



Community Planning & Permitting

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Referral Memo: Proposed Minor Corrections, Clarifying Changes, and Updates to Comply with State Law

MEMO TO: Referral Agencies, Stakeholders, and Interested Parties
FROM: Ethan Abner, Long Range Planner II
DATE: November 18, 2025
RE: Docket DC-25-0003

Docket DC-25-0003: Minor Corrections, Clarifying Changes, and Updates to Comply with State Law

Dear Referral Agency, Stakeholder, or Interested Party:

One September 16, 2025, the Boulder County Board of County Commissioners authorized Community Planning and Permitting staff to pursue text amendments to the Boulder County Land Use Code (the “Code”) related to minor corrections, clarifying changes, and updates to comply with state law. Staff propose amending the Code to address grammatical and clerical mistakes, update formatting, correct outdated references or terminology, and clarify existing provisions in the Code based on past application and policy interpretations.

Electronic Attachment:

- Summary of Proposed Changes and Draft Land Use Code Text Amendments
- Appendix A: Proposed Text for Parking Standards in the T, MF, and NRCD I Zoning Districts
- Appendix B: Proposed Text for 4-600 Uses Permitted by Special Review and Limited Impact Special Review
- Appendix C: Proposed Text for Clarifications and Changes to Article 15 Historic Preservation

The draft text amendments are being referred to agencies and members of the public so that feedback can be provided to staff. Staff will make necessary changes to the drafts before they are recommended for adoption through the public hearing process.

You may also view the proposed text amendments and future revisions online at:
<https://www.boco.org/dc-25-0003>.

The docket review process for the proposed text amendments to the Code will include a public hearing before the Boulder County Planning Commission and the 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.

Community Planning & Permitting staff, Planning Commission, and the Board of County Commissioners value comments from members of the public 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 longrange@bouldercounty.gov. All comments will be made part of the public record. You are welcome to call the Community Planning & Permitting Department at 303-441-3930 or email longrange@bouldercounty.gov to request more information. If you have any questions regarding these drafts, please contact us.

If you would like your responses considered and included in the staff packet for Planning Commission, please return them **no later than Tuesday, December 9, 2025**. Responses received after this deadline will be shared with the Planning Commission and incorporated into the staff packet for the BOCC hearing.

_____ We have reviewed the proposal and have no conflicts.

_____ Letter is enclosed.

Signed: _____ Printed Name: _____

Agency or Address: _____

Date: _____

Summary of Proposed Changes and Draft Land Use Code Text Amendments

General Changes

- Minor grammatical changes (e.g., adding periods, removing commas, list formatting, hyphenated words, spelling out numbers, removing ampersands, capitalization, etc.).
- Capitalizing all terms defined in Article 18 of the Code, where appropriate.
- Consistent use of terminology when referring to certain elements of the Code.
- Removing lists where the portion of the Code has only one paragraph.
- Fix references to “legally existing.” Per 1-1000 of the Code, the word existing, existed, exists and occupied implies the modifier lawfully.
- Update outdated terminology or references and use inclusive language where practical.

Code Interpretations and Clarifications

Staff have provided a summary of the policy or issue and a line-in, line-out version of the Code text. A strikethrough (~~strikethrough~~) identifies Code text proposed for removal. Underline identifies Code text that staff propose to add.

2-800 Boulder County Board of Adjustment and 4-1200 Board of Adjustment

The lists prohibiting the Board of Adjustment from granting a variance to certain items in the Code varies slightly between these two sections. Staff’s proposed amendments clarify the lists so that both provide identical information. Staff recommend a future update to consolidate 2-800 and 4-1200 because both sections discuss the Board of Adjustment, and while they provide some similar information related to variances, 4-1200 provides additional information related to appeals.

Proposed Text:

2-800.C.2 Duties and Responsibilities [of the Board of Adjustment]

C. Duties and Responsibilities

1. The Board of Adjustment holds regular meetings to hear appeals of any order, requirement, decision, or determination made by the Land Use Director or County Engineer in administering or enforcing Article 4 related provisions (e.g. definitions in Article 18) of this Code, to hear appeals of the Director specified provisions of Article 12, and to consider certain variances from the requirements of Article 4 of this Code.
2. The Board of Adjustment does not have the authority to grant any variance:
 - a. from uses permitted in the zoning district;
 - b. from the minimum lot size required or maximum gross density allowed in any zoning district, or structure size maximum of any zoning district;-

- c. from any definition;
- d. from the height or yard requirements which may be obtained, or have been denied, through the approval of a special use;
- e. which authorizes a substantial modification of a planned unit development or special use approved by the Board of County Commissioners; or
- f. which will cause an increase in the base flood to occur;
- g. from any provision of Article 12; or
- h. a decrease in the spacing requirements for Marijuana Establishments under the Additional Provisions of Article 4-512.I. of this Code.

4-1202.B Standards of Review

B. Requests for a Variance from the Provisions of this Code

1. The Board of Adjustment shall not grant a variance to this Code which allows:
 - a. a use in a zoning district other than those as allowed in Section 4-100 of this Code;
 - b. a variance to the minimum lot area requirements or maximum gross density allowed in any zoning district, or structure size maximum of any zoning district;
 - c. the alteration of any definition;
 - d. a change in the height or yard requirements which could be obtained, or have been denied, through Special Review; or
 - e. a substantial modification to any planned unit development or special use allowed approved by the County Commissioners;
 - ~~f. a change in the height or yard requirements which could be obtained, or have been denied, through Special Review; or~~
 - f. any increase in the base flood level;
 - g. a variance from any provision of Article 12; or
 - h. A decrease in the spacing requirements for Marijuana Establishments under the Additional Provisions of Article 4-512.I. of this Code.

3-201.A.1.c – Virtual Pre-application Conference and Conceptual Site Plan

Clarifies that pre-application conferences may be held virtually, in the office, or on-site. Additionally, not all pre-application conferences are for projects complex enough to require a site plan for the initial discussion. Staff’s proposed amendments clarify that a site plan is only required when it’s requested by staff for the pre-application conference.

Proposed Text:

- A. Unless expressly provided otherwise in this Code, a pre-application conference is required of all applicants.
 1. The pre-application conference shall be held between the applicant and a planner with the Community Planning & Permitting Department.
 - a. This meeting is intended to provide an understanding of the applicable review procedures, requirements, and standards, and provide information pertinent to the site and the proposal.

- b. The planner will explain the application procedures and the materials required for submittal.
- c. The pre-application conference may be held virtually, in the ~~Community Planning & Permitting Department~~ a county office, or on-site.
- d. The Director may require the applicant to ~~shall~~ bring a conceptual site plan to the pre-application conference.

3-202.A.1.a – Application Required Signatures

In the case of a Trust, LLC, or other legal entity that is not an individual, Community Planning & Permitting requires the applicant to submit a statement of authority. This section would be updated to inform applicants that that the Director may request a statement of authority for the application.

Proposed Code Text

A. Application

1. Before any request for County approval under this Code may be processed, a complete application must be filed with the Community Planning & and Permitting Department. A complete application includes:
 - a. An application form with all agents designated, exhibiting all landowner signatures, and all necessary information completed. In the case of a non-individual legal entity such as a Trust or Limited Liability Corporation (LLC), a Statement of Authority shall be required. The signature on an application form will be deemed to indicate the landowners’ concurrence with all submissions and commitments made by their designated agent. If the proposal is located on property over which a conservation easement has been granted, the application shall include either:
 - (i) A signature from the conservation easement holder consenting to the proposal being processed under the Code; or
 - (ii) a written statement from the easement holder(s) indicating that, in the opinion of the easement holder(s), the proposal, if approved and commenced or constructed, would not conflict with the terms of the easement.

Article 3 – General Appeals and Article 4 Appeals of the Structure Size Limitations

Initially, staff wanted to add clarifications to Article 3 regarding the process and materials required for an appeal of the zoning district structure size regulations. After reviewing the Code, staff determined that there were numerous opportunities for appeals to the Board of Adjustment and the Board of County Commissioners throughout the Code. In the future, staff would like to update Article 3 to add additional information about appeals to the Board of County Commissioners. However, in the context of this update, staff propose three updates:

- Update the existing appeals language in *3-100 Approvals and Permits Necessary Prior to Development* to broaden the language to acknowledge that there are different types of appeals;
- Update *3-202 Application Submittal Requirements* to identify the basic application materials necessary for an appeal and add language noting that some types of appeals may have additional, specific requirements;
- Update language throughout Article 4-100 to outline the timeline for an appeal.

Proposed Text for 3-100 Approvals and Permits Necessary Prior to Development

- A. Actions Requiring Review by the Director, Board of Adjustment, Planning Commission, and/or Board of County Commissioners (the Board).
1. ~~Appeal of an interpretation of the regulations set forth in this Code:~~ Any person aggrieved by any decision of the Director or County Engineer made in the course of administration or enforcement of Article 4 or any related provision of this Code including, but not limited to, a decision to deny a building permit or other required permit, may appeal that interpretation or decision to the relevant decision-making body identified by this Code. ~~Board of Adjustment. See Section 4-1201.~~

Proposed Text for 3-202 Application Submittal Requirements

- A. The following list details the submittal requirements for the various County approvals defined in ~~Section 3-100(A)~~, above. A detailed description of the material to be submitted is included in ~~Section 3-203~~. Except as may be otherwise required by law, the Director may waive or alter any of these minimum requirements if they are determined to be inappropriate or unnecessary.
1. ~~Appeal of an Interpretation of the Regulations~~
 - a. ~~Statement outlining the of the interpretation being appealed.~~
 - b. Application Form, Project Description and Fee
 - c. Additional information for specific appeals, as required by this Code.

Proposed Text for Article 4-100 Zoning District Regulations

3. Structure size
 - a. Maximum Residential Floor Area...
 - b. Appeals of this subsection shall be decided by the Board of County Commissioners considering the provisions in 4-1202.A. An application for an appeal must be made within 30 days.

Article 4 – Community Cisterns

The language in Article 4 would be modified to note that a community cistern can be approved as a second principal use on a parcel through the Limited Impact Special Review Waiver process, rather than a full Special Review.

Proposed Text:

Each zoning district contains the below language in the “Additional Provisions” section of the Code (X below notes that the letter in each zoning district might vary). Staff would modify this text:

- X. Community Cisterns, Small Wind-Powered Energy Collector Systems, and Solar Energy Systems may be approved without Special Review approval on parcels with existing Principal Uses; however, these uses shall be reviewed using the process and described in the Utility and Public Service Uses classification of this Code.

Article 4 – Site Plan Review “Waiver” Language

The Site Plan Review Waiver process has been changed to an Expedited Site Plan Review. Some parts of Article 4 still refer to the process as a Site Plan Review Waiver, or waiver. Staff would update the terminology to conform with the new regulations.

Proposed Text:

4-116A.G.2 Process and Review Requirements for NRCD I: Site Plan Review is required when building on a vacant parcel or adding 1,000 square feet of floor area or more to a property. Site Plan Review is not required for a change of use. An Expedited Site Plan Review ~~waiver process~~ is required when demolishing any square footage or adding less than 1,000 square feet.

