaska Native	0.93% 1
Asian	0.93% 1
Black and/or African American	2.78% 3
Hispanic, Latino/a/x, or Spanish origin	2.78% 3
Native Hawaiian and/or Pacific Islander	0.00% 0
White	80.56% 87
Prefer not to answer	14.81% 16
Other--Please Specify:	1.85% 2
Total Respondents: 108	

#	OTHER--PLEASE SPECIFY:	DATE
1	European American	6/1/2022 2:37 PM
2	Human :-)	5/25/2022 8:00 PM

From: [Beth Eldridge](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] County ADU's
Date: Saturday, July 9, 2022 5:18:06 PM

Dear Boulder County Planning Commission,

Thank you for working on text amendments to the Land Use Code regarding Accessory Dwellings for Marshall Fire Survivors. We are in dire need of additional housing options, and these amendments will help.

My home was damaged by the smoke / soot / char / ash of the Marshall fire, and my insurance and remediation work was extensive. However, if my home had been burned, I don't know if I would be able to keep living in Boulder County. I live in a one bedroom condo with an HOA whose insurance didn't pay for anything.

If my home had burned and someone else had an ADU that I could move into, it could have made the difference between staying in Boulder or losing both my home and my community. As a helping professional my income has always been way below the local median income. The Marshall Fire showed me that I am at risk of having to choose between leaving the community or losing my limited retirement savings to stay.

I am also about to start working as a Recovery Navigator. Marshall Fire survivors who did lose everything need more options to sustain them during this long, drawn out process. Housing prices and rentals have skyrocketed, making people who never would have dreamed of being homeless experience housing insecurity for the first time.

Thank you, and please continue to expand options such as ADU's, or the ability to build back smaller, or even duplexes or townhomes, so Marshall Fire survivors can find ground in Boulder County to call our own.

Sincerely,
- Beth Eldridge

--

"Whether you know it or not – you are already there. You are the beauty... the power... the passion... the knowledge... the fire... the calm... the heart and the soul... You are the star of your being... all you have to do is let yourself shine." - Sark

From: [LU Land Use Planner](#)
To: [Hippely, Hannah](#)
Subject: FW: [EXTERNAL] Support for ADUs
Date: Friday, July 15, 2022 12:43:14 PM

-----Original Message-----

From: Chris Saliba <chris.saliba@gmail.com>
Sent: Friday, July 8, 2022 12:57 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] Support for ADUs

Hello,

We lost our house at 5 Benchmark Dr in the fire. Given the size of each plot of land in the area, and my interest in the community returning asap, I want to email my full support of ADU's for UBC and would also recommend minimal regulation of them.

Thank you,

Chris Saliba
Sent from my iPhone

From: [Peters, Daniel](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Question regarding proposed ADU requirements for Marshall fire victims
Date: Wednesday, July 20, 2022 5:13:26 PM

Hi,

If it's not practical to have a single driveway due to the configuration of the property, can an exemption to this requirement be sought under the Site Plan Review Waiver process?

Thanks,

Dan Peters
5377 Marshall Road
Boulder, CO 80305
970-903-8629

From: [Megan Monroe](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Support for Article 19 ADU amendment
Date: Wednesday, July 20, 2022 12:53:05 PM

I am writing in support of the County's work towards expanding ADUs to the Marshall Fire zone and support doing so for eastern Boulder County. I understand a number of community suggestions are to allow larger units - which I support - but I'll address additional issues that have been brought to my attention.

1) a family in my neighborhood lost their accessory structure that had a nonconforming ADU in it. It was where their son lived, he lost everything, and that unit added life to our community. This unit also gave that family a level of flexibility and security that they lost with the fire. Unfortunately, the amendment as proposed does not address the loss of a unit when the principal residence wasn't lost.

2) a 20' height may force many to build "modern boxes". If modern, flat or low slope roof design isn't a County's objective, perhaps a height allowance could be added for roof slope. Many of these structures will be over garages; it's difficult for a two story building to be under 20' without a low sloped roof.

3) water supply: many in our area use cisterns for water delivery. This option should be added for water sources in addition to wells or municipal supply since many rely on this option.

4) I support the county expanding this policy to eastern Boulder County as a whole as soon as possible. I know a number of my neighbors who did not lose their home, but lost community in this fire; they lost neighbors and their neighborhood was dramatically altered too. A number of these neighbors have said that they too would like to build an ADU to support bringing back community and/or displaced neighbors.

Thank you for all the work you've done to support our community,

Megan Monroe
Marshall Road

From: [LU Land Use Planner](#)
To: [Hippely, Hannah](#)
Subject: FW: [EXTERNAL] Marshall Fire ADU size limit feedback
Date: Wednesday, July 27, 2022 2:16:51 PM
Attachments: [image.png](#)

From: Rich Becks <richbecks1@gmail.com>
Sent: Wednesday, July 27, 2022 1:41 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] Marshall Fire ADU size limit feedback

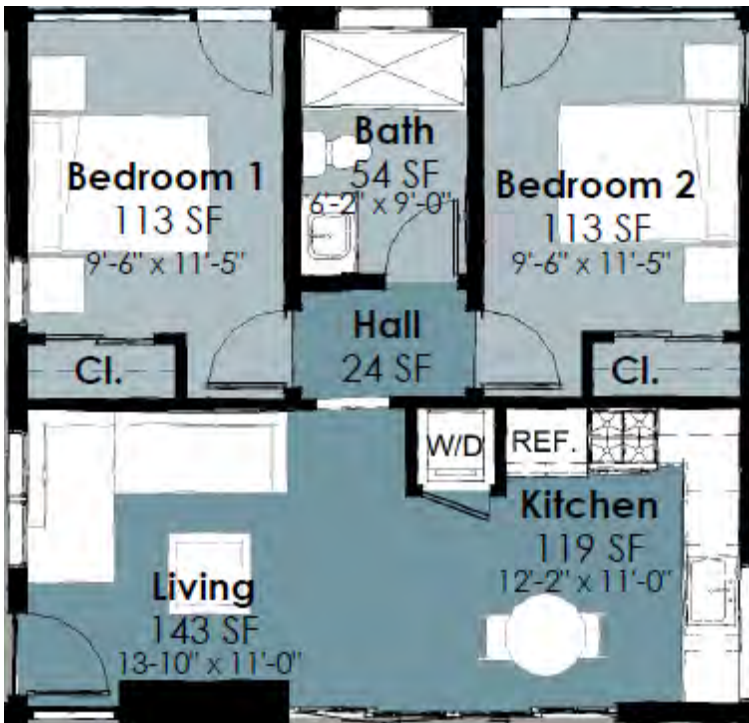
Boulder County Planning Department,

My wife and I have been on vacation touring other small towns to see if relocating is an option we should be considering. While we were on the road we read about the County Commissioner meeting that discussed ADU size restrictions and felt it would be a good idea to share with you our reasoning for wishing to have the proposed limit increased to 1,000 sf.

We are working with Rodwin Architecture and have given them our needs for using the ADU to quickly re-occupy our homesite before our Assisted Living Budget ends. Here are our needs:

1. An Intergenerational family home. A place suitably designed for children to become adults; then have a family, then become caregivers to their parents.
2. ADU design should provide the ability to "age in place", not forcing us into commercial assisted living when the time comes.
3. A design that creates a family Heritage property committed to the long-term needs of our family, neighborhood, and community.

Here is the best we have been able to do within a 700 sf envelope restriction.



The proposed ADU restriction of 700 sf. prevents us from meeting our needs as we age. We need two bedrooms at a minimum to allow for overnight medical caregivers if necessary. The proposed restriction would make it impossible to meet the specifications of care American with Disabilities Act (ADA). The bathroom and bedrooms are too small for wheelchair accessibility and safety/medical equipment.

We respectfully request the proposed floor area limitation be increased to at least 1,000 sf. in order for us to remain committed to staying in the community we love and have lived in for over 50 years.

Sincerely,
Raymond and Susan Becks
7225 Empire Dr
Boulder CO 80303

From: [Jaimee Keene](#)
To: [Hippely, Hannah](#)
Subject: [EXTERNAL] Fwd: ADU Consideration for Marshall Fire Victims
Date: Tuesday, July 26, 2022 1:23:47 PM

Oops, I misspelled your name in my first email :)

----- Original Message -----

From: Jaimee Keene <jaimkee@comcast.net>
To: "hhippley@bouldercounty.org" <hhippley@bouldercounty.org>
Cc: "dcase@bouldercounty.org" <dcase@bouldercounty.org>, "gsanfacon@bouldercounty.org" <gsanfacon@bouldercounty.org>, "clevy@bouldercounty.org" <clevy@bouldercounty.org>
Date: 07/26/2022 12:13 PM
Subject: ADU Consideration for Marshall Fire Victims

Dear Hannah,

I was recently impacted by the Marshall Fire, and am currently displaced as a result of extensive damage to my home. I would like to follow up on the issue raised in the Building Commissioners meeting last week on 7/20/22. While I understand that the immediate focus of the ADU policy is crafting a compassionate response to the people whose homes were destroyed by the Marshall Fire, I think that there is a need to expand the scope of the Marshall Fire ADU policy. There are a small number of people who did not lose their homes, but for which, the effects of the smoke and chemical contamination was devastating. I am one of them.

My home was immediately adjacent to a number that burned, my house is the last one standing on my street, and the fire surrounded my home and burned our van, our shed, our landscaping, gutters, windows, trees, and our deck. The smoke damage to my home is such that the industrial hygienist has recommended taking the interior of our home down to the studs, removing the contaminated walls and insulation, and rebuilding our home from the inside-out. Recently I have informed that it will take two full years from now to remediate, since our home was originally constructed in the 60's and will require asbestos abatement before remediation and rebuilding can take place. I am the single mother of two teenaged boys and my alternative living expense reimbursement is not likely to meet my financial need. In addition, I have a shortfall of what insurance will provide vs. what my expected remediation and rebuilding costs will be. I urge you to expand the definition of "Fire Affected". I am happy to provide documentation of the above, if requested. Honestly, if I can build a small ADU quickly on my property while my home is being remediated and rebuilt, it will be a huge relief to return our family to the "home" that we've known for 18 years.

Also, I urge you to modify the proposal that has been advanced to allow

for ADU's of at least 1200 square feet and to raise the height limitation and 50' from principal house limit to allow us to work around our septic field. I know that a number of my neighbors have raised these issues, but they are major factors in the viability of the counties ADU policy and a successful rebuild of our community.

Thank you for your help in this matter,

Jaimee Keene
895 Paragon Drive
Boulder, CO 80303

(303) 588-6222

From: [Rich Becks](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] ADU Size Restriction to 700sf
Date: Thursday, June 16, 2022 7:18:52 PM

During the Zoom conference this evening we learned the limit for an ADU is proposed to be 700 sf.

We had a pool house that burned in the fire. We have worked through a design with our architect Scott Rodwin Architecture.

The new design includes an accessory dwelling that is in the same location as the previous pool house and the same size of ~1,000 sf and within 50 feet of the new primary residence.

Our site is 2 acres and had structures already equal to what we would like to rebuild. We have no issue with including the ADU in the RFA, a new septic and utilities. It will be no problem allocating parking space for a family of four.

We realize rule-making is the art of compromise but a size limitation capped at 700 sf completely defeats the intention of helping us get into our permanent house before our insurance runs out.

Why are you prioritizing the needs of single renters and affordability over families who have lost their homes and want to stay in them?

