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RESOLUTION 2026-011

A resolution approving Boulder County Community Planning & Permitting Docket DC-25-0003: Text Amendments to the Land Use Code Related to Minor Corrections, Clarifying Changes, and Updates to Comply with State Law

Recitals

A. The Board of County Commissioners of Boulder County (the "Board") is authorized to amend the text of the County's Zoning Regulations according to the procedures in Article 16 of the Boulder County Land Use Code and C.R.S. § 30-28-112, -116 and -133.

B. Under other statutory authority, the Board is empowered to adopt regulations related to the control of land use, including but not limited to Article 65.1 of Title 24 (Areas and Activities of State Interest); Articles 67 and 68 of Title 24 (Planned Unit Developments and Vested Rights); Article 20 of Title 29 (Local Land Use Enabling Act); Articles 11 and 15 of Title 30 (County Powers and Police Power); Article 1 of Title 32 (Special District Control); and Article 2 of Title 43 (County Highways), C.R.S.

C. By Resolution 94-185, adopted October 18, 1994, the Board approved a unified Boulder County Land Use Code (the "Code"), which the Board has amended on subsequent occasions.

D. In the present docket, DC-25-0003 (the "Docket"), authorized by the Board at a public meeting on January 15, 2026, Boulder County Community Planning & Permitting staff proposed text amendments to the Code (the "Proposed Amendments") related to minor corrections, clarifying changes, and updates to comply with state law, as set forth in the Boulder County Community Planning & Permitting Department's memorandum and recommendation dated January 15, 2026, with its attachments (the "Staff Recommendation").

E. The Proposed Amendments address grammatical and clerical mistakes, update formatting, correct outdated references or terminology, and clarify existing provisions in the Code based on past application and policy interpretations.

F. As outlined in **Exhibit A**, the Proposed Amendments include updates to numerous Articles of the Code.

G. The Boulder County Planning Commission (the "Planning Commission") held a duly noticed public hearing on the Proposed Amendments on December 17, 2025. After deliberation the Planning Commission voted 8-0 to approve the docket and recommended to the BOCC approval of the docket. Planning Commission also recommended that staff consider any useful amendments to Article 16 which might allow the Director or staff to make minor clerical changes to the Code without requiring a text amendment.

H. On January 15, 2026, the Board held a duly noticed public hearing on the Docket (the "Public Hearing") and considered the Staff Recommendation, documents, and testimony presented by County Community Planning & Permitting Department staff. One member of the

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public spoke at the Public Hearing.

I. Based on the Public Hearing, the Board finds that the Proposed Amendments presented by staff and modified by the Board outlined in **Exhibit A** meet the criteria for text amendments of the Code, in that the existing text is in need of amendment; the Proposed Amendments are not contrary to the intent and purpose of the Code; and the Proposed Amendments are in accordance with the Boulder County Comprehensive Plan.

Therefore, the Board resolves:

1. The Proposed Amendments in **Exhibit A** are approved, effective as of January 15, 2026.

2. Under § 30-28-125, C.R.S., the Board authorizes the Clerk to the Board to transmit this Resolution, with its **Exhibit A**, to the County Clerk and Recorder for filing and appropriate indexing.

A motion to approve the Docket was made by Commissioner Marta Loachamin, seconded by Commissioner Claire Levy, and passed by a 2-0 vote. Commissioners Loachamin and Levy voted in favor. Commissioner Ashley Stolzmann was excused.

[Signature Page to Follow]

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ADOPTED as a final decision of the Board on this 24th day of March 2026.

The signatures below indicate approval of the text of the Resolution but are not necessarily reflective of the votes taken at the Public Hearing.

BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY:

Claire Levy

Claire Levy, Chair

Ashley Stolzmann

Ashley Stolzmann, Vice Chair

Marta Loachamin

Marta Loachamin, Commissioner

ATTEST:

Matthew Ramos

Clerk to the Board

EXHIBIT A

Boulder County Land Use Code

Article 1 – Title, Authority, ~~&~~and Interpretation

1-100 Short Title

These regulations, together with all future amendments, shall be known as the Boulder County Land Use Code, may be cited as such, and ~~will~~ be ~~also~~ referred to herein as the 'Code'.

1-200 Authority

A. The Boulder County Land Use Code is hereby adopted pursuant to the authority conferred within the following sections of the Colorado Revised Statutes, as amended:
   1. Article 32 of Title 22 (Zoning, Planning, and Building Code Duties of School District Boards);
   2. Article 65.1 of Title 24 (Areas and Activities of State Interest);
   3. Article 67 of Title 24 (Planned Unit Development Act of 1972);
   4. Article 68 of Title 24 (Vested Property Rights);
   5. Article 6 of Title 28 (Division of Aviation);
   6. Article 20 of Title 29 (Local Government Land Use Control Enabling Act);
   7. Article 11 of Title 30 (County Powers and Functions);
   8. Article 15 of Title 30 (County Regulations under Police Power);
   9. Article 28 of Title 30 (County Planning and Building Codes);
   10. Article 1 of Title 32 (Special District Act/Provisions);
   11. Article 1 of Title 34 (Preservation of Commercial Mineral Deposits)
   12. Article 30.5 of Title 38 (Conservation Easements);
   13. Article 2 of Title 43 (State, County, and Municipal Highways); and
   14. Article 4 of Title 41 (Airports).

1-300 Purpose and Relationship to the Boulder County Comprehensive Plan

A. This Code is enacted to protect and promote the health, safety, and general welfare of the present and future inhabitants of Boulder County and to guide future growth, development, and distribution of land uses within Boulder County. Enactment, amendment, and administration of this Code shall be governed by the statutory authority granted to Colorado counties to govern the use and development of land, consistent with the applicable constitutional principles. Enactment, amendment, and administration of this Code shall be in accordance with and shall serve to implement the goals and policies of the Boulder County Comprehensive Plan, and the authority set forth in the applicable provisions of the Colorado Revised Statutes as well as the provisions of any jointly adopted intergovernmental agreement or master plan governing the use and development of land of mutual concern to Boulder County and another governmental entity.
   A. The purposes of the County Planning Act shall be considered to be, without limitation, and in accordance with ~~Section~~ 1-300.A of this Code: promotion of the

health, safety, morals, convenience, order, prosperity or welfare of the present and future inhabitants of the ~~County~~county through such means as lessening traffic congestion; reducing the waste caused by excessive ~~road~~Road construction; promoting energy conservation; securing safety from fire, floodwaters, and other dangers; providing adequate light and air; classifying land uses; distributing and regulating land development and its impacts; regulating ~~structure~~Structures and ~~parcel~~Parcels or lots; protecting the tax base; securing economy in governmental expenditures; fostering agricultural and other industries (which, in accordance with the Comprehensive Plan, are primarily rural in nature); protecting urban and nonurban development (and, in accordance with the Comprehensive Plan, ensuring that unincorporated lands outside of ~~community service area~~Community Service Areas remain rural in nature); ensuring for the orderly ~~subdivision~~Subdivision of land; and providing for coordinated master planning addressing population density, housing, transportation, public places and facilities, adequate and suitable water supplies, adequate facilities and services for development, alternative energy sources, open and rural land preservation, protection of historical/cultural and archaeological resources, hazard prevention, wildlife habitat and threatened and endangered species protection, commercial mineral deposit ~~extraction~~Extraction, recreation and tourism, and environmental protection. See, primarily, C.R.S. Sections 30-28-106; 30-28-111; 30-28-115; 30-28-133; 30-28-136; and 29-20-104.

1-400 Jurisdiction and Authority

This Code shall apply to all land within the unincorporated areas of Boulder County.

1-500 Effective Date

This Code, including any future amendments, shall take effect immediately upon adoption by the Board of County Commissioners, unless otherwise set forth in the Board's motion of approval.

1-600 Saving Provision

The enactment or amendment of this Code shall not be construed in any of the following ways, except as expressly stated:

abating any action either approved or pending under prior provisions;

A. as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue;
B. as affecting the liability of any person;
C. as waiving any right of the ~~County~~county under any provision existing prior to the adoption of this Code; or
D. as vacating or annulling any rights obtained by any person by lawful action of the ~~County~~county.

1-700 Amendments

The provision of this Code may be amended as defined in Article 3 of this Code.

1-800 Separability

If any provision of this Code is ruled to be invalid by any court of competent jurisdiction, the effect of such judgment shall be confined to that specific provision held to be invalid as expressly stated in such judgment, and shall not affect, impair, or nullify the validity or application of the remainder of this Code.

1-900 Interpretation

A. The following principles shall be used in interpreting this Code.
    1. The provisions of this Code shall be regarded as the minimum requirements for the protection of the public health, safety, and general welfare. This Code shall therefore be regarded as remedial and shall be liberally construed to further its underlying purposes.
    2. This Code is not intended to interfere or conflict with, abrogate, or annul any other regulation, statute, or provision of law.
    3. Whenever a provision of this Code and a provision of any other law, ordinance, resolution, rule, or regulation of any kind, including another provision of this Code, containing any restrictions covering the same subject matter, the more restrictive shall govern.
    4. It is presumed that the requirements of this Code apply to future actions unless otherwise stated.
    5. The titles and subtitles of all articles and sections are operative provisions of this Code. The text shall control in any case of difference in meaning or implication.

1-1000 Rules of Construction of Language

A. The following rules of construction of language shall be used in interpreting this Code.
    1. Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.
    2. The particular controls the general.
    3. The word ‘shall’ is always mandatory and not directory. The words ‘may’ and ‘should’ are permissive.
    4. Words used in the present tense include the future, unless the context clearly indicates the contrary.
    5. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
    6. Every word importing the masculine gender is extended and applied to females and things as well as males; every word importing the feminine gender is extended and applied to males and things as well as females; and every word importing the neuter gender is extended and applied to natural persons as well as things.
    7. If there is a conflict between figures and words in expressing a number, the words govern.

8. A '~~building~~Building' or '~~structure~~Structure' includes any part thereof. A '~~building~~Building or other ~~structure~~Structure' includes all other ~~structure~~Structures of every kind, regardless of similarity to ~~building~~Buildings.
9. The phrase 'used for' includes 'arranged for,' 'designed for,' 'intended for,' 'maintained for,' and 'occupied for.'
10. The words 'existing,' 'existed,' 'exists,' and 'occupied' shall imply the modifier 'lawfully.'
11. Unless otherwise stated, the term 'mailed' shall always mean transmitted via first-class postage.

1-1100 Computation of Time

A. The term days shall always refer to calendar days.
B. In computing a period of days, the first day is excluded and the last day is included unless the last day of any period is a Saturday, Sunday, or legal holiday, in which case the last day shall be the next working day.
C. The number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun. If there are not that many days in the concluding month the period ends on the last day of that month.

1-1200 Printing

If the language of the official copy of this Code conflicts with the language of any subsequent printing or reprinting of this Code, the language of the official copy prevails.

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~~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~~Road, street, or alley ~~right-of-way~~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~~Right-Of-Way.

c. Where a zoning district boundary line is shown as closely (and approximately) following ~~subdivided lot~~Subdivided Lot ~~line~~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.

~~e.~~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.

1-1400 Other Plans, Rules, and Regulations Cited in this Code

A. In addition to the requirements specifically established within this Code, the following plans, rules, and regulations may contain additional requirements:

1. all applicable statutory provisions;
2. the Boulder County Building Code (the 'Building Code');
3. the Boulder County Multimodal Transportation Standards (the 'Transportation Standards');
4. the Boulder County Comprehensive Plan (the 'Comprehensive Plan') adopted pursuant to Article 28 of Title 30, C.R.S., and comprehensive development plan intergovernmental agreements affecting land use in the unincorporated ~~County~~county as they may be entered into pursuant to Article 20 of Title 29, C.R.S.;
5. the Boulder County Storm Drainage Criteria Manual (the 'Drainage Manual');
6. any applicable rules of Boulder County Public Health, Board of Health and/or appropriate state agencies;
7. the rules of the State Highway Department for ~~parcel~~Parcels, lots or ~~outlot~~Outlots abutting a state highway or connecting street or ~~road~~Road;
8. the Transportation Standards adopted by the County Engineer, other administrative officers of the ~~County~~county, and any agency providing community services and facilities to the land to be developed;
9. all other regulations of Boulder County;
10. specific fire code regulations in areas where such regulations have been jointly adopted by a Fire Protection District and the Board of County Commissioners; and
11. the National Fire Protection Association, National Fire Code, 1980 Edition, Standard 1231 'Standard On Water Supplies For Suburban And Rural Fire Fighting,' unless otherwise provided for in this Code.

Article 2 – Administrative ~~&~~and Decision-~~-~~Making Bodies

2-100 Relationship to State Statutes and Adopted By-laws

The purpose of this Article is to provide an illustrative summary of the functions, responsibilities, and authority of various elected, appointed, and administrative officials and boards. In cases where regulations contained in this Article 2 conflict with regulations approved as part of a state statute, the state statute shall govern. In cases where regulations contained in this Article 2 conflict with the body's bylaws these regulations shall govern.

2-200 Boulder County Board of County Commissioners

A. Short Title
   1. The Boulder County Board of County Commissioners may also be referred to as the 'Board' or the 'Commissioners.'
B. Selection and Term
   1. Each of the three members of the Board is elected by the registered voters of Boulder County in a general election. Although nominated from different districts, the Commissioners are selected through a county-wide vote.
   2. The term of each Commissioner is four years.
C. Duties and Responsibilities
   1. Under state statute, the Board has the authority to adopt and amend zoning and Subdivision Regulations, specifically including, but not limited to, regulations regarding planned unit developments and areas and activities of statewide interest; enact ordinances compelling the removal of weeds and rubbish; adopt a building code; review service plans for proposed special districts; make decisions regarding ownership and maintenance of roads, as well as access to ~~County~~county roads based on the Transportation Standards; and enter into intergovernmental agreements to plan for and control land uses and development.
   2. The Board holds regularly scheduled meetings to take official action on these issues and any other matter which requires official Board action. Two members of the Board shall constitute a quorum necessary for official action.

2-300 Community Planning ~~&~~and Permitting Director

A. Short Title
   1. The Community Planning ~~&~~and Permitting Director may also be referred to as the 'Director.'
B. Duties and Responsibilities
   1. The Director is responsible for the administration of the Community Planning ~~&~~and Permitting Department, including, but not limited to, the processing of applications for comprehensive plan amendments, amendments to the land use regulations, and zoning and Subdivision Regulations approvals. The Director is authorized to enforce the ~~County~~county's zoning regulations under all applicable provisions of the County Planning Act such as C.R.S. §30-28- 114, §30-28-124, and §30-28-124.5, to administer and enforce all provisions of the Land Use Code as provided therein, and

to oversee the Boulder County Building Official in the administration of the Boulder County Building Code. In order to carry out these responsibilities, the Director also fulfills the roles of the Zoning Administrator and the Secretary to the Planning Commission and Board of Adjustment.

2-400 Boulder County Engineer

A. Short Title
   1. The Boulder County Engineer may also be referred to as the 'County Engineer.'
B. Duties and Responsibilities
   1. The County Engineer~~,~~ is appointed by the Director of the Boulder County Public Works Department~~,~~ and is responsible for the administration and/or enforcement of all ~~floodplain~~Floodplain and ~~road~~Road access regulations, requirements, and provisions of this Code including, but not limited to, the Transportation Standards, ~~floodplain development permit~~Floodplain Development Permits, letters of credit and performance guarantees, access, and ~~right-of-way~~Right-Of-Way permits.

2-500 Boulder County Building Official

A. Short Title
   1. The Boulder County Building Official may also be referred to as the 'Building Official.
B. Duties and Responsibilities
   1. The Building Official is responsible for the administration of the Boulder County Building Code, including, but not limited to, the issuance of building permits and conducting the necessary building inspections, the determination of hazardous or life threatening situations, and the withholding of building permits for the enforcement of zoning violations.

2-600 Boulder County Planning Commission

A. Short Title
   1. The Boulder County Planning Commission may also be referred to as the 'Planning Commission.'
B. Selection, Membership, and Term
   1. The Board of County Commissioners appoints nine Planning Commission members.
   2. All members must be residents of the ~~County~~county.
   3. The term of members is three years.
C. Duties and Responsibilities
   1. The Planning Commission holds regularly scheduled meetings to take official action on rezoning requests, requests for approvals under the Subdivision Regulations, and special use applications, and to address any other related matters which require official Planning Commission action. The Planning Commission is responsible for the adoption of the Boulder County Comprehensive Plan and any amendments to that Plan.
   2. Five members of the Planning Commission shall constitute a quorum necessary for official action.

3. The procedures followed by the Planning Commission are contained in Article 28 of Title 30, C.R.S., as amended, and in the official bylaws adopted by the Planning Commission.

2-700 Reserved

2-800 Boulder County Board of Adjustment

A. Short Title
   1. The Boulder County Board of Adjustment may also be referred to as the 'Board of Adjustment.'
B. Membership, Selection, and Term
   1. The Board of County Commissioners appoints five regular Board of Adjustment members. Members of the Planning Commission may take the place of a regular Board of Adjustment member in the event of a temporary absence or vacancy; however, not more than two members of the Board of Adjustment may concurrently be members of the Planning Commission.
   2. All members must be residents of the ~~County~~county.
   3. The term of regular members is three years.
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, maximum gross density, or ~~structure~~Structure size maximum of any zoning district~~;~~.
      c. from any definition;
      d. from the height or ~~yard~~Yard requirements which may be obtained, or have been denied, through the approval of a special use;
      e. which authorizes a ~~substantial modification~~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~~Base Flood to occur~~;~~.
      g. from any provision of Article 12; or
      ~~g.~~h. a decrease in the spacing requirements for Marijuana Establishments under the additional provisions of Article 4-512.I. of this Code.
   3. In order for the Board of Adjustment to grant a variance, or to decide an appeal which overturns an official decision made in enforcing this Code, at least four members of the Board of Adjustment must vote in favor of the ~~applicant~~Applicant or appellant.

2-900 Referral Agencies and Individuals

A. Purpose
   1. Any application to the Community Planning ~~&~~and Permitting Department is referred to the agencies responsible for the provision of services to or affected by the proposed development, and to individuals affected by the proposed development. The purpose of this referral is to define any conflict which the agencies or individuals may have with the proposal, and to allow for the resolution, to the extent possible, of these conflicts through the processing of the application.

B. Responsibilities
   ~~1.~~ It is the responsibility of the agency or individual receiving the referral to define any potential conflict with the proposal, or to provide other appropriate response to the application, and to return the referral response to the Boulder County Community Planning ~~&~~and Permitting Department within the specified time period. Any referral responses which are not received in a timely manner may not be included in the processing of the application.
   1. The lack of response to a referral shall be interpreted as no conflict with the proposal.

Article 3 – Processes

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 the administration or enforcement of Article 4 or any related provision of this code including, but not limited to, a decision to deny a ~~building~~Building permit or other required permit, may appeal that interpretation or decision to the relevant decision-making body identified by this Code. ~~the Board of Adjustment. See Section 4-1201.~~
   2. Areas and Activities of State Interest: Areas and activities designated by the county have to go through a review process which looks at physical impacts as well as compatibility with the Boulder County Comprehensive Plan. See ~~Section~~ 8-200.
   3. Correction Plats: A correction to a ~~plat~~Plat where the purpose of the correction is to rectify any technical error on the ~~plat~~Plat. Any corrections made must be consistent with the approved ~~plat~~Plat. See ~~Section~~ 5-401.
   4. Exemption Plats: The Director may approve changes to existing Plats which are exempt from review under the Subdivision Regulations as may be allowed pursuant to Article 9 of this Code, and pursuant to other provisions of this Code authorizing an Exemption Plat for specific circumstances (such as ~~Article~~ 4-300).
   5. Historic Designation: The Board, after review by the Historic Preservation Advisory Board, may designate ~~structure~~Structures, sites or areas as local historic landmarks. See Article 15.
   6. Land Use Code Text Amendments: Additions, deletions, or changes to the text of this Code. See Article 16.

7. Limited Impact Special Review: A Board of County Commissioners shortened review of uses outlined in Article 4 as being allowed by limited impact special review to determine the compatibility of the use with the site and surrounding land and uses and the adequacy of required services. See ~~Section~~ 4-600.
8. Location and Extent: A review of proposed public or quasi-public facilities to ensure that the location and extent of the facilities are in conformance with the Boulder County Comprehensive Plan. See Article 8.
9. Planned Unit Developments: Planned unit developments (PUDs), including nonurban, noncontiguous nonurban, and transfer of development right planned unit developments, are a type of ~~subdivided land~~Subdivided Land. PUDs may be permitted subject to the conditions set forth in a ~~development agreement~~Development Agreement which has been approved in accordance with the applicable requirements of this Code. See Article 6.
10. Replat: A ~~replat~~Replat is an amendment to a ~~plat~~Plat and may require the amendment of the ~~sketch plan~~Sketch Plan, ~~preliminary plan~~Preliminary Plan, and/or ~~final plat~~Final Plat. See ~~Section~~ 5-402. (Replats which are processed as ~~exemption plat~~Exemption Plats fall under the requirements for ~~exemption plat~~Exemption Plats as set forth in this Code.) ~~Final plat~~Final Plat ~~replat~~Replats approved under the Subdivision Regulations (Article 5) constitute site-specific development plans establishing ~~vested property right~~Vested Property Rights pursuant to Part 1 of Article 68 of Title 24, C.R.S., as amended (see ~~section~~ 3-207).
11. Rezoning: A request to amend the official zoning district map to change the zoning on a particular ~~parcel~~Parcel or ~~parcel~~Parcels. See ~~Section~~ 4-1100 and ~~Section~~ 4-118 in the case of Neighborhood Conservation Overlay Districts.
12. Road Name Changes: A ~~road~~Road name which causes confusion may be changed in conformance with the 'Boulder County Roadway Naming and Housing Numbering Guide.' See Transportation Standards.
13. Site Plan Review Appeal: An appeal of the administrative review of an application for a ~~building~~Building, ~~floodplain development~~Floodplain Development, access, and/or ~~grading~~Grading permit. See ~~Section~~ 4-800.
14. Special Review: Required review of those uses defined in Article 4 of this Code as being allowed through special review. The purpose of the review is to determine the compatibility of the use with the site and surrounding land and uses and the adequacy of services. See ~~Section~~ 4-600. Approved uses by special review constitute site-specific development plans establishing ~~vested property right~~Vested Property Rights pursuant to Part 1 of Article 68 of Title 24, C.R.S., as amended (see ~~section~~ 3-207).
15. Subdivisions to Plat Unsubdivided Land: Review of a ~~subdivision~~Subdivision resulting in the creation of ~~subdivided land~~Subdivided Land under the Subdivision Regulations. The process to ~~plat~~Plat ~~unsubdivided land~~Unsubdivided Land to create ~~subdivided land~~Subdivided Land includes three steps: ~~sketch plan~~Sketch Plan, ~~preliminary plan~~Preliminary Plan, and ~~final plat~~Final Plat. In some cases, a combined process may allow for the concurrent review of these steps. See Article 5.

a. Sketch Plan: The ~~sketch plan~~Sketch Plan is the first step of the three-~~-~~step process to create ~~subdivided land~~Subdivided Land. The ~~sketch plan~~Sketch Plan is intended to review the feasibility and design characteristics of the proposal based on the standards and criteria set forth in Article 5. See ~~Section~~ 5-100.
b. Preliminary Plan: The ~~preliminary plan~~Preliminary Plan is the second step of the process to create ~~subdivided land~~Subdivided Land. The ~~preliminary plan~~Preliminary Plan process will review and evaluate the proposal prior to detailed engineering and design. See ~~Section~~ 5-200.
c. Final Plat: The ~~final plat~~Final Plat is the last step in the process to create ~~subdivided land~~Subdivided Land. The ~~final plat~~Final Plat process will review the final engineering plans, the ~~development agreement~~Development Agreement, letters of credit, ~~conservation easement~~Conservation Easements, ~~deed~~Deeds of development rights, ~~home owners~~homeowners covenants, the ~~plat~~Plat, and any other necessary documents, reports and studies. See ~~Section~~ 5-300. Approved ~~final plat~~Final Plats pursuant to the Subdivision Regulations constitute site-specific development plans establishing ~~vested property right~~Vested Property Rights pursuant to Part 1 of Article 68 of Title 24, C.R.S., as amended (see ~~section~~ 3-207).

16. Subdivision Exemptions: An approval by the Director, per the requirements of Article 9 to take certain Unsubdivided Land or divisions of Unsubdivided Land out of the definition of "Subdivision," with the result that such land or divisions of land do not have to meet the requirements of the Subdivision Regulations. See Article 9.
17. Vacation of a Public Road or Easement: A request by a property owner for the vacation of ~~road~~Road, ~~right-of-way~~Right-Of-Way, or utility ~~easement~~Easements. See Article 10.
18. Variances: The Board of Adjustment may approve a variance from the terms of this Code as set forth in ~~Section~~ 4-1200.

B. Development Related Permits
1. Dependent on the specific nature of the activity, one or more of these permits will be required prior to undertaking development in the unincorporated areas of Boulder County.
a. Access Permit: Required for access onto public roads. Contact the Boulder County Public Works Department for more information.
b. Building Permit: Prior to construction of or alteration to a ~~structure~~Structure, a ~~building~~Building permit is required. Applications for this permit are available from the Boulder County Community Planning ~~&~~and Permitting Department, Building Safety ~~&~~and Inspection Services Division.
c. Deconstruction Permit: Prior to the deconstruction of any ~~building~~Building, a deconstruction permit is required. Applications for this permit are available from the Boulder County Community Planning ~~&~~and Permitting Department, Building Safety ~~&~~and Inspection Services Division.
d. Special Review for Oil and Gas Facilities: Administrative review of oil and gas drilling and production facilities. Applications for this review are available from the Community Planning ~~&~~and Permitting Department. See Article 12.

e. Floodplain Development Permit: As required in Article 4 of this Code for development within the Floodplain Overlay District. Applications for this permit are available from the ~~Engineering Division of the Boulder County Public Works Department.~~Community Planning and Permitting Department. See 4-400.
f. Grading Permit: A ~~grading~~Grading permit is necessary for movement of greater than 50 cubic yards of material. A planning approval is required for the movement of more than 50 cubic yards of material, with some exceptions, as provided in ~~Section~~ 4-516 of this Code. Applications for this permit are available from the Boulder County Community Planning ~~&~~and Permitting Department, Building Safety ~~&~~and Inspection Services Division.
g. Historic Review: A review of ~~building~~Building permit applications for demolition, remodeling, or addition to a ~~structure~~Structure greater than 50 years in age. See Article 15.
h. Site Plan Review: Administrative review for development.
i. ~~Stormwater~~Stormwater Quality Permit: As required under ~~Article~~ 7-904 and administered by the County Engineer to control construction and post-construction ~~stormwater~~Stormwater discharges and to protect water quality.
j. Small Cell Wireless Facility Supplemental Site Application: Administrative review for the siting of Small Cell Wireless Facilities.

2. Application forms and processing information are available from the appropriate Boulder County offices.

C. The Board of County Commissioners may grant extensions of deadlines of no more than one year for ~~sketch plan~~Sketch Plans, ~~preliminary plan~~Preliminary Plans, and ~~final plat~~Final Plats (with annual extensions totaling up to three years being allowed for recordation of the ~~final plat~~Final Plat in the case of TDR/PUDS: see ~~Section~~ 5-500) provided there has been no change in this Code, the ~~County~~ Comprehensive Plan, or the surrounding ~~neighborhood~~Neighborhood which would substantially affect the approval.

D. Special Authorization of the Building Official or Zoning Administrator

1. Approvals for certain temporary uses require special authorization of the Building Official or Zoning Administrator. The Building Official or Zoning Administrator will require information, as appropriate, concerning traffic, parking, sanitary facilities, water availability, hours of operation, and other information necessary to determine the impacts of the proposed use. The uses requiring special authorization are defined in ~~Section~~ 4-500 and listed in the Zoning District regulations ~~Section~~ (4-100).
2. Application forms and processing information for special authorization are available from the Boulder County Community Planning ~~&~~and Permitting Department, Building Safety ~~&~~and Inspection Services Division. Property owners should apply for special authorization at least 30 days in advance of the desired approval in order to allow for adequate processing time. If the owner applies for authorization less than 30 days in advance, Land Use may not be able to review and approve the application.

3-200 General Process Outline

A. The following is a general outline of the steps required for the approval of actions outlined in ~~Section~~ 3-100. Specific information regarding each of the above referenced steps follows this section. The requirements of this Article 3 may be supplemented or altered by the procedural requirements governing specific applications in other parts of this Code, including but not necessarily limited to ~~Article~~ 4-800 governing site plan review, ~~Article~~ 8-200 governing permits for areas and activities of state interest, Article 9 governing ~~exemption plat~~Exemption Plats and ~~subdivision exemption~~Subdivision Exemptions, and Article 15 governing historic preservation review.
   1. Pre-application conference.
   2. Application.
   3. Referral to owners and interest holders in the subject property, ~~adjacent~~Adjacent and/or nearby property owners and affected agencies.
   4. Staff review.
   5. Public review before the Board of Adjustment, Planning Commission, and/or Board of County Commissioners.
   6. Post-approval requirements.

B. In submitting any application under this Code, the Applicant shall be deemed to agree to and be bound by the applicable processing provisions and time frames of this Article 3.

3-201 Pre-Application Conference

A. Unless expressly provided otherwise in this Code, a pre-application conference is required of all ~~applicant~~Applicants.
   1. The pre-application conference shall be held between the ~~applicant~~Applicant and a planner with the Community Planning ~~&~~and 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 ~~at the~~ on site.
      d. The Director may require the ~~applicant~~Applicant to ~~shall~~ bring a conceptual site plan to the pre-application conference.
   2. If the planner feels that the proposal raises any of the following issues, the ~~applicant~~Applicant shall also meet with members of the appropriate department to discuss the development proposal.
      a. For ~~floodplain~~Floodplain, ~~road~~Road, access, traffic concerns, parking design and engineering, and all vehicular movement patterns and volumes the ~~applicant~~Applicant will meet with a member of the staff of the Floodplain Management Team or Access and Engineering Team from the Community

Planning and Permitting Department.~~Development Review Section of the Boulder County Public Works Department.~~

b. For water supply, sanitation, or water quality concerns, the ~~applicant~~Applicant will meet with members of the Environmental Health Section of Boulder County Public Health. Boulder County Public Health Staff will also review the location of the property in relation to the identified radiation hazard sites as shown on Boulder County Public Health maps.

c. For open space or Environmental Resources concerns, the ~~applicant~~Applicant will meet with a member of the staff of the Parks ~~&~~and Open Space Department to discuss any potential effects of the application on open space and Environmental Resources in the county.

B. Any comments or commitments made by any member of the ~~County~~county ~~S~~staff during this pre-application conference are only preliminary in nature and should not be relied upon by the ~~applicant~~Applicant. All prospective ~~applicant~~Applicants should be informed that formal comments cannot be made by staff until after the application is submitted and ~~adjacent~~Adjacent and/ or nearby property owners and referral agencies have had an opportunity to respond.

C. Pre-application conferences may be held individually with each department, or a joint conference for all, or some, of the departments may be scheduled.

D. County staff will make available to the ~~applicant~~Applicant any public information regarding the development proposal which is in the ~~County~~county's possession.

[3-202 Application Submittal Requirements Table]

3-202 Application Submittal Requirements

A. The following list details the submittal requirements for the various ~~County~~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 ~~of~~ the ~~interpretation being~~ appeal~~ed.~~
   b. Application Form, Project Description and Fee
   ~~b.~~c. Additional information for specific appeals, as required by this Code.
2. Areas and Activities of State Interest
   a. Application Form, Project Description and Fee: see ~~Article~~ 8-507 for complete submittal requirements
   b. Vicinity Map
   c. Site Plan
   d. Service Area Description
   e. Referral Packets
   f. If the application anticipates new surface development, certification of compliance with Article 65.5 of Title 24, C.R.S. (see ~~Section~~ 3-203.A.1.d.i~~.~~),

except that such certification shall not be required for applications for electric lines, natural gas pipelines, chilled and other water pipelines, or ~~appurtenances~~Appurtenances to said lines or pipelines.

3. Correction Plat
   a. Application Form, Project Description and Fee
   b. Revised Plat Map
4. Exemption Plats
   a. Application Form~~s~~, Project Description and Fee
   b. Vicinity Map
   c. Exemption Map
   d. Referral Packets
   e. If the application anticipates new surface development, certification of compliance with Article 65.5 of Title 24, C.R.S. (see ~~Section~~ 3-203.A.1.d.i~~.~~), except that such certification shall not be required for the ~~plat~~Platting or ~~replat~~Replatting of an additional single lot.
   f. Required Title Information
5. Historic Designation: see ~~Article~~ 15-500 for complete submittal procedures
   a. Nomination application form
   b. Vicinity Map
   c. Site Plan
   d. Description of the ~~structure~~Structure, site or area
6. Land Use Code Text Amendments
   a. Application Form, Project Description and Fee
7. Limited Impact Special Review
   a. Application Form, Project Description and Fee
   b. Vicinity Map
   c. Site Plan
   d. Development Report
   e. Referral Packets
   f. If the application anticipates new surface development, certification of compliance with Article 65.5 of Title 24, C.R.S. (see ~~Section~~ 3-203.A.1.d.i~~.~~).
   g. Required Title Information
   h. Engineering Report
8. Location and Extent
   a. Application Form, Project Description and Fee
   b. Vicinity Map
   c. Site Plan
   d. Service Area Description
   e. Referral Packets
   f. If the application anticipates new surface development, certification of compliance with Article 65.5 of Title 24, C.R.S. (see ~~Section~~ 3-203.A.1.d.i~~.~~)~~-~~, except that such certification shall not be required for applications for electric lines, natural gas pipelines, chilled and other water pipelines, or ~~appurtenances~~Appurtenances to said lines or pipelines.

g. Engineering Report

9. Planned Unit Developments
   a. Application Form, Project Description and Fee
   b. Vicinity Map
   c. Sketch Plan Map
   d. Preliminary Plan Map
   e. Final Plat Map
   f. Development Report
   g. Engineering Report and plans for the following, as applicable
      (i) streets, trails, walkways, and bikeways
      (ii) the mitigation of ~~geologic hazard~~Geologic Hazard
      (iii) ~~sewage~~Sewage collection and water supply distribution system
      (iv) overlot ~~grading~~Grading
      (v) soils report
      (vi) geology report
      (vii) final drainage
      (viii) groundwater drainage
      (ix) structural features (e.g. retaining walls and bridges)
      (x) transportation system impact analysis
   h. Landscape Plan
   i. Referral Packets
   j. Site Plan, if necessary
   k. Certification of compliance with Article 65.5 of Title 24, C.R.S. (see ~~Section~~ 3-203.A.1.d.i.~~)~~, except that such certification shall not be required for the ~~plat~~Platting or ~~replat~~Replatting of an additional single ~~subdivided lot~~Subdivided Lot, or for subsequent applications for the same new surface development for which the ~~applicant~~Applicant has already complied with the Article 65.5 of Title 24, C.R.S.
   l. Required Title Information

10. Replat
    a. Application Form, Project Description and Fee
    b. Vicinity Map
    c. Sketch Plan or Preliminary Plan Map, if necessary
    d. Final Plat Map
    e. Referral Packets
    f. Certification of compliance with Article 65.5 of Title 24, C.R.S. (see ~~Section~~ 3-203.A.1.d.i.~~)~~, except that such certification shall not be required for the ~~plat~~Platting or ~~replat~~Replatting of an additional single ~~subdivided lot~~Subdivided Lot, or for subsequent applications for the same new surface development for which the ~~applicant~~Applicant has already complied with the Article 65.5 of Title 24, C.R.S.
    g. Required Title Information

11. Rezoning
    a. Application Form, Project Description and Fee

b. Vicinity Map
c. Development Report
d. Referral Packets
e. In the case of Neighborhood Conservation Overlay Districts, ~~Article~~ 4-118.~~(E)~~ shall apply.
f. Required Title Information

12. Road Name Change
    a. Application Form, Project Description and Fee
    b. A vicinity map showing the ~~road~~Road in question.
    c. A list of the property owners ~~adjacent~~Adjacent to the ~~road~~Road, with addresses, prepared by a licensed title company.
13. Site Plan Review: see ~~Article~~ 4-804 for complete submittal requirements
    a. Application Form, Project Description and Fee
    b. Vicinity Map
    c. Site Plan
14. Site Plan Review Appeal
    a. Application Form, Project Description and Fee
    b. Vicinity Map
    c. Site Plan
15. Small Cell Wireless Facility Supplemental Site Application
    a. No small cell ~~facility~~Facility installation shall be constructed, erected, modified, operated or maintained on ~~County~~county property, including the public ~~right-of-way~~Right-Of-Way, without a Master License Agreement in effect between ~~applicant~~Applicant and the ~~County~~county.
    b. Application Form(s), Project Description and Fee
    c. Vicinity Map
    d. Site Plan with GIS coordinates (X,Y) for the proposed tower
    e. Utility Report and Map
    f. Utility Construction Permit
    g. Engineering Report
    h. Building and Electric Permits
    i. Written c~~C~~onsent from u~~U~~tilities and non-county ROW owners (e.g. CDOT, Xcel)
    j. Written c~~C~~onsent from fiber optics owners if applicable
    k. Master License Agreement
    l. Small Cell Wireless Facility Submittal Checklist
    m. Affidavit d~~D~~emonstrating c~~C~~ompliance with the Small Cell Wireless Design Requirements and Guidelines
    n. Carriers may submit up to 20 poles per supplemental site application; however, ~~subsections~~ (c)-(k) above will be required for each tower location.
16. Special Review
    a. Application Form, Project Description and Fee
    b. Vicinity Map
    c. Site Plan
    d. Development Report

e. Referral Packets
f. Landscape Plans
g. If the application anticipates new surface development, certification of compliance with Article 65.5 of Title 24, C.R.S. (see ~~Section~~ 3-203.A.1.d.i~~.~~), except that such certification shall not be required for applications solely for electric lines, natural gas pipelines, chilled and other water pipelines, or ~~appurtenances~~Appurtenances to said lines or pipelines.
h. Required Title Information

17. Subdivision Request to Plat Unsubdivided Land
    a. Sketch Plan
        (i) Application Form, Project Description and Fee
        (ii) Vicinity Map
        (iii) Sketch Plan Map
        (iv) Development Report
        (v) Referral Packets
        (vi) Certification of compliance with Article 65.5 of Title 24, C.R.S. (see ~~Section~~ 3-203.A.1.d.i~~.~~)~~,~~ except that such certification shall not be required for the ~~plat~~Platting or ~~replat~~Replatting of an additional single ~~subdivided lot~~Subdivided Lot, or for subsequent applications for the same new surface development for which the ~~applicant~~Applicant has already complied with the Article 65.5 of Title 24, C.R.S.
        (vii) Required Title Information
    b. Preliminary Plan
        (i) Application Form, Project Description and Fee
        (ii) Vicinity Map
        (iii) Preliminary Plan Map
        (iv) Development Report
        (v) Referral Packets
        (vi) Certification of compliance with Article 65.5 of Title 24, C.R.S. (see ~~Section~~ 3-203.A.1.d.i~~.~~) except that such certification shall not be required for the ~~plat~~Platting or ~~replat~~Replatting of an additional single ~~subdivided lot~~Subdivided Lot, or for subsequent applications for the same new surface development for which the ~~applicant~~Applicant has already complied with the Article 65.5 of Title 24, C.R.S.
        (vii) Required Title Information
    c. Final Plat
        (i) Application Form, Project Description and Fee
        (ii) Vicinity Map
        (iii) Final Plat Map
        (iv) Engineering Report and Plans for the following, as applicable:
            (A) streets, trails, walkways, and bikeways
            (B) the mitigation of ~~geologic hazard~~Geologic Hazards
            (C) ~~sewage~~Sewage collection and water supply distribution systems
            (D) overlot ~~grading~~Grading

(E) final drainage
(F) soils report
(G) geology report
(H) groundwater drainage
(I) structural features (e.g. retaining walls and bridges)
(J) transportation system impact analysis

(v) Landscape Plans
(vi) Development Report
(vii) Referral Packets
(viii) Certification of compliance with Article 65.5 of Title 24, C.R.S. (see ~~Section~~ 3-203.A.1.d.i~~.~~), except that such certification shall not be required for the ~~plat~~Platting or ~~replat~~Replatting of an additional single ~~subdivided lot~~Subdivided Lot, or for subsequent applications for the same new surface development for which the ~~applicant~~Applicant has already complied with the Article 65.5 of Title 24, C.R.S.
(ix) Required Title Information

18. Subdivision Exemptions
    a. Application Form, Project Description and Fee
    b. Vicinity Map
    c. Exemption Map
    d. Development Report
    e. Referral Packets
    f. If the application anticipates new surface development, certification of compliance with Article 65.5 of Title 24, C.R.S. (see ~~Section~~ 3-203.A.1.d.i~~.~~), except that such certification shall not be required for applications for a boundary line adjustment.
    g. Required Title Information
19. Vacation of a Public Road or Easement
    a. Application Form, Project Description and Fee
    b. Vicinity Map
    c. Site Plan
    d. Required Title Information
20. Variances
    a. Application Form, Project Description and Fee
    b. Site Plan
    c. Description of hardship
    d. A complete ~~building~~Building permit form and fee
    e. If the application anticipates new surface development, certification of compliance with Article 65.5 of Title 24, C.R.S. (see ~~Section~~ 3-203.A.1.d.i~~.~~).

3-203 Standards for Submittal Requirements

A. Application

1. Before any request for ~~County~~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~~Conservation Easement has been granted, the application shall include either:
      (i) a signature from the ~~conservation easement~~Conservation Easement holder consenting to the proposal being processed under the Code~~;~~ or
      (ii) a written statement from the ~~easement~~Easement holder(s) indicating that, in the opinion of the ~~easement~~Easement holder(s), the proposal, if approved and commenced or constructed, would not conflict with the terms of the ~~easement~~Easement.
   b. Verification that the site is a legal ~~building lot~~Building Lot under this code and that legal access from a public ~~road~~Road has been obtained.
   c. A written description of the proposal. The project description is the first opportunity for an ~~applicant~~Applicant to present the project to Community Planning ~~&~~and Permitting staff, referral agencies, ~~adjacent property owner~~Adjacent Property Owners, and decision makers, so the ~~applicant~~Applicant should be as thorough as possible when describing the proposal. This narrative should also discuss how the proposal meets each of the applicable review criteria.
   d. With respect to the ~~applicant~~Applicant's compliance with Article 65.5 of Title 24, C.R.S., an application which is subject to the requirements of this statute, as provided in ~~Section~~ 3-202.A~~.~~, above, shall be considered complete on the following basis:
      (i) For purposes of commencing processing of the application, the application shall not be considered to have been submitted as complete until the ~~applicant~~Applicant has submitted a certification signed by the ~~applicant~~Applicant confirming that the ~~applicant~~Applicant or its agent has examined the records of the Boulder County Clerk and Recorder for the existence of any mineral estate owners or lessees that own less than full fee title in the property which is the subject of the application, and stating whether or not any such mineral estate owners or lessees exist.
      (ii) For purposes of the ~~County~~county convening its initial public hearing on any application involving property for which mineral estate owners or lessees owning less than full fee title in the property have been certified by the ~~applicant~~Applicant to exist, the application shall not be considered to have been submitted as complete until the ~~applicant~~Applicant has provided an additional signed certification confirming that the ~~applicant~~Applicant has, at

least 30 days prior to the initial public hearing, transmitted to the ~~County~~county and to the affected mineral estate owners and lessees the notices required by Article 65.5 of Title 24, C.R.S.

e. The form shall be accompanied by all fees, maps, plans, and reports required by this Code.
f. Documentation of a Verified Established Farm Use, if seeking l~~L~~and u~~U~~se review processes available to such properties.

2. If determined to be inappropriate or unnecessary, the Director may waive or alter any of these minimum requirements, except as may be otherwise provided by law.

B. Professional Qualifications
1. A professional consultant may not be necessary for all applications. Only the following will require professional assistance.
   a. Improvement plans and reports for water supply, sanitation, drainage, utilities, soils, ~~grading~~Grading, roads, ~~structure~~Structures, and other civil engineering work must be certified by a registered Colorado Professional Engineer.
   b. All documents containing land survey descriptions must be certified by a registered Colorado Professional Land Surveyor.
   c. Geology reports shall be prepared by either a member of the American Institute of Professional Geologists, a member of the Association of Engineering Geologists, or an individual registered as a geologist by a state.
   d. Wildlife impact reports, where required under ~~Article~~ 7-1700, shall be prepared by an approved wildlife expert retained by the Boulder County Parks ~~&~~and Open Space Department and paid for by the ~~applicant~~Applicant.
2. All data and plans submitted for review must show the qualifications of the individual in charge of the work.

C. Consultants
1. If the ~~County~~county does not have qualified staff to review certain elements of a proposal or referral agencies are not able to adequately advise the ~~County~~county regarding certain elements of a proposal, the Board of County Commissioners may authorize the review be performed by a consultant engaged or approved by the ~~Land Use~~ Director after discussion with the ~~applicant~~Applicant.
2. A referral agency may impose a fee for the review of the development proposal.
3. The costs of either review are the responsibility of the ~~applicant~~Applicant. No hearings will be held if the consultants fee has not been paid.

D. General Requirements for Maps and Plans
1. The following are general requirements for any map or plan required as part of the application for a ~~County~~county approval. Minimum requirements include:
   a. The name of the proposed development or use and total number of acres under consideration.
   b. Since all maps and plans may be used for public presentation, the map scale and size should be large enough for effective presentation and should accurately illustrate the application.

c. Name, address, and telephone number of the ~~applicant~~Applicant, designer, engineer, surveyor, and any other consultants of the ~~applicant~~Applicant. The ~~final plat~~Final Plat may contain only the identification of the surveyor.
d. Date of preparation, revision box, written scale, graphic scale, and north arrow for each map.

E. Specific Maps and Plans
1. Vicinity Map
a. A vicinity map clearly showing and identifying the general location and boundaries of the subject ~~parcel~~Parcel. The vicinity map should include all lands within a three~~-~~-mile radius of the subject ~~parcel~~Parcel.
b. Acceptable scales and base maps include the one~~1~~ inch equals 80,000 feet County Road Map or the 1:50,000 scale USGS topographic map.
2. Site Plan
a. A detailed map of the subject property must also be submitted at a scale of either ~~1~~one inch to 200 feet for properties exceeding 160 acres in size, or ~~1~~one inch to 100 feet for properties less than 160 acres in size as appropriate.
b. The Director may require, or the ~~applicant~~Applicant may choose to submit, a more detailed version of all or part of the site plan at a map scale suitable to show the particulars of the development.
c. Clearly identified boundary lines, corner pins, and dimensions of the subject ~~parcel~~Parcel, including land survey data to identify the subject ~~parcel~~Parcel including section corners, distance and bearing to these corners, quarter corners, township, range, etc. shall be included.
d. The plan must show the existing and proposed topographic contours at vertical intervals sufficient to show the topography affecting the development, storm drainage, and overlot ~~grading~~Grading plans.
e. Location and width of all existing and proposed roadways, pedestrian paths, ~~road~~Road ~~rights-of-way~~Rights-Of-Way, and parking areas within the site must be shown.
f. The location of wells and/or location and size of water lines to serve the proposed development must be shown.
g. The plan must show the design and layout of all sewer service lines, treatment facilities and other elements of the sanitary sewer system, including the location of soil percolation tests as applicable.
h. The plan must show the approximate widths, locations, uses, and grantees of all existing and proposed ~~easement~~Easements.
i. Location and size of signs for the purpose of identification, advertising, and traffic control must be shown.
j. The area of the site, individual ~~parcel~~Parcels, and areas of all development including location of ~~structure~~Structures, provided in square feet and percentage of site shall be included. This includes the total square feet of developed driveways, parking, and ~~building~~Buildings.
k. The existing zoning district in which the site is located shall be indicated.
l. The following significant features are to be shown:

(i) existing and proposed utility lines;
(ii) natural and artificial drainage ways, ditches, streams, and lakes;
(iii) approximate ~~flood~~Flooding limits based on information available through the county;
(iv) vegetative cover;
(v) rock outcrops, soil types, geologic features, and hazards;
(vi) dams and reservoirs;
(vii) excavations and mine shafts; and
(viii) any on-site or off-site feature that influences the development.

3. Sketch Plan Map
   a. Acceptable scales for the ~~sketch plan~~Sketch Plan map are either ~~1~~one inch to 200 feet for properties exceeding 160 acres in size, or ~~1~~one inch to 100 feet for properties less than 160 acres in size as appropriate. Drafting error should be less than five percent.
   b. The Director may require, or the ~~applicant~~Applicant may choose to submit, a more detailed version of all or part of the site plan at a map scale suitable to show the particulars of the development.
   c. Clearly identified boundary lines, corner pins, and dimensions of the subject ~~parcel~~Parcel, including land survey data to identify the subject ~~parcel~~Parcel including section corners, distance and bearing to these corners, quarter corners, township, range, etc. shall be included.
   d. The plan must show the existing and proposed topographic contours at vertical intervals sufficient to show the topography affecting the development, storm drainage, and overlot ~~grading~~Grading plans.
   e. Location and width of all existing and proposed roadways, pedestrian paths, ~~road~~Road ~~rights-of-way~~Rights-Of-Way, and parking areas within the site to be utilized must be shown.
   f. The plan must show the approximate widths, locations, uses, and grantees of all existing and proposed ~~easement~~Easements.
   g. A schematic and narrative representation of the proposed land use including:
      (i) the zoning of the land to be ~~plat~~Platted;
      (ii) the total proposed ~~subdivided land~~Subdivided Land area in acres with a breakdown in percentage and amounts devoted to specific land uses;
      (iii) the total number, general location and type of proposed ~~dwelling unit~~Dwelling Units;
      (iv) approximate ~~subdivided lot~~Subdivided Lot sizes;
      (v) total number of square feet of proposed nonresidential floor space (for nonresidential ~~subdivided land~~Subdivided Land only);
      (vi) ~~sewage~~Sewage and water facilities;
      (vii) utilities and service facilities;
      (viii) recreation areas and open space;
      (ix) school sites;
      (x) off-street parking areas and anticipated number of spaces;
      (xi) drainage ways and ponds;

(xii) landscaping; and
(xiii) new ~~structure~~Structures and other proposed major improvements.

h. The following significant features are to be shown:
   (i) existing and proposed utility lines;
   (ii) natural and artificial drainage ways, ditches, streams, and lakes;
   (iii) approximate ~~flood~~Flooding limits based on information available through the county;
   (iv) vegetative cover;
   (v) rock outcrops, soil types, and geologic features and hazards;
   (vi) dams and reservoirs;
   (vii) excavations and mine shafts; and
   (viii) any on-~~-~~site or off-~~-~~site feature that influences the development.

i. A schematic plan of the proposed surface ~~storm water~~Stormwater drainage plan and flow control system must be included.

j. The ~~applicant~~Applicant shall submit a reduced copy of the ~~sketch plan~~Sketch Plan map at a size of ~~8~~ eight inches by 14 inches. Such reduced copy shall be legible and suitable for general, nontechnical review of the proposal.

4. Preliminary Plan Map
   a. The map shall be drawn on 24-~~-~~inch by 36-~~-~~inch sheets with margins not less than ½ inch.
   b. The scale of the ~~preliminary plan~~Preliminary Plan map should best convey the detailed engineering design of the plan and confine drafting error to less than one percent. All maps must be drawn using standard engineering scales to avoid confusion.
   c. A survey, by a registered land surveyor licensed within the State of Colorado, of the monumented perimeter of the proposed ~~subdivided land~~Subdivided Land, having an error of closure not greater than ~~1~~one foot to 10,000 feet and tying into the State grid or other permanent marker accepted by the County Engineer is required.
   d. The plan must show the existing topographic contours at vertical intervals sufficient to show the topography affecting the development. The bench-marks used are to be identified on the map. The minimum mapping accuracy shall be certified by the mapping firm or qualified land surveyor based on a representative field check.
   e. Names and locations of all ~~adjacent~~Adjacent ~~platted subdivision~~Platted Subdivisions, ~~unsubdivided land~~Unsubdivided Land, and public land identified by the owner's name must be included on the map.
   f. The location, identification, and accurate dimensions of all ~~block~~Blocks, ~~subdivided lot~~Subdivided Lots, and ~~outlot~~Outlots shall be shown. Blocks shall be identified by consecutive lettering in alphabetical order. The ~~block~~Blocks in numbered additions to existing ~~platted subdivision~~Platted Subdivisions bearing the same Platted Subdivision~~platted subdivision~~ name shall be lettered consecutively throughout the several additions. All ~~subdivided lot~~Subdivided

Lots in each ~~block~~Block shall be identified by consecutive numbering. Outlots shall be lettered in alphabetical order.

g. The following significant features are to be shown: existing ~~structure~~Structures, utilities, rock outcrops, soil types, geologic features and hazards, excavations, and mine shafts.

h. The location and description of principal existing and proposed vegetation including number, density, size at time of planting, size at time of maturity, area of coverage, and range of size and identification of Environmental Resources shall be included.

i. The location of proposed sites for residential, business, industrial, ~~agricultture~~Agriculture, park, and all other land uses must be identified. The designation of ~~building~~Building envelopes may be required.

j. Roads
   (i) The location, identification, and principal dimensions of all existing roads, alleys, trails, recorded ~~easement~~Easements and ~~rights-of-way~~Rights-Of-Way within and ~~adjacent~~Adjacent to the proposed ~~subdivided land~~Subdivided Land must be depicted.
   (ii) The proposed transportation system, including the names, approximate location, length, scaled dimensions, and point of intersection of all roads, bikeways, trails, paths, ~~easement~~Easements and other linkages must be shown. Roads shall be identified by the proposed functional classification as defined by the Boulder County Road Map, showing typical geometric cross-sections, ~~rights-of-way~~Rights-Of-Way, jurisdiction, surface, and maintenance.

k. The approximate widths, locations, and uses of all proposed ~~easement~~Easements must be shown.

l. The map must indicate, as applicable the locations of natural and artificial drainage ways, streams, washes, canals, ditches, the top of ditch and stream banks, irrigation laterals, culverts, lakes, dams, reservoirs, or other water features, including direction of flow, high water elevations, and location and extent of those areas subject to inundation by the 100-year ~~storm~~Storm.

m. The location of existing and proposed water distribution systems, water treatment facilities, ~~sewage~~Sewage collection systems, ~~sewage~~Sewage treatment facilities, gas lines, electric lines, and telephone lines must be shown.
   (i) This data may be shown on separate map sheets.
   (ii) Where an on-site treatment system is proposed, location and results of soil percolation tests and proposed on-site wastewater system or other type ~~sewage~~Sewage treatment areas and a boring log and classification of the soils encountered to a depth of eight feet or to ~~bedrock~~Bedrock, whichever is lesser. The tests shall be sufficiently representative to assure that all proposed ~~subdivided lot~~Subdivided Lots can reasonably be assumed to meet Boulder County Public Health requirements.

n. The map must indicate the location of ~~subdivided land~~Subdivided Land to be dedicated or reserved in ~~deed~~Deeds or ~~easement~~Easements for the use of all

property owners, residents, or the general public. Notes to indicate purpose, maintenance responsibility, service responsibility for water and sanitation, and energy supplies for common areas and other areas which will serve the proposed ~~platted subdivision~~Platted Subdivision must be shown.

o. The ~~applicant~~Applicant shall submit a reduced copy of the Preliminary Plan Map no larger tha~~e~~n ~~8~~ eight inches by 14 inches. Such reduced copy shall be legible and suitable for general, nontechnical review of the proposal.