4-514 Utility and Public Service, 4-515 Warehouse, 4-516 Accessory, and 4-517 Temporary Uses Use Tables: Uses Permitted by Site Plan Review or Expedited Site Plan Review ~~Waiver~~, see...

4-514.K.2 Small Wind Powered Energy Systems: Districts Permitted: By Expedited Site Plan Review ~~Waiver~~ in all districts if the height does not exceed the maximum height of the zone district. By Site Plan Review in all districts if the height is greater than the maximum height of the zone district and does not exceed 80 feet.

4-516.L Accessory Solar Energy System: Districts Permitted: By right in all districts. Site Plan Review is not required for ground-mounted systems that meet the provisions outlined in (e). When required, Site Plan Review may be ~~waived~~ expedited by the Director for systems with a disturbed area less than 0.5 acres per 4-802.

4-516.Q.2 Grading of more than 50 Cubic Yards: Districts Permitted: By Site Plan Review, which may be ~~waived~~ expedited by the Director, or Limited Impact Special Review in all districts.

4-516.X.5.b Small Wind-Powered Energy System, Roof-Mounted: Roof-mounted systems that propose to exceed the roofline or zone district by more than five feet but not more than 15 feet must be reviewed through the Expedited Site Plan Review ~~Waiver~~ process using the same review criteria for Small Wind-Powered Energy Systems.

Article 4 – Permitting for Electric Vehicle (EV) Charging

HB24-1173 requires jurisdictions, by December 31, 2025, to take action to comply with state law regarding local permitting for EV charging projects. Staff reviewed the Model Code and determined that our existing Code is suitable, therefore we must adopt a resolution stating that we do not wish to change our existing land use codes and opt out of revising our codes. However, during staffs' review we noted minor clarifications that can be made to the Convenience Store definition.

Proposed Language:

C. Convenience Store

1. Definition: Any retail establishment selling consumer products including primarily prepackaged food and household items, having a gross floor area of less than 5,000 square feet. A convenience store may also have associated retail sale of recharge of electrical vehicles or gasoline and other petroleum products.

Article 4 – Parking Standards in the T, MF, and NRCD I Zoning Districts

These changes are required by HB24-1304. By June 30, 2025, for areas in Metropolitan Planning Organizations (MPOs) and at least partially within Applicable Transit Service Areas, local governments must not enact or enforce local laws requiring minimum parking for multifamily residential, adaptive reuse for residential, or adaptive reuse for mixed use that is at least 50% residential.

This segment of Code text encompasses multiple parts of the Code. Please see Appendix A for the proposed changes.

4-507.B Campground Lodging Use

Allowing a campground host or manager occupying a site for the duration of the camping season has been interpreted to be allowed but it is not specifically called out in the code. Allowing this campground host or manager to remain onsite is beneficial to ensuring the campground is maintained and compliant with any special use approval.

Proposed Text:

B. Campground

1. Definition: An area of land on which accommodations for temporary occupation are located or may be placed. This includes, but is not limited to, tents and recreational vehicles.
2. Districts Permitted: By Special Review in F, A, and MI.
3. Parking Requirements: To be determined through Special Review.
4. Loading Requirements: None
5. Additional Provisions:
 - a. Actual density will be set in the Special Review; however, in no case shall a campground contain more than 8 eight campsites per acre.
 - b. A minimum 250-foot landscaped buffer is required adjacent to private lands.

- c. Camping, on a parcel, by the property owner, may occur no more than 14 days a year as a temporary allowed use.
- d. A campground host or manager occupying a site for the duration of the camping season is customarily incidental to this use.

4-511.C.5.b.(iii).(C) – Manufactured Homes

The Code requires 14 feet between manufactured homes, whereas the Building Code requires only 10 feet. Staff propose updating the Code to be consistent with the Building Code and align with our current interpretations for structure spacing in manufactured home parks.

- (iii) No application to amend a park inventory report shall be approved unless the Director determines that the following standards have been met for the proposed amendment:
 - (A) Any increase in the number of manufactured homes or home spaces shall not result in more than eight manufactured homes per gross acre being located on the subject parcel.
 - (B) Any development or activity proposed by the amendment shall be capable of being serviced by the park's existing services.
 - (C) A minimum of ~~14~~ ten feet shall be provided between any manufactured homes or accessory structures involved in the proposed amendment, and all such homes or accessory structures must be located on a designated manufactured home space.

4-516.U Household Pets

This amendment clarifies that a service animal used by the occupant in accordance with applicable laws is exempt from counting toward the maximum number of pets permitted on a parcel.

Proposed Text:

U. Household Pets

1. Definition: Domestic animals kept for pleasure exclusive of livestock.
2. Districts Permitted: No more than four weaned animals in RR, ER, SR, and MF; and no more than seven weaned animals in all other districts. Small birds, small reptiles, and fish and small mammals including gerbils, rabbits, mice and similar small animals are not limited in number.
3. Parking Requirements: None
4. Loading Requirements: None
5. Additional Provisions:
 - a. Household pets shall not include any nondomestic animals (see 4-501 Keeping of Nondomestic Animals).
 - b. A service animal as defined by state law is exempt from counting toward the maximum number of pets permitted on a parcel.

4-600 – Uses Permitted by Special Review and Limited Impact Special Review

The terms Special Review and special review are used throughout this Article to refer to 1) the process of a Special Review or 2) both types of special reviews in general. Staff would clarify the language in this Article to better differentiate between special reviews, Special Review, and Limited Impact Special Review.

- When both reviews are meant, use “special review” or “Special Review and Limited Impact Special Review”
- Special Review
- Limited Impact Special Review

Staff have also made minor grammatical or conforming changes. This segment of Code text encompasses an entire section of the Code. Please see Appendix B for the proposed changes.

14-500.C – Process for Removal of Rubbish, Weeds and Brush, or Unsafe Structures

Many proceedings before the Board of County Commissioners that are outlined in the Code are public hearings rather than public meetings, which allows for public testimony. A public hearing allows the property owner and neighbors to participate in an Article 14 hearing.

Proposed Language:

C. Board of County Commissioners' Authorization for Abatement by County

1. If the alleged violator fails to comply with the County's requirements for abatement, the Director may request that the Board of County Commissioners, at a public ~~hearing meeting~~, authorize the County to arrange for abatement of the violation. The Director shall provide reasonable prior notice of the ~~hearing meeting~~ to the alleged violator in the same manner as required for the initial notice of violation under Subsection (B)(1), above.

Article 15 - Clarifications and Changes to Historic Preservation

The Historic Preservation Advisory Board (HPAB) expressed approval for clarifying changes and minor changes to Article 15. These changes include grammatical corrections, rephrasing, and minor changes to the way HPAB subcommittees are appointed or formed.

This segment of Code text encompasses an entire article of the Code. Please see Appendix C for the proposed changes.

18-123A – Covered Porch

Covered porches are not counted as Residential Floor Area unless they are enclosed. Staff propose to update the definition to clearly outline for applicants what would or would not be considered an enclosure.

Proposed Text:

Covered areas that are attached to the principal structure. A covered porch may not be enclosed with solid walls, glass, or screens. A railing less than 42 inches in height shall not be considered an enclosure for the purposes of this definition.

18-194 – Setback

This amendment clarifies that when a road right-of-way encroaches into a parcel, the setback from the lot line is measured from the road right-of-way.

Proposed Text:

The required minimum distance between the Building or Structure and the related front, side, or rear Lot Line. When a road right-of-way encroaches into a Parcel, the Setback is measured from the road right-of-way instead of the Lot Line. (See Article 18 Lot Line Definition and ~~Article~~ 7-1403 Supplemental Requirements for Yards Along Major Roads).

18-203 – Structure

Staff propose to clarify the definition of Structure as it relates to retaining walls and swimming pools. We also propose modified language for fences to make the exception clearer.

Proposed Text:

- A. A combination of materials forming an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, but excluding the following:
1. retaining walls four feet or less in height, measured from the bottom of the footing to the top of the wall, that do not require a building permit per Article 17-300;
 2. fences ~~not over six feet or less in height~~ high;
 3. any swimming pool that does not require a building permit per Article 17-300;
 4. platforms or decks ~~not more than 30 inches~~ or less above grade and not over any basement or story below;
 5. utility mains, lines, and underground facilities; and
 6. yard and play equipment.

Appendix A: Proposed Text for Parking Standards in the T, MF, and NRCD I Zoning Districts

These changes are required by HB24-1304. By June 30, 2025, for areas in Metropolitan Planning Organizations (MPOs) and at least partially within Applicable Transit Service Areas, local governments must not enact or enforce local laws requiring minimum parking for multifamily residential, adaptive reuse for residential, or adaptive reuse for mixed use that is at least 50% residential.

A strikethrough (~~strikethrough~~) identifies Code text proposed for removal. Underline identifies Code text that staff propose to add.

1-1300 Incorporation and Interpretation of Maps

- A. The location and boundaries of the zoning districts established by this Code are shown on the Zoning District Maps of Boulder County, which are incorporated into this Code. It is the expressed intent of the Board of County Commissioners that all unincorporated areas within Boulder County be located within a zoning district.
- B. In zoning matters relating to access to existing highways, the Boulder County Road Map, as amended, is adopted as the County's official map of the public highway system.
- C. If for any reason the location of any zoning district boundary line is not readily determinable from the Zoning District Maps, the location of the zoning district boundary line shall be determined by the Director in accordance with the following provisions.
 - 1. Where more than one of the following provisions are applicable in any given situation, the first enumerated applicable provision shall prevail over all other provisions:
 - a. Where a zoning district boundary line is located with reference to a fixture, monument, or natural feature, the location of the boundary with respect to the attribute shall control.
 - b. Where a zoning district boundary line is given a position within or abutting a highway, road, street, or alley right-of-way which does not appear to be located within any zoning district (other than an overlay zoning district), the zoning district boundary line shall be deemed to be in the center of such right-of-way.
 - c. Where a zoning district boundary line is shown as closely (and approximately) following subdivided lot lines, municipal boundary, or county boundary lines, the zoning district boundary line shall be deemed to coincide with such known boundaries.
 - d. Where a zoning district boundary line is shown by a specific dimension, that dimension shall control.
 - e. In all other circumstances, the location of the zoning district boundary line shall be determined by scaling from the Zoning District Maps.

D. If any regulation in an Overlay district conflicts with any other regulation in a different section of the Code, the provisions of the Overlay district shall apply regardless of whether they are more or less strict than the other Code standard, except that in the case of the Floodplain Overlay District, the stricter standards shall apply.

4-120 Applicable Transit Service Areas Overlay Zone

A. No off-street parking shall be required for new Multi-Unit Dwelling uses or in any adaptive reuse mixed use development in which at least 50 percent of the gross Floor Area of the development is a Residential Use, within those areas designated by statute and identified by the Colorado Department of Local Affairs as Applicable Transit Service Areas on [EFFECTIVE DATE OF REGULATIONS].