Raymond Becks

From: [Judy Demarest](#)
To: [Hippely, Hannah](#)
Subject: [EXTERNAL] Marshall rebuild
Date: Wednesday, June 15, 2022 12:48:30 PM

Hi Hannah, Megan Monroe suggested I send this letter on to you. It outlines our worries with the rebuilding.

I am writing to ask that you extend the new ADU permissions to all properties in Marshall that lost auxiliary buildings in the recent Marshall fires, and not just the ones that lost their primary residences. In particular, some of the unique Marshall properties lost auxiliary buildings that were essentially ADUs, and we ask only that we be allowed to rebuild the structures that existed before the fire.

You have repeatedly decided to focus on an arbitrary distinction between properties that lost their primary residences and those that “only” lost auxiliary buildings. This is frustrating, as we and others lost our livelihoods and primary dwellings for relatives. I ran a consulting business out of my office, which completely burned down, destroying my extensive records and documentation. As I am nearing eighty years old, I will not be able to start over and am now reliant on social security. My son lived in the auxiliary building and was around to help his mother and me with things on the property. This also completely burned down and he is unable to continue living on the property with us.

We understand that you don’t want to consider “unaffected” parties until you have a comprehensive plan for ADUs in UBC. Some of us, however, do not feel “unaffected” since we lost so much to the fire and we feel that we are being unfairly excluded. We only ask that for those of us who lost so much (and who were not even included in the county’s cleanup), to at least be allowed to rebuild what we had as soon as possible and without the prohibitive cost and time of a site plan review.

Given how different the Marshall properties and auxiliary buildings are from the rest of the county, the ADU policies you have for Marshall need not apply to the rest of the county. Marshall has unique setbacks, unique PSF’s, and unique architecture.

Thanks, Judy Demarest

Sent from my iPhone

From: Dan Aweida
To: Hippely, Hannah
Subject: [EXTERNAL] Re: Marshall Fire - Community Meeting on proposed updates to the Boulder County Land Use Code regarding Accessory Dwellings Confirmation
Date: Wednesday, May 25, 2022 8:17:15 PM

Thanks Hannah,
Nice meeting with lots of good information. As you know, The ADU needs/wants will differ a bunch per neighborhood. On S. 68th Street, most have 3-35 acres and as Gail pointed out, are getting older and ADU would be great and plenty of land/area to put them, whether they are attached or in a basement, or attic etc.

As we are rebuilding we have a barn/shop that was also destroyed and didn't have plumbing or heat. But we could put a 800-100 sq ft attic ADU would be great as we get old in this house (we planned on finishing life in the old burned down house...).

Best,
Dan Aweida
560 S. 68th St.
303-263-1801

On May 25, 2022, at 6:07 PM, Hannah Hippely, Boulder County Community Planning & Permitting <no-reply@zoomgov.com> wrote:



Hello Dan Aweida,

Thank you for registering for Marshall Fire - Community Meeting on proposed updates to the Boulder County Land Use Code regarding Accessory Dwellings. You can find information about this meeting below.

Marshall Fire - Community Meeting on proposed updates to the Boulder County Land Use Code regarding Accessory Dwellings

Date & Time	May 25, 2022 06:00 PM Mountain Time (US and Canada)
Meeting ID	161 637 2717
Passcode	055008

Please submit any questions to: hhippely@bouldercounty.org.

You can [cancel](#) your registration at any time.

WAYS TO JOIN ZOOM

1. Join from PC, Mac, iPad, or Android

[Join Meeting](#)

If the button above does not work, paste this into your browser:

<https://www.zoomgov.com/join/1616372717?tk=7rBMLCKN2qtaZti3RWQ6O6fEU8GZliHbzk-76qczby4.DQMAAAAYFfi7RZCTWtqbG50UVJIV3NNcno0cGdkR1dBAAAAAAAAAAAAAAAAAAAAAAAAAAAA&pwd=RGFHK2owRFFCL241U0FML2RijBKdz09>

To keep this meeting secure, do not share this link publicly.

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2. Join via audio

One tap mobile: US: +16692545252..1616372717# or +16692161590..1616372717#
Or dial: For higher quality, dial a number based on your current location.
US: +1 669 254 5252 or +1 669 216 1590 or +1 646 828 7666 or 833 568 8864 (Toll Free)
Meeting ID: 161 637 2717

[International numbers](#)

3. Join by H.323/SIP room system

H.323: [161.199.138.10](#) (US West)
[161.199.136.10](#) (US East)
Meeting ID: 161 637 2717
Passcode: 055008
SIP: 1616372717@sip.zoomgov.com
Passcode: 055008

Thank you!



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From: [Deborah Cave](#)
To: [Case, Dale](#)
Cc: [Sanchez, Kimberly](#); [Hippely, Hannah](#); [Sanfacon, Garry](#); [Fong, Clay](#); [Boulder County Board of Commissioners](#); [Levy, Claire](#); [Petersen, Jana](#); [Loachamin, Marta](#); [Jones, Matt](#); [Alan Ferguson \(ferguson4999@hotmail.com\)](#); [Barry Weiss](#); [Bob Grotluschen](#); [Cheryl](#); [Deborah Cave](#); [Ellen Berry](#); [flinder_macclin.com](#); [Jim Yanus](#); [Lars Kalnajs](#); [Leah Fuchs](#); [Mark Feuer](#); [Meg Porfido](#); [Megan Monroe](#); [Mimi Yanus](#); [Pam Decker](#); [Paul Grignon](#); [Thomas Hauser](#); [Todd Nash](#); [tom.berghoff@icloud.com](#); [Yvonne Gates](#)
Subject: [EXTERNAL] UBC Committee Position on Auxiliary Dwelling Units (ADUs) in Marshall
Date: Thursday, June 16, 2022 3:21:21 PM

Dale,

The UBC Committee would like to add an additional comment (to its 6.14.22 email) regarding ADU policy and how it relates specifically to the Marshall/Cherryvale area. It has been brought to our attention that some in the area feel that the PSM is lowered by the historical and economical nature of what existed as well as the exclusion of adjacent neighbors and the deed restricting of a local property to approximately 500 square feet; resulting in a PSM that is significantly more limited than other areas in the burn zone. In keeping with the goal to maintain maximum flexibility to assist homeowners returning to their properties, we encourage the County to allow a modest, one time exceedance of the PSM for ADU structures in this area. The goal is maximum flexibility and housing equity. A suggested exceedance could be a one time amount (i.e. 500 sf) or adjusted to the PSM of the burn area.

Thank you for your consideration.

Debbie Cave

From: [jon saccion](#)
To: [Hippely, Hannah](#)
Subject: Re: [EXTERNAL] accessory dwelling unit
Date: Monday, May 23, 2022 9:51:11 AM

I guess from the perspective of asking for feedback - I do not support this unless it is allowed for all eventually with highly similar rules - all this one off special case stuff feels wrong. I generally support the idea - especially since some of us are on many acres - If my small land was developed it would have probably ~ 20 homes or 30 - so it has always seemed excessive to prevent me from having 2 modest homes for whatever reasons make sense (small income in retirement, family, ranch hand..)

We sometimes think about building something but it seems excessively wasteful to tear down a fully functional house to build something new - would seem much more 'green' to allow this house to be used by a family while adding a modest home elsewhere on the property.

Also - the idea of building a home to allow for care of an elder or vise versa only to remove it later - also is far from 'green' or good for the planet nor housing crunch..

On Mon, May 23, 2022 at 8:32 AM Hippely, Hannah <hhippely@bouldercounty.org> wrote:

Hello Earl,

At this time the consideration is for Marshall Fire rebuilds but, we are going to look at this for the rest of the county in the near future.

Thanks,

Hannah

From: jon saccion <lowgradeemail@gmail.com>
Sent: Friday, May 20, 2022 8:46 AM
To: Hippely, Hannah <hhippely@bouldercounty.org>
Subject: [EXTERNAL] accessory dwelling unit

Is the proposal being discussed to allow people affected by the fire to be able to build buildings which historically have not been allowed to us in unincorporated county or is the proposal to start allowing these types of buildings in general more often and or more easily including the recently induced rebuilds?

Earl Manchester

From: chuck@ceruleantech.com
To: [Hippely, Hannah](#)
Subject: RE: [EXTERNAL] ADU policy
Date: Wednesday, May 25, 2022 5:14:36 PM

Hannah,

Perhaps I wasn't clear. Approving ADUs for all Marshall fire victims (instead of just those whose house was also destroyed) does not expand this to "county wide". It seems strange to us that if our house was destroyed as well as our other structures (which were very valuable to us), we would be OK to have the ADU.

Chuck Demarest

From: Hippely, Hannah <hhippely@bouldercounty.org>
Sent: Wednesday, May 25, 2022 5:08 PM
To: chuck@ceruleantech.com
Subject: RE: [EXTERNAL] ADU policy

Good Evening,

Thank you for providing your comments. The Board of County Commissioners has authorized us to look at this issue County wide. We are focused on the Marshall Fire area presently due to the fact that these folks need to plan quickly for the rebuilding of their homes. Addressing this County wide given the County's variety of landscapes, neighborhoods, available services, etc. is a much more complicated undertaking and we couldn't tackle that scope of a project in the timeframe needed to respond to the needs of those made homeless by the Fire. However, we do intend to take up the County wide consideration after completion of this first phase of the Accessory Dwelling project. This could allow you and many others the same opportunity.

Please stay tuned.

Thank you,

Hannah

From: chuck@ceruleantech.com <chuck@ceruleantech.com>
Sent: Wednesday, May 25, 2022 5:00 PM
To: Hippely, Hannah <hhippely@bouldercounty.org>
Subject: [EXTERNAL] ADU policy

Hello,

My question/comment for the meeting today is:

The Marshall fire destroyed our three detached structures on our 2 acre property in Marshall, although our house was spared. We want to rebuild at least one of these and want it to contain an ADU, planning for us to soon occupy, with the primary residence intended for our children/grandchildren. We are retired. We are asking the county to extend the ADU permission policy to include those Marshall fire-damaged properties in which although the primary residence is

not destroyed, an ADU will be permitted.

Charles & Judy Demarest

From: [Buzz Burrell](#)
To: [Hippely, Hannah](#)
Subject: Re: [EXTERNAL] ADU Survey?
Date: Wednesday, May 25, 2022 1:08:47 PM

Thanks.

As you know, California basically mandated that ADU's must be allowed - they overruled all local regulations and just did it. The privileged naturally went nuts and are fighting it, even though they are self-proclaimed liberals. Sound familiar? The state of CA has doubled down, tightened the mandates, and essentially did away with Single-Family zoning. Sacrosanct! But this had to be done - everything else is worthless talk.

Boulder County (and City) needs to take a cue from the rest of the world, and become the progressive community it claims to be. Local government is beholden to those who cry the loudest, rather than doing what is known to be good policy for the community.

People with fear and anger always speak the most and the loudest, so if you wait for an upswell of pro-ADU opinion, you will not get it. Instead, Boulder County needs to step up, do the right thing, and take the heat.

Thank you for your work,

BB

On May 25, 2022, at 9:34 AM, Hippely, Hannah <hhippely@bouldercounty.org> wrote:

Hi Bizz,

I think this should be available now. Try this link

https://www.surveymonkey.com/r/BoCo_AccessoryDwellings .