5. Final Plat Map
   a. The ~~final plat~~Final Plat map shall be prepared by or under the supervision of a registered land surveyor licensed within the State of Colorado. A certificate as to its accuracy and conformance with the provisions of this Code and applicable State laws and signed by the surveyor shall accompany the ~~plat~~Plat.
   b. The ~~final plat~~Final Plat map shall be a neat, clear, permanent, legible, and reproducible document suitable for recordation with the Clerk and Recorder's Office. Any ~~final plat~~Final Plat map which does not meet these standards may be rejected by the Director.
   c. The ~~final plat~~Final Plat map shall be either an original drawing using only permanent black ink that will adhere to drafting films (no ball point transfer type or stickyback) or an acceptable photographic reproduction (emulsion down) of an original drawing.
   d. The ~~final plat~~Final Plat map shall be produced on 24 inch high by 36 inch wide flat, spliceless, tapeless, and creaseless sheet(s) of double matte mylar film with a uniform thickness of not less than .003 of an inch. A marginal line shall be drawn completely around each sheet leaving an entirely blank margin at least ½ inch on all sides. In addition, whenever possible the ~~final plat~~Final Plat map shall be provided in digital form in a format and on media acceptable to the Director.
   e. All ~~final plat~~Final Plat map titles, ~~road~~Road names, statements, certificates, notes, and sheet numbers shall be oriented, to the greatest extent practicable, to the bottom (36~~-~~-inch dimension) of each sheet.
   f. Each sheet of the ~~final plat~~Final Plat map shall display the particular number of the sheet and the total number of sheets, and shall clearly show the locational relationship of ~~subdivided land~~Subdivided Land areas depicted on the overlay sheet by use of a small key sketch.
   g. Acceptable scales for the ~~final plat~~Final Plat map are either ~~1~~one inch to 50 feet for properties less than 100 acres in size, or ~~1~~one inch to 100 feet for properties greater than less than 100 acres in size as appropriate. Drafting error should be less than one percent.
   h. The ~~final plat~~Final Plat map shall display the following:
      (i) Ties into the State grid or other permanent marker accepted by the County Engineer dimensioning all primary boundary survey control points with complete monument and location descriptions.
      (ii) All ~~subdivided land~~Subdivided Land lines dimensioned with lengths.
      (iii) Curve data including chord lengths and bearings; the type of curve and pertinent data must be included for all curves other than circular curves.

(iv) The basis of bearings and relation to true meridian.
(v) All dimensions are to be shown to the nearest 0.01 feet or in the case of degrees, to the nearest second.
(vi) Such data must be sufficiently accurate and complete to permit independent ~~County~~county confirmation of closures for all boundaries, including ~~block~~Blocks, ~~subdivided lot~~Subdivided Lots, ~~outlot~~Outlots, ~~rights-of-way~~Rights-Of-Way, and ~~easement~~Easements. Closure shall be achieved to an accuracy of 0.01 feet in all calculations shown on the ~~plat~~Plat.

i. All boundary lines (and survey descriptions thereof) of the ~~subdivided land~~Subdivided Land shall be clearly and prominently indicated on the ~~final plat~~Final Plat map.

j. The following information concerning ~~adjacent~~Adjacent lands shall be shown on the ~~plat~~Plat:
(i) The names and locations of all ~~adjacent~~Adjacent ~~platted subdivision~~Platted Subdivisions.
(ii) The locations of all ~~adjacent~~Adjacent ~~unsubdivided land~~Unsubdivided Land and public lands.
(iii) The full width and locations of all ~~adjacent~~Adjacent ~~easement~~Easements.
(iv) The full width locations, and ~~road~~Road names of all ~~adjacent~~Adjacent ~~rights-of-way~~Rights-Of-Way.

k. All lines, names, and descriptions on the ~~final plat~~Final Plat map which do not constitute a part of the proposed ~~platted subdivision~~Platted Subdivision shall be dashed. Any area enclosed by the ~~plat~~Plat, but not a part thereof, shall be dash labeled as not being part of the ~~subdivided land~~Subdivided Land.

l. Concerning ~~subdivided lot~~Subdivided Lots and ~~block~~Blocks, the following standards shall apply:
(i) All ~~block~~Blocks and ~~subdivided lot~~Subdivided Lots shall be located, identified, and dimensioned with sufficient linear, angular, and curve data shown to determine readily the bearing and length of all ~~subdivided land~~Subdivided Land lines.
(ii) No ditto marks shall be used for dimensions.
(iii) All unidentified angles will be presumed to equal 90 degrees.
(iv) All ~~subdivided lot~~Subdivided Lots, and wherever practicable, ~~block~~Blocks shall be shown in their entirety on one sheet.
(v) The area of each lot ~~0.5~~half of an acre or larger shall be shown to the nearest hundredth (0.01) of an acre.
(vi) Blocks shall be identified by lettering in alphabetical order. The ~~block~~Blocks in numbered additions to existing ~~platted subdivision~~Platted Subdivisions bearing the same ~~platted subdivision~~Platted Subdivision name shall be lettered consecutively throughout the several additions.
(vii) All ~~subdivided lot~~Subdivided Lots in each ~~block~~Block shall be identified by consecutive numbering.

m. All ~~outlot~~Outlots shall be located, identified, and dimensioned. The area of each ~~outlot~~Outlot, except reserve strips, ~~0.5~~ half of an acre or larger shall be shown to

the nearest hundredth (0.01) of an acre. All ~~outlot~~Outlots shall be identified by consecutive lettering in alphabetical order and shall have all purposes and limitations on the use noted on the ~~final plat~~Final Plat.

n. The ~~final plat~~Final Plat map shall show all ~~road~~Road names; ~~right-of-way~~Right-Of-Way widths at each leg of an intersection, at points of curve and points of tangent at dead ends and at angle points; and ~~right-of-way~~Right-Of-Way lines with accurate bearings and dimensions including chord lengths and bearings, central angles, and radii of all curves.
   (i) If any ~~road~~Road in the proposed ~~platted subdivision~~Platted Subdivision is a continuation or approximately a continuation of an existing public ~~road~~Road, the conformity or the amount of conformity of the new ~~road~~Road to the existing roads shall be accurately shown.
   (ii) Whenever the centerline of a ~~road~~Road has been established or recorded, the date shall be shown on the ~~final plat~~Final Plat map.

o. No area of ~~subdivided land~~Subdivided Land shall be created within and by virtue of a ~~final plat~~Final Plat map unless the area is identified as either a ~~subdivided lot~~Subdivided Lot, ~~outlot~~Outlot, or ~~right-of-way~~Right-Of-Way. All areas of ~~subdivided land~~Subdivided Land inadvertently created and not noted on the proposed ~~plat~~Plat as ~~subdivided lot~~Subdivided Lots, shall be presumed to be ~~outlot~~Outlots which are not intended to be ~~subdivided lot~~Subdivided Lots.

p. The ~~final plat~~Final Plat map shall show the purpose, width, and location (with fine dashed lines) of all ~~easement~~Easements. A ~~plat~~Plat note may be necessary to provide complete information of the purpose of the ~~easement~~Easement.
   (i) All ~~easement~~Easements must be clearly labeled and identified.
   (ii) If any ~~easement~~Easement already of record cannot be definitely located, a statement of its existence and purpose and its recorded reference must appear on the title sheet.
   (iii) Distances and bearings on the side lines of ~~subdivided lot~~Subdivided Lots which are cut by an ~~easement~~Easement must be shown to indicate the actual length of the ~~lot line~~Lot Lines.
   (iv) The widths of all ~~easement~~Easements must be shown with sufficient data to definitely locate the ~~easement~~Easement with respect to the ~~subdivided land~~Subdivided Land and each ~~subdivided lot~~Subdivided Lot.
   (v) If an ~~easement~~Easement shown on the ~~plat~~Plat is already of record, its recorded reference must be given.
   (vi) If an ~~easement~~Easement is being dedicated by the ~~plat~~Plat, it shall be set out in the owner's certificate of dedication.

q. The ~~final plat~~Final Plat map shall contain executed certificates, notices, and statements on a single sheet in a standard form.

r. The ~~final plat~~Final Plat map shall include ~~plat~~Plat notes which adequately explain information pertinent to the execution and maintenance of the ~~subdivided land~~Subdivided Land including the ownership of ~~outlot~~Outlots, references to the ~~subdivision~~Subdivision agreement and ~~conservation~~

~~easement~~Conservation Easements, maintenance responsibility for private roads, etc.

s. The ~~applicant~~Applicant shall submit a reduced copy of the ~~final plat~~Final Plat map no larger than ~~8~~ eight inches by 14 inches. This copy shall be legible and suitable for general, nontechnical review of the proposal.

6. Exemption Map
   a. The exemption map shall show clearly identified boundary lines and dimensions of the land to be exempted, including land survey data to identify the subject ~~parcel~~Parcel including section corners, distance and bearing to these corners, quarter corners, township, range, etc.
   b. Adjacent ~~subdivided land~~Subdivided Land, ~~unsubdivided land~~Unsubdivided Land, and public lands, the property shall be identified by the owner's name.
   c. The following significant features shall be shown:
      (i) existing ~~structure~~Structures;
      (ii) utility lines;
      (iii) natural and artificial drainage ways, ditches, and lakes;
      (iv) approximate vegetative cover;
      (v) rock outcrops and salient geologic features and hazards;
      (vi) dams and reservoirs;
      (vii) excavations and mine shafts;
      (viii) fence lines;
      (ix) driveways;
      (x) well sites and water lines; and
      (xi) on-site wastewater systems, leach fields, and waste lines.
   d. Any other data essential to the evaluation as may be reasonably requested by the Director to enable an adequate conceptual evaluation of the proposed exemption.

F. Development Report
   1. A ~~development report~~Development Report is required for ~~subdivision~~Subdivision requests to ~~plat~~Plat ~~unsubdivided land~~Unsubdivided Land, PUDs, special review approvals, rezonings, and exemptions. At a minimum the ~~development report~~Development Report shall include the following information, unless specifically waived by the Director.
      a. An address list of all owners and their addresses of real property ~~adjacent~~Adjacent to the subject property.
      b. A description of site features such as streams, areas subject to ~~flood~~Flooding, lakes, high ground water areas, topography, vegetative cover, climatology, and other features that may aid in the evaluation of the proposed development.
      c. A description of soil characteristics of the site which have a significant influence on the proposed use of the land.
      d. The long and short-term effect on Environmental Resources shall be determined through field surveys, and/or expert opinions or other competent information. The ~~applicant~~Applicant shall address any material adverse impacts of the development on any identified Environmental Resources, including plans for the

mitigation of these impacts. Wildlife impact reports shall be required in accordance with ~~Article~~ 7-1700.

e. The effect on significant cultural ~~(archaeological and historic)~~ resources (archaeological and historic) shall be assessed and plans for protection of such resources included.

f. An evaluation of any potential radiation hazard that may have been identified by the State or County Public Health Departments.

g. An evaluation of the expected demands and effects of the development on the ability of local governments and quasi-governmental agencies to provide water, sanitation, natural gas, electricity, access, fire protection, schools, hospitals, police, ~~flood~~Flood protection, ~~solid waste~~Solid Waste disposal, and other services to this development while maintaining adequate levels of service to other areas.

h. Provision of financial guarantees for public or communal improvements.

G. Engineering Report

1. Engineering reports may be required depending on the application, site conditions and scope of the project. Applicants should discuss these reports with staff during the pre-application conference.

   a. **Geology Report.** A report on the geologic characteristics of the area including any potential natural or man-made hazards which would have a significant influence on the proposed use of the land, a determination of what effect such factors would have, and proposed corrective or protective measures.

   b. **Soils Report.** A description of soil characteristics of the site which have a significant influence on the proposed use of the land.

   c. **Sewage Collection.** Plans for an adequate and safe sanitation system must be provided. This system must be designed, constructed and maintained in accordance with all applicable regulations and requirements of Boulder County Public Health and other applicable regulatory agencies.

      (i) Connection to a public sewer system is preferable. If a public sanitation system is not available within a reasonable distance of the subject property, then adequate treatment facilities must be planned to dispose of the ~~sewage~~Sewage.

      (ii) Sewer system design must be based on the maximum number of estimated users of the development~~,~~ and must be approved by Boulder County Public Health prior to application.

   d. **Water Supply and Distribution.** A report on the environmental effects of the development addressing the effect on the existing water supply. An adequate supply of water must be provided for the development.

      (i) The source and method of distribution must be approved by Boulder County Public Health and other applicable regulatory agencies. The source of the water supply should be sufficient to meet all the present and future domestic and agricultural requirements of the proposed area.

(ii) Proof of contract with supplier or well log and completion report showing sustained yield. For domestic water, proof that the supply meets the Colorado Primary Drinking Water Standards must be provided.

(iii) The relation of the subject ~~parcel~~Parcel to ~~floodplain~~Floodplains, the nature of soils and subsoils, and their ability to adequately support waste disposal, the slope of the land, the effect of ~~sewage~~Sewage effluents, and the presence of streams as related to pollution shall be evaluated.

(iv) The applicable health and water resource agency's regulations shall be considered.

e. Grading Plan per the Boulder County Multim~~-M~~odal Transportation Standards.

f. Drainage Report consistent with the Storm Drainage Criteria Manual.

g. Engineering report for structural features such as retaining walls and bridges.

h. Transportation System Impact Analysis. An assessment of the transportation impacts of the development as described in the Transportation Standards.

H. Required Title Information

1. It is the responsibility of the ~~applicant~~Applicant to make a reasonable and diligent search of the public records to locate, and identify as part of the application, all owners and interest holders in the subject property ~~as of~~ at the time of the application ~~filing~~submittal. These owners and interest holders include but are not necessarily limited to fee owners, ~~easement~~Easement owners, lessees, and lienholders and mortgagees in the subject property's surface, subsurface, or above surface (including land, water, mineral, air, or other real property which is part of the subject property). The ~~applicant~~Applicant shall provide the current names and addresses of these owners and interest holders, along with information describing the nature of their respective right, interest or estate. In addition, the ~~applicant~~Applicant shall independently comply with any applicable requirements of Article 65.5 of Title 24, C.R.S., regarding the identification of and notice to any mineral estate owners or lessees that own less than full fee title in the property which is the subject of the application.

2. To fulfill the requirements of ~~this Subsection~~ 3-203.H the ~~applicant~~Applicant at a minimum shall provide from a licensed title insurance or abstract company either:

   a. a title commitment for the subject property~~,~~ ; or

   b. a copy of the existing title insurance policy on the subject property with a letter from the issuing company providing updated title information.

   c. a certification signed by the ~~applicant~~Applicant to comply with the requirements of Article 65.5 of Title 24, C.R.S., confirming that the ~~applicant~~Applicant or its agent has examined the records of the Boulder County Clerk and Recorder for the existence of any mineral estate owners or lessees that own less than full fee title in the property which is the subject of the application, and stating whether or not any such mineral estate owners or lessees exist. The ~~applicant~~Applicant shall be responsible for making a diligent and good faith effort to ascertain the current names and addresses of the owners and interest holders in any such severed mineral estate and otherwise comply with any applicable notice requirements of Article 65.5 of Title 24, C.R.S., as amended.

d. An O & E (owners and encumbrances) report shall not be considered sufficient to provide the title information required in ~~this Subsection~~ 3-203.H.
e. Title work must be current within six months of the application submittal date.

3. The ~~applicant~~Applicant shall have the responsibility to search other records which may be reasonably available and known to the ~~applicant~~Applicant which may provide the information required in ~~this Subsection~~ 3-203.H.
4. In addition to the information required above, the ~~applicant~~Applicant shall identify any holdings of the ~~applicant~~Applicant ~~adjacent~~Adjacent to the subject property, and shall provide an accurate legal description of the subject property.

I. Solar Energy System Development Report
1. A ~~solar energy system~~Solar Energy System ~~development report~~Development Report is required for an application for a ground-~~-~~mounted ~~solar energy system~~Solar Energy System with ~~disturbed area~~Disturbed Area greater than ~~0.5~~ half of an acre on lands designated as Significant Agricultural Lands under the Boulder County Comprehensive Plan. The solar energy ~~development report~~Development Report must include:
   a. An installation plan describing the installation method for the ~~solar energy system~~Solar Energy System, including a site plan showing the proposed Disturbed Area~~disturbed area~~ (as defined in Article 18) and the applicable items listed in ~~Article~~ 3-203.E.2. The installation plan must include a proposal to minimize soil disturbance and compaction through best management practices.
   b. A management plan which includes best practices for maintaining or improving the existing soil quality and agricultural integrity of the land.

3-204 Referral Requirements and Agency Review

A. Referral of ~~a~~Applications
1. When an application is filed with the Community Planning ~~&~~and Permitting Department, the application materials may be referred to interest holders in the property who are not landowners, to ~~adjacent~~Adjacent and/or nearby property owners and to appropriate agencies. For all processes requiring a public hearing, unless otherwise specified in this Code, property owners within 1,500 feet of the subject property shall be notified. Based on the specifics of the application, the Director may waive referral requirements if those requirements are unnecessary.
   a. The ~~applicant~~Applicant is responsible for preparing the referral packets in the manner prescribed by the Director. An error made either intentionally or unintentionally by the ~~applicant~~Applicant in the preparation of referral packets may result in a delay in processing of the application so that the proper referrals can be accomplished.
   b. All mailings shall be by U. S. Mail, first-class postage prepaid, with the exception of referrals to offices and agencies in the Boulder County interoffice mail delivery route.
2. If the Director determines that the application is complete and acceptable for review and processing, it will be referred to all appropriate property owners and

interest holders, and offices and agencies for their information, review, response, and recommendation.

B. Referral Packets
   1. Each referral packet shall contain one copy of the site plan (full size or reduced to letter size) and application, and other materials as deemed appropriate by the Director. The number of referral packets required shall be determined by the Director.
   2. Referral notices shall be mailed to each owner of estates, rights, or interests in the subject property identified in the title information submitted with the application, and to each identified ~~adjacent property owner~~Adjacent Property Owner (or property owner within 1,500 feet of the subject property) and to appropriate referral agencies. Referral notifications may be distributed via e-mail.
   3. Referral notices shall also include the name of the proposal, name of owner of the subject property, docket number, general location, number of acres, proposed use, and any other information as deemed appropriate by the Community Planning ~~&~~and Permitting Director. The notice shall also include information on where to access referral packets on the ~~County~~county's website, and provide staff contact information in case the ~~person~~Person receiving the notice wishes to request a hard copy of the referral packet. The complete application referral packet shall be available for public review in hard copy form at the Boulder County Community Planning ~~&~~and Permitting Department during business hours.

C. Review of Applications by Agencies and Individuals
   1. Referral responses from agencies and individuals
      a. Referral responses must be received by the Director within 35 days of transmittal (with the exception of Limited Impact Special Review, Exemption Plats, Subdivision Exemptions, Road Name Changes, Vacations, and Variances which are 15 day referrals) in order to ~~insure~~ ensure that recommendations and findings are considered.
      b. Failure of any office, agency, district or individual to respond within the above-mentioned time period, or within the period of an extension which may be expressly granted by the Director, will be regarded as a response with no conflict, unless the Director determines that such failure to respond should be interpreted differently.
   2. Boulder County Public Health will review the on-lot ~~sewage~~Sewage disposal reports
      a. This review will report on the adequacy of existing or proposed ~~sewage~~Sewage treatment systems to handle the estimated effluent and the water quality of the water supply proposed to serve the proposed development.
      b. Boulder County Public Health may require the ~~applicant~~Applicant to submit additional engineering or geological reports or data and to conduct a study of the economic and engineering feasibility of a ~~sewage~~Sewage treatment works prior to making its recommendations.
   3. Boulder County Public Health shall review the potential for radiation hazard.
   4. The following referral agencies shall respond to issues dealing with water in accordance with state law:

a. The State Engineer
   (i) The Engineer will issue an opinion regarding material injury likely to occur to decreed water rights by virtue of diversion of water necessary to be used to supply the proposed development.
   (ii) The State Engineer will also give an opinion as to the adequacy of the proposed water supply to meet requirements of the development.
   (iii) If the State Engineer finds material injury to decreed water rights or finds inadequacy, then the State Engineer shall express this finding in writing to the Director, stating the reason for the finding, including, but not limited to, the amount of additional or exchange water that may be required to prevent such injury.

b. A public or quasi-public water supply entity
   (i) If a public or quasi-public entity is designated as the source of water for a proposed development, that entity shall file with the Director and the State Engineer a statement documenting the amount of water which can be supplied by the entity without causing injury to existing water rights.
   (ii) The State Engineer shall file with the Director written comments on the report. If the State Engineer finds that the report is insufficient, an opinion indicating the deficiencies shall be transmitted to the Community Planning ~~&~~and Permitting Department.

5. The Colorado Geological Survey may evaluate those geologic factors which would have a significant impact on the proposed use of the land.
6. Where the application involves ~~dwelling unit~~Dwelling Units, the school district shall submit specific recommendations with respect to the adequacy of school sites and the adequacy of school ~~structure~~Structures.
7. The County Engineer shall review all engineering aspects of the proposed development, including, but not limited to, impacts on the multimodal transportation system, impacts to known ~~floodplain~~Floodplains, ~~stormwater~~Stormwater management issues, ~~grading~~Grading, drainage, access, retaining walls and referral responses, and shall ~~transmit~~Transmit findings and preliminary recommendations to the Director.
8. The Boulder County Parks ~~&~~and Open Space Department shall review the application for open space and environmental impacts. Staff will schedule applications with such impacts for discussion before the Parks ~~&~~and Open Space Advisory Committee.
9. The Boulder County Community Planning ~~&~~and Permitting Department shall evaluate the application for conformance with the Comprehensive Plan, any applicable intergovernmental agreement affecting land use or development, this Code, sound planning and design practices, and comments from the referral agencies and individuals.
10. The Colorado Division of Parks and Wildlife shall evaluate the application for its impacts on wildlife and associated habitat.
11. The Boulder County Historic Preservation Advisory Board (HPAB), as duly constituted under Article 15 of this Code, shall serve as a referral entity for

applications which the Community Planning ~~&~~and Permitting Director deems have the potential to impact ~~structure~~Structures or resources of historical significance in the ~~County~~county.

D. Post Referral Action

If there are referral comments received by the Community Planning ~~&~~and Permitting Department which require a response from the ~~applicant~~Applicant, the following actions shall occur:

1. The Community Planning ~~&~~and Permitting staff will ~~transmit~~Transmit by first~~-~~-class mail, or hand delivery, the comments from referral agencies and individuals as soon as possible following the required referral response period.
2. Within 14 days after transmittal of those comments, or by a later date specified by the Director, the ~~applicant~~Applicant shall respond in writing to all issues raised during the referral process.
   a. Such response shall be considered an amendment to the application~~,~~ and shall be made part of the application to be used as a basis for a final Community Planning ~~&~~and Permitting staff recommendation.
   b. If the Director finds that this new information results in a substantial change in the proposal, the Director may re-refer the amended application and supporting materials to those referral agencies and individuals outlined in ~~Section~~ 3-204~~.~~ ~~(~~C~~)~~. The processing schedule will be amended accordingly.
   c. If the ~~applicant~~Applicant is unable to supply responses within the 14 days allowed, then the ~~applicant~~Applicant may request, in writing, a delay in processing the application for up to 95 days.
   d. If the ~~applicant~~Applicant fails to supply responses within the specified time, the Director may either base the Community Planning ~~&~~and Permitting staff recommendation on review of the file as it exists, or reject the application as a result of the failure to provide information necessary to its proper review. In the case of the latter, the Director shall inform the ~~applicant~~Applicant in writing.
3. As part of the post-referral action, the Community Planning ~~&~~and Permitting staff will make a reasonable effort to apprise the ~~applicant~~Applicant of any deficiency in the application known to the ~~S~~staff prior to any required public hearing. In the case of any application to ~~plat~~Plat ~~unsubdivided land~~Unsubdivided Land, or application for any extension, betterment, or addition to ~~building~~Buildings, ~~structure~~Structures, or plants or equipment of a public utility under C.R.S. 30-28-127, the ~~applicant~~Applicant may request that any technical dispute between a licensed or registered professional retained by the ~~applicant~~Applicant and the ~~County~~county be referred to a qualified employee in the appropriate State department for a recommendation to facilitate a resolution of the dispute. If the recommended resolution results in a substantial change to the application, the Director may re-refer the application as provided in ~~this Subsection~~ 3-204.D.
4. The Community Planning ~~&~~and Permitting staff shall make a recommendation based on its analysis of the record on the application, the referral comments and the ~~applicant~~Applicant's responses to the referral comments.

3-205 Public Review

A. The Board of Adjustment shall hold a public hearing on all applications for variances and appeals subject to the following conditions:
   1. The ~~applicant~~Applicant shall submit all written or other materials to be used in the hearing no later than 14 days prior to the hearing. If the ~~applicant~~Applicant plans to call any expert witnesses on its behalf, the ~~applicant~~Applicant shall submit a written summary of the expert's anticipated testimony to the Director within this same time period.
   2. The Director shall provide the Board of Adjustment and make available to the public copies of the recommendations, decisions and supporting material seven~~7~~ days prior to the hearing at which the variance or appeal is to be considered.
   3. A notice of the hearing shall be published in a newspaper of general circulation within Boulder County at least 14 days prior to the hearing date.
   4. In the case of an application for a variance to the provisions of this Code, the Community Planning ~~&~~and Permitting Department ~~S~~staff shall mail a written notice of the hearing by first~~-~~-class mail at least 14 days prior to the hearing date to the ~~applicant~~Applicant, owners and interest holders in the property, and to Adjacent Property Owners ~~owners of property adjacent to the property~~. Failure to mail this notice to every property owner shall not affect the validity of any hearing or determination of the Board of Adjustment. In addition, this notice shall not be deemed to qualify as, or substitute for, the ~~applicant~~Applicant's independent obligation under Article 65.5 of Title 24, C.R.S., regarding the identification of and notice to any mineral estate owners or lessees that own less than full fee title in the property which is the subject of the application.
   5. If the ~~applicant~~Applicant has signed a certification pursuant to Article 65.5 of Title 24, C.R.S., identifying the existence of any mineral estate owners or lessees that own less than full fee title in the property which is the subject of the application, the Applicant shall sign an additional certification confirming that the ~~applicant~~Applicant has, at least 30 days prior to the initial public hearing on the application, transmitted to the ~~County~~county and to the affected mineral estate owners and lessees the notices required by Article 65.5 of Title 24, C.R.S.
   6. In the case of an application for an appeal, the staff shall mail a written notice of the hearing at least 14 days prior to the hearing to the appellant and any member of the public requesting this notice. Failure to mail this notice to every individual requesting it shall not affect the validity of any hearing or determination of the Board of Adjustment.
   7. For all variances, a sign shall be posted on the subject property in a conspicuous manner at least 14 days prior to the Board of Adjustment hearing. The sign shall note the name of the docket, with the docket number, and the address and telephone number of the Community Planning ~~&~~and Permitting Department where materials relating to the proposal may be reviewed prior to the hearing. The Director may require that a notification sign be posted off-site when on-site posting would not allow for notification of those potentially impacted.

8. In all Board of Adjustment hearings, the Director or designated representative, shall be considered to officially represent the position of Boulder County. Boulder County shall retain any authority it may have to appeal any decision made by the Board of Adjustment to District Court.

B. Planning Commission Review
   1. The Planning Commission shall review and make recommendations to the Board of County Commissioners on the following applications after a public hearing.
   2. Notice of public hearings for special use permits (except limited impact special use permits), PUDs, ~~sketch plan~~Sketch Plan review, rezonings (except comprehensive rezonings), and location and extent review shall include the following:
      a. A notice published by the Community Planning ~~&~~and Permitting Department in a newspaper of general circulation within Boulder County at least seven days prior to the hearing date. The notice shall include:
         (i) the date, time, place and purpose of the public hearing;
         (ii) the address and telephone number of the Community Planning ~~&~~and Permitting Department where a complete legal description of the property and all application materials relating to the proposal may be reviewed prior to the hearing;
         (iii) the names of the landowner and ~~applicant~~Applicant;
         (iv) a general description of the proposed development;
         (v) the zoning; and
         (vi) a general location description of the land including Section, Township and Range, together with a ~~road~~Road address or location by ~~road~~Road mileage.
      b. For all processes except location and extent and comprehensive rezonings, a sign posted on the subject property in a conspicuous manner at least 12 days prior to the Planning Commission hearing.
         (i) The sign shall note the name of the project, the docket number, and the address and telephone number of the Community Planning ~~&~~and Permitting Department where the materials relating to the proposal may be reviewed prior to the hearing.
         (ii) The sign shall remain posted through final county action on the application.
         (iii) The Director may require that a notification sign be posted off-site when on-site posting would not allow for notification of those potentially impacted.
      c. A written notice of the hearing, together with the final recommendations of the Community Planning ~~&~~and Permitting Department, transmitted at least seven days prior to the hearing date to the ~~applicant~~Applicant.
      d. A written notice similar to that contained in ~~Section~~ 3-205.B.2.a, above, transmitted by the Community Planning ~~&~~and Permitting Director at least 10 days prior to the hearing, by first-~~-~~class mail, to other owners of estates, rights, liens, mortgages or interests in the property and to ~~adjacent~~Adjacent and/or nearby property owners. Inadvertent failure to notify every such property owner shall not affect the validity of any hearing or determination of the Planning Commission.

e. The notices required in ~~this Subsection~~ 3-205.B.2~~.~~ shall not be deemed to qualify as, or substitute for, the ~~applicant~~Applicant's independent obligation under Article 65.5 of Title 24, C.R.S., regarding the identification of and notice to any mineral estate owners or lessees that own less than full fee title in the property which is the subject of an application requiring compliance with Article 65.5 of Title 24, C.R.S., as set forth in ~~Section~~ 3-202.A, above. Therefore, if the application is one which ~~Section~~ 3-202.A~~.~~, above, identifies as requiring compliance with Article 65.5 of Tile 24, C.R.S., and if the ~~applicant~~Applicant has signed a certification pursuant to Article 65.5 of Title 24, C.R.S. identifying the existence of any mineral estate owners or lessees that own less than full fee title in the property which is the subject of the application, then the ~~applicant~~Applicant shall sign an additional certification confirming that the ~~applicant~~Applicant has, at least 30 days prior to the initial Planning Commission public hearing on the application, transmitted to the ~~County~~county and to the affected mineral estate owners and lessees the notices required by Article 65.5 of Title 24, C.R.S.

3. Notice of public hearings for comprehensive rezonings, Land Use Code text amendments, and Boulder County Comprehensive Plan amendments shall include:
   a. a notice of the hearing, containing the applicable elements set forth in ~~Subsection~~ 3-205.B.2.a~~.~~, above, published in a newspaper of general circulation within Boulder County at least 14 days prior to the public hearing date.
   b. notice via electronic means (e.g., transmitted to the most recent electronic mail address on file) to all property owners who have communicated in writing to the Director a desire to "opt in" to receiving direct notice of all proposed comprehensive rezonings, Land Use Code text amendments, and Boulder County Comprehensive Plan amendments; provided, however, that inadvertent failure to notify every such owner shall not affect the validity of any action by the ~~County~~county on a comprehensive rezoning, text amendment, or Comprehensive Plan amendment.
4. Notice of public hearings for ~~preliminary plan~~Preliminary Plan, ~~final plat~~Final Plat, and vacations, shall include the following:
   a. A written notice of the hearing and the final recommendations of the Community Planning ~~&~~and Permitting Department.
   b. That notice is to be transmitted at least seven days prior to the hearing date to the ~~applicant~~Applicant and to other owners of estates, rights, liens, mortgages or interests in the property.
   c. The notices required in ~~this Subsection~~ 3-205.B.4~~.~~ for ~~preliminary plan~~Preliminary Plan and ~~final plat~~Final Plat applications shall not be deemed to qualify as, or substitute for, the ~~applicant~~Applicant's independent obligation under Article 65.5 of Title 24, C.R.S., regarding the identification of and notice to any mineral estate owners or lessees that own less than full fee title in the property which is the subject of an application requiring compliance with Article 65.5 of Title 24, C.R.S., as set forth in ~~Section~~ 3-202.A~~.~~, above. Therefore, if the application is one which ~~Section~~ 3-202.A~~.~~, above, identifies as requiring

compliance with Article 65.5 of Title 24, C.R.S., and if the ~~applicant~~Applicant has signed a certification pursuant to Article 65.5 of Title 24, C.R.S. identifying the existence of any mineral estate owners or lessees that own less than full fee title in the property which is the subject of the application, then the ~~applicant~~Applicant shall sign an additional certification confirming that the ~~applicant~~Applicant has, at least 30 days prior to the initial Planning Commission public hearing on the application, transmitted to the ~~County~~county and to the affected mineral estate owners and lessees the notices required by Article 65.5 of Title 24, C.R.S.

5. In any case where information becomes known to the Community Planning ~~&~~and Permitting Director or the Planning Commission that an ~~applicant~~Applicant has failed to provide notice of an initial public hearing on any development application which is subject to the requirements of Article 65.5 of Title 24, C.R.S., as provided in ~~Section~~ 3-202.A~~.~~, above, at least 30 days prior to the initial Planning Commission public hearing on the application as required by Article 65.5 of Title 24, C.R.S., the Planning Commission or the Director on behalf of the Planning Commission may continue, may reschedule, or may vacate the initial public hearing to allow proper notice to be provided under Article 65.5 of Title 24, C.R.S.
6. The Planning Commission shall conduct its public hearings expeditiously while giving due regard to the needs of both the ~~applicant~~Applicant and the public to fully and fairly present their views. The Planning Commission shall conclude the public testimony portion of the hearing when all those present and wishing to testify have done so.
7. For special use permits, rezonings, text amendments, and vacations, the Planning Commission may delay the opening of the public hearing or may table the request on any application at the time of the public hearing for a reasonable period of time, to provide the public, the ~~applicant~~Applicant or staff the proper time to review new technical or other information that was made available without reasonable opportunity for review or response, to obtain additional information necessary for the Planning Commission to make their decision, to allow for the ~~applicant~~Applicant's compliance with the notice requirements of this Code and Article 65.5 of Title 24, C.R.S., or to allow for additional time for Planning Commission deliberation and action.
8. For any ~~subdivision~~Subdivision application to ~~plat~~Plat ~~unsubdivided land~~Unsubdivided Land (~~sketch plan~~Sketch Plan, ~~preliminary plan~~Preliminary Plan or ~~final plat~~Final Plat), PUD application, or application for any approval or permit for an extension, betterment, or addition to ~~building~~Buildings, ~~structure~~Structures, or plants or equipment of a public utility under C.R.S. Section 30-28-127, the Planning Commission may delay the opening of the public hearing, or may table action on the application at the hearing, for a reasonable period of time and for the reasons stated in ~~Subsection~~ 3-205.B.7, above. If action at the public hearing is tabled or continued to a future hearing, the tabling or continuance shall be to a date certain (unless a date certain is waived by the ~~applicant~~Applicant), and the Planning Commission shall take action to recommend approval, conditional approval, or denial of the

application within 40 days after the date of commencement of the public hearing, or within such longer period as the ~~applicant~~Applicant in writing agrees (the ~~applicant~~Applicant may waive the requirement for a written consent). This 40-day period may be extended under any of the following circumstances:

a. If the ~~County~~county still needs to receive a recommendation from any agency to which a ~~plat~~Plat or plan under the Subdivision Regulations was referred pursuant to C.R. S. Section 30-28-136, although such extension shall not exceed 30 days unless the agency has notified the ~~County~~county that it will require additional time to complete its recommendation; or
b. If the Planning Commission, based on specific, objective criteria in the applicable regulations, requests a redesign of all or any portion of a ~~plat~~Plat or plan or application, or subsequently requests another redesign (which additional redesign C.R.S. Section 30-28-133.5(4) permits only if necessary to allow the application to conform with a duly adopted ~~County~~county resolution, ordinance, or regulation); or
c. If the Planning Commission determines, based on the information developed through the public hearing process, that a reasonable additional amount of time is necessary to allow full participation of the interested public and the development of information to make an informed decision based on the applicable regulatory criteria.
d. If the Planning Commission determines that additional time is necessary to allow for the ~~applicant~~Applicant's compliance with the notice requirements of this Code or of Article 65.5 of Title 24, C.R.S.

9. Any application submitted by a public utility or a power authority providing electric or natural gas service, which relates to the location, construction, or improvement of a major electrical or natural gas ~~facility~~Facility as contemplated by Section 29-20-108, C.R.S., as amended, and which is required to be presented to the Planning Commission for review, shall be considered to be a "preliminary application" under Section 29-20-108. Final ~~County~~county action on any such application shall thus be required to be taken within 120 days after submission of the application, or the application under Section 29-20-108 is deemed approved. For purposes of ~~this Subsection~~ 3-205.B.~~9.~~, "submission" shall be considered to be the submission of a complete application as required by this Article 3, including but not limited with respect to compliance with any applicable notice requirements to the mineral estate owners and lessees constituting less than full fee title in the subject property as required by Article 65.5 of Title 24, C.R.S.

C. Board of County Commissioners Review
1. Board of County Commissioners hearings
   a. The BOCC must schedule a public hearing to review and act upon special use permit, PUD, ~~sketch plan~~Sketch Plan review, and rezoning (except comprehensive rezonings) applications within a reasonable period of time after the Planning Commission's action.
2. Notice of public hearings for a special use permit, PUD, ~~sketch plan~~Sketch Plan review, and rezoning (except comprehensive rezonings), shall include:

a. a notice of the hearing, as defined in ~~Section~~ 3-205.B.2.a~~.~~, above, published in a newspaper of general circulation within Boulder County at least 14 days prior to the hearing date; and
b. a written notice of the hearing, as defined in ~~Section~~ 3-205.B.2~~.~~.a~~.~~, above, transmitted at least 14 days prior to the hearing date to the ~~applicant~~Applicant, to other owners of estates, rights, liens, mortgages or interests in the property, and to ~~adjacent~~Adjacent and/or nearby property owners. Inadvertent failure to notify every such property owner shall not affect the validity of any hearing or determination of the BOCC.

3. Notice of public hearings for comprehensive rezonings, Land Use Code text amendments, and Boulder County Comprehensive Plan amendments shall include:
   a. a notice of the hearing, containing the applicable elements set forth in ~~Subsection~~ 3-205.B.2.a~~.~~, above, published in a newspaper of general circulation within Boulder County at least 14 days prior to the public hearing date.
   b. notice via electronic means (e.g., transmitted to the most recent electronic mail address on file) to all property owners who have communicated in writing to the Director a desire to "opt in" to receiving direct notice of all proposed comprehensive rezonings, Land Use Code text amendments, and Boulder County Comprehensive Plan amendments; provided, however, that inadvertent failure to notify every such owner shall not affect the validity of any action by the ~~County~~county on a comprehensive rezoning, text amendment, or Comprehensive Plan amendment.
4. Notice of public hearings for limited impact special use permits shall include:
   a. a notice of the hearing, as defined in ~~Section~~ 3-205.B.2.a~~.~~, above, published in a newspaper of general circulation within Boulder County at least 14 days prior to the hearing date; and
   b. a written notice of the hearing, as defined in ~~Section~~ 3-205.B.2.a~~.~~, above, transmitted at least 14 days prior to the hearing date to the ~~applicant~~Applicant, to other owners of estates, rights, liens, mortgages or interests in the property, and to ~~adjacent~~Adjacent and/or nearby property owners. Inadvertent failure to notify every such property owner shall not affect the validity of any hearing or determination of the BOCC.
   c. The notices required in ~~this Subsection~~ 3-205.C.4~~.~~ shall not be deemed to qualify as, or substitute for, the ~~applicant~~Applicant's independent obligation under Article 65.5 of Title 24, C.R.S., regarding the identification of and notice to any mineral estate owners or lessees that own less than full fee title in the property which is the subject of an application requiring compliance with Article 65.5 of Title 24, C.R.S., as set forth in ~~Section~~ 3-202.A~~.~~, above. Therefore, if the application is one which Section 3-202.A~~.~~, above, identifies as requiring compliance with Article 65.5 of Title 24, C.R.S, and if the ~~applicant~~Applicant has signed a certification pursuant to Article 65.5 of Title 24, C.R.S. identifying the existence of any mineral estate owners or lessees that own less than full fee title in the property which is the subject of the application, then the ~~applicant~~Applicant shall sign an additional certification confirming that the

~~applicant~~Applicant has, at least 30 days prior to the initial BOCC public hearing on the application, transmitted to the ~~County~~county and to the affected mineral estate owners and lessees the notices required by Article 65.5 of Title 24, C.R.S.

5. Notice of public hearings for vacations shall include:
   a. a notice of the hearing, as defined in ~~Section~~ 3-205.B.2.a~~.~~, above, published in a newspaper of general circulation within Boulder County at least 14 days prior to the hearing date; and
   b. a written notice of the hearing, as defined in ~~Section~~ 3-205.B.2.a~~.~~, above, transmitted at least 14 days prior to the hearing date to the ~~applicant~~Applicant, to other owners of estates, rights, liens, mortgages or interests in the property, and to ~~adjacent~~Adjacent and/or nearby property owners. Inadvertent failure to notify every such property owner shall not affect the validity of any hearing or determination of the BOCC.
   c. The notices required in ~~this Subsection~~ 3-205.C.5~~.~~ shall not be deemed to qualify as, or substitute for, the ~~applicant~~Applicant's independent obligation under Article 65.5 of Title 24, C.R.S., regarding the identification of and notice to any mineral estate owners or lessees that own less than full fee title in the property which is the subject of an application requiring compliance with Article 65.5 of Title 24, C.R.S., as set forth in ~~Section~~ 3-202.A~~.~~, above. Therefore, if the application is one which ~~Section~~ 3-202.A~~.~~, above, identifies as requiring compliance with Article 65.5 of Title 24, C.R.S, and if the ~~applicant~~Applicant has signed a certification pursuant to Article 65.5 of Title 24, C.R.S. identifying the existence of any mineral estate owners or lessees that own less than full fee title in the property which is the subject of the application, then the ~~applicant~~Applicant shall sign an additional certification confirming that the ~~applicant~~Applicant has, at least 30 days prior to the initial BOCC public hearing on the application, transmitted to the ~~County~~county and to the affected mineral estate owners and lessees the notices required by Article 65.5 of Title 24, C.R.S.
6. Notice of public hearings for ~~preliminary plan~~Preliminary Plans, ~~final plat~~Final Plats, and ~~road~~Road name changes shall include:
   a. A written notice of the hearing, as defined in ~~Section~~ 3-205.B.2.a~~.~~, above, transmitted at least seven~~7~~ days prior to the hearing date to the ~~applicant~~Applicant, to other owners of estates, rights, liens, mortgages or interests in the property, and to ~~adjacent~~Adjacent and/or nearby property owners. Inadvertent failure to notify every such property owner shall not affect the validity of any hearing or determination of the BOCC.
   b. No published notice is required.
7. In any case where information becomes known to the Community Planning ~~&~~and Permitting Director or the BOCC that an ~~applicant~~Applicant has failed to provide notice of an initial public hearing on any development application which is subject to the requirements of Article 65.5 of Title 24, C.R.S., as provided in ~~Section~~ 3-202.A~~.~~, above, at least 30 days prior to the initial ~~County~~county public hearing (before the Planning Commission or BOCC, as applicable) on the application as required by Article 65.5 of Title 24, C.R.S., the Board or the Director on behalf of the

Board may continue, may reschedule, or may vacate the initial public hearing to allow proper notice to be provided under Article 65.5 of Title 24, C.R.S.

8. Any action taken by the Board of County Commissioners will be based on the entire record of proceedings on the matter, as that record is maintained by the Community Planning ~~&~~and Permitting Department Director and/or the Clerk of the Board of County Commissioners, including but not limited to: tape recordings or true transcripts of public hearings or hearings where the proposals were discussed; all written comments of referral agencies; the review and recommendations of the Community Planning ~~&~~and Permitting Department; and all written commitments, statements, or evidence made or submitted by or in behalf of the ~~applicant~~Applicants, landowners or interest holders or their agents, and interested members of the public. The ~~applicant~~Applicant shall have the burden of proof to show that the applicable criteria for approval have been met.
9. Any action to deny an application based on public hearing shall be supported by written findings specifying the regulatory provisions or criteria that the application failed to address or satisfy. The Board shall have full authority to deny an application as a result of insufficient information being available to allow the Board to make a reasonable determination that the applicable provisions or criteria have been or can be met.
10. The Board shall conduct its public hearings expeditiously while giving due regard to the needs of both the ~~applicant~~Applicant and the public to fully and fairly present their views. The Board shall conclude the public testimony portion of the hearing when all those present and wishing to testify have done so.
11. For special use permits, limited impact special use permits, rezonings, text amendments, vacations, ~~road~~Road name changes, ~~subdivision exemption~~Subdivision Exemptions, and ~~exemption plat~~Exemption Plats, the Board may delay the opening of the public hearing or may table the request on any application at the time of the public hearing for a reasonable period of time to provide the public, the ~~applicant~~Applicant or staff the proper time to review new technical or other information that was made available without reasonable opportunity for review or response, to obtain additional information necessary for the Board to make their decision, to allow for the ~~applicant~~Applicant's compliance with the notice requirements of this Code and Article 65.5 of Title 24, C.R.S., or to allow for additional time for Board deliberation and action.
12. For any ~~subdivision~~Subdivision application to ~~plat~~Plat ~~unsubdivided land~~Unsubdivided Land (~~sketch plan~~Sketch Plan, ~~preliminary plan~~Preliminary Plan or ~~final plat~~Final Plat), PUD application, or application for any approval or permit for an extension, betterment, or addition to ~~building~~Buildings, ~~structure~~Structures, or plants or equipment of a public utility under C.R.S. 30-28-127, the Board may delay the opening of the public hearing, or may table action on the application at the hearing, for a reasonable period of time and for the reasons stated in ~~Subsection~~ 3-205.C.11~~.~~, above. If action at the public hearing is tabled or continued to a future hearing, the tabling or continuance shall be to a date certain (unless a date certain is waived by the ~~applicant~~Applicant), and the Board shall take action to approve,

conditionally approve, or deny the application within 40 days after the date of commencement of the public hearing, or within such longer period as the ~~applicant~~Applicant in writing agrees (the ~~applicant~~Applicant may waive the requirement for a written consent). This 40-day period may be extended under any of the following circumstances:

a. If the ~~County~~county still needs to receive a recommendation from any agency to which a ~~plat~~Plat or plan under the Subdivision Regulations was referred pursuant to C.R. S. Section 30-28-136, although such extension shall not exceed 30 days unless the agency has notified the ~~County~~county that it will require additional time to complete its recommendation; or
b. If the Board, based on specific, objective criteria in the applicable regulations, requests a redesign of all or any portion of a ~~plat~~Plat or plan or application, or subsequently requests another redesign (which additional redesign C.R.S. Section 30-28-133.5(4) permits only if necessary to allow the application to conform with a duly adopted ~~County~~county resolution, ordinance, or regulation); or
c. If the Board determines, based on the information developed through the public hearing process, that a reasonable additional amount of time is necessary to allow full participation of the interested public and the development of information to make an informed decision based on the applicable regulatory criteria.
d. If the Board determines that additional time is necessary to allow for the ~~applicant~~Applicant's compliance with the notice requirements of this Code or of Article 65.5 of Title 24, C.R.S.

13. Any application submitted by a public utility or a power authority providing electric or natural gas service, which relates to the location, construction, or improvement of a major electrical or natural gas ~~facility~~Facility as contemplated by Section 29-20-108, C.R.S., as amended, and which is required to be presented to the Planning Commission for review, shall be considered to be a "preliminary application" under Section 29-20-108. Final ~~County~~county action on any such application shall thus be required to be taken within 120 days after submission of the application, or the application under Section 29-20-108 is deemed approved. Any such application for a major electrical or natural gas ~~facility~~Facility which is required to be presented to only the Board, shall be considered to be a "final application" under Section 29-20-108 on which final ~~County~~county action shall be required to be taken within 90 days after submission of the application, or the application under Section 29-20-108 is deemed approved. For purposes of ~~this Subsection~~ 3-205.C.13~~.~~, "submission" shall be considered to be the submission of a complete application as required by this Article 3, including but not limited with respect to compliance with any applicable notice requirements to the mineral estate owners and lessees constituting less than full fee title in the subject property as required by Article 65.5 of Title 24, C.R.S.

3-206 Post Approval Requirements

A. No activity or use authorized pursuant to an approval granted subject to the provisions of this Article shall be permitted or allowed to commence unless all post- approval requirements as required by this Code and all conditions of approval have been met.

B. Development Agreements

1. For special use approvals and ~~final plat~~Final Plat or ~~final plat~~Final Plat ~~replat~~Replat approvals under the Subdivision Regulations, a ~~development agreement~~Development Agreement must be reviewed and approved by ~~County~~county staff, signed by the ~~applicant~~Applicant, and then signed by the Chair of the Board. The approved and executed ~~development agreement~~Development Agreement shall be recorded in the real property records of Boulder County at the same time the other required post-approval documents implementing the approval are recorded. The ~~development agreement~~Development Agreement shall embody the terms and conditions of the site~~-~~-specific development plan creating a ~~vested property right~~Vested Property Right pursuant to ~~Section~~ 3-207.
2. The ~~development agreement~~Development Agreement typically will include the following (as applicable):
   a. description of the approved development~~,~~;
   b. site plan depicting the approved development~~,~~;
   c. provisions for construction of improvements~~,~~;
   d. performance guarantees and letters of credit~~,~~;
   e. evidence of payment of sewer and water tap fees and other necessary fees~~,~~;
   f. phasing schedule~~,~~;
   g. evidence of transfer of water rights~~,~~;
   h. agreements to provide 'as built' plans;
   i. methods of providing perpetual maintenance of common property and equipment~~,~~;
   j. provisions for a home-owners association~~,~~;
   k. methods for amending the agreement~~,~~;
   l. enforcement provisions~~,~~; and
   m. language establishing a ~~vested property right~~Vested Property Right in conformity with Part I of Article 68 of Title 24, C.R. S., as amended.
3. The ~~development agreement~~Development Agreement shall be signed by all owners of the subject property.

C. Final Plats

1. The following actions shall occur after approval or conditional approval of the ~~final plat~~Final Plat by the Board of County Commissioners and prior to recordation of that ~~plat~~Plat and associated documents.
   a. The recordation of required materials shall occur within one year of approval by the BOCC.
   b. Extensions of this deadline shall be granted per ~~Section~~ 5-500 Expiration of Approvals.

2. The ~~applicant~~Applicant shall provide the Director with all of the proper original documents as required below.
    a. The ~~applicant~~Applicant shall correct, modify and amend all ~~final plat~~Final Plat documents in accordance with approval or conditional approval.
    b. The ~~applicant~~Applicant shall obtain all signatures necessary for execution of the appropriate documents. The Director shall be responsible for obtaining the signature of the BOCC Chair.
    c. The ~~applicant~~Applicant shall obtain itemized estimates for the cost of required improvements.
    d. The ~~applicant~~Applicant shall obtain a final Letter of Credit or other financial guarantee acceptable to the Director from the appropriate lending institution.
    e. The surveyor shall set all points in the field that were not set previously using criteria established in ~~Section~~ 7-1500.
    f. The ~~applicant~~Applicant shall supply a title report as defined in ~~Section~~ 3-203.H~~.~~, above, which includes all owners of record as of the date of recordation.
    g. The ~~applicant~~Applicant shall obtain a certification from the Boulder County Treasurer's Office that there are no outstanding ad-valorem taxes to be paid on the property being exempted.
    h. The Director shall verify that the proper signatures have been secured on the required documents.
    i. The Director shall verify that a sign identifying the receiving area of a noncontiguous nonurban PUD, including the number of ~~dwelling unit~~Dwelling Units approved for the ~~parcel~~Parcel, has been posted on the property in a visible location consistent with all requirements of this Code.
3. Upon finding that all corrections have been made to the ~~plat~~Plat and other documents, that the proper signatures have been received, that all payments and improvements guarantees have been received, that the documents are in the proper order and ready for recordation, the Director shall sign the face of the ~~plat~~Plat authorizing the ~~plat~~Plat to be filed for recording.
4. The ~~applicant~~Applicant shall be responsible for all recording fees.
5. Upon completion of the recording process, the Director shall provide the ~~applicant~~Applicant with a full~~-~~-size reproducible copy of the signed and recorded ~~plat~~Plat and copies of recorded documents as necessary.

D. Road Name Changes
1. The Community Planning ~~&~~and Permitting Department will notify, in writing, the ~~applicant~~Applicant and the following owners and agencies:
    a. all owners of property abutting the ~~road~~Road and identifiable interest owners of record in the roadway~~.~~;
    b. the Boulder County Public Works Department~~.~~;
    c. appropriate city and/or town~~.~~;
    d. city or county Public Health department~~.~~;
    e. electric and gas companies~~.~~;
    f. U.S. Postal Service~~.~~;
    g. the Boulder County Assessor's Office~~.~~;

h. telephone company~~,~~;
i. fire authority~~,~~;
j. law enforcement agencies~~,~~; and
k. any other agency deemed appropriate by the Director.

3-207 Vested Property Rights

A. A ~~vested property right~~Vested Property Right may be established pursuant to Part I of Article 68 of Title 24, C.R.S., as amended, after the following events occur:
   1. Approved applications for special use permits, ~~final plat~~Final Plats, or ~~final plat~~Final Plat ~~replat~~Replats under the Subdivision Regulations, constitute site-~~-~~specific development plans which will cause property rights to vest as provided in Part I of Article 68 of Title 24, C.R.S., as amended.
   2. The site-~~-~~specific development plans, as identified in ~~the preceding Subsection~~ 3-207.A.1, shall be deemed approved, and the associated ~~vested property right~~Vested Property Right shall be deemed established, on the date the Board signs a written resolution approving or conditionally approving the subject special use, ~~final plat~~Final Plat, or ~~final plat~~Final Plat ~~replat~~Replat application.
   3. No later than 14 days after the date of the Board's adoption of its written resolution establishing the vested right, the Director shall publish a notice advising the public of the approval of the site-~~-~~specific development plan and the creation of the ~~vested property right~~Vested Property Right in a newspaper of general circulation of the ~~County~~county.
   4. Once established, the vested right shall remain in effect for three years, unless the Board determines, as part of the site-~~-~~specific development plan approval, that a longer period is warranted in light of the relevant circumstances. Those circumstances may include but are not limited to~~:~~ the size and phasing of the development, economic cycles, and market conditions. Any amendment to an approved site-~~-~~specific development plan shall not extend the three-~~-~~year vesting period unless the Board expressly authorizes an extension based on the foregoing criteria.
   5. No activity or use authorized by a site-~~-~~specific development plan approval granted under this Article shall be allowed to commence unless a vested right is first established as required in this Section, and until all other applicable post-approval requirements have been met.

3-300 Application Submittal and Processing

A. The Director may create a waitlist for accepting applications. When the Director establishes a waitlist, ~~Land Use~~Community Planning and Permitting staff shall inform prospective ~~applicant~~Applicants regarding the waitlist and notify Applicants when they have reached the front of the waitlist so that their applications may be accepted and processed. Prospective ~~applicant~~Applicants shall generally be placed on the waitlist on a first come, first served basis. However, the Director may prioritize items basis on special circumstances, such as reconstruction-related permit applications submitted after a natural disaster.

B. When the Director establishes a waitlist, no time limit for processing applications shall apply until the application is removed from the waitlist and accepted for processing.

Article 4 - Zoning

From the Forward to the Boulder County Zoning Resolution, February 4, 1944

> A zoning ordinance imposes such reasonable limitations upon the right of a property owner to use his property as he pleases, as may be determined by considerations of public health, safety, and welfare. But he may not use his property as he pleases without regard for his neighbors, or the effect of his actions upon the welfare and prosperity of the whole community of which he is a part. Nor is a zoning ordinance merely a temporary matter. It is an integral part of public planning, which takes the long view. The use of land is a granted right, but the land itself remains long after individuals who have exercised such rights have passed away. Rural zoning contemplates not only benefits in the present, but also seeks to conserve our resources for future generations.

4-100 Zoning District Regulations

[TABLE, BUT COULD BE CONVERTED]

Zoning District Legend

1. (A) identifies uses permitted by Special Authorization of the Building Official (Article 2-500).
2. (I) identifies uses permitted by Limited Impact Special Review (Article 3 and ~~Article~~ 4-600).
3. (L) identifies uses permitted by Location ~~&~~and Extent Review (Article 8).
4. (R) identifies uses permitted by Review of Areas and Activities of State Interest (Article 8).
5. (S) identifies uses permitted by Special Review (Article 3 and ~~Article~~ 4-600).
6. (SPR) identifies uses permitted by Site Plan Review (~~Article~~ 4-800).

Note: The uses listed in each zoning district are listed with the review process acronyms as shown in the legend above. Review processes are also triggered based on the intensity of the use, specific location of the development and extent of physical development on the property. Thus, even if a review process is not ~~enumerated~~listed, a ~~parcel~~Parcel may still require a process based on other Code requirements.