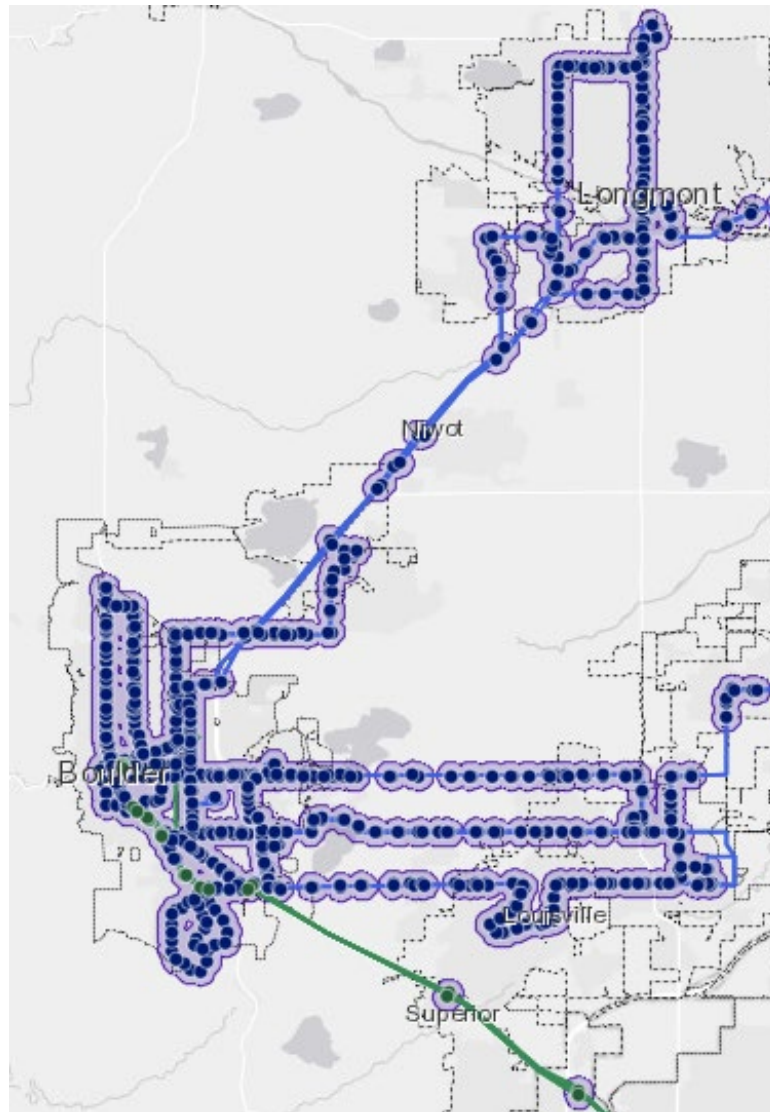


Figure X: Applicable Transit Service Areas Map

Note: Staff are working with our GIS team to produce a map. The above image demonstrates the areas of the county identified by HB24-1304.

4-116A Niwot Rural Community District I

D. Parking Requirements:

1. 1 parking space per 500 square feet of non-residential floor area, and residential parking at:

Number of dwelling units	Parking Requirement*
1	2
2	3
3	5
4	6
5	8
6	9
*Units less than 600 sq. ft. may be granted a reduction in parking	

2. A change of use within an existing structure or the addition of at grade, uncovered outdoor seating will not require additional parking.
3. Non-residential parking may be provided on the lot or on another lot within the NRCD I, or in an approved community lot. A County approved parking agreement is required if the parking is provided on another lot.
4. Residential parking must be provided on site and on the same lot as the residential units.
5. Reduction in Parking Requirement
 - a. No off-street parking shall be required for new Multi-Unit Dwelling uses or in any adaptive reuse mixed use development in which at least 50 percent of the gross Floor Area of the development is a Residential Use, within those areas designated by statute and identified by the Colorado Department of Local Affairs as Applicable Transit Service Areas on [EFFECTIVE DATE OF REGULATIONS]; or
 - b. The County Engineer and Zoning Administrator may approve up to a maximum 40% reduction total in required spaces if the applicant can demonstrate in a Parking Reduction Plan. The applicant must demonstrate that the project will meet the following criteria:
 - ~~c.—The applicant must demonstrate that the project will meet the following criteria...~~
 - (i) The proposed use(s) do not generate as much parking demand as the standards were designed to accommodate...

4-511 Residential Uses

D. Multi-Unit Dwelling

1. Definition: A building or buildings that are occupied or are arranged, designed, and intended to be occupied, by two or more Households, and contains more than one dwelling unit, but not including hotels, motels, or boarding houses.
2. Districts Permitted: By right in NRCDC as part of Mixed Use, MF and T
3. Parking Requirements: Two spaces per unit; units dedicated to elderly, 0.5 spaces per unit. No off-street parking shall be required for a new Multi-Unit Dwelling, within those areas designated by statute and identified in 4-120 Applicable Transit Service Areas Overlay Zone.
4. Loading Requirements: None
5. Additional Provisions:
 - a. Approval under the Subdivision Regulations is required prior to the development of Multi-Unit Dwellings unless part of a mixed-use project that receives approval under another Community Planning & Permitting review process.

4-518 Mixed Use

A. Mixed Use

1. Definition: Any combination of compatible uses developed as part of a cohesive development plan and permitted in the underlying zoning district.
 - a. Districts Permitted: NRCDC I
2. Parking Requirements: As defined in the underlying district regulation; however, no off-street parking shall be required for any development in which 50 percent of the gross floor area of the development is a Residential Use, within those areas designated by statute and identified in 4-120 Applicable Transit Service Areas Overlay Zone.
3. Loading Requirements: None
4. Additional Provisions:
 - a. Specific requirements as defined in the District's provisions.

Appendix B: Proposed Text for 4-600 Uses Permitted by Special Review and Limited Impact Special Review

The terms Special Review and special review are used throughout this Article to refer to 1) the process of a Special Review or 2) both types of special reviews in general. Staff would clarify the language in this Article to better differentiate between special reviews, Special Review, and Limited Impact Special Review.

- When both reviews are meant, use “special review” or “Special Review and Limited Impact Special Review”
- Special Review
- Limited Impact Special Review

Staff have also made minor grammatical or conforming changes. A strikethrough (~~strikethrough~~) identifies Code text proposed for removal. Underline identifies Code text that staff propose to add.

4-600 Uses Permitted by Special Review and Limited Impact Special Review

- A. A land use designated as ~~a one permitted by special use review~~ in a zoning district is one that – because of its inherent nature, extent, and external effects – may be allowed to establish only if subject approved by Special Review, to assure the use is located, designed, and operated in harmony with neighboring development and the surrounding area and does not adversely affect the public health, safety, and welfare. The purpose of the review process is to determine the compatibility of the use with the site and surrounding land and uses and the adequacy of services. Public review is necessary because the effect of a special use on the surrounding environment cannot be determined adequately in advance of the use being proposed for a particular location. During the review process, the county considers location, design, configuration, intensity, and impacts by comparing the proposal to the code criteria, intergovernmental agreements, established hazard areas, parcel specific conditions, site context and any other applicable regulations to assure that the use can operate in a sustainable way with minimal danger or impact to the users, the natural environment, or the developed environment.
- B. A use permitted by Special Review may be established in a zoning district only upon approval of the Board, after review by the Planning Commission, subject to conditions and mitigation measures. This approval is considered a site-specific development plan requiring a development agreement and eligible for Vested Property Rights.
- C. A use permitted through Limited Impact Special Review may be established in a zoning district only upon approval of the Board subject to conditions and mitigation measures.

4-601 Review Criteria

- A. A use will be permitted by Special Review or Limited Impact Special Review only if the Board finds that the proposed use meets the following criteria as applicable:
1. Except as otherwise noted, the use will comply with the minimum zoning requirements of the zoning district in which the use is to be established, and will also comply with all other applicable requirements;
 2. The use will be compatible with the surrounding area. In determining compatibility, the Board should consider the location of structures and other improvements on the site; the size, height and massing of the structures; the number and arrangement of structures; the design of structures and other site features; the proposed removal or addition of vegetation; the extent of site disturbance, including, but not limited to, any grading and changes to natural topography; and the nature and intensity of the activities that will take place on the site. In determining the surrounding area, the Board should consider the unique location and environment of the proposed use; assess the relevant area that the use is expected to impact; and take note of important features in the area including, but not limited to, scenic vistas, historic townsites and rural communities, mountainous terrain, agricultural lands and activities, sensitive environmental areas, and the characteristics of nearby development and neighborhoods;
 3. The use will be in accordance with the Comprehensive Plan;
 4. The use will not result in an over-intensive use of land or excessive depletion of natural resources. In evaluating the intensity of the use, the Board should consider the extent of the proposed development in relation to parcel size and the natural landscape/topography; the area of impermeable surface; the amount of blasting, grading, or other alteration of the natural topography; the elimination or disruption of agricultural lands; the effect on significant natural areas and environmental resources; the disturbance of plant and animal habitat, and wildlife migration corridors; the relationship of the proposed development to natural hazards; and available mitigation measures such as the preservation of open lands, the addition or restoration of natural features and screening, the reduction or rearrangement of structures and land disturbance, and the use of sustainable construction techniques, resource use, and transportation management;
 5. The use will not have a material adverse effect on community capital improvement programs;
 6. The use will not require a level of community facilities and services greater than that which is available;
 7. The use will support a multimodal transportation system and not result in significant negative impacts to the transportation system or traffic hazards;
 8. The use will not cause significant air, odor, water, or noise pollution;
 9. The use will be adequately buffered or screened to mitigate any undue visual impacts of the use;
 10. The use will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County; ~~and~~

11. The use will establish an appropriate balance between current and future economic, environmental, and societal needs by minimizing the consumption and inefficient use of energy, materials, minerals, water, land, and other finite resources;:-
 12. The use will not result in unreasonable risk of harm to people or property – both onsite and in the surrounding area – from natural hazards. Development or activity associated with the use must avoid natural hazards, including those on the subject property and those originating off-site with a reasonable likelihood of affecting the subject property. Natural hazards include, without limitation, expansive soils or claystone, subsiding soils, soil creep areas, or questionable soils where the safe-sustaining power of the soils is in doubt; landslides, mudslides, mudfalls, debris fans, unstable slopes, and rockfalls; flash flooding corridors, alluvial fans, floodways, floodplains, and flood-prone areas; and avalanche corridors; all as identified in the Comprehensive Plan Geologic Hazard and Constraint Areas Map or through the Special Review or Limited Impact Special Review process using the best available information. Best available information includes, without limitation, updated topographic or geologic data, Colorado Geologic Survey landslide or earth/debris flow data, interim floodplain mapping data, and creek planning studies; and:-
 13. The proposed use shall not alter historic drainage patterns and/or flow rates unless the associated development includes acceptable mitigation measures to compensate for anticipated drainage impacts. The best available information should be used to evaluate these impacts, including without limitation the Boulder County Storm Drainage Criteria Manual, hydrologic evaluations to determine peak flows, floodplain mapping studies, updated topographic data, Colorado Geologic Survey landslide, earth/debris flow data, and creek planning studies, all as applicable given the context of the subject property and the application.
- B. If the proposed use is approved or conditionally approved, the Board may impose such conditions and safeguards to ~~insure~~ ensure compliance with the requirements, standards, and conditions of this ~~§~~ section 4-600. Where development or activity associated with the proposed use cannot completely avoid one or more natural hazard, whether because no other site on the subject property can be reasonably designated or developed for the use or because the proposed site is the best location due to the need to avoid or minimize significant adverse impacts under other applicable review criteria, the use may be conditionally approved only if one or more measures will satisfactorily mitigate all significant natural hazard risk posed by the proposed use to the subject property and to the surrounding area. The violation of any condition, safeguard, or commitment of record shall be sufficient grounds for revocation of the ~~§~~ Special Review approval by the Board, after a public hearing held in accordance with the provisions of 3-205.C.
 - C. An application for a use by Special Review shall include a development agreement which must be submitted and approved by the Board.
 - D. Where appropriate, in order to enable the proposed use to meet the standards set forth in (A) above, the Board may require the dedication of a perpetual conservation

easement upon so much of the site as may be determined necessary to mitigate impacts of the special uses.