Thank you,

Hannah

From: Buzz Burrell <buzzburrell@mac.com>
Sent: Wednesday, May 25, 2022 8:25 AM
To: Hippely, Hannah <hhippely@bouldercounty.org>
Subject: [EXTERNAL] ADU Survey?

The Survey does not appear to be active - - -

Online survey open May 25 through June 1 An online survey will be available for community members to complete from May 25 – June 1, 2022. The survey will be posted at www.boco.org/dc-22-0003 by May 25.

BB

From: [Sue Lion](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] ADU size
Date: Thursday, June 16, 2022 7:25:27 PM

My opinions about the Zoom meeting tonight:

If the intention is to actually make it possible to ease some of the housing shortage, then I think the conversation about size tonight showed that some properties are capable of having a larger ADU without affecting the neighborhood. Anyone having an ADU must follow county regulations no matter what. I believe that if a homeowner wants/needs something bigger than 700 sq. ft., the door should be open to them to review their property and specific needs, and make decisions based on lot size and neighborhood. If there was a limit of 1,000 sq. ft., then more options are open. Someone can still build 700 sq. ft. As PJ said, he had a shop that could be used as an ADU that is 850 sq. ft. He also lives on an acre of land in a neighborhood that has more room between houses. 1,000 sq. ft. wouldn't be a good fit in the Sagamore neighborhood, where houses are close together on small lots.

I can't imagine cramming a family or even a couple into a 700 sq. ft. unit. 1,000 sq. ft. is barely enough for two small bedrooms, a bathroom, a small living area, and a gallery kitchen (I know because my architect is working on a basement for me that is 980 sq. ft.). I believe that a single person or an elder can be comfortable in 700 sq. ft. but it limits the full use of the structure for any other possibility in the future. The ADU in my mind isn't just for temporary housing - it's for easing up rentable space in this county. Not everyone wants to live in a bedroom.

The person sitting with me tonight wondered if 700 sq. ft. for an ADU almost seemed like the County's way of making it so hard for people to build one that they just give up. There has been a lot of contention between people who can provide more housing and the county not wanting to allow it. I hope this isn't the case. The Marshall Fire has opened up the potential of providing more affordable living space, even if the regulations are just for the fire victims. 1,000 sq. ft., when compared to the big homes in Boulder County and all the new ones being built, seems pretty inconsequential.

Thank you,

Sue Lion

5920 S. Vale Road

From: [Bin Zhang](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Land Use Code Change on ADU in unincorporated Boulder County
Date: Friday, June 17, 2022 5:24:29 AM

Dear Boulder County Planners and Commissioners:

I am writing in support of the Land Use Code Changes, allowing an ADU for the families who lost their homes from the Marshall Fire.

The proposed ADU parameters are reasonable and acceptable, such as a maximum size of 700 SQFT, one designated parking space, etc.

Having this ADU during our re-build process will allow my wife and I to take care of our aging parents first and foremost. In the future, we can certainly consider making this ADU available to a college student, or to a young couple working in Boulder, or a single mom with a child.

One of the better ways to build a tolerant, inclusive, positive, strong, and thriving Boulder community is to converse with people of various age groups, of diverse backgrounds, and of different social & economical circumstances. The more we all meet each other, talk with each other, and help each other, the better and the stronger the community.

Once again, I strongly support the Land Use Code Changes to allow the ADU. Thank you all for your thoughtful approach, your diligence, your dedication, and your service to the community.

With deep gratitude,
Bin Zhang Family
6757 Whaley Drive
Boulder, 80303

From: [Janet Andrews](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] ADUs in Unincorporated Boulder County - Marshall Fire area
Date: Friday, June 17, 2022 7:02:35 AM

Boulder County Comprehensive Plan housing policies that support the County reviewing options and potentially allowing more opportunities for ADUs

PH 5.01....."there is a connection between individuals having safe, affordable housing and their physical and mental health".....

The County's goal to first address the needs of Marshall Fire survivors is commendable, but in fact the proposed 700 square foot Land Use Code limitation regarding ADUs does NOT MEET THE ABOVE CRITERIA for families wishing to live in an ADU while rebuilding their home, or for property owners desiring to build an inter-generational dwelling! A minimum of 1000 square feet, and preferably 1200 square feet, should be allowed, with individual consideration given to lot size. Well-designed attached or detached ADUs should be considered on an individual lot-by-lot basis, with Site Plan Review expedited for Marshall Fire survivors.

From: [Tiffany Gengelbach](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Public Comment
Date: Friday, June 17, 2022 3:30:34 PM

It would be great if it were easier to build ADUs anywhere within the county, not just on properties impacted by the Marshall Fire. Many of us have plenty of land; our right to build on it should not be restricted by arbitrary square footage rules.

From: [Ron Sandgrund](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Comments re ADU
Date: Friday, June 17, 2022 5:29:36 PM

I support your efforts to require ADUs to stay within 50' of a burned home's original footprint and not to exceed 20' in height. I would go further and require the ADU to be physically *attached* to the main house, which would keep the structures closely clustered, but which would still allow a separate entrance. Also, by requiring clustering and attachment, greater energy efficiencies could be built into the "combined" structure. I think the two units combined square footage should not exceed what would be permitted for the rebuilt home's square footage, which I think is what is being contemplated currently.

I think the dual use of the main home's driveway by all occupants of both the main home and ADU makes a lot of sense. I think the addition of *any* parking pads for the ADU should be adjacent and connected to the main home's driveway, and not located remotely from that driveway — this arrangement will keep all cars and their parking and driving areas connected and compressed.

The 1000 sq' maximum size or something less makes sense. While some folks pointed out that a family of 4 could not fit in a structure that size, the alternative would mean allowing a potentially out-sized ADU being built for the owners to live in while their home is being rebuilt, but then the owners would eventually move into the main house and the ADU could (and likely would) be rented out to a second family or a bunch of college kids. That seems like a terrible result, unduly increasing density and traffic — there must better ways to create affordable housing than allowing that.

Last, I think anyone contemplating an ADU should submit site and dimensional plans to be emailed to their immediate neighbors for the neighbors' input. It seems like a waiver from the county is necessary to move forward with the ADU and input from neighbors could help shape, without appreciably slowing down, the approval and waiver process. I am suggesting email copies be sent to the *closest* neighbors in each direction (N-S-E-W) from the home, with no notice necessary if the neighbor in a particular direction is more than 250' distant from the closest part of the ADU's footprint to that neighbor's home. Maybe this could be done on an "opt in" basis where a curious or concerned neighbor could add their name and email to the planning department's file for a particular address which then would trigger the forwarding of all ADU requests and drawings to the neighbor via email. The neighbor wouldn't have any sort of veto power, they would just submit their concerns to the planning department could consider them informally. Since so many folks are now renting, there really is no process in place for them to know what is going on next door and help shape things, even if only informally.

Ron Sandgrund
546 Donn Court
Boulder CO

From: [Tom Berghoff](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Marshall Fire - Community Meeting on proposed updates to the Boulder County Land Use Code regarding Accessory Dwellings
Date: Saturday, June 18, 2022 9:03:10 PM

Boulder County Planning,

Like most of my neighbors, I lost my home in the Marshall Fire and was very encouraged when the opportunity to participate in last month's ADU listening session presented itself.

The sessions were well run, professional and seemed to be genuinely focused on the needs of the fire victims and the community at large. They also represent a huge opportunity for my community to recover in a manner that is consistent with the stated goals of the effort.

Unfortunately, it seems that much of the input was ignored as the Draft ADU Proposal has little semblance to the input that was provided in the listening sessions or in the published survey materials.

During the breakout that I participated in, the dominant theme from almost every attendee was that we needed a more accommodative approach in terms of ADU size, but the time constraints didn't give us the opportunity to fully articulate why larger ADUs are warranted as they relate to the specific circumstances related to the fire.

To that end, it is important to consider that:

- Much of UBC is comprised of larger lots
- Most people are underinsured to rebuild anything close to the original size of their residences
- Construction costs have escalated significantly
- Over 90% of Marshall Fire victims were underinsured, many significantly.

- Insurance funded Alternative Living Expenses run out after 24 months, meaning anyone who hasn't rebuilt will need to fund both a rental and the mortgage on their destroyed or damaged residence.

As a result, many of us need to:

- Consolidate multigenerational households with ADUs
- Build ADU structures in advance of the primary residence in order to speed occupancy and/or increase affordability
- Offset the uninsured financial burden with ADU rental income

Specific Feedback on the Draft Policy:

- 700 square feet is too small, especially considering that these units will be intermediate term housing for families. The two bedroom requirement also dictates an exceptionally compact living space.
- The 50 foot from principal house rule makes no sense on larger lots, especially considering that Article 19 requirement for accelerated rebuild dictates primary house position that may not be within 50 feet of existing ADU convertible structures (detached garages, barns, ag structures, etc). Existing wells and septic system locations, driveways, setbacks and other restrictions currently in place will make this unnecessarily complicated.
- Existing detached building structures that can be converted to ADU's to alleviate short term housing should be fast tracked for approval with either a very light SPR, or folded in to Article 19.
- The 20' height limit should be struck. Many of the conversion opportunities are on second floor of existing detached structures. The existing building code has extensive height requirements.
- Recognize that the absence of an established ADU policy means that many of us are either delaying our construction plans or submitting plans that will require future rework/expense.

I would propose that Boulder County follow the published Best Practices

established in California when it developed its building code for ADUs:

Size Limitation

- a. Attached ADU - shall not exceed the lesser of 1,200 sq.ft. or 50% of the living area of the primary unit, inclusive of any habitable basement or attic space.
- b. Detached ADU - Maximum 1,200 sq. ft. of habitable floor area.

References:

<https://www.aducalifornia.org/best-practices/>

<https://www.cityofcalabasas.com/home/showpublisheddocument/490/637656509233800000>

<https://www.cityofsantacruz.com/home/showpublisheddocument/84536/637584175460100000>

<https://napasonomaadu.squarespace.com/standards/healdsburg-adu-ordinance>

It has been a stated goal of the County that we want to have people reoccupy their residences at a rate significantly above the National 5 year average of 25% (per the meeting hosted by Garry Sanfracon and Tatiana Hernandez in the Louisville Rec Center). The above approach will serve to accomplish that goal far better than the Draft Proposal.

Thank you for your consideration.

Sincerely,

Tom Berghoff

7444 Empire Drive

Sunday, 19 June 2022

To: Boulder County
Community Planning & Permitting Dept.

Dear Ladies & Gentlemen:

I and my wife, Janet, lost our home in the Marshall Fire and given my age (80), and Janet's (77), and the fact that I found out after the fire that I was under-insured, this has created a significant hardship in the rebuilding process.

Our lot at 1025 Paragon Drive adjoins our daughter's lot at 7352 Empire Drive. It was our long term "age in place" plan to have her family there as a support system for both my wife and I. The home we lost was perfect for this. It was one level on a flat lot with no steps. It was a two bedroom, two bath. Inside it was designed to be wheel chair accessible throughout with a large walk-in shower capable of a roll-in wheelchair.

Rebuilding at our age and with our financial considerations is not likely to be possible. My daughter and her family are also struggling with the rebuilding process and the ever escalating cost of construction. With that in mind, we were thrilled to hear that Boulder was considering ADU's. It gave us the possibility of staying in our beloved Spanish Hills neighborhood and the ability to watch our granddaughter grow up. We were told that Boulder County was going to be particularly accommodating in the rebuilding process and, while I recognize the effort and good intention that has been put in. The County's preliminary response on the ADU policy was nothing short of tone deaf.