4-101 Forestry (F) District

A. Purpose: Rural areas established for the purpose of efficiently using land to conserve forest resources, protect the natural environment, and preserve open areas.
B. Principal Uses Permitted
   1. Agri-business Uses (see 4-501)
      a. Keeping of Nondomestic Animals (S)
   2. Agricultural Uses (see 4-502)
      a. Equestrian Center (S)

b. Intensive Agricultural Uses (S)
c. Open Agricultural Uses

3. Commercial/Business Service Uses (see 4-503)
   a. Kennel (S)
4. Community Uses (see 4-504)
   a. Adaptive Reuse of a Historic Landmark (I)
   b. Camp (I)/(S)
   c. Membership Club (S)
   d. Reception Halls and Community Meeting Facilities (S)
   e. Use of Community Significance (I)
5. Forestry Uses (see 4-505)
   a. Forestry
   b. Forestry Processing and Sort Yard (I)
6. Industrial Uses (see 4-506)
   a. Saw Mill (S)
   b. Solid Waste Transfer Facility (S)
7. Lodging Uses (see 4-507)
   a. Bed and Breakfast (I)
   b. Campground (S)
   c. Resort Lodge, Conference Center, or Guest Ranch (S)
   d. Vacation Rental
8. Mining Uses (see 4-508)
   a. Limited Impact Open Mining (I)
   b. Oil and Gas Operations
   c. Open Mining (S)
   d. Subsurface Mining; (I) (S)
   e. Subsurface Mining of Uranium (S)
9. Office Uses (see 4-509)
   None Permitted
10. Recreation Uses (see 4-510)
    a. Firing Range, Outdoor (S)
    b. Livery or Horse Rental Operation (S)
    c. Outdoor Recreation, for day use (S)
    d. Outdoor Recreation, for night use (S)
    e. Park and/or Playfield, for day use
    f. Park and/or Playfield, for night use (S)
    g. Public Recreation Center (S)
    h. Ski Area (S)
11. Residential Uses (see 4-511)
    a. Group Care or Foster Home (S)
    b. Single Unit Dwelling
12. Retail and Personal Service Uses (see 4-512)
    a. Recycling Collection Center, Small (I)
    b. Veterinary Clinic, without outdoor holding facilities (S)

13. Transportation Uses (see 4-513)
    a. Heliport (S)
    b. Helistop (S)
    c. Multimodal Parking Facility (S) (I)
14. Utility and Public Service Uses (see 4-514)
    a. Central Office Building of a Telecommunication Company (R)
    b. Community Cistern (I)
    c. Fire Barn (I)
    d. Fire Station (S)
    e. Major Facility of a Public Utility (R) (S) (L)
    f. Public or Quasi-public Facility other than Listed (S)
    g. Public Safety Telecommunication Facility (I)
    h. Sewage or Water Transmission Line (R) (L)
    i. Sewage Treatment Facility (R) (S) (L)
    j. Small Wind-Powered Energy System
    k. Solar Energy – Building-Mounted System
    l. Solar Energy – Ground-Mounted System (SPR) (S) (I)
    m. Solar Energy ~~–~~ Parking Canopy System (SPR)
    n. Telecommunications Facility, existing ~~structure~~Structure meeting height requirements
    o. Telecommunications Facility, new ~~structure~~Structure or not meeting height requirements (S)
    p. Utility Service Facility
    q. Water Reservoir (R) (S) (L)
    r. Water Tank or Treatment Facility (R) (S) (L)
15. Warehouse Uses (see 4-515)
    None Permitted

C. Accessory Uses Permitted (see 4-516)
1. Accessory Agricultural Sales
2. Accessory Agricultural Structure
3. Accessory Beekeeping
4. Accessory Chicken Keeping
5. Accessory Dwelling (I)
6. Accessory Horse Keeping
7. Accessory Meat or Poultry Processing
8. Accessory Outside Storage
9. Accessory Solar Energy System
10. Accessory Structure
11. Grading of more than 500 Cubic Yards (I)
12. Home Events
13. Home Occupation
14. Household Pets
15. Noncommercial Telecommunication Site, one ~~structure~~Structure which meets ~~setback~~Setback and height requirements

16. Noncommercial Telecommunication Site, multiple ~~structure~~Structures and/or not meeting ~~setback~~Setback or height requirements (I)
17. Parking
18. Small Wind-Powered Energy System, Roof-Mounted
19. Short-Term Rental

D. Temporary Uses Permitted (see 4-517)
1. Emergency Noncommercial Telecommunication Site (A)
2. Garage Sales or Occasional Sales
3. Group Gathering / Special Events (A)
4. Temporary Batch Plant (A)
5. Temporary Construction or Sales Office (A)
6. Temporary Dwelling Unit (A)
7. Temporary Christmas Tree Sales (I)
8. Temporary Special Use, ~~(~~nonconforming use under ~~Section~~ 4-1004.A.2~~.~~ (S)
9. Temporary Weather Device Tower
10. Educational Tour

E. Lot, Building, and Structure Requirements
1. Minimum lot size…35 acres
2. Minimum ~~setback~~Setbacks
   a. Front ~~yard~~Yard…15 feet
   b. Side ~~yard~~Yard…25 feet
   c. Rear ~~yard~~Yard…15 feet
   d. From an ~~irrigation ditch~~Irrigation Ditch…50 feet from the centerline of the ditch. This requirement only affects ~~structure~~Structures built after October 10, 1996. The ~~setback~~Setback may ~~–~~ ~~-~~with ~~County~~county concurrence ~~-~~ ~~-~~be reduced in accordance with a letter from the applicable ditch company establishing a different ~~setback~~Setback, but in any event shall not be less than 20 feet from the ditch centerline.
   e. Supplementary requirements may apply, refer to ~~Article~~ 7-1400.
   f. The Director may require a ~~structure~~Structure to be located farther from any minimum ~~setback~~Setback as a mitigation measure to meet one or more Site Plan Review standard(s).
3. Structure Size
   a. Maximum Residential Floor Area
      (i) Unless otherwise specified in ~~subsections~~ (ii) through (vi), the maximum Residential Floor Area for a Parcel shall be the larger of either the median Residential Floor Area of the defined Neighborhood or:
         (A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;
         (B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 square feet and 3,000 square feet; and

(C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.

(ii) For a Parcel within the mapped Townsites of Allenspark, Eldora, Eldorado Springs, Raymond, and Riverside, the maximum Residential Floor Area shall be 1,500 square feet.

(iii) For a Parcel encumbered by a Boulder County ~~conservation easement~~Conservation Easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that ~~conservation easement~~Conservation Easement, recorded agreement with the ~~County~~county, or other approval shall be the maximum.

(iv) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in ~~subsection~~ (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.

(A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.

(B) ~~Subsection~~ (iv) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or ~~building~~Building permit to rebuild deconstructed Residential Floor Area is not issued within one year.

(v) A Parcel with a historic ~~structure~~Structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:

(A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and

(B) the additional Residential Floor Area granted is related to the preservation of the protected ~~structure~~Structures.

(vi) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing ~~structure~~Structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of ~~building~~Building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

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.

c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).

d. The Boulder County~~'s~~ Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing

Residential Floor Area on a Parcel, as verified by Community Planning ~~&~~and Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel

4. Maximum ~~building height~~Building Height
   a. On ~~subdivided land~~Subdivided Land with a ~~final plat~~Final Plat approved by the ~~County~~county prior to August 29, 1994, 35 feet unless a lower height was approved through the ~~plat~~Platting process.
   b. On any other land, 30 feet unless, through a ~~subdivided land~~Subdivided Land approval or Site Plan Review approval, a lower or higher height is permitted due to the unique characteristics of the particular site; in no event, however, shall any residential ~~structure~~Structure exceed 35 feet.
   c. The Director may require a reduction in ~~structure~~Structure height as a mitigation measure to meet one or more Site Plan Review standard(s).

F. Additional Requirements
   1. Animal ~~units~~Units…Two ~~animal~~ Animal Units~~units~~ per acre without going through Special Review.
   2. Special review is required for any use which:
      a. generates traffic volumes in excess of 150 ~~average daily trip~~Average Daily Trips per lot, as defined by the Institute of Transportation Engineers;
         (i) Property with a Verified Established Farm Use may have up to 200 ~~average daily trip~~Average Daily Trips per lot, as determined through the applicable review process, when there is an Agricultural Sales Unit in operation on the property.
      b. has an occupant load greater than or equal to 100 ~~person~~Persons per lot;
         (i) Property with a Verified Established Farm Use may have an occupant load up to 150 ~~person~~Persons per lot, as determined through the applicable review process, to accommodate Farm Events.
      c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;
      d. has a total ~~floor area~~Floor Area greater than 25,000 square feet; or
      e. has a second Principal Use which does not increase density.
   3. Limited Impact Special Review is required for any use which is:
      a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 ~~average daily trip~~Average Daily Trips per lot as defined by the Institute of Transportation Engineers;
      b. ~~grading~~Grading involving the movement of more than 500 cubic yards of material as defined and provided in ~~Section~~ 4-516.
   4. No ~~parcel~~Parcel shall be used for more than one Principal Use, except for allowed Agricultural uses, Forestry uses, Mining uses, or any combination thereof; for multiple Principal Uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses preserve the

landmark; or for second Principal Uses approved though Special Review under 4-101.F.2.e, above

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

4-102 Agricultural (A) District

A. Purpose: Rural areas where conservation of agricultural resources is of major value, and where residential development compatible with agricultural uses is allowed.

B. Principal Uses Permitted
   1. Agri-business Uses (see 4-501)
      a. Agricultural Products Processing and Storage (S)
      b. Commercial Feed Yard (S)
      c. Commercial Nursery
      d. Custom Meat or Poultry Processing Facility (S)(I)
      e. Keeping of Nondomestic Animals (S)
   2. Agricultural Uses (see 4-502)
      a. Equestrian Center
      b. Farm Store (I)
      c. Intensive Agricultural Uses
      d. Open Agricultural Uses
   3. Commercial/Business Service Uses (see 4-503)
      a. Kennel
   4. Community Uses (see 4-504)
      a. Adaptive Reuse of a Historic Landmark (I)
      b. Camp (I/S)
      c. Cemetery (S)
      d. Church
      e. Education Facility (S)
      f. Membership Club (S)
      g. Reception Halls and Community Meeting Facilities (S)
      h. Use of Community Significance (I)
   5. Forestry Uses (see 4-505)
      a. Forestry
      b. Forestry Processing and Sort Yard (I)
   6. Industrial Uses (see 4-506)
      a. Composting Facility (S)
      b. Sawmill (S)
      c. Solid Waste Disposal Site and Facility (S)
      d. Solid Waste Transfer Facility (S)
   7. Lodging Uses (see 4-507)
      a. Bed and Breakfast (I)

b. Campground (S)
c. Resort Lodge, Conference Center, or Guest Ranch (~~legally~~ existing as of April 20, 2004) (S)

8. Mining Uses (see 4-508)
   a. Limited Impact Open Mining (I)
   b. Oil and Gas Operations
   c. Open Mining (S)
   d. Subsurface Mining (S)
   e. Subsurface Mining of Uranium (S)
9. Office Uses (see 4-509)
   None permitted
10. Recreation Uses (see 4-510)
    a. Firing Range, Outdoor (S)
    b. Golf Course (S)
    c. Livery or Horse Rental Operation (S)
    d. Outdoor Recreation, for day use (S)
    e. Outdoor Recreation, for night use (S)
    f. Park and/or Playfield, for day use
    g. Park and/or Playfield, for night use (S)
    h. Public Recreation Center (S)
11. Residential Uses (see 4-511)
    a. Group Care or Foster Home (S)
    b. Single Unit Dwelling
12. Retail and Personal Service Uses (see 4-512)
    a. Day Care Center (S)
    b. Recycling Collection Center, Small (I)
    c. Veterinary Clinic, with outdoor holding facilities
    d. Veterinary Clinic, without outdoor holding facilities
13. Transportation Uses (see 4-513)
    a. Airport (S)
    b. Heliport (S)
    c. Helistop (S)
    d. Multimodal Parking Facility (S) (I)
14. Utility and Public Service Uses (see 4-514)
    a. Central Office Building of a Telecommunication Company (R)
    b. Community Cistern (I)
    c. Fire Barn (I)
    d. Fire Station (S)
    e. Major Facility of a Public Utility (R) (S) (L)
    f. Public or Quasi-public Facility other than Listed (S)
    g. Public Safety Telecommunication Facility (I)
    h. Sewage or Water Transmission Line (R) (L)
    i. Sewage Treatment Facility (R) (S) (L)
    j. Small Wind-Powered Energy System

k. Solar Energy – Building-Mounted System
l. Solar Energy – Ground-Mounted System (SPR) (S) (I)
m. Solar Energy ~~–~~ Parking Canopy System (SPR)
n. Telecommunications Facility, existing ~~structure~~Structure meeting height requirements
o. Telecommunications Facility, new ~~structure~~Structure or not meeting height requirements (S)
p. Utility Service Facility
q. Water Reservoir (R) (S) (L)
r. Water Tank and Treatment Facility (R) (S) (L)

15. Warehouse Uses (see 4-515)
    None permitted

C. Accessory Uses Permitted (see 4-516)
1. Accessory Agricultural Sales
2. Accessory Agricultural Structure
3. Accessory Beekeeping
4. Accessory Chicken Keeping
5. Temporary Accessory Community Meeting Facility
6. Accessory Concrete or Asphalt Batch Plant (S)
7. Accessory Dwelling (I)
8. Accessory Horse Keeping
9. Accessory Meat or Poultry Processing
10. Accessory Outside Storage
11. Accessory Solar Energy System
12. Accessory Structure
13. Demonstration Farm or Farm Camp (I)
14. Farm Events (I)
15. Grading of more than 500 Cubic Yards (I)
16. Home Events
17. Home Occupation
18. Household Pets
19. Noncommercial Telecommunication Site, one ~~structure~~Structure which meets ~~setback~~Setback and height requirements
20. Noncommercial Telecommunication Site, multiple ~~structure~~Structures and/or not meeting ~~setback~~Setback or height requirements (I)
21. Parking
22. Small Wind-Powered Energy System, Roof-Mounted
23. Short-Term Rental

D. Temporary Uses Permitted (see 4-517)
1. Emergency Noncommercial Telecommunication Site (A)
2. Garage Sales or Occasional Sales
3. Group Gathering / Special Events (A)
4. Temporary Batch Plant (A)
5. Temporary Construction or Sales Office (A)

6. Temporary Dwelling Unit (A)
7. Temporary Christmas Tree Sales (I)
8. Temporary Special Use, ~~(~~nonconforming use under ~~Subsection~~ 4-1004.A.2~~.~~ (S)
9. Temporary Weather Device Tower
10. Educational Tour

E. Lot, Building, and Structure Requirements
   1. Minimum lot size…35 acres
   2. Minimum ~~setback~~Setbacks
      a. Front ~~yard~~Yard…35 feet
      b. Side ~~yard~~Yard…7 feet
      c. Rear Yard…15 feet
      d. From an ~~irrigation ditch~~Irrigation Ditch…50 feet from the centerline of the ditch. This requirement only affects ~~structure~~Structures built after October 10, 1996. The ~~setback~~Setback may ~~–~~ with ~~County~~county concurrence ~~–~~ be reduced in accordance with a letter from the applicable ditch company establishing a different ~~setback~~Setback, but in any event shall not be less than 20 feet from the ditch centerline.
      e. Supplementary requirements may apply, refer to ~~Article~~ 7-1400.
      f. The Director may require a ~~structure~~Structure to be located farther from any minimum ~~setback~~Setback as a mitigation measure to meet one or more Site Plan Review standard(s).
   3. Structure size
      a. Maximum Residential Floor Area
         (i) Unless otherwise specified in ~~subsections~~ (ii) through (vi), the maximum Residential Floor Area for a Parcel shall be the larger of either the median Residential Floor Area of the defined Neighborhood or:
            (A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;
            (B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 square feet and 3,000 square feet; and
            (C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.
         (ii) For a Parcel within the mapped Townsite of Eldorado Springs, the maximum Residential Floor Area shall be 1,500 square feet.
         (iii) For a Parcel encumbered by a Boulder County ~~conservation easement~~Conservation Easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that ~~conservation easement~~Conservation Easement, recorded agreement with the ~~County~~county, or other approval shall be the maximum.
         (iv) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in ~~subsection~~ (i), the maximum

Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.

(A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.

(B) ~~Subsection~~ (iv) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or ~~building~~Building permit to rebuild deconstructed Residential Floor Area is not issued within one year.

(v) A Parcel with a historic ~~structure~~Structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:

(A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and

(B) the additional Residential Floor Area granted is related to the preservation of the protected ~~structure~~Structures.

(vi) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing ~~structure~~Structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of ~~building~~Building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

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.

c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).

d. The Boulder County~~'s~~ Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning ~~&~~and Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

4. Maximum ~~building height~~Building Height

a. Residential ~~structure~~Structures:

(i) On ~~subdivided land~~Subdivided Land with a ~~final plat~~Final Plat approved by the ~~County~~county prior to August 29, 1994, 35 feet unless a lower height was approved through the ~~plat~~Platting process.

(ii) On any other land, 30 feet unless, through a ~~subdivided land~~Subdivided Land approval or Site Plan Review approval, a lower or higher height is permitted due to the unique characteristics of the particular site; in no event, however, shall any residential ~~structure~~Structure exceed 35 feet.

(iii) 50 feet for nonresidential ~~structure~~Structures

(iv) The Director may require a reduction in ~~structure~~Structure height as a mitigation measure to meet one or more Site Plan Review standard(s).

F. Additional Requirements

1. ~~Animal unit~~Animal Units…Four ~~animal unit~~Animal Units per acre without going through Special Review.
2. Special review is required for any use which:
   a. generates traffic volumes in excess of 150 ~~average daily trip~~Average Daily Trips per lot, as defined by the Institute of Transportation Engineers;
      (i) Property with a Verified Established Farm Use may have up to 200 ~~average daily trip~~Average Daily Trips per lot, as determined through the applicable review process, when there is an Agricultural Sales Unit in operation on the property.
   b. has an occupant load greater than or equal to 100 ~~person~~Persons per lot;
      (i) Property with a Verified Established Farm Use may have an occupant load up to 150 ~~person~~Persons per lot, as determined through the applicable review process, to accommodate Farm Events.
   c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;
   d. is on a ~~parcel~~Parcel with a total ~~floor area~~Floor Area greater than 25,000 square feet, any portion of which is not part of an agricultural use;
      (i) Season-Extending Agricultural Structures shall be excluded from the square footage counted toward this provision if the square footage of the Season-Extending Agricultural Structures on a property is less than the thresholds identified in 4-802.A.1~~5~~6. has a second Principal Use which does not increase density.
   e. has a second Principal Use which does not increase density.
3. Limited Impact Special Review is required for any use which is:
   a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 ~~average daily trip~~Average Daily Trips per lot as defined by the Institute of Transportation Engineers.~~;~~
   b. on a ~~parcel~~Parcel with a total ~~floor area~~Floor Area greater than 25,000 square feet all of which is part of an agricultural use.
      (i) A ~~parcel~~Parcel may have 1,800 square feet of additional ~~floor area~~Floor Area for every additional ~~5~~ five acres of ~~parcel~~Parcel size above 35 acres, without triggering Limited Impact Special Review, but only if the owner grants the ~~County~~county a ~~conservation easement~~Conservation Easement on the property which prohibits any division of the property which would result in a violation of this Code, and prohibits the addition of ~~structure~~Structures to the property; or
      (ii) Season-Extending Agricultural Structures shall be excluded from the square footage counted toward this provision if the square footage of the Season-Extending Agricultural Structures on a property is less than the thresholds identified in 4-802.A.1~~5~~6.

c. ~~grading~~Grading involving the movement of more than 500 cubic yards of material as defined and provided in ~~Section~~ 4-516.

4. No ~~parcel~~Parcel shall be used for more than one Principal Use, except for allowed Agricultural uses, Forestry uses, Mining uses, or any combination thereof; for multiple Principal Uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark; or for second Principal Uses approved though Special Review under 4-102.F.2.e, above.
5. Community Cisterns, Small Wind-Powered Energy Collectors Systems and Solar Energy Systems may be approved without Special Review approval on ~~parcel~~Parcels with existing Principal Uses; however, these uses shall be reviewed using the process and standards described in the Utility and Public Service Uses classification in this Code.

4-103 Rural Residential (RR) District

A. Purpose: Residential areas developed at a density and character compatible with agricultural uses.
B. Principal Uses Permitted
   1. Agri-business Uses (see 4-501)
      a. Commercial Nursery on ~~unsubdivided land~~Unsubdivided Land (S)
      b. Keeping of Nondomestic Animals (S)
   2. Agricultural Uses (see 4-502)
      a. Equestrian Center (S)
      b. Farm Store on ~~unsubdivided land~~Unsubdivided Land (I)
      c. Intensive Agricultural Uses (S)
      d. Open Agricultural Uses
   3. Commercial/Business Service Uses (see 4-503)
      None permitted
   4. Community Uses (see 4-504)
      a. Adaptive Reuse of a Historic Landmark (I)
      b. Cemetery (S)
      c. Church
      d. Educational Facility (S)
      e. Use of Community Significance (I)
   5. Forestry Uses (see 4-505)
      None permitted
   6. Industrial Uses (see 4-506)
      None permitted
   7. Lodging Uses (see 4-507)
      a. Bed and Breakfast (I)
   8. Mining Uses (see 4-508)
      a. Limited Impact Open Mining (I)
      b. Oil and Gas Operations

9. Office Uses (see 4-509)
   None Permitted
10. Recreation Uses (see 4-510)
    a. Golf Course (S)
    b. Park and/or Playfield, for day use
    c. Park and/or Playfield, for night use (S)
    d. Public Recreation Center (S)
11. Residential Uses (see 4-511)
    a. Group Care or Foster Home (S)
    b. Single Unit Dwelling
12. Retail and Personal Service Uses (see 4-512)
    a. Day Care Center (S)
    b. Veterinary Clinic, without outdoor holding facilities (S)
13. Transportation Uses (see 4-513)
    a. Multimodal Parking Facility (S) (I)
14. Utility and Public Service Uses (see 4-514)
    a. Central Office Building of a Telecommunication Company (R)
    b. Community Cistern (I)
    c. Fire Barn (I)
    d. Fire Station (S)
    e. Major Facility of a Public Utility (S) (R) (L)
    f. Public or Quasi-public Facility other than Listed (S)
    g. Public Safety Telecommunication Facility (I)
    h. Sewage or Water Transmission Line (R) (L)
    i. Sewage Treatment Facility (R) (S) (L)
    j. Small Wind-Powered Energy System (see 4-514.K.)
    k. Solar Energy – Building-Mounted System
    l. Solar Energy – Ground-Mounted System (SPR) (S) (I)
    m. Solar Energy – Parking Canopy System (SPR)
    n. Telecommunications Facility, existing ~~structure~~Structure meeting height requirements
    o. Telecommunications Facility, new ~~structure~~Structure or not meeting height requirements (S)
    p. Utility Service Facility
    q. Water Reservoir (R) (S) (L)
    r. Water Tank or Treatment Facility (R) (S) (L)
15. Warehouse Uses (see 4-515)
    None permitted

C. Accessory Uses Permitted (see 4-516)
1. Accessory Agricultural Sales
2. Accessory Agricultural Structure
3. Accessory Beekeeping
4. Accessory Chicken Keeping
5. Temporary Accessory Community Meeting Facility

6. Accessory Dwelling (I)
7. Accessory Horse Keeping
8. Accessory Meat or Poultry Processing
9. Accessory Outside Storage
10. Accessory Solar Energy System
11. Accessory Structure
12. Demonstration Farm or Farm Camp on ~~unsubdivided land~~Unsubdivided Land (I)
13. Farm Events on ~~unsubdivided land~~Unsubdivided Land (I)
14. Grading of more than 500 Cubic Yards (I)
15. Home Events
16. Home Occupation
17. Household Pets
18. Noncommercial Telecommunication Site, one ~~structure~~Structure which meets ~~setback~~Setback and height requirements
19. Noncommercial Telecommunication Site, multiple ~~structure~~Structures and/or not meeting ~~setback~~Setback or height requirements (I)
20. Parking
21. Small Wind-Powered Energy System, Roof-Mounted
22. Short-Term Rental

D. Temporary Uses Permitted (see 4-517)
1. Emergency Noncommercial Telecommunication Site (A)
2. Garage Sales or Occasional Sales
3. Group Gathering / Special Events (A)
4. Temporary Batch Plant (A)
5. Temporary Construction or Sales Office (A)
6. Temporary Dwelling Unit (A)
7. Temporary Special Use~~, (~~nonconforming use under ~~Subsection~~ 4-1004.A.2~~.~~ (S)
8. Temporary Weather Device Tower
9. Educational Tour

E. Lot, Building, and Structure Requirements
1. Minimum lot size
   a. In a ~~community service area~~Community Service Area on ~~subdivided land~~Subdivided Land with connection to ~~public water and sewer facilities~~Public Water and Public Sewer Facilities…One acre
   b. On other land…35 acres
2. Minimum ~~setback~~Setbacks
   a. Front ~~yard~~Yard…25 feet
   b. Side ~~yard~~Yard…7 feet
   c. Rear ~~Yard~~Yard…15 feet
   d. From an ~~irrigation ditch~~Irrigation Ditch…50 feet from the centerline of the ditch. This requirement only affects ~~structure~~Structures built after October 10, 1996. The ~~setback~~Setback may~~ – -~~with ~~County~~county concurrence~~ – -~~be reduced in accordance with a letter from the applicable ditch company establishing a

different ~~setback~~Setback, but in any event shall not be less than 20 feet from the ditch centerline.

e. Supplementary requirements may apply, refer to ~~Article~~ 7-1400.

f. The Director may require a ~~structure~~Structure to be located farther from any minimum ~~setback~~Setback as a mitigation measure to meet one or more Site Plan Review standard(s).

3. Structure size

a. Maximum Residential Floor Area

(i) Unless otherwise specified in ~~subsections~~ (ii) through (v), the maximum Residential Floor Area for a Parcel shall be the larger of either the median Residential Floor Area of the defined ~~neighborhood~~Neighborhood or:

(A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;

(B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 square feet and 3,000 square feet; and

(C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.

(ii) ~~(~~For a Parcel encumbered by a Boulder County ~~conservation easement~~Conservation Easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that ~~conservation easement~~Conservation Easement, recorded agreement with the ~~County~~county, or other approval shall be the maximum.

(iii) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in ~~subsection~~ (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.

(A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.

(B) ~~Subsection~~ (iii) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or ~~building~~Building permit to rebuild deconstructed Residential Floor Area is not issued within one year.

(iv) ~~(~~A Parcel with a historic ~~structure~~Structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:

(A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and

(B) the additional Residential Floor Area granted is related to the preservation of the protected ~~structure~~Structures.

(v) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing ~~structure~~Structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of ~~building~~Building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

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.

c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).

d. The Boulder County~~'s~~ Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning ~~&~~and Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

4. Maximum ~~building height~~Building Height

a. On ~~subdivided land~~Subdivided Land with a ~~final plat~~Final Plat approved by the ~~County~~county prior to August 29, 1994, 35 feet unless a lower height was approved through the ~~plat~~Platting process.

b. On any other land, 30 feet unless, through a ~~subdivided land~~Subdivided Land approval or Site Plan Review approval, a lower or higher height is permitted due to the unique characteristics of the particular site; in no event, however, shall any residential ~~structure~~Structure exceed 35 feet.

c. The Director may require a reduction in ~~structure~~Structure height as a mitigation measure to meet one or more Site Plan Review standard(s).

F. Additional Requirements

1. ~~Animal unit~~Animal Units…Two ~~animal unit~~Animal Units per acre without going through Special Review.

2. Special Review is required for any use which:

a. generates traffic volumes in excess of 150 ~~average daily trip~~Average Daily Trips per lot, as defined by the Institute of Transportation Engineers;

(i) Property with a Verified Established Farm Use that is not in a ~~platted subdivision~~Platted Subdivision may have up to 200 ~~average daily trip~~Average Daily Trips per lot, as determined through the applicable review process, when there is an Agricultural Sales Unit in operation on the property.

b. has an occupant load greater than or equal to 100 ~~person~~Persons per lot;

(i) Property with a Verified Established Farm Use that is not in a ~~platted subdivision~~Platted Subdivision may have an occupant load up to 150 ~~person~~Persons per lot, as determined through the applicable review process, to accommodate Farm Events.

c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;

d. has a total ~~floor area~~Floor Area greater than 25,000 square feet (35,000 square feet in a ~~community service area~~Community Service Area); or
e. has a second Principal Use which does not increase density.

3. Limited Impact Special Review is required for any use which is:
   a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 ~~average daily trip~~Average Daily Trips per lot as defined by the Institute of Transportation Engineers;
   b. ~~grading~~Grading involving the movement of more than 500 cubic yards of material as defined and provided in ~~Section~~ 4-516.
4. No ~~parcel~~Parcel shall be used for more than one Principal Use, except for allowed Agricultural uses, Forestry uses, Mining uses, or any combination thereof; for multiple Principal Uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark; or for second Principal Uses approved though Special Review under 4-103.F.2.e, above.
5. Community Cisterns, Small Wind-Powered Energy Collectors Systems and Solar Energy Systems may be approved without Special Review approval on ~~parcel~~Parcels with existing Principal Uses; however, these uses shall be reviewed using the process and standards described in the Utility and Public Service Uses classification in this Code.

4-104 Estate Residential (ER) District

A. Purpose: Low density urban residential areas.
B. Principal Uses Permitted
   1. Agri-business Uses (see 4-501)
      a. Keeping of Nondomestic Animals (S)
   2. Agricultural Uses (see 4-502)
      a. Open Agricultural Uses
   3. Commercial/Business Service Uses (see 4-503)
      None permitted
   4. Community Uses (see 4-504)
      a. Adaptive Reuse of a Historic Landmark (I)
      b. Church
      c. Educational Facility (S)
      d. Use of Community Significance (I)
   5. Forestry Uses (see 4-505)
      None permitted
   6. Industrial Uses (see 4-506)
      None permitted
   7. Lodging Uses (see 4-507)
      a. Bed and Breakfast (I)

8. Mining Uses (see 4-508)
    a. Limited Impact Open Mining (I)
    b. Oil and Gas Operations
9. Office Uses (see 4-509)
    None permitted
10. Recreation Uses (see 4-510)
    a. Park and/or Playfield, for day use
11. Residential Uses (see 4-511)
    a. Group Care or Foster Home (S)
    b. Single Unit Dwelling
12. Retail and Personal Service Uses (see 4-512)
    a. Day Care Center (S)
    b. Veterinary Clinic, without outdoor holding facilities (S)
13. Transportation Uses (see 4-513)
    a. Multimodal Parking Facility (S) (I)
14. Utility and Public Service Uses (see 4-514)
    a. Central Office Building of a Telecommunication Company (R)
    b. Community Cistern (I)
    c. Fire Barn (I)
    d. Fire Station (S)
    e. Major Facility of a Public Utility (R) (S) (L)
    f. Public or Quasi-public Facility other than Listed (S)
    g. Public Safety Telecommunication Facility (I)
    h. Sewage or Water Transmission Line (R) (L)
    i. Sewage Treatment Facility (R) (S) (L)
    j. Small Wind-Powered Energy System
    k. Solar Energy – Building-Mounted System
    l. Solar Energy – Ground-Mounted System (SPR) (S) (I)
    m. Solar Energy – Parking Canopy System (SPR)
    n. Telecommunications Facility, existing ~~structure~~Structure meeting height requirements
    o. Telecommunications Facility, new ~~structure~~Structure or not meeting height requirements (S)
    p. Utility Service Facility
    q. Water Reservoir (R) (S) (L)
    r. Water Tank or Treatment Facility (R) (S) (L)
15. Warehouse Uses (see 4-515)
    None permitted

C. Accessory Uses Permitted (see 4-516)
1. Accessory Agricultural Sales
2. Temporary Accessory Community Meeting Facility
3. Accessory Dwelling (I)
4. Accessory Agricultural Structure
5. Accessory Beekeeping

6. Accessory Chicken Keeping
7. Accessory Meat or Poultry Processing
8. Accessory Horse Keeping
9. Accessory Outside Storage
10. Accessory Solar Energy System
11. Accessory Structure
12. Grading of more than 500 Cubic Yards (I)
13. Home Events
14. Home Occupation
15. Household Pets
16. Noncommercial Telecommunication Site, one ~~structure~~Structure which meets ~~setback~~Setback and height requirements
17. Noncommercial Telecommunication Site, multiple ~~structure~~Structures and/or not meeting ~~setback~~Setback or height requirements (I)
18. Parking
19. Small Wind-Powered Energy System, Roof-Mounted
20. Short-Term Rental

D. Temporary Uses Permitted (see 4-517)
1. Emergency Noncommercial Telecommunication Site (A)
2. Garage Sales or Occasional Sales
3. Group Gathering (A)
4. Temporary Batch Plant (A)
5. Temporary Construction or Sales Office (A)
6. Temporary Dwelling Unit (A)
7. Temporary Special Use~~, (~~nonconforming use under ~~Section~~ 4-1004.A.2~~.~~ (S)
8. Temporary Weather Device Tower
9. Educational Tour

E. Lot, Building, and Structure Requirements
1. Minimum lot size
   a. In a ~~community service area~~Community Service Area on ~~subdivided land~~Subdivided Land with connection to ~~public water and sewer facilities~~Public Water and Public Sewer Facilities…One acre
   b. On other land…35 acres
2. Minimum ~~setback~~Setbacks
   a. Front ~~yard~~Yard…35 feet
   b. Side ~~yard~~Yard…10 feet
   c. Rear Yard…25 feet
   d. From an ~~irrigation ditch~~Irrigation Ditch…50 feet from the centerline of the ditch. This requirement only affects ~~structure~~Structures built after October 10, 1996. The ~~setback~~Setback may~~ – -~~with ~~County~~county concurrence~~ – -~~ be reduced in accordance with a letter from the applicable ditch company establishing a different ~~setback~~Setback, but in any event shall not be less than 20 feet from the ditch centerline.
   e. Supplementary requirements may apply, refer to ~~Article~~ 7-1400.

f. The Director may require a ~~structure~~Structure to be located farther from any minimum ~~setback~~Setback as a mitigation measure to meet one or more Site Plan Review standard(s).

3. Structure size
   a. Maximum Residential Floor Area
      (i) Unless otherwise specified in ~~subsections~~ (ii) through (vi), the maximum Residential Floor Area for a Parcel shall be the larger of either the median Residential Floor Area of the defined Neighborhood or:
         (A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;
         (B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 square feet and 3,000 square feet; and
         (C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.
      (ii) For a Parcel within the mapped Townsite of Eldorado Springs, the maximum Residential Floor Area shall be 1,500 square feet.
      (iii) For a Parcel encumbered by a Boulder County ~~conservation easement~~Conservation Easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that ~~conservation easement~~Conservation Easement, recorded agreement with the ~~County~~county, or other approval shall be the maximum.
      (iv) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in ~~subsection~~ (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.
         (A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.
         (B) ~~Subsection~~ (iv) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or ~~building~~Building permit to rebuild deconstructed Residential Floor Area is not issued within one year.
      (v) A Parcel with a historic ~~structure~~Structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:
         (A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and
         (B) the additional Residential Floor Area granted is related to the preservation of the protected ~~structure~~Structures.

(vi) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing ~~structure~~Structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of ~~building~~Building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

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.

c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).

d. The Boulder County~~'s~~ Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning ~~&~~and Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

4. Maximum ~~building height~~Building Height

a. On ~~subdivided land~~Subdivided Land with a ~~final plat~~Final Plat approved by the ~~County~~county prior to August 29, 1994, 35 feet unless a lower height was approved through the ~~plat~~Platting process.

b. On any other land, 30 feet unless, through a ~~subdivided land~~Subdivided Land approval or Site Plan Review approval, a lower or higher height is permitted due to the unique characteristics of the particular site; in no event, however, shall any residential ~~structure~~Structure exceed 35 feet.

c. The Director may require a reduction in ~~structure~~Structure height as a mitigation measure to meet one or more Site Plan Review standard(s).

F. Additional Requirements

1. ~~Animal unit~~Animal Units…Two ~~animal unit~~Animal Units per acre without going through Special Review.

2. Special review is required for any use which:

a. generates traffic volumes in excess of 150 ~~average daily trip~~Average Daily Trips per lot, as defined by the Institute of Transportation Engineers;

(i) Property with a Verified Established Farm Use that is not in a ~~platted subdivision~~Platted Subdivision may have up to 200 ~~average daily trip~~Average Daily Trips per lot, as determined through the applicable review process, when there is an Agricultural Sales Unit in operation on the property.

b. has an occupant load greater than or equal to 100 ~~person~~Persons per lot;

(i) Property with a Verified Established Farm Use that is not in a ~~platted subdivision~~Platted Subdivision may have an occupant load up to 150 ~~person~~Persons per lot, as determined through the applicable review process, to accommodate Farm Events.

c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;

d. has a total ~~floor area~~Floor Area greater than 25,000 square feet (35,000 square feet in a ~~community service area~~Community Service Area); or
e. has a second Principal Use which does not increase density.

3. Limited Impact Special Review is required for any use which is:
   a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 ~~average daily trip~~Average Daily Trips per lot as defined by the Institute of Transportation Engineers;
   b. ~~grading~~Grading involving the movement of more than 500 cubic yards of material as defined and provided in ~~Section~~ 4-516.
4. No ~~parcel~~Parcel shall be used for more than one Principal Use, except for allowed Agricultural uses, Forestry uses, Mining uses, or any combination thereof; for multiple Principal Uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark; or for second Principal Uses approved though Special Review under 4-104.F.2.e, above.
5. Community Cisterns, Small Wind-Powered Energy Collectors Systems and Solar Energy Systems may be approved without Special Review approval on ~~parcel~~Parcels with existing Principal Uses; however, these uses shall be reviewed using the process and standards described in the Utility and Public Service Uses classification in this Code.

4-105 Suburban Residential (SR) District

A. Purpose: Low density suburban residential areas.
B. Principal Uses Permitted
   1. Agri-business Uses (see 4-501)
      a. Keeping of Nondomestic Animals (S)
   2. Agricultural Uses (see 4-502)
      None Permitted
   3. Commercial/Business Service Uses (see 4-503)
      None Permitted
   4. Community Uses (see 4-504)
      a. Adaptive Reuse of a Historic Landmark (I)
      b. Cemetery (S)
      c. Church
      d. Educational Facility (S)
      e. Use of Community Significance (I)
   5. Forestry Uses (see 4-505)
      None Permitted
   6. Industrial Uses (see 4-506
      None Permitted
   7. Lodging Uses (see 4-507)

a. Bed and Breakfast (I)

8. Mining Uses (see 4-508)
   a. Limited Impact Open Mining (I)
   b. Oil and Gas Operations
9. Office Uses (see 4-509)
   None Permitted
10. Recreation Uses (see 4-510)
    a. Park and/or Playfield, for day use
    b. Park and/or Playfield, for night use (S)
    c. Public Recreation Center (S)
11. Residential Uses (see 4-511)
    a. Group Care or Foster Home (S)
    b. Single Unit Dwelling
12. Retail and Personal Service Uses (see 4-512)
    a. Day Care Center (S)
13. Transportation Uses (see 4-513)
    a. Multimodal Parking Facility (S) (I)
14. Utility and Public Service Uses (see 4-514)
    a. Central Office Building of a Telecommunication Company (R)
    b. Community Cistern (I)
    c. Fire Barn (I)
    d. Fire Station (S)
    e. Major Facility of a Public Utility (R) (S) (L)
    f. Public or Quasi-public Facility other than Listed (S)
    g. Public Safety Telecommunication Facility (I)
    h. Sewage or Water Transmission Line (R) (L)
    i. Sewage Treatment Facility (R) (S) (L)
    j. Small Wind-Powered Energy System
    k. Solar Energy – Building-Mounted System
    l. Solar Energy – Ground-Mounted System (SPR)
    m. Solar Energy - Parking Canopy System (SPR)
    n. Telecommunications Facility, existing ~~structure~~Structure meeting height requirements
    o. Telecommunications Facility, new ~~structure~~Structure or not meeting height requirements (S)
    p. Utility Service Facility
    q. Water Reservoir (R) (S) (L)
    r. Water Tank or Treatment Facility (R) (S) (L)
15. Warehouse Uses (see 4-515)
    None Permitted

C. Accessory Uses Permitted (see 4-516)
   1. Temporary Accessory Community Meeting Facility
   2. Accessory Beekeeping
   3. Accessory Chicken Keeping

4. Accessory Dwelling (I)
5. Accessory Horse Keeping (see ~~Section~~ 4-105.F.3~~.~~ below)
6. Accessory Outside Storage
7. Accessory Solar Energy System
8. Accessory Structure
9. Grading of more than 500 Cubic Yards (I)
10. Home Events
11. Home Occupation
12. Household Pets
13. Noncommercial Telecommunication Site, one ~~structure~~Structure which meets ~~setback~~Setback and height requirements
14. Noncommercial Telecommunication Site, multiple ~~structure~~Structures and/or not meeting ~~setback~~Setback or height requirements (I)
15. Parking
16. Small Wind-Powered Energy System, Roof-Mounted
17. Short-Term Rental

D. Temporary Uses Permitted (see 4-517)
1. Emergency Noncommercial Telecommunication Site (A)
2. Garage Sales or Occasional Sales
3. Group Gathering / Special Events (A)
4. Temporary Batch Plant (A)
5. Temporary Construction or Sales Office (A)
6. Temporary Dwelling Unit (A)
7. Temporary Special Use~~,~~ ~~(~~nonconforming use under ~~Section~~ 4-1004.A.2~~.~~ (S)
8. Temporary Weather Device Tower
9. Educational Tour

E. Lot, Building, and Structure Requirements
1. Minimum lot size
   a. In a ~~community service area~~Community Service Area on ~~subdivided land~~Subdivided Land with connection to public water and sewer…7,500 square feet
   b. On other land…35 acres
2. Minimum ~~setback~~Setbacks
   a. Front ~~yard~~Yard…25 feet
   b. Side ~~yard~~Yard…7 feet
   c. Rear Yard…15 feet
   d. From an ~~irrigation ditch~~Irrigation Ditch…50 feet from the centerline of the ditch. This requirement only affects ~~structure~~Structures built after October 10, 1996. The ~~setback~~Setback may~~ -~~-with ~~County~~county concurrence~~ -~~-be reduced in accordance with a letter from the applicable ditch company establishing a different ~~setback~~Setback, but in any event shall not be less than 20 feet from the ditch centerline.
   e. Supplementary requirements may apply, refer to ~~Article~~ 7-1400.

f. The Director may require a ~~structure~~Structure to be located farther from any minimum ~~setback~~Setback as a mitigation measure to meet one or more Site Plan Review standard(s).

3. Structure size
   a. Maximum Residential Floor Area
      (i) Unless otherwise specified in ~~subsections~~ (ii) through (v), the maximum Residential Floor Area for a Parcel shall be the larger of either the median Residential Floor Area of the defined ~~neighborhood~~Neighborhood or:
         (A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;
         (B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 square feet and 3,000 square feet; and
         (C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.
      (ii) For a Parcel encumbered by a Boulder County ~~conservation easement~~Conservation Easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that ~~conservation easement~~Conservation Easement, recorded agreement with the ~~County~~county, or other approval shall be the maximum.
      (iii) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in ~~subsection~~ (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.
         (A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.
         (B) ~~Subsection~~ (iii) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or ~~building~~Building permit to rebuild deconstructed Residential Floor Area is not issued within one year.
      (iv) A Parcel with a historic ~~structure~~Structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:
         (A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and
         (B) the additional Residential Floor Area granted is related to the preservation of the protected ~~structure~~Structures.
      (v) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing ~~structure~~Structure for the purpose of making a demonstrated energy

efficiency improvement or associated with the use of ~~building~~Building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

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.
c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).
d. The Boulder County~~'s~~ Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning ~~&~~and Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

4. Maximum ~~building height~~Building Height
   a. On ~~subdivided land~~Subdivided Land with a ~~final plat~~Final Plat approved by the ~~County~~county prior to August 29, 1994, 35 feet unless a lower height was approved through the ~~plat~~Platting process.
   b. On any other land, 30 feet unless, through a ~~subdivided land~~Subdivided Land approval or Site Plan Review approval, a lower or higher height is permitted due to the unique characteristics of the particular site; in no event, however, shall any residential ~~structure~~Structure exceed 35 feet.
   c. The Director may require a reduction in ~~structure~~Structure height as a mitigation measure to meet one or more Site Plan Review standard(s).

F. Additional Requirements
   1. Special review is required for any use which:
      a. generates traffic volumes in excess of 150 ~~average daily trip~~Average Daily Trips per lot, as defined by the Institute of Transportation Engineers;
      b. has an occupant load greater than or equal to 100 ~~person~~Persons per lot;
      c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;
      d. has a total ~~floor area~~Floor Area greater than 25,000 square feet (35,000 square feet in a ~~community service area~~Community Service Area); or
      e. has a second Principal Use which does not increase density.
   2. Limited Impact Special Review is required for any use which is:
      a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 ~~average daily trip~~Average Daily Trips per lot as defined by the Institute of Transportation Engineers;
      b. ~~grading~~Grading involving the movement of more than 500 cubic yards of material as defined and provided in ~~Section~~ 4-516.
   3. Riding horses for use of occupants of a lot and their guests may be kept as permitted accessory uses provided at least one-half acre of pasture is available for each horse.

4. No ~~parcel~~Parcel shall be used for more than one Principal Use, except for allowed Agricultural uses, Forestry uses, Mining uses, or any combination thereof; for multiple Principal Uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark; or for second Principal Uses approved though Special Review under 4-105.F.1.e, above.
5. Community Cisterns, Small Wind-Powered Energy Collectors Systems and Solar Energy Systems may be approved without Special Review approval on ~~parcel~~Parcels with existing Principal Uses; however, these uses shall be reviewed using the process and standards described in the Utility and Public Service Uses classification in this Code.

4-106 Multifamily (MF) District

A. Purpose: Medium density residential areas which allow for a variety of housing options.
B. Principal Uses Permitted
   1. Agri-business Uses (see 4-501)
      a. Keeping of Nondomestic Animals (S)
   2. Agricultural Uses (see 4-502)
      None Permitted
   3. Commercial/Business Service Uses (see 4-503)
      None Permitted
   4. Community Uses (see 4-504)
      a. Adaptive Reuse of a Historic Landmark (I)
      b. Cemetery (S)
      c. Church
      d. Educational Facility (S)
      e. Use of Community Significance (I)
   5. Forestry Uses (see 4-505)
      None Permitted
   6. Industrial Uses (see 4-506)
      None Permitted
   7. Lodging Uses (see 4-507)
   8. Mining Uses (see 4-508)
      a. Limited Impact Open Mining (I)
      b. Oil and Gas Operations
   9. Office Uses (see 4-509)
      None Permitted
   10. Recreation Uses (see 4-510)
      a. Golf Course (~~legally~~ existing as of April 20, 2004) (S)
      b. Park and/or Playfield, for day use
      c. Park and/or Playfield, for night use (S)
      d. Public Recreation Center (S)
   11. Residential Uses (see 4-511)

a. Boarding House
b. Group Care or Foster Home (S)
c. Multi-Unit Dwelling
d. Single Unit Dwelling

12. Retail and Personal Service Uses (see 4-512)
    a. Day Care Center (S)
13. Transportation Uses (see 4-513)
    a. Helistop (S)
    b. Multimodal Parking Facility (S) (I)
14. Utility and Public Service Uses (see 4-514)
    a. Central Office Building of a Telecommunication Company (R)
    b. Community Cistern (I)
    c. Fire Barn (I)
    d. Fire Station (S)
    e. Major Facility of a Public Utility (S) (R) (L)
    f. Public or Quasi-public Facility other than Listed (S)
    g. Public Safety Telecommunication Facility (I)
    h. Sewage or Water Transmission Line (R) (L)
    i. Sewage Treatment Facility (S) (R) (L)
    j. Small Wind-Powered Energy System
    k. Solar Energy – Building-Mounted System
    l. Solar Energy – Ground-Mounted System (SPR)
    m. Solar Energy - Parking Canopy System (SPR)
    n. Telecommunications Facility, existing ~~structure~~Structure meeting height requirements
    o. Telecommunications Facility, new ~~structure~~Structure or not meeting height requirements (S)
    p. Utility Service Facility
    q. Water Reservoir (S) (R) (L)
    r. Water Tank or Treatment Facility (S) (R) (L)
15. Warehouse Uses (see 4-515)
    None Permitted

C. Accessory Uses Permitted (see 4-516)
1. Temporary Accessory Community Meeting Facility
2. Accessory Dwelling (I)
3. Accessory Horse Keeping
4. Accessory Outside Storage
5. Accessory Solar Energy System
6. Accessory Structure
7. Grading of more than 500 Cubic Yards (I)
8. Home Events
9. Home Occupation
10. Household Pets

11. Noncommercial Telecommunication Site, one ~~structure~~Structure which meets ~~setback~~Setback and height requirements
12. Noncommercial Telecommunication Site, multiple ~~structure~~Structures and/or not meeting ~~setback~~Setback or height requirements (I)
13. Parking
14. Small Wind-Powered Energy System, Roof-Mounted
15. Short-Term Rental

D. Temporary Uses Permitted (see 4-517)
   1. Emergency Noncommercial Telecommunication Site (A)
   2. Garage Sales or Occasional Sales
   3. Group Gathering / Special Events (A)
   4. Temporary Batch Plant (A)
   5. Temporary Construction or Sales Office (A)
   6. Temporary Dwelling Unit (A)
   7. Temporary Special Use, ~~(~~nonconforming use under ~~Section~~ 4-1004.A.2~~.~~ (S)
   8. Temporary Weather Device Tower
   9. Educational Tour

E. Lot, Building, and Structure Requirements
   1. Minimum lot size
      a. In a ~~community service area~~Community Service Area on ~~subdivided land~~Subdivided Land where the principal ~~structure~~Structure is a Single Unit Dwelling, educational ~~facility~~Facility, or Church connected to ~~public water and sewer facilities~~Public Water and Public Sewer Facilities…7,500 square feet
      b. On ~~subdivided land~~Subdivided Land where any other principal ~~structure~~Structure is connected to ~~public water and sewer facilities~~Public Water and Public Sewer Facilities…15,000 square feet
      c. On any other land…35 acres
   2. Minimum ~~setback~~Setbacks
      a. Front ~~yard~~Yard…25 feet
      b. Side ~~yard~~Yard…7 feet
      c. Rear Yard…15 feet
      d. From an ~~irrigation ditch~~Irrigation Ditch…50 feet from the centerline of the ditch. This requirement only affects ~~structure~~Structures built after October 10, 1996. The ~~setback~~Setback may~~--~~with ~~County~~county concurrence~~--~~be reduced in accordance with a letter from the applicable ditch company establishing a different ~~setback~~Setback, but in any event shall not be less than 20 feet from the ditch centerline.
      e. Supplementary requirements may apply, refer to ~~Article~~ 7-1400.
      f. The Director may require a ~~structure~~Structure to be located farther from any minimum ~~setback~~Setback as a mitigation measure to meet one or more Site Plan Review standard(s).
   3. Structure size
      a. Maximum Residential Floor Area

(i) Unless otherwise specified in ~~subsections~~ (ii) through (vi), the maximum Residential Floor Area for a Single Unit Dwelling on a Parcel shall be the larger of either the median Residential Floor Area of the defined Neighborhood or:
  (A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;
  (B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 square feet and 3,000 square feet; and
  (C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.

(ii) For a Single Unit Dwelling on a Parcel within the mapped Townsite of Eldorado Springs, the maximum Residential Floor Area shall be 1,500 square feet.

(iii) For a Parcel encumbered by a Boulder County ~~conservation easement~~Conservation Easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that ~~conservation easement~~Conservation Easement, recorded agreement with the ~~County~~county, or other approval shall be the maximum.

(iv) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in ~~subsection~~ (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.
  (A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.
  (B) ~~Subsection~~ (~~iii~~iv) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or ~~building~~Building permit to rebuild deconstructed Residential Floor Area is not issued within one year.

(v) A Parcel with a historic ~~structure~~Structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:
  (A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and
  (B) the additional Residential Floor Area granted is related to the preservation of the protected Structures.

(vi) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing ~~structure~~Structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of ~~building~~Building

materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

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.
c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).
d. The Boulder County~~'s~~ Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning ~~&~~and Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

4. Maximum ~~building height~~Building Height…50 feet
   a. The Director may require a reduction in ~~structure~~Structure height as a mitigation measure to meet one or more Site Plan Review standard(s).

F. Additional Requirements
1. Maximum gross density
   a. On ~~subdivided land~~Subdivided Land where the ~~dwelling~~Dwellings are connected to ~~public water and sewer facilities~~Public Water and Public Sewer Facilities…Nine ~~dwelling unit~~Dwelling Units per acre
   b. On other land…One ~~dwelling unit~~Dwelling Unit per 35 acres
2. Special Review is required for any use which:
   a. generates traffic volumes in excess of 150 ~~average daily trip~~Average Daily Trips per lot, as defined by the Institute of Transportation Engineers;
   b. has an occupant load greater than or equal to 100 ~~person~~Persons per lot;
   c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;
   d. has a total ~~floor area~~Floor Area of greater than 25,000 square feet (35,000 square feet in a ~~community service area~~Community Service Area); or
   e. has a second Principal Use which does not increase density.
3. Limited Impact Special Review is required for any use which is:
   a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 ~~average daily trip~~Average Daily Trips per lot as defined by the Institute of Transportation Engineers;
   b. ~~grading~~Grading involving the movement of more than 500 cubic yards of material as defined and provided in ~~Section~~ 4-516.
4. Riding horses for use of occupants of a lot and their guests may be kept as permitted accessory uses provided at least one-half acre of pasture is available for each horse.
5. No ~~parcel~~Parcel shall be used for more than one Principal Use, except for allowed Agricultural uses, Forestry uses, Mining uses, or any combination thereof; for multiple Principal Uses on properties that have been designated as historic

landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark; or for second Principal Uses approved though Special Review under 4-106.F.2.e, above.

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

4-107 Manufactured Home Park (MH) District

A. Purpose: To provide for ~~manufactured home~~ Manufactured Home Parks~~parks~~ in appropriate locations, consistent with comprehensive planning policies to encourage and provide for ~~affordable housing~~Affordable Housing including the preservation of existing housing stocks.

B. Principal Uses Permitted

1. Agri-business Uses (see 4-501)
   a. Keeping of Nondomestic Animals (S)
2. Agricultural Uses (see 4-502)
   None Permitted
3. Commercial/Business Service Uses (see 4-503)
   None Permitted
4. Community Uses (see 4-504)
   a. Adaptive Reuse of a Historic Landmark (I)
   b. Church
   c. Educational Facility (S)
   d. Use of Community Significance (I)
5. Forestry Uses (see 4-505)
   None Permitted
6. Industrial Uses (see 4-506)
   None Permitted
7. Lodging Uses (see 4-507)
   ~~7.~~ None Permitted
8. Mining Uses (see 4-508)
   a. Limited Impact Open Mining (I)
   b. Oil and Gas Operations
9. Office Uses (see 4-509)
   None Permitted
10. Recreation Uses (see 4-510)
    a. Parks or Playfields for day use
    b. Parks or Playfields for night use (S)
    c. Public Recreation Center (S)
11. Residential Uses (see 4-511)
    a. Group Care or Foster Home (S)

b. Manufactured Home Parks
c. Single Unit Dwelling

12. Retail and Personal Service Uses (see 4-512)
    a. Day Care Center (S)
13. Transportation Uses (see 4-513)
    a. Multimodal Parking Facility (S) (I)
14. Utility Uses and Public Service Uses (see 4-514)
    a. Central Office Building of a Telecommunication Company (R)
    b. Community Cistern (I)
    c. Fire Barn (I)
    d. Fire Station (S)
    e. Major Facility of a Public Utility (S) (R) (L)
    f. Public or Quasi-Public Facilities other than Listed (S)
    g. Public Safety Telecommunication Facility (I)
    h. Sewage or Water Transmission Line (R) (L)
    i. Sewage Treatment Facility (S) (R) (L)
    j. Small Wind-Powered Energy System
    k. Solar Energy – Building-Mounted System
    l. Solar Energy – Ground-Mounted System (SPR)
    m. Solar Energy - Parking Canopy System (SPR)
    n. Telecommunications Facility, existing ~~structure~~Structure meeting height requirements
    o. Telecommunications Facility, new ~~structure~~Structure or not meeting height requirements (S)
    p. Utility Service Facility
    q. Water Reservoir (S) (R) (L)
    r. Water Tank or Treatment Facility (S) (R)
15. Warehouse Uses (see 4-515)
    None Permitted

C. Accessory Uses Permitted (see 4-516)
1. Temporary Accessory Community Meeting Facility
2. Accessory Dwelling (I)
3. Accessory Outside Storage
4. Accessory Solar Energy System
5. Accessory Structure
6. Grading of more than 500 Cubic Yards (I)
7. Home Events
8. Home Occupation
9. Household Pets
10. Noncommercial Telecommunication Site, one ~~structure~~Structure which meets ~~setback~~Setback and height requirements
11. Noncommercial Telecommunication Site, multiple ~~structure~~Structures and/or not meeting ~~setback~~Setback or height requirements (I)
12. Parking

13. Small Wind-Powered Energy System, Roof-Mounted
14. Short-Term Rental
~~15. Secondary Dwelling Short-Term Rental~~

D. Temporary Uses Permitted (see 4-517)
   1. Emergency Telecommunication Site (A)
   2. Garage Sales or Occasional Sales
   3. Group Gathering / Special Events (A)
   4. Temporary Batch Plant (A)
   5. Temporary Construction or Sales Office (A)
   6. Temporary Dwelling Unit (A)
   7. Temporary Special Use~~,~~ ~~(~~nonconforming use under ~~Section~~ 4-1004.A.2~~.~~ (S)
   8. Temporary Weather Device Tower
   9. Educational Tour

E. Lot, Building, and Structure Requirements
   1. Minimum lot size…35 acres, or the area of the ~~parcel~~Parcel or portion of ~~parcel~~Parcel occupied by a manufactured (mobile) home park ~~legally~~ existing on the effective date of the amendments creating this District.
   2. Minimum ~~setback~~Setbacks
      a. Front ~~yard~~Yard…25 feet
      b. Side ~~yard~~Yard…7 feet
      c. Rear Yard…15 feet
      d. From an ~~irrigation ditch~~Irrigation Ditch…50 feet from the centerline of the ditch. This requirement only affects ~~structure~~Structures built after October 10, 1996. The ~~setback~~Setback may~~ -~~with ~~County~~county concurrence~~ -~~ be reduced in accordance with a letter from the applicable ditch company establishing a different ~~setback~~Setback, but in any event shall not be less than 20 feet from the ditch centerline.
      e. Supplementary requirements may apply, refer to ~~Article~~ 7-1400.
      f. The Director may require a ~~structure~~Structure to be located farther from any minimum ~~setback~~Setback as a mitigation measure to meet one or more Site Plan Review standard(s).
   3. Structure size
      a. Maximum Residential Floor Area
         (i) Unless otherwise specified in ~~subsections~~ (ii) through (vi), the maximum Residential Floor Area for a Single Unit Dwelling on a Parcel shall be the larger of either the median Residential Floor Area of the defined Neighborhood or:
            (A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;
            (B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 square feet and 3,000 square feet; and

(C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.