4-602 Special Provisions

A. ~~Special Review~~ Approval for Mining

1. In addition to the standards of approval set forth in 4-601.A., an applicant for open mining, subsurface mining, or limited impact mining must also meet the following:
 - a. compliance with a plan of reclamation; and
 - b. compliance with use, location, and setback regulations established by the Board for the proposed operation.
2. If the proposed mining use is approved, the Board shall impose such conditions and safeguards as are necessary to ~~insure~~ ensure continued compliance with the requirements set forth ~~above in this Paragraph.~~

B. ~~Special Review~~ for Development in the ED District

1. In addition to the standards of approval set forth in 4-601.A., approval for a planned development in the ED district must also meet the following:
 - a. Employment projections and projected space requirements demonstrate a need for such a development.
 - b. The applicant is the intended user of the site and has demonstrated legal interest in the property.
 - c. Direct and indirect local employment opportunities for the community, that would result if the application were to be approved, are consistent with the rate of growth of population as projected within the Comprehensive Plan.
 - d. The public benefits are substantial and there will be no significant negative impacts on the quality of life of those residents in the surrounding area, and no major negative fiscal, service, environmental, or related land use impacts upon the County, or other communities in the County.
 - e. Uses Permitted: Uses shall have no harmful or unpleasant effects which would be more objectionable than the normal environmental features of surrounding areas. Uses within the ED district shall be compatible with surrounding areas of noise, odors, fumes, glare, vibration, smoke, vapors and gases, electrical emissions, and industrial wastes.
 - f. Traffic: Traffic going to and from the ED district shall be permitted on nonresidential streets only. Within the ED district, access and service roads from existing through streets may be required. Traffic routes within the ED district shall ordinarily be at least 100 feet from outer boundaries of the Economic Development District.
 - g. Truck Loading Facilities: Adequate provision shall be made for off-street truck loading facilities. These areas shall not be in a front yard and shall not be within 100 feet of a residential zoning district.
 - h. Landscaping: The front yard of each Principal Use within an ED district shall be planned (and subsequently maintained) in a dust-free condition by suitable landscaping with trees, shrubs, or other planted or natural ground cover. Other

yards within an ED district shall be similarly landscaped or paved with asphaltic, concrete, rock, oil surfacing or other resilient materials.

- i. Storage: All materials and equipment used in connection with an economic development project shall be enclosed within a building or enclosed within a solid wall or fence at least six feet in height. Ordinarily such storage areas shall be at least 100 feet from any property line or street line.
 - j. Lot Coverage: Developed areas may constitute no more than 40% of the entire site, unless it is determined that it is in the best interest of the community to allow a larger area to be developed in which case developed areas may constitute as much as 50% of the site. The purpose of this requirement is to assure that the development will be compatible with the surrounding area.
 - k. Construction Plans: Preliminary construction plans for the proposed buildings and preliminary engineering plans for installation of necessary utilities shall be presented prior to approval of a site plan.
 - l. Number of Employees or Residents: An estimate of the maximum number of employees or residents contemplated for the proposed development shall be presented.
 - m. Site Plan: The site plan and accompanying documents as approved by the Board shall be filed with the Director. Location and size of the undeveloped area and siting and phasing of the developed area must be approved as part of the application. The effects of phasing on population increases that may result from an expansion of the employment base shall be considered, along with all other relevant impacts.
 - n. Certificate of Occupancy: Prior to the use or change in use of a structure approved through this process, a certificate of occupancy shall have been issued by the Building Official. Such certificate shall show that such building or premises and the proposed use are in conformity with the provisions of this Code and with all requirements set forth by official action of the Board in their approval of the site plan.
2. An ~~Special Review~~ approval for a use within the ED district shall expire three years after the date upon which it was issued, if not more than one-half the floor area of all buildings and improvements shown on the approved site plan has been constructed within that period of time.
- C. ~~Special Review~~ for Community Uses and Lodging Uses
- 1. In addition to the established criteria for Special Review and Limited Impact Special Review, Community Uses and Lodging Uses in the F, A, RR, ER, SR, MF, MH, and MI zone districts must also meet the following floor area limitations:
 - 2. New Development: New Community and Lodging uses are those legally approved or established after November 4, 2010, on property where no Community or Lodging use previously existed. New Community and Lodging uses shall not exceed the total floor area specified in the table below, based on the parcel size on which the use is located:

[Table]

3. Existing Uses: Existing Community and Lodging uses are those legally approved or established prior to November 4, 2010. Expansions of these uses shall not cause the use to exceed the total floor area specified in the table below, based on the parcel size on which the use is located (unless the additional requirements of ~~Section 4-602(C)(34)~~ are met):

[Table]*-

4. Ability of Existing Uses to Expand Over Maximum Development Allowed Under ~~Section 6-602(C)(23)~~ Above: Existing Community and Lodging Uses may expand beyond the floor area limitations established for Existing Uses, up to the additional floor area amounts specified in the table in this section, based on the parcel size on which the use is located, and subject to compliance with the additional impact mitigation requirements of this section:
 - a. The expansion is offset through the purchase of one Transferable Development Credit per 500 square feet of new floor area. Development Credits must be acquired through the Boulder County Development Rights Clearinghouse prior to the issuance of a building permit for any approved expansion, and;
 - b. Any significant additional land use impacts resulting from the expansion are offset as follows:
 - (i) Increase in traffic to and from the site: through an acceptable, multimodal transportation management plan, and provision of transportation system improvements reasonably necessitated by the expansion.
 - (ii) Increase in water and energy usage at the site: through an acceptable plan to incorporate sustainable measures and practices, including but not limited to use of renewable energy sources, management of energy and water demands, and energy-efficient construction methods.
 - (iii) Increase in visual impacts of the development: through a plan that substantially mitigates visual impacts using the design, location, and number of buildings and other developed areas to screen buildings and developed areas, and through the use of natural topography, landscaping, color and materials, and below-grade construction or construction shielded by existing development.
 - (iv) Increase in noise: through appropriate siting of, or limitations on hours of operation or types of, noise-generating activities.
 - c. These measures may be applied to existing development as well as new development if deemed appropriate to enable the resulting site development to meet the special use criteria. Reasonable mitigation measures that are different from those listed above may also be imposed for this same purpose.
 - d. When calculating the maximum possible expansion, either the maximum total square footage (20,000, 25,000, 30,000, 35,000, 40,000, 45,000 or 50,000 sq ft depending on parcel size) will apply, or the percentage increase over the existing

or previously approved square footage will apply – whichever increase in square footage is greater.

[Table]

D. Special Review for a Telecommunication Facility

1. In addition to the listing of adjacent owners required as part of the title report submitted with the Special Review application, the Community Planning & Permitting staff may prepare a similar listing of all owners and their addresses of real property within one-half mile of the location of the proposed facility. This listing may be used in addition to the adjacent owner list for all referral and notice requirements of Article 3.
2. In addition to compliance with those conditions required within or imposed by the Board of County Commissioners pursuant to 4-601.A., an applicant seeking Special Review approval for a telecommunication facility shall comply with the following conditions and requirements:
 - a. Alternative site and/or design studies provided by the applicant shall show that reasonable consideration has been given to such alternative sites and/or designs and the proposal is the most acceptable alternative to Boulder County.
 - b. The alternative of consolidation of multiple telecommunication facilities onto a single tower, either by use of an existing tower or moving existing facilities to the proposed tower, shall be studied by the applicant and, when feasible and not otherwise detrimental, shall be considered the preferred alternative. Colocation may not be required when, in the opinion of the Director or the Board of County Commissioners, as appropriate, the consolidation of facilities will create an over-intensive use of the existing site; or will create a significant negative visual impact on surrounding private or public lands.
 - c. When feasible, telecommunication facilities shall be located adjacent to, on, or incorporated into existing or proposed buildings or other structures.
 - d. Where a telecommunication system uses a network of facilities, the applicant shall demonstrate that a comprehensive approach for evaluating potential sites in Boulder County with a view to minimizing the number of sites required and any adverse impact has been taken.
 - e. Proposed landscaping and/or screening shall be in harmony with the character of the neighborhood and compatible with the surrounding area.

E. Limited Impact Special Review for a Use of Community Significance

1. A Use of Community Significance may be approved through Limited Impact Special Review even though it does not meet the bulk or minimum lot size requirements of the zoning district in which it is located.
2. The use must meet the following criteria rather than the standard Review Criteria for Uses Permitted by Special Review and Limited Impact Special Review:
 - a. The use does not impair the Goals and Policies of the Comprehensive Plan, considering the nature and history of the use.

- b. The use has at least two of the following characteristics: historic, cultural, economic, social, or environmental value to the inhabitants of Boulder County as a whole, or to a recognized community of interest within the County such as through an adopted townsite plan or subarea plan.
 - c. The use is not detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County considering the historic nature and use of the property including but not limited to traffic hazards, noise, odors, and pollutants.
 - d. The applicant has obtained; or commits to obtain as a condition of the Limited Impact Special Review approval, all applicable federal, state, and local licenses or permits, and is in compliance with all applicable federal, state, and local regulations.
 - e. If a Use of Community Significance seeks a substantial modification, the standard Review Criteria for Uses Permitted by Special Review and Limited Impact Special Review must be met.
- F. Special Review for Firing Range, Outdoor
1. In addition to satisfying the special use criteria of ~~Section~~ 4-601, the following standards shall apply to the development of proposed outdoor firing ranges upon application for a special use permit. The County may vary from these standards where the applicant has demonstrated, and a professional engineer registered in the State of Colorado or other equally qualified individual has verified, that the proposed facility includes alternative designs and features, either natural or manmade, that will otherwise mitigate the potential adverse impacts to the health, safety and welfare of owners or users of neighboring properties and the general public. The County may also impose stricter standards based on range design, environmental resources and other site-specific factors.
 - a. Range Design
 - (i) Pistol and Rifle Firing Ranges. Pistol and rifle firing range design shall include sufficient land area under control of the applicant for the Surface Danger Zone to accommodate the ballistics of the highest-powered firearms and the range of ammunition that may be used in the permitted firing activities. Such geographic areas shall be designed based on industry-accepted range design guidelines, standards, and best practices. Such spatial requirements may be reduced in consideration of natural topographic features or manmade improvements, including but not limited to, backstop and side berms, bullet traps, ricochet catchers, and overhead or ground safety baffles which will provide sufficient safety measures to protect persons or adjacent properties. The range design and operation will dictate the Surface Danger Zone. The Surface Danger Zone will, in turn, affect setback distances.
 - (ii) Shotgun Ranges. Trap ranges shall have a shotfall zone on property under control of the applicant, as established by a line which extends 50 yards to the right and 50 yards to the left of, and perpendicular to the centerline of the trap house. From each end of said line, boundary lines having interior angles of 130 degrees shall extend down range for at least 300 yards with the actual

distance determined by the maximum distance of the full range of ammunition and firearms permitted for use on the range. Skeet ranges shall have shotfall zones on property under control of the applicant which are a complete semi-circle with its center point located at the center point of a defined station and a radius of the semi-circle being at least 300 yards with the actual distance determined by the maximum distance of the full range of ammunition and firearms permitted for use on the range. Shotfall zones for trap live-bird simulators, sporting clays, or other shotgun firing ranges shall be determined on a case-by-case basis.