Our conversations with people who participated in each of the three breakout sessions in last months ADU meeting indicated that there was overwhelming support for larger ADUs to allow for staged rebuilds. There was also considerable support to consider lot size in determining what would be allowed. The polling that was presented at that time only considered sizes up to 1000 square feet, but for those people with larger lots (our daughter is on 11 acres), this seems quite small. Now you are proposing a maximum size of a very tiny 700 sq.ft. This is only sufficient for a one bedroom, one bath house.

Please recognize that the mental and financial stress of the Marshall Fire is considerable. Also recognize that you have PSM and Septic limitations that will keep from needlessly large ADU houses.

During the rebuilding phase, our daughter and her family would love to be able to immediately build and live in an ADU. They would need 2 bedrooms and one bath, plus space for a home office. There is no way to accomplish this with your proposed maximum of 700 sq.ft. Likewise, 700 sq.ft. is way too small for us as active seniors who like to entertain. Please reconsider this size maximum as it is literally preventing our ability to enjoy our golden years.

Jim Andrews
1025 Paragon Drive, Boulder, CO, 80303

From: [Eldridge Family](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] ADU size- home damaged by Marshall Fire
Date: Sunday, June 19, 2022 12:40:55 PM

Dale, Thank you for all of your work with the UBC. Our neighborhood of Paragon Estates/Spanish Hills has been hit hard by the Marshall Fire as you well know. In our case, our primary residence was completed in June of 2021, and we were just 6 months in when the fire hit. Our home is “livable” but sustained structural damage including melted window seals, blistered metal roof, deck warping and siding damage, including interior damage to floors and drywall/paint. We are looking at 2+ years of battling with our insurance carrier over the damage and repairs needed. Our original building permit allowed for a 30’ x 30’ barn to accommodate our daughter’s horse upon her graduation from CSU’s equine sciences program. We would like to build an accessory dwelling unit that is a barn/ADU in the original approved site to accommodate our multigenerational family, including our daughter and my aging parents who both have severe arthritis. My father is in a scooter and will eventually be in a wheel chair. He has already had 2 hip replacements and 2 knee replacements and is registered as a physically handicapped person with the DMV. Housing them in a 700 square foot ADU, would not work especially given the larger ADA (Americans with Disabilities Act) handicap accessible requirements needed for wheelchairs. Please consider the size increase requested by Tom Berghoff and the UBC. Also, we are considering a “Barndominium” style structure that would be part barn and part living space.

Best regards and many thanks,

Kathrine and Edward Eldridge

949-233-9637 and 949-633-1711

From: [Dee Andrews](#)
To: [LU Land Use Planner](#)
Cc: [Dee Andrews](#)
Subject: [EXTERNAL] ADU Policy for Marshall Fire Victims
Date: Monday, June 20, 2022 9:15:14 AM

Dear Boulder County Planners,

I appreciate your commitment to a successful rebuild effort in Unincorporated Boulder County from the Marshall Fire and especially your review of the county ADU policy.

My parents, aged 78 and 80, lost their home in UBC in the fire. They are not able to rebuild. They lived next door to my sister and her family, who also lost their home in the fire. My parents intentionally moved next door to their daughter several years ago to be able to have family help them stay in their home as they aged.

Because our parents are not rebuilding, an ADU on my sister's property is a good solution for our aging parents.

However, **700 square feet is too small** for more than one person to live in comfortably for many years, especially senior citizens who require larger bathrooms and spaces for a wheelchair to navigate. As well, the private space afforded with a second bedroom or a small office or den for time alone or in pursuit of an individual pastime is essential for emotional and mental well being.

For context, [Seattle has the tiniest apartments in the country](#), with an average size of 711 square feet with Manhattan and Chicago the second smallest at an average of 733 square feet. The largest share of these apartment dwellers are millennials who prefer living in locations close to restaurants and entertainment rather than having large kitchens or living rooms to cook or entertain at home. **That is not the case for most families impacted by the Marshall Fire. The people who need these ADUs the most are older couples or families with kids who would benefit from at least 1200 square feet.**

Unincorporated Boulder County has no reason to be dense intercity Seattle or Manhattan. My sister's lot is 11 acres and could easily have a two-bedroom 1200 sq ft ADU that housed our parents without impacting any neighbors. If anything the neighbors would love to see our parents be able to remain in the neighborhood.

The apartments at [The Carillon at Boulder Creek](#) provides a good example of independent living apartments for seniors. Their two bedroom apartments range between 1,251 and 1,413 square feet.

Please consider for your ADU policy for Marshall Fire victims:

- scaling the allowed square footage based on a tiered model based on lot size,
- or consider ADU size on an individual lot-by-lot basis,
- or on properties greater than an acre, allow new ADU structures a minimum of 1,200 square feet

Thank you for your consideration and partnership on this important rebuild effort that supports families and older couples impacted by the fire.

Best regards,

Dee Andrews

she, her, hers

2023 Walnut Street

Boulder, Colorado 80302

303.882.5036

dasandrews@icloud.com

From: [Dita Hutchinson](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] ADU policy impacting Marshall Fire Victims
Date: Monday, June 20, 2022 11:29:42 AM

It has come to my attention that your office is currently reviewing its ADU policy which would most immediately impact victims trying to rebuild their homes that were lost in the Marshall Fire. This is very helpful, however it is my understanding that the current proposal of 700 square feet is unacceptable. As a former Spanish Hills homeowner, I know many families that were directly impacted by the fire and need additional flexibility as they struggle to rebuild their lives following their devastating losses.

Please reconsider your policy with respect to ADUs to allow these families more flexibility. Proposals worth considering are:

- scaling the allowed square footage of ADUs based on a tiered model based on lot size,
- consider ADU size on an individual lot-by-lot basis,
- on properties greater than an acre, allow new ADU structures to be a minimum of 1,200 square feet

Thank you in advance for your consideration of this sensitive and urgent matter.

Bernardita Z. Hutchinson
Boulder, CO

From: [Alexis Foreman](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] ADU's in unincorporated Boulder county and their potential impact on Marshall fire reovery.
Date: Monday, June 20, 2022 1:36:31 PM

Boulder County Planning & Permitting,

My home was rendered uninhabitable due to the Marshall fire and we have served as something of a home base for many of our former neighbors who lost their homes.

We were keenly interested in the ADU effort as it was an opportunity to help alleviate the housing challenge that we now find ourselves in. We were quite encouraged when we went to the listening session that you conducted 4-5 weeks back as it seemed that the county was listening and committed to helping.

The draft ADU proposal that you have published does not reflect ANY of the feedback that I heard provided to Hannah and the team.

-700 square feet is entirely too small, especially as many of our neighbors need to move in before their ALE runs out and the ADU is the only chance of making this happen. 1000 square feet is a bare minimum and 1250 should be allowed even though you didn't allow any of that input with your survey tool.

-The 20' height restriction makes no sense as many of the structures that can be converted are existing barns and garages with upper level structures.

-The 50' from the house rule makes no sense as many of us are on larger lots and our barn and garage structures are over 50' from the house.

I understand that the published proposal was not what was originally drafted by planning and that the Commissioners came in "over the top" with their own opinions on what we needed. Why did you even ask for our input then? All that you have done in the process is cost our neighbors time and money under the false pretense of community input.

Many are afraid to speak out as they need the cooperation of the Planning and Permitting team to rebuild their houses, but you have completely missed the mark with this proposal.

I know that I am not alone in saying that the proposal was arbitrary and capricious. Please fix it soon as we have elderly people, multi-generational families and families that can't immediately rebuild that are highly dependent on you showing some compassion and some genuine commitment to help.

Thank you,

Alexis Foreman

From: [PJ Bostley](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Proposed ADU rules
Date: Tuesday, June 21, 2022 10:28:31 AM

I have 4 objectives for an ADU on my property.

1) Quickly provide an affordable place for my family of 4 to live while we rebuild our primary residence. 4 people and a dog can't live in 700 sq feet.

2) Rebuild and use what was our detached garage as the ADU. This structure was 888 sq ft. and 54 feet from our primary residence. The sq ft and distance from dwelling rules make it so we can't convert this building. The presumptive size max prevents us from making it bigger. We would be stuck converting part (and leaving part as garage) of it which would limit it to <500 sq ft. We would also have to move the whole structure to a new location (or move the house). This is completely unworkable.

3) Create an opportunity for future cash flow from the rental of the ADU, -OR- our main home to partially recover the loss we have suffered. Renting the house to a couple while my wife and I live in the ADU (after the kids go to college) doesn't add any traffic above what we normally have. The short term rental rules adding further restrictions on what we can do with our property only serves to further undermine this proposal.

4) Provide a place for aging parents and home-from-college kids to stay. This is the **ONLY** point where this proposal might work. This is a long term goal and not an immediate need.

This proposal **fails** to help us. The obsession with one size fits all rules is, yet again, failing to account for the diversity of properties in the county and is overly restrictive for communities with larger lots. (*) You also appear to be driving a strategy where you try to *appear* to have a community inclusive process while mostly ignoring the feedback from the community (**). At this point I am having trouble convincing myself this whole process isn't a political charade.

-p.j.

*) Looking at the Boulder specific HEER's rating rules you have clearly not done one-size-fit-all elsewhere.

) It was clear from the meetings that the community **overwhelmingly supported larger ADU's...

From: [Don Bushey](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Support for ADUs in Boulder County
Date: Tuesday, June 21, 2022 4:20:41 PM

Dear Sir or Madam,

Thai email is in reference to DOCKET DC-22-0003: PROPOSED TEXT AMENDMENTS TO ARTICLE 19-500 (MARSHALL FIRE 2021) AND ARTICLE 4 ZONING AND ARTICLE 18 DEFINITIONS

I would like to voice my support for the adoption of new regulations regarding ADUs in Boulder County as described in Article 19. Specifically, I support the ability of homeowners in Marshall, and other unincorporated Boulder County to construct an ADUs on their property. There are many benefits to the community that ADUs can provide such as increasing affordable housing, and the ability of homeowners to house aging parents and relatives, without destroying the special characteristics of rural preservation areas.

Thank you

[Don Bushey](#)

[810 Marshall Rd](#)

[Boulder, CO 80305](#)

From: [Lori Windle](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Public comment on DOCKET DC-22-0003: PROPOSED TEXT AMENDMENTS TO ARTICLE 19-500 (MARSHALL FIRE 2021) AND ARTICLE 4 ZONING AND ARTICLE 18 DEFINITION
Date: Tuesday, June 21, 2022 8:32:56 PM

Greetings,
please see my comments below regarding considering the definition and requirements being considered for Accessory Dwelling Units (ADUs) in unincorporated Boulder County.

06/21/2022

Comments:

While understanding the urgency of assisting Marshall fire victims by amending this ADU code, these amendments should apply to all areas of unincorporated Boulder County. The housing crisis, the lack of affordable housing and exponential growth in the ageing population is culminating in a great need for Boulder County to be more flexible in their view on ADUs.

1. Grandfathering: Boulder County should allow an existing residential structure to be designated an ADU if it conforms with the square footage and the nearby location (50 ft.) of the primary residential structure requirements.
Example: A person building a new home on their property could decommission part of the old house, to comply with floor area requirements and use the rest as an ADU. This would result in an affordable housing unit for a renter and additional income for the property owner. It would be a win-win situation that also helps alleviate the housing crisis. Individuals over 65 on fixed incomes are particularly vulnerable to the current housing situation and this could be a real benefit for them.
2. Square footage: As in Provision F, square footage for an ADU should be adjustable to the total amount of flooring area allowable now for any given property. Should not be a fixed number.
3. Affordable housing: BOCO might want to consider limiting the rent of an ADU to the current affordable housing index used by Boulder County. This could assist Boulder County with its stated goals and number of affordable housing units available.