(ii) For a Single Unit Dwelling on a Parcel within the mapped Townsite of Eldorado Springs, the maximum Residential Floor Area shall be 1,500 square feet.

(iii) For a Parcel encumbered by a Boulder County ~~conservation easement~~Conservation Easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that ~~conservation easement~~Conservation Easement, recorded agreement with the ~~County~~county, or other approval shall be the maximum.

(iv) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in ~~subsection~~ (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.

(A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.

(B) ~~Subsection~~ (iv~~ii~~) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or ~~building~~Building permit to rebuild deconstructed Residential Floor Area is not issued within one year.

(v) A Parcel with a historic ~~structure~~Structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:

(A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and

(B) the additional Residential Floor Area granted is related to the preservation of the protected ~~structure~~Structures.

(vi) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing ~~structure~~Structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of ~~building~~Building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

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.

c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).

d. The Boulder County~~'s~~ Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing

Residential Floor Area on a Parcel, as verified by Community Planning ~~&~~and Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

4. Maximum ~~structure~~Structure height… 30 feet
   a. The Director may require a reduction in ~~structure~~Structure height as a mitigation measure to meet one or more Site Plan Review standard(s).

F. Additional Requirements
   1. Special Review is required for any use which:
      a. generates traffic volumes in excess of 150 ~~average daily trip~~Average Daily Trips per lot, as defined by the Institute of Transportation Engineers;
      b. has an occupant load greater than or equal to 100 ~~person~~Persons per lot;
      c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;
      d. has a total ~~floor area~~Floor Area greater than 25,000 square feet (35,000 square feet in a ~~community service area~~Community Service Area); or
      e. has a second Principal Use which does not increase density
   2. Limited Impact Special Review is required for any use which is:
      a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 ~~average daily trip~~Average Daily Trips per lot as defined by the Institute of Transportation Engineers;
      b. ~~grading~~Grading involving the movement of more than 500 cubic yards of material as defined and provided in ~~Section~~ 4-516.
   3. No ~~parcel~~Parcel shall be used for more than one Principal Use, except for allowed Agricultural uses, Forestry uses, Mining uses, or any combination thereof; for multiple Principal Uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark; or for second Principal Uses approved though Special Review under 4-107.F.1.e, above.
   4. Community Cisterns, Small Wind-Powered Energy Collectors Systems and Solar Energy Systems may be approved without Special Review approval on ~~parcel~~Parcels with existing Principal Uses; however, these uses shall be reviewed using the process and standards described in the Utility and Public Service Uses classification in this Code.

4-108 Transition (T) District

A. Purpose: Areas containing both a variety of residential uses and a limited number of business uses which are compatible with residential development.

B. Principal Uses Permitted
   1. Agri-business Uses (see 4-501)
      a. Keeping of Nondomestic Animals (S)
   2. Agricultural Uses (see 4-502)
      a. Open Agricultural Uses

3. Commercial/Business Service Uses (see 4-503)
   None Permitted
4. Community Uses (see 4-504)
   a. Adaptive Reuse of a Historic Landmark (I)
   b. Church
   c. Educational Facility (S)
   d. Membership Club
   e. Reception Halls and Community Meeting Facilities
   f. Use of Community Significance (I)
5. Forestry Uses (see 4-505)
   None Permitted
6. Industrial Uses (see 4-506)
   None Permitted
7. Lodging Uses (see 4-507)
   a. Overnight Lodging
   b. Resort Lodge, Conference Center, or Guest Ranch
8. Mining Uses (see 4-508)
   a. Limited Impact Open Mining (I)
   b. Oil and Gas Operations
9. Office Uses (see 4-509)
   a. Professional Office
10. Recreation Uses (see 4-510)
    a. Indoor Recreation
    b. Outdoor Recreation, for day use
    c. Outdoor Recreation, for night use (S)
    d. Park and/or Playfield, for day use
    e. Park and/or Playfield, for night use (S)
11. Residential Uses (see 4-511)
    a. Boarding House
    b. Group Care or Foster Home (S)
    c. Multi-Unit Dwelling
    d. Single Unit Dwelling
12. Retail and Personal Service Uses (see 4-512)
    a. Building Material or Garden Store (S)
    b. Day Care Center (S)
    c. Eating or Drinking Place, with drive through (S)
    d. Eating or Drinking Place, without drive through (S)
    e. Marijuana Establishment
    f. Mortuary
    g. Recycling Collection Center, Small (I)
    h. Veterinary Clinic, without outdoor holding facilities
13. Transportation Uses (see 4-513)
    a. Airport (S)
    b. Heliport (S)

c. Helistop (S)
d. Multimodal Parking Facility (S) (I)

14. Utility and Public Service Uses (see 4-514)
    a. Central Office Building of a Telecommunication Company (R)
    b. Community Cistern (I)
    c. Fire Barn (I)
    d. Fire Station (S)
    e. Major Facility of a Public Utility (S) (R) (L)
    f. Public or Quasi-public Facility other than Listed (S)
    g. Public Safety Telecommunication Facility (I)
    h. Sewage or Water Transmission Line (R) (L)
    i. Sewage Treatment Facility (S) (R) (L)
    j. Small Wind-Powered Energy System
    k. Solar Energy – Building-Mounted System
    l. Solar Energy – Ground-Mounted System (SPR) (I)
    m. Solar Energy - Parking Canopy System (SPR)
    n. Telecommunications Facility, existing ~~structure~~Structure meeting height requirements
    o. Telecommunications Facility, new ~~structure~~Structure or not meeting height requirements (S)
    p. Utility Service Facility
    q. Water Reservoir (S) (R) (L)
    r. Water Tank or Treatment Facility (S) (R) (L)
15. Warehouse Uses (see 4-515)
    None Permitted

C. Accessory Uses Permitted (see 4-516)
1. Temporary Accessory Community Meeting Facility
2. Accessory Dwelling (I)
3. Accessory Outside Storage
4. Accessory Solar Energy System
5. Accessory Structure
6. Grading of more than 500 Cubic Yards (I)
7. Home Events
8. Home Occupation
9. Household Pets
10. Noncommercial Telecommunication Site, one ~~structure~~Structure which meets ~~setback~~Setback and height requirements
11. Noncommercial Telecommunication Site, multiple ~~structure~~Structures and/or not meeting ~~setback~~Setback or height requirements (I)
12. Parking
13. Small Wind-Powered Energy System, Roof-Mounted
14. Accessory Agricultural Sales
15. Accessory Agricultural Structure
16. Short-Term Rental

D. Temporary Uses Permitted (see 4-517)
   1. Emergency Noncommercial Telecommunication Site (A)
   2. Garage Sales or Occasional Sales
   3. Group Gathering / Special Events (A)
   4. Temporary Batch Plant (A)
   5. Temporary Construction or Sales Office (A)
   6. Temporary Dwelling Unit (A)
   7. Temporary Christmas Tree Sales (I)
   8. Temporary Special Use~~, (~~nonconforming use under ~~Section~~ 4-1004.A.2~~.~~ (S)
   9. Temporary Weather Device Tower
   10. Educational Tour

E. Lot, Building, and Structure Requirements
   1. Minimum lot size
      a. In a ~~community service area~~Community Service Area on ~~subdivided land~~Subdivided Land where any other principal ~~structure~~Structure is connected to ~~public water and sewer facilities~~Public Water and Public Sewer Facilities…15,000 square feet
      b. On any other land…35 acres
   2. Minimum ~~setback~~Setbacks
      a. Front ~~yard~~Yard…25 feet
      b. Side ~~yard~~Yard…7 feet
      c. Rear Yard…15 feet
      d. From an ~~irrigation ditch~~Irrigation Ditch…50 feet from the centerline of the ditch. This requirement only affects ~~structure~~Structures built after October 10, 1996. The ~~setback~~Setback may~~ - -~~with ~~County~~county concurrence~~ - -~~be reduced in accordance with a letter from the applicable ditch company establishing a different ~~setback~~Setback, but in any event shall not be less than 20 feet from the ditch centerline.
      e. Supplementary requirements may apply, refer to ~~Article~~ 7-1400.
      f. The Director may require a ~~structure~~Structure to be located farther from any minimum ~~setback~~Setback as a mitigation measure to meet one or more Site Plan Review standard(s).
   3. Structure size
      a. Maximum Residential Floor Area
         (i) Unless otherwise specified in ~~subsections~~ (ii) through (vi), the maximum Residential Floor Area for a Single Unit Dwelling on a Parcel shall be the larger of either the median Residential Floor Area of the defined Neighborhood or:
            (A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;
            (B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 square feet and 3,000 square feet; and

(C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.

(ii) For a Single Unit Dwelling on a Parcel within the mapped Townsite of Eldorado Springs, the maximum Residential Floor Area shall be 1,500 square feet.

(iii) For a Parcel encumbered by a Boulder County ~~conservation easement~~Conservation Easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that ~~conservation easement~~Conservation Easement, recorded agreement with the ~~County~~county, or other approval shall be the maximum.

(iv) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in ~~subsection~~ (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.

(A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.

(B) ~~Subsection~~ (iv~~ii~~) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or ~~building~~Building permit to rebuild deconstructed Residential Floor Area is not issued within one year.

(v) A Parcel with a historic ~~structure~~Structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:

(A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and

(B) the additional Residential Floor Area granted is related to the preservation of the protected ~~structure~~Structures.

(vi) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing ~~structure~~Structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of ~~building~~Building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

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.

c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).

d. The Boulder County~~'s~~ Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing

Residential Floor Area on a Parcel, as verified by Community Planning ~~&~~and Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

4. Maximum ~~building height~~Building Height… 50 feet.
   a. The Director may require a reduction in ~~structure~~Structure height as a mitigation measure to meet one or more Site Plan Review standard(s). Maximum ~~building height~~Building Height… 50 feet.

F. Additional Requirements
   1. Maximum gross residential density
      a. In a ~~community service area~~Community Service Area on ~~subdivided land~~Subdivided Land where the ~~dwelling~~Dwellings are connected to ~~public water and sewer facilities~~Public Water and Public Sewer Facilities…Nine ~~dwelling unit~~Dwelling Units per acre
      b. On other land…One ~~dwelling unit~~Dwelling Unit per 35 acres
   2. Special Review is required for any use which:
      a. generates traffic volumes in excess of 150 ~~average daily trip~~Average Daily Trips per lot, as defined by the Institute of Transportation Engineers;
         (i) Property with a Verified Established Farm Use may have up to 200 ~~average daily trip~~Average Daily Trips per lot, as determined through the applicable review process, when there is an Agricultural Sales Unit in operation on the property.
      b. has an occupant load greater than or equal to 100 ~~person~~Persons per lot;
         (i) Property with a Verified Established Farm Use may have an occupant load up to 150 ~~person~~Persons per lot, as determined through the applicable review process, to accommodate Farm Events.
      c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;
      d. has a total ~~floor area~~Floor Area greater than 25,000 square feet (35,000 square feet in a ~~community service area~~Community Service Area); or
      e. has a second Principal Use which does not increase density.
   3. Limited Impact Special Review is required for any use which is:
      a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 ~~average daily trip~~Average Daily Trips per lot as defined by the Institute of Transportation Engineers;
      b. ~~grading~~Grading involving the movement of more than 500 cubic yards of material as defined and provided in ~~Section~~ 4-516.
   4. An ~~exemption plat~~Exemption Plat is required for any Single Unit Dwelling development on vacant land proposed for ~~subdivided land~~Subdivided Land with a ~~final plat~~Final Plat approved prior to March 22, 1978.
   5. No ~~parcel~~Parcel shall be used for more than one Principal Use, except for allowed Agricultural uses, Forestry uses, Mining uses, or any combination thereof; unless approved through Special Review, or for multiple Principal Uses on properties that have been designated as historic landmarks by Boulder County where the Boulder

County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark; or for second Principal Uses approved though Special Review under 4-108.F.2.e, above.

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

4-109 Business (B) District

A. Purpose: Areas for the development of restricted retail and business uses which have minimal exterior impact on surrounding properties.

B. Principal Uses Permitted

1. Agri-business Uses (see 4-501)
   a. Keeping of Nondomestic Animals (S)
2. Agricultural Uses (see 4-502)
   a. Farm Store
   b. Open Agricultural Uses
3. Commercial/Business Service Uses (see 4-503)
   a. Printing and/or Publishing Establishment
   b. Vehicle Sales/Rental Lot (S)
4. Community Uses (see 4-504)
   a. Adaptive Reuse of a Historic Landmark (I)
   b. Church
   c. Educational Facility (S)
   d. Membership Club
   e. Reception Halls and Community Meeting Facilities
   f. Use of Community Significance (I)
5. Forestry Uses (see 4-505)
   None Permitted
6. Industrial Uses (see 4-506)
   None Permitted
7. Lodging Uses (see 4-507)
   a. Overnight Lodging
   b. Resort Lodge, Conference Center, or Guest Ranch
   c. Bed and Breakfast
8. Mining Uses (see 4-508)
   a. Limited Impact Open Mining (I)
   b. Oil and Gas Operations
9. Office Uses (see 4-509)
   a. Professional Office
10. Recreation Uses (see 4-510)
    a. Indoor Recreation
    b. Outdoor Recreation, for day use

c. Outdoor Recreation, for night use (S)
d. Park and/or Playfield, for day use
e. Park and/or Playfield, for night use (S)

11. Residential Uses (see 4-511)
    a. Boarding House
    b. Group Care or Foster Home (S)
    c. Single Unit Dwelling
12. Retail and Personal Service Uses (see 4-512)
    a. Bank
    b. Convenience Store
    c. Day Care Center
    d. Emergency Care Facility
    e. Eating or Drinking Place, with drive through (S)
    f. Eating or Drinking Place, without drive through
    g. Indoor Theater
    h. Marijuana Establishment
    i. Mortuary
    j. Recycling Collection Center, small (I)
    k. Retail or Personal Service Facility
    l. Vehicle Service Center
    m. Veterinary Clinic, with outdoor holding facilities
    n. Veterinary Clinic, without outdoor holding facilities
13. Transportation Uses (see 4-513)
    a. Airport (S)
    b. Heliport (S)
    c. Helistop (S)
    d. Multimodal Parking Facility (S) (I)
14. Utility and Public Service Uses (see 4-514)
    a. Central Office Building of a Telecommunication Company (R)
    b. Community Cistern (I)
    c. Fire Barn (I)
    d. Fire Station (S)
    e. Major Facility of a Public Utility (S) (R) (L)
    f. Public or Quasi-public Facility other than Listed (S)
    g. Public Safety Telecommunication Facility (I)
    h. Sewage or Water Transmission Line (R) (L)
    i. Sewage Treatment Facility (S) (R) (L)
    j. Small Wind-Powered Energy System
    k. Solar Energy – Building-Mounted System
    l. Solar Energy – Ground-Mounted System (SPR) (I)
    m. Solar Energy ~~–~~ Parking Canopy System (SPR)
    n. Telecommunications Facility, existing ~~structure~~Structure meeting height requirements

o. Telecommunications Facility, new ~~structure~~Structure or not meeting height requirements (S)
p. Utility Service Facility
q. Water Reservoir (S) (R) (L)
r. Water Tank or Treatment Facility (S) (R) (L)

15. Warehouse Uses (see 4-515)
None Permitted

C. Accessory Uses Permitted (see 4-516)
1. Temporary Accessory Community Meeting Facility
2. Accessory Dwelling (I)
3. Accessory Outside Storage
4. Accessory Solar Energy System
5. Accessory Structure
6. Grading of more than 500 Cubic Yards (I)
7. Home Events
8. Home Occupation
9. Household Pets
10. Noncommercial Telecommunication Site, one ~~structure~~Structure which meets ~~setback~~Setback and height requirements
11. Noncommercial Telecommunication Site, multiple ~~structure~~Structures and/or not meeting ~~setback~~Setback or height requirements (I)
12. Parking
13. Small Wind-Powered Energy System, Roof-Mounted
14. Accessory Agricultural Sales
15. Accessory Agricultural Structure
16. Short-Term Rental

D. Temporary Uses Permitted (see 4-517)
1. Emergency Noncommercial Telecommunication Site (A)
2. Garage Sales or Occasional Sales
3. Group Gathering / Special Events (A)
4. Temporary Batch Plant (A)
5. Temporary Construction or Sales Office (A)
6. Temporary Dwelling Unit (A)
7. Temporary Christmas Tree Sales (I)
8. Temporary Special Use~~, (~~nonconforming use under ~~Section~~ 4-1004.A.2~~.~~ (S)
9. Temporary Weather Device Tower
10. Educational Tour

E. Lot, Building, and Structure Requirements
1. Minimum lot size
a. On ~~subdivided land~~Subdivided Land where the principal ~~structure~~Structure is connected to ~~public water and sewer facilities~~Public Water and Public Sewer Facilities…no minimum requirement
b. On other land…35 acres
2. Minimum ~~setback~~Setbacks

a. Front ~~yard~~Yard…60 feet from the centerline of the ROW
b. Side ~~yard~~Yard…Zero or 12 feet
c. Rear Yard…20 feet
d. From an ~~irrigation ditch~~Irrigation Ditch…50 feet from the centerline of the ditch. This requirement only affects ~~structure~~Structures built after October 10, 1996. The ~~setback~~Setback may~~--~~with ~~County~~county concurrence~~--~~be reduced in accordance with a letter from the applicable ditch company establishing a different ~~setback~~Setback, but in any event shall not be less than 20 feet from the ditch centerline.
e. Supplementary requirements may apply, refer to ~~Article~~ 7-1400.
f. The Director may require a ~~structure~~Structure to be located farther from any minimum ~~setback~~Setback as a mitigation measure to meet one or more Site Plan Review standard(s).

3. Structure size
   a. Maximum Residential Floor Area
      (i) Unless otherwise specified in ~~subsections~~ (ii) through (vi), the maximum Residential Floor Area for a Parcel shall be the larger of either the median Residential Floor Area of the defined Neighborhood or:
         (A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;
         (B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 square feet and 3,000 square feet; and
         (C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.
      (ii) For a Parcel within the mapped Townsites of Allenspark, Eldorado Springs, Raymond, and Riverside, the maximum Residential Floor Area shall be 1,500 square feet.
      (iii) For a Parcel encumbered by a Boulder County ~~conservation easement~~Conservation Easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that ~~conservation easement~~Conservation Easement, recorded agreement with the ~~County~~county, or other approval shall be the maximum.
      (iv) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in ~~subsection~~ (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.
         (A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.
         (B) ~~Subsection~~ (iv) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or ~~building~~Building

permit to rebuild deconstructed Residential Floor Area is not issued within one year.

(v) A Parcel with a historic ~~structure~~Structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:

(A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and

(B) the additional Residential Floor Area granted is related to the preservation of the protected ~~structure~~Structures.

(vi) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing ~~structure~~Structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of ~~building~~Building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

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.

c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).

d. The Boulder County~~'s~~ Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning ~~&~~and Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

4. Maximum ~~building height~~Building Height…50 feet

~~4.~~a. The Director may require a reduction in Structure height as a mitigation measure to meet one or more Site Plan Review standard(s).

F. Additional Requirements

~~a. The Director may require a reduction in structure height as a mitigation measure to meet one or more Site Plan Review standard(s).~~

1. Maximum gross residential density
   a. In a ~~community service area~~Community Service Area on ~~subdivided land~~Subdivided Land where the ~~dwelling~~Dwellings are connected to ~~public water and sewer facilities~~Public Water and Public Sewer Facilities…Nine ~~dwelling unit~~Dwelling Units per acre
   b. On other land…One ~~dwelling unit~~Dwelling Unit per 35 acres
2. Special Review is required for any use which:
   a. generates traffic volumes in excess of 150 ~~average daily trip~~Average Daily Trips per lot, as defined by the Institute of Transportation Engineers;
      (i) Property with a Verified Established Farm Use may have up to 200 ~~average daily trip~~Average Daily Trips per lot, as determined through the applicable

review process, when there is an Agricultural Sales Unit in operation on the property.

b. has an occupant load greater than or equal to 100 ~~person~~Persons per lot;
   (i) Property with a Verified Established Farm Use may have an occupant load up to 150 ~~person~~Persons per lot, as determined through the applicable review process, to accommodate Farm Events.
c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot; or
d. has a total ~~floor area~~Floor Area greater than 25,000 square feet (35,000 square feet in a ~~community service area~~Community Service Area).

3. Limited Impact Special Review is required for any use which is:
   a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 ~~average daily trip~~Average Daily Trips per lot as defined by the Institute of Transportation Engineers;
   b. ~~grading~~Grading involving the movement of more than 500 cubic yards of material as defined and provided in ~~Section~~ 4-516.
4. An ~~exemption plat~~Exemption Plat is required for any Single Unit Dwelling development on vacant land proposed for ~~subdivided land~~Subdivided Land with a ~~final plat~~Final Plat approved prior to March 22, 1978.
5. No ~~parcel~~Parcel shall be used for more than one Principal Use, except for allowed Agricultural uses, Forestry uses, Mining uses, or any combination thereof, unless approved through Special Review; or for multiple Principal Uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark.
6. Community Cisterns, Small Wind-Powered Energy Collectors Systems and Solar Energy Systems may be approved without Special Review approval on ~~parcel~~Parcels with existing Principal Uses; however, these uses shall be reviewed using the process and standards described in the Utility and Public Service Uses classification in this Code.

4-110 Commercial (C) District

A. Purpose: Areas for the development of commercial, business, retail, and/or service uses.
B. Principal Uses Permitted
   1. Agri-business Uses (see 4-501)
      a. Keeping of Nondomestic Animals (S)
   2. Agricultural Uses (see 4-502)
      a. Farm Store
      b. Open Agricultural Uses
   3. Commercial/Business Service Uses (see 4-503)
      a. Building Contracting Shop
      b. Carpentry, Woodworking, or Furniture Making Facility

c. Car Wash
d. Commercial Bakery
e. Commercial Laundry and Dry Cleaning
f. Machine Shop
g. Printing and/or Publishing Establishment
h. Vehicle Sales/Rental Lot (S)

4. Community Uses (see 4-504)
   a. Adaptive Reuse of a Historic Landmark (I)
   b. Church
   c. Educational Facility (S)
   d. Membership Club
   e. Reception Halls and Community Meeting Facilities
   f. Use of Community Significance (I)
5. Forestry Uses (see 4-505)
   None Permitted
6. Industrial Uses (see 4-506)
   a. Recycling Collection Center, Large (S)
7. Lodging Uses (see 4-507)
   a. Overnight Lodging
   b. Resort Lodge, Conference Center, or Guest Ranch
   c. Bed and Breakfast
8. Mining Uses (see 4-508)
   a. Limited Impact Open Mining (I)
   b. Oil and Gas Operations
9. Office Uses (see 4-509)
   a. Professional Office
10. Recreation Uses (see 4-510)
    a. Indoor Recreation
    b. Outdoor Recreation, for day use
    c. Outdoor Recreation, for night use (S)
11. Residential Uses (see 4-511)
    a. Boarding House
    b. Single Unit Dwelling
12. Retail and Personal Service Uses (see 4-512)
    a. Bank
    b. Building Material and Garden Store
    c. Convenience Store
    d. Day Care Center
    e. Emergency Care Facility
    f. Eating or Drinking Place, with drive through (S)
    g. Eating or Drinking Place, without drive through
    h. Indoor Theater
    i. Marijuana Establishment
    j. Mortuary

k. Outdoor Theater
l. Recycling Collection Center, Small
m. Retail or Personal Service Facility
n. Vehicle Service Center
o. Veterinary Clinic, with outdoor holding facilities
p. Veterinary Clinic, without outdoor holding facilities

13. Transportation Uses (see 4-513)
    a. Airport (S)
    b. Heliport (S)
    c. Helistop (S)
    d. Multimodal Parking Facility (S) (I)
14. Utility and Public Service Uses (see 4-514)
    a. Central Office Building of a Telecommunication Company (R)
    b. Community Cistern (I)
    c. Fire Barn (I)
    d. Fire Station (S)
    e. Large Solar Energy System (S)
    f. Major Facility of a Public Utility (S) (R) (L)
    g. Medium Solar Energy System or Solar Garden (S)
    h. Public or Quasi-public Facility other than Listed (S)
    i. Public Safety Telecommunication Facility (I)
    j. Sewage or Water Transmission Line (R) (L)
    k. Sewage Treatment Facility (S) (R) (L)
    l. Small Wind-Powered Energy System
    m. Solar Energy – Building-Mounted System
    n. Solar Energy – Ground-Mounted System (SPR) (I)
    o. Solar Energy - Parking Canopy System (SPR)
    p. Telecommunications Facility, existing ~~structure~~Structure meeting height requirements
    q. Telecommunications Facility, new ~~structure~~Structure or not meeting height requirements (S)
    r. Utility Service Facility
    s. Water Reservoir (S) (R) (L)
    t. Water Tank or Treatment Facility (S) (R) (L)
15. Warehouse Uses (see 4-515)
    a. Personal Storage Facility

C. Accessory Uses Permitted (see 4-516)
1. Temporary Accessory Community Meeting Facility
2. Accessory Dwelling (I)
3. Accessory Outside Storage
4. Accessory Solar Energy System
5. Accessory Structure
6. Grading of more than 500 Cubic Yards (I)
7. Home Events

8. Home Occupation
9. Household Pets
10. Noncommercial Telecommunication Site, one ~~structure~~Structure which meets ~~setback~~Setback and height requirements
11. Noncommercial Telecommunication Site, multiple ~~structure~~Structures and/or not meeting ~~setback~~Setback or height requirements (I)
12. Parking
13. Small Wind-Powered Energy System, Roof-Mounted
14. Accessory Agricultural Sales
15. Accessory Agricultural Structure
16. Short-Term Rental

D. Temporary Uses Permitted (see 4-517)
1. Emergency Noncommercial Telecommunication Site (A)
2. Garage Sales or Occasional Sales
3. Group Gathering / Special Events (A)
4. Temporary Batch Plant (A)
5. Temporary Construction or Sales Office (A)
6. Temporary Dwelling Unit (A)
7. Temporary Special Use, ~~(~~nonconforming use under ~~Section~~ 4-1004.A.2~~.~~ (S)
8. Temporary Weather Device Tower
9. Educational Tour

E. Lot, Building, and Structure Requirements
1. Minimum lot size
   a. In a ~~community service area~~Community Service Area on ~~subdivided land~~Subdivided Land where the principal ~~structure~~Structure is connected to ~~public water and sewer facilities~~Public Water and Public Sewer Facilities…no minimum requirement
   b. On other land…35 acres
2. Minimum ~~setback~~Setbacks
   a. Front ~~yard~~Yard…60 feet from the centerline of the ROW
   b. Side ~~yard~~Yard…Zero or 12 feet
   c. Rear Yard…20 feet
   d. From an ~~irrigation ditch~~Irrigation Ditch…50 feet from the centerline of the ditch. This requirement only affects ~~structure~~Structures built after October 10, 1996. The ~~setback~~Setback may~~--~~with ~~County~~county concurrence~~--~~be reduced in accordance with a letter from the applicable ditch company establishing a different ~~setback~~Setback, but in any event shall not be less than 20 feet from the ditch centerline.
   e. Supplementary requirements may apply, refer to ~~Article~~ 7-1400.
   f. The Director may require a ~~structure~~Structure to be located farther from any minimum ~~setback~~Setback as a mitigation measure to meet one or more Site Plan Review standard(s).
3. Structure size
   a. Maximum Residential Floor Area

(i) Unless otherwise specified in ~~subsections~~ (ii) through (v), the maximum Residential Floor Area for a Parcel shall be the larger of either the median Residential Floor Area of the defined ~~neighborhood~~Neighborhood or:
  (A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;
  (B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 square feet and 3,000 square feet; and
  (C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.

(ii) For a Parcel encumbered by a Boulder County ~~conservation easement~~Conservation Easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that ~~conservation easement~~Conservation Easement, recorded agreement with the ~~County~~county, or other approval shall be the maximum.

(iii) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in ~~subsection~~ (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.
  (A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.
  (B) ~~ubsection~~ (iii) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or ~~building~~Building permit to rebuild deconstructed Residential Floor Area is not issued within one year.

(iv) A Parcel with a historic ~~structure~~Structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:
  (A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and
  (B) the additional Residential Floor Area granted is related to the preservation of the protected ~~structure~~Structures.

(v) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing ~~structure~~Structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of ~~building~~Building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

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.
c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).
d. The Boulder County~~'s~~ Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning ~~&~~and Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

4. Maximum ~~building height~~Building Height…50 feet
   a. The Director may require a reduction in ~~structure~~Structure height as a mitigation measure to meet one or more Site Plan Review standard(s).

F. Additional Requirements
1. Maximum gross residential density
   a. On ~~subdivided land~~Subdivided Land where the ~~dwelling~~Dwellings are connected to ~~public water and sewer facilities~~Public Water and Public Sewer Facilities…Nine ~~dwelling unit~~Dwelling Units per acre
   b. On other land…One ~~dwelling unit~~Dwelling Unit per 35 acres
2. Special Review is required for any use which:
   a. generates traffic volumes in excess of 150 ~~average daily trip~~Average Daily Trips per lot, as defined by the Institute of Transportation Engineers;
      (i) Property with a Verified Established Farm Use may have up to 200 ~~average daily trip~~Average Daily Trips per lot, as determined through the applicable review process, when there is an Agricultural Sales Unit in operation on the property.
   b. has an occupant load greater than or equal to 100 ~~person~~Persons per lot;
      (i) Property with a Verified Established Farm Use may have an occupant load up to 150 ~~person~~Persons per lot, as determined through the applicable review process, to accommodate Farm Events.
   c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot; or
   d. has a total ~~floor area~~Floor Area greater than 25,000 square feet (35,000 square feet in a ~~community service area~~Community Service Area).
3. Limited Impact Special Review is required for any use which is:
   a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 ~~average daily trip~~Average Daily Trips per lot as defined by the Institute of Transportation Engineers;
   b. ~~grading~~Grading involving the movement of more than 500 cubic yards of material as defined and provided in ~~Section~~ 4-516.
4. An ~~exemption plat~~Exemption Plat is required for any Single Unit Dwelling development on vacant land proposed for ~~subdivided land~~Subdivided Land with a ~~final plat~~Final Plat approved prior to March 22, 1978.

5. No ~~parcel~~Parcel shall be used for more than one Principal Use, except for allowed Agricultural uses, Forestry uses, Mining uses, or any combination thereof, unless approved through Special Review; or for multiple Principal Uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark.
6. Community Cisterns, Small Wind-Powered Energy Collectors Systems and Solar Energy Systems may be approved without Special Review approval on ~~parcel~~Parcels with existing Principal Uses; however, these uses shall be reviewed using the process and standards described in the Utility and Public Service Uses classification in this Code.

4-111 Light Industrial (LI) District

A. Purpose: Areas for the development of research, light industrial, warehouse, and/or distribution centers.
B. Principal Uses Permitted
   1. Agri-business Uses (see 4-501)
      a. Agricultural Products Processing and Storage
      b. Commercial Nursery
      c. Keeping of Nondomestic Animals (S)
   2. Agricultural Uses (see 4-502)
      a. Intensive Agricultural Uses
      b. Open Agricultural Uses
   3. Commercial/Business Service Uses (see 4-503)
      a. Commercial Bakery
   4. Community Uses (see 4-504)
      a. Adaptive Reuse of a Historic Landmark (I)
      b. Church
      c. Educational Facility (S)
      d. Membership Club
      e. Reception Halls and Community Meeting Facilities
      f. Use of Community Significance (I)
   5. Forestry Uses (see 4-505)
      None Permitted
   6. Industrial Uses (see 4-506)
      a. Light Industrial
      b. Outside Storage (S)
      c. Recycling Processing Facility (S)
   7. Lodging Uses (see 4-507)
      a. Overnight Lodging
      b. Resort Lodge, Conference Center, or Guest Ranch
      c. Bed and Breakfast
   8. Mining Uses (see 4-508)
      a. Limited Impact Open Mining (I)

b. Oil and Gas Operations

9. Office Uses (see 4-509)
   a. Professional Office
10. Recreation Uses (see 4-510)
   a. Firing Range, Outdoor (S)
   b. Indoor Recreation
   c. Outdoor Recreation, for day use
   d. Outdoor Recreation, for night use (S)
11. Residential Uses (see 4-511)
   a. Single Unit Dwelling
12. Retail and Personal Service Uses (see 4-512)
   a. Day Care Center
   b. Emergency Care Facility
   c. Marijuana Establishment
   d. Mortuary
   e. Recycling Collection Center, Small
   f. Veterinary Clinic, without outdoor holding facilities
13. Transportation Uses (see 4-513)
   a. Airport (S)
   b. Heliport (S)
   c. Helistop (S)
   d. Multimodal Parking Facility (S) (I)
14. Utility and Public Service Uses (see 4-514)
   a. Central Office Building of a Telecommunication Company (R)
   b. Community Cistern (I)
   c. Fire Barn (I)
   d. Fire Station (S)
   e. Large Solar Energy System (S)
   f. Major Facility of a Public Utility (S) (R) (L)
   g. Medium Solar Energy System or Solar Garden (S)
   h. Public or Quasi-public Facility other than Listed (S)
   i. Public Safety Telecommunication Facility (I)
   j. Sewage or Water Transmission Line (R) (L)
   k. Sewage Treatment Facility (S) (R) (L)
   l. Small Wind-Powered Energy System
   m. Solar Energy – Building-Mounted System
   n. Solar Energy – Ground-Mounted System (SPR) (I)
   o. Solar Energy - Parking Canopy System (SPR)
   p. Telecommunications Facility, existing ~~structure~~Structure meeting height requirements
   q. Telecommunications Facility, new ~~structure~~Structure or not meeting height requirements (S)
   r. Utility Service Facility
   s. Water Reservoir (S) (R) (L)

t. Water Tank or Treatment Facility (S) (R) (L)

15. Warehouse Uses (see 4-515)
    a. Personal Storage Facility
    b. Warehouse and Distribution Center

C. Accessory Uses Permitted (see 4-516)
1. Accessory Agricultural Sales
2. Accessory Agricultural Structure
3. Accessory Beekeeping
4. Accessory Chicken Keeping
5. Temporary Accessory Community Meeting Facility
6. Accessory Concrete or Asphalt Batch Plant (S)
7. Accessory Dwelling (I)
8. Accessory Horse Keeping
9. Accessory Meat or Poultry Processing
10. Accessory Outside Storage
11. Accessory Solar Energy System
12. Accessory Structure
13. Grading of more than 500 Cubic Yards (I)
14. Home Events
15. Home Occupation
16. Household Pets
17. Noncommercial Telecommunication Site, one ~~structure~~Structure which meets ~~setback~~Setback and height requirements
18. Noncommercial Telecommunication Site, multiple ~~structure~~Structures and/or not meeting ~~setback~~Setback or height requirements (I)
19. Parking
20. Small Wind-Powered Energy System, Roof-Mounted
21. Short-Term Rental

D. Temporary Uses Permitted (see 4-517)
1. Emergency Noncommercial Telecommunication Site (A)
2. Garage Sales or Occasional Sales
3. Group Gathering / Special Events (A)
4. Temporary Batch Plant (A)
5. Temporary Construction or Sales Office (A)
6. Temporary Dwelling Unit (A)
7. Temporary Christmas Tree Sales (I)
8. Temporary Special Use~~,~~ ~~(~~nonconforming use under ~~Section~~ 4-1004.A.2~~.~~ (S)
9. Temporary Weather Device Tower
10. Educational Tour

E. Lot, Building, and Structure Requirements
1. Minimum lot size
    a. In a ~~community service area~~Community Service Area on ~~subdivided land~~Subdivided Land where the principal ~~structure~~Structure is not a Single Unit

Dwelling and is connected to ~~public water and sewer facilities~~Public Water and Public Sewer Facilities…no minimum requirement

b. On any other land…35 acres

2. Minimum ~~setback~~Setbacks
   a. Front ~~yard~~Yard…60 feet from the centerline of the ROW
   b. Side ~~yard~~Yard…Zero or 12 feet
   c. Rear Yard…20 feet
   d. From an ~~irrigation ditch~~Irrigation Ditch…50 feet from the centerline of the ditch. This requirement only affects ~~structure~~Structures built after October 10, 1996. The ~~setback~~Setback may ~~-~~ with ~~County~~county concurrence ~~-~~ be reduced in accordance with a letter from the applicable ditch company establishing a different ~~setback~~Setback, but in any event shall not be less than 20 feet from the ditch centerline.
   e. Supplementary requirements may apply, refer to ~~Article~~ 7-1400.
   f. The Director may require a ~~structure~~Structure to be located farther from any minimum ~~setback~~Setback as a mitigation measure to meet one or more Site Plan Review standard(s).
3. Structure size
   a. Maximum Residential Floor Area
      (i) Unless otherwise specified in ~~subsections~~ (ii) through (v), the maximum Residential Floor Area for a Parcel shall be the larger of either the median Residential Floor Area of the defined ~~neighborhood~~Neighborhood or:
         (A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;
         (B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 square feet and 3,000 square feet; and
         (C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.
      (ii) For a Parcel encumbered by a Boulder County ~~conservation easement~~Conservation Easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that ~~conservation easement~~Conservation Easement, recorded agreement with the ~~County~~county, or other approval shall be the maximum.
      (iii) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in ~~subsection~~ (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.
         (A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.

(B) ~~Subsection~~ (iii) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or ~~building~~Building permit to rebuild deconstructed Residential Floor Area is not issued within one year.

(iv) A Parcel with a historic ~~structure~~Structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:

(A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and

(B) the additional Residential Floor Area granted is related to the preservation of the protected ~~structure~~Structures.

(v) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing ~~structure~~Structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of ~~building~~Building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

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.

c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).

d. The Boulder County~~'s~~ Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning ~~&~~and Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

4. Maximum ~~building height~~Building Height…50 feet

a. The Director may require a reduction in ~~structure~~Structure height as a mitigation measure to meet one or more Site Plan Review standard(s).

F. Additional Requirements

1. ~~Animal unit~~Animal Units…Four ~~animal unit~~Animal Units per acre

2. Special Review is required for any use which:

a. generates traffic volumes in excess of 150 ~~average daily trip~~Average Daily Trips per lot, as defined by the Institute of Transportation Engineers;

(i) Property with a Verified Established Farm Use may have up to 200 ~~average daily trip~~Average Daily Trips per lot, as determined through the applicable review process, when there is an Agricultural Sales Unit in operation on the property.

b. has an occupant load greater than or equal to 100 ~~person~~Persons per lot;

(i) Property with a Verified Established Farm Use may have an occupant load up to 150 ~~person~~Persons per lot, as determined through the applicable review process, to accommodate Farm Events.

c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot; or

d. has a total ~~floor area~~Floor Area greater than 25,000 square feet (35,000 square feet in a ~~community service area~~Community Service Area).

3. Limited Impact Special Review is required for any use which is:
   a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 ~~average daily trip~~Average Daily Trips per lot as defined by the Institute of Transportation Engineers;
   b. ~~grading~~Grading involving the movement of more than 500 cubic yards of material as defined and provided in ~~Section~~ 4-516.
4. An ~~exemption plat~~Exemption Plat is required for any Single Unit Dwelling development on vacant land proposed for ~~subdivided land~~Subdivided Land with a ~~final plat~~Final Plat approved prior to March 22, 1978.
5. No ~~parcel~~Parcel shall be used for more than one Principal Use, except for allowed open Agricultural uses, Forestry uses, Mining uses, or any combination thereof, unless approved through Special Review; or for multiple Principal Uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark.
6. Community Cisterns, Small Wind-Powered Energy Collectors Systems and Solar Energy Systems may be approved without Special Review approval on ~~parcel~~Parcels with existing Principal Uses; however, these uses shall be reviewed using the process and standards described in the Utility and Public Service Uses classification in this Code.

4-112 General Industrial (GI) District

A. Purpose: Areas for the development of general industrial, manufacturing, commercial, and/or retail uses.

B. Principal Uses Permitted
   1. Agri-business Uses (see 4-501)
      a. Agricultural Products Processing and Storage
      b. Commercial Nursery
      c. Custom Meat and Poultry Processing Facility (S)
      d. Keeping of Nondomestic Animals (S)
   2. Agricultural Uses (see 4-502)
      a. Intensive Agricultural Uses
      b. Open Agricultural Uses
   3. Commercial/Business Service Uses (see 4-503)
      a. Building Contracting Shop
      b. Carpentry, Woodworking, or Furniture Making Facility

c. Car Wash
d. Commercial Bakery
e. Commercial Laundry and Dry Cleaning
f. Machine Shop
g. Printing and/or Publishing Establishment
h. Vehicle Sales/Rental Lot

4. Community Uses (see 4-504)
   a. Adaptive Reuse of a Historic Landmark (I)
   b. Church
   c. Educational Facility (S)
   d. Membership Club
   e. Reception Halls and Community Meeting Facilities
   f. Use of Community Significance (I)
5. Forestry Uses (see 4-505)
   None Permitted
6. Industrial Uses (see 4-506)
   a. Composting Facility (S)
   b. General Industrial (S)
   c. Light Industrial
   d. Outside Storage
   e. Recycling Collection Center, Large
   f. Recycling Processing Facility (S)
   g. Saw Mill
   h. Solid Waste Disposal Site and Facility (S)
   i. Solid Waste Transfer Facility (S)
7. Lodging Uses (see 4-507)
   a. Overnight Lodging
   b. Resort Lodge, Conference Center, or Guest Ranch
   c. Bed and Breakfast
8. Mining Uses (see 4-508)
   a. Limited Impact Open Mining (I)
   b. Oil and Gas Operations
   c. Open Mining (S)
   d. Subsurface Mining (S)
   e. Subsurface Mining of Uranium (S)
9. Office Uses (see 4-509
   a. Professional Office
10. Recreation Uses (see 4-510)
    a. Firing Range, Outdoor (S)
    b. Indoor Recreation
    c. Outdoor Recreation, for day use
    d. Outdoor Recreation, for night use (S)
11. Residential Uses (see 4-511)
    a. Boarding House

b. Single Unit Dwelling

12. Retail and Personal Service Uses (see-4-512)
    a. Bank
    b. Building Materials or Garden Store
    c. Convenience Store
    d. Day Care Center
    e. Emergency Care Facility
    f. Eating or Drinking Place, with drive through (S)
    g. Eating or Drinking Place, without drive through
    h. Indoor Theater
    i. Marijuana Establishment
    j. Mortuary
    k. Outdoor Theater
    l. Recycling Collection Center, Small
    m. Retail or Personal Service Facility
    n. Vehicle Service Center
    o. Veterinary Clinic, with outdoor holding facilities
    p. Veterinary Clinic, without outdoor holding facilities
13. Transportation Uses (see 4-513)
    a. Airport (S)
    b. Heliport (S)
    c. Helistop (S)
    d. Multimodal Parking Facility (S) (I)
14. Utility and Public Service Uses (see 4-514)
    a. Central Office Building of a Telecommunication Company (R)
    b. Community Cistern (I)
    c. Fire Barn (I)
    d. Fire Station (S)
    e. Large Solar Energy System (S)
    f. Major Facility of a Public Utility (S) (R) (L)
    g. Medium Solar Energy System or Solar Garden (S)
    h. Public or Quasi-public Facility other than Listed (S)
    i. Public Safety Telecommunication Facility (I)
    j. Sewage or Water Transmission Line (R) (L)
    k. Sewage Treatment Facility (S) (R) (L)
    l. Small Wind-Powered Energy System
    m. Solar Energy – Building-Mounted System
    n. Solar Energy – Ground-Mounted System (SPR) (I)
    o. Solar Energy - Parking Canopy System (SPR)
    p. Telecommunications Facility, existing ~~structure~~Structure meeting height requirements
    q. Telecommunications Facility, new ~~structure~~Structure or not meeting height requirements (S)
    r. Utility Service Facility

s. Water Reservoir (S) (R) (L)
t. Water Tank or Treatment Facility (S) (R) (L)

15. Warehouse Uses (see 4-515)
    a. Personal Storage Facility
    b. Warehouse and Distribution Center

C. Accessory Uses Permitted (see 4-516)
1. Accessory Agricultural Sales
2. Accessory Agricultural Structure
3. Accessory Beekeeping
4. Accessory Chicken Keeping
5. Temporary Accessory Community Meeting Facility
6. Accessory Concrete or Asphalt Batch Plant (S)
7. Accessory Dwelling (I)
8. Accessory Horse Keeping
9. Accessory Meat or Poultry Processing
10. Accessory Outside Storage
11. Accessory Solar Energy System
12. Accessory Structure
13. Grading of more than 500 Cubic Yards (I)
14. Home Events
15. Home Occupation
16. Household Pets
17. Noncommercial Telecommunication Site, one ~~structure~~Structure which meets ~~setback~~Setback and height requirements
18. Noncommercial Telecommunication Site, multiple ~~structure~~Structures and/or not meeting ~~setback~~Setback or height requirements (I)
19. Parking
20. Small Wind-Powered Energy System, Roof-Mounted
21. Short-Term Rental

D. Temporary Uses Permitted (see 4-517)
1. Emergency Noncommercial Telecommunication Site (A)
2. Garage Sales or Occasional Sales
3. Group Gathering /Special Events(A)
4. Temporary Batch Plant (A)
5. Temporary Construction or Sales Office (A)
6. Temporary Dwelling Unit (A)
7. Temporary Christmas Tree Sales (I)
8. Temporary Special Use~~,~~ ~~(~~nonconforming use under ~~Section~~ 4-1004.A.2~~.~~ (S)
9. Temporary Weather Device Tower
10. Educational Tour

E. Lot, Building, and Structure Requirements
1. Minimum lot size
    a. In a ~~community service area~~Community Service Area on ~~subdivided land~~Subdivided Land where the principal ~~structure~~Structure is not a Single Unit

Dwelling and is connected to ~~public water and sewer facilities~~Public Water and Public Sewer Facilities…no minimum requirement

b. On any other land…35 acres

2. Minimum ~~setback~~Setbacks
   a. Front ~~yard~~Yard…60 feet from the centerline of the ROW
   b. Side ~~yard~~Yard…Zero or 12 feet
   c. Rear Yard…20 feet
   d. From an ~~irrigation ditch~~Irrigation Ditch…50 feet from the centerline of the ditch. This requirement only affects ~~structure~~Structures built after October 10, 1996. The ~~setback~~Setback may ~~–~~ with ~~County~~county concurrence ~~–~~ be reduced in accordance with a letter from the applicable ditch company establishing a different ~~setback~~Setback, but in any event shall not be less than 20 feet from the ditch centerline.
   e. Supplementary requirements may apply, refer to ~~Article~~ 7-1400.
   f. The Director may require a ~~structure~~Structure to be located farther from any minimum ~~setback~~Setback as a mitigation measure to meet one or more Site Plan Review standard(s).
3. Structure size
   a. Maximum Residential Floor Area
      (i) Unless otherwise specified in ~~subsections~~ (ii) through (v), the maximum Residential Floor Area for a Parcel shall be the larger of either the median Residential Floor Area of the defined ~~neighborhood~~Neighborhood or:
         (A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;
         (B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 square feet and 3,000 square feet; and
         (C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.
      (ii) For a Parcel encumbered by a Boulder County ~~conservation easement~~Conservation Easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that ~~conservation easement~~Conservation Easement, recorded agreement with the ~~County~~county, or other approval shall be the maximum.
      (iii) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in ~~subsection~~ (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.
         (A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.

(B) ~~Subsection~~ (iii) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or ~~building~~Building permit to rebuild deconstructed Residential Floor Area is not issued within one year.

(iv) A Parcel with a historic ~~structure~~Structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:

(A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and

(B) the additional Residential Floor Area granted is related to the preservation of the protected ~~structure~~Structures.

(v) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing ~~structure~~Structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of ~~building~~Building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

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.

c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).

d. The Boulder County~~'s~~ Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning ~~&~~and Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

4. Maximum ~~building height~~Building Height…50 feet

a. The Director may require a reduction in ~~structure~~Structure height as a mitigation measure to meet one or more Site Plan Review standard(s).

F. Additional Requirements

1. ~~Animal unit~~Animal Units…Four ~~animal unit~~Animal Units per acre

2. Special Review is required for any use which:

a. generates traffic volumes in excess of 150 ~~average daily trip~~Average Daily Trips per lot, as defined by the Institute of Transportation Engineers;

(i) Property with a Verified Established Farm Use may have up to 200 ~~average daily trip~~Average Daily Trips per lot, as determined through the applicable review process, when there is an Agricultural Sales Unit in operation on the property.

b. has an occupant load greater than or equal to 100 ~~person~~Persons per lot;

(i) Property with a Verified Established Farm Use may have an occupant load up to 150 ~~person~~Persons per lot, as determined through the applicable review process, to accommodate Farm Events.

c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot; or

d. has a total ~~floor area~~Floor Area greater than 25,000 square feet (35,000 square feet in a ~~community service area~~Community Service Area).

3. Limited Impact Special Review is required for any use which is:
   a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 ~~average daily trip~~Average Daily Trips per lot as defined by the Institute of Transportation Engineers;
   b. ~~grading~~Grading involving the movement of more than 500 cubic yards of material as defined and provided in ~~Section~~ 4-516.
4. An ~~exemption plat~~Exemption Plat is required for any Single Unit Dwelling development on vacant land proposed for ~~subdivided land~~Subdivided Land with a ~~final plat~~Final Plat approved prior to March 22, 1978.
5. No ~~parcel~~Parcel shall be used for more than one Principal Use, except for allowed open Agricultural uses, Forestry uses, Mining uses, or any combination thereof, unless approved through Special Review; or for multiple Principal Uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark.
6. Community Cisterns, Small Wind-Powered Energy Collectors Systems and Solar Energy Systems may be approved without Special Review approval on ~~parcel~~Parcels with existing Principal Uses; however, these uses shall be reviewed using the process and standards described in the Utility and Public Service Uses classification in this Code.

4-113 Economic Development (ED) District

A. Purpose: Urban areas which have economic value for Boulder County, and which can be developed to be compatible with surrounding areas.

B. Uses Permitted by Special Review
   1. The following special uses may be permitted as Principal Uses Permitted upon Special Review approval:
      a. nonresidential planned unit developments such as office, industrial, research, recreational, and accessory uses, or a mixture of any uses which can be designed to be compatible with each other and with surrounding areas; or
      b. any other use permitted through Special Review.

C. Minimum district area…five ~~contiguous~~ Contiguous acres

D. Lot, Building and Structure Requirements
   1. Structure size
      a. Maximum Residential Floor Area

(i) Unless otherwise specified in ~~subsections~~ (ii) through (v), the maximum Residential Floor Area for a Parcel shall be the larger of either the median Residential Floor Area of the defined ~~neighborhood~~Neighborhood or:
  (A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;
  (B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 square feet and 3,000 square feet; and
  (C) ~~(~~An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.

(ii) For a Parcel encumbered by a Boulder County ~~conservation easement~~Conservation Easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that ~~conservation easement~~Conservation Easement, recorded agreement with the ~~County~~county, or other approval shall be the maximum.

(iii) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in ~~subsection~~ (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.
  (A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.
  (B) ~~Subsection~~ (iii) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or ~~building~~Building permit to rebuild deconstructed Residential Floor Area is not issued within one year.

(iv) A Parcel with a historic ~~structure~~Structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:
  (A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and
  (B) the additional Residential Floor Area granted is related to the preservation of the protected ~~structure~~Structures.

(v) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing ~~structure~~Structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of ~~building~~Building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

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.
c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).
d. The Boulder County~~'s~~ Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning ~~&~~and Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

E. Additional Requirements
1. Maximum gross residential density
a. On ~~subdivided land~~Subdivided Land where the ~~dwelling~~Dwellings are connected to both ~~public water and public sewer facilities~~Public Water and Public Sewer Facilities~~.~~...~~-~~Nine ~~dwelling unit~~Dwelling Units/acre, except as such maximum may have been specifically limited as part of the ~~plat~~Platting process for the subject property;
b. On other land~~.~~...~~-~~One ~~dwelling unit~~Dwelling Unit per 35 acres
2. Grading involving the movement of more than 500 cubic yards of material as defined and provided in ~~Section~~ 4-516 of this Code shall go through Limited Impact Special Review.

4-114 Historic (H) District

A. Purpose: Rural areas in which residential and business uses ~~which~~ can be developed compatibly with established historical areas.

B. Uses Permitted
1. Principal Uses Permitted: Those uses which are required to serve the immediate area and which are public or semi-public uses or are permitted in the Business zoning district subject to the requirements of ~~Section~~ 4-114.~~(C)~~; ~~and~~
2. Accessory Structures and uses permitted in the Business zoning district; and~~.~~
3. Uses permitted by Special Review or Limited Impact Special Review ~~permitted~~ in the Business zoning district.

C. Approval of Building and Structures
1. No ~~person~~Person shall construct a new principal ~~building~~Building or any ~~structure~~Structures accessory to a new principal ~~building~~Building or change the Principal Use of a ~~structure~~Structure within the Historic zoning district unless that ~~person~~Person has first received approval of the County Commissioners following a public hearing, notice of which shall be given by publication in a newspaper of general circulation within Boulder County at least 30 days prior to the hearing date and by transmission of written notice by first~~-~~class mail, postage prepaid, at least 30 days prior to the hearing date to the ~~applicant~~Applicant and to ~~adjacent property owner~~Adjacent Property Owners. A Site Plan Review is not required in this district.
2. Approval of a new principal ~~building~~Building or any ~~structure~~Structures accessory to a new principal ~~building~~Building or change of Principal Use of a ~~structure~~Structure

within the Historic zoning district shall receive approval only if the proposed ~~building~~Building or ~~structure~~Structure meets the following standards and conditions:

a. The character of the proposed construction is in harmony with the established exterior architectural appeal of ~~structure~~Structures already located in the surrounding ~~neighborhood~~Neighborhood.
b. The character of the proposed construction is in harmony with approved public plans for the surrounding area, so that existing and future land values within the historical area will not be depreciated.