- b. Security. The entire perimeter of a Firing Range shall be fenced and signed to reduce the potential for trespass onto the property. In some areas topography or natural barriers may make fence placement unnecessary. In addition, warning signs identifying the range shall be posted around the perimeter of the parcel or parcels on which the firing range is located such that each sign is visible and legible from the next sign (generally 200 yards but more frequently placed, depending on topography and vegetation). Where wildlife is a concern, fencing should be designed and installed to be wildlife safe while maintaining all measures to secure a firing range and reduce potential for trespass on the property.
- c. Noise. All firing line locations shall be located and maintained such that the sound levels generated by the discharge of firearms on the range do not exceed a 65 dB peak impulse response at existing residential structures (whether permanent or seasonal), lodging, or other occupiable or occupied structures not on the subject property. The applicant shall submit a noise study proving the proposed range will meet this standard at time of application. All noise studies shall be performed by a professional engineer registered in the State of Colorado or other equally qualified individual and shall take the topography of the surrounding area into account.
- d. Range Orientation. All firing lines should be aimed at target lines to the northeast, north or northwest unless sufficient screening, natural or manmade, is demonstrated to eliminate the effects of glare from the sun.
- e. All backstops shall have sufficient depth, based on industry-accepted range design guidelines, of sand or other similar soft earthen material that is free of rocks, stones and other hard objects that may result in ammunition ricochets. All manmade berms shall be designed to reduce the potential for erosion. All backstops and berms shall be maintained to perform their intended functions. Parallel ranges separated by bulletproof barriers or berms shall be a minimum eight feet high. Backstops shall be a minimum twenty feet high.
- f. Firing Ranges shall be developed such that there are no traveled roadways, trails, streams, ponds, lakes, or wetlands located within the Surface Danger Zone or within any Shotfall Zone.
- g. The developer or operator of the Firing Range facility shall provide to the Community Planning & Permitting Department, at the time of application for the building permit final inspection, a certification prepared by a professional

engineer registered in the State of Colorado or other equally qualified individual confirming that the Firing Range facility has an Environmental Stewardship Plan. The Environmental Stewardship Plan may include semi-annual soil and water sampling, regular liming of the soil to prevent lead migration, reclamation and recycling of expelled ammunition and lead, and must comply with the Best Management Practices, specifically relating to lead management, as specified by the Environmental Protection Agency's (EPA's) most current edition of Best Management Practices for Lead at Outdoor Shooting Ranges.

h. Operational Requirements

- (i) Hours of operation will be limited to the hours between 7 a.m. to 7 p.m. with the exception of shooting for educational or law enforcement activities which will be allowed until 9 p.m. one day per week, unless more restrictive hours are necessary to address impacts to neighboring areas. Training areas are allowed to remain in operation up to two hours past sunset for up to five days per month.
- (ii) Alcohol or drugs must not be permitted on site.
- (iii) No tracer rounds or incendiary rounds permitted.
- (iv) A Fire Safety and Response Plan must be filed and approved by the local fire protection district and Sheriff as part of the development agreement.
- (v) At each Firing Range, there shall be operational large fire extinguishers, always immediately available for emergency use, stored at all shooting and target areas. Number of extinguishers to be determined during the Special Use Review process.
- (vi) The site plan shall satisfactorily mitigate the risk of wildfire both to the subject property and those posed to neighboring properties in the surrounding area by the proposed development. In assessing the applicable wildfire risk and appropriate mitigation measures, the Director shall consider the referral comments of the County Wildfire Mitigation Coordinator and the applicable fire district, and may also consult accepted national standards as amended, such as the Urban-Wildland Interface Code; National Fire Protection Association (NFPA); International Fire Code; and the International Building Code.
- (vii) On site emergency communication system required.
- (viii) A Safety Plan must be filed with and approved by the Community Planning & Permitting Department and the Sheriff and range rules must be posted on site.
 - (A) Supervision. To receive a reduction in setbacks: (1) a firing range shall have at least one trained safety officer present when open to the public and (2) a range member who has passed the minimum training requirements of the range shall be present when the facility is closed to the public.
- (ix) Through the Special Review process the Board of County Commissioners (BOCC) may require periodic reviews to assure effective monitoring and operation of the range to protect the health and safety of those in the area and to ensure compliance with the Special Use Review approval. If at any

time the BOCC finds the operation does not meet the design or operational expectations, they may modify existing conditions or impose additional conditions to address concerns including, without limitation, requiring on-site range staff, cameras, or corrective design measures.

- i. Enforcement:
 - (i) Firing range noise violations will be enforced if the following criteria are met:
 - (A) A civil action or criminal penalty shall only be commenced against an approved range or its owners or operators following a written complaint from a resident of Boulder County. Grounds for commencing civil action or penalty include noise in excess of permitted levels emanating from a range that results from the operation or use of the range.
 - (B) Written complaints must contain the name and address of the complainant, how long the complainant has resided at the address indicated, and the times and dates upon which the alleged excessive noise occurred. Enforceable complaints must meet the criteria of C.R.S. § 25-12-109, as amended.
 - (ii) Notwithstanding 4-602.F.1.j.i. above, any other provisions of this section may be enforced under Article 17 of the Code, or by any legal or equitable means recognized by the Colorado State Statutes and the Colorado Court Rules, as amended.
- j. Any future expansion that results in additional firing positions, including without limitation a lengthened daily period of operations or increased length of the direct fire zone or the area of the shotfall zone to accommodate the use of firearms not identified in the then-existing Special Review approval Use permit application will constitute a substantial modification under 4-603 of the Code. Changes that are not a substantial modification and are routine maintenance include simple, small-scale activities (e.g., repairing structures such that a building permit is not required under the Code) associated with regular and general upkeep of an existing building, firing line, target line, parking lots, etc. Routine maintenance activities are associated with maintaining a facility, not expansion or new construction.

G. Limited Impact Special Review Waiver for Bed and Breakfast

- 3. The requirement for Limited Impact Special Review may be waived if the Director determines that the Bed and Breakfast will not have any significant conflict with the criteria listed in ~~Article~~ 4-601 of this Code.
- 4. The Director may impose written terms and conditions on this use that may be reasonably necessary to avoid conflict with the review criteria in ~~Article~~ 4-601 of this Code.
- 5. The Bed and Breakfast must comply with the Additional Provisions outlined in ~~Article~~ 4-507.A. of this Code.
- 6. Notice of the waiver application being reviewed shall be sent to referral agencies and adjacent property owners in accordance with ~~Article~~ 3-204 of this Code.
- 7. The Director shall not issue the determination for 15 days following such notification and shall consider any comments received by the public.

4-603 Modification of a Special Review or Limited Impact Special Review Approval

- A. Prior to modifying any approved ~~special use or limited impact special use~~, a written request for modification must be submitted to the Director, detailing the nature and extent of the modification, and providing any additional information pertaining to the request which the Director may require. In response, the Director may take one of the following actions:
1. Determine that the requested modification is minor, and approve the request in writing, including any necessary clarifications or conditions. An ~~special use~~ amendment process will not be required for a minor modification.
 2. Determine that the requested modification is substantial. Substantial modifications require approval of an amendment to the Special Review or Limited Impact Special Review ~~special use or limited impact special use amendment~~. The applicant may appeal this determination to the Board of County Commissioners, provided a written appeal is filed with the Director no later than 30 days after the date of the Director's determination. The appeal shall be heard by the Board in the same manner as a direct referral on a modification question from the Director to the Board, as specified in ~~Subsection~~ 3 below.
 3. Make no determination and refer the request to the Board of County Commissioners for a decision at a public business meeting of the Board, of which the applicant shall receive prior notice. If the Board determines that the modification is minor, it may approve the modification, subject to any necessary clarifications and conditions, and the modification may proceed without a formal ~~special use~~ amendment process. If the Board determines that the modification is substantial, approval through the applicable special use amendment process is required.
- B. In determining whether the proposed modification to a ~~special use or limited impact special use~~ approval is minor or substantial, the Director or the Board shall consider the record of the ~~special use~~ approval, including any express conditions, limitations, or agreements governing the approved ~~special use~~ and the nature, character, and extent of the land use impacts of the approved use. The following proposed modifications may be presumed substantial: changes in the use expressly approved, structural additions that exceed stated square footage limitations, and changes to express conditions or agreements. Other changes shall be considered substantial if they significantly alter the nature, character, and/or extent of the land use impacts of the development or activity contemplated under the approved use.
- C. Any modification to a previously approved development shall require a request to the Community Planning & Permitting Director to determine whether the proposed change constitutes a substantial modification.

4-604 Limitation of Uses by Special Review or Limited Impact Special Review

- A. Subject to vested rights, no use by Special Review shall commence operation or construction later than five years from the date of the Board approval or conditional approval.
- B. Any approved use by ~~Special Review~~ that does not significantly commence operation or construction as described and approved in a building permit on any portion of the ~~special use permit review approval~~ within five calendar years after the Board has approved the use, shall lapse, and shall be of no further force and effect unless a new discretionary approval is granted under this Code. If a vesting period of longer than five years is expressly approved as part of ~~the a Special Review special use permit~~, the approval shall lapse if operation or construction is not commenced within the vesting period.
- C. Any approved use by ~~Special Review~~ which commences operation or construction as required under ~~Subsection 4-604.B.~~, immediately above, shall lapse, and shall be of no further force and effect, if the use is inactive for any continuous five-year period or such shorter time as may be prescribed elsewhere in this Code or in a condition of a specific docket's approval. If this period of inactivity occurs, the use may not be recommenced without a new discretionary approval granted under this Code. An approved ~~special use by special review~~ shall be deemed inactive under this ~~Subsection 4-604.C.~~ if there has been no activity under any portion of the ~~special use permit special review approval~~ for a continuous period of five years or more as a result of causes within the control of the ~~special use~~ permittee or agent.
- D. The Community Planning & Permitting Director may declare a Special Review ~~and or~~ Limited Impact Special Review application withdrawn if more than 24 months have passed without any public hearings or submittals from the applicant. The 24-month time frame may be extended should the Director determine that circumstances beyond control of the applicant prevent a timely completion of the application. If the application is withdrawn, a new application and new fee must be submitted in order to continue the project.