Please feel free to contact me at 303-246-4599 if there are questions.

Lori Windle

12558 Flagg Dr.

Lafayette, CO 80026

--

L. Windle

Whether you think you can, or think you can't, you're right.

From: [Scott Andrews](#)
To: [Abner, Ethan](#)
Cc: [Jim Andrews](#); [Janet Andrews](#)
Subject: [EXTERNAL] Re: Please approve ADUs of 1,200 sf for lots > 1 acre
Date: Wednesday, June 22, 2022 7:42:10 AM

On Jun 21, 2022, at 1:36 PM, Scott Andrews <jsa.email@icloud.com> wrote:

To Whom It May Concern,

Boulder is home. My extended family (parents, siblings and immediate family) have lived here since 1966, over 55 years. We have lived all over the city and in multiple locations just East of city limits.

The Marshall Fire devastated our family. Both my sister and my parents lost their homes. They lived adjacent to one another on large 2-11 acre lots in Spanish Hills / Paragon Estates. My parents are elderly and intentionally lived next door to their daughter for inter-generational family support.

Due to rapidly rising construction costs and on-going fighting to resolve their insurance claim, my parents have been forced to abandon their hope of rebuilding in Boulder. ***My parents have been forced to move to Eastern Broomfield County, far from their family, their friends and their community.*** They are deeply upset, sad, fearful and angry about being ripped away from their home.

My sister and my parents desperately want to utilize a properly sized Accessory Dwelling Unit (ADU) to reunite my parents with their family support systems.

Please approve the use of at least 1,200 sf ADUs on lots > acre to keep our community intact. The preliminary proposals of 700-1,000 sf are inadequate for elderly couples who require accessible living quarters.

Thank you for your consideration,

J. Scott Andrews
2023 Walnut St.
Boulder, CO 80302
303.898.1987
JSA.email@icloud.com

P.S. I live in a new, approved 2,000 sf “urban infill” condo in the heart of downtown Boulder that in the past would have been considered an ADU. We are part of a vibrant, interconnected community. The City gets it. Please help our community stay intact!

From: [Lars](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Accessory Dwellings for Marshall Fire Rebuilding
Date: Wednesday, June 22, 2022 8:58:10 PM

I appreciate all the work that CP&P has done to update Article 19 and now the work that you are doing to incorporate ADUs in Article 19. I also appreciate the opportunities that you have provided for the community to provide input into this process. However, I think it is important to consider the intent of Article 19, and ask the question: **Does our proposed amendment meet the needs of the community that Article 19 is designed to help?**

The answer to this is a resounding 'no'. In the initial meeting to provide input on ADUs, the survey following that meeting, and in the most recent meeting to review the proposed language, the community has provided overwhelming input that the need of Marshall Fire Survivors is for larger ADUs, at or over 1000 square feet. One of the primary reasons the Fire Survivors desire ADUs are to provide accomodation for their families for the years it may take to rebuild their homes. Families cannot comfortably live in 700 square feet, effectively making this policy useless in helping allow under insured families to remain in our community.

Please reconsider this part of the policy to allow larger ADUs. I understand and share the concern about keeping the 'Accessory' in ADU, but there are other, less restrictive ways to do this - for instance, limit the ADU to some fraction of the main house, maybe 30%.

Thanks,
Lars Kalnajs
12 Benchmark Dr

From: silleekim@comcast.net
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Land Use Code text amendments related to Accessory Dwellings
Date: Sunday, June 26, 2022 11:46:27 AM

We live in the Red Ash Lane neighborhood, in the heart of the Marshall Fire burn zone. Half of our neighbors' homes in this enclave were destroyed in the fire. Our home and the others here were all damaged and our properties were all severely burned. Although we still have homes, we are still struggling every day to move forward from this disaster.

Like everyone else in Boulder County, we want to do everything possible to help our neighbors whose homes were lost. Although the recent survey on the topic of ADUs could have helped to understand their needs, the way the results were presented doesn't answer the critical questions about exactly what those needs are. The results of each of the questions should have been grouped into three categories:

- a. those whose homes were destroyed and would therefore benefit from any changes;
- b. those with still-standing homes in the burn zone who would be potentially negatively impacted by any changes; and
- c. those who don't have a direct stake in the outcome.

Perhaps the results can still be collated in that manner, and we would be very much interested in seeing those results.

I would very much like to see data on how many owners of destroyed homes want to include an ADU in their rebuilding plans, and exactly how they plan on using the ADU, both in the short term and in the long term. I assume that most owners' insurance policies would not cover building a new ADU that wasn't present prior to the fire, so funds for them will likely have to come out of already stretched pockets. If someone wants to build a small residential structure on their property to live in while they rebuild their original home, that seems reasonable, although a temporary building, RV, mobile home, etc., might be a more cost effective solution and would not require going through this entire effort. I've heard that some victims have expressed interest in this route, but I haven't seen any data about how many actually want to.

What concerns me more is the long-term effect of allowing these ADUs, essentially without review of neighborhood or other impacts. Boulder County has, for many years, worked very hard to preserve the character of its unincorporated areas. Our neighborhood is zoned agricultural, and Boulder County has made it a priority, even more so in recent years, to preserve the rural character. Yet, with one "simple" change that is supposed to help families who lost their homes, our neighborhood could have 50% more families living here. Our streets are unpaved, partially with no county maintenance. This means more dust, more delivery cars and vehicles, etc. We have no transit service and we are not within walking distance of any restaurants, retail stores, workplaces, schools, or anything else. We are all on wells and septic systems, so we will be putting more stress on our aquifers (if well permits even allow multi-family use).

To be clear, I'm not against all ADUs. If someone wants to build a space for intergenerational family living, I think that is appropriate. If someone needs a space for a caretaker to allow aging in place, that also makes sense to me. And a space for a family's personal use and occasional guests also

seems reasonable.

However, a rentable second family residence on a property zoned for single family living doesn't seem appropriate, at least not in all neighborhoods. There is a place for density, and it certainly has a role in attacking the issue of affordable housing. But density can't be everywhere. The people pushing for more density need to understand that it doesn't work for everybody everywhere. Many people live in rural areas specifically because there are fewer people. It may be families who want space for their kids to play, people who want to feel safer from crime, retirees who want to get away from the hustle and bustle. There are also some of us with disabilities such as PTSD and other brain injuries who are triggered by every passing car, bright light, loud noise, etc. Some of us have located here specifically because cities such as Boulder are starting to embrace the idea of more density everywhere and there is no other way to get away from that except by moving to the country.

Please, in your decisions, be aware of and sympathetic to the needs of existing residents who moved here believing that the current zoning rules would protect them from issues related to density. There may be some areas in the county (perhaps within the town of Marshall, but you'd have to ask them) in which this density makes sense. But an agriculturally-zoned neighborhood which will never be walkable certainly isn't one of them.

We also have concerns that a new right to build an ADU could be abused by a fire victim. Some people who lost their homes could be planning on selling their property, and the right to build an ADU could just be a way to increase their property value prior to the sale.

We are also concerned that someone building a detached ADU will put up a building that minimizes negative impact on themselves while maximizing negative impacts on neighbors. For example, it could be as far as they can from their main house, as close as possible to the property line, or in the neighbor's view plane rather than their own.

Specific suggestions:

1. Please update the survey to provide information on how many people who lost their homes would build ADUs if allowed, and how they would use those ADUs.
2. Please update the survey to provide information on how people with homes in the burn zone that are still standing view this issue. Remember, we are also fire victims.
3. Limiting the size to 700 square feet is reasonable. A one bedroom apartment can fit in this space.
4. Please customize the rules based on location or zoning. What may be reasonable in Marshall isn't necessarily reasonable on Red Ash Lane.
5. Don't allow the right to build an ADU to be sold with the property.
6. Consider limiting the number of ADUs in a particular area.
7. Consider allowing fire victims to build an ADU, but not allowing it to be rented for multi-family use until Boulder County puts a countywide policy into place.
8. Please consider allowing neighbors to have some say in any new multi-family uses in their neighborhood.
9. Please consider if there is a way to do this without a code change – say by allowing individual code variances on a case-by-case basis.

10. Please consider requiring the owner to live onsite in any instance in which a second dwelling unit is allowed. This means that the owner will at least have to undergo the same impacts as the neighbors.
11. Please consider ways to restrict the building of detached ADUs (or ADUs attached to detached structures) to minimize negative impacts on neighbors' view planes.

Thanks,
Mike Ellis
1221 Red Ash Lane

From: amberpine@yahoo.com
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Marshall Fire ADU proposal
Date: Sunday, June 26, 2022 12:00:23 PM

Keep ADU size to 700 sq. ft. or smaller. It is an adequate size for the purpose of care-taker, multi-generation living, and affordable living, etc.

Require owner live on-site and no short term airbnbs. Anyone who plans to put two rentals on a single family zoned lot shall not be given special treatment. They shall be treated the same and follow existing county-wide policy and building codes.

No separate utility bills. Xcel requires a separate address in order to set up a separate utility billing. ADUs shall not have a different address the primary as such treatment will materially eroding the Primary-Accessory nature and technically turn the lot into a duplex or multiple property lot. Primary homeowners shall carry out the inconvenience of allocating utility payment between the primary home and ADU.

Whose view does a detached ADU block? Often times an homeowner wants to place a detached ADU as far away from its primary building and as close to the property line as possible. As a result of that, the destroyed homeowner maximize all the benefits and property value for him/herself while the neighbors will have to endure the increased noise, traffic, and blocked view. Such burden can materially decrease the enjoyment and property value of the neighbors. It is only fair to require a detached the ADU to be in the view of the homeowner's view of the mountain so that neighbors don't have to. ***This view is a big deal for everyone's enjoyment and property value, thus neighbor input must be allowed and location limitation must be applied to a detached ADU.***

Thank you very much for your hardwork and consideration.

Eve Zhou
Owner of Marshall Fire damaged home

From: [Carol Ritter](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Input : Accessory dwelling units
Date: Sunday, June 26, 2022 1:03:34 PM

I'm hoping the following is helpful and can be included in the ADU process:

Anyone contemplating an addition to their property would have to

- 1) ask permission of commissioner / agency that actually cares about the neighborhood , The neighbors, and their input
- 2) would have to get neighbors input
- 3) would not impede any neighbors views in any manner
- 4) would have to provide adequate parking
- 5) neighbors would be able to enforce a good neighbor policy on parking, noise levels, party time limits, managing the trash of their occupants, Etc.

Thank you for your time.

Carol Ritter
1230 Red Ash Lane
Boulder 80303

Sent from my iPhone

From: [Ellen Berry](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Public comment on ADU for Marshall Fire
Date: Sunday, June 26, 2022 2:55:01 PM

Dear CP&P Staff and County Commissioners,

I have been a resident of Boulder County since 1999 and have seen the county develop tremendously over that time. I recognize that with each new business and the growing university that there will be increasing need for housing for these new people.

I also recognize that everyone values the nature that exists here and there is a desire to limit growth making our city have a serious problem with all housing, affordable and all the way up. There are not enough places to live, and significantly less places to live after the Marshall Fire destroyed over a thousand local homes.

