



# Community Planning & Permitting

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## Authorization Memo

BOULDER COUNTY  
BOARD OF COUNTY COMMISSIONERS  
PUBLIC MEETING

**September 17, 2024, at 2:30 p.m.**

All Commissioners' public meetings will be offered in a hybrid format where attendees can join through **Zoom** or **in-person** at the Boulder County Courthouse 3<sup>rd</sup> Floor, 1325 Pearl Street, Boulder. The Commissioners retain the right to switch all hearings and meetings to in-person only instead of hybrid if technical difficulties arise.

Authorization under Article 16-100.A of the Boulder County Land Use Code for Text Amendments to the Land Use Code related to Site Plan Review (Article 4-800)

STAFF: Ethan Abner, Long Range Planner II

*Public testimony will not be taken - action requested.*

### SUMMARY

Staff request authorization from the Board of County Commissioners to pursue text amendments to the Boulder County Land Use Code ("the Code") related to Site Plan Review (Article 4-800) and any other related Articles and provisions necessary to integrate these changes.

Concerns with the size of residential structures in unincorporated Boulder County and their impacts on neighborhood character, sustainability, and affordability have been of interest to the Commissioners, staff, and public for decades. The Sustainability Element of the Boulder County Comprehensive Plan succinctly outlines these concerns. Specifically, the Sustainability Element notes:

"The national average for single-family home sizes has increased from 983 square feet in 1950 to 2,434 square feet in 2005. In unincorporated Boulder County new single-family home sizes have gone from an average of 3,881 square feet in 1990 to 5,929 square feet in 2005, far exceeding the comparable national figures. Yet the average household size population in the county has declined during that same period.

The residential sector accounts for 22% of the energy and 74% of the water consumed in the United States while contributing 21% of the county's carbon dioxide emissions. An "average" size home contains 892 million Btu's of embedded energy (equal to 7,800+ gallons of gasoline) in its materials' manufacturing, transportation and assembly.

Not only has the growth in home sizes increased the use of energy and other natural resources, the impacts of these larger structures can negatively affect the rural character of Boulder County. In some areas, smaller cabins and dwellings are being replaced by permanent homes of a substantially larger size. Many residents of the county have an interest in the sustainability of their rural communities' character but find it difficult to do so faced with the high cost of property and the pressure to develop larger homes.

A set of policies that encourage smaller structure sizes, promotes the development of mitigation measures to offset the consumptive impacts of larger homes, discourages the demolition of otherwise habitable dwellings, and promotes the preservation of rural communities with their typically smaller homes, will enable the county to meet many sustainability objectives."

To achieve these intersecting policy objectives, updates focused on the size of structures have been made to the Boulder County Comprehensive Plan and Land Use Code. County-wide Site Plan Review (SPR) regulations were first adopted in 1994. A significant amendment to the regulations occurred in August 2008, which included regulations that defined the applicable neighborhood, set a formula that determines the Residential Floor Area presumed to be the maximum which is compatible with the defined neighborhood, and outlined factors applicable in limited circumstances to overcome the presumed compatible size. At this same time, the county also instituted an expanded Transferable Development Right program, which created Transferable Development Credits (TDCs) and established a structure size threshold for single family residences, above which Development Credits must be obtained to help offset the impacts of larger scale homes. TDCs are created and made transferrable when severed from properties where property owners have restricted development preserving smaller scale homes or vacant land.

The Board of County Commissioners has expressed concerns with house sizes increasing and the rate of change by which they are increasing in unincorporated Boulder County and have directed staff to explore modifications to the SPR regulations to help address neighborhood character, sustainability, and affordability. To address these concerns, staff are seeking authorization from the Board of County Commissioners to explore the following changes to the SPR regulations:

- Reducing the current compatible size from 125% of the median of a defined neighborhood to the median of a defined neighborhood;

- Changing what is currently a size presumption (that potentially could be overcome to get a larger size in certain circumstances) to a size limitation based on the median of a defined neighborhood;
- Clarifying the regulations to improve processes, increase the public's ability to better navigate the regulations, and provide greater certainty of outcomes for applicants.

Pending this authorization, staff will also ask the Board of County Commissioners to consider enacting a moratorium on Boulder County's processing of applications for new projects with a proposed size over the median Residential Floor Area for the defined neighborhood in unincorporated Boulder County. The purpose of the moratorium is to allow staff time to formulate and publicly review amendments to the Land Use Code, while avoiding development which may run counter to the purpose and intent of these proposed regulations. Modifying the SPR regulations is one avenue that staff are reviewing to address house sizes in unincorporated Boulder County. Staff have identified a need to better understand the reasons for the growth of homes in the unincorporated county and analyze other potential options for reducing growth, which may include future consideration of a countywide Residential Floor Area cap.

Staff intend to update the relevant content in Article 4 Zoning, including Article 4-800 Site Plan Review of the Code and will make any other revisions necessary to integrate these changes.

#### ACTION REQUESTED

Staff request authorization from the Board of County Commissioners to pursue text amendments to Article 4-800 of the Boulder County Land Use Code related to Site Plan Review, as well as any other amendments necessary to integrate these changes.