Appendix C: Proposed Text for Clarifications and Changes to Article 15 Historic Preservation

The Historic Preservation Advisory Board (HPAB) expressed approval for clarifying changes and minor changes to Article 15. These changes include grammatical corrections, rephrasing, and minor changes to the way HPAB subcommittees are appointed or formed.

A strikethrough (~~strikethrough~~) identifies Code text proposed for removal. Underline identifies Code text that staff propose to add.

Article 15 – Historic Preservation

15-100 Definitions

- A. For purposes of this regulation the following words are to be defined as follows.
1. Alteration: Any act or process that changes either (a) one or more of the exterior architectural features of a structure, or (b) one or more of the physical features of a site or district.
 2. Board: The Boulder County Board of County Commissioners.
 3. Boulder County Historic Preservation Advisory Board: A committee appointed by the Board of County Commissioners to make recommendations on the designation of historic landmarks and to assist with the administration of ~~administer~~ the County's historic preservation program. Also referred to as HPAB.
 4. Boulder County Historical Site Survey: The inventory of historic resources completed by Boulder County in accordance with the guidelines of the Colorado State Historic Preservation Office. The Historical Site Survey includes only those resources located in the unincorporated area of the county and does not include archaeological sites.
 5. Certificate of Appropriateness: A process through which ~~certificate issued by~~ the Historic Preservation Advisory Board approves or denies ~~showing approval of~~ plans for construction, alteration, demolition, or relocation of resources ~~structures~~ which would affect a designated historic landmark. Also referred to as a CA.
 6. Contributing Structures or Features: Those structures or features within a site or district which help to define the historic significance of that site or district.
 7. County Staff: Staff ~~persons~~ from the Boulder County Parks & Open Space and Community Planning & Permitting Departments.
 8. District: A group of ~~structures~~ resources or a site which make a coherent whole due to their similar historic significance. This ~~would~~ could include things such as neighborhoods; mining, agricultural, or commercial districts; landscapes; and townsites.
 9. Exterior Architectural Features: The exterior architectural features of a structure, including but not limited to the color, kind, and texture of building materials, and the type, design, and character of windows, doors, and appurtenances.

10. Hardship Relief: A finding by the Historic Preservation Advisory Board or the Board of County Commissioners that the denial of a Certificate of Appropriateness has imposed a hardship on a property owner.
11. Historic Landmark: A structure, site, or district which has been designated by the Board because of its historic significance and importance to the county.
12. Historic Review Process: Review of building permit applications for non-designated structures greater than 50 years in age by the Historic Preservation Advisory Board. This review is to determine if the structure would be eligible for designation as a historic landmark, and if the proposed action would adversely affect the historic significance of that structure.
13. Historic Significance: Having importance in the history, architecture, archaeology, or culture of either Boulder County, the State of Colorado, or the United States.
14. Listed: Properties officially included in the Local, State of Colorado, or National Register of Historic Places.
15. Noncontributing Structures or Features: Structures or features which may be within a site or district; but are not of historic significance per se; however, the relationship of these structures with the contributing structures may be important in the preservation of the site or district.
16. Non-designated Structures: Structures which have not been designated as a historic landmark.
17. Owner of Record: The person or persons listed on the records of the Boulder County Clerk and Recorder as the owner of the subject property. Also referred to as the owner.
18. Physical Features: The features of a landmark which help to define its historic significance. ~~For example~~ This includes but is not limited to archaeological resources, structure foundations, gravestones, or tailings piles.
19. Preservation: The protection, enhancement, and maintenance of historic properties.
20. Property: The cultural resources, including buildings, structures, objects, sites, and districts, which are of historic significance.
21. Resolution of Approval: The resolution recording the official action of the Board of County Commissioners in designating a historic landmark.
22. Site: The scene of an activity or location of a resource(s) which has a historic significance to the county. A site may or may not include structures, for example parks, abandoned mining or agricultural areas, and archaeological sites.

15-200 Boulder County Historic Preservation Advisory Board

A. Selection

1. The Boulder County Historic Preservation Advisory Board (HPAB) shall consist of no less than seven and no more than nine members who are appointed by the Boulder County Board of County Commissioners.
2. All members shall be residents of Boulder County.

B. Citizen Advisory Committees and ~~s~~Subcommittees

1. As necessary, HPAB may convene citizen advisory committees to represent the interests of a specific geographic or thematic community.
2. HPAB may also convene subcommittees of its membership as necessary to carry out its duties and responsibilities, which may include but is not necessarily limited to. ~~The following shall be standing subcommittees:~~
 - a. ~~The Historic Resource Subcommittee: This subcommittee shall be available to the public for e~~Consultations prior to the submission of a nomination for designation of a landmark; ~~This subcommittee shall also provide~~
 - b. ~~d~~Direction on staff research efforts as necessary for the update and review of the Boulder County Historical Site Survey; ~~;~~
 - c. ~~The Design Review Subcommittee: This subcommittee shall be available to the public for e~~Consultations prior to the submission of an application for a Certificate of Appropriateness; ~~and~~.
 - d. ~~The Application Review Subcommittee: This subcommittee shall meet, as needed, t~~To determine if applications for building permit review and Certificate of Appropriateness Review require a hearing before the HPAB.
3. The selection, number, meeting schedule, and duration of these committees and subcommittees will be determined by HPAB.

C. Term and Vacancies

1. The term of office for the members of HPAB shall be three years; and shall be staggered by making the appointments so that approximately one third expire each year.
2. In the case of a vacancy on HPAB, the Board of County Commissioners shall make an appointment to fill the term of the vacating member.

D. Duties and Responsibilities of the Historic Preservation Advisory Board

1. HPAB shall adopt by-laws governing procedural matters including such things as meeting schedule and organization, officers, use of citizen advisory committees, and attendance policies.
2. Review and set priorities for updates to the Boulder County Historical Site Survey
3. Review building permit applications for non-designated structures greater than 50 years in age to determine whether the structure has historic significance and if the proposed action would adversely affect that significance.
4. Make recommendations to the Board of County Commissioners as to the designation of historic landmarks.
5. Review applications for Certificates of Appropriateness (CA) affecting designated historic landmarks.
6. Consider applications for hardship relief which would allow the completion of action for which a CA has been denied.
7. Serve as a referral body to review and comment on proposed land use regulation amendments and amendments to the Boulder County Comprehensive Plan, as well as development proposals which would affect historic properties eligible for landmark designation as determined by HPAB.
8. Function as an educational resource for citizens wishing information on historic preservation, including the assistance to property owners on the physical and

financial aspects of preservation, renovation, rehabilitation, and reuse, and designation procedures at the state and federal levels.

9. Carry out other functions as directed by the State Historic Preservation Officer, including review of nominations for the State and National Historic Registers.
10. Review and assist in the administration of fiscal programs such as grant monies and money from the state historical fund, and other incentive programs to increase preservation options for property owners.
11. Pursue intergovernmental agreements with communities in the county interested in participating in the historic preservation program.
12. Assist, as necessary, in the long-term management of historic resources or easements acquired by or donated to the county.

15-300 Boulder County Historical Site Survey

A. Purpose

1. The Boulder County Historical Site Survey is intended to identify resources which have historic significance.
2. Because the Survey is intended to be educational in nature, HPAB will review and evaluate the contents of the Survey in an attempt to make it as complete as possible, and shall compile appropriate descriptions, facts, and photographs for all identified resources.

B. Review and Update

1. HPAB shall review and update the Boulder County Historical Site Survey, including the following:
 - a. An ongoing effort to identify resources not included in the Survey which have importance to the county.
 - b. An assessment of the resources included in the Survey which may no longer be of importance.
 - c. The update of information on sites already included in the Survey.
 - d. The addition or removal of resources identified in the Survey may be initiated by property owners, staff, HPAB members, or interested parties.
2. Owners of property being considered for addition or removal from the Survey shall be notified in writing.

15-400 Review of Building Permits for Non-designated Structures Greater Than 50 Years in Age

A. Applicability and Scope of the Historic Review Process

1. Historic review of building permit applications for alteration of non-designated structures greater than 50 years of age shall be required.
2. Permits excepted from these regulations include permits for alterations that do not affect the exterior of the structure under consideration; reroofing; electrical, plumbing, or mechanical upgrades or repair; and permits for alteration to a structure required by another governmental entity having lawful jurisdiction over that structure.

B. Procedure for Historic Review

1. Preliminary Staff Review

- a. Upon building permit application for alteration of non-designated structures 50 years of age and older, staff shall determine:
 - (i) if the proposed alteration is excepted from historic review; and
 - (ii) if the structure has been identified in the Historical Sites Survey or other historic review process after September 29, 1992 as ineligible for landmark designation.
- b. If preliminary staff review finds that the proposed action is excepted from historic review, or that the structure proposed for alteration would not qualify for landmark designation, further historic review will not be required.

2. ~~Application Review~~ Subcommittee Review

- a. ~~The Application Review A~~ Subcommittee shall be available, as necessary, to aid county staff in determining if HPAB review of a building permit application or Certificate of Appropriateness is warranted.
- b. If the ~~Application Review~~ Subcommittee unanimously agrees on the following, review by the full HPAB shall not be required:
 - (i) The structure proposed for alteration would not qualify for historic landmark designation; or
 - (ii) The structure proposed for alteration would be eligible for historic landmark designation, but the proposed alteration would not have an adverse impact on the historic significance of the property, ~~or~~
- c. If the ~~Application Review~~ Subcommittee cannot unanimously agree upon the items listed in (b) above, full HPAB review shall be required

3. HPAB Review

- a. Upon determination by the ~~Application Review~~ Subcommittee that historic review by the HPAB is required (including in the event the Subcommittee cannot unanimously agree that historic review is not required), county staff will place consideration of that application on the agenda for HPAB's next regularly scheduled hearing and shall notify the permit applicant of the hearing.
- b. At this hearing HPAB shall determine if the structure in question would be eligible for designation as a historic landmark, and if the proposed action will have an adverse impact on the historic significance of that structure.
- c. The determination shall be based on the criteria for landmark designation included in Section 15-501, below, any relevant public information available, and information submitted by the applicant with the building permit application.
- d. Upon a finding that a structure is not eligible as a historic landmark, then no historic review shall be required for the subject structure for any future permit applications.
- e. If the structure proposed for alteration is listed, the HPAB shall review the building permit application to determine if the proposed alteration would have an adverse impact on the historic significance of the structure or the district including the structure.