It seems likely that Boulder county will experience increased wildfires due to our changing climate and that we should act now to help our community in every way we can. Fire and Ignition resistant ADUs that provide additional housing to our community sounds like an excellent way to start solving the housing problems, and make the housing safer from fires.

Car-centric Single family zoning is not practical for even small urban areas like Boulder. It costs so much to bring services and infrastructure out to sparsely populated suburbs. This cost can never be sufficiently recouped by property taxes. More dense walk and bikeable neighborhoods are far better for county revenue, for climate change, getting people out of cars and increasing community cohesion. These aspects of community can be helped by allowing ADUs to be built - creating more walkable neighbors instead of car-centric design.

I would encourage the staff and commissioners to really look at increasing the square footage allowance of the ADUs. It is true right now that our schools are under-enrolled and several scheduled to close in the next 5 years. It is also true that Boulder is facing an unprecedented number of aging and elderly residents - and I will be one of them as will most of you. It is urgently needed to create more family housing so that there are families coming to Boulder and not more retirees. We need to create space for multi-generational families. We need to bring children back to Boulder so they also can love and support our community.

700sq ft is not enough for family, that is enough for another one bedroom/studio. Please raise the square footage to at least 1000-1200sq ft so that two bedrooms can be created allowing families to join the community in Boulder.

Respectfully,

Ellen E. Berry
5743 Marshall Drive
UBC

Sent with [Proton Mail](#) secure email.

From: [Dave Kopetsky](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] ADU Considerations
Date: Sunday, June 26, 2022 10:57:04 PM

Dear Dale,

Thank you for all you have done for the rebuilding efforts of those affected by the Marshall Fire. My family of 4 lost our home in Spanish Hills and is invested in the decisions around ADUs for those affected.

As you can imagine, the process of rebuilding from the fire has been extremely difficult for us. It has created an emotional toll, and many roadblocks in our daily lives. With two young boys, most of our efforts revolve around making sure they are okay day to day. This leaves limited time for us to do everything else that is necessary for the rebuilding process.

My wife and I look for any silver linings we can with what happened to us. For us, having an ADU as a potential revenue stream would be an improvement over what we had before. Like many others, we are working with insurance down this long road, but will not be close to the necessary funds to rebuild. Having more leeway with an ADU would allow us to...

1. Move in prior to our house being built and out of our challenging rental situation.
2. Create revenue to supplement our lack of funds to rebuild our house.
3. Allow for our elderly parents to move in when it is necessary to support their living needs.

As the previous survey results showed, creating limitations around square footage and number of bedrooms for ADUs just doesn't fit our needs. I was frustrated and disheartened to hear that we were being lumped in to a one size fits all approach to ADUs in Boulder when we have been on so many conference calls and webinars to support our specific rebuilding needs.

Please do what's right and consider the unique needs and considerations of the fire victims. We are going through hell, and the only folks who can truly understand our pain are other fire victims. Creating special allowances for us is not going against the greater community, it is supporting a newly vulnerable population and helping create a silver lining.

I greatly appreciate your consideration for some leniency.

Dave Kopetsky
720-550-1926

From: [McMynn Family](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] ADU Public Comment: Layer Cake of Trauma
Date: Sunday, June 26, 2022 11:46:12 PM

Dear County Planners & Commissioners,

Our home and life as we knew it was destroyed by the Marshall Fire, and we would like to respond to the land use code amendments related to Accessory Dwellings.

For our circle of family and friends that were all impacted by this natural disaster, this issue cuts to a ***much deeper*** level than has been discussed publicly. We've waited until the last day to respond for public comment, because it feels rather uncomfortable to share details on such a personal level in a public forum. But ultimately, we feel there is a grievously critical disconnect between what is being discussed, and the actual impact of this fire on our family life. The elephant in the room that nobody is talking about is the mental health, for all victims, but most critically of our kids.

Our kids were already suffering the consequences of severe social isolation from the pandemic and horror of a mass shooting. Several were already clinically depressed, and some even suicida, before the fire took place. I would ask you all to imagine for a moment what it must feel like to be a kid in that situation, and then to lose your home, everything you own, ***and*** access to all of your friends and neighbors in one go. Marshall fire impacted families are taking up temporary accommodation all over the county. These kids, who pre-pandemic used to be able to roam freely through pastures and between each others homes, still can't play with their neighbors unless they are able to schedule more formal get togethers and have a parent available to drive them across town.

This has truly become an extreme layer cake of trauma for our kids.

- Pandemic issues turned into social isolation & depression,
- A mass shooting dangerously close to one of our high schools,
- A frightening wind storm and fire evacuation trauma,
- Displacement and grief of losing their home, their stuff, and sometimes their animals,
- And finally layered once more with the loss of access to their friends & neighbors (and in our case, to their grandparents), just as the pandemic was starting to ease up.

Have you any idea what this means for our community? It means that now we have a wave of kids who used to be thriving, that are now in therapy, on medication, failing courses at school, and living in a vacuum from the most important foundations of shelter and community. ***All these kids want is to be back in their neighborhood and to be with their friends.***

The commissioners and representatives of the county are justifiably concerned with the precedent this code change might set for ADU's longer term in the county at large. However, we implore you to remember the original intent insofar as helping the fire victims get back to their property as soon as possible. The Marshall Fire creates a hugely unusual situation, given the circumstances that preceded it. What tends to surface in discussion publicly are the economics and the politics of the situation. Yes, of course an ADU could help us and many others like us to offset the financial burden of rebuilding when we are underinsured, and of course there are people who just want to selfishly leverage this situation for their own

economics. ***But much, much more importantly, an ADU that is large enough for a family to actually live in for several years while rebuilding would allow our children to be back at home. On their own property. Next door to their friends.*** Breathing the country air that we all originally choose to raise them in. Our family is living in an RV right now. Not because it is all we can afford. In fact, insurance is paying for an apartment. We are there because our daughter viscerally hates the idea of being in another temporary apartment. She does not care one stitch that there is no house. All she wants is to be on our property, with our farm animals, and near her friends. The RV's are all well and good in the summertime. But what about when the weather turns bad?

In addition to the state of things for the fire impacted kids, we personally have a specific situation with my parents as well. My parents lived on a 2 acre property adjacent to our own because it was our intention to look after them as they aged. Because of the circumstances with insurance and the overwhelming nature of this event at their age, they have now abandoned hope of rebuilding and listed their property for sale. They too have lost not only their home and everything they owned, but they have also lost access to their family support structure and their community as well. They have lived in Boulder since 1966, they should not have to leave. I would very much love to consolidate and bring them back to the neighborhood to live in an ADU on our property once building is all said and done. But 700 sq. ft is only reasonable for a single individual. It would be simply out of the question to put them both in a space that small.

All we want is to be able to live back on our property in a sustainable way while we navigate the horrendous maze of insurance and rebuilding. We are already 6 months in on this recovery and we still don't know what our budget for rebuilding will be because we are embroiled in a fight with our insurance company. And yet, they will only give us 24 months of temporary living. ***We need at least a 1200 sq. foot structure to live in while we are rebuilding. And then, we need to be able to convert that structure into an independent living apartment for my aging parents.*** We live on 11 acres. It's unbelievable to me that we would not be able to do this.

OUR RECOMMENDATION:

1. ADU maximum of 1,200 sq. ft for Marshall Fire impacted properties. Future county-wide code could consider a tiered model based upon the size of the lot.
2. ADU height limitations should be the same as the allowable height in the zoning district for the primary dwelling, as it will often need to be built as a 2nd story to an existing structure.
3. Allow RV's to remain in use for as long as necessary until the construction is complete. If you restrict these RV's at 24 months, that is the precise moment when people may need them most because their living expense coverage with insurance will expire at 24 months as well.
4. Move quickly.

You have clearly stated a goal to have people reoccupy their residences at a rate significantly above the National 5 year average of 25%. The current draft proposal will not accomplish this. ***If you really truly care about the mental health of families impacted by the fire, about our ability to reoccupy our own properties in a sustainable way as quickly as possible, about reducing the long term financial burden of rebuilding, and allowing for multi-generational living accommodations in a livable dwelling then you must increase the***

allowable size of the ADU.

Thank you, very very much, for opening the discussion for ADU's and making it a possibility for us.

Sincerely,
James & Susan McMynn

From: [Bre B](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] ADU Considerations
Date: Sunday, June 26, 2022 11:54:18 PM

Our UBC Officials,

First off, I want to thank you all for your time and efforts in helping our families rebuild after the Marshall Fire.

I am a mother of 2 boys, ages 12 and 9, and I am trying to stay positive in what our years to come will look like. Unfortunately, stable housing is a worry for our family.

I have attended all ADU presentations and live discussions to date, and wanted to express my need for an ADU on our property. I appreciate that the county is open to hearing from the victims and adjusting the requirements accordingly.

Our family lost our home, outbuilding, and barn in the fire. We are underinsured and the clock is ticking with our ALE timeframe - we will run out of ALE before our home is rebuilt.

The ADU needs for our family include the following:

- Adequate square footage for our family of four (greater than 700 sq ft and at least a 2 bedroom) to live while we rebuild
- Future use for my aging parents who will be moving from their home in the next few years.
- Rebuild in the previous area, which is slightly over 50 feet from the house to the barn (our lot is 1.38 acres)

I recognize that there is not a "one-size-fits-all" solution, but my family will not be able to live in an ADU with the current square foot considerations from the county.

If you are wanting to help families return home, a more reasonable square footage must be considered.

Thank you for your consideration and partnership with our community. Please feel free to reach out with any questions.

Much Appreciated!

Brea Burmeister
7425 Empire Drive
303-548-9711

From: [Lori Llerandi](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] ADU Policy for Marshall Fire Victims
Date: Monday, June 27, 2022 9:25:38 PM

Dear Boulder County Planners,

Thank you for your efforts in the rebuilding in Unincorporated Boulder County after the Marshall Fire and for your review of the ADU policy.

I began my teaching career at Louisville Middle School in 2006. We raised our family in this community and our kids attended LMS and graduated from Centaurus High School. In 2017, I took a job at Boulder High School where I have been teaching since.

Dozens of my former students and colleagues lost their homes in the Marshall Fire. Many teachers who lost their homes are emotionally drained from teaching through a pandemic, supporting students who are facing mounting mental health issues, and cannot afford to buy in a new location after losing their homes.

The issues I have experienced in teaching through a pandemic have been the hardest in my professional career. After the Marshall Fire students who then lost their homes on top of two plus years of interrupted education is unimaginable. This year we saw a spike in mental health hospitalizations, increased absences, suicidal ideations, anxiety, depression, and eating disorders.

Because many of these community members are not rebuilding, an ADU on a family member's property is a viable solution.

However, 700 square feet is minimally appropriate for a single person to live. This space does not offer ample private space needed for students to complete homework, for people to work from home, or to recharge after a stressful day.

Most of the people impacted by the Marshall Fires were families. Families need space to work, to study, to congregate and to have privacy for their well-being. A minimum of 1200-1400 square feet is required for families to operate in a healthy manner.

Unincorporated Boulder County has larger lots than urban areas (many of which are over an acre) and could easily accommodate a 2-3 bedroom 1200-1400 square foot ADU to house their family members without any impact to neighbors.

Please consider establishing the ADU size based on the lot size or allow new ADU structures a minimum of 1200 square feet if the lot size is greater than an acre.