3. In making its determination pursuant to ~~Section~~ 4-114.~~(~~C.~~)~~(2~~)~~, the Board shall restrict its review in each case to the impact of the proposed construction on the health, safety, morals, and general welfare of the inhabitants of Boulder County, keeping particularly in mind the unique characteristics of certain existing ~~structure~~Structures in the Historic zoning districts within the ~~County~~county. As a minimum, the following specific criteria shall be considered:
   a. architectural compatibility of the proposed ~~structure~~Structure with other ~~structure~~Structures in the ~~Z~~zoning ~~D~~district;
   b. the proposed density of occupancy;
   c. the relationship of the proposed use to existing and future open space;
   d. vehicular and pedestrian access; and
   e. the ~~bulk~~Bulk of the proposed ~~building~~Building or ~~structure~~Structure in relationship to surrounding ~~building~~Buildings and land.
4. Prior to approval of a ~~building~~Building permit which would allow the construction of any new principal ~~building~~Building in the Historic zoning district, the Board shall request comments from the owners of properties abutting and from any representative homeowners association formed in the Historic zoning district. Although final action by the Board shall not be bound by such local comments, the opinion of such ~~person~~Persons and the ideas expressed on the official plans for the Historic zoning district shall be given careful consideration by the County Commissioners.
5. Prior to the approving of a ~~building~~Building permit which would allow the construction of additions, exterior remodeling or accessory ~~structure~~Structures in the Historic zoning district, the Director shall request and consider comments from the owners of properties abutting and from any representative homeowners' association formed within the Historic zoning district. The decision and action of the Director shall be based upon the standards of 4-114.~~(~~C.~~)~~(2~~)~~ and ~~(3)~~ and shall carefully consider, but not be bound by, local comments.
   a. The Director shall make a decision on the submitted plans and information within 14 days of submission. The findings of the Director shall be transmitted by first-class mail, to the ~~applicant~~Applicant and the local group(s) that have commented within seven ~~(7)~~ days of the Director's decision.
   b. The decision of the Director may be appealed pursuant to ~~Section~~ 4-800 of this Code.

D. Size of Zoning District

1. No area shall be zoned or rezoned Historic unless the area encompasses a minimum of 10 ~~contiguous~~ Contiguous acres.

4-115 Rural Community (RC) District

A. Purpose: To encourage flexibility in the land use patterns of established rural communities in order to achieve the objectives of the Boulder County Comprehensive Plan.

B. Uses Permitted

1. Any approved RC District may appropriately limit~~,~~ the uses allowed in the zoning districts which govern the subject ~~parcel~~Parcels immediately prior to rezoning. Additional uses found compatible with the purpose and intent of the RC District may be approved through the Land Use Code text amendment process.

C. Additional Requirements

1. An RC District may be permitted in the following established rural communities:
   a. Allenspark
   b. Eldora
   c. Eldorado Springs
   d. Gold Hill
   e. Hygiene
   f. Niwot Community Service Area
2. The RC District shall include only the following:~~;~~
   a. Parcels with existing ~~structure~~Structures;
   b. Vacant ~~parcel~~Parcels completely surrounded by ~~parcel~~Parcels with existing ~~structure~~Structures; or
   c. Vacant ~~parcel~~Parcels ~~contiguous~~ Contiguous to, or partially surrounded by ~~parcel~~Parcels with existing ~~structure~~Structures, provided that the vacant ~~parcel~~Parcel is determined by the Board of County Commissioners to be an essential part of the land use pattern of the community.
3. Topographical features and other land-forms that provide a natural boundary or edge to the community shall be considered when determining the boundary of an RC District.
4. Each RC District must be established by a separate resolution which shall include a zoning map defining the district, and the district development plan.
   a. The district development plan shall be drafted by ~~County~~county staff based on recommendations from the property owners, neighborhood associations, community associations, business associations, and other parties with an interest in the proposed district. The plan shall include the following:
      (i) A ~~development report~~Development Report as defined in ~~Section~~ 3-203.~~F.~~ of this Code.
      (ii) A site plan showing significant natural features, proposed district boundaries, and existing and proposed land uses.
      (iii) A listing of existing and proposed land uses and the total proposed district area in acres with a breakdown in percentages and amounts devoted to specific land.

(iv) The proposed lot, ~~building~~Building, and ~~structure~~Structure design and dimension requirements.
(v) The proposed parking requirements.
(vi) Standards and guidelines for:
(A) the development of site facilities, including, but not limited to, parking, parks and open space, signage, landscape, and lighting;
(B) appropriate architectural design within the district; and
(C) designated historic districts, where applicable.
(vii) Any additional relevant information deemed necessary by the Community Planning ~~&~~and Permitting Director.

b. Any proposed modifications to a district development plan shall be reviewed by the Community Planning ~~&~~and Permitting Director.
(i) If found to be a ~~substantial modification~~Substantial Modification, an amendment of the district development plan shall be required.
(ii) The amendment must be reviewed by the Planning Commission and approved by the Board of County Commissioners.
(iii) Any modification to the regulatory portion of the plan shall be considered substantial.

5. Procedures under Article 15, Historic Preservation, shall control for any recognized historic district or ~~structure~~Structure.
6. Written consent of greater than 50 percent of the owners of ~~building lot~~Building Lots within the proposed district, with no owner having more than one vote, must be obtained prior to approval of the proposed district by the Board of County Commissioners.
7. Notification
a. At least 30 days prior to the Planning Commission hearing, the final district development plan and all attachments shall be mailed to the property owners of ~~parcel~~Parcels within the proposed district and to all property owners ~~adjacent~~Adjacent to the proposed district.
b. Any changes made to the district development plan as a result of the Planning Commission hearing shall be incorporated into the plan, and the revised plan shall be mailed to property owners within the proposed district at least 14 days prior to the Board of County Commissioner hearing.

4-116 Niwot Rural Community District

4-116A Niwot Rural Community District I (NRCD I)

A. Purpose, Scope, and District Description

The Niwot Rural Community District I (NRCD I) was created under ~~Article~~ 4-115 to recognize the unique semi-rural character of the community, and to apply planning tools to help maintain that character. The NRCD I includes a historic district (HD) and a non-historic district (NH), each with a distinct character (see Figure 1). ~~Article~~ 4-116, as amended in March 2019, is intended to provide clear guidance for development that

will help maintain community character while accommodating changes associated with preserving and enhancing the community as a thriving, semi-rural village center.

All provisions of the Boulder County Land Use Code apply to proposed development within the NRCD I unless otherwise noted in ~~Article~~ 4-116. Provisions in ~~Article~~ 4-116 identify the maximum allowed development footprint for the NRCD I. The applicable review process will evaluate all development proposals and may further restrict development based on the characteristics of a given property and proposal and review criteria, with particular attention to historic conditions in the district.

NRCD I includes: Block 1 north of 2nd Avenue and west of Murray Street; Block 2 south of 2nd Avenue and west of Murray Street; Block 3 north of 2nd Avenue between Murray Street and Franklin Street; Block 4 south of 2nd Avenue between Murray Street and Franklin Street; Block 5 north of 2nd Avenue between Franklin Street and Niwot Road; Block 6 south of 2nd Avenue between Franklin Street and Niwot Road.

B. Principal Uses Permitted [NH = Nonhistoric district only]
   1. Agricultural Uses
      a. Farm Store [NH]
   2. Commercial / Business Service Uses
      a. Carpentry, Woodworking, or Furniture Making Facility
      b. Commercial Bakery (see 4-503.D~~.~~) provided it is limited to no more than 2,000 square feet of ~~floor area~~Floor Area and is located on the second floor or ~~in~~ the rear of the property.
      c. Vehicle Sales/Rental Lots [NH]
   3. Community Uses
      a. Church
   4. Lodging Uses
      a. Overnight Lodging Facility (not more than 14 rooms)
   5. Office Uses
      a. Professional Office
   6. Residential Uses
      a. Single Unit Dwelling [NH]
   7. Retail and Personal Service Uses
      a. Bank
      b. Day Care Center [NH]
      c. Eating or Drinking Place, without drive through service
      d. Emergency care ~~facility~~Facility
      e. Mortuary [NH]
      f. Retail or Personal Service Facility
      g. Veterinary Clinic without outside holding facilities
   8. Utility and Public Service Uses
      a. Public or quasi-public ~~facility~~Facility other than listed
   9. Mixed Use

Table. 1 NRCD I Residential Unit Allowance

C. Lot, Building, and Structure Requirements
   1. Minimum Lot Size
      a. 3,500 square feet
   2. Maximum Building Height
      a. 30 feet
      b. 15 feet within 25 feet of rear property line where the rear ~~lot line~~Lot Line is ~~adjacent~~Adjacent to a ~~parcel~~Parcel or ~~right-of-way~~Right-Of-Way outside of the NRCD I.
         (i) Properties that do not currently meet this requirement may rebuild the same massing as the existing ~~structure~~Structure if approved by the Community Planning ~~&~~and Permitting Director or applicable processes.
      c. 15 feet within 20 feet of the front property line in Blocks 5 and 6.
   3. Minimum ~~setback~~Setbacks
      a. Front ~~yard~~Yard
         (i) Blocks 1, 2, 3, 4: 0 feet
         (ii) Blocks 5, 6:
            (A) 20 feet along 2nd Avenue with the ability to reduce the front ~~setback~~Setback to 10 feet as long as the front and rear combined ~~setback~~Setbacks are not less than 20 feet.
            (B) 10 feet along Franklin with the ability to reduce the ~~setback~~Setback to ~~5~~ five feet if retaining at least 30 feet from 2nd Avenue.
      b. Side ~~yard~~Yard
         (i) Block 1, 2, 3, 4, 5, 6: 0 feet
         (ii) Interior ~~parcel~~Parcel lines perpendicular to 2nd Avenue shall be considered a side ~~yard~~Yard.
      c. Rear ~~yard~~Yard
         (i) Blocks 1, 2, 6: 10 feet
         (ii) Blocks 3, 4: 0 feet for corner ~~parcel~~Parcels and ~~parcel~~Parcels where the rear ~~lot line~~Lot Line is ~~adjacent~~Adjacent to a ~~parcel~~Parcel in the NRCD I, or 15 feet for interior ~~parcel~~Parcels where the rear ~~lot line~~Lot Line is ~~adjacent~~Adjacent to a ~~parcel~~Parcel outside the NRCD I.
         (iii) Block 5: 10 feet with the ability to reduce to 0 feet as long as the front and rear combined ~~setback~~Setbacks are not less than 20 feet.
   4. Supplemental Setbacks
      a. No supplemental ~~setback~~Setback from the center line of 2nd Avenue is required.
      b. Along Niwot Road, the minimum ~~yard~~Yard requirements for all ~~structure~~Structures, with the exception of signs, shall not be less than 80 feet from the center line of the roadway.
   5. Lot Coverage
      a. Definition: The percentage of total ~~parcel~~Parcel area that can be covered by ~~structure~~Structures.
      b. Provisions:

(i) Blocks 1, 2: 55%
(ii) Blocks 3, 4: 80% for interior lots and 90% for corner lots
(iii) Blocks 5, 6: 50%

~~b.~~6. Floor Area Ratio (FAR)

(i) Blocks 1, 2, 5, 6: 0.6
(ii) Blocks 5, 6: can propose an increase in FAR from 0.6 to a maximum of 0.7 if transferring an equal amount of square footage from another ~~parcel~~Parcel in the same block. The ~~parcel~~Parcel the square footage is transferred from would then be limited to the reduced FAR. The additional FAR can be approved through the review process if it is determined that:
  (A) The design flexibility created by transferring square footage keeps parking and driveways in the rear of the subject properties; or
  (B) Achieves a greater rear ~~setback~~Setback; or
  (C) Allows for existing ~~structure~~Structures or mature trees to be retained; and
  (D) The proposal does not negatively impact historic resources.
(iii) Blocks 5, 6 can propose an increase in FAR from 0.6 to a maximum of 0.7 if all residential square footage, with the exception of garages and carports, is located above non-residential uses. The additional FAR can be approved through the review process if it is determined that:
  (A) The proposal does not negatively impact historic resources.
(iv) Areas within the NRCD I Historic District: No FAR – Historic, Site Plan Review, ~~setback~~Setback, and lot coverage provisions to control.

~~6.~~7. Structure size

a. Maximum Residential Floor Area
  (i) Unless otherwise specified in ~~subsections~~ (ii) through (v), the maximum Residential Floor Area for a Parcel shall be the larger of either the median Residential Floor Area of the defined ~~neighborhood~~Neighborhood or:
    (A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;
    (B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 square feet and 3,000 square feet; and
    (C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.
  (ii) ~~(~~For a Parcel encumbered by a Boulder County ~~conservation easement~~Conservation Easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that ~~conservation easement~~Conservation Easement, recorded agreement with the ~~County~~county, or other approval shall be the maximum.
  (iii) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in ~~subsection~~ (i), the maximum

Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.

(A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.

(B) ~~Subsection~~ (iii) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or ~~building~~Building permit to rebuild deconstructed Residential Floor Area is not issued within one year.

(iv) A Parcel with a historic ~~structure~~Structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:

(A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and

(B) the additional Residential Floor Area granted is related to the preservation of the protected ~~structure~~Structures.

(v) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing ~~structure~~Structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of ~~building~~Building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

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.

c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).

d. The Boulder County~~'s~~ Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning ~~&~~and Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

D. Parking Requirements:

1. One~~1~~ parking space per 500 square feet of non-~~residential floor area~~Residential Floor Area, and residential parking at:
2. A change of use within an existing ~~structure~~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~~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
   ~~a.~~b. The County Engineer and Zoning Administrator may approve up to a maximum 40% reduction total in required spaces if the ~~applicant~~Applicant can demonstrate in a Parking Reduction Plan that the project will meet the following criteria:~~.~~
   ~~b. The applicant~~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;
      (ii) The reduction in parking will not increase the demand for on street parking in the ~~adjacent~~Adjacent residential ~~neighborhood~~Neighborhood;
      (iii) The ~~applicant~~Applicant commits to obtain additional parking spaces (Contingency Parking) at such point in time as a ~~County~~county-led parking study of the NRCD I finds that, due to cumulative growth in NRCD I parking demand, on-street parking in the NRCD I is no longer sufficient to meet demand, as described in 4-116 D.4.b; and,
      (iv) The reduction in parking shall not be contrary to the purpose of this Code.
   c. Methods that can be used to achieve the maximum 40% reduction include:
      (i) Use of Current Surplus Parking:~~.~~ A reduction of up to 10% of the allowed 40% reduction of required spaces may be approved if an ~~applicant~~Applicant proposes to utilize the current surplus of district parking with a commitment to utilize the common parking area when and if it is constructed, or utilize other approved on-site or shared parking.
         (A) The Niwot Transportation and Connectivity Plan (NTCP) recognizes the potential future need for additional parking within the district. At the time of adoption of 4-116, as amended, parking demand does not warrant the construction of a common parking area as there is adequate supply to accommodate existing uses and a surplus to accommodate a moderate level of additional use. When a parking study finds that surplus parking no longer exists, property owners must implement commitments to obtain Contingency Parking.
         (B) Commitment to Contingency Parking. The following provisions apply to ~~applicant~~Applicants relying on surplus parking capacity in the NRCD I to gain approval of a Parking Reduction Plan:
            (1) The ~~applicant~~Applicant must commit to obtaining additional spaces in an amount equivalent to the amount of parking reduction (number of spaces) for which the property was previously approved.
            (2) Additional spaces can be obtained either on-site or through a parking agreement.

(3) The ~~applicant~~Applicant must commit to obtain additional parking spaces within one~~1~~ year of completion of the ~~County~~county-led parking study. This period may be extended for up to one~~1~~ year if the ~~applicant~~Applicant can show additional spaces will be obtained in a parking lot or other project under construction.

(ii) Multi-Modal: A reduction of up to 10% of the allowed 40% reduction of required spaces may be approved for implementing multi-modal strategies such as bike racks, bus pass or ride share benefits. The ~~applicant~~Applicant shall provide passenger loading and staging areas for ridesharing and autonomous vehicles. The ~~applicant~~Applicants must submit evidence that the staging areas are sufficient to meet demand~~,~~ and transportation behaviors and technology warrant a reduction in parking.

(iii) Shared Parking: A reduction of the required spaces may be approved for implementing a shared parking agreement with one or more other properties located within the NRCD I or within a ~~County~~county approved lot. The property owner shall submit sufficient data to demonstrate that the parking demand associated with the properties holding the shared parking agreement is complementary and the timing of peak demand for the uses on the properties is not coincident. Said data ~~to~~ shall include either information on standard parking demand associated with the use(s) in question from a professional publication such as those published by the Institute of Transportation Engineers (ITE) or the Urban Land Institute (ULI) or a professionally prepared parking study.

(iv) The property owners involved in an approved shared parking request shall submit a written agreement approved by the Community Planning ~~&~~and Permitting Director requiring that the parking spaces be maintained as long as the uses requiring parking exist or unless and until the required parking is provided elsewhere in accordance with the provisions of this article. Prior to the issuance of a ~~building~~Building permit or, for existing ~~building~~Buildings, prior to the issuance of a Certificate of Occupancy, such written agreement shall be recorded by the property owners with the Boulder County Clerk and Recorder and a copy filed with the Community Planning ~~&~~and Permitting Department.

6. Credit will be given for on-street parking at a ratio of one~~1~~ space per 15 feet of street frontage in the area west of Franklin; one~~1~~ space per 25 feet of frontage for ~~parcel~~Parcels with curb-cuts on 2nd Avenue; and~~,~~ one~~1~~ space per 15 feet of street frontage for ~~parcel~~Parcels without curb-cuts on 2nd Avenue in the area east of Franklin Street.
7. Small car spaces may be used to meet on-site parking requirements provided they are designated for employee parking. In no case shall the designated small car spaces exceed 40% of the required on-site parking spaces.
8. No loading space is required unless determined to be necessary through the zoning review or site plan review process.

9. Parking must be located in rear or side of the lot. There must be no parking within the front ~~building~~Building line of the property.
10. All parking must be adequately screened from views from 2nd Avenue. Where properties abut the alley, parking must be screened from the alley. Acceptable screening tools include, but are not limited to, fences and vegetation.

E. **NRCD I Design Requirements.** The following requirements apply to the entire NRCD I, including the Historic District.

1. Access and Mobility
   a. Safety and pedestrian experience shall be considered during review. Additional curb cuts along 2nd Avenue should be discouraged and when possible reduced through shared access. Where alley access is available, curb cuts should not be permitted unless it utilizes an existing curb cut and by keeping and improving consolidates curb cuts providing a safer and more efficient access. Access permits are required per ~~Article 2.3.3.2 of~~ the Boulder County Multimodal Transportation Standards and the alley shall be designed per the following specifications:
      (i) Definitions
         (A) "Alley" shall refer to the ~~plat~~Platted alley east of Franklin Street between Second Avenue and Third Avenue as shown on the ~~townsite~~Townsite ~~plat~~Plat of Niwot, CO, and as currently altered by ~~County~~county approved vacations and ~~deed~~Deeds.
         (B) "Property owners" shall refer to all property owners of ~~deed~~Deed adjoining the alley.
         (C) "Residential" shall refer to those property owners adjoining the north boundary of the alley.
         (D) "Commercial" shall refer to all property owners adjoining the south boundary of the alley.
         (E) "Curb Cuts" shall refer to vehicular access points and driveways which traverse across existing sidewalks along 2nd Avenue.
      (ii) Study
         (A) The ~~County~~county will conduct an initial traffic count within ~~3~~ three months of the adoption of this amended Code section.
         (B) Within one year after the first new commercial development in Block 5 receives a Certificate of Occupancy, the ~~County~~county will conduct a new traffic count and public input survey to determine if additional counts and surveys will be required in the future, and what, if any, additional improvements and safety mitigation measures must be incorporated into future alley design.
      (iii) Physical Dimensions
         (A) Width – based on directional use
            (1) One-way – 9~~-~~ to 12 feet
            (2) Two-way – 15 feet
         (B) Pedestrian features – a designated path will be incorporated into the design of the alley.

(C) Pullouts and turnarounds shall be incorporated into the alley design as stated by the study.
(1) Turnaround may take place on existing parking areas with associated ~~easement~~Easement granted to the ~~County~~county for the public's use.
(2) Pullouts may be aggregated for multiple properties.

(iv) Drainage
(A) Drainage shall be evaluated and designed to positively flow to Franklin Avenue, where storm flows would be intercepted and conveyed to existing storm drainage features to the extent feasible based on the drainage study and storm system capacity.
(B) Drainage shall not be allowed to flow off alley onto ~~adjacent~~Adjacent NRCD II or RR zoned properties except during a ~~O~~one ~~P~~percent ~~C~~chance (100-yr) ~~storm~~Storm event.
(C) Utilizing all or a portion of permeable pavement should be considered.

(v) Adjacent Properties
(A) Alley shall be constructed with features to buffer visibility to ~~adjacent~~Adjacent properties, including residential properties to the north of the alley (such as fences or plantings).
(B) Vehicular access to the alley shall be maintained for all properties north of the alley.
(C) Vehicular access to the alley shall only be allowed per approved access plans for properties south of the alley.
(D) Vehicular access to the alley off Franklin Avenue (and 2nd Avenue if one-way) shall be designed to promote safety for pedestrians crossing perpendicular to the alley.
(E) Pedestrian access to the alley shall be promoted and maintained for all properties adjoining the alley.
(F) Pedestrian access between the alley and 2nd Avenue shall be promoted during development of Commercial properties.

(vi) Design and Construction
(A) The design and construction of all physical improvements to alley and associated areas shall be funded by Commercial property owners. Residents on 3rd Avenue wishing to obtain new vehicular access to their ~~parcel~~Parcels will fund any additional costs for their share of pavement and access cut to their ~~parcel~~Parcel.
(B) Design of improvements shall be approved by the ~~County~~county prior to construction.
(C) All construction work will be inspected and accepted by the ~~County~~county.

(vii) Interim use of the alley shall be limited to historic use except where final improvements are complete and accepted by the ~~County~~county.

(viii) Curb cuts across the sidewalk along 2nd Avenue shall be reduced in number as the approved study will indicate and at such time alley improvements are completed.

(ix) Should the use of the alley be limited to one-way direction of travel, additional access to 2nd Avenue or Niwot Road shall be accommodated for all vehicular traffic, with pedestrian use also incorporated into the design.

(x) Maintenance of the alley shall be approved by the ~~County~~county.

(A) Scope and performance of maintenance shall be approved by the ~~County~~county via a ~~M~~maintenance agreement.

(B) Maintenance shall be the responsibility of those who use its services. The ~~County~~county will not maintain the alley.

b. ~~4.~~Variations from this part of the code may be approved by the Director and County Engineer.

c. Building design and scale should enhance the walkability and pedestrian experience.

d. Streetscapes and public areas, including alleys, shall be improved and landscaped to enhance the pedestrian experience and to help buffer residential areas.

2. Signs

a. Wall mounted signs per ~~building~~Building face shall not exceed 32 square feet total.

b. Wall mounted perpendicular signs may not exceed 12 square feet per sign face.

c. One ground sign (not raised on a pole) per ~~building lot~~Building Lot of no more than 32 square feet or 16 square feet per sign face is permissible.

d. Items may be displayed outside of a ~~structure~~Structure provided they are displayed for no more than 48 hours and not more than once per week or have received the approval of the Niwot Design Review Committee. Such objects shall not obstruct pedestrian traffic on sidewalks.

3. Landscaping

a. In Blocks 5 and 6 - paving shall not be permitted in the front ~~yard~~Yard within 10 feet of the front property line with the exception of a driveway, patios, and walkways.

b. Deciduous trees are preferred in the front ~~yard~~Yards. Any type of shrub shall be allowed.

c. In Blocks 5 and 6, a minimum of 20% of the area within each ~~parcel~~Parcel must consist of landscaping, which may include hardscaped plazas, outdoor seating/serving areas, walkways within on-site open space areas, and other similar hardscaped on-site amenities. Hardscaped elements shall account for no more than two-thirds of the minimum landscaped area requirement.

d. Low-water use landscaping approaches are encouraged, along with use of green roofs on non-historic ~~structure~~Structures.

4. Outdoor Lighting

a. Any lighting shall be low intensity to provide for safety and security where needed. Install recessed lights, footlights, lights on posts of human scale, or directional lights in unobtrusive locations.

b. Freestanding lighting not visible to ~~adjacent~~Adjacent to property zoned NRCD II or RR shall be no more than 12 feet in height with the exception of street lights.

c. Exterior lighting ~~adjacent~~Adjacent to property zoned NRCD II or RR shall be the minimum required by adopted Building Code and located no higher than ~~6~~ six feet ~~above grade~~Above Grade when on a ~~structure~~Structure and no higher than ~~3~~ three feet (such as bollard type lighting) when ground mounted.
d. Second floor entrances requiring lighting should be situated such that it is not visible to ~~adjacent~~Adjacent areas in the NRCD II or RR zones.
e. Lighting operation/hours may be further limited through applicable review process to assure ~~neighborhood~~Neighborhood compatibility and safety.
f. The above conditions are in addition to the outdoor lighting requirements set forth in ~~Article~~ 7-1600; developments shall comply with both this section and ~~Article~~ 7-1600.

5. Building Materials in the Non-Historic area
   a. Front facades shall be composed of brick, wood or a non-organic wood facsimile siding, stucco, or stone; or~~,~~ a material approved by the Niwot Design Review Committee.
   b. Pre-approved paint colors listed in Appendix A may be used; if a color not listed in Appendix A is requested, approval by the Niwot Design Review Committee is required.
   c. Fences shall be wood or wrought iron and shall be no higher than ~~4~~ four feet in the front ~~yard~~Yard.
6. Building Form
   a. Roofs should conform with the existing roof styles on 2nd Avenue within the same block.
   b. Expanses of ~~building~~Building façade on any side that are longer than 25 feet may, depending on site conditions and visibility, be required to incorporate design variations to break up the continuity of the wall in an attempt to reduce the possibility of a long monotonous wall.
   c. Second-story windows, patios, and decks shall be designed to minimize adverse impacts on the privacy of ~~adjacent~~Adjacent properties zoned NRCD I and Rural Residential.
7. Mix of Uses
   a. For properties supporting both commercial (any allowed nonresidential uses) and residential uses on the same lot,~~;~~ residential uses should be located on the second floor or behind any commercial units on the first floor.
8. NRCD I Colors
   a. Bright, multi-hued color schemes are often associated with historic architecture. The Pearl Street mall in downtown Boulder, Colorado exemplifies the successful use of a variety of trim colors in combination with brick and painted board siding. The “Painted Ladies” of San Francisco, California is another example of successful color use. Both of these examples, however, are not representative of Niwot. Niwot’s agricultural roots have led to a more conservative use of color. While a wide variety of colors may still be acceptable, bright hues used on large surfaces will stand out within the district, disrupting the continuity of the streetscape. The architecture of downtown Niwot is not

Victorian, and as a result, complex Victorian color schemes should be avoided. A color that looks appropriate for the district on a small chip may not be appropriate when painted on a large surface. In addition, combining colors that are opposites on the color wheel may result in the appearance of an intensification of each individual hue. Using opposite colors (complementary colors) often has attractive results but is dependent on each individual situation.

b. NRCD I Pre-Approved Colors~~-~~
   (i) The following pre-approved colors may be used within the NRCD I without the review of the NDRC or HPAB. Colors not included in this list may be acceptable but will require review and approval. Use of more than two trim colors shall also require review and approval by the NDRC (non-historic portion) or the HPAB (historic district).
   (ii) Pre-approved colors:
      (A) Repainting with the same color as the existing color
      (B) White
      (C) Off-white
      (D) Other Base Colors (Relates to Uncoated Pantone Chart) (Note: The list of pre-approved base colors is very limited to pale, neutral hues. Applicants should not feel they have to stay within the pre-approved color range, as darker base colors would often be appropriate with the approval of the NDRC or HPAB.)
         (1) Neutral Greys: 406, 407, 413, 420, 421, 427, 428, 454, 468, 726, 4685, 5455, 5527, 5655, Warm Grey 1, Warm Grey 2, Warm Grey 3, Cool Grey 1, Cool Grey 2, and Cool Grey 3
      (E) Other Trim Colors (Relates to Uncoated Pantone Chart)
         (1) Reds: 181, 1815, 1817, 194, 1945, 195, 1955, 201, 202, 209, 216, 229, 491, 492, 4985, 4995, 505, 506, 696, and 697
         (2) Purples: 262, 2622, 2695, 276, 511, 5115, 5125, 5185, 5195, 5205, 668, and 669
         (3) Blues: 282, 289, 534, 5405, 5415, 5425, 5435, 5445, 548, 646, 647, 648, 653, and 655
         (4) Greens: 3292, 3298, 5477, 5487, 5497, 5507, 5517, 555, 5545, 5555, 5565, 5575, 5585, 5615, 5625, 5635, 5645, 625, and 626
         (5) Blue Greens: 5473, 5483
         (6) Browns: 437, 438, 439, 463, 4635, 464, 4645, 465, 4655, 466, 4665, 467, 469, 470, 477, 478, 728, 729~~,~~
         (7) Greys: Warm Grey 1 through 11 , Cool Grey 1 through 11, 403, 404, 405, 408, 409, 410, 411, 414, 415, 416, 417, 418, 422, 423, 424, 429, 430, 431, 442, 443, 444, 445

F. **Additional Design Requirements for Historic District.** The following requirements apply only to the Historic District of the NRCD I.
   1. Rhythm, Pattern, Alignment, Massing
      a. Historical Precedent - The existing ~~building~~Buildings within the historic district are varied. The underlying 25-foot² lot width of the original ~~townsite~~Townsite

~~plat~~Plat influences the pattern and scale of the ~~building~~Buildings, many of which are 25 feet² wide, or combinations thereof.

b. Intent - Patterns come in many different scales. The arrangement of ~~building~~Building set~~-~~backs or facade elements, such as~~;~~ windows, columns, porches, and the arrangement of bricks in a wall are all examples of patterns that occur at different scales. New construction and renovations shall contribute to the patterns that occur in the new construction's surroundings.

c. Guidelines:

(i) Contributing ~~structure~~Structures should not be demolished or moved off ~~of~~ the site, unless the owner of the ~~structure~~Structure is granted an economic hardship by the Historic Preservation Advisory Board~~,~~ or the Chief Building Official determines that the ~~structure~~Structure presents a hazard to the health and welfare of the general public. In cases where demolition is necessary, the facade of the ~~building~~Building should be retained.

(ii) New additions or alterations to contributing ~~structure~~Structures shall be done in a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the ~~structure~~Structure would be unimpaired. Additions to the rear of a ~~structure~~Structure are more appropriate than those made to the side. Additions to the front of a ~~structure~~Structure are not appropriate because of the importance of the facades in the historical architecture.

(iii) Break up the monotony of ~~building~~Building facades longer than 25 feet² by incorporating design variations along the facade. Variation may take the form of a change in ~~building~~Building material, color, or the use of vertical elements such as columns or pilasters.

(iv) The appearance of a continuous pedestrian walkway along the fronts of the ~~building~~Buildings should be maintained. The appearance of a continuous walkway may be achieved through zero ~~lot line~~Lot Line ~~setback~~Setbacks of the ~~building~~Buildings themselves; or the placing a low open style of fence, planters, or some other decorative element at the edge of the walkway.

(v) Alleys should be retained to provide access to the rear of ~~building~~Buildings and to provide a service area for the ~~building~~Building that is not highly visible from 2nd Avenue.

(vi) The patterns created by second story windows should be maintained. The second story windows in the historic district are typically vertically oriented with a height approximately two times the width.

(vii) The distinction between upper and lower story floors should be maintained. Window style and size are important elements in separating the first and second floors. Columns that exceed one story in height would create an imbalance in the scale of the architecture in the district.

2. Architectural Details

a. Historical Precedent - The commercial ~~building~~Buildings found along Niwot's Second Avenue during the early 1900s were simple styles that reflected the rural character of the community. Buildings often had false fronts with elements that

were reminiscent of the neoclassical style, common in the United States between 1895 and the 1950s. Cornices were simple, such as the Livingston Hotel cornice, or may have had more detail, such as the pedimented cornice found on Nelson Hall. A wide band of trim beneath the cornice, representative of the classical entablature, was common. A one story, flat-roofed entry porch was also common in the Neoclassical style. This architectural detail was the most significant element of the Livingston Hotel. The windows in the commercial ~~building~~Buildings were typically rectangular and vertically oriented. Upper story windows were double-hung and commonly had a height two times the width. First floor windows were also vertically oriented and rectangular. The ~~building~~Building's entrance was typically centrally located between two first floor display windows and may have had a transom. The Frank Bader house is of the Folk Victorian style that was associated with the period of time when railroads were inspiring the creation of small western and mid-western towns. The house has simple Victorian detailing as found in cornice details and scallop forms. Vertically oriented double-hung windows were typical on the first and second stories of the Bader house. The Bader House is the only ~~structure~~Structure within the district with primarily Victorian characteristics. As such, Victorian elements such as arched windows, bay windows, scallops, and dormers do not define the character of the Old Town Niwot commercial area.

b. Intent - The facade elements that gave the historic ~~building~~Buildings of Old Town Niwot their original character had a style and proportion that established the ~~building~~Building's place in time. New ~~building~~Buildings and renovations of existing ~~building~~Buildings should allude to that historical place in time while identifying with their own time period.

c. Guidelines:
   (i) The facade elements of the contributing ~~structure~~Structures, such as awnings, cornice details, pilasters, and columns are timeless elements of architectural detail and should not be removed or altered. Using these elements on new construction strengthens the historic character of the district.
   (ii) Inappropriate roof forms in the commercial architecture of the district include ~~,~~ side gable, mansard, and hipped. Flat roofs and false fronts are not appropriate for residential architecture within the district. Front gabled roofs hidden behind a false front are most common for commercial architecture~~,~~ and are encouraged.
   (iii) The roof shape of the contributing ~~building~~Buildings shall not be permanently altered.
   (iv) Efforts shall be made to make solar panels, skylights, and rooftop mechanical equipment as unobtrusive as possible.
   (v) Wall-mounted light fixtures are appropriate to provide lighting of signage or ~~building~~Building entrances.
   (vi) Typical window openings did not include circular, arched, or triangular windows.

3. Materials and Color
    a. Historical Precedent - Horizontal wood siding and bricks in red hues are the two most common ~~building~~Building materials used in Niwot. Both of these materials are similar in scale and pattern because each wood board is similar in width to a brick course. Wood and sandstone were used as accent materials around window and door frames, and sandstone was occasionally used at ~~building~~Building corners (quoins) as an accent. Larger scale, rough-hewn blocks were used in the Niwot Mercantile. Glass was widely used for display windows on the first floor of the commercial ~~building~~Buildings. Brightly painted ~~building~~Buildings were not found in Old Town Niwot. The colors used for large ~~building~~Building expanses were generally lighter colors, such as light grey or off-white; or the red color of brick. Accent colors may have been found in architectural details and awnings.
    b. Intent - The main intent of these guidelines is to prevent the use of a material that stands out in the district because of characteristics that identify the material as modern. An example would be the use of mirrored glass. Mirrored glass was not typical of Niwot and is commonly associated with large, modern office ~~building~~Buildings. The color schemes used on the commercial ~~building~~Buildings of Old Town should be compatible with the district as a whole. The intent of these guidelines is to allow a variety of colors, providing they are used in a manner that contributes to the overall character of the district.
    c. Guidelines:
        (i) Materials typical to or compatible with the district shall be used for renovations and new construction.
        (ii) Whenever possible, replacement of existing roofing, siding, or masonry units in a contributing ~~building~~Building shall be done with a material that matches the original material in scale, color, and texture.
        (iii) Bright, intense colors shall be reserved for small areas, such as window and door trim, cornice details, kick plate, and clerestory details.
        (iv) The following materials are suggested for CONTRIBUTING and NON-CONTRIBUTING ~~structure~~Structures. Provided the HPAB approves the material through the Certificate of Appropriateness process, ~~A~~ a variety of materials are acceptable, and property owners are not limited to the following list:~~, provided the HPAB approves the material through the Certificate of Appropriateness process.~~
            (A) Brick;
            (B) Horizontally ~~-~~oriented wood lapboard siding of a scale typical to the district;
            (C) Horizontally oriented siding (of a material other than wood) that replicates the scale and texture of the lapboard siding typical of the district (boards are typically four or five inches in width). A variety of materials are available that replicate wood siding. Examples include painted composite pressed board, vinyl, wood clad aluminum, and non-reflective aluminum siding;~~-~~

(D) Sandstone;
(E) Decorative detailing in wood or cast iron, or a facsimile material;
(F) Fabric awnings;
(G) Wood shingles;
(H) 3-tab asphalt shingles;
(I) Non-reflective metal roofing products; and
(J) Window and door frames made of wood, anodized aluminum, or other material provided it is non-reflective.

(v) Materials appropriate for NON-CONTRIBUTING ~~structure~~Structures only:
(A) Decorative concrete block; and
(B) Precast or poured concrete (if it is not the principal material).

~~(C)~~(vi) The following materials are inappropriate for use within the historic district:
~~(D)~~(A) Vertically -oriented siding;
~~(E)~~(B) Stucco;
~~(F)~~(C) Shiny metallic window and door frames;
~~(G)~~(D) Tinted or mirrored glass; and
~~(H)~~(E) Terra Cotta/Ceramic Tiles.

4. Signs
   a. Historical Precedent - Photos of Old Town Niwot show many of the commercial ~~building~~Buildings having painted wooden signs just under the cornice line of the roof, just above the door and first floor windows (architrave), or incorporated into awnings.
   b. Intent - The purpose of sign is to identify the location of a business, to promote the merchandise or service within, and to attract customers. When carefully done, the ~~building~~Building and sign become part of the overall design, each supporting the other. These guidelines shall be used in conjunction with the sign regulations in the Boulder County Land Use Code.
   c. Guidelines:
      (i) Signs shall not be positioned so as to cover architectural details.
      (ii) Flush mounted or projecting signs are preferable in the district. With the exception of the Bader House, freestanding signs should not be used.
      (iii) Internally lit signs are inappropriate except for small neon signs in a store window.

G. Process and Review Requirements
   1. Special Review will be necessary for any use which:
      a. Generates traffic volumes in excess of 500 ~~average daily trip~~Average Daily Trips; or
      b. Has a total ~~floor area~~Floor Area greater than or equal to 35,000 square feet.
   2. Site Plan Review is required when ~~building~~Building on a vacant ~~parcel~~Parcel or adding 1,000 square feet of ~~floor area~~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.

3. A Certificate of Appropriateness will be necessary for any alterations to the exteriors of ~~structure~~Structures or development within the Historic District with the following exceptions:
    a. Pre-approved color changes as listed in Appendix A of these guidelines, or repainting of a ~~structure~~Structure with the identical color as the existing color.
    b. Regular maintenance and repairs to ~~structure~~Structures that retain the existing materials. Examples include~~,~~ repointing mortar joints; replacing damaged wood siding with new wood siding which is identical in scale, color, and pattern as the existing siding; replacing damaged roofing material with identical roofing material; and window pane replacement, provided the mullions and muntins of the existing window are being retained and the glass is not tinted or mirrored.
    c. Landscaping
    d. Interior alterations which do not affect the exterior appearance of the ~~structure~~Structure.
    e. Although these alterations do not require Niwot Design Review Committee review or HPAB review, the owner proposing these changes must inform the Community Planning ~~&~~and Permitting Department prior to undertaking the change to ~~insure~~ ensure that it does in fact fall within one of the above four categories.
4. Community Engagement
    a. Boulder County requires ~~applicant~~Applicants to schedule and hold a meeting with the local community, residents, and other stakeholders prior to submitting the application to the Community Planning ~~&~~and Permitting Department for development, which triggers Site Plan Review, Special Review, or other planning review process. The purpose of this engagement is to provide sufficient opportunity for public comment on development plans, and for the ~~applicant~~Applicant to listen to and address, as reasonable, the community's concerns and recommendations related to the proposed development. Applicants shall:
        (i) notify property owners within the NRCD I and NRCD II areas and Community Planning ~~&~~and Permitting staff of public meeting at least seven days prior to the meeting which shall be held at least 14~~-~~days, and not more than six months, prior to application;
        (ii) hold meeting at a location readily accessible to those properties affected by the proposed development;
        (iii) prepare a final report summarizing comments and information received and how any concerns are being addressed; and
        (iv) submit the report with the application.
5. Niwot Design Review Committee and Historic Preservation Advisory Board Engagement~~—~~-Boulder County requires ~~applicant~~Applicants to schedule and hold a meeting with the Niwot Design Review Committee and, if applicable, the Historic Preservation Advisory Board prior to submitting the application to the Community Planning ~~&~~and Permitting Department for any development that triggers Site Plan

Review, Special Review, or another planning review process. These meetings may be combined or separate from the community engagement meeting.

6. Referral
    a. As part of any development application in the NRCD I the following will be included as additional referral agencies:
        (i) Niwot Design Review Committee;
        (ii) Property owners and residents within 1,500 feet² of the proposed development;
        (iii) The Local Improvement District Advisory Board;
        (iv) Niwot Downtown Business Association;
        (v) Niwot Community Association;
        (vi) Niwot Historical Society; and
        (vii) The Historic Preservation Advisory Board if in the Historic District or if the property has ~~structure~~Structures 50 years of age or greater.
7. Amendments
    a. Proposed amendments to the boundary of the Niwot Rural Community District shall be referred to all property owners within the NRCD I and NRCD II as well as the Niwot Design Review Committee. Referral comments from the NRCD I and NRCD II property owners and the Committee shall be considered by the Planning Commission and the Board of County Commissioners when reviewing rezoning requests in or ~~adjacent~~Adjacent to the current boundary of the NRCD I as shown in Figure 1 of 4-116.

H. Review Boards
1. Niwot Design Review Committee
    a. **Duties and Responsibilities.** The committee's primary role is to act as a referral agency for proposals within the NRCD I. The committee does not have legal authority to grant Certificates of Appropriateness. However, the Historic Preservation Advisory Board (HPAB) shall consider the committee's recommendation as well as other public testimony in decisions pertaining to the historic district.
    b. **Selection.** Niwot Design Review Committee will consist of ~~5~~ five members. Members will be appointed by the Board of County Commissioners, and the selection process will be completed with the intent to include representatives of the Niwot Business Association, the Niwot Community Association, the Niwot Historical Society, at least one member of the HPAB, and members of the community who have lived or worked in the community for more than five years.
    c. **Term.** Members shall serve three-year terms, and no member may serve more than three consecutive terms.
    d. The Niwot Design Review Committee is authorized to hold meetings on an as needed basis and may adopt official bylaws for the conduct and procedures of its meetings.

~~e.~~2. Historic Preservation Advisory Board (HPAB)

~~f.~~a. The HPAB reviews proposals within the Historic District of the NRCD I and on ~~parcel~~Parcels with ~~structure~~Structures 50 years of age or greater if staff finds there is any potential for landmark eligibility.

I. Historic Landmark Designation

1. Narrative Description:

a. The Niwot Historical District represents a significant collection of ~~building~~Buildings dating from the early 1900s, typical of the ~~County~~county's early agricultural communities. Within the ~~County~~county, only two such communities (Hygiene and Niwot) remain today, basically unchanged since the turn of the century. Of the two, Niwot perhaps best represents the typical commercial aspects of an agricultural district linked to the railroad for distribution of its products. Niwot was ~~plat~~Platted along both sides of the Colorado Central Railroad track at the site of an existing section house lying halfway between Boulder and Longmont. When Porter T. Hinman helped to lay out the town in 1875, the surrounding region was being settled by men whose names are still associated with the area. Hinman himself had arrived in 1860 and his name is still affiliated with Hinman Ditch, which runs through the town.

~~a.~~

~~4.~~Niwot's commercial district of the 1880s lay on the west side of the track near the depot, while most of the town's residents lived on the east side. By 1896, businesses included a blacksmith shop and mercantile. To the west stood the United Brethren Church, and beyond that was the Left Hand Grange Hall. The one-room Niwot schoolhouse had been built on Dan Burch's place at 81st and Oxford Road, and the Batchelder School at 63rd and Monarch Road served children living southwest of town. Railroad activity continued to revolve around the depot, but by the turn of the century, stores and services also began to appear across the track as well.

~~4.~~When the Hogsett family opened their lumberyard and hardware store just east of the track in 1911, the community seemed to experience renewed energy. There was even talk of laying concrete sidewalks along both sides of Main Street. A band shell was built across from the bank, where 18 local musicians held concerts on weekends and holidays. The bank was prospering and a weekly newspaper reported all of Niwot's social and business activities every Friday. In the lot next to the bank stood a shack housing the town's fire wagon. John Nelson's hall stood at the east end of the block, housing various businesses on the first floor and a meeting room upstairs for the Odd Fellows, Rebekahs, Royal Neighbors, and Modern Woodmen. The post office stood next to Nelson Hall, and across the street was a drugstore where the town doctor dispensed drugs and advice. Next to the drugstore was a pool hall and barber shop, favorite social gathering places after ballgames and band concerts. The Livingston Hotel stood in the middle of the block, its front porch extending all the way to the street. It catered to travelers as well as several local citizens and oilfield personnel working in the oil fields to the west of town. The United Brethren Church,

recently hauled across the track from its original location west of town, now sat on the corner of Third and Franklin. Diagonally from the church was the new cooperative creamery. The Seventh Day Adventists worshipped in the only other church in town in the second block of Main Street (Second Avenue). The old one-room school was gone now and Niwot had just completed a two-story schoolhouse at the north end of town. Along Murray Street, between Main Street and Third Avenue, stood the beet dump which drew farmers from great distances to town each October with beets to be shipped to Longmont for processing. A sidetrack had been laid next to the dump where Great Western cars could be parked to collect the loads of beets. Teams pulling beet wagons passed down Main Street continually during beet harvest, making deep ruts in the muddy street.

~~4.~~ On the west side of the track, in 1912, stood an alfalfa mill and a grain elevator. The grangers were meeting closer to town now with a grange hall next to the elevator. The depot was still the hub of shipping activity with a stock pen to the north and feed mills to the south. Seven trains also stopped daily for passengers and mail on a line which was now owned by the Colorado and Southern Railroad.

2. Contributing Structures: Historic districts are important in part because of specific ~~building~~Buildings within the district, but also because of how each ~~building~~Building relates to all of the other ~~building~~Buildings. For example, one or two great players on a sports team cannot guarantee a championship. It takes the whole team to make a winning combination. Historic districts are no different. Some ~~building~~Buildings have had very little changes throughout history and were sites of important events, while others have qualities that contribute to the district without being individually significant. Within the Old Town Niwot Historic District, the majority of the ~~building~~Buildings were constructed prior to 1925. The changes that have occurred to these ~~building~~Buildings over the years show the natural progression of Niwot as an evolving community. Vacant lots in Old Town are also very important parts of the natural progression of the town, and any new construction should be sensitive to the surrounding environment. The district has several ~~building~~Buildings constructed since 1970 that are part of the character of the district. However, these ~~structure~~Structures need not be protected for historical purposes. There is not sufficient justification to prevent an owner of a newer ~~building~~Building from demolishing or changing their ~~building~~Building, provided the end result does not detract from the district. The following ~~structure~~Structures have had the least alterations since their construction in the early 1900s:
    a. Nelson Hall - 195 Second Avenue (Constructed 1907) - In 1993, Nelson Hall is occupied by the Left Hand Grange. The ~~building~~Building is a two-story vernacular style that was typical of mid-western and western towns in the early 1900s. The footprint of the ~~building~~Building is a simple rectangle with a front gable roof. A false front hides the gable roof and gives the appearance of a flat roof with a triangular pediment as an accent at the center of the

~~building~~Building. Two double hung windows are symmetrically oriented on the second-floor facade. Vertically-oriented windows are irregularly placed along the sides and back of the ~~building~~Building on the second and first floors. A smaller, rectangular attic window also is centered under the pediment, on the main facade. The door and horizontally-oriented first floor windows have been altered since the early 1900s. The ~~building~~Building is wood frame with horizontal wood siding with drop joint construction.

b. Old Post Office - 165 Second Avenue (Constructed 1909) - The old post office ~~building~~Building, located adjacent to Nelson Hall, is a one-story vernacular ~~building~~Building with several additions to the back. The roof of the original ~~building~~Building is flat and the additions have a gently sloping shed roof. A simple cornice tops the main facade of the ~~building~~Building, and a small overhang covered in wood shingles is located above the windows. The windows themselves are quite detailed, with muntins dividing the main portion of the window into 24 separate lights. A transom of three lights is directly above the main window. A single wood door with three lights is centered between the windows. There are very few windows located on the sides or back of the ~~building~~Building. The ~~building~~Building is a frame construction with horizontally oriented wood siding with drop joint construction.
c. The White House - 121 Second Avenue (Constructed 1914) - Like Nelson Hall, The White House is a simple rectangular plan with a front gable roof hidden behind a false front with a simple cornice. The ~~structure~~Structure is two stories and has had additions on the side and back that make the ~~building~~Building more conducive to restaurant use. Two, double-hung second story windows are vertically aligned with elements from the first floor. The first floor windows are symmetrically located on either side of a double-door entrance. The windows are divided by muntins into smaller lights. Historic photos show that the original windows were not divided by muntins. An awning, which incorporates a sign, has been added onto the front of the ~~building~~Building. This ~~building~~Building is of frame construction with horizontally-oriented wood siding with drop joint construction.
d. Niwot State Bank - 102 Second Avenue (Constructed 1909) - This ~~building~~Building is unique within the Niwot community. The ~~building~~Building is basically a square plan with a corner entrance. The brick masonry construction is typical of a financial institution, in that it portrays permanence and solidness. Decorative corbelling along the cornice line tops a wall that has varied brick coursing to provide visual interest. Windowsills are made of sandstone. The roof of this ~~building~~Building is flat and the ~~building~~Building is one story. The windows of the ~~building~~Building are tall and vertically oriented. Windows have been removed and a door has been added on the west side of the ~~structure~~Structure. There is evidence that the face brick has been replaced at some point, as the brick at the back of the ~~building~~Building appears older and of a different quality.
e. Niwot Tribune Building - 198 Second Avenue (Constructed 1909) - The Niwot Tribune ~~building~~Building is a one-story wood frame ~~building~~Building with a

simple rectangular plan. The main facade has a false front with a very simple cornice line. Perhaps the most important element of the ~~building~~Building is its covered porch. The roof of the porch is sloped and covered with wood shake shingles. The roof is held up by decorative columns that have some folk Victorian influences. Balustrades line the front of the porch. The entry to the ~~building~~Building is centered between two display-type windows. The southeast side of the ~~structure~~Structure has an entrance and a window with a decorative canopy. The ~~building~~Building is clad in horizontal wood siding with drop joint construction.

f. Frank Bader House - 210 Franklin Street (Ca. 1900) - The Frank Bader House has folk Victorian influences. Its roof is a medium pitched front gable. Side wings, with gable roofs of the same pitch have been added through the years. It appears as though a porch was enclosed along the front facade of the house at some point in time. The house is two stories with double-hung windows on both the first and second floors. A small covered porch emphasizes the entrance on the west side of the ~~building~~Building. Scallop detailing under the gables gives the house its Victorian appearance. Once again, horizontal wood siding clads the wood frame ~~building~~Building. In 1994, this wood siding was covered by vinyl siding. The roofing material is light grey asphalt shingles. The house is a light grey, with a darker shade accenting window frames.

g. 101 Second Avenue (Constructed 1911) - Originally constructed in 1910, this was the site of one of Niwot's mercantile stores. The ~~building~~Building at 101 Second Avenue has been altered significantly since the early 1900s. However, portions of the original ~~structure~~Structure are still in existence and the alterations that have been made have been done in a scale and with materials that allude to the early 1900s. This corner lot is very visible in Old Town and contributes to the district.

h. 124 Second Avenue (Constructed 1921) - The ~~structure~~Structure at 124 Second Avenue was the site of Niwot's blacksmith shop. Throughout out the years, the ~~structure~~Structure has undergone renovations, however, the facade of the ~~building~~Building is typical of the town in 1913.

i. 190 Second Avenue (Constructed 1907) - 190 Second Avenue was an important social spot in Niwot. A pool hall and barbershop were located on this site. Historical photographs show that most of the facade has not been significantly altered since the ~~building~~Building's construction.

3. Non-Contributing Structures. ~~-~~The term "non-contributing ~~structure~~Structure" does not mean that a ~~building~~Building is not an important part of the community. Non-contributing ~~structure~~Structures may have been newly constructed~~,~~ or may be older ~~building~~Buildings that have had major alterations that do not allude to Old Town Niwot's historical progression. The following ~~structure~~Structures are considered non-contributing:~~.~~

   a. 112 Second Avenue - The ~~structure~~Structure at this address was originally constructed in 1927. Major alterations were made to the ~~structure~~Structure in 1950. The ~~building~~Building itself is of a scale that typical to the district. However,

many of the facade details are modern in character. Because the ~~building~~Building does not need protection for historical purposes, it is considered non-contributing within the district. The site itself is an important part of the visual quality of the district.

b. 136 Second Avenue - The ~~structure~~Structure at this site was constructed in 1974. Many of the facade elements of this ~~structure~~Structure do allude to Niwot's history. However, because of the ~~building~~Building's age it is not important to protect the ~~structure~~Structure for historical purposes. As with all of the non-contributing ~~structure~~Structures, this site is an important part of the overall visual character of the district.

c. 210 Franklin - Although the Frank Bader House located on this property is a contributing ~~structure~~Structure, the remaining ~~building~~Buildings on the site are newly constructed and non-contributing. The newer ~~building~~Buildings (all but the Bader House) on this site do play a role in the visual character of the Frank Bader House but do not require the protected status of a contributing ~~structure~~Structure.

d. 195 Second Avenue - T~~-~~he Left Hand Grange, a contributing ~~structure~~Structure, shares its site with a small fire station. The station is located southwest of the Grange, is of recent construction, and is non-contributing within the district.

e. 143 Second Avenue - At one time, this site was the location of a filling station. Since that time, the ~~building~~Building has been converted into a residence. The residence does not have any architectural features or historical significance that would justify a contributing status in the district.

4-116B Niwot Rural Community District II (NRCD II)

A. The purpose of this district is to allow for more flexible ~~setback~~Setback requirements on the residential parts of the original Niwot Townsite while otherwise remaining consistent with the Rural Residential Zoning District requirements.

B. Setbacks Requirements:
   1. Front: 15 feet from the original surveyed ~~townsite~~Townsite ~~lot line~~Lot Line with the ability to reduce that ~~setback~~Setback to a lesser amount if the residences on either side are less, in which case the average of those front ~~yard~~Yards can be calculated and used.
   2. Side: Can be reduced to ~~5~~ five feet if adequate separation from neighboring ~~structure~~Structures exists according to the ~~building~~Building code.
   3. Rear: 15 feet
   4. Supplementary requirements may apply, refer to ~~Article~~ 7-1400.

C. On a corner lot only one ~~lot line~~Lot Line will be considered a front ~~lot line~~Lot Line for ~~setback~~Setback purposes.

D. The supplemental ~~setback~~Setback from the centerline of Niwot Road will be 80 feet within the NRCD II District, unless the ~~road~~Road classification in the future further reduces that requirement.

E. All other provisions of the Rural Residential (RR) District as amended remain consistent with that district.

4-117 Mountain Institutional (MI) District

A. Purpose: Areas established in the mountainous part of Boulder County for the purpose of permitting more intensive use of land than the surrounding Forestry (F) District, where such use[1] can be accomplished without harm to forest resources, natural environment, open areas and residential uses in the surrounding area.