C. Stay from the Issuance of a Building Permit

1. If HPAB or subcommittee of HPAB determines that the structure in question has historic significance and would be eligible for designation as a historic landmark, and that the proposed action will have an adverse impact on that historic significance, the issuance of the permit can ~~will~~ be stayed for up to 180 days from the date a complete building permit application is received by the County Building Division. A copy of this determination, including the reasons for determining the structure is eligible for designation, shall be provided to the applicant by regular mail within seven days of the determination being made.
 2. The 180-day time period during which the permit is stayed shall be used to discuss the nomination of the structure for landmark status, and to look for alternatives to the proposed action which will not have an adverse impact on the historic significance of the structure. As part of this process, HPAB may require the applicant to allow the County staff or its agent on the subject property to provide historic photo-documentation of the structure.
 3. If HPAB determines that the proposed action will have an adverse impact on the historic significance of a property listed in the State or National Register of Historic Places, the issuance of the permit will be stayed up to 180 days. As part of this process, HPAB may require the applicant to allow the County staff or its agent on to the subject property to provide historic photo-documentation of the structure. If, at the conclusion of the stay, an alternative to the proposed detrimental action has not been implemented, the County shall notify the History Colorado Historical Society of the proposed action and may ~~make a recommendation that~~ recommend the Register listing be amended.
- D. If the structure proposed to be demolished or altered under a building permit is determined to be a risk to the health, safety, or welfare of the citizens of Boulder County, the Building Official may issue a permit without regard to the historic significance of that structure.
- E. Appeal of a Permit Stay
1. An applicant may appeal the determination of HPAB that the structure is eligible for landmark designation or that the proposed action will have an adverse impact on the historic significance of the structure to the Board of County Commissioners no later than 30 days after the date of HPAB's determination.
 - a. County staff shall schedule the appeal for review at a public hearing before the Board; and shall provide the applicant prior notice of the Board's hearing.
 - b. At this hearing the Board shall consider the entire record from HPAB's consideration of the permit application, the reasons given by HPAB for the stay of the permit, and testimony from the applicant and other members of the public.
 - c. After due consideration, the Board shall either uphold the findings of HPAB; and find that the permit should be stayed, or reverse the findings of HPAB. In the case of the latter, the building permit for demolition, remodel, or addition work shall be processed through the usual building permit processing procedures.
- F. Board of County Commissioners Review of Claimed Hardship Posed by the Stay of a Building Permit:

1. If an applicant for a demolition, remodel, or addition permit feels that the waiting period imposed by HPAB causes a hardship to the applicant, the applicant may request a review of the stay by the Board of County Commissioners no later than 30 days after the date of HPAB's determination.
 - a. County staff shall schedule the hardship request for review at a public hearing before the Board; and shall provide the applicant prior notice of the Board's hearing.
 - b. At this hearing the Board shall consider the entire record from HPAB's consideration of the permit application, the reasons given by HPAB for the stay of the permit, any alternatives to the proposed action available to the applicant, and testimony from the applicant and other members of the public.
 - c. After due consideration, the Board shall either find no hardship exists and uphold the permit stay, or determine, based upon the record at the appeal hearing, that such a hardship exists, and either shorten or eliminate the time period.

15-500 Nomination and Designation of Historic Landmarks

A. Procedure for Designating Historic Landmarks

1. Nominations may be submitted by the owner of the nominated property, a member of HPAB, or the Board of County Commissioners. Any interested person or organization may request that ~~a the Historic Resource~~ Subcommittee review a structure, site, or district for the possible nomination by HPAB.
2. Nominations shall be made to HPAB on application forms available from either the Boulder County Parks & Open Space or Community Planning & Permitting Departments.
 - a. A complete application shall include the names of all owners of property proposed for designation and the property owners adjacent to the site, a description of the proposed landmark including its locations, and an explanation of how the structure, site, or district meets the criteria for designation specified in Section 15-501, below.
 - b. If the application is submitted by someone other than the property owner, a copy of the application shall be immediately forwarded to the owner of record.
 - (i) In the case of a nominated structure, the ~~Historic Resource~~ Subcommittee will meet with the property owner to discuss the designation. The processing of the nomination application may proceed, but designation of the site or district will not be done without the consent of the owner.
 - (ii) In the case of a site or district, the ~~Historic Resource~~ Subcommittee will meet with the property owners to discuss the designation. The processing of the nomination application may proceed, but designation of the site or district will not be done without the consent of the owners of 67% of the parcels.
3. County staff shall schedule a completed application for advisory review at a public hearing before HPAB. At least 14 days prior to the hearing, notice of the hearing shall be published in a newspaper of general circulation in Boulder County. At least 7

days prior to the hearing, notice of the hearing shall be mailed to all property owners of record within 500 feet of the proposed landmark. Also at least 7 days prior to the hearing, staff shall mail to the nominating party and the landmark owner of record a notice of the hearing, and a copy of the staff recommendation to HPAB on the landmark request.

4. At this hearing, HPAB will take testimony from the owner, the nominating party, and other members of the public regarding whether the structure, site, or district meets the criteria for designation.
 - a. After consideration of the information of record and public testimony, HPAB may find that the proposed landmark meets the designation criteria and recommend to the Board that they designate the property.
 - b. If the nominated landmark does not meet the criteria, HPAB shall recommend denial of the designation.
 - c. If the owner does not consent to the designation or, in the case of a district nomination, if 67% of the owners do not consent, HPAB will recommend denial of the nomination, and no hearing will be scheduled before the Board.
 - d. If the HPAB finds that the nomination lacks information or has deficiencies, the HPAB may table the decision for a reasonable period of time in order to provide the applicant time to correct the nomination.
5. If HPAB recommends designation, HPAB staff shall make a report of advisory findings to forward to the Board.
 - a. For the designation of structures as historic landmarks, HPAB shall include the following information in its report to the Board.
 - (i) Identification of the significant exterior architectural features of the nominated structure which should be protected.
 - (ii) A definition of the types of construction, alteration, and demolition which would require review under a CA prior to undertaking such action.
 - (iii) Guidelines for the review of CA applications specific to the structure being designated.
 - b. For the designation of sites or districts as historic landmarks, HPAB shall include the following information in its report to the Board.
 - (i) identification of the contributing and noncontributing structures within the site or district.
 - (ii) Identification of the significant exterior architectural features of the contributing structures which should be protected.
 - (iii) Identification of the significant physical and spatial characteristics and features of a site or district which should be protected.
 - (iv) A definition of the types of construction, alteration, and demolition for both contributing and noncontributing structures which would require review under a CA prior to undertaking such action.
 - (v) A definition of the types of alteration of a site or district which would require a CA prior to undertaking such action.

- (vi) Recommendations as to appropriate permitted uses, height and setback regulations, sign regulations, floor area restrictions, and parking regulations as necessary for the preservation of the character of the historic landmark.
 - (vii) Guidelines for the review of CA applications specific to the site or district being designated.
6. If HPAB recommends approval of the landmark application, and if the owner of the proposed landmark consents to the application, County staff shall schedule the application for review and a decision at a public hearing before the Board. At least 14 days prior to the hearing, notice of the hearing shall be published in a newspaper of general circulation in Boulder County. At least 7 days prior to the hearing, notice of the hearing shall be mailed to all property owners of record within 500 feet of the proposed landmark. Also at least 7 days prior to the hearing, staff shall mail to the nominating party and the landmark owner of record a notice of the hearing, and a copy of the staff recommendation to the Board on the landmark request, including but not necessarily limited to the landmark application and HPAB's report on the application.
 7. At this hearing, the Board will take testimony from the property owner and nominating party, as well as other members of the public regarding whether the nominated landmark meets the criteria for designation.
 - a. After consideration of the information of record and public testimony, the Board may find that the structure meets the designation criteria and designate the property a historic landmark.
 - b. If the nominated landmark does not meet the criteria, the Board shall deny the designation.
 - c. In the case that more information is needed before a decision can be made, the Board may table consideration of the application for a reasonable period of time.
 8. If the Board determines that designation is appropriate, the Resolution of Approval shall include the following information, either by express incorporation or reference to specific documents which are part of the official landmarking file.
 - a. For the designation of structures as historic landmarks:
 - (i) identification of the significant exterior architectural features of the nominated structure which should be protected.
 - (ii) A definition of the types of construction, alteration, and demolition which would require review under a CA prior to undertaking such action.
 - (iii) Guidelines for the review of CA applications specific to the structure being designated.
 - b. For the designation of a site or districts as historic landmarks:
 - (i) Identification of the contributing and noncontributing structures within the site or district.
 - (ii) Identification of the significant exterior architectural features of the contributing structures which should be protected.
 - (iii) Identification of the significant physical and spatial characteristics and features of a site or district which should be protected.

- (iv) A definition of the types of construction, alteration, and demolition for both contributing and noncontributing structures which would require review under a CA prior to undertaking such action.
 - (v) A definition of the types of alternation of a site or district which would require a CA prior to undertaking such action.
 - (vi) Recommendations as to appropriate permitted uses, height and setback regulations, sign regulations, floor area restrictions, and parking regulations as necessary for the preservation of the character of the historic landmark.
 - (vii) Guidelines for the review of CA applications specific to the site or district being designated.
9. Once approved, a notice of the designation shall be recorded with the Boulder County Clerk and Recorder's Office, and information regarding each designation, including the Resolution of Approval, shall be kept in the files of the Community Planning & Permitting Department.

15-501 Criteria for Landmark Designation

- A. In determining whether a structure, site, or district is appropriate for designation as a historic landmark, HPAB and the Board shall consider whether the landmark proposed for designation meets one or more of the following criteria:
- 1. the character, interest, or value of the proposed landmark as part of the development, heritage, or cultural characteristics of the county;
 - 2. the proposed landmark as a location of a significant local, county, state, or national event;
 - 3. the identification of the proposed landmark with a person or persons significantly contributing to the local, county, state, or national history;
 - 4. the proposed landmark as an embodiment of the distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or the use of indigenous materials;
 - 5. the proposed landmark as identification of the work of an architect, landscape architect, or master builder whose work has influenced development in the county, state, or nation;
 - 6. the proposed landmark's archaeological significance;
 - 7. the proposed landmark as an example of either architectural or structural innovation; and
 - 8. the relationship of the proposed landmark to other distinctive structures, districts, or sites which would also be determined to be of historic significance.

15-502 Recission or Amendment of a Landmark Designation

- A. Change in the Historic Significance of a Landmark
- 1. If the property owner, HPAB, or the Board believes that the character of the landmark has changed in such a manner as to remove the historic significance of the landmark, the landmark designation may be rescinded through the procedure outlines in Section 15-502(B), below.