Thank you for your consideration. Your partnership in this critical rebuilding effort supports an entire community of parents, students, teachers, professionals and retired citizens trying to gain a sense of normalcy after such devastation.

Best Regards,

Lori Llerandi

she, her

2041 Walnut Street

Boulder, CO 80302

720-317-8261

lori.llerandi@gmail.com

Building Safety & Inspection Services Team

M E M O

TO: Hannah L. Hippely, Long Range Planning Manager,
Andrea Vaughn, Planner I and,
Ethan Abner, Planner

FROM: Michelle Huebner, Plans Examiner Supervisor

DATE: June 22, 2022

RE: Docket DC-22-0003: Land Use Code Text Amendment to Article 19-500 Marshall Fire
Adding an Accessory Dwelling Provision.

Request: Review and Comment on the Proposed Boulder County Land Use Code
Amendments to Article 19-500 regarding provisions for Accessory Dwellings

Summary of Proposed Changes:

- Provides a definition of Accessory Dwelling
 - o A Dwelling Unit which is subordinate in size and use auxiliary to a Principal Single Family Dwelling.
- Regulations to allow the construction of an Accessory Dwelling where the principal residence was destroyed by the Marshall Fire.

Thank you for the referral. We have no conflicts with the proposal, but have the following information for the staff and applicants:

1. **Building Permit.** A building permit, plan review, inspection approvals, and a Certificate of Occupancy ("C.O.") are required for any proposed Accessory Dwelling.

Please refer to the county's adopted 2015 editions of the International Codes and code amendments, which can be found via the internet under the link:

2015 Building Code Adoption & Amendments, at the following URL:

<https://assets.bouldercounty.org/wp-content/uploads/2017/03/building-code-2015.pdf>

2. **Automatic Fire Sprinkler System.** Under the 2015 International Residential Code ("IRC") as adopted by Boulder County, all new one- and two-family dwellings and townhouses are required to be equipped with an automatic fire sprinkler system that is designed and installed in accordance with NFPA 13D or IRC Section P2904.

3. **BuildSmart.** Please refer to the county's adoption and amendments to Chapter 11 of the IRC, the county's "BuildSmart" program, for the applicable requirements for energy conservation and sustainability for residential additions and new residential buildings. Please be aware that there are energy related requirements of this code that may require the use of renewable energy systems (such as rooftop solar systems) that will also need to be approved by your electric utility provider. In some cases, there may be limitations on the size of on-site systems allowed by your utility provider that could constrain the project design. We strongly encourage discussions between the design team and the utility company as early in the process as possible in order to identify these constraints.
4. **Design Wind and Snow Loads.** Boulder County is a special wind region with several incremental zones as outlined in the Boulder County Building Code Amendments, <https://assets.bouldercounty.org/wp-content/uploads/2017/03/building-code-2015.pdf>. To obtain the design wind and ground snow loads for the property please email the plan review team at building@bouldercounty.org or call 720-564-2640.
5. **Ignition-Resistant Construction and Defensible Space.** Please refer to Section R327 of the Boulder County Building Code for wildfire hazard mitigation requirements, including ignition-resistant construction and defensible space.
6. **Plan Review.** The items listed above are a general summary of some of the county's building code requirements. A much more detailed plan review will be performed at the time of building permit application, when full details are available for review, to assure that all applicable minimum building codes requirements are to be met. Our [Residential Plan Check List](https://assets.bouldercounty.org/wp-content/uploads/2017/03/b24-residential-plan-check-list.pdf) and other Building Safety publications can be found at: <https://assets.bouldercounty.org/wp-content/uploads/2017/03/b24-residential-plan-check-list.pdf>

If the applicants should have questions or need additional information, we'd be happy to work with them toward solutions that meet minimum building code requirements. Please call (720) 564-2640 or contact us via e-mail at building@bouldercounty.org



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571. 3284
donna.l.george@xcelenergy.com

June 28, 2022

Boulder County Community Planning and Permitting
PO Box 471
Boulder, CO 80306

Attn: Hannah Hippely, Andrea Vaughn, and Ethan Abner

**Re: Land Use Code Text Amendments Related to Accessory Dwellings
Case # DC-22-0003**

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the documentation for **Land Use Code Text Amendments Related to Accessory Dwellings**. Please be aware PSCo owns and operates existing natural gas and electric distribution and transmission facilities throughout the County and has no objection to this proposal, contingent upon PSCo's ability to maintain all existing rights and this amendment should not hinder our ability for future expansion, including all present and any future accommodations for natural gas transmission and electric transmission related facilities.

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com

From: [Bill Howland](#)
To: [Hippely, Hannah](#); [Vaughn, Andrea](#); [Abner, Ethan](#)
Cc: [Goldstein, Andrew](#); sbushong@bh-lawyers.com; johnathonoppermann@gmail.com; rjkelsey2012@gmail.com; kfiscella@chp-law.com; melanie.asquith@lafayetteco.gov; [Beck, Darren](#); cofarmlady@aol.com; [cpeterson](#); sgjkroberts@outlook.com; [Willhite, Amy](#)
Subject: [EXTERNAL] re: Referral Packet for Docket DC-22-0003: Land Use Code Text Amendments Related to Accessory Dwellings
Date: Sunday, June 26, 2022 10:23:15 PM
Attachments: [image001.png](#)
[image003.png](#)
[NewsRelease-DC-22-0003 Accessory Dwellings.pdf](#)

Andrew et al:

I am very concerned with the very narrow 20 ft setback from irrigation ditches potentially allowed under section F.1.b.ii

County building regulations currently require ditch company notification for any proposed structure within 50 feet of the centerline of an irrigation ditch, and I am not aware of any instance where our ditch companies have allowed a 20 foot setback from an open ditch for a dwelling or any building that is likely to be occupied, even if only intermittently. High water tables with seepage, electrocution risk, foundation instability and malfunctioning septic systems are amongst the issues posing a significant danger with this narrow proximity to a ditch, not to mention the risk of significant damage in the event of a flood.

The installation of French drain to possibly ameliorate high ground water tables may also constitute an illegal diversion of ditch water, and will be most likely challenged by ditch companies.

It is against State Law to restrict reasonable access to a ditch company's ditch bank and channel. Assuming a ditch is 10 feet wide and the first five feet of the ditch bank is at a slope or otherwise unstable, the proposed 20 foot setback from the centerline leaves only 10 feet of useable ditch bank for maintenance activities and the deposition of spoils. This is insufficient for even minimal routine maintenance activities on level ground that involve any sort of power equipment. Ditches that run along steep slopes require a much wider easement.

While I sympathize with those that wish to rebuild structures following the fire, it is not in the County's or the applicant's best interest to allow such close proximity to an open ditch.

One picture is worth a thousand words -- The attached photo shows the potential flooding risk following the breach of a ditch bank should it have occurred next to a dwelling or other structure. This event occurred within 200 feet of a non-compliant residence owned by Robert Sharpe that lay directly below the ditch.

Thank you,

Bill Howland
President, Davidson Ditch and Reservoir Company
President, Davidson High Line Lateral Ditch Company
President, South Boulder Canon Ditch Company

From: Goldstein, Andrew [mailto:agoldstein@bouldercounty.org]
Sent: Friday, June 17, 2022 9:52 AM
To: #AssessorReferral; #CAREferral; Flax, Ron; Boyd, Norris (Norrie); Transportation Development Review; Thomas, Mike; #CodeCompliance; HealthWaterQuality-EnvironmentalBP LU; Kiepe, Bob; prevention@mvfpd.org; president@eastboulderwater.com; sarah.brucker@state.co.us;

BDRCO@xcelenergy.com; Donna.L.George@xcelenergy.com; James.Gatesjr@lumen.com; planning@louisvilleco.gov; kdean@louisvilleco.gov; ranglosC@bouldercolorado.gov; jana.easley@cityoflafayette.com; stevenw@superiorcolorado.gov; glen.segrue@bvsd.org; timduffy@cdironworks.com; ranchersdaughter82@msn.com; andersonbiella@comcast.net; admin@marshallvilleditch.org; cpeterson; manager.goodhue@gmail.com; larryfrico@wildblue.net; bill.howland@earthlink.net; sbushong@bh-lawyers.com; angie@dangrantbookkeeping.com; West, Ron; Bracke, Kathleen; Hackett, Richard; Case, Dale; Milner, Anna; Moline, Jeffrey; Streng, Ernst; Cavaleri, Keli; Frederick, Summer; Huebner, Michelle; Sanchez, Kimberly; Severson, Jennifer
Cc: Abner, Ethan; Hippely, Hannah; Vaughn, Andrea
Subject: Referral Packet for Docket DC-22-0003: Land Use Code Text Amendments Related to Accessory Dwellings

Please find attached the referral packet for *DC-22-0003: Land Use Code Text Amendments Related to Accessory Dwellings*.

Please return responses and direct any questions to [Hannah Hippely, Andrea Vaughn, and Ethan Abner](#) by *June 28, 2022*. (Boulder County internal departments and agencies: Please attach the referral comments in Accela.)

All the best,
Andrew

Andrew Goldstein (pronouns: he/him/his) | Administrative Technician
Planning Division | Boulder County Community Planning & Permitting

[\(303\) 441-3930](tel:3034413930) (Main Office) | [\(720\) 564-2622](tel:7205642622) (Direct)

P.O. Box 471, Boulder, CO 80306 | Courthouse Annex Building—2045 13th St., Boulder, CO 80302
agoldstein@bouldercounty.org | www.boco.org/cpp

Department service hours are **8 a.m.-4:30 p.m.** Monday, Wednesday, Thursday, Friday, and **10 a.m.-4:30 p.m.** Tuesday.

The Community Planning & Permitting Department physical office in Boulder is now open Monday, Wednesday and Thursday from 9 a.m. to 2 p.m. On Tuesdays the department is open by appointment only from 12:30–4:30 p.m. Most services are available virtually in addition to in-person services. Staff is available at [303-441-3930](tel:3034413930), [online](#), or via [appointment](#).

Please note we are in response for the Marshall Fire and replies may be delayed. We appreciate your patience during this time. For Marshall Fire questions, contact MarshallRebuilding@bouldercounty.org. View our [Marshall Fire Recovery](#) webpage for current Marshall Fire information and resources. Sign up for Boulder County news at www.boco.org/e-news and for fire recovery info at www.boco.org/MarshallFireInfo.