B. Principal Uses Permitted
   1. Agri-business Uses (see 4-501)
      a. Keeping of Nondomestic Animals (S)
   2. Agricultural Uses (see 4-502)
      a. Open Agricultural Uses
   3. Commercial/Business Service Uses (see 4-503)
      a. Kennel (S)
   4. Community Uses (see 4-504)
      a. Adaptive Reuse of a Historic Landmark (I)
      b. Camp (I/S)
      c. Cemetery (S)
      d. Church
      e. Membership Club (S)
      f. Use of Community Significance (I)
   5. Forestry Uses (see 4-505)
      a. Forestry
      b. Forestry Processing and Sort Yard (I)
   6. Industrial Uses (see 4-506)
      None Permitted
   7. Lodging Uses (see 4-507)
      a. Bed and Breakfast (S)
      b. Campground (S)
      c. Resort Lodge, Conference Center, or Guest Ranch (S)
      d. Vacation Rental
   8. Mining Uses (see 4-508)
      a. Limited Impact Open Mining (I)
      b. Oil and Gas Operations
      c. Open Mining (S)
      d. Subsurface Mining (I) (S)
      e. Subsurface Mining of Uranium (S)
   9. Office Uses (see 4-509)
      None Permitted
   10. Recreation Uses (see 4-510)
      a. Livery or Horse Rental Operation (S)
      b. Outdoor Recreation, for day use (S)
      c. Outdoor Recreation, for night use (S)
      d. Park and/or Playfield, for day use
      e. Park and/or Playfield, for night use (S)

f. Public Recreation Center (S)
g. Ski Area (S)

11. Residential Uses (see 4-511)
    a. Group Care or Foster Home (S)
    b. Single Unit Dwelling
12. Retail and Personal Service Uses (see 4-512)
    a. Day Care Center (S)
13. Transportation Uses (see 4-513)
    a. Multimodal Parking Facility (S) (I)
14. Utility and Public Service Uses (see 4-514)
    a. Central Office Building of a Telecommunication Company (R)
    b. Community Cistern (I)
    c. Fire Barn (I)
    d. Fire Station (S)
    e. Major Facility of a Public Utility (R) (S) (L)
    f. Public or Quasi-public Facility other than Listed (S)
    g. Public Safety Telecommunication Facility (I)
    h. Sewage or Water Transmission Line (R) (L)
    i. Sewage Treatment Facility (R) (S) (L)
    j. Small Wind-Powered Energy System (see 4-514.K~~.~~)
    k. Solar Energy – Building-Mounted System
    l. Solar Energy – Ground-Mounted System (SPR)
    m. Solar Energy - Parking Canopy System (SPR)
    n. Telecommunications Facility, existing ~~structure~~Structure meeting height requirements
    o. Telecommunications Facility, new ~~structure~~Structure or not meeting height requirements (S)
    p. Utility Service Facility
    q. Water Reservoir (R) (S) (L)
    r. Water Tank or Treatment Facility (R) (S) (L)
15. Warehouse Uses (see 4-515)
    None Permitted

C. Accessory Uses Permitted (see 4-516)
1. Accessory Agricultural Sales
2. Accessory Agricultural Structure
3. Accessory Beekeeping
4. Accessory Chicken Keeping
5. Accessory Dwelling (I)
6. Accessory Horse Keeping
7. Accessory Meat or Poultry Processing
8. Accessory Outside Storage
9. Accessory Solar Energy System
10. Accessory Structure
11. Grading of More than 500 Cubic Yards (I)

12. Home Events
13. Home Occupation
14. Household Pets
15. Noncommercial Telecommunication Site, one ~~structure~~Structure which meets ~~setback~~Setback and height requirements
16. Noncommercial Telecommunication Site, multiple ~~structure~~Structures and/or not meeting ~~setback~~Setback or height requirements (I)
17. Parking
18. Small Wind-Powered Energy System, Roof-Mounted
19. Short-Term Rental

D. Temporary Uses Permitted (see 4-517)
   1. Emergency Noncommercial Telecommunication Site (A)
   2. Garage Sales or Occasional Sales
   3. Group Gathering / Special Events (A)
   4. Temporary Batch Plant (A)
   5. Temporary Construction or Sales Office (A)
   6. Temporary Dwelling Unit (A)
   7. Temporary Special Use~~,~~ ~~(~~nonconforming use under ~~Section~~ 4-1004.A.2~~.~~ (S)
   8. Temporary Weather Device Tower
   9. Educational Tour

E. Lot, Building, and Structure Requirements
   1. Minimum lot size…35 acres
   2. Minimum ~~setback~~Setbacks
      a. Front ~~yard~~Yard…15 feet
      b. Side ~~yard~~Yard…25 feet
      c. Rear ~~yard~~Yard…15 feet
      d. From an ~~irrigation ditch~~Irrigation Ditch…50 feet from the centerline of the ditch. This requirement only affects ~~structure~~Structures built after October 10, 1996. The ~~setback~~Setback may~~—-~~with ~~County~~county concurrence~~—-~~be reduced in accordance with a letter from the applicable ditch company establishing a different ~~setback~~Setback, but in any event shall not be less than 20 feet from the ditch centerline.
      e. Supplementary requirements may apply, refer to ~~Article~~ 7-1400.
      f. The Director may require a ~~structure~~Structure to be located farther from any minimum ~~setback~~Setback as a mitigation measure to meet one or more Site Plan Review standard(s).
   3. Structure size
      a. Maximum Residential Floor Area
         (i) Unless otherwise specified in ~~subsections~~ (ii) through (vi), the maximum Residential Floor Area for a Parcel shall be the larger of either the median Residential Floor Area of the defined Neighborhood or:
            (A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;

(B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 square feet and 3,000 square feet; and

(C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.

(ii) For a Parcel within the mapped Townsite of Allenspark~~,~~ the maximum Residential Floor Area shall be 1,500 square feet.

(iii) For a Parcel encumbered by a Boulder County ~~conservation easement~~Conservation Easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that ~~conservation easement~~Conservation Easement, recorded agreement with the ~~County~~county, or other approval shall be the maximum.

(iv) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in ~~subsection~~ (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.

(A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.

(B) ~~Subsection~~ (iv) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or ~~building~~Building permit to rebuild deconstructed Residential Floor Area is not issued within one year.

(v) A Parcel with a historic ~~structure~~Structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:

(A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and

(B) the additional Residential Floor Area granted is related to the preservation of the protected ~~structure~~Structures.

(vi) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing ~~structure~~Structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of ~~building~~Building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

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.

c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).

d. The Boulder County~~'s~~ Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning ~~&~~and Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

4. Maximum ~~building height~~Building Height
   a. On ~~subdivided land~~Subdivided Land with a ~~final plat~~Final Plat approved by the ~~County~~county prior to August 29, 1994, 35 feet unless a lower height was approved through the ~~plat~~Platting process.
   b. On any other land, 30 feet unless, through a ~~subdivided land~~Subdivided Land approval or Site Plan Review approval, a lower or higher height is permitted due to the unique characteristics of the particular site; in no event, however, shall any non-agricultural ~~structure~~Structure exceed 35 feet.
   c. The Director may require a reduction in ~~structure~~Structure height as a mitigation measure to meet one or more Site Plan Review standard(s).

F. Additional Requirements
   1. ~~animal unit~~Animal Units...Two ~~animal unit~~Animal Units per acre without going through Special Review
   2. Special Review is required for any use which:
      a. generates traffic volumes in excess of 150 ~~average daily trip~~Average Daily Trips per lot, as defined by the Institute of Transportation Engineers;
      b. has an occupant load greater than or equal to 100 ~~person~~Persons per lot;
      c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;
      d. has a total ~~floor area~~Floor Area greater than 25,000 square feet; or
      e. has a second Principal Use which does not increase density.
   3. Limited Impact Special Review is required for any use which is:
      a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 ~~average daily trip~~Average Daily Trips per lot as defined by the Institute of Transportation Engineers;
      b. ~~grading~~Grading involving the movement of more than 500 cubic yards of material as defined and provided in ~~Section~~ 4-516.
   4. No ~~parcel~~Parcel shall be used for more than one Principal Use, except for allowed Agricultural uses, Forestry uses, Mining uses, or any combination thereof; for multiple Principal Uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark; or for second Principal Uses approved though Special Review under 4-117.F.2.e, above.
   5. Community Cisterns, Small Wind-Powered Energy Collectors Systems and Solar Energy Systems may be approved without Special Review approval on ~~parcel~~Parcels with existing Principal Uses; however, these uses shall be reviewed using the

process and standards described in the Utility and Public Service Uses classification in this Code.

4-118 Neighborhood Conservation Overlay District

A. Purpose
   1. To preserve and protect the character or valued features of established neighborhoods.
   2. To recognize the diversity of issues and character in individual neighborhoods in the unincorporated parts of Boulder County.
   3. To reduce conflicts between new construction and existing development in established neighborhoods.
   4. To provide knowledge and reliance about the parameters of neighborhood character.
   5. To allow neighborhoods to work together with the ~~County~~county to formulate a plan that defines their community of common interest and that fosters a defined community character consistent with ~~County~~county zoning, the Land Use Code, and the Comprehensive Plan.
   6. To complement the ~~County~~county's Site Plan Review process in neighborhoods that have defined their community character pursuant to these regulations.

B. General Provisions
   1. Each Neighborhood Conservation Overlay District must be established by a separate resolution that shall include a map defining the overlay boundaries, and the Neighborhood Conservation Plan (as specified in ~~this Article~~ 4-118~~(~~.F~~)~~), and shall become a part of the Boulder County Land Use Code.
   2. An approved Neighborhood Conservation Overlay District does not replace the underlying zoning of the area, which remains as the source of minimum, applicable restrictions on ~~structure~~Structures, uses, and development. Any approved Neighborhood Conservation Overlay District may further appropriately limit, but may not expand, the uses and development allowed in the zoning districts in which the subject ~~parcel~~Parcels are mapped.
   3. All new development, additions, changes, and expansions to existing ~~structure~~Structures must comply with the regulations associated with the neighborhood Conservation Overlay District.
   4. Neighborhood Conservation Overlay Districts must be consistent the Boulder County Comprehensive Plan, applicable intergovernmental agreements, and the Boulder County Land Use Code.
   5. Neighborhood Conservation Overlay Districts may contain requirements related to only the following issue areas: the location of proposed ~~building~~Buildings or additions; uses; height; size; exterior materials; exterior color; exterior lighting; neighborhood character and compatibility; view preservation of or from specific locations, particularly from public lands and ~~right of way~~Right-Of-Ways; visual impact on natural features or neighborhood character; compatibility with topography and vegetation; landscaping and screening; ~~geologic hazard~~Geologic Hazards; wildfire mitigation; riparian areas, wetland areas, or drainage patterns;

plant communities or wildlife habitat; migration corridors; geologic, geomorphic, paleontological, or pedologic features; agricultural lands; historic or archaeological resources; site disturbance; avoidance of development on visually exposed portions of the property; ~~runoff~~Runoff, erosion, and sedimentation; and impact on Natural Landmarks or Natural Areas.

6. Site Plan Review will not be required in an approved Neighborhood Conservation Overlay District to the extent that the approved Neighborhood Conservation Plan covers the relevant Site Plan Review criteria of ~~Article~~ 4--806 of the Boulder County Land Use Code.
7. The area of each Neighborhood Conservation Overlay District:
   a. shall include a minimum of 15 ~~adjacent~~Adjacent privately-owned ~~parcel~~Parcels, unless the area proposed is an extension of the boundaries of an approved Neighborhood Conservation Overlay District.
   b. shall include privately-owned ~~parcel~~Parcels that are closely settled and of similar size, and which are associated by common characteristics of geography, development, services, and interests.
   c. should consider other ~~adjacent~~Adjacent privately-owned ~~parcel~~Parcels having shared distinguishing characteristics that could be found to comprise a logical neighborhood unit, when determining the boundaries of a Neighborhood Conservation Overlay District.
   d. shall exempt privately-owned ~~parcel~~Parcels of five acres or greater, unless the owner of the ~~parcel~~Parcel agrees to inclusion of that ~~parcel~~Parcel into the Neighborhood Conservation Overlay District.
8. Uses and ~~structure~~Structures ~~legally~~ existing at the time of adoption of a Neighborhood Conservation Overlay District under these regulations shall not become nonconforming solely by virtue of adoption of the district. Notwithstanding this provision, any changes or additions to uses or ~~structure~~Structures in the district that occur after the date of adoption of the district, shall comply with the provisions of the adopted district.
   a. In Neighborhood Conservation Overlay Districts creating a size limitation or ~~floor area~~Floor Area restriction, the Board of County Commissioners, through adoption of the NCOD, may allow an additional 10% of ~~floor area~~Floor Area for ~~parcel~~Parcels near or above the designated size limitation.

C. Initiation of Neighborhood Conservation Overlay District
   1. The establishment of a Neighborhood Conservation Overlay District may be initiated by a group of 50% of the property owners within the proposed boundaries demonstrating interest in the Neighborhood Conservation Overlay District.
   2. Neither the Board of County Commissioners nor the Planning Commission shall initiate the establishment of a Neighborhood Conservation Overlay District.

D. Pre-application Conference
   1. A pre-application conference as defined in ~~Article~~ 3-201 of the Boulder County Land Use Code shall be held prior to the submission of an application for a Neighborhood Conservation Overlay District.

E. Application and Submittal Requirements

An application for a Neighborhood Conservation Overlay District must include the following:

1. Statement of Purpose that addresses the following issues:
   a. what the proposed Neighborhood Conservation Overlay District wants to accomplish and why;
   b. description of neighborhood character and valued features to be protected in the neighborhood; and
   c. why the proposed Neighborhood Conservation Overlay District boundaries make sense as a defined "neighborhood" (for example: consider utility and services providers in area; school attendance; transportation links)
2. Map that indicates the boundaries of the proposed Neighborhood Conservation Overlay District, and identifies the ~~parcel~~Parcels within it.
3. Description of the neighborhood, detailing land use, development, and distinguishing characteristics. ~~of neighborhood~~
4. Description of the history and evolution of the neighborhood.
5. A petition that is (i) affirmatively signed by at least 50% of the property owners of ~~parcel~~Parcels within the proposed district, indicating those owners' support for the ~~County~~county to proceed with processing of the application, and (ii) signed by all of the other owners of ~~parcel~~Parcels in the proposed district indicating whether the property owner is AGAINST, UNDECIDED, or HAS NO COMMENT on the application, except that if the signature of such an owner cannot be obtained, the ~~applicant~~Applicant may substitute a signed affidavit stating that the ~~applicant~~Applicant has attempted in good faith to obtain the signature of such owner but has been unable to do so. Owners of record will be based on currently available Assessor's information.
6. The name and phone number of a designated representative for the neighborhood, who has the power to withdraw the application at any time.
7. A list of all homeowner associations or other parties with an interest in the proposed Neighborhood Conservation Overlay District. This list should include information as to the number of members and the officers' names, mailing addresses, and phone numbers.

F. Neighborhood Conservation Plan Formulation

The Neighborhood Conservation Plan shall detail the policies intended to protect the neighborhood character and valued features identified in the proposed Neighborhood Conservation Overlay District. The Neighborhood Conservation Plan shall be drafted in cooperation with the neighborhood and ~~County~~county staff, based on the neighborhood application, land use analysis of the neighborhood, and input from neighborhood meetings.

1. County staff will conduct a land use analysis of the neighborhood and will present it at the neighborhood meetings. The land use analysis should include at least the following elements:
   a. zoning of area;
   b. lot sizes and configuration;
   c. land uses in the neighborhood;

d. description of housing and other uses (size, height, etc.);~~: size, height, etc.~~
e. previous Community Planning &~~&~~and Permitting reviews completed in the neighborhood; and
f. subject to availability, aerial maps of neighborhood showing ~~structure~~Structure locations or other applicable maps

2. Neighborhood Meetings
   a. At a minimum, two neighborhood meetings will be conducted in conjunction with ~~County~~county staff as part of the Neighborhood Conservation Plan formulation process:
      (i) an initial meeting to discuss the land use analysis, the boundaries of the proposed overlay district, and what the neighborhood wants to accomplish with the Neighborhood Conservation Overlay District; and
      (ii) a final meeting to present and discuss the final proposed Neighborhood Conservation Plan
   b. All property owners within the proposed Neighborhood Conservation Overlay District boundaries will be notified by the ~~County~~county of the meeting date and time, and will be sent information about the proposal.
3. Neighborhood Conservation Plan shall include:
   a. a map indicating the properties affected and the proposed boundaries of the Neighborhood Conservation Overlay District. These boundaries may change from those initially submitted or proposed, based on land use analysis and input from neighborhood meetings
   b. the proposed land use standards and requirements for the Neighborhood Conservation Overlay District
   c. other guidelines or background information related to the Neighborhood Conservation Overlay District
   d. any pertinent items in the Development Report (~~Article~~ 3-203.~~(F)~~ of Boulder County Land Use Code) not otherwise addressed in the Neighborhood Conservation Plan
   e. a statement indicating the extent to which the proposed Neighborhood Conservation Plan includes exemption from Site Plan Review

G. Standards and Conditions for Approval of a Neighborhood Conservation Overlay District

The Neighborhood Conservation Overlay District shall be approved only if the Board of County Commissioners finds that:

1. the proposed Neighborhood Conservation Overlay District is an established area with shared distinguishing characteristics, which may include geography, development, services, and interests.
2. the proposed Neighborhood Conservation Overlay District is a logical neighborhood unit with a closely settled development pattern on similar sized ~~parcel~~Parcels.
3. the Neighborhood Conservation Plan complies with the standards and conditions specified by ~~Article~~ 4-1102 and Article 16 of the Boulder County Land Use Code.

H. Agency and Public Review

Review of a Neighborhood Conservation Plan shall proceed through the following steps:

1. Referral Requirements and Agency Review as specified by ~~Article~~ 3-204 of the Boulder County Land Use Code.
2. Planning Commission Review as specified by ~~Article~~ 3-205.~~(B)~~ of the Boulder County Land Use Code.
3. The written consent of 60% of the owners of record of the ~~parcel~~Parcels within the proposed Neighborhood Conservation Overlay District, with each property not allowed more than one vote, must be obtained prior to review of the Neighborhood Conservation Overlay District by the Board of County Commissioners. Owners of record will be based on currently available Assessor's information.
4. Board of County Commissioners Review as specified by ~~Article~~ 3-205.~~(C)~~ of the Boulder County Land Use Code.
    a. Resolution of Approval shall include the Neighborhood Conservation Plan, and the specific Site Plan Review criteria covered by the Neighborhood Conservation Plan that are exempt from future Site Plan Review.

I. Amendments to an Approved Neighborhood Conservation Overlay District
1. Any proposal to add or subtract 15 or fewer ~~parcel~~Parcels (without change to the text of the Neighborhood Conservation Plan) to an approved Neighborhood Conservation Overlay District shall be subject to the requirements in~~of this Article~~ 4-118.D, 4-118.E.1.b, c, e, f, and g, 4-118.F.1, 4-118.F.3.a, 4-118.G, and 4-118.H ~~4-118(D), (E)(1)(b), (E)(1)(c), (E)(1)(e), (E)(1)(f), (E)(1)(g), (F)(1), (F)(3)(a), (G), and (H)~~ of the Boulder County Land Use Code.
2. Any proposal to add or subtract more than 15 ~~parcel~~Parcels to an approved Neighborhood Conservation Overlay District, including the dissolution of the Neighborhood Conservation Overlay District, or any proposed modification to an approved Neighborhood Conservation Plan, is subject to the requirements of ~~this Article~~ 4-118.

J. Waivers From the Terms of an Approved Neighborhood Conservation Overlay District
1. Waivers from a specific term or terms of an approved Neighborhood Conservation Overlay District for a particular proposed development on a ~~parcel~~Parcel included within the district, may be granted if 60% of the property owners of the ~~parcel~~Parcels included within the district (excluding the owners of the ~~parcel~~Parcel requesting the waiver) agree in accordance with the voting requirements of ~~Section (~~4-118.H.~~)(~~3~~)~~ above, and if the BOCC subsequently decides at a public hearing that the waiver does not conflict with the stated conservation purposes of the district under the unique circumstances of the particular ~~parcel~~Parcel in question (or reasonable mitigation measures can be imposed on the development such that a conflict does not result). The BOCC shall provide public notice of its hearing by mailing notice of the date, place, time, and subject of the hearing to all record owners of property within the district, and by publishing notice of the hearing in a newspaper of general circulation in the ~~County~~county, at least 14 days prior to the scheduled public hearing date.

4-118A Fairview Estates Neighborhood Conservation Overlay District

A. The purpose of this overlay district is to emphasize the importance to the residents of the district of their westerly views (of the Flatirons, mountains, Baseline Reservoir and the city of Boulder) and to provide for the protection of these views.
B. Appropriate measures to preserve westerly views from properties within the overlay district shall be taken when building or altering any ~~structure~~Structure in the district that is subject to a ~~County~~county ~~building~~Building permit or Community Planning ~~&~~and Permitting review process on or after February 28, 2006. Attention should be given to height, location, or stepped rooflines to achieve view protection. A diversity of architectural styles is encouraged.
C. These criteria will be reviewed as part of any Community Planning ~~&~~and Permitting review process required. Where a ~~building~~Building permit but no other Community Planning ~~&~~and Permitting Review is required, the Community Planning ~~&~~and Permitting staff will review these criteria before the ~~building~~Building permit can be issued. The Community Planning ~~&~~and Permitting Director will have the ability to add conditions of approval to the project to meet the intent of this regulation.
D. Appeals from any decision made in the course of administering this regulation may be made in accordance with the applicable appeal provisions of this Code. Neighbors within the overlay district will be notified of appeals.

[OVERLAY DISTRICT IMAGE]

4-119 Airport Overlay Zone

~~1.~~A. No ~~structure~~Structure or use shall create any unreasonable electrical interference with navigational signals for radio communications between airports and aircraft, make it unreasonably difficult for pilots to distinguish airport lights from others, result in ~~glare~~Glare in the eyes of the pilots using airports, unreasonably impair visibility in the vicinity of airports or otherwise in any way create a hazard or endanger the landing, take-off, or maneuvering of aircraft intending to use airports.
~~2.~~B. Except as otherwise provided in this article, no ~~structure~~Structure shall be erected, altered, or be maintained at a height which intrudes into the Airport Protection Surfaces, as defined by ~~Article~~ 18-107. The location and boundaries of the Airport Protection Surfaces are designated in the following official maps, as amended, which are hereby incorporated into this Resolution for purposes of this regulation:
   ~~a.~~1. That map entitled F.A.R. Part 77 Surfaces - Vance Brand Airport prepared by Denver Regional Council of Governments and dated February 3, 1989.
   ~~b.~~2. That map entitled F.A.R. Part 77 Surfaces - Boulder Municipal Airport prepared by Denver Regional Council of Governments and dated January 27, 1989.
   ~~c.~~3. That map entitled F.A.R. Part 77 Surfaces - Jefferson County Airport prepared by Denver Regional Council of Governments and dated February 2, 1989.
   ~~d.~~4. That map entitled Erie Airpark Tri-County Airport, Erie, Colorado - APPROACH PLAN prepared by Denver Regional Council of Governments and dated December 1,

1987. These maps shall be the official Boulder County Zoning Maps for the purpose of establishing height limits for ~~structure~~Structures hereunder and shall be kept on file and open to public inspection by the Zoning Administrator.

~~3.~~C. Any permit or variance granted may include conditions that require the owner of the subject ~~structure~~Structure to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an ~~airport hazard~~Airport Hazard.

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].

4-200 View Protection Overlay District

A. Purpose
   1. To provide for reduced height in areas potentially affecting significant views.
B. Application
   1. If a ~~structure~~Structure, lot, or other ~~parcel~~Parcel of land lies partly within the View Protection Overlay District, that part of the ~~structure~~Structure, lot, or ~~parcel~~Parcel shall meet all the requirements for this district as set forth in this Code.
C. Relationship to Underlying Zoning
   1. With the exception of the maximum ~~structure~~Structure height requirement, the use, lot, ~~building~~Building, and ~~structure~~Structure requirements of the underlying zoning district shall apply to all development within this district.
D. Maximum Structure Height Requirement
   1. For ~~building lot~~Building Lots with a slope of less than 20 degrees, no portion of a ~~structure~~Structure, including additions to an existing ~~structure~~Structure, may exceed 35 feet in height as measured from the natural grade of the lot at the lowest elevation within 25 feet of the ~~structure~~Structure.
   2. For ~~building lot~~Building Lots with a slope of 20 degrees or greater, no portion of a ~~structure~~Structure, including additions to an existing ~~structure~~Structure, may exceed 25 feet in height as measured from the natural grade of the lot at the lowest elevation of the ~~structure~~Structure.

4-300 Natural Resource Protection Overlay District

4-301 Purpose

To protect and conserve Environmental Resources by encouraging compatible proposed development on ~~subdivided land~~Subdivided Lands which have a ~~sketch plan~~Sketch Plan approved prior to March 22, 1978, which was not otherwise subject to a discretionary review for the purpose of protecting such resources.

4-302 Designation of Environmental Resources to be Protected

The Environmental Resources protected and preserved through the application of ~~this Article~~ 4-300 are those defined in Article 18 of this Code.

4-303 Applicability and Scope of the Natural Resource Overlay District

A. Application
   1. This district shall cover ~~subdivided land~~Subdivided Lands which have ~~sketch plan~~Sketch Plan approval granted prior to March 22, 1978, have not been fully developed, and may affect significant wetlands, and wildlife and plant habitats.
   2. Proposals for development under either a ~~building~~Building, ~~grading~~Grading, access, or ~~floodplain development permit~~Floodplain Development Permit on a vacant ~~parcel~~Parcel are subject to this overlay district and require the ~~applicant~~Applicant to go through an ~~exemption plat~~Exemption Plat process.

B. For purposes of ~~this Section~~4-300, 'vacant ~~parcel~~Parcel' means a ~~parcel~~Parcel upon which no ~~structure~~Structure for human habitation has been constructed and occupied.

C. No permit may be issued until the ~~applicant~~Applicant for the permit obtains an ~~exemption plat~~Exemption Plat under ~~this Section~~4-300.

4-304 Pre-application Conference

A. The Director shall schedule a pre-application conference with the ~~applicant~~Applicant.
   1. This conference shall be between the ~~applicant~~Applicant and appropriate members of the Community Planning &and Permitting and Parks &and Open Space Department staffs.
   2. The purpose of the conference is to explain the ~~exemption plat~~Exemption Plat process to the ~~applicant~~Applicant, answer any pertinent questions of the ~~applicant~~Applicant, and specify for the ~~applicant~~Applicant, in writing, what impact to the specific environmental resource must be mitigated.

B. The Director will determine which application materials and what standards for review of the proposal are applicable based on the nature and extent of the proposed development under the permit and the potential impact on the environmental resource.

C. As part of this pre-application conference, staff shall make available to the ~~applicant~~Applicant all public information in the ~~County~~county's possession regarding the environmental resource.

D. Following the pre-application conference, ~~County~~county staff shall provide the ~~applicant~~Applicant with application materials and a written copy of the relevant standards for approval pursuant to 4-305, and the required information to be submitted by the ~~applicant~~Applicant.

4-305 Exemption Plat Standards for Approval

A. Review by the Board of County Commissioners
   1. An ~~exemption plat~~Exemption Plat shall be approved only if the Board finds that the ~~exemption plat~~Exemption Plat will not have a significant adverse impact on any Environmental Resources.

2. This determination is to be based on the nature and extent of the proposed development, the potential impact on the environmental resource, and the adequacy of proposed mitigation measures, if any.
3. The Board shall not consider any aspect of the ~~plat~~Plat other than that directly related to the impact on the specific environmental resource.

4-306 Approval of an Exemption Plat

A. If the Board finds in reviewing an ~~exemption plat~~Exemption Plat application that the application meets the relevant standards set forth in 4-305, the Board shall approve the ~~plat~~Plat and the ~~applicant~~Applicant may continue the processing of the ~~building~~Building, ~~grading~~Grading, access, or ~~floodplain development permit~~Floodplain Development Permit.
B. If the Board finds that the application does not meet a relevant standard or standards set forth in 4-305, the Board may still conditionally approve the application if reasonable conditions exist which can be imposed on the application to avoid or acceptably mitigate significant adverse impacts on the environmental resource. Such conditions may include, but are not necessarily limited to the relocation or modification of proposed ~~structure~~Structures, uses, activities, and materials, or any other measures necessary to mitigate any significant adverse impact caused by development.
C. While an ~~exemption plat~~Exemption Plat may not be denied, all reasonable measures must be taken to mitigate the significant adverse impact of the development on the environmental resource.

4-307 Contiguous Commonly-held Parcels

A. No permit shall be issued for any ~~subdivided lot~~Subdivided Lot or combination of ~~subdivided lot~~Subdivided Lots subject to ~~this Article~~ 4-300 until approval under this section is granted.
B. Notice of the provisions of these regulations has been recorded in the real estate records of the Boulder County Clerk and Recorder for each ~~platted subdivision~~Platted Subdivision affected by this regulation. No permits shall be granted to any ~~subdivided lot~~Subdivided Lots separately conveyed subsequent to the notice of adoption of these regulations unless the lots are a part of a unified approval under 4-306.

4-400 Floodplain Overlay District

4-401 Purpose

A. To provide land use controls necessary to qualify unincorporated areas of Boulder County for ~~flood~~Flood insurance under requirements of the National Flood Insurance Act of 1968, as amended; to protect life, property, and health; to ensure the best available data is used in making development decisions; to avoid increasing ~~flood~~Flood levels or ~~flood~~Flood hazards or creating new ~~flood~~Flood hazard areas; to minimize public and private losses due to ~~flood~~Flooding; to reduce the need for expenditures of public money for ~~flood~~Flood control projects; to reduce the need for rescue and relief efforts associated with ~~flood~~Flooding; to prevent or minimize damage to public

infrastructure, facilities, and utilities; and to meet or exceed Federal Emergency Management Agency ("FEMA") and Colorado Water Conservation Board ("CWCB") minimum standards for ~~floodplain~~Floodplain regulation.

B. FEMA requires all communities that participate in the National Flood Insurance Program ("NFIP") regulate "Development" that occurs within the Special Flood Hazard Area. FEMA defines Development as "any manmade change to improved and unimproved real estate, including, but not limited to, ~~building~~Buildings or other ~~structure~~Structures, mining, dredging, filling, ~~grading~~Grading, paving, excavating or drilling operations."

4-402 Applicability and Administration

A. **Applicability.** ~~The Article~~ 4-400 applies to all lands in the Floodplain Overlay ("FO") District. If a lot or other ~~parcel~~Parcel of land lies partly within the FO District, ~~this Article~~ 4-400 applies to the part of such lot or ~~parcel~~Parcel lying within the district. If a ~~building~~Building or ~~structure~~Structure lies partly within the FO District, then ~~this Article~~ 4-400 applies to the entire ~~building~~Building or ~~structure~~Structure.

B. **County Engineer Role.** The County Engineer or his or her designee is responsible for the administration and implementation of the requirements of the FO District, including reviewing all development proposals to determine the applicability of this section, all Individual Floodplain Development Permit ("Individual FDP") applications, and all notifications submitted for General Floodplain Development Permit ("General FDP") consideration.

C. **No Liability.** The degree of ~~flood~~Flood protection provided by this section has been determined to be reasonable for regulatory purposes and is based on engineering and scientific methods of study of the 1%-annual-chance (100-year) ~~flood~~Flood event, also referred to as the ~~base flood~~Base Flood. Floods of greater magnitude may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge or culvert openings restricted by debris. ~~This Article~~ 4-400 does not imply that land areas outside of 100-year ~~floodplain~~Floodplain boundaries or land uses permitted within such areas will be free from ~~flood~~Flooding or ~~flood~~Flood damages, or that compliance with these regulations will prevent ~~flood~~Flood damage. Neither Boulder County nor any of its officers or employees shall be liable for any ~~flood~~Flood damages, including any damages that result from reliance on this article or any administrative decision.

D. More Restrictive Prevails~~.~~

1. The Federal Emergency Management Agency ~~("FEMA")~~ and the ~~Colorado Water Conservation Board ("CWCB")~~ have established certain minimum standards for regulatory ~~floodplain~~Floodplains. To the extent a FEMA or CWCB requirement conflicts with a provision in 4-400, the most restrictive controls.
2. ~~This Article~~ 4-400 does not repeal, abrogate, or impair any existing ~~easement~~Easements, covenants, or ~~deed~~Deed restrictions. Where ~~this Article~~ 4-400 and another ordinance, ~~easement~~Easement, covenant, or ~~deed~~Deed restriction conflict or overlap, the more restrictive applies.

E. Permits Required~~.~~

1. All development in the FO District requires an Individual FDP or must be covered by the General FDP. Development in the FO District not covered by a General FDP or an Individual FDP may result in enforcement action under Article 17.
2. In addition to the Floodplain Development Permits required by this section, all required local, state, and federal permits must be issued prior to development in the FO District.

F. Referral from Other County Departments~~.~~

1. All development that requires a planning review process through the Boulder County Community Planning ~~&~~and Permitting Department and may be susceptible to ~~flood~~Flooding will be forwarded to the County Engineer for review and comment. The County Engineer must determine if the work is covered under a General FDP, requires an Individual FDP, or does not require any type of Floodplain Development Permit. Where the County Engineer indicates that the development will need a Floodplain Development Permit, the Community Planning ~~&~~and Permitting Department should note the requirement on any planning approval.
2. All ~~building~~Building permit applications shall be reviewed by the Building Division to determine whether the proposed development is potentially within the FO District and therefore may require a Floodplain Development Permit. If it appears to the Chief Building Official that any proposed development may be within the FO District, then the Chief Building Official shall refer the application to the County Engineer. The Chief Building Official shall not issue a ~~building~~Building permit when ~~floodplain~~Floodplain issues have been raised unless the County Engineer has confirmed the development is approved under a General FDP or an Individual FDP or the County Engineer has determined that a Floodplain Development Permit is not required.
3. All Onsite Wastewater Treatment System ("OWTS") applications will be reviewed by Boulder County Public Health ("Public Health") to determine whether the work, including new OWTS or repair/replacement of an existing OWTS, may be within the FO District. If it appears to Public Health that the proposed work may be within the FO District, then Public Health must refer the application to the County Engineer. Public Health must not issue an OWTS permit when ~~floodplain~~Floodplain issues have been raised unless the County Engineer has issued an Individual FDP or has determined that no such permit is required.

4-403 FO District Defined; Official Map

A. **FO District.** The Boulder County FO District is defined as the FEMA Floodplain together with the Boulder County Floodplain, as those ~~floodplain~~Floodplains are defined below.

1. The December 18, 2012 Digital Flood Insurance Rate Map ("DFIRM") and Flood Insurance Study ("FIS") report published by FEMA, as amended, is incorporated by reference. The DFIRM and FIS in effect on the date of a property owner's complete application for any permit or process in this Code, in particular those portions of the DFIRM and FIS that define the 100-year ~~floodplain~~Floodplain, is the foundational ~~floodplain~~Floodplain for the FO District (the "FEMA Floodplain"). The term "DFIRM" includes all flood risk zone designations and technical information displayed on the

maps, explanatory matter, technical addenda, modeling and calculations, ~~water surface elevation~~Water Surface Elevations, profiles, and cross-~~-~~sections, and other underlying detailed study data, such as information published in the FIS report and supporting documentation, as well as approved Letters of Map Revision ("LOMR"), Letters of Map Amendment ("LOMA"), and Letters of Map Revision based on Fill ("LOMR-F"). The FEMA Floodplain includes Zone AE, A, AH, and AO ~~flood~~Flood risk zone designations, including both Floodway and Flood Fringe areas.

2. To augment the FEMA Floodplain, the Board of County Commissioners may, after review and recommendation by the Planning Commission, adopt a "Boulder County Floodplain." The purpose of adopting a Boulder County Floodplain is to facilitate use of the best data available to the ~~County~~county to establish ~~floodplain~~Floodplain boundaries, Base Flood Elevations ("BFE"), and Flood Protection Elevations ("FPE") to better protect residents of the ~~County~~county from ~~flood~~Flood hazards.
   a. The Boulder County Floodplain must be comprised of the same ~~flood~~Flood risk zone designations as the FEMA Floodplain.
   b. In no instance may the Boulder County Floodplain remove from the FO District an area or property designated as within the FO District by the FEMA Floodplain.
   c. The following reports, maps, and related information constitute the location and boundaries of the current Boulder County Floodplain:
      (i) Any ~~flood~~Flood hazard or ~~flood~~Flood delineation report as adopted by the Board of County Commissioners in accordance with ~~Article~~ 4-1100 depicted on the Boulder County Floodplain official digital map.
   d. The maps in these reports depicting the ~~floodplain~~Floodplain for the ~~base flood~~Base Flood shall be considered the official maps for the purposes of locating the Boulder County Floodplain on the official zoning district maps. These maps and reports, together with all amendments, explanatory matter, technical addenda, ~~water surface elevation~~Water Surface Elevations, profiles and cross-~~-~~sections (where available) are incorporated by reference into this Code.
3. All records pertaining to Floodplain Development~~floodplain development~~ must be on file with the ~~County~~county and open to public inspection. These records include, but are not limited to, certified Lowest Floor Elevations, Elevation Certificates, commercial Floodproofing Certificates, LOMAs, LOMR-Fs, LOMRs, Floodplain Development Permits, boundary interpretations, and records of action on variance requests.

B. **Official Map.** The County Engineer shall maintain digital maps delineating the location and boundaries of the FEMA Floodplain and the Boulder County Floodplain. The FEMA Floodplain map shall depict in plan view the horizontal boundary of the ~~flood~~Flood hazards described in the underlying ~~flood~~Flood studies, as published by FEMA. The Boulder County Floodplain map shall depict in plan view the horizontal boundary of the ~~flood~~Flood hazards described in the underlying ~~flood~~Flood studies, as adopted by Boulder County. These maps of the FEMA Floodplain and the Boulder County Floodplain together establish the areas governed by the provisions of ~~this Article~~ 4-400 and constitute the Official Map of Boulder County's FO District ("Official Map").

1. The most current Official Map and supporting data shall be on file in the County Engineer's Office in electronic format, available for public inspection during normal business hours, with electronic and paper copies available upon request. The Official Map must also be available to the public on the ~~County~~county's website.
2. The County Engineer shall maintain records of superseded versions of the Official Map for historical reference.

C. **Interpretation of Official Maps**
1. The County Engineer shall determine which uses, ~~parcel~~Parcels, ~~structure~~Structures, or other facilities are located in an adopted FEMA Floodplain or a Boulder County Floodplain, including in situations where a mapped boundary appears to conflict with actual field conditions. In making such interpretations, the County Engineer shall refer, as necessary, to the best available data at that time.
2. Sources of best available data for interpretations include the engineering study upon which the maps and elevations are based, the professional engineers who prepared the study, the most recent detailed terrain data certified by a P.E. or a P.L.S., survey data certified by a P.E. or a P.L.S., any BFE/~~water surface elevation~~Water Surface Elevation, floodway, and other ~~flood~~Flood risk data available from state or federal agencies, and any other reliable source that the County Engineer finds meets an acceptable level of technical accuracy as determined through prevailing industry practices.
3. The use of aerial photography to interpret FO District boundaries, but without the consideration of local terrain data, shall be for informational purposes only, and not for making determinations as to the exact location of the boundaries of the FO District.
4. If the County Engineer makes a determination regarding the relationship of the Official Map to a use, ~~parcel~~Parcel, ~~structure~~Structure, or other ~~facility~~Facility, the interpretation must be noted in the records associated with any related permit(s) and available for public inspection.
5. The County Engineer's determinations under this section are interpretations of precisely where the existing regulatory boundaries lie on the ground. A determination as to which uses, ~~parcel~~Parcels, ~~structure~~Structures, or other facilities are located in or out of a previously adopted FEMA Floodplain or a Boulder County Floodplain does not itself contract or expand the boundaries of the FO District. Therefore, such determinations do not result in an amendment to the Official Map that requires review and approval by the Planning Commission and Board of County Commissioners.

D. **Amendment of Official Map**
1. The FEMA Floodplain within the FO District will be deemed updated when FEMA issues a Letter of Final Determination associated with any map action, or after the effective date of any Letter of Map Change ("LOMC"), without need for review or approval by the Planning Commission or the Board of County Commissioners, regardless of how many ~~parcel~~Parcels are affected.
    a. If FEMA provides notice of final BFEs and sets an effective FIRM revision date (through issuance of a Letter of Final Determination) for studies that had

previously been adopted as Boulder County Floodplain, the following rules apply:

(i) If FEMA made no changes to the studies previously adopted by Boulder County, then from the effective date of FEMA's map action forward, Boulder County will continue to regulate using those studies to partially define the FO District~~,~~ but will treat the studies as FEMA Floodplain rather than Boulder County Floodplain. In this circumstance, the County Engineer is not required to obtain review and approval of Planning Commission or the Board of County Commissioners.

(ii) If prior to its official action FEMA makes changes to maps, data, or related documentation previously included only in the Boulder County Floodplain, the County Engineer must determine whether and how the Boulder County Floodplain should be amended.

2. Except for an automatically adopted DFIRM update, a change in the boundary of the FO District requires review by the Planning Commission and approval by the Board of County Commissioners of a Zoning Map Amendment in accordance with ~~Section~~ 4-1100. The County Engineer shall revise the Official Map upon approval of changes to the Official Map by the Board of County Commissioners.
3. The County Engineer may correct clerical errors in the Official Map as they are discovered, without need for approval by the Planning Commission or the Board of County Commissioners, regardless of how many ~~parcel~~Parcels are affected.
4. The County Engineer may generate or receive draft and/or preliminary ~~flood~~Flood risk analyses and reports affecting the FO District. These analyses may be any ~~flood~~Flood risk analyses, including those designated by CWCB or distributed by FEMA, as well as any other ~~water surface elevation~~Water Surface Elevation and/or Floodway data available from state or federal agencies or any other reliable source. Upon notification of such new information, the County Engineer shall evaluate whether a change to the boundaries of the FO District is required. If so, the County Engineer will submit a proposed Zoning Map Amendment to Planning Commission and the Board of County Commissioners for review and approval.
5. In accordance with 44 C.F.R. § 65.3 and the Rules and Regulations for Regulatory Floodplains in Colorado (the "CO Floodplain Rules"), project proponents must submit technical data to FEMA in the form of a LOMR request within six months of the date of completion of a project if the project received a CLOMR from FEMA before construction or results in changes (either increases or decreases) in the 100-year ~~water surface elevation~~Water Surface Elevation greater than 0.3 foot.
   a. Map revision requests in existing Floodway areas shall use the Floodway surcharge criteria outlined in 4-404.2.~~(~~E.~~)~~(3~~)~~.
6. The County Engineer will monitor large-scale natural physical changes as they occur. If the County Engineer deems it necessary to restudy a mapped ~~floodplain~~Floodplain or floodway as a result of such changes, the County Engineer shall coordinate with CWCB and FEMA and, as appropriate, submit a proposed Zoning Map Amendment to Planning Commission and the Board of County Commissioners for review and approval.

4-404 Floodplain Development Permits

A. **Minimum Federal and State Standards.** Development in the FO District must comply with the NFIP and State of Colorado minimum standards. These standards require ~~applicant~~Applicants to demonstrate that those development projects allowed in the FEMA Floodway, when combined with all other existing and anticipated development, will not cause an increase in the modeled 1%-annual-chance water surface greater than 0.00 feet and, for projects in the Flood Fringe, will not cause an increase greater than 0.50 feet unless the ~~applicant~~Applicant first receives an approved Conditional Letter of Map Revision (CLOMR) from FEMA prior to permitting, in compliance with the provisions of 4-404.2.E.4.

B. **Uses Prohibited in Floodway.** The floodway is the portion of the FO District that must be reserved for passage or conveyance of the 1%-annual-chance (100-year) ~~flood~~Flood without cumulatively increasing the ~~water surface elevation~~Water Surface Elevation more than a designated height (described in ~~Section~~ 4-404.2.E.3). The following activities and uses are prohibited within all Floodways:
   1. Construction of new permanent ~~building~~Buildings (either residential or non-residential) with the exception of relocated nonconforming uses otherwise permitted by ~~this Article~~ 4-400;
   2. Construction of new temporary ~~building~~Buildings (either residential or non-residential), unless the County Engineer reviews and approves a specific location in the Floodway in conjunction with a Special Event as defined in the Multimodal Transportation Standards, a Group Gathering / Special Event as defined in this Code, or another temporary activity permitted by county regulations;
   3. Construction of additions to existing ~~building~~Buildings that increase the ~~building~~Building's square footage, footprint, or Habitable Space;
   4. Conversion of existing accessory use space to living or primary use space;
   5. Overnight campgrounds;
   6. Dispersed camping, including the use of tents, makeshift ~~structure~~Structures, enclosures, and other temporary shelters used for habitation, except in locations approved through the issuance of a Group Gathering / Special Event Permit as defined in this Code that have adequate sanitation facilities and a ~~flood~~Flood evacuation plan;
   7. Parking of Recreational Vehicles for the purposes of overnight habitation;
   8. Storing or processing of materials that are buoyant, flammable, explosive, or otherwise potentially injurious to human, animal or plant life;
   9. Solid waste disposal sites and central collection ~~sewage~~Sewage treatment facilities;
   10. New or expanded individual on-site wastewater systems, unless the expanded system is required to bring existing ~~building~~Buildings up to code or is allowed per 4-405.~~(~~G.~~)~~(4);
   11. Solid wood fences, chain link fences, or any fence that does not meet the Boulder County standards for fence installation;

12. Any activity or use that would create significant potential for downstream solid debris (including, but not limited to decks) waste, or rubbish;
13. New or expanded Critical Facilities located on land lower than 6,000 feet in elevation;
14. Any encroachment (including filling and ~~grading~~Grading) that would adversely affect the efficiency of the Floodway or change the direction of flow, unless it conforms with ~~section~~ 4-404.~~(~~C~~)~~; and
15. Above-ground ~~oil and gas operation~~Oil and Gas Operations, as defined in ~~Article~~ 12-1400.

C. **Uses Allowed in Floodway under Certain Conditions**~~.~~
   1. The County Engineer may issue FDPs for the following development types and open uses within the Floodway unless the use (1) is prohibited in the underlying zoning district, (2) adversely affects the efficiency of the Floodway, (3) changes the direction of flow, or (4) poses a significant safety hazard:
      a. Agricultural uses involving the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising and ~~grazing~~Grazing of ~~livestock~~Livestock and horses, as well as temporary ~~building~~Buildings associated with such use, as detailed in 4-405.~~(~~C.~~)~~(3.~~)~~(c~~)~~;
      b. Uses accessory to residential uses, including, but not limited to lawns, open areas, gardens, driveways, and play areas;
      c. Industrial or commercial uses such as loading areas, parking areas, and airport landing strips;
      d. Recreational uses not requiring permanent or temporary ~~building~~Buildings designed as habitable space, unless a special event permit has been issued for a temporary ~~building~~Building;
      e. Utility facilities such as dams, ~~power plant~~Power Plants, spillways, transmission lines, pipelines, water monitoring devices, water supply ditches, ~~irrigation ditch~~Irrigation Ditches and laterals, and open mining;
      f. Hydraulic ~~structure~~Structures such as bridges, culverts, weirs, diversions, drop ~~structure~~Structures, and fish ladders, for access and ~~flood~~Flood or ~~stormwater~~Stormwater control;
      g. Critical Facilities above 6,000 feet in elevation, as described in 4-405.~~(~~D~~)~~; and~~;~~
      h. Linear transportation infrastructure, including but not limited to roads, trails, and railroad ~~rights-of-way~~Rights-Of-Way (but not including freight yards or switching, storage, or industrial sidings).
   2. In addition, the County Engineer may not issue FDPs for the allowed development types and uses listed in 4-404.~~(~~C.~~)~~(1~~)~~ above that result in an encroachment within the Floodway unless the ~~applicant~~Applicant has demonstrated through hydrologic and hydraulic analyses performed by a P.E. registered in the State of Colorado (in accordance with standard engineering practice and the requirements of 4-404.2.~~(~~E~~)~~ that the proposed encroachment is in compliance with the provisions of 4-404.2.~~(~~E.~~)~~(4~~)~~.

3. For Floodway areas above 6,000 feet in elevation, uses other than those described in 4-404.~~(~~C.~~)~~~~(~~1~~)~~ above may be allowed at the discretion of the County Engineer if the proposed use or development will occur within an area of ineffective flow.

D. **Uses Allowed in Flood Fringe under Certain Conditions.** Any use permitted by the underlying zoning regulations may be permitted in the Flood Fringe, provided the use meets the ~~flood~~Flood protection requirements of ~~Section~~ 4-405, and provided that:
   1. New Critical Facilities are prohibited in the Flood Fringe below 6,000 feet (NAVD88) in elevation.
   2. Wastewater treatment facilities serving more than two properties are prohibited in the Flood Fringe.
   3. Individual OWTS, when allowed, must conform to the requirements of 4-405.~~(~~G~~)~~.
   4. Fences in the Flood Fringe are subject to all Boulder County Building Code and other fence requirements.
   5. Dispersed Camping, overnight campgrounds, tents, makeshift ~~structure~~Structures, enclosures, and other temporary shelters used for habitation in the Flood Fringe must be approved through the issuance of a Group Gathering / Special Event Permit as defined in this Code and must have adequate sanitation facilities and a ~~flood~~Flood evacuation plan.

E. **Emergency Work.** Emergency work necessary to prevent or mitigate an immediate threat to life or property is allowed. The property owner is responsible for notifying the County Engineer within ~~7~~ seven days of the initiation of all emergency work. A complete application for a Floodplain Development Permit shall be submitted within 30 days of commencement of work. Authorization to perform emergency work does not indicate approval of such work. If necessary, modifications to the work already performed may be required in accordance with this Code.

4-404.1 General Floodplain Development Permits

A. **Intent.** To minimize undue hardship to property owners within Boulder County yet remain in compliance with FEMA regulations regarding Floodplain permitting, the County Engineer is authorized to issue one or more General Floodplain Development Permits. The intent of the General FDP is to allow certain limited uses and activities in the FO District without the need for an approved Individual FDP because these specific uses and activities are unlikely to increase BFEs or have an adverse effect on neighboring properties, species, or ecosystems.

B. **Review Criteria.** The County Engineer may issue or amend a General FDP so long as the following criteria are met:
   1. The uses or activities covered by the General FDP are likely to have little or no effect on the efficiency or capacity of the Floodway;
   2. The uses or activities covered by the General FDP are likely to have little or no effect on lands upstream, downstream and in the immediate vicinity of the development covered under the General FDP including, without limitation, utility and transportation facilities;

3. The uses or activities covered by the General FDP will not result in an unreasonable risk of harm to people or property – both onsite and in the surrounding area – from natural hazards;
4. The uses or activities covered by the General FDP are likely to have little or no effect on the ~~flood profile~~Flood Profile and ~~flood~~Flood heights;
5. The uses or activities covered by the General FDP are likely to have little or no effect on any tributaries to the main stream, drainage ditches, water supply and ~~irrigation ditch~~Irrigation Ditches, storm drainage facilities, reservoirs, or any other drainage or irrigation facilities or systems;
6. The uses or activities covered by the General FDP are likely to have little or no effect on the ~~flood~~Flood management program for the area(s) in question and will not result in the need for additional public expenditures for ~~flood~~Flood protection or prevention;
7. The uses or activities covered by the General FDP shall not result in new human occupancy of ~~structure~~Structures;
8. The uses or activities covered by the General FDP are likely to have little or no effect on the safety of access to property in times of ~~flood~~Flood for ordinary and emergency vehicles;
9. The uses or activities covered by the General FDP are likely to have little or no effect on the ~~watercourse~~Watercourse, including streambanks and streamside trees and vegetation;
10. The alignment of the uses or activities covered by the General FDP is consistent with the Boulder County Comprehensive Plan and Watershed Master Plans;
11. The cumulative effect of the uses or activities covered by the General FDP along with other existing and anticipated uses is unlikely to increase ~~flood~~Flood heights more than the allowances specified in 4-404.~~(A)~~;
12. The heights and velocities of the floodwaters expected in the area where the uses or activities covered by the General FDP will not adversely affect the development of surrounding property;
13. The uses or activities covered by the General FDP are unlikely to require additional ~~flood~~Flood protection based on historical ~~flood~~Flood evidence, increased development upstream, or other ~~flood~~Flood-related hazards such as flash ~~flood~~Flooding, debris flows, rockfalls, mudslides, landslides, avalanches, channel avulsions, alluvial fan hazards, erosion and deposition of material, debris dams, ice jams, and high ~~flood~~Flood depths or velocities; and
14. The uses or activities covered by the General FDP are not contrary to federal, state, and local ~~floodplain~~Floodplain statutes, regulations, and guidance.

C. **Rescission.** The County Engineer may rescind a General FDP if uses or activities covered by the General FDP no longer meet the criteria for issuance of a General FDP as specified in ~~section~~ 4-404.1.~~(B)~~.

D. **Content of a General FDP.** If the County Engineer determines it appropriate to issue a General FDP after consideration of the factors in 4-404.1.B above, the County Engineer shall include the following information on the face of the permit:
   1. A list of specific uses and activities deemed within the scope of the General FDP;

2. Conditions of approval, if any, for work approved under the General FDP; and
3. Whether or not property owners must notify the County Engineer prior to beginning work on an activity included within the General FDP.
    a. The County Engineer shall require such notification for development activities for which it is necessary to evaluate individual and cumulative impacts, ensure minimum compliance with federal and state ~~floodplain~~Floodplain rules, and confirm that the uses or activities are unlikely to increase BFEs or have an adverse effect on neighboring properties, species, or ecosystems.
    b. For projects where the County Engineer will receive notification through referral required by a separate Community Planning ~~&~~and Permitting Code review process (such as Site Plan Review or Special Use Review), the County Engineer need not require duplicative notification. For all other projects where the County Engineer decides to require notification, the ~~applicant~~Applicant must submit the following information to the County Engineer a minimum of 21 days prior to commencing work:
        (i) Project description, including materials description and a discussion on the expected impact to the channel and ~~floodplain~~Floodplain;
        (ii) Location description (an accompanying location map is best); and
        (iii) Site plan, if necessary to further describe the work.
    c. If the work is within the scope of the General FDP, the County Engineer will respond to the owner with approval to proceed. If additional information is necessary or if the work requires issuance of an Individual FDP, the County Engineer will inform the owner within 14 days of notification submission, or through the Community Planning ~~&~~and Permitting Review referral process.

E. **Process for Issuing, Amending, or Rescinding a General FDP~~.~~**
1. If the County Engineer determines that a new General FDP, amended General FDP, or rescission of a General FDP is appropriate after consideration of the factors in 4-404.1.B above, the County Engineer shall first provide a 14-day public review and comment period by:
    a. Posting the new General FDP, amended General FDP, or notice of General FDP recission on the ~~County~~county's website;
    b. Providing public notice of the new General FDP, amended General FDP, or notice of General FDP recission in the manner described in Article 3 for comprehensive rezonings; and
    c. Maintaining a record of all property owners who wish to opt in to receiving direct notice of all proposed actions by the Engineer regarding a General FDP. The County Engineer shall send the new General FDP, amended General FDP, or notice of General FDP rescission (via electronic means to the most recent electronic mail address on file) to all such owners, provided, however, that inadvertent failure to notify every such owner shall not affect the validity of any action by the Engineer on a General FDP.
2. If the County Engineer receives public comment on a proposed new, amended, or rescinded General FDP during the 14-day review and comment period, then prior to the effective date the County Engineer shall consider such comments to determine

whether in their professional judgment as ~~floodplain~~Floodplain administrator any changes to the proposed action are merited. If no comments are received, or if no changes to the proposed action are merited, the proposed action shall be deemed effective 14 days after the date it was posted.

3. Subject to the 14-day review and comment period requirements described above, the County Engineer may issue, amend, or rescind a General FDP at any time, on their own initiative, without the need for public hearings before Planning Commission and Board of County Commissioners.
4. The County Engineer's decision to issue, amend, or rescind a General FDP shall be in writing and shall be a final action appealable pursuant to ~~section~~ 4-408.
5. All General FDPs in effect at a given point in time must comply with all applicable provisions of ~~this section~~ 4-404.1.

F. **No Permit Fees.** If the County Engineer determines a use or activity falls under the approval granted in a General FDP, no permit fee will be charged.

G. **Work Not Approved under a General FDP.** Any development within the FO District that does not meet the criteria of a General FDP requires either approval of an Individual FDP prior to beginning the work or a determination by the County Engineer that no FDP is required at all.

1. Should any work commence that is assumed by an ~~applicant~~Applicant to be covered by a General FDP, and the County Engineer determines it is not covered by a General FDP, a Stop Work order will be issued. The unpermitted work will be treated as a zoning violation under Article 17 until an approved Individual FDP is issued or the violation is otherwise resolved.
2. Anyone considering a project in the FO District that varies from the projects described in an issued General FDP should contact the County Engineer to determine if an Individual FDP application is required. The County Engineer makes the final decision as to the applicability of a General FDP. Any project determined by the County Engineer to create a significant obstruction to ~~flood~~Flood flows will require an Individual FDP.

H. **Other Permits.** Eligibility for a General FDP does not eliminate the need for ~~applicant~~Applicants to obtain all other required permits, including ~~building~~Building, ~~grading~~Grading, access, construction, and/or ~~stormwater~~Stormwater permits from Boulder County, as well as other state and federal permits.

I. **Records of Issued General FDPs.** A copy of all issued General FDPs, including previous versions, will be kept on file at the Community Planning ~~&~~and Permitting Department at all times and available for public review.

4-402.2 Individual Floodplain Development Permits

A. **Floodplain Pre-Application Conference.** At the discretion of the County Engineer, or by ~~applicant~~Applicant request, a Floodplain Pre-Application Conference (Floodplain Pre-App) may be required prior to submittal of a complete individual FDP application. The Floodplain Pre-App should include a discussion of conforming and nonconforming ~~structure~~Structures and uses of the subject property.