2. If the property owners, HPAB, or the Board believes that the character of the landmark has changed in such a manner as to affect the historic significance of the landmark, the landmark designation may be amended through the procedure outlined in Section 15-502(B), below.
- B. Procedure for Rescinding or Amending Landmark Designations
1. Applications to consider a change in the designation of a landmark may be submitted by the owner of the property, a member of HPAB, or the Board of County Commissioners.
 - a. If an application to alter the landmark designation is made by someone other than the property owner, a copy of the application shall be immediately forwarded to the property owner.
 - b. Applications shall be made to HPAB on forms available from either the Boulder County Parks & Open Space or Community Planning & Permitting Departments.
 2. County staff shall schedule a completed application for advisory review at a public hearing before HPAB. At least 14 days prior to the hearing, notice of the hearing shall be published in a newspaper of general circulation in Boulder County. At least 7 days prior to the hearing, notice of the hearing shall be mailed to all property owners of record within 500 feet of the proposed landmark. Also at least 7 days prior to the hearing, staff shall mail to the applicant and the landmark owner of record a notice of the hearing; and copy of the staff recommendation to HPAB on the landmark designation change request.
 3. At the public hearing, HPAB will consider the information of record, including the Resolution of Approval for the specific landmark, and public testimony regarding the change to the structure, site, or district which has affected its historic significance.
 - a. After consideration of the information of record, HPAB may find that the landmark no longer has historic significance and recommend to the Board that they rescind the landmark designation.
 - b. If HPAB finds that the landmark has been changed in such a manner as to affect the historic significance, HPAB shall recommend to the Board that the Resolution of Approval be amended to reflect that change.
 - c. In the case that more information is needed before a decision can be made, HPAB may table consideration of the amendment or rescission for a reasonable period of time.
 4. After consideration by HPAB, County staff shall schedule the application for review and decision at a public hearing before the Board. At least 14 days prior the hearing, notice of the hearing shall be published in a newspaper of general circulation in Boulder County. At least 7 days prior to the hearing, notice of the hearing shall be mailed to all property owners of record within 500 feet of the subject parcel containing the landmark. Also at least 7 days prior to the hearing, staff shall mail to the applicant and the landmark owner of record a notice of the hearing, and a copy of the staff recommendation to the Board on the landmark change request, including but not necessarily limited to the application and a summary of HPAB's recommendation.

5. At the public hearing, the Board will consider the information of record, including the Resolution of Approval for the specific landmark, and public testimony regarding the change to the landmark which has affected its historic significance.
 - a. After consideration of the information of record, the Board may find that the landmark no longer has historic significance and rescind the landmark designation.
 - b. If the Board finds that the landmark has been changed in such a manner as to affect the historic significance, the Board shall amend the Resolution of Approval to reflect that change.
 - c. In the case that more information is needed before a decision can be made, the Board may table consideration for the amendment or rescission for up to 95 days.
6. Any rescission or amendment made to the original designation shall be included in a Resolution of Approval for that action and shall be included in the file on that specific landmark. A notice of the rescission of a designation shall be recorded with the Boulder County Clerk and Recorder's Office.

15-600 Certificate of Appropriateness for Historic Landmarks

- A. Prior to undertaking the following actions, a Certificate of Appropriateness ("CA") is required for historic landmarks unless exempted by the Resolution of Approval.
 1. Any construction, alteration, or demolition requiring a building permit from the Boulder County Community Planning & Permitting Department that affects the exterior appearance or structural stability of the landmark.
 2. Any construction, alteration, demolition, or removal affecting an exterior architectural or physical feature as defined in the Resolution of Approval for the designation.
- B. A CA shall not be required for alterations required by the Chief Building Official or any other governmental entity with lawful jurisdiction over the designated landmark to rectify a hazardous health or safety situation.
- C. Prior to the start of the review process ~~submission of an application~~ for a CA, any applicant may request consultation with ~~a the Design Review Subcommittee~~ to discuss the proposed construction, alteration, or demolition.
- D. ~~Applications~~ Review Process for a CA
 1. If the proposed action requires a building permit, the review process ~~application~~ for a CA may proceed ~~be processed~~ as part of the building permit application. No building permit for a landmark shall be issued without a CA unless exempted by the Resolution of Approval.
 2. A complete application shall include the names of all owners of the property, a description of the proposed action, and accompanying plans and specifications.
- E. Procedure for Certificate of Appropriateness Review
 1. Application Review by Subcommittee
 - a. For all alterations to Boulder County Landmarks which require a Certificate of Appropriateness, ~~the application review~~ a subcommittee shall review the

application to determine if the request for a CA should be approved. The criteria as described in 15-600(EF), below, shall be used to make the determination.

- b. If the ~~Application Review S~~subcommittee unanimously agrees to approve the CA, review by the full HPAB shall not be required and the CA shall be issued.
- c. If the ~~Application Review S~~subcommittee does not unanimously agree to approve the CA, review by the HPAB shall be required.
- d. Applications for new primary structures within a Boulder County Historic District shall require HPAB review.

2. HPAB Review

- a. Upon determination that full HPAB review of a CA is required, County staff shall schedule the application for historic review at a public hearing before HPAB. At least 14 days prior to the hearing, notice of this hearing shall be published in a newspaper of general circulation in Boulder County. At least 7 days prior to the hearing, notice of the hearing shall be mailed to all property owners within 500 feet of the landmark. Also at least 7 days prior to the hearing, staff shall mail to the applicant and the landmark owner of record a notice of the hearing, and a copy of the staff recommendation to HPAB on the CA request.

F. Criteria for Approval of Alterations Requested Under a CA

1. In considering the application for a CA, HPAB shall use the following general criteria as well as any specific criteria included in the Resolution designating the historic landmark.
 - a. The proposed alterations do not destroy or substantially impair the historic significance of a structure, site, or district.
 - b. Every reasonable effort shall be made to ensure that the proposed alteration preserves, enhances, or restores the significant architectural features which are important to the designated historic landmark.
 - c. The proposed architectural style, arrangement, texture, color, and materials are compatible with the character of the historic landmark.

G. Determination by HPAB

1. After consideration of the proposal outlineds in the application for the CA, HPAB shall either approve or deny the application. HPAB can table consideration of the application for a reasonable period of time if more information is required to determine if the proposed action meets the criteria for approval.
 - a. If HPAB finds that the proposed alteration meets the criteria for approval, a CA shall be issued. In the case of alterations requiring a building permit, the building permit will be processed through the usual processing procedure.
 - b. If HPAB finds that the proposed action does not meet the criteria for approval, the applicant shall be notified of that finding by regular mail within seven days of the determination.

H. Denial of a CA

1. The denial of a CA shall be accompanied by a statement of the reasons for the denial, and the recommendations of HPAB as to changes, if any, which could be made in the proposed action which would cause HPAB to reconsider the denial.

2. HPAB shall attempt to offer suggestions which would allow for alterations to be made to the designated landmark which would meet the criteria for approval of the CA.
3. The applicant may resubmit an amended application that takes into consideration the recommendations of HPAB.
4. If the applicant feels that the denial of the CA has created hardship, the applicant may pursue hardship relief as provided for in 15-700 below.
5. In the case of denial by HPAB, an applicant may appeal that denial to the Board of County Commissioners as provided for in Section 15-800(A).

15-700 Hardship Relief

A. Application

1. A completed application shall include any information the applicant feels is relevant to the consideration of the hardship imposed by denial of the CA.
2. County staff shall schedule a completed application for hardship review at a public hearing before HPAB. At least 14 days prior to the hearing, notice of the hearing shall be published in a newspaper of general circulation in Boulder County. At least 7 days prior to the hearing, notice of the hearing shall be mailed to all property owners of record within 500 feet of the subject parcel containing the proposed landmark. Also at least 7 days prior to the hearing, staff shall mail to the applicant and the landmark owner of record a notice of the hearing, and a copy of the staff recommendation to HPAB on the hardship request.

B. Information Considered in Determining a Hardship

1. The following list includes the type of information necessary for HPAB to determine if the denial of a CA has imposed a hardship on the property owners. The applicant may submit any or all of this information, plus any other information the applicant feels is necessary, to HPAB as part of the application for hardship relief.
 - a. Estimate of the cost of the alteration proposed under the denied CA application, and an estimate of any additional costs which would be incurred to comply with the alterations recommended by HPAB.
 - b. Estimates of the value of the property in its current state, with the denied alterations, and with the alterations proposed by HPAB.
 - c. Information regarding the soundness of the structure or structures, and the feasibility for rehabilitation which would preserve the character and qualities of the designation.
 - d. In the case of income-producing properties, the annual gross income from the property, the operating and maintenance expenses associated with the property, and the ~~affect~~ effect of the proposed and HPAB recommended alterations on these figures.
 - e. Any information concerning the mortgage or other financial obligations on the property which are affected by the denial of the proposed alterations.
 - f. The appraised value of the property.
 - g. Any past listing of the property for sale or lease, the price asked, and any offers received on that property.

- h. Information relating to any nonfinancial hardship resulting from the denial of a CA.

C. Determination of Hardship

1. At a public hearing, HPAB shall review the information presented by the applicant and any other information deemed necessary to determine if the denial of a CA imposed a hardship on the property owners.
 - a. If it is determined that the denial of the CA did cause a hardship on the property owners, then relief shall be granted. A CA noting the hardship relief shall be issued, and the property owners may make the alterations outlined in the application for the CA.
 - b. If it is determined that the denial of the CA did not cause a hardship on the property owners, then notice of that determination, with the reasons for denial, shall be provided to the property owner by regular mail within ~~seven~~ 7 days of the determination.

15-800 Appeals

A. Appeal of the Denial of a CA

1. If a property owner whose application for a CA was denied, feels that HPAB unreasonably denied that application, an appeal to the Board of County Commissioners may be filed within 30 days of HPAB's determination.
 - a. County staff shall schedule the appeal for review at a public hearing before the Board. At least 14 days prior to the hearing, notice of the hearing shall be published in a newspaper of general circulation in Boulder County. At least 7 days prior to the hearing, notice of the hearing shall be mailed to all property owners within 500 feet of the subject parcel containing the landmark. Also at least 7 days prior to the hearing, staff shall mail to the applicant a notice of the hearing; and copy of the staff recommendation to the Board on the appeal, including but not necessarily limited to a summary of the basis for HPAB's denial.
 - b. At this hearing the Board shall consider the entire record from HPAB's consideration of the application, the reasons given by HPAB for denial of the CA application, and testimony from the applicant and other members of the public.
 - c. After due consideration, the Board shall either uphold the findings of HPAB; and deny the CA, or reverse the findings of HPAB. In the case of the latter, the CA shall be issued.

B. Appeal of the Denial of Hardship Relief

1. If a property owner whose application for hardship relief was denied, feels that HPAB unreasonably denied that application, an appeal to the Board of County Commissioners may be filed within 30 days of HPAB's determination.
 - a. County staff shall schedule the appeal for review at a public hearing before the Board. At least 14 days prior to the hearing, notice of the hearing shall be published in a newspaper of general circulation in Boulder County. At least 7 days prior to the hearing, notice of the hearing shall be mailed to all property owners within 500 feet of the subject parcel containing the landmark. Also at

- least 7 days prior to the hearing, staff shall mail to the applicant a notice of the hearing, and a copy of the staff recommendation to the Board on the appeal, including but not necessarily limited to a summary of the basis for HPAB's denial.
- b. At this hearing the Board shall consider the entire record from HPAB's consideration of hardship relief, the reasons given by HPAB for denial of hardship, and testimony from the applicant and other members of the public.
 - c. After due consideration, the Board shall either uphold the findings of HPAB; and find that the denial of the CA does not impose a hardship on the property owner, or reverse the findings of HPAB. In the case of the latter, hardship relief shall be given, and the CA shall be issued.