Bushong & Holleman PC

A t t o r n e y s • a t • L a w

1525 Spruce Street, Suite 200, Boulder, Colorado 80302

Steven J. Bushong
Paul (Fritz) Holleman

Veronica A. Sperling
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Bradley N. Kershaw
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Of Counsel

(303) 431-9141 Tel.
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BH-Lawyers.com

June 28, 2022

Sent via Email: hhippely@bouldercounty.org

Boulder County Board of County Commissioners
Boulder County Planning Commission
c/o Ms. Hannah L. Hippely
P.O. Box 471
Boulder, CO 80306

Re: Comments on Docket DC-22-0003: Text Amendments to Article 19, Procedures
Following Disasters, to Add Article 19-500 (Marshall Fire 2021)

Dear Boulder County Board of County Commissioners and Department of Community Planning
& Permitting:

This letter is on behalf of the Davidson Ditch & Reservoir Company (“Ditch Company”). The Ditch Company is a mutual ditch company created in 1919 to own, operate, and maintain the Davidson Ditch (the “Ditch”) for the benefit of its shareholders. The Ditch has water rights dating back to April 15, 1872, when the Ditch was originally constructed. The Ditch now carries water not only for irrigation use, but also for municipal and other uses in Boulder County. Pursuant to Colorado law, the Ditch Company owns an easement for the Ditch which includes the width reasonably necessary to permit full use and enjoyment of the Ditch, including access, maintenance, operation, repair, and replacement of the Ditch (“Ditch Easement”). *See, e.g. In re Tonko*, 154 P.3d 397, 404 (Colo. 2007), *Leonard v. Buerger*, 276 P.2d 986, 989 (Colo. 1954). A Ditch Easements is the dominant estate and the underlying property is the subservient state. *Id.* The Ditch Company also has the obligation under Colorado law to reasonably maintain and operate the Ditch. *See, e.g. C.R.S. § 7-42-108.*

As with most large ditches, the Ditch Company requires a minimum 50-foot setback from the Ditch centerline along the length of the Ditch. The standard minimum 50-foot setback has been determined by the Ditch Company to be necessary to permit full use and enjoyment of the Ditch and has historically been recognized by Boulder County. That’s because 50 feet is the width deemed necessary in most instances to allow access with equipment and machinery to perform Ditch maintenance and repairs. Given its fiduciary duty and statutory obligation to its shareholders, and as the holder of the Ditch Easement, only the Ditch Company can decide whether the width of the Ditch Easement should be greater than 50-feet in certain locations to address topographic conditions and other factors that affect maintenance and operations.

The Ditch Easement rights and minimum 50-foot setback described above exist regardless of whether any structures currently exist or existed within that setback. In some instances, structures have been allowed to encroach within the Ditch Easement if the Ditch Company determined in its sole discretion that the encroachment did not impact the utility of the Ditch Easement. In other instances, structures or fences have been placed within the Ditch Easement without notice to or approval of the Ditch Company, and in those instances, the structures must either be removed or approved by revokable license agreement after-the-fact. The Ditch Company also faces challenges with (1) landscaping such as trees, patios, gardens, and compost piles placed within the Ditch Easement; (2) small sheds that do not require a permit and are placed within the Ditch Easement without Ditch Company permission; and (3) septic systems located within the Ditch Easement. In any type of instance where obstructions have been placed or encroached within the Ditch Easement, the Ditch Company has the exclusive right to make the ultimate decision to require their removal or allow them to remain.

With the above context, the Ditch Company takes this opportunity to submit comments and concerns regarding the proposed text amendments to Article 19 of the Boulder County Land Use Code, responding to the December 2021 Marshall Fire. This is in addition to the email from Bill Howland, the President of the Ditch Company, sent to you on June 26, 2022.

Specifically, subsection F.1.b.ii of the proposed Article 19-500 states that “[s]etbacks for Nonconforming Structures and Structures containing Nonconforming Uses from an irrigation ditch shall be 20 feet from the centerline of the ditch, provided the development does not conflict with the easement(s) for the ditch.” This language conflicts with the Ditch Easement and the standard 50-foot setback by presuming 20-feet is adequate. A 20-foot easement from the ditch centerline is virtually never adequate for a ditch the size of the Davidson.

Moreover, the language in subsection F.1.b.ii allows the Director to decide whether the provisions are met for issuing a building permit. (*See* subsection F.1, allowing issuance of a building permit “upon the Director determining the following parameters are met:”). The Director does not have the legal authority to dictate where a reduced Ditch Easement is appropriate or determine what may or may not conflict with the Ditch Easement. As described above, only the Ditch Company can make those determinations. In short, subsection F.1.b.ii usurps the Ditch Company’s statutory obligations and fiduciary duty to its shareholders. This proposed amendment is essentially an invitation for a landowner to trespass on a Ditch Easement with Boulder County approval.

The Ditch Company truly does not want to make it more difficult for landowners to rebuild after the fire. In fact, the Ditch Company has already been working in collaboration with several landowners along the Ditch to expedite approvals for Ditch crossings. However, the Ditch Company’s property rights need to be respected as they are essential to Ditch Company operations. Moreover, landowners may not fully understand the potential for ditch seepage and stormwater surges that can impact structures built too close to the Ditch. In this way, the traditional setback not only protects the Ditch Company’s property rights so it can maintain and operate the Ditch, it also benefits the landowners. Please also be advised that the Ditch Company does not allow any drains or sump pumps within 50 feet of the Ditch to address seepage issues as such infrastructure can result in a loss of water in the Ditch.

The Ditch Company's recommendation is that impacted landowners desiring to reconstruct structures within 50 feet of the Ditch centerline be required to first meet with the Ditch Company. The Ditch Company will implement a streamlined process to (1) ensure any rebuilt structures are placed no closer to the Ditch than they were before the fire; (2) move structures further from the Ditch where practicable and if necessary for utility of the Ditch Easement; and (3) execute a simple revokable license agreement with the Ditch Company for structures within the Ditch Easement which recognizes the dominant rights of the Ditch Easement, the potential to request removal if the structure interferes with the Ditch Easement, the potential for seepage and stormwater issues, and the prohibition on drains and sump pumps within the Ditch Easement.

Although these are difficult circumstances, we encourage Boulder County to preserve the integrity of Ditch Easement rights for local, historic ditches so they can be properly operated, maintained, and repaired. These ditches remain a vital source of water for irrigation and cities within the county. A shortcut that circumvents and does not respect property rights will only create future conflicts with possible significant financial and administrative burdens to the landowner and the Ditch Company. The language proposed in Subsection F.1.b.ii of the proposed Article 19-500 invites future unauthorized and potentially damaging construction within the Ditch Easement and is thus not acceptable to the Ditch Company.

If there are any questions, or if we can be of further assistance, please do not hesitate to call me. Thank you again for the opportunity to provide these comments.

Sincerely,

BUSHONG & HOLLEMAN PC

A handwritten signature in black ink, appearing to read 'S Bushong', with a stylized flourish extending to the right.

Steve Bushong

Legal Counsel for Davidson Ditch & Reservoir Company

cc: Board of Directors, Davidson Ditch & Reservoir Company



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930

Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

Docket DC-22-0003: Land Use Code Text Amendment to Article 19-500 Marshall Fire Adding an Accessory Dwelling Provision

Request: Review and Comment on the Proposed Boulder County Land Use Code Amendments to Article 19-500 regarding provisions for Accessory Dwellings

Date: June 16, 2022

Dear Stakeholder / Interested Party,

On May 3, 2022, the Board of County Commissioners authorized the Department of Community Planning & Permitting to pursue text amendments to the Boulder County Land Use Code related to Accessory Dwellings. This effort is being conducted in two stages: the first and current phase is a narrow focus that prioritizes those who lost their home in the Marshall Fire, and the second stage will be a county-wide update to the Land Use Code.

Summary of Proposed Changes:

- Provides a definition of Accessory Dwelling
 - A Dwelling Unit which is subordinate in size and use auxiliary to a Principal Single Family Dwelling.
- Regulations to allow the construction of an Accessory Dwelling where the principal residence was destroyed by the Marshall Fire.

You may also view the proposed draft text amendments and future revisions online at:

<https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-22-0003>


The docket review process for the proposed Text Amendments to Article 19-500 of the Land Use Code will include a public hearing before the Boulder County Planning Commission and the Boulder County Board of County Commissioners. Public comment will be taken at both hearings. Confirmation of hearing dates and times will be published online at the link above and in local newspapers.

The Community Planning & Permitting staff, Planning Commission, and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department at P.O. Box 471, Boulder, Colorado 80306 or via email to hhippely@bouldercounty.org. All comments will be made part of the public record.

Please return responses to the above e-mail address by **June 28, 2022**. Late responses will be reviewed as the process permits.

_____ We have reviewed the proposal and have no conflicts.

☒ Letter is enclosed.

Signed  PRINTED Name Sarah Brucker
Agency or Address Colorado Division of Water Resources

Matt Jones County Commissioner **Claire Levy** County Commissioner **Marta Loachamin** County Commissioner



June 22, 2022

Hannah Hippely
Boulder County Community Planning & Permitting
Transmission via email: hhippely@bouldercounty.org

Re: DC-22-0003: Land Use Code Text Amendments Related to Accessory Dwellings

Dear Ms. Hippely:

We have reviewed the Proposed Boulder County Land Use Code Amendments to Article 19-500 regarding provisions for Accessory Dwellings for properties with structures destroyed or damaged by the 2021 Marshall Fire, and have the following comments.

As more fully described in the attached Guideline 2016-1 Concerning Water Supplies for Auxiliary Living Spaces, the Division of Water Resources would consider an attached or detached accessory dwelling with an independent entrance and a kitchen to constitute a second single-family dwelling, unable to be served by a well permitted for ordinary household use inside one single-family dwelling that is already serving a principal single-family dwelling. Therefore, this office recommends that applications for accessory dwellings that are proposed to be supplied by a well be referred to this office for review and comment to ensure that the accessory dwelling has a legal source of water supply. This office would not need to review applications for accessory dwellings that will be served by a tap from a water district or municipality.

Should you have any questions regarding this matter, please feel free to contact me at this office.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sarah Brucker'.

Sarah Brucker, P.E.
Water Resources Engineer

Attachments: Guideline 2016-1 Concerning Water Supplies for Auxiliary Living Spaces

Cc: Referral File No. 30318



EXHIBIT G

Jurisdiction	Size Parameters	Comments
City of Durango	550 sf	Can be larger in basement unit
City of Englewood	Size of principal or 650 sf*	
Larimer County	800 sf or 33% of principal*	
City of Golden	800 sf or 50% of principal*	Principal > 1,000 sf, Principal < 1,000 sf; 500 sf allowance
Routt County	800 sf	
Burlington, VT	800 sf or 30% of principal, whichever is greater	
City of Boulder	1,000 sf or 33% of principal*	
Summit County	1,000 sf	
City of Thornton	1,000 sf or 50% of principal*	500 sf minimum
Jefferson County	600 sf--1,200 sf or 40%, whichever is less	Based on lot size; > 1 acre, > 12,500 sf > 7,500 sf
Colorado Springs	1,250 sf or 50% of principal*	Detached; Integrated can be 1/2 of principal
City of Longmont	50% of primary dwelling	



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CERTIFICATE OF RESOLUTION

TO: Board of Boulder County Commissioners
 FROM: Boulder County Planning Commission
 DATE: July 25, 2022
 RE: **Docket DC-22-0003: Marshall Fire Recovery Accessory Dwelling Text Amendment**

This certifies that at a public hearing of the Planning Commission, County of Boulder, State of Colorado, duly called and held on **July 20, 2022**, the following resolution was duly adopted.

Be it resolved that the Planning Commission, County of Boulder, State of Colorado, recommends to the Board of County Commissioners that the following request be **APPROVED**, by a vote of 8 in favor, 0 against, 0 recused, and 1 excused.

Docket DC-22-0003: Marshall Fire Recovery Accessory Dwelling Text Amendment

Text amendments to the Boulder County Land Use Code to provide an allowance for an Accessory Dwelling to be built as part of Marshall Fire recovery and other changes to the Code necessary to integrate the text amendment.

This docket has been scheduled for final consideration by the Board of County Commissioners on **August 4, 2022 at 12:30 p.m.**

BOULDER COUNTY PLANNING COMMISSION

by Hannah Hippely, Long Range Planning Manager
 for Dale Case, Secretary to the Board