B. **Submittal Requirements.** Applications for Individual FDPs are to be submitted to the Boulder County Community Planning &and Permitting Department and are subject to the following submittal requirements, unless the County Engineer determines that a particular requirement does not apply.
   1. For all Individual FDP submittals:
      a. A completed Individual FDP application form;
      b. A narrative describing the work to be performed;
      c. A location map, showing the specific areas and property~~(ies)~~ where the work will be performed; and
      d. Adequate evidence of either direct ownership of the subject property or legal authority to act on behalf of the owner(s) of record.
   2. For Projects in the Floodway, an engineering analysis certified by a P.E. registered in the State of Colorado in accordance with 4-404.2.~~(E)~~.
   3. For construction of new ~~building~~Buildings or improvements to existing ~~building~~Buildings, the County Engineer will obtain pertinent documents from the ~~applicant~~Applicant's Building Permit submittal package. Building Permit/Individual FDP submittals should include and call out all elements for ~~flood~~Flood protection required per 4-405. In addition, the following items shall be included in the Building Permit/Individual FDP submittal:
      a. Specifications for construction and ~~building~~Building materials (including considerations for ~~flood~~Flood resistant materials when required, per FEMA *Technical Bulletin* 2).~~;~~
      b. Description and locations of any proposed site, filling, dredging, ~~grading~~Grading, and/or channel improvement.~~s;~~
      c. Location of any and all proposed materials storage and staging areas, as applicable.~~;~~
      d. Location of the current regulatory FO District boundaries, including both FEMA and/or Boulder County Floodplain information.~~;~~
      e. Plans must include the elevation, in feet referenced to the North American Vertical Datum of 1988, to which the ~~flood~~Flood protection measures apply. See 4-405.~~(A)~~, Flood Protection Elevation.~~.~~
      f. Certification that the ~~building~~Building or improvement is designed in accordance with the ~~flood~~Flood protection measures outlined in 4-405.~~(C)~~ for New Floodplain Construction and conforming existing ~~building~~Buildings and 4-413 for improvements to nonconforming existing ~~building~~Buildings.
      g. For all new ~~building~~Building proposals where a Floodway has not been mapped, a Floodway analysis, consistent with 4-404.2.~~(E);~~
      h. For all new ~~subdivision~~Subdivision proposals and other developments (including, but not limited to, ~~manufactured home parks~~Manufactured Home Parks) greater than either 50 lots or ~~5~~ five acres that are located in Zone A, a hydraulic analysis that conforms to the requirements of 4-404.2.~~(E)~~. This analysis must also depict the BFEs that Boulder County will use to determine FPEs for the proposed development.

4. For bridges, culverts, other hydraulic ~~structure~~Structures, work within the channel banks, and stream restoration projects, in addition to the items listed above, the following items are required:
   a. A plan at a scale of ~~1~~one inch" = 200 feet' or larger, stamped by a P.E. registered in the State of Colorado, which includes:
      (i) the site location;
      (ii) existing and proposed ~~base flood~~Base Flood limits and ~~water surface elevation~~Water Surface Elevations, if applicable;
      (iii) Floodway limits, if applicable;
      (iv) channel, ~~watercourse~~Watercourse or flowpath;
      (v) vertical and horizontal datum;
      (vi) existing and proposed contours or elevations at ~~2~~two-foot' intervals;
      (vii) existing ~~building~~Buildings;
      (viii) location and elevations of existing streets, water supply, and sanitation facilities, if applicable;
      (ix) limits and total land area of all existing and proposed impervious surfaces, including ~~building~~Buildings; and
      (x) existing water supply ditches, ~~irrigation ditch~~Irrigation Ditches and laterals.
   b. A typical valley cross-section showing:
      (i) channel, ~~watercourse~~Watercourse, or flowpath;
      (ii) limits of ~~floodplain~~Floodplain adjoining each side of channel;
      (iii) cross-section area to be occupied by the proposed development;
      (iv) existing and proposed ~~base flood~~Base Flood ~~water surface elevation~~Water Surface Elevations;
   c. Documentation, including hydraulic modeling, that addresses scour (if required) and other design requirements in accordance with the Boulder County Storm Drainage Criteria Manual;
   d. Evidence of compliance with 4-404.2.~~(~~D~~) of this section~~.
   e. Evidence of compliance with Section 404 of the Clean Water Act and the Endangered Species Act.
5. For OWTS, a Site Plan that includes items 4-404.2.~~(~~B~~).(~~3.~~)(~~a.~~)(i-viii) above is required, in addition to the following:
   a. A geotechnical report, certified by a P.E. registered in the State of Colorado, which includes specifications on the system type and layout, ~~building~~Building connections, and the ~~flood~~Flood protection measures required under 4-405.~~(G)~~.
6. For underground utilities not covered by the General FDP, an analysis of the impacts of scour potential as well as design considerations to protect against scour must be provided.
7. For any proposed Alteration or relocation of a ~~watercourse~~Watercourse, including stream restoration projects and engineered channelization projects, the County Engineer requires a description of the extent to which any watercourse will be altered or relocated, and that conveyance is not decreased as a result of the project, and that the ~~flood~~Flood carrying capacity of the ~~watercourse~~Watercourse is maintained over time.

a. All proposals for ~~watercourse~~Watercourse Alteration or relocation must include, in addition to all other applicable materials, pre- and post-project conveyance calculations to demonstrate that the ~~flood~~Flood carrying capacity has not been decreased.
b. For engineered channelization projects, including those types outlined in the Boulder County Storm Drainage Criteria Manual, permit ~~applicant~~Applicants are required to submit, along with all other applicable materials, a maintenance plan that outlines the maintenance activities to be performed, the timing/ schedule for those activities, and the agency or representative responsible for maintenance in order to ensure the ~~flood~~Flood carrying capacity is maintained.
c. Prior to any Alteration or relocation of a ~~watercourse~~Watercourse, the County Engineer must notify ~~adjacent~~Adjacent communities, potentially affected property owners, and the CWCB in the following manner:
    (i) Notification must be done through the publication of a notice of such proposed alteration or relocation once in a newspaper of general circulation in Boulder County.
    (ii) The County Engineer must keep on-file evidence of such notification.
d. Watercourse Alteration/relocation/channelization projects in the FO District are subject to the county's modeling requirements covered in 4-404.2.~~(E)~~ prior to permitting. In addition, at the discretion of the County Engineer, any ~~watercourse~~Watercourse alteration/relocation/channelization project that shifts the stream horizontally in any direction more than one bankfull width will require submittal and approval of a CLOMR from FEMA prior to permitting.

8. Any additional information required by the County Engineer necessary to allow the review criteria in this ~~Article~~ 4-400 to be adequately evaluated.

C. **Completeness Review by the County Engineer.** Once an application for an FDP is filed, the County Engineer must review it for completeness.
1. The County Engineer may suspend processing an FDP application at any time at the request of the ~~applicant~~Applicant or whenever the County Engineer determines that the application is not complete. The County Engineer may deem the application incomplete, based on the application submittal requirements, at the County Engineer's initiative or at the request of a referral agency. In the event that the County Engineer deems an application incomplete, the County Engineer will immediately notify the ~~applicant~~Applicant of the shortcomings. Once the requested information has been provided, the application must be deemed filed as of that date and the County Engineer will proceed to process the application and render a decision. If an application is not deemed complete within six months of the date of suspension, the County Engineer may declare the application withdrawn. The six month time frame may be extended should the County Engineer determine that circumstances beyond the control of the ~~applicant~~Applicant prevent a timely completion of the application.

D. **Application Review Criteria.** In reviewing an application for a Floodplain Development Permit, the County Engineer must first determine the specific ~~flood~~Flood hazard at the site in accordance with 4-403 and evaluate the suitability of the proposed use or

development in relation to the ~~flood~~Flood hazard. The County Engineer must then consider the following factors in reviewing Individual FDP applications:

1. the effect of the proposal upon the efficiency or capacity of the Floodway;
2. the effect on lands upstream, downstream and in the immediate vicinity of the development including, without limitation, utility and transportation facilities;
3. the probability that the proposal will result in unreasonable risk of harm to people or property – both onsite and in the surrounding area – from natural hazards;
4. the effect of the proposal on the ~~flood profile~~Flood Profile and ~~flood~~Flood heights;
5. the effect of the proposal on any tributaries to the main stream, drainage ditches, water supply and ~~irrigation ditch~~Irrigation Ditches, storm drainage facilities, reservoirs, or any other drainage or irrigation facilities or systems;
6. the relationship of the proposed development to the ~~flood~~Flood management program for the area in question, including whether additional public expenditures for ~~flood~~Flood protection or prevention will be necessary;
7. whether the ~~applicant~~Applicant would obtain an undue advantage compared to later ~~applicant~~Applicants who might request a permit;
8. whether the proposed use is for human occupancy;
9. the susceptibility of the proposed ~~facility~~Facility and its contents to ~~flood~~Flood damage;
10. the safety of access to the property in times of ~~flood~~Flood for ordinary and emergency vehicles;
11. whether any proposed changes in a ~~watercourse~~Watercourse will have an environmental effect on the ~~watercourse~~Watercourse, including streambanks and streamside trees and vegetation;
12. the alignment of the proposed development with the Boulder County Comprehensive Plan, Watershed Master Plans, and any other planning-related documents pertaining to development in Boulder County;
13. whether the cumulative effect of the proposed development with other existing and anticipated uses will increase ~~flood~~Flood heights more than the allowances specified in 4-404.~~(A)~~;
14. whether the heights and velocities of the floodwaters expected at the site will adversely affect the development of surrounding property; and
15. whether additional ~~flood~~Flood protection is necessary based on historical ~~flood~~Flood evidence, increased development upstream, or other ~~flood~~Flood-related hazards such as flash ~~flood~~Flooding, debris flows, rockfalls, mudslides, landslides, avalanches, channel avulsions, alluvial fan hazards, erosion and deposition of material, debris dams, ice jams, and high ~~flood~~Flood depths or velocities.

E. Procedures for Modeling Proposed Development within the FO District~~.~~

1. Unless one or more requirements below are modified by the County Engineer for good cause shown by the ~~applicant~~Applicant, for any project in the FO District that requires hydraulic modeling (including those projects confirmed to be wholly or partially within the Floodway) the ~~applicant~~Applicant must submit an engineering report, (including a Floodplain and Floodway analysis, as applicable) certified by a P.E. registered in the State of Colorado using the same type of model that was used

to establish the current regulatory ~~flood~~Flood hazards. Applicants may obtain a copy of the applicable ~~floodplain~~Floodplain model from Boulder County. Models that differ from the type used to establish the regulatory ~~flood~~Flood hazards must first be approved for use by the County Engineer.

2. Modeling submitted to Boulder County in support of an Individual FDP must include the following:
   a. Duplicate Effective (Regulatory) Model. This model is necessary to confirm that the regulatory ~~water surface elevation~~Water Surface Elevations can be reproduced to within 0.5 foot. When Boulder County regulates ~~flood~~Flood hazards that are more conservative than those identified by FEMA, it is the model that is associated with the Boulder County Floodplain.
   b. Corrected Effective Model. The model that corrects any errors that occur in the duplicate effective model, adds any additional cross-~~-~~sections, updates the 100-year ~~flood~~Flood discharges, or incorporates more detailed topographic information than that used in the current effective model. Floodway limits should be manually set at the new cross-section locations. The cumulative ~~reach~~Reach lengths of the stream should also remain unchanged. The Corrected Effective model must not reflect any man-made physical changes since the date of the effective model.
   c. Existing or Pre-Project Conditions Model. The ~~applicant~~Applicant must revise the duplicate effective or corrected effective model to reflect any modifications (including man-made encroachments) that have occurred within the ~~floodplain~~Floodplain since the date of the effective model but prior to construction of the proposed project. If no modifications have occurred since the date of the effective model, then the model would be identical to the duplicate effective or corrected effective model, and only one of these models is required. The results of this existing conditions analysis will indicate the 100-year elevations to be used for comparison to the proposed conditions at the project site.
   d. Proposed or Post-Project Conditions Model. The ~~applicant~~Applicant must then modify the existing conditions model (or duplicate effective, or corrected effective, as appropriate) to reflect the proposed project. The overbank roughness coefficients should remain the same unless a reasonable explanation of how the proposed project will impact roughness values is provided, with supporting data. The results of this analysis will indicate the 100-year elevation for proposed or post-project conditions at the project site.
3. For Floodway modeling, the following surcharge criteria apply:
   a. In the plains areas and below 6,000 feet in elevation, both FEMA and Boulder County follow the Colorado statewide standard for Floodway calculation, which employs a six-inch (0.50 foot) model surcharge for all ~~reach~~Reaches studied by detailed methods (Zone AE) after January 14, 2011 (see Colorado DNR- CWCB Rules and Regulations for Regulatory Floodplains in Colorado, dated November 17, 2010).

b. In the foothill canyons and mountain areas above 6,000 feet in elevation, as a result of steep channel slopes, high flow velocities, and erosive forces, and to reserve areas of active flow such that those areas are free of development and other encroachments, a 0.00-foot surcharge shall be applied to all ~~reach~~Reaches studied by detailed and approximate methods (Zone AE and Zone A).

4. Results of the Existing Conditions Model must be compared to the results of the Proposed Conditions Model, and must demonstrate compliance with the following:
   a. Under the provisions of 44 C.F.R. Chapter 1, § 65.12, of the NFIP Regulations, a community may permit encroachments within the adopted FEMA regulatory Floodway that would result in an increase in BFEs (greater than 0.00) if the ~~applicant~~Applicant first receives an approved CLOMR and/or Floodway revision from FEMA prior to permitting.
   b. In FEMA ~~floodplain~~Floodplain areas where no FEMA Floodway exists:
      (i) If Boulder County has designated a locally-regulated Floodway, any encroachment that results in ~~water surface elevation~~Water Surface Elevation increases between 0.0 and 0.5 foot in these areas must first receive an approved Boulder County floodway review (County Engineer review of proposed projects to ensure project impacts are minimized), and increases greater than 0.5 foot must first receive an approved CLOMR from FEMA prior to permitting.
      (ii) If Boulder County has not designated a locally-regulated Floodway, then increases in ~~water surface elevation~~Water Surface Elevation up to 0.50 foot may be permitted before an approved CLOMR from FEMA is required without a Boulder County floodway review.
   c. In Boulder County ~~floodplain~~Floodplain areas where no FEMA ~~floodplain~~Floodplain exists, encroachments resulting in ~~water surface elevation~~Water Surface Elevation increases up to 0.50 foot may be permitted, and those greater than 0.50 foot must receive an approved Boulder County floodway review from the County Engineer.
   d. Any increase in ~~water surface elevation~~Water Surface Elevations that are a direct result of a man-made development project and that impact an insurable ~~building~~Building will not be allowed.
5. Following project completion, the County Engineer may direct ~~applicant~~Applicants to provide FEMA with all information required by 44 C.F.R. Part 65 relating to ~~water surface elevation~~Water Surface Elevation changes (and in accordance with 4-403.~~(~~D.~~)~~(5~~)~~) so that FEMA may determine whether a map revision is appropriate.

4-405 Flood Protection Measures

Flood Protection Measures apply to development within the FO District in Zones AE, A, AO, and AH.

A. **Flood Protection Elevation ("FPE"). For the purposes of this section, the Boulder County FPE is equal to the following:**

1. In areas depicted as Zone AE and AH in the FO District, the FPE is equal to the BFE plus ~~2~~two feet. The BFE is the elevation of the 1%-annual-chance (typically referred to as 100-year) ~~flood~~Flood. In other words, it is the ~~flood~~Flood that has a 1% chance of occurring in any given year.
2. In areas depicted as Zone A in the FO District, the following applies:
   a. As required by 44 CFR 60.3(b)(4), Boulder County must obtain and reasonably utilize BFE and ~~water surface elevation~~Water Surface Elevation information from local, state, federal, or other reliable sources.
   b. In those Zone A areas where a BFE can be determined from the sources outlined in 4-405.~~(~~A.~~)(~~2.~~)(~~a~~)~~, the FPE will be two~~2~~ feet above the calculated BFE.
   c. In those Zone A areas where a BFE cannot be determined from the sources outlined in 4-405.~~(~~A.~~)(~~2.~~)(~~a~~)~~, the FPE will be ~~3~~ three feet above the highest grade in the area of the proposed development.
      (i) For ~~building~~Buildings, the FPE will be ~~3~~ three feet above the highest grade within the proposed ~~building footprint~~Building Footprint, or the highest grade ~~adjacent~~Adjacent to the exterior of the existing ~~building~~Building, unless the ~~applicant~~Applicant supplies information sufficient to determine a BFE and subsequent FPE for the ~~building~~Building.
3. In shallow ~~flood~~Flooding areas (Zone AO), the FPE is equal to:
   a. Two feet above the specified ~~flood~~Flood depth; or
   b. If no ~~flood~~Flood depth is specified, ~~3~~ three feet above the highest grade that exists within the proposed ~~building footprint~~ Building Footprint.

B. **General Requirements**
1. All development in the FO District must be adequately protected from ~~flood~~Flooding according to the requirements of this section.
2. Prior to submitting an application, ~~applicant~~Applicants shall confirm with the County Engineer all conforming and nonconforming ~~structure~~Structures and uses on the subject property. Improvements to conforming ~~structure~~Structures and ~~building~~Buildings must meet all applicable requirements in ~~section~~ 4-405. Improvements to nonconforming ~~structure~~Structures and ~~building~~Buildings must meet all applicable requirements in ~~section~~ 4-413.
3. Materials that are buoyant, flammable, hazardous, toxic, or explosive, or that in times of ~~flood~~Flooding could be harmful to human, animal, or plant life, may not be stored or processed except at or above the FPE, unless the materials are stored in accordance with 4-405.~~(H)~~ governing storage tanks.
4. All construction (including New Floodplain Construction as well as improvements below the FPE) must be built with materials and utility equipment resistant to ~~flood~~Flood damage up to the FPE.
5. All new and replacement water supply systems must be designed to minimize or eliminate infiltration of ~~flood~~Flood waters into the system.
6. Lateral additions to any residential ~~building~~Building must be elevated to the FPE and adequately anchored to prevent flotation, collapse, or lateral movement of the addition resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

7. Lateral additions to any commercial or accessory ~~building~~Building or ~~structure~~Structure must be adequately protected from ~~flood~~Flooding in accordance with 4-405.~~(~~C.~~)~~(3.~~)~~(a~~ and 4-405.~~(~~C.~~)~~(3.~~)~~(b~~, respectively.

C. **New Floodplain Construction**

1. General Requirements
   a. All New Floodplain Construction must be built using methods and practices that minimize ~~flood~~Flood damage.
   b. New Floodplain Construction in the Floodway is prohibited.
   c. New Basements in the Flood Fringe are prohibited.
   d. All New Floodplain Construction must be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the ~~structure~~Structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and must be certified by a P.E. registered in the State of Colorado that they have been constructed to withstand such forces and are adequately protected from ~~flood~~Flooding up to the FPE~~;~~.
   e. New ~~building~~Buildings or other ~~structure~~Structures must minimize obstruction to ~~flood~~Flood flows. Whenever practicable and to the extent consistent with other provisions of this Code, new ~~building~~Buildings and other ~~structure~~Structures must be placed with their longitudinal axes parallel to the predicted direction of flow of ~~flood~~Flood waters or with the same orientation as neighboring ~~structure~~Structures.
   f. New service equipment, including, but not limited to, electrical, heating, ventilation, plumbing, and air conditioning equipment, must be located at or above the FPE.
   g. New Floodplain Construction in Zone AO or AH must be accompanied by site/property ~~grading~~Grading to accommodate drainage of floodwaters around the perimeter of the ~~building~~Building in a controlled manner, without adversely impacting ~~adjacent~~Adjacent properties.
   h. New Floodplain Construction on a property removed from the ~~floodplain~~Floodplain by issuance of a LOMR-F from FEMA must have the Lowest Floor elevated to or above the FPE that existed prior to the placement of ~~fill~~Fill.
   i. New Floodplain Construction of any Below-Grade Crawlspace must have:
      (i) An interior grade elevation no lower than two feet below the Lowest Adjacent Grade;
      (ii) Height, as measured from the interior grade of the Crawlspace to the top of the foundation wall, not to exceed four feet at any point; and
      (iii) An adequate drainage system that allows floodwaters to drain from the interior area of the Crawlspace following a ~~flood~~Flood.

2. Residential Buildings
   a. All new residential ~~building~~Buildings constructed in the Flood Fringe or within Zones A, AO, or AH must have their Lowest Floors (including porches and decks), as well as any and all service equipment (excepting the necessary connections to public utility), elevated to the FPE, either by the placement of ~~fill~~Fill or by construction on elevated foundation elements.

b. Fully enclosed areas below the ~~lowest floor~~Lowest Floor of a ~~building~~Building in the FO District must be used solely for parking of vehicles, ~~building~~Building access, or storage of materials. These areas must be designed to equalize the hydrostatic pressure ~~flood~~Flood forces on exterior walls by allowing for the entry and exit of floodwaters (known as "Wet Floodproofing"). Designs for meeting this requirement must either be certified by a registered Professional Engineer or must meet or exceed the following minimum criteria:
   (i) A minimum of two openings on at least two~~2~~ walls having a total net area of not less than one square inch for every square foot of enclosed area subject to ~~flood~~Flooding must be provided;
   (ii) The bottom of all openings must be no higher than one foot ~~above grade~~Above Grade; and
   (iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

c. Attached garages may be constructed at-grade but must comply with 4-405~~(C.)(2.)(b)~~ above. Openings are permitted to be installed in garage doors; however, the garage door itself does not qualify as an opening for Wet Floodproofing purposes.

3. Non-residential Buildings. Non-residential ~~building~~Buildings built in the Flood Fringe, or within Zones A, AO, or AH must conform with 4-405.~~(C.)(2)~~ above, or must conform with the requirements below based on ~~building~~Building type:
   a. Commercial Buildings
      (i) Commercial ~~building~~Buildings, including attendant and sanitary facilities and attached garages, must conform with 4-405.~~(C.)(2)~~, or must be designed to be water-tight with walls substantially impermeable to the passage of water below the FPE.
      (ii) The ~~building~~Building must be anchored to prevent flotation, collapse, or lateral movement.
      (iii) The ~~building~~Building must be constructed using structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
      (iv) All ~~flood~~Flood protection measures for commercial ~~building~~Buildings must be certified by a Colorado Registered Professional Engineer that the methods are adequate to withstand the ~~flood~~Flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the Base Flood. Such certification must also state the specific elevation (including vertical datum reference) to which the construction is protected from ~~flood~~Flooding.
      (v) For commercial ~~building~~Buildings designed to be watertight, the FEMA Floodproofing Certificate for Non-Residential ~~building~~Buildings should be completed, and must be reviewed and approved by the County Engineer.
   b. Accessory Buildings and Structures

(i) Accessory ~~building~~Buildings and ~~structure~~Structures, including but not limited to detached garages, sheds, barns, and any other ~~structure~~Structure considered accessory to the primary use or primary ~~building~~Building, must conform with 4-405.~~(~~C.~~)~~(2~~)~~ above, or may be constructed at grade but must meet the requirements of 4-405.~~(~~C.~~)~~(2.~~)~~(b~~)~~ above for fully-enclosed areas below the FPE, and are subject to the following conditions:

(A) The ~~building~~Building or ~~structure~~Structure must be used only for the parking of vehicles or storage of tools, materials, and equipment;

(B) The ~~building~~Building or ~~structure~~Structure must not be designed for or used as Habitable Space;

(C) The accessory ~~building~~Building or ~~structure~~Structure must represent a maximum investment of less than 10% of the value of the principal ~~building~~Building on the property, or a maximum ~~floor area~~Floor Area of 600 square feet;

(D) The ~~building~~Building or ~~structure~~Structure must have low ~~flood~~Flood damage potential with respect to both the ~~building~~Building and its contents; and

(E) Permanently affixed appliances (such as furnaces, heaters, washers, dryers, etc.) are prohibited.

(F) Prior to issuance of Certificate of Occupancy or final inspection, whichever occurs last, the property owner must execute a Non-Conversion Agreement and the ~~County~~county must record the agreement in the real estate records. The agreement will be in the form of a restrictive covenant or other ~~County~~county approved binding instrument, where the benefits of the covenant run in favor of the ~~County~~county. The covenant must be drafted to run with the land and bind successors, in perpetuity. The purpose of the covenant is to document the current owner's understanding of the limitations on construction and use of the enclosed area in accordance with the provisions of ~~this section~~ 4-405.~~(~~C.~~)~~(3.~~)~~(b~~)~~ (Accessory Buildings and Structures), and to put prospective purchasers on notice of such restrictions. The covenant will also reference retrofitting criteria necessary to properly convert accessory ~~building~~Buildings or ~~structure~~Structures to habitable space, should the owner choose to do so. In addition to any other enforcement mechanisms available, violation of the agreement will be considered a violation of this ~~Article~~ 4-400 and subject to all applicable zoning enforcement procedures.

(ii) Accessory ~~structure~~Structures that do not have at least two rigid walls, including but not limited to ~~carport~~Carports, gazebos, and picnic pavilions, may be constructed at grade and must use ~~flood~~Flood-resistant materials up to the FPE.

(iii) Accessory Dwelling Units (including detached garages designed with Habitable Space on the second floor) must meet the above requirements of 4-405.~~(~~C.~~)~~(2~~)~~ for residential ~~buildings~~ Buildings, which includes either

elevation of the entire building above the FPE, or wet floodproofing of the lower level garage space.

c. Agricultural Buildings and Structures. Agricultural ~~building~~Buildings and ~~structure~~Structures are those used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and ~~livestock~~Livestock. Buildings and ~~structure~~Structures used for human habitation and those that are places of employment or entertainment and ~~structure~~Structures with multiple or mixed purposes do not satisfy the "exclusive use" requirement and are not agricultural ~~building~~Buildings and ~~structure~~Structures. Types of ~~building~~Buildings and ~~structure~~Structures that qualify under this section include ~~farm~~Farm storage ~~structure~~Structures (used exclusively for the storage of ~~farm~~Farm machinery and equipment), silos, grain elevators, grain bins, corn cribs, and general purpose barns/loafing sheds.
   (i) The ~~building~~Building or ~~structure~~Structure must not be designed for or used as Habitable Space.
   (ii) Service equipment must be elevated to the FPE, unless elevation of such equipment impedes its agricultural use.
   (iii) Permanent agricultural ~~building~~Buildings or ~~structure~~Structures are prohibited in the Floodway.
   (iv) Temporary agricultural ~~building~~Buildings or ~~structure~~Structures are allowed in the Floodway, but are required to be relocated outside of the FO District or deconstructed in the event of a ~~flood~~Flood warning. If relocation outside of the FO District is not possible, then relocation to the Flood Fringe will be allowed, so long as the temporary ~~structure~~Structure is properly anchored.
   (v) Agricultural ~~building~~Buildings or ~~structure~~Structures that do not have at least two rigid walls and a fully secured roof, including but not limited to pens, pole barns, shade ~~structure~~Structures, and some ~~livestock~~Livestock shelters may be constructed at grade and must use ~~flood~~Flood-resistant materials up to the FPE.
   (vi) Agricultural ~~building~~Buildings or ~~structure~~Structures with at least two rigid walls and a fully secured roof must conform with 4-405.C.2, or must be designed to be water-tight with walls substantially impermeable to the passage of water below the FPE, unless an administrative variance is granted by the County Engineer to allow the ~~building~~Building or ~~structure~~Structure to be either elevated to the BFE, or wet-floodproofed at-grade in accordance with 4-405.C.2.b.
   (vii) Requests for an administrative variance described in (vi) above must be made in writing using an approved form and submitted with a complete Individual Floodplain Development Permit application. An administrative variance allowing an agricultural ~~building~~Building or ~~structure~~Structure to be wet-floodproofed may be granted if the following criteria are met:
      (A) The ~~building~~Building or ~~structure~~Structure meets all ~~flood~~Flood protection requirements of 4-405.B, 4-405.C.1, and 4-405.C.2.b;

(B) The ~~building~~Building or ~~structure~~Structure has low ~~flood~~Flood damage potential and cost of recovery with respect to construction materials, location within the ~~floodplain~~Floodplain, ~~flood~~Flood depths and velocities, potential for debris, ~~building~~Building contents, and function;

(C) The ~~building~~Building or ~~structure~~Structure does not increase risks and pose a danger to public health, safety, and welfare if ~~flood~~Flooded and contents are released, including but not limited to the effects of ~~flood~~Flooding on manure storage, ~~livestock~~Livestock confinement operations, liquified natural gas terminals, and production and storage of highly volatile, toxic, or water-reactive materials; and

(D) The variance would provide the minimum relief necessary to avoid exceptional hardship.

(viii) Prior to issuance of Certificate of Occupancy or final inspection, whichever occurs last, the property owner may be required to execute a Non-Conversion Agreement and the ~~County~~county must record the agreement in the real estate records. If required, the agreement will be in the form of a restrictive covenant or other ~~County~~county approved binding instrument, where the benefits of the covenant run in favor of the ~~County~~county. The covenant must be drafted to run with the land and bind successors, in perpetuity. The purpose of the covenant is to document the current owner's understanding of the limitations on construction and use of the ~~building~~Building in accordance with the provisions of ~~this section~~ 4-405.C.3.c (Agricultural Buildings and Structures), and to put prospective purchasers on notice of such restrictions. The covenant will also reference retrofitting criteria necessary to properly convert the ~~building~~Building to habitable space, should the owner choose to do so. In addition to any other enforcement mechanisms available, violation of the agreement will be considered a violation of ~~this Article~~ 4-400 and subject to all applicable zoning enforcement procedures.

D. **Critical Facilities**

1. New Critical Facilities are prohibited in the regulatory ~~floodplain~~Floodplain below 6,000 feet (NAVD88) in elevation.
2. In the mountain canyons above 6,000 feet (NAVD88), new Critical Facilities in the FO District will be considered on a case-by-case basis, and may require special design or ~~flood~~Flood protection considerations, including considerations of hydrodynamic ~~flood~~Flood forces and ~~flood~~Flood-induced erosion.
3. Improvements to existing Critical Facilities that are determined to be Substantial Improvements require that the entire ~~facility~~Facility (including attendant utility and sanitary facilities) be elevated to the Boulder County FPE or, if not prohibited elsewhere in this Code, be retrofitted such that the ~~building~~Building is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads, including the effects of buoyancy

E. **Manufactured Homes**

1. General Requirements. All ~~manufactured home~~Manufactured Homes must be installed using methods and practices which minimize ~~flood~~Flood damage. All requirements below are in addition to applicable state and local requirements, including those to address wind loads.
2. For ~~manufactured home~~Manufactured Homes to be newly placed or substantially improved on sites in a new ~~manufactured home park~~Manufactured Home Park, an existing park, or outside a ~~manufactured home park~~Manufactured Home Park:
   a. Stands or lots must be elevated on compacted ~~filt~~Fill or on pilings so that the ~~lowest floor~~Lowest Floor of the ~~manufactured home~~ Manufactured Home will be at or above the FPE. For homes placed on pilings:
      (i) lots must be large enough to permit steps;
      (ii) piling foundations must be placed in a stable soil no more than ten feet apart; and
      (iii) reinforcements must be provided for pilings more than six feet above the ground level.
   b. Adequate surface drainage must be provided.
   c. Manufactured Homes~~homes~~ and additions to ~~manufactured home~~Manufactured Homes must be anchored to resist flotation, collapse, or lateral movement. The foundation system must be certified by a P.E. registered in the State of Colorado to withstand the anticipated forces of the 1%-annual-chance (100-year) ~~flood~~Flood or use over-the-top and frame ties to ground anchors that meet the following requirements:
      (i) over-the-top ties at each of the four corners, with two additional ties per side at intermediate locations, with the exception of ~~manufactured home~~Manufactured Homes less than 50 feet long which require only one additional tie per side;
      (ii) frame ties at each corner with five additional ties per side at intermediate points, with the exception of ~~manufactured home~~Manufactured Homes less than 50 feet long which require only four additional ties per side; and
      (iii) all components of a ~~manufactured home~~ Manufactured Home anchoring system must be capable of carrying a force of 4800 pounds.
   d. All mechanical equipment and outside appliances must be elevated to or above the FPE.
   e. Fully enclosed areas below the ~~lowest floor~~Lowest Floor of the ~~manufactured home~~ Manufactured Home must comply with 4-405.C.2.b.

F. **Recreational Vehicles**
1. At least one of the following provisions must be met:
   a. The ~~recreational vehicle~~Recreational Vehicle must be on the site for fewer than 90 consecutive days;
   b. The ~~recreational vehicle~~Recreational Vehicle must be fully licensed and ready for highway use; or
   c. The ~~recreational vehicle~~Recreational Vehicle must meet the permit requirements and elevation and anchoring requirements for ~~manufactured~~

~~home~~Manufactured Homes, in accordance with ~~Section~~ 4-405.~~(E) of this section~~.

G. **Onsite Wastewater Treatment Systems**

1. For the purposes of this section, "New OWTS" is the first OWTS installed on a ~~parcel~~Parcel.
2. The location of new and replacement OWTS must be done in such a manner as to avoid impairment to or contamination from the systems during ~~flood~~Flooding.
   a. Placement of a new OWTS in the Floodway is prohibited. Placement of a new OWTS in the Flood Fringe or other Zone AE, A, AO, or AH areas is also prohibited, unless the County Engineer determines that placement in the Flood Fringe cannot be avoided, in which case priority must be given to those locations on the subject property where ~~flood~~Flood depths and/or velocities are the lowest, and to the optimal location of the water supply.
3. New OWTS
   a. All Tanks, including Septic Tanks, for new OWTS in the FO District must be made of concrete.
   b. Tanks must be adequately anchored to protect against buoyant forces associated with ~~flood~~Flooding and high groundwater, which is typical during ~~flood~~Flood conditions.
      (i) Tanks that are installed within the Boulder County or FEMA 500-year ~~floodplain~~Floodplain should be anchored to protect against uplift from high groundwater.
      (ii) Boulder County requires that the FEMA-recommended calculation for determining buoyant forces (contained in FEMA P-348, or the latest FEMA guidance document covering ~~building~~Building utilities) be used to adequately design buoyancy countermeasures. The equation is as follows:

      ~~4- 4- 4-~~Fb = 0.134Vt gFS
      ~~4- 4- 4-~~Where:~~4-~~ Fb is the buoyancy force exerted on the tank, in pounds.
      ~~4- 4- 4- 4-~~Vt is the volume of the tank in gallons.
      ~~4- 4- 4- 4-~~0.134 is a factor to convert gallons to cubic feet.
      ~~4- 4- 4- 4-~~g is the specific weight of ~~flood~~Flood water surrounding the tank (generally 62.4 lb/ft3 for fresh water and 64.1 lb/ft3 for salt water.)
      ~~4- 4- 4- 4-~~FS is a factor of safety to be applied to the computation, typically 1.3 for tanks.

   c. Inspection Ports and access covers must be sealed to prevent the entry of floodwaters or the exit of septic effluent.
   d. Raised Soil Treatment Areas are required,~~.~~ and must be designed such that the base of the distribution layer is a minimum of ~~2~~ two feet above existing grade.
   e. Connections to the house must be fitted with backflow prevention, unless it is demonstrated in the permit application that the connection pipe rises above the calculated FPE for the site.

f. With the exception of the Soil Treatment Area, earthwork necessary for system installation must not exceed pre-construction grade.
g. While not required, backup generators are recommended for any system fitted with electric pumps or controls.

4. Repair/Replacement OWTS
   a. For any OWTS or OWTS component in the Flood Fringe that requires replacement, the system or component must meet the requirements of 4-405.G.3.
   b. In addition to the requirements of 4-405.G.4.a, for any repair or replacement of an existing OWTS or OWTS component in the Floodway the County Engineer must determine that the proposed repair/replacement is consistent with ~~Subsections~~ (i) through (iii), below.
      (i) The property owner has demonstrated that connection to a central sewer system is not feasible by:
         (A) Providing a letter of denial from the closest sewer provider; or
         (B) Demonstrating other reasons why connection is not feasible, such as that there is no central sewer system reasonably close to the property or ~~building~~Building to be served, or that ~~easement~~Easement restrictions exist that effectively prohibit connection. For properties within a Community Service Area, connection will be deemed not feasible if the cost of connection exceeds 25% of the most recent assessed value of the subject property.
      (ii) The proposed repair or replacement design must be protective of groundwater and appropriate for a Floodway. In making a proposal to the County Engineer, the ~~applicant~~Applicant must address the following factors, among other pertinent information:
         (A) Whether it is practical to remove outbuildings or non-conforming additions to allow for increased soil availability so that the proposed repair or replacement can be located outside of the Floodway;
         (B) Whether there is room for an at- or below grade recirculating sand filter, or similar treatment media, and the required absorption area; and
         (C) Whether placement in the hydraulic shadow of a legal, existing ~~structure~~Structure is possible.
      (iii) In no event must a proposed repair or replacement increase the overall capacity of the existing OWTS, unless the expansion is necessary to meet the Boulder County OWTS Regulations, as administered by Boulder County Public Health. In addition, the County Engineer may approve a raised absorption system or installation of a vault only as a last option within the Floodway and provided that this option meets the provisions of ~~Article~~ 4-413 (Nonconforming Uses).

H. Liquid Propane Gas (LPG) or Other Similar Storage Tanks

1. Placement of a new or replacement LPG or other similar storage tanks in the FO District is prohibited, unless the County Engineer determines that placement in the FO District cannot be avoided, in which case location decisions must prioritize

those portions of the subject property where ~~flood~~Flood depths and/or velocities are the lowest, including, but not limited to the conveyance shadows of existing ~~building~~Buildings.

2. When allowed, above-ground tanks must be placed on a concrete pad that extends to or above the FPE and is sufficiently ~~-~~anchored. If elevation of the tank conflicts with IBC requirements, the IBC requirements must prevail; however, in all cases, sufficient protection must be provided to the tank such that it resists the expected hydrostatic and hydrodynamic ~~flood~~Flood forces.
3. When allowed, underground tanks must be designed and installed to resist the effects of buoyancy during high groundwater or ~~flood~~Flooding conditions. Buoyancy calculations must assume an empty tank and must use the same calculation outlined for Septic Tanks in 4-405.~~(G.)(3)~~ above. Anchoring of the tank is required if the empty tank alone will not counteract the calculated buoyant force.
4. All connections and components related to the tank or fuel system must be designed such that floodwaters cannot infiltrate or accumulate within any component of the system.
    a. Inspection Ports and access covers must be sealed to prevent the entry of floodwaters or the exit of tank contents, or must extend above the FPE.
    b. Tanks located inside of a ~~building~~Building must also meet all of the requirements of this section.

I. **Historic Buildings and Structures Exempt.** The repair or rehabilitation of ~~building~~Buildings or other ~~structure~~Structures designated as historic through either the Boulder County Historic Landmark process or through a State of Colorado or national historical registry process is exempt from Flood Protection Requirements under ~~Section~~ 4-405. Entitlement to such an exemption requires the ~~applicant~~Applicant to show:

1. Documentation that the ~~building~~Building or ~~structure~~Structure is designated as a historic ~~building~~Building or ~~structure~~Structure as defined by ~~Article~~ 18-203; and
2. Documentation that confirms that the proposed work will not preclude the ~~structure~~Structure's continued historic designation.

J. Elevation Certificate Requirements

1. As built Lowest Floor Elevations (referenced to the NAVD88 datum) for all New Floodplain Construction, Substantial Improvements, other improvements involving new ~~floor area~~Floor Area, and new ~~manufactured home~~ Manufactured Home stands must be certified by a Colorado Registered Professional Engineer or Colorado Registered Professional Land Surveyor. For construction of new accessory ~~structure~~Structures built at grade in accordance with 4-405.C.2.b and lateral additions to ~~building~~Buildings that are not Substantial Improvements, as-built Lowest Floor elevations may be submitted in a certified letter and must be submitted prior to the issuance of a Certificate of Occupancy or final inspection. For all other projects, including new and Substantially Improved permanent ~~building~~Buildings with elevated Lowest Floors, FEMA Elevation Certificates are required. FEMA Elevation Certificates must be submitted to the Building Division Inspector and County Engineer twice over the duration of the project. Failure to submit an Elevation Certificate will result in a Stop Work Order until proper

certification is provided. To ensure compliance with ~~flood~~Flood protection requirements during and after construction, completed Elevation Certificates must be submitted at the following times:

a. For slab-on-grade foundations, a FEMA Elevation Certificate must be submitted prior to final pour of foundation when foundation forms are completed.
b. For ~~building~~Buildings on elevated foundations, such as extended foundation walls, stem walls, or piles, a FEMA Elevation Certificate must be submitted prior to rough framing when the foundation is completed.
c. A final FEMA Elevation Certificate must be submitted prior to the issuance of Certificate of Occupancy or final inspection.

2. To convert another elevation reference datum to NAVD88, ~~applicant~~Applicants are directed to datum conversion factors within the current effective FEMA FIS report for Boulder County, or to an online datum conversion program. Assumptions used for the datum conversion must be explicitly described to Boulder County on all required Elevation Certificates and certified elevation letters. For datum requirements for permit submittals, see 4-404.2.B.

4-406 County Engineer's Determination

A. If the County Engineer finds in reviewing an Individual FDP application that the application meets the applicable standards set forth in ~~Article~~ 4-400, the County Engineer must approve the permit.
B. If the County Engineer finds that the application can only meet all applicable standards if the FDP approval is conditioned, then the County Engineer must include all necessary and reasonable conditions when issuing the permit. Such conditions may include, but are not limited to, periods of operation, operational controls, sureties, ~~deed~~Deed restriction, and adequate ~~flood~~Flood protection. The County Engineer must specify when the conditions must be met.
C. If the County Engineer finds that the application does not meet one or more applicable standards and that a reasonable basis for mitigation measures has not been demonstrated, the County Engineer must deny the application as proposed. The County Engineer's determination must specify the reasons for the denial based upon the FDP review criteria in ~~Section~~ 4-404.2.~~(~~D~~)~~.
D. Any determination by the County Engineer to approve, conditionally approve, or deny an FDP must be in writing and mailed or otherwise provided to the ~~applicant~~Applicant.
E. For purposes of appeal to the Board of Adjustment, the County Engineer's determination will be deemed final as of the date the FDP is issued. The ~~applicant~~Applicant may begin work under an issued permit as of the date the permit is issued. If an ~~applicant~~Applicant begins work during the 30-day appeal period to Board of Adjustment, the ~~applicant~~Applicant does so at their own risk, as some or all of the work may need to be modified or removed at the ~~applicant~~Applicant's expense if the Board of Adjustment overturns the County Engineer's decision to issue the permit.

4-407 Review of Permits Approved in Floodway

A. In the event that the County Engineer determines that an Individual FDP application for any development in the Floodway meets the applicable standards for approval, within five business days of permit issuance the County Engineer must publish a notice of the proposed use and the permit issuance on the ~~County~~county's website and ~~transmit~~Transmit a copy of the notice to property owners ~~adjacent~~Adjacent to the subject property as well as a description of the process for appealing the decision to the Board of Adjustment.

B. The County Engineer may waive or modify any requirement in 4-407.~~(A)~~ for the following Floodway development:
   1. Emergency activities required for the immediate protection of life, safety, or property, or to restore essential public services~~,~~;
   2. Minor disaster recovery repair work that does not cause a rise in predicted 100-year ~~water surface elevation~~Water Surface Elevation as determined by a qualified engineer licensed in Colorado~~,~~; and
   3. Any development activities that take place entirely inside an existing ~~building~~Building.

4-408 Appeal of County Engineer Determination

A. **Right to Appeal.** Any ~~person~~Person aggrieved by a final written decision of the County Engineer based upon or made in the course of the administration or enforcement of the provisions of ~~this Article~~ 4-400 may appeal to the Board of Adjustment.

B. **Appeal Application.** The procedures and requirements for filing an appeal may be found in Article 3 and in particular ~~section~~ 3-202.~~(A.)(1)~~.

C. **Public Hearing.** Upon receipt of a complete appeal application, the Board of Adjustment must hold a public hearing on the appeal application following the procedures specified in ~~section~~ 3-205.~~(A)~~.

D. **Review Criteria.** In deciding upon an appeal of a County Engineer administrative decision or interpretation made under ~~this Article~~ 4-400, the Board of Adjustment must consider the factors specified in ~~Section~~ 4-1200~~(A.)(1)~~ as well as the additional factors listed below:
   1. the technical meaning of the provision being appealed;
   2. evidence as to the past interpretation of the provision;
   3. the principles of interpretation and rules of construction in Article 1 of this Code;
   4. the effect of the interpretation on the intent of this Code and the implementation of the Comprehensive Plan and any applicable intergovernmental agreement affecting land use or development, and any ~~floodplain~~Floodplain management program for the subject area;
   5. the danger that materials may be swept onto other lands to the injury of others;
   6. the danger to life and property due to ~~flood~~Flooding or erosion damage;
   7. the susceptibility of the proposed ~~facility~~Facility and its contents to ~~flood~~Flood damage and the effect of such damage on the individual owners;

8. the importance of the services provided by the proposed ~~facility~~Facility to the community;
9. the necessity to the use or ~~structure~~Structure of a waterfront location, where applicable;
10. the availability of alternative locations for the proposed use or ~~structure~~Structure which are not subject to ~~flood~~Flooding or erosion damage;
11. the compatibility of the proposed use or ~~structure~~Structure with the existing and anticipated development;
12. the safety of access to the property in times of ~~flood~~Flood for ordinary and emergency vehicles;
13. the expected heights, velocity, duration, rate of rise and sediment transport of the ~~flood~~Flood waters and the effects of wave action, if applicable, expected at the site;
14. the costs of providing governmental services during and after ~~flood~~Flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges; and
15. the purposes of ~~this Article~~ 4-400.

E. **Decision of the Board.** The Board of Adjustment must make a record of its decision on the appeal in the same manner as other BOA appeals filed under ~~Article~~ 4-1200. The County Engineer must maintain records of the outcome of all appeals filed.

F. **Effect of Decision~~.~~**
   1. In no instance can a decision on an appeal to the Board of Adjustment result in a modification to the DFIRM. In order to modify the regulatory boundaries established by FEMA, interested parties must use FEMA's LOMC process or consult FEMA on other options for modification.
   2. In no instance can a decision on an appeal to the Board of Adjustment result in a modification to the lateral extent of the Boulder County Floodplain. In order to modify the regulatory boundaries established by the ~~County~~county, the owner must request a rezoning map amendment under the procedures of 4-1100.

4-409 Variances

A. **Right to Request Variance.** Any ~~person~~Person may request the Board of Adjustment grant a variance from the requirements in ~~this Article~~ 4-400 subject to the terms and conditions in ~~this section~~ 4-409.

B. **Variance Application.** The procedures and requirements for filing a request for a variance may be found in Article 3 and in particular ~~section~~ 3-202.~~(~~A.~~)~~(19~~)~~.

C. **Public Hearing.** Upon receipt of a complete variance application, the Board of Adjustment must hold a public hearing on the request following the procedures specified in ~~section~~ 3-205.~~(~~A~~)~~.

D. **Limitation on Board's Authority~~.~~**
   1. In deciding upon a variance request made under ~~this Article~~ 4-400, the Board of Adjustment must comply with the limitations on its authority specified in ~~section~~ 4-1202.~~(~~B.~~)~~(1~~)~~.
   2. Variances may be issued for New Floodplain Construction of, and Substantial Improvements to, residential ~~building~~Buildings on a lot of one-half acre or less in

size ~~contiguous~~ Contiguous to and surrounded by lots with existing ~~building~~Buildings constructed below the FPE, but only if the criteria in ~~section~~ 4-409.~~(~~E~~)~~ below are met and subject to the following:

a. a variance may not be issued within any designated Floodway.
b. For variances that allow construction of a ~~building~~Building's Lowest Floor below the FPE, the ~~County~~county must notify the ~~applicant~~Applicant in writing that the cost of ~~flood~~Flood insurance will be commensurate with the increased risk associated with the reduced Lowest Floor Elevation.

E. **Review Criteria~~.~~**

1. To grant a variance of a requirement imposed under ~~this Article~~ 4-400, the Board must find that all of the following criteria have been satisfied:
   a. the strict application of this Code would create an exceptional or undue hardship upon the property owner;
   b. the hardship is not self-imposed;
   c. the variance, if granted, will not adversely affect the use of ~~adjacent~~Adjacent property as permitted under this Code;
   d. the variance, if granted, will not change the character of the underlying zoning district in which the property is located, and is in keeping with the intent of this Code and the Boulder County Comprehensive Plan;
   e. the variance, if granted, does not adversely affect the health, safety, and welfare of the citizens of Boulder County and is in accordance with the Comprehensive Plan and any applicable intergovernmental agreement affecting land use or development;
   f. the variance is the minimum necessary, considering the ~~flood~~Flood hazard, to afford relief;
   g. the variance, if granted, will not result in increased ~~flood~~Flood heights, additional threats to public safety, or extraordinary public expenses; and
   h. the variance, if granted, will not create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
2. Prior to granting a variance of a requirement imposed under ~~this Article~~ 4-400, the Board must also consider the following factors:
   a. the technical meaning of the provision being appealed;
   b. evidence as to the past interpretation of the provision;
   c. the principles of interpretation and rules of construction in Article 1 of this Code;
   d. the effect of the interpretation on the intent of this Code and the implementation of the Comprehensive Plan and any applicable intergovernmental agreement affecting land use or development, and any ~~floodplain~~Floodplain management program for the subject area;
   e. the danger that materials may be swept onto other lands to the injury of others;
   f. the danger to life and property due to ~~flood~~Flooding or erosion damage;
   g. the susceptibility of the proposed ~~facility~~Facility and its contents to ~~flood~~Flood damage and the effect of such damage on the individual owners;
   h. the importance of the services provided by the proposed ~~facility~~Facility to the community;

i. the necessity to the use or ~~structure~~Structure of a waterfront location, where applicable;
j. the availability of alternative locations for the proposed use or ~~structure~~Structure which are not subject to ~~flood~~Flooding or erosion damage;
k. the compatibility of the proposed use or ~~structure~~Structure with the existing and anticipated development;
l. the safety of access to the property in times of ~~flood~~Flood for ordinary and emergency vehicles;
m. the expected heights, velocity, duration, rate of rise and sediment transport of the ~~flood~~Flood waters and the effects of wave action, if applicable, expected at the site;
n. the costs of providing governmental services during and after ~~flood~~Flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges; and
o. the purposes of ~~this Article~~ 4-400.

F. **Decision of the Board.** The Board must approve, conditionally approve, or deny the variance request. The Board may attach such reasonable conditions to the granting of variances as it deems necessary to further the purposes of ~~this Article~~ 4-400. The Board must make a record of its decision on the variance in the same manner as other BOA requests for variances filed under ~~Article~~ 4-1200. The County Engineer must report variances granted on an annual basis to FEMA.

G. **Conflicts with 4-1200.** If a conflict arises between the requirements of this Section and the provisions of ~~Section~~ 4-1200, Board of Adjustment, the requirements of this Section control.

4-110 Final Inspection

All approved Individual FDPs are subject to final inspection by the County Engineer or designee to verify that all conditions of approval have been satisfied.

4-411 Permit Expiration

An approved Individual FDP expires two years after the date of issuance if the permittee has not commenced construction under the permit.

4-412 Amendments to an Approved Individual FDP

Any proposal to change the nature or extent of work approved under an issued Individual FDP approved under this Article must require a request to the County Engineer to determine whether the proposed change constitutes a Substantial Modification to the approved plan. If the County Engineer determines that the change constitutes a Substantial Modification, no such change must be allowed to proceed until an application to amend the approved Individual FDP is filed with the County Engineer and approval granted in accordance with this Article. Any new application is subject to the Code in effect at the time of complete application. The ~~applicant~~Applicant or its successor may appeal the County Engineer's decision to require an amended Individual FDP to the Board of Adjustment, provided that any such appeal must be in writing and must be filed with the

County Engineer no later than 30 days following the date of the County Engineer's decision to require an FDP amendment.

4-413 Nonconforming Structures and Uses in the FO District

A. **Principles of Construction.** This Section is to be read in conjunction with ~~Section~~ 4-1000 (Nonconforming Structures and Uses). This section does not supersede 4-1000 in its entirety; rather, it establishes additional requirements for nonconforming ~~structure~~Structures and uses located in the FO District. If a conflict arises between the requirements of ~~this Section~~ 4-413 and the provisions of ~~Section~~ 4-1000, the requirements of ~~this Section~~ 4-413 control.

B. **Nonconforming Structures, Generally~~.~~**
   1. Any ~~building~~Building or ~~structure~~Structure within the FO District that was lawfully established before the adoption or amendment of this ~~Article~~ 4-400 but that does not conform to the requirements of this Article may be continued subject to the provisions of ~~this Section~~ 4-413 and ~~Section~~ 4-1002.
   2. Owners of existing nonconforming insurable ~~building~~Buildings must track major repairs, remodeling, additions, and other improvements to determine when such work would constitute a Substantial Improvement. FEMA's minimum requirements for the tracking of improvements and repairs within the Substantial Improvement/ Substantial Damage Desk Reference (FEMA P-758), dated May 2010, as amended, is incorporated herein by this reference. Estimates for repair of damage that include additional improvement costs must apply the pre-damaged ~~market value~~Market Value of the ~~building~~Building to the sum of the repair and improvement costs.
   3. If an amendment to the Official Map or this Article results in a higher BFE/FPE such that a ~~building~~Building becomes nonconforming, the higher BFE/FPE will apply to all subsequent permit applications. All work proposed subsequent to the higher BFE must be evaluated to confirm whether it will be a Substantial Improvement.

C. Nonconforming Structures in the Flood Fringe.
   1. A nonconforming ~~building~~Building or ~~structure~~Structure (whether residential or non-residential) in the Flood Fringe may not be expanded, improved, repaired, relocated, restored, or replaced unless the work complies with this section.
   2. Where an owner of a nonconforming ~~building~~Building or ~~structure~~Structure (whether residential or non-residential) in the Flood Fringe proposes a Substantial Improvement or repair of Substantial Damage, the owner shall complete the following steps in the following order:
      a. Relocation Evaluation. The owner must first evaluate the feasibility of relocating the nonconforming ~~building~~Building or ~~structure~~Structure to a less hazardous location on the property.
         (i) Any relocation must be reviewed and approved by the County Engineer to ensure it reduces the risks associated with future ~~flood~~Flood events and other known natural hazard areas.
         (ii) Relocation is subject to other provisions of this Code, including without limitation ~~setback~~Setback and zoning requirements.

(iii) Relocation to less hazardous locations is strongly encouraged~~,~~ but not required.

(iv) If a nonconforming ~~building~~Building or ~~structure~~Structure is relocated to a less hazardous location, the retrofitting requirements below may be reduced or eliminated at the discretion of the County Engineer.

b. Retrofitting Existing Buildings~~.~~

(i) The entire ~~building~~Building or ~~structure~~Structure must be brought into compliance with the ~~flood~~Flood protection measures described in ~~section~~ 4-405.

(ii) All Flood Fringe retrofitting techniques will require the certification of a P.E. that demonstrates the technique and associated components will withstand the loads associated with a 1%-annual chance ~~flood~~Flood event. Non-residential ~~building~~Buildings require completion of a Floodproofing Certificate in accordance with 4-405.~~(~~C.~~)~~(3.~~)~~(a.~~)~~(v).

3. Work on a nonconforming ~~building~~Building or ~~structure~~Structure (whether residential or non-residential) in the Flood Fringe that is not a Substantial Improvement or repair of Substantial Damage must comply with the ~~flood~~Flood protection measures described in ~~section~~ 4-405 and all other applicable requirements of this Article.

D. **Nonconforming Structures in the Floodway.** A nonconforming ~~building~~Building or ~~structure~~Structure (whether residential or non-residential) in the Floodway may be improved or repaired only if it complies with all of the following:

1. A nonconforming ~~building~~Building or ~~structure~~Structure (whether residential or non-residential) in the Floodway may not be expanded by addition of square footage, footprint, or Habitable Space.
2. If the work to improve or repair a nonconforming ~~building~~Building in the Floodway is the result of Substantial Damage to the ~~building~~Building through a ~~flood~~Flood or other natural hazard event, the ~~applicant~~Applicant will have five years from the date of loss to begin the work. At the expiration of the five-year period, the ~~applicant~~Applicant may petition the County Engineer for a single one-year extension.
3. Where an owner of a nonconforming ~~building~~Building or ~~structure~~Structure (whether residential or non-residential) in the Floodway proposes a Substantial Improvement or repair of Substantial Damage, the owner shall complete the following steps in the following order:
   a. Relocation Evaluation. The owner must first evaluate the feasibility of relocating the nonconforming ~~building~~Building or ~~structure~~Structure to a less hazardous location on the property.
      (i) Any relocation must be reviewed and approved by the County Engineer to ensure it reduces the risks associated with future ~~flood~~Flood events and other known natural hazard areas.
      (ii) Relocation is subject to other provisions of this Code, including without limitation ~~setback~~Setback and zoning requirements.

(iii) Permanent removal of encroachments in the FEMA or Boulder County Floodway may qualify the owner for bonus Transferable Development Credits pursuant to ~~section~~ 4-1303.

(iv) Relocation to less hazardous locations is strongly encouraged~~,~~ but not required.

(v) If a nonconforming ~~building~~Building or ~~structure~~Structure is relocated to a less hazardous location, the retrofitting requirements below may be reduced or eliminated at the discretion of the County Engineer.

b. Retrofitting Existing Buildings~~:~~

(i) In addition to requiring conformance with the ~~flood~~Flood protection measures in ~~section~~ 4-405, the County Engineer shall require one or more of the following retrofitting techniques to protect the entire residential ~~building~~Building or ~~structure~~Structure from ~~flood~~Flood inundation as well as scour and erosion, debris impact, and other potential hazards associated with floodways:

(A) Elevation using Posts, Columns, or Piles

(1) Posts or columns must be placed in drilled or excavated holes or piles must be driven into the ground.

(2) Posts or columns must be encased in concrete and include a footer.

(3) Posts, columns, and piles must be sufficiently anchored to resist the expected hydrodynamic and hydrostatic ~~flood~~Flood forces.

(4) Access may be allowed to extend below the FPE.

(B) Elevation using stem walls parallel to the direction of flow

(1) Water must be allowed to flow freely at high velocities between stem walls.

(2) Footers must be designed and installed to account for potential scour associated with ~~flood~~Flooding.

(3) Other techniques proposed by the ~~applicant~~Applicant as determined by the County Engineer on a case-by-case basis.

(ii) In all cases, the bottom of lowest horizontal structural member (floor joists) as well as all service equipment must be above the FPE.

(iii) In all cases, a continuous load path from the retrofitted foundation to the elevated portion of the home is required.

(iv) For non-residential ~~building~~Buildings, the ~~applicant~~Applicant must first consider the retrofit requirements for residential ~~building~~Buildings in this Subsection, but at a minimum, the requirements of 4-405.C~~.~~ apply.

(v) All Floodway retrofitting techniques will require the certification of a P.E. that demonstrates the technique and associated components will withstand the loads associated with a 1%-annual-chance ~~flood~~Flood event. In addition to the Elevation Certificate requirements of 4-405.J~~.~~, residential ~~building~~Building retrofit projects require completion of the Boulder County Residential Floodway Retrofit Certificate. Non-residential ~~building~~Buildings require completion of a Floodproofing Certificate in accordance with 4-405.C.3.a.(v).

4. Work on a nonconforming ~~building~~Building or ~~structure~~Structure (whether residential or non-residential) in the Floodway that is not a Substantial Improvement or repair of Substantial Damage must comply with the ~~flood~~Flood protection measures described in ~~section~~ 4-405 and all other applicable requirements of ~~4-~~400~~this Article~~.

E. Nonconforming Uses~~.~~

1. The use of any ~~structure~~Structure or property within the FO District that was lawfully established before the adoption or amendment of ~~this Article~~ 4-400, but that does not conform to the requirements of this Article may be continued subject to the provisions of ~~this Section~~ 4-413 and ~~Section~~ 4-1003.
2. A change in use (as uses are defined in ~~Article~~ 4-500) of a ~~structure~~Structure will require that the entire ~~structure~~Structure be ~~flood~~Flood-protected pursuant to ~~Section~~ 4-405; provided, however, that the County Engineer may modify or waive ~~flood~~Flood protection requirements for a change in use based on good cause shown by the ~~applicant~~Applicant that all of the following conditions are met:
   a. The entirety of the existing ~~structure~~Structure is located outside of the Floodway;
   b. The existing ~~structure~~Structure is determined to be structurally sound by a qualified engineer licensed in Colorado;
   c. The value of any work associated with the change of use is less than 50% of the current value of the ~~structure~~Structure;
   d. The proposed change in use is to a use that is permitted in the zone district applicable to the property;
   e. The proposed change in use is to a use that reduces, minimizes, or otherwise creates a less intensive use or decreases human occupation; and
   f. There is no other potential for any significant conflict with ~~this Article~~ 4-400.

4-414 Definitions

Accessory Building or Structure. A ~~building~~Building or ~~structure~~Structure which is on the same ~~parcel~~Parcel of property as a principal or primary ~~building~~Building and the use of which is incidental to the use of the principal or primary ~~building~~Building. Examples include, but are not limited to, detached garages (but not~~NOT~~ ADUs), storage sheds, barns, boathouses, and pavilions.

Alteration of a Watercourse. Through man-made work, changing the bankfull channel such that the post-project location, orientation, or flow direction of said channel extends three or more bankfull channel widths from the preproject channel location, or outside of the pre-project regulatory ~~floodplain~~Floodplain.

Article 4-400 (or "4-400"). Sections 4-400 through 4-416 of the Boulder County Land Use Code.

Basement. Any area of a ~~building~~Building having a floor subgrade on all sides, where the floor is greater than four feet below the top of the foundation walls or greater than ~~2~~ two feet below the Lowest Adjacent Grade.

Below-Grade Crawlspace. The interior space between the elevated finished floor of a ~~building~~Building and the finished interior grade, where the finished grade is no greater than ~~4~~ four feet below the top of the foundation walls and no greater than ~~2~~ two feet below the Lowest Adjacent Grade.

Crawlspace. The interior space between the elevated finished floor of a ~~building~~Building and the interior finished grade.

Critical Facilities. A ~~structure~~Structure or related infrastructure, but not the land on which it is situated, as specified in CWCB's Rules and Regulations for Regulatory Floodplains in Colorado at 2 CCR 408-1:6, that if ~~flood~~Flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a ~~flood~~Flood.

Flood Fringe. The portions of the Floodplain Overlay District that are not in the Floodway.

Floodway. Those portions of the FO District including the channel of a river or other Watercourse and the adjacent land areas that must be reserved in order to discharge the 1% annual-chance (100- year) Flood without cumulatively increasing the Water Surface Elevation more than a designated height (also called 'surcharge' and described in 4-404.2.E.3.

Habitable Space. An enclosed area having more than 20 linear feet of finished interior walls (paneling, etc.) or used for any purpose other than solely for parking of vehicles, ~~building~~Building access or storage.

~~**Flood Fringe.** The portions of the Floodplain Overlay District that are not in the Floodway.~~

~~**Floodway.** Those portions of the FO District including the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 1% annual-chance (100- year) flood without cumulatively increasing the water surface elevation more than a designated height (also called 'surcharge' and described in Section 4-404.2.E.3~~

Letter of Final Determination. A letter FEMA sends to the Chief Executive Officer of a community stating that a new or updated FIRM or DFIRM will become effective in 6 months. The letter also notifies each affected ~~flood~~Flood-prone community participating in the NFIP that it must adopt a compliant ~~floodplain~~Floodplain management ordinance by the map effective date to remain participants in good standing in the NFIP.

Letter of Map Amendment ("LOMA"). FEMA term meaning an amendment to the currently effective FEMA map, issued only by FEMA, which establishes that a property is not located in a Special Flood Hazard Area.

Letter of Map Revision ("LOMR"). FEMA term meaning an official amendment to the currently effective FEMA map, issued by FEMA, which changes ~~flood~~Flood zones, delineations and elevations.

Lowest Adjacent Grade. The lowest point of the ground level immediately next to a ~~building~~Building.

Permanent. Any change or alteration expected to remain for a substantial period of time, but at a minimum will remain after permitted work is complete.

Soil Treatment Area. See Boulder County OWTS Regulations (April 2015), as amended.

4-415 Interpretation

A. Certain terms used in ~~this Article~~ 4-400 are derived from FEMA and/or CWCB regulations. The federal and state definitions of these terms may not correspond precisely to county definitions of the same or similar terms as used elsewhere in this Code and related local regulations such as the Building Code. To the extent a term is not defined in ~~this Article~~ 4-400, and a conflict or inconsistency in the meaning of the term cannot be resolved by the principles listed in ~~sections~~ 1-900 and 1-1000, the County Engineer must determine the meaning of the term by examining the following sources in the following order of priority:
   1. The meaning of the term as defined in ~~Article~~ 4-400.
   2. The meaning of the term as defined in Article 18 of this Code.
   3. The meaning of the term as defined by FEMA. See 44 C.F.R. § 59.1, as amended.
   4. The meaning of the term as defined by CWCB. See 2 C.C.R. 408-1:4, as amended.
   5. The meaning of the term as defined elsewhere in this Code, or in another adopted Boulder County publication such as the Multimodal Transportation Standards, the Storm Drainage Criteria Manual, or the ~~Stormwater~~Stormwater Quality Management Permit Requirements.
   6. The meaning of the term as defined in any other official document deemed a reliable source of authority given the context.

4-416 Enforcement

Upon receiving a complaint that a violation of the requirements of ~~this Article~~ 4-400 has occurred, the County Engineer is authorized to enforce compliance with these ~~floodplain~~Floodplain regulations in the same manner as other violations of the Land Use Code are enforced, as detailed in Article 17.

Use Tables

4-500 Use Regulations

A. Unless otherwise indicated, all uses require a ~~building lot~~Building Lot.
B. Additional information regarding process requirements is available within 4-100, Zoning District Regulations, and 4-802, Applicability and Scope of the Site Plan Review Process for Development. Additional processes may depend on the extent of development and intensity of use, including but not limited to location in the Floodplain Overlay District.

4-501 Agri-Business Uses

A. Agricultural Products Processing and Storage

1. Definition: The processing and storage of ~~agricultural products~~Agricultural Products brought to the site, including but not limited to cleaning, sorting, ~~grading~~Grading, packaging milling, or storing of products which are intended for direct human or animal consumption or use.
2. Districts Permitted: By right in LI and GI; by ~~s~~Special ~~r~~Review in A.
3. Parking Requirements: One space per 500 square feet of floor or storage area.
4. Loading Requirements: One loading space for 10,000 or more square feet of floor or storage area.
    a. Additional Provisions: None.

B. Commercial Feed Yard
1. Definition: A place of confinement (whether by ~~structure~~Structures, fences, pens, corals, or other enclosures) for cattle, swine, sheep, poultry, fur bearing animals, or other ~~livestock~~Livestock, where the density of ~~animal unit~~Animal Units on the ~~parcel~~Parcel exceeds that allowed in the zoning district within which the use is located. The primary purpose of such confinement is to provide for the ultimate sale of products from such animals or the animals themselves. Educational agricultural projects are excepted from this use.
2. Districts Permitted: By Special Review in A.
3. Parking Requirements: To be determined through the Special Review.
4. Loading Requirements: One loading space for 10,000 or more square feet of ~~floor area~~Floor Area.
5. Additional Provisions:
    a. One Single Unit Dwelling, occupied by the owner, ~~operator~~Operator, or manager of the feed yard will be considered customary and incidental as a part of this use.

C. Commercial Nursery
1. Definition: A use, which may be wholly or partially contained within one or more greenhouses, where trees, shrubs, flowers, or vegetable plants are grown and sold. The dominant characteristic of this use includes sales of products not necessarily grown on-site.
2. Districts Permitted: By right in A, LI, and GI; by Special Review in RR on ~~unsubdivided land~~Unsubdivided Land.
3. Parking Requirements: One space per 1,000 square feet of ~~floor area~~Floor Area.
4. Loading Requirements: One space per 10,000 square feet of ~~floor area~~Floor Area.
5. Additional Provisions:
    a. No more than ten percent of sales may be from non-~~agricultural~~ Agricultural or non-~~horticultural~~ Horticultural products.
    b. One Single Unit Dwelling, occupied by the owner, ~~operator~~Operator, or manager of the nursery will be considered customary and incidental as a part of this use.

D. Custom Meat or Poultry Processing Facility
1. Definition: A ~~facility~~Facility for the processing of meat and poultry for individuals, not intended for resale on the premises, including but not limited to the butchering, cutting, dressing, and packaging of meat and poultry products.

2. Districts Permitted: By Special Review in A and GI; by ~~limited impact~~Limited Impact Special Review in A as outlined in 4-501.~~(~~D.~~)~~(5.~~)~~(~~a~~)~~, below.
3. Parking Requirements: One space per 500 square feet of ~~floor area~~Floor Area.
4. Loading Requirements: One loading space for 10,000 or more square feet of ~~floor area~~Floor Area.
5. Additional Provisions:
    a. This use is allowed by Limited Impact Special Review in the A district if the ~~facility~~Facility:
        (i) has five or fewer employees on-site at one time;
        (ii) processes no more than 200 poultry or rabbits per day or 60 larger meat animals per week; or
        (iii) does not include retail sales.

E. Keeping of Nondomestic Animals
1. Definition: The location for commercial dealers, breeders, exhibitors, transporters, or researchers, or wildlife rehabilitators of any and all species not listed by the Colorado Division of Wildlife as domestic. Species listed as prohibited by the Colorado Division of Wildlife are not allowed.
2. Districts Permitted: By Special Review in all districts Except MF and MH; specific licensed wildlife rehabilitation permitted by right or Special Review in all districts except MF and MH as outlined in ~~section~~ (5) below.
3. Parking Requirements: To be determined through Special Review.
4. Loading Requirements: To be determined through Special Review.
5. Additional Provisions:
    a. This use shall also be granted, maintain, and act in compliance with all applicable local, state and federal licenses or permits.
    b. One Single Unit Dwelling, occupied by the owner, ~~operator~~Operator, or manager of the business will be considered customary and incidental as a part of this use.
    c. Wildlife rehabilitation licensed by the Colorado Division of Wildlife that includes 20 or fewer animals at any time for small mammal species (such as rabbits, squirrels, raccoons, fox and bats), bird species (except raptors), reptiles or amphibians (except venomous reptiles or amphibians), or wildlife rehabilitation with indoor caging is permitted by right. ~~(~~The change in use provision in ~~Article~~ 4-802.~~(~~A~~)~~ of the Site Plan Review regulations will not apply to this activity.~~)~~
    d. Wildlife rehabilitation licensed by the Colorado Division of Wildlife of more than 20 animals at any time for small mammal species (such as rabbits, squirrels, raccoons, fox and bats), bird species (except raptors), reptiles or amphibians (except venomous reptiles or amphibians), or wildlife rehabilitation with outdoor caging is permitted by Site Plan Review.
    e. Wildlife rehabilitation of any number of large animal species (such as coyote, bobcat, mountain lion, bear, deer and elk), birds of prey species (all raptors), or venomous reptiles or amphibians is permitted by Special Review.

4-502 Agricultural Uses

A. Equestrian Center

1. Definition: An establishment where 15 or more different people per month, other than the owner or manager of the property, are, for a fee, trained or instructed in riding, driving, or showing horses.
2. Districts Permitted: By right in A; by Special Review in F and RR.
3. Parking Requirements: Sufficient to accommodate the use on-site.
4. Loading Requirements: Sufficient to accommodate the use on-site.
5. Additional Provisions:
    a. Setback Requirements: Unlighted outdoor ~~equestrian arena~~Equestrian Arenas shall be set back 300 feet from existing schools, churches and ~~dwelling~~Dwelling on other lots, unless reduced through Special Review or Site Plan Review.
    b. Limited Impact Special Review is required for any equestrian center with amplified sound and/or lighted outdoor riding, driving, or showing of horses.
    c. Special Review is required for competitive events open to participants outside of those who board or train at the ~~facility~~Facility.
    d. Existing establishments will be considered conforming at their present levels of use provided a site plan and description of the operation, including number and types of competitive events, is submitted to the Community Planning ~~&~~and Permitting Department by December 31, 1999. Increasing the number of competitive events or lighting for night time riding activities will require Special Review or Limited Impact Special Review (see 4-600) as required in (b) above ~~(Section 4-600)~~.
    e. One Single Unit Dwelling, occupied by the owner or manager of the equestrian center, will be considered customary and incidental as a part of this use.
    f. This use requires a ~~building lot~~Building Lot. Activities related to the use may occur on agricultural ~~outlot~~Outlots which do not prohibit the activity, however no ~~structure~~Structures related to the use are allowed on the ~~outlot~~Outlot.
    g. Boarding of horses is permitted.

B. Farm Store
1. Definition: A location for the sale of ~~agricultural~~ Agricultural and ~~horticultural~~ Horticultural products.
2. Districts Permitted: By right in B, C, and GI; by Limited Impact Special Review in A~~,~~ and in RR on ~~unsubdivided land~~Unsubdivided Land.
3. Parking Requirements: One space per 200 square feet of ~~floor area~~Floor Area.
4. Loading Requirements: One loading space for 10,000 or more square feet of ~~floor area~~Floor Area.
5. Additional Provisions:
    a. One Single Unit Dwelling, occupied by the owner, ~~operator~~Operator, or manager of the business may be considered customary and incidental as a part of this use.
    b. The majority of all products sold must be sourced from Boulder County ~~farm~~Farms. A minimum of 70 percent of products sold, based on ~~floor area~~Floor Area used for sales, must be Agricultural Products (as defined in Article 18). The remainder (up to 30 percent of all products sold based on ~~floor area~~Floor Area used for sales) may be craft, artisan, or prepared food products, and may

include a nominal amount of other products (e.g., promotional items). Food items sold must meet Boulder County Public Health and any applicable state and federal requirements.

c. This use requires a ~~building lot~~Building Lot.

C. Intensive Agricultural Uses

1. Definition: Agricultural uses where the use predominantly occurs inside one or more ~~structure~~Structures, including but not limited to agricultural storage facilities, greenhouses, indoor riding facilities, and storage for accessory sales of ~~agricultural~~ Agricultural or ~~horticultural~~ Horticultural products.
2. Districts Permitted: By right in A, LI, and GI; by Special Review in F and RR.
3. Parking Requirements: Sufficient to accommodate the use.
4. Loading Requirements: Sufficient to accommodate the use.
5. Additional Provisions:
   a. One Single Unit Dwelling ~~dwelling~~ may be considered customary and incidental as a part of this use.

D. Open Agricultural Uses

1. Definition: Agricultural uses which predominantly occur outside including but not limited to the ~~grazing~~Grazing, keeping and use of ~~livestock~~Livestock, the production, harvesting, and selling of ~~agricultural~~ Agricultural or ~~horticultural~~ Horticultural products, and accessory storage. Accessory ~~structure~~Structures such as Season-Extending Agricultural Structures, or ~~structure~~Structures for storage or maintenance of items that support the agricultural use are allowed as part of this use.
2. Districts Permitted: By right in F, A, RR, ER, LI, GI, T, B, C, and MI.
3. Parking Requirements: Sufficient to accommodate the use.
4. Loading Requirements: Sufficient to accommodate the use.
5. Additional Provisions:
   a. This use is not required to be located on a ~~building lot~~Building Lot~~,~~ or comply with the minimum lot size requirement for the district in which it is located unless it has an associated principal or accessory ~~dwelling~~Dwelling.
   b. Accessory Sales associated with Open Agricultural Uses shall conform to the requirements of Accessory Agricultural Sales.
   c. One Single Unit Dwelling, occupied by the owner or manager of the ~~farm~~Farm, may be considered customary and incidental as a part of this use. Single Unit Dwellings must be located on ~~building lot~~Building Lots.
   d. Boarding of horses is permitted. Improved riding facilities may be provided in connection with boarding and made available to fewer than 15 different individual people per month, in addition to the owner or manager of the property.
      (i) Limited Impact Special Review is required for any equestrian center with amplified sound and/or lighted outdoor riding, driving, or showing of horses. Special Review is required for competitive events open to participants outside of those who board or train at the ~~facility~~Facility.
   e. Any accessory ~~structure~~Structures must be accessory to the use of the property on which the ~~structure~~Structure is located except for storage of associated agricultural equipment and ~~agricultural~~ Agricultural and ~~horticultural~~

Horticultural products grown on-site. On-site means Agricultural ~~agricultural~~ and Horticultural ~~horticultural~~ products that are grown on ~~parcel~~Parcels under the same ownership, lease or contract as the ~~parcel~~Parcel on which the accessory ~~structure~~Structure is located.

f. Structures that support the residential use on the property shall be considered Residential Floor Area.
g. Structures that support the agricultural use shall not be considered Residential Floor Area.

4-503 Commercial/Business Service Uses

A. Building Contracting Shop
   1. Definition: A ~~facility~~Facility providing for general ~~building~~Building repair, service, and maintenance including installation of plumbing, roofing, signs, electrical, air conditioning, heating, and landscaping.
   2. Districts Permitted: By right in C and GI.
   3. Parking Requirements: One space per 200 square feet of ~~floor area~~Floor Area.
   4. Loading Requirements: One loading space for 10,000 or more square feet of ~~floor area~~Floor Area.
   5. Additional Provisions: None.
B. Carpentry, Woodworking, or Furniture Making Facility
   1. Definition: A ~~facility~~Facility for the making, repairing, or refinishing of furniture or wood products for sale.
   2. Districts Permitted: By right in C and GI.
   3. Parking Requirements: One Space per 500 square feet of ~~floor area~~Floor Area.
   4. Loading Requirements: One loading space for 10,000 or more square feet of ~~floor area~~Floor Area.
   5. Additional Provisions: None.
C. Car Wash
   1. Definition: An area of land and/or a ~~structure~~Structure with machine~~-~~— or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles. A ~~facility~~Facility of this type may be able to accommodate more than one vehicle at the same time.
   2. Districts Permitted: By right in C and GI.
   3. Parking Requirements:
      a. One space per washing bay.
      b. Five stacking spaces per washing bay.
   4. Loading Requirements: None.
   5. Additional Provisions: None.
D. Commercial Bakery
   1. Definition: A commercial establishment for the production of baked goods, primarily for sale to other commercial establishments.
   2. Districts Permitted: By right in C, LI, NRCD, and GI.
   3. Parking Requirements: One space per 5000 square feet of ~~floor area~~Floor Area.

4. Loading Requirements: One loading space for 10,000 or more square feet of ~~floor area~~Floor Area.
5. Additional Provisions: None.

E. Commercial Laundry and Dry Cleaning
1. Definition: A ~~facility~~Facility for the cleaning or laundering of garments, fabrics, rugs, draperies, or other similar items on a commercial or bulk basis.
2. Districts Permitted: By right in C and GI.
3. Parking Requirements: One space per 500 square feet of ~~floor area~~Floor Area.
4. Loading Requirements: One loading space for 10,000 or more square feet of ~~floor area~~Floor Area.
5. Additional Provisions: None.

F. Kennel
1. Definition: Any place or premises, other than a pet shop or veterinary clinic, used in whole or part for the purpose of keeping eight or more weaned dogs or cats in any combination whether the animals are boarded or household pets.
2. Districts Permitted: By Special Review or Limited Impact Special Review in A; by Special Review in F and MI.
3. Parking Requirements: One space per 300 square feet of ~~floor area~~Floor Area, with a minimum of two spaces.
4. Loading Requirements: None.
5. Additional Provisions:
   a. For kennels with eight to 12 dogs or cats:
      (i) the animals shall be kept a minimum of 100 feet from any property line or other mitigating circumstance exists or may be created which has the same or better mitigating effect; and
      (ii) kennels of this size require Limited Impact Special Review in the Agricultural zoning district, and Special Review in the Forestry and Mountain Institutional zoning districts.
   b. For kennels with more than 12 dogs or cats:
      (i) the animals shall be kept a minimum of 300 feet from any property line or other mitigating circumstance exists or may be created which has the same or better mitigating effect~~.~~; and
      (ii) kennels of this size require Special Review in all permitted zoning districts.
   c. If a Single Unit Dwelling is used as the holding ~~facility~~Facility for boarded animals, the use shall be limited to no more than 12 boarded animals but in no case shall there be more than 15 dogs including household pets or no more than 15 total cats including household pets, and the requirements of 5. ~~(a)~~ above shall apply.
   d. One Single Unit Dwelling, occupied by the owner, ~~operator~~Operator, or manager of the business will be considered customary and incidental as a part of this use.
   e. Kennels which ~~legally~~ existed on April 1, 2000, will be considered conforming at their present levels of use provided a site plan and description of the operation is submitted to the Community Planning ~~&~~and Permitting Department by December 31, 2000.

f. A ~~facility~~Facility which provides services including~~:~~ day care, agility or other training, or grooming, where the services are being provided for animals that are not concurrently boarded at the Kennel, is considered a Retail/Personal Service Facility (4-512).

G. Machine Shop
   1. Definition: A ~~facility~~Facility where material is processed or treated by machining, cutting, grinding, welding, or similar processes.
   2. Districts Permitted: By right in C and GI.
   3. Parking Requirements: One space per 500 square feet of ~~floor area~~Floor Area.
   4. Loading Requirements: One loading space for 10,000 or more square feet of ~~floor area~~Floor Area.
   5. Additional Provisions: None.

H. Printing and/or Publishing Establishment
   1. Definition: A ~~facility~~Facility for the reproduction, cutting, printing, or binding of materials on a bulk basis using lithography, offset printing, blueprinting, silk screening, or similar methods.
   2. Districts Permitted: By right in B, C, and GI.
   3. Parking Requirements: One space per 500 square feet.
   4. Loading Requirements: One loading space for 10,000 or more square feet of ~~floor area~~Floor Area.
   5. Additional Provisions: None.

I. Vehicle Sales/Rental Lot
   1. Definition: A ~~parcel~~Parcel designated for the sale or rent of three or more motor vehicles per year. Vehicles include but are not limited to cars, trucks, boats, recreation vehicles, and trailers.
   2. Districts permitted: By right in GI; by Special Review in B and C for operations entirely contained inside a ~~structure~~Structure.
   3. Parking Requirements: one space for every 500 square feet of ~~floor area~~Floor Area and 1,000 square feet of outside display area.
   4. Loading Requirements: One loading space for 10,000 or more square feet of ~~floor area~~Floor Area.
   5. Additional Provisions:
      a. A vehicle service center to maintain vehicles displayed on the premises shall be considered customary and incidental to this use.
      b. A vehicle sales/rental lot may not be considered accessory to another Principal Use.

4-504 Community Uses

A. Adaptive Reuse of a Historic Landmark
   1. Definition: A community oriented use that is compatible with the historic aspects of an existing designated Historic Landmark.
   2. Districts Permitted: By Limited Impact Special Review in all districts.
   3. Parking Requirements: To be determined through Limited Impact Special Review.
   4. Loading Requirements: To be determined through Limited Impact Special Review.

5. Additional Provisions:
    a. This use must occupy a designated Historic Landmark.
    b. The use must be found to be beneficial to the preservation of the Historic Landmark.

B. Camp
1. Definition: A ~~facility~~Facility for registered participants to engage in organized group activities oriented toward nature and the outdoors. This use includes the provision of meals and lodging for participants but not for the general public. If customarily incidental to the use, camps may also be used for temporary meeting, recreation, education, or social facilities for associations or groups.
2. Districts Permitted: By right for camps existing as of ~~11/4/10~~ November 4, 2010, in A, F, and MI; by Limited Impact Special Review for camps existing as of ~~11/4/10~~November 4, 2010, that exceed the zoning district special use review triggers; for all other camps by ~~s~~Special ~~use r~~Review in A, F, MI.
3. Parking Requirements: Sufficient to accommodate the use on-site.
4. Loading Requirements: Sufficient to accommodate the use on-site.
5. Additional Provisions:
    a. Accessory on-site housing may be permitted for caretakers or staff members.

C. Cemetery
1. Definition: A place designated for the burial or keeping of the remains of the dead, whether human or animal, including crematories, mausoleums, and columbaria operated within the boundaries of the cemetery.
2. Districts Permitted: By Special Review in A, RR, SR, MF, and MI.
3. Parking Requirements: To be determined through Special Review.
4. Loading Requirements: To be determined through Special Review.
5. Additional Provisions:
    a. This use shall also be granted and maintain all applicable local, state, and federal permits.

D. Church
1. Definition: A ~~facility~~Facility principally used for people to gather together for public worship, religious training, or other religious activities.
2. Districts Permitted: By right in all districts except F.
3. Parking Requirements: One space per 30 square feet of the worship area, plus any parking required for incidental uses.
4. Loading Requirements: None.
5. Additional Provisions:
    a. The ~~structure~~Structure height limitations of this Code shall not apply to church spires, belfries, or cupolas.
    b. One Single Unit Dwelling for the housing of the pastor or similar leader of the church and their Household will be considered customary and incidental as a part of this use.

E. Educational Facility
1. Definition: Buildings and uses for educational or research activities associated with an academic institution which has curriculum for technical or ~~vocational~~Vocational

training, kindergarten, elementary, secondary, or higher education, including residential facilities for faculty, staff, and students.

2. Districts Permitted: By Special Review in all districts, except F.
3. Parking Requirements:
   a. For kindergarten, elementary, and middle school facilities…three spaces per classroom.
   b. For all other facilities…10 spaces per classroom.
4. Loading Requirements: One loading space for 10,000 or more square feet of ~~floor area~~Floor Area.
5. Additional Provisions:
   a. This use shall also be granted and maintain all applicable local, state, and federal permits.

F. Membership Club
   1. Definition: A ~~facility~~Facility, including associated eating, drinking, and recreational facilities, owned or operated by a group of people organized for a common social, educational, service, or recreational purpose. These clubs are usually characterized by certain membership qualifications, payment of fees or dues, regular meetings, a constitution, and by-laws. This use does not include establishments that require a license under Colorado State Statutes related to marijuana.
   2. Districts Permitted: By right in T, B, C, LI, and GI; by Special Review in F, A, and MI.
   3. Parking Requirements: One space per 75 square feet of ~~floor area~~Floor Area.
   4. Loading Requirements: None.
   5. Additional Provisions: None.

G. Reception Halls and Community Meeting Facilities
   1. Definition: A ~~facility~~Facility for the holding of events including but not limited to weddings, wedding receptions, community meetings, and group gatherings.
   2. Districts Permitted: By right in T, B, C, LI and GI; by Special Review in F and A, and T.
   3. Parking Requirements: One space per 30 square feet of ~~floor area~~Floor Area.
   4. Loading Requirements: None.
   5. Additional Provisions: None.

H. Use of Community Significance
   1. Definition: An existing nonconforming use that the Board of County Commissioners determines to have at least two of the following characteristics: historic, cultural, economic, social, or environmental value.
   2. Districts Permitted: By Limited Impact Special Review in all districts.
   3. Parking Requirements: To be determined through Limited Impact Special Review based on the specific nature of the use and community context.
   4. Loading Requirements: To be determined through Limited Impact Special Review.
   5. Additional Provisions:
      a. This use must meet the criteria outlined in 4-602.E. Special Provisions of this Code.

4-505 Forestry Uses

A. Forestry

1. Definition: Cultivating and maintaining forests and managing forest land, including the selling of firewood produced on the ~~parcel~~Parcel.
2. Districts Permitted: By right in F, A, and MI.
3. Parking Requirements: None.
4. Loading Requirements: None.
5. Additional Provisions:
    a. This use is not required to be located on a ~~building lot~~Building Lot~~,~~ or comply with the minimum lot size requirement for the district in which it is located unless it has an associated ~~dwelling~~Dwelling.
    b. One Single Unit Dwelling, occupied by the owner, ~~operator~~Operator, or manager will be considered customary and incidental as a part of this use.

B. Forestry Processing and Sort Yard
1. Definition: A ~~facility~~Facility designed to accept wood, slash, or other woody biomass material removed from another property in order to facilitate forest health management and promote recycling of woody biomass material. Materials may be processed and recycled on-site and/or may be transferred to an approved offsite location for processing.
2. Districts Permitted: By Limited Impact Special Review in F, A, MI.
3. Parking Requirements: To be determined through Limited Impact Special Review.
4. Loading Requirement: To be determined through Limited Impact Special Review.
5. Additional Provisions:
    a. The minimum ~~parcel~~Parcel size shall be ~~3~~ three acres.
    b. All activities, except driveways, shall be ~~setback~~Setback a minimum of 50 feet from any ~~adjacent~~Adjacent ~~right-of-way~~Right-Of-Way or private property.
    c. This use is not required to be located on a ~~building lot~~Building Lot~~,~~ or comply with the minimum lot size requirements for the district in which it is located.
    d. Times and frequencies of operation shall be determined through Limited Impact Special Review.
    e. All approved facilities shall be reviewed by the Board of County Commissioners every three years to ensure continued compliance with the special use criteria.
    f. Access to the site shall be secured so that unauthorized ~~person~~Persons may not use the ~~facility~~Facility when it is closed.
    g. Upon permanent cessation of this use, the disturbed area must be reclaimed and revegetated.
    h. These facilities shall not be the final disposal place for woody biomass materials and shall promote the recycling of all received materials to the maximum extent possible.

4-506 Industrial Uses

A. Composting Facility
1. Definition: A ~~facility~~Facility where organic materials are converted into a humus-like material under a process of managed biological decomposition.
2. Districts Permitted: By ~~s~~Special ~~r~~Review in A and GI.
3. Parking Requirements: One space per 1,000 square feet of ~~floor area~~Floor Area.

4. Loading Requirements: One space per 10,000 square feet of ~~floor area~~Floor Area.
5. Additional Provisions:
    a. In the General Industrial District, composting and composting incidental to operations are exempt from ~~s~~Special ~~use~~ Review when:
        (i) Materials to be composted are limited to organic materials;
        (ii) The location of the composting is at least 300 feet from any property line if more than 50 cubic yards of material is being composted at any one time; ~~and~~
        (iii) The total amount of active composting material does not exceed 1,000 cubic yards at any one time; and
        (iv) Organic materials include but are not limited to leaves, tree trimmings, untreated wood, and shrubbery cuttings.

B. General Industrial
1. Definition: Any manufacturing operation or industrial use, including but not limited to milling and processing of ore, junkyards, slaughter-houses, and batch plants, which is not specifically listed in this Code.
2. Districts Permitted: By Special Review in GI.
3. Parking Requirements: One space per 500 square feet of ~~floor area~~Floor Area.
4. Loading Requirements: One loading space for 10,000 or more square feet of ~~floor area~~Floor Area.
5. Additional Provisions:
    a. This use shall also be granted and maintain all applicable local, state, and federal permits.
    b. Accessory inside retail sales may occupy up to 10 percent of the total ~~floor area~~Floor Area of the main use.

C. Light Industrial
1. Definition: Places for the conduct of any light industrial activity, which is not specifically listed in this Code, including but not limited to assembling; compounding; food or beverage processing; inside storage, processing or treatment of products; scientific research; plant extraction; and sign manufacturing.
2. Districts Permitted: By right in LI and GI.
3. Parking Requirements: One space per 500 square feet of ~~floor area~~Floor Area.
4. Loading Requirements: One loading space for 10,000 or more square feet of ~~floor area~~Floor Area.
5. Additional Provisions:
    a. All required local, state, and federal licenses and permits, including those related to marijuana must be obtained from the appropriate regulatory agencies.
    b. Accessory inside retail sales may occupy up to 10 percent of the total ~~floor area~~Floor Area of the main use. Any marijuana retail sales will be considered a Marijuana Establishment as described in ~~Section~~ 4-512.I. of this Code.

D. Major Oil and Gas Operations
1. Definition: Centralized water transfer stations, centralized water pump stations, storage yards and construction staging yards in place for longer than six months,

and any other ~~oil and gas operation~~Oil and Gas Operation the location of which is not dependent upon development of the mineral resource or subject to Article 12.
2. Districts Permitted: By Special Review in GI.
3. Parking Requirements: None.
4. Loading Requirements: None.
5. Additional Provisions: Water injection wells and facilities are prohibited in all districts. Disposal of produced waters, water-based bentonitic drilling fluids, or flowback fluids by roadspreading on public or private roads is prohibited in all districts.

E. Outside Storage
1. Definition: The outside placement of items for a period of more than twenty-four hours.
2. Districts Permitted: By right in GI; by Special Review in LI.
3. Parking Requirements: None.
4. Loading Requirements: None.
5. Additional Provisions:
   a. The items being stored must be screened from the view of ~~adjacent~~Adjacent roadways and properties.
   b. Any vehicles or trailers shall be licensed and operable and may not be used for storage.

F. Recycling Collection Center, Large
1. Definition: A center for the acceptance and temporary storage of either recyclable or organic materials to be transferred to a processing or composting ~~facility~~Facility.
2. Districts Permitted: By right in GI; by Special Review in C.
3. Parking Requirements: None.
4. Loading Requirements: None.
5. Additional Provisions:
   a. This use shall be considered customary and incidental to a Solid Waste Transfer Facility.
   b. This use is not required to be located on a ~~building lot~~Building Lot~~,~~ or comply with the minimum lot size requirement for the district in which it is located.
   c. Organic materials are limited to plant matter including but not limited to tree limbs, leaves, and grass clippings.

G. Recycling Processing Facility
1. Definition: A ~~facility~~Facility where recyclable and organic materials are collected and processed. Processing includes but is not limited to baling, briquetting, compacting, flattening, crushing, mechanical sorting, shredding, and cleaning.
2. Districts Permitted: By Special Review in GI; by Special Review in LI when operations are contained entirely inside a ~~structure~~Structure.
3. Parking Requirements: to be determined through Special Review.
4. Loading Requirements: to be determined through Special Review.
5. Additional Provisions:

a. Facilities where the sole purpose is to utilize ~~recyclable materials~~Recyclable Materials in manufacturing an end product which does not require further processing shall be considered a General Industrial and not a recycling use.
b. Organic materials include but are not limited to tree limbs, food wastes, leaves, and grass clippings.

H. Saw Mill
1. Definition: A ~~facility~~Facility for the storage, sales, and milling of forest products, not including the cutting of firewood.
2. Districts Permitted: By right in GI; by Special Review in F and A.
3. Parking Requirements: One space per 500 square feet of ~~floor area~~Floor Area or area of operation.
4. Loading Requirements: One loading space for 10,000 or more square feet of ~~floor area~~Floor Area.
5. Additional Provisions: None.

I. Solid Waste Disposal Site and Facility
1. Definition: The location and ~~facility~~Facility at which the collection, storage, treatment, utilization, processing, or final disposal of wastes occur.
2. Districts Permitted: By Special Review in A~~,~~ and GI.
3. Parking Requirements: ~~none~~None.
4. Loading Requirements: ~~none~~None.
5. Additional Provisions:
a. This use shall also be granted and maintain all applicable local, state, and federal permits.
b. This use is not required to be located on a ~~building lot~~Building Lot~~,~~ or comply with the minimum lot size requirements for the district in which it is located.

J. Solid Waste Transfer Facility
1. Definition: A ~~facility~~Facility at which wastes, awaiting transportation to a disposal site and ~~facility~~Facility, are transferred from one collection vehicle to another.
2. Districts Permitted: By Special Review in F, A and GI.
3. Parking Requirements: To be determined through Special Review.
4. Loading Requirements: To be determined through Special Review.
5. Additional Provisions:
a. This use shall also be granted and maintain all applicable local, state, and federal permits.
b. This use is not required to be located on a ~~building lot~~Building Lot~~,~~ or comply with the minimum lot size requirements for the district in which it is located.

4-507 Lodging Uses

A. Bed and Breakfast
1. Definition: A Facility offering transient lodging accommodations to one or more booking parties at a time for a rental duration fewer than 30 days where:
a. At least one meal per day is provided; ~~and~~
b. A manager or owner resides on the premises; and
c. A manager or owner is present during all rental periods.

2. Districts Permitted:
    a. By Limited Impact Special Review in F, A, RR, SR, ER, H, and MI provided there are no more than three guest rooms or no more than six guests served per night.
    b. By Special Review in F, A, RR, SR, H, and MI if there are more than three guest rooms or more than six guests served per night.
    c. By right in B, C, LI, and GI.
3. Parking Requirements: One space per guest room in addition to one space for the residing manager or owner. All parking must be on-site.
4. Loading Requirements: None.
5. Additional Provisions:
    a. A Bed and Breakfast may not be marketed or used for weddings, receptions, or similar private or public events.
    b. Historic Accessory Dwelling Units are eligible for this use.

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 vehicle~~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 camp sites per acre.
    b. A minimum 250-~~-~~foot landscaped buffer is required ~~adjacent~~Adjacent to private lands.
    c. Camping~~,~~ on a ~~parcel~~Parcel, by the property owner, may occur no more than 14 days a year as a temporary allowed use.
    ~~c.~~d. A campground host or manager occupying a site for the duration of the camping season is customarily incidental to this use.

C. Overnight Lodging
1. Definition: A ~~facility~~Facility offering transient lodging accommodations on a daily basis to the general public, and in which no provision is made for cooking in any individual room or suite. The Overnight Lodging ~~facility~~Facility may also include incidental business uses commonly associated with the main lodging use.
2. Districts Permitted: By right in T, B, C, LI, and GI.
3. Parking Requirements: One space per room plus one space per 50 rooms, and any parking required for incidental uses.
4. Loading Requirements: One loading space for 10,000 or more square feet of ~~floor area~~Floor Area.
5. Additional Provisions: None.

D. Resort Lodge, Conference Center, or Guest Ranch
1. Definition: A ~~facility~~Facility, including a lodge and/or resort cabins with or without food service, which ~~that~~ serves as a destination point for visitors, and relies on its rural location and the natural environment to provide recreational facilities and

activities for the use of guests such as horse riding, hiking, fishing, and boating. If customarily incidental to the use, these facilities may also be used for temporary meeting, recreation, education, or reception facilities.

2. Districts Permitted: By right in T, B, C, LI, and GI; by Special Review in F and MI, and by Special Review in A for ~~legally~~ existing uses as of April 20, 2004.
3. Parking Requirements: One and one-half spaces per room or cabin.
4. Loading Requirements: One loading space for 10,000 or more square feet of ~~floor area~~Floor Area.
5. Additional provisions:
   a. Guest residency is limited to no more than 90 days.
   b. Accessory on-site housing may be allowed for caretakers or staff members.

E. Vacation Rental

1. Definition: A Single Unit Dwelling offering transient lodging accommodations to a single booking party at a time within that ~~dwelling unit~~Dwelling Unit for a rental duration of fewer than 30 days where the entire ~~dwelling unit~~Dwelling Unit is solely occupied by the rental party during the duration of the rental period.
2. Districts Permitted:
   a. By right in F and MI, provided the ~~parcel~~Parcel is ~~unsubdivided land~~Unsubdivided Land or is located within a ~~platted subdivision~~Platted Subdivision either wholly or partially within the Upper St. Vrain Census County Division (CCD) identified in Figure 2.
3. Parking Requirements: Two spaces, or one space per every four approved occupants, whichever is fewer. All parking must be on-site.
4. Loading Requirements: None
5. Additional Provisions:
   a. All Vacation Rentals must maintain a valid Boulder County Vacation Rental License.
   b. A Vacation Rental may not be marketed or used for weddings, receptions, or similar private or public events.
   c. Accessory Dwellings are not eligible for this use.

[MAP]

4-508 Mining Uses

A. Limited Impact Open Mining

1. Definition: The ~~extraction~~ Extraction of ~~earth material~~Earth Materials by mining directly from the exposed deposits or other materials where mining operations affect less than ten acres of land within a ~~parcel~~Parcel and extract less than 70,000 tons of ~~earth material~~Earth Materials, and which (a) proposes to export material in excess of 500 cubic yards off the ~~parcel~~Parcel on which the mining occurs, (b) has operations that exceed five consecutive days or 14 days total, and/or (c) utilizes blasting.
2. Districts Permitted: By Limited Impact Special Review in all districts.
3. Parking Requirements: To be decided through Limited Impact Special Review.

4. Loading Requirements: To be decided through Limited Impact Special Review.
5. Additional Provisions:
    a. Exceptions to this use include:
        (i) The removal of decorative ~~building~~Building materials naturally exposed at the surface of the earth
        (ii) The ~~extraction~~ Extraction of sandstone where such Extraction ~~extraction~~ does not exceed a total of 3600 tons in any 12-~~-~~month period. For the purposes of this provision, sandstone is defined ~~to be~~as a hard, well-bedded sedimentary rock known locally as the Lyons sandstone. This material is principally used as a building stone; however, included in the definition of sandstone are waste materials, removed in the process of exposing/extracting usable ~~building~~Building stone.
        (iii) Excavations below finished grade for basements and footings of a ~~building~~Building, retaining wall or other ~~structure~~Structures authorized by a valid ~~building~~Building permit, or authorized by a ~~grading~~Grading permit.
    b. The term limited impact open mining includes, but is not limited to, such processes as open cut mining, open pit mining, strip mining, quarrying and dredging.
    c. This use shall also be granted and maintain all applicable local, state, and federal permits.

B. Oil and Gas Operations
1. Definition: See ~~Article~~ 12-1400.
2. Districts Permitted: By special review for ~~oil and gas operation~~Oil and Gas Operations in all districts (Article 12).
3. Parking Requirements: None.
4. Loading Requirements: None.
5. Additional Provisions: None.

C. Open Mining
1. Definition: The Extraction~~extraction~~ of ~~earth material~~Earth Materials by mining directly from the exposed deposits or other materials. Exceptions to this use include those operations which fit the definition of limited impact open mining and excavations below finished grade for basements and footings of a ~~building~~Building, retaining wall or other ~~structure~~Structures authorized by a valid ~~building~~Building permit. The term open mining includes, but is not limited to, such processes as open cut mining, open pit mining, strip mining, quarrying and dredging.
2. Districts Permitted: By Special Review in F, A, GI, and MI.
3. Parking Requirements: To be determined through Special Review.
4. Loading Requirements: To be determined through Special Review.
5. Additional Provisions:
    a. This use is not required to be located on a ~~building lot~~Building Lot~~,~~ or comply with the minimum lot size requirement for the district in which it is located.
    b. This use shall also be granted and maintain all applicable local, state, and federal permits.

c. Processing of the mined material (to the extent approved through the special use process) may occur on the ~~parcel~~Parcel where the mining is situated, or on a ~~parcel~~Parcel owned or leased by the mining ~~parcel~~Parcel owner, lessee, or ~~operator~~Operator provided the ~~parcel~~Parcel is located within 1,000 feet of the mining ~~parcel~~Parcel.

D. Subsurface Mining

1. Definition: The Extraction~~extraction~~ of natural mineral deposits, except uranium, by underground methods, including the milling and processing of the ore produced and the reprocessing of tailings.
2. Districts Permitted: By Development Plan Review, Limited Impact Special Review or Special Review in F and MI; by Special Review in A, and GI.
3. Parking Requirements: None.
4. Loading Requirements: None.
5. Additional Provisions:
   a. The following review is required in F:
      (i) Development Plan Review is required in F and MI when:
         (A) the use has a total production level of less than 20,000 tons per year and generates less than ~~7~~ seven average daily truck trips, as defined by the Institute of Transportation Engineers (with trucks defined as vehicles of greater than 26,000 pounds gross vehicle weight);
         (B) the use is on federal land, regardless of whether it ~~triggers~~ meets the threshold for a higher level of review under ~~Subsections~~ (ii) and (iii), immediately below.
      (ii) Limited Impact Special Review is required in F and MI when the use:
         (A) has a total production level of between 20,000 and up to, but not including, 70,000 tons per year; or
         (B) generates between ~~7~~ seven and up to, but not including, 20 average daily truck trips, as defined by the Institute of Transportation Engineers (with trucks defined as vehicles of greater than 26,000 pounds gross vehicle weight).
      (iii) Special ~~use r~~Review is required in F and MI when the use:
         (A) has a total production level of 70,000 tons per year or more; or, generates 20 or more average truck daily trips, as defined by the Institute of Transportation Engineers (with truck trips defined as in (i) above); ~~or,~~
         (B) has associated milling to occur above-ground or creates surface tailings; or
         (C) falls within the threshold limits for Development Plan Review as defined in (i). ~~-~~(A) above, or falls within the threshold limits for Limited Impact Special Review as defined in (ii). ~~-~~(A) and (B) above but the area to be disturbed is located within or within 500 feet of a ~~platted subdivision~~Platted Subdivision or substantially developed ~~townsite~~Townsite.
      (iv) In any of the applicable review processes required under ~~Subsections~~ (i) through ~~-~~(iii), immediately above, the Director, Planning Commission and

Board of County Commissioners, as applicable, shall consider the cumulative impacts of the proposed subsurface mining use with reference to prior or contemplated subsurface mining in the vicinity of the proposed use when applying the applicable review criteria to the use.

b. Any existing subsurface mining operation may continue at its current level, or the mining activity may expand up to the levels approved in its existing state mining permit issued on or before June 10, 1997, or must have been lawfully established prior to state mining permit requirements and have operated since January 1, 1987.
c. This use is not required to be located on a ~~building lot~~Building Lot~~,~~ or comply with the minimum lot size requirement for the district in which it is located.
d. This use shall also be granted and maintain all applicable local, state, and federal permits.

E. Subsurface Mining of Uranium
1. Definition: The Extraction~~extraction~~ of natural uranium deposits by underground methods.
2. Districts Permitted: By Special Review in F, A, GI, and MI.
3. Parking Requirements: None.
4. Loading Requirements: None.
5. Additional Provisions:
a. This use is not required to be located on a ~~building lot~~Building Lot~~,~~ or comply with the minimum lot size requirement for the district in which it is located.
b. This use shall also be granted and maintain all applicable local, state, and federal permits.

4-509 Office Uses

A. Professional Office
1. Definition: An office for professions including but not limited to government, physicians, dentists, lawyers, realtors, architects, engineers, artists, musicians, designers, teachers, accountants, and others, who, through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists. This use includes medical and dental clinics.
2. Districts Permitted: By right in T, B, C, LI, and GI.
3. Parking Requirements: One space per 330 square feet of ~~floor area~~Floor Area for general office; one space per 200 square feet for medical and dental offices.
4. Loading Requirements: One loading space for 10,000 or more square feet of ~~floor area~~Floor Area.
5. Additional Provisions: None.

4-510 Recreation Uses

A. Firing Range, Outdoor
1. Definition: A ~~facility~~Facility inclusive of its component shooting ranges, Surface Danger Zone or Shotfall Zones, parking areas, all ~~structure~~Structures for classrooms, administrative offices, ammunition storage areas and other associated

improvements, for which the use is to provide a place for the discharge of various types of firearms. The definition excludes hunting and shooting activity occurring outside of identified and approved firing ranges, and occasional target practice by individuals on property owned or leased by the individuals.

2. Districts Permitted: By Special ~~Use~~ Review in F, A~~-~~, LI, and GI.
3. Parking Requirements: ~~1.5~~One and a half parking ~~places~~ spaces for each firing position.
4. Loading requirements: None.
5. Additional Provisions:
   a. Shooting and target area ~~setback~~Setbacks
      (i) In the direction of fire and ~~shotfall zone~~Shotfall Zone, at least the maximum distance of projectile travel from designated firing positions estimated to occur at the ~~facility~~Facility based on the ballistics of the type of ammunition and firearms permitted for use on the range. This distance can be reduced based on an engineered study and proper mitigation which reduces the Surface Danger Zone (see ~~Article~~ 18-207.A for a diagram and definition of Surface Danger Zone), but except where noted below shall not be closer than 1,320 feet from residential ~~structure~~Structures (whether permanent or seasonal), lodging or other occupiable or occupied ~~structure~~Structures not on the subject property, a ~~County~~county ~~platted subdivision~~Platted Subdivision, ~~County~~county ~~townsite~~Townsites, designated recreational trails, open space areas where off-trail use is allowed, designated campgrounds whether public or private, and/or any other potential hazards as identified through Special Use Review. The 1,320~~-~~-foot ~~setback~~Setback may be reduced with a signed agreement with neighboring property owners within 1,320 feet. In all other directions, the boundary of any outdoor shooting area shall be no closer than 400 feet from residential ~~structure~~Structures (whether permanent or seasonal), lodging or other occupiable or occupied ~~structure~~Structures not on the subject property, a ~~County~~county ~~platted subdivision~~Platted Subdivision, ~~County~~county ~~townsite~~Townsites, recreational trails, open space areas where off-trail use is allowed, designated campgrounds whether public or private, and/or any other potential hazards as identified through special use review. During the review process, a proposed decrease or increase in spatial requirements may be considered based on range design, operational plans, topographic features, noise studies, and/or manmade improvements, including but not limited to backstop and side berms, bullet traps, ricochet catchers, and overhead or ground safety baffles which provide sufficient safety measures to protect ~~adjacent~~Adjacent properties.
      (ii) Default zoning district ~~setback~~Setbacks are applicable to office, restrooms, classroom space, or other related range facilities where weapons are not being fired.

      [~~setback~~Setback table]

B. Golf Course
   1. Definition: A recreational ~~facility~~Facility primarily used for the purpose of playing golf, but which may include associated eating and drinking areas, retail sales areas, and staff offices.
   2. Districts Permitted: By Special Review in A and RR, and in MF for ~~legally~~ existing uses as of April 20, 2004.
   3. Parking Requirements: To be determined through Special Review.
   4. Loading Requirements: To be determined through Special Review.
   5. Additional Provisions: None
C. Indoor Recreation
   1. Definition: An entirely enclosed ~~facility~~Facility which offers entertainment or games of skill for a fee, including but not limited to a bowling alley, billiard parlor, or a video game arcade. This use may include associated eating and drinking areas, retail sales areas, and staff offices.
   2. Districts Permitted: By right in T, B, C, LI, and GI.
   3. Parking Requirements: One space per 200 square feet of ~~floor area~~Floor Area.
   4. Loading Requirements: None.
   5. Additional Provisions: None.
D. Livery or Horse Rental Operation
   1. Definition: A ~~facility~~Facility which offers horses, mules, donkeys or other animals for hire, or organizes and/or supervises groups, for riding off the property.
   2. Districts Permitted: By Special Review in F, A, and MI.
   3. Parking Requirements: Sufficient to accommodate the use on-site.
   4. Loading Requirements: Sufficient to accommodate the use on-site.
   5. Additional Provisions: None.
E. Outdoor Recreation, for day use
   1. Definition: An area or ~~facility~~Facility which offers entertainment, recreation, or games of skill for a fee, where any portion of the activity takes place outside only during daylight hours. This includes but is not limited to a golf driving range, boating ~~facility~~Facility, tennis ~~facility~~Facility, or a miniature golf course.
   2. Districts Permitted: By right in T, B, C, LI, and GI; by Special Review in F, A, and MI.
   3. Parking Requirements: One space per 200 square feet of ~~active area~~Active Area.
   4. Loading Requirements: None.
   5. Additional Provisions: None.
F. Outdoor Recreation, for night use
   1. Definition: An area or ~~facility~~Facility which offers entertainment, recreation, or games of skill for a fee, where any portion of the activity takes place outside and may include lighted areas for use after dusk. This includes but is not limited to a golf driving range, boating ~~facility~~Facility, tennis ~~facility~~Facility, or a miniature golf course.
   2. Districts Permitted: By Special Review in F, A, T, B, C, LI, GI, and MI.
   3. Parking Requirements: One space per 200 square feet of ~~active area~~Active Area.
   4. Loading Requirements: None.

5. Additional Provisions: None.

G. Park or Playfield, for day use
   1. Definition: A recreational area providing parks and playfields for use during daylight hours only.
   2. Districts Permitted: By right in F, A, RR, ER, SR, MF, MH, T, B, and MI.
   3. Parking Requirements: None.
   4. Loading Requirements: None.
   5. Additional Provisions:
      a. This use is not required to be located on a ~~building lot~~Building Lot~~,~~ or comply with the minimum lot size requirement for the district in which it is located.

H. Park or Playfield, for night use
   1. Definition: A recreational area providing parks and playfields which may include lighted areas for use after dusk.
   2. Districts Permitted: By Special Review F, A, RR, SR, MF, MH, T, B, and MI.
   3. Parking Requirements: None.
   4. Loading Requirements: None.
   5. Additional Provisions:
      a. This use is not required to be located on a ~~building lot~~Building Lot~~,~~ or comply with the minimum lot size requirement for the district in which it is located.

I. Public Recreation Center
   1. Definition: A publicly owned recreational area providing recreational facilities such as playgrounds, parks, game courts, swimming pools, and playing fields.
   2. Districts Permitted: By Special Review in F, A, RR, SR, MF, MH, and MI.
   3. Parking Requirements: One space per 200 square feet of ~~active area~~Active Area.
   4. Loading Requirements: None.
   5. Additional Provisions: None.

J. Ski Area
   1. Definition: A recreational ~~facility~~Facility for alpine and Nordic skiing, including associated lodge ~~building~~Buildings, ski school, eating and drinking areas, and retail sales.
   2. Districts Permitted: By Special Review in F and MI.
   3. Parking Requirements: To be determined through Special Review.
   4. Loading Requirements: To be determined through Special Review.
   5. Additional Provisions: None.

4-511 Residential Uses

A. Boarding House
   1. Definition: A ~~building~~Building or portion thereof which is used to accommodate, for compensation, three or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such a ~~building~~Building.
   2. Districts Permitted: By right in MF, T, B, C, and GI.
   3. Parking Requirements: One space per bedroom.
   4. Loading Requirements: None.
   5. Additional Provisions: None.

B. Group Care or Foster Home
   1. Definition: A ~~facility~~Facility which provides 24-hour care or supervision of ~~person~~Persons who are not related by blood, marriage, or adoption, to the owner, ~~operator~~Operator, or manager thereof, and who do not meet the definition of family under this Code. A Group Care or Foster Home may be operated by a public, nonprofit, or private agency.
   2. Districts Permitted: By Special Review F, A, RR, ER, SR, MF, MH, MI, T, and B.
   3. Parking Requirements: To be determined through Special Review.
   4. Loading Requirements: None.
   5. Additional Provisions:
      a. This use shall also be granted and maintain all applicable local, state, and federal permits.

C. Manufactured Home Park
   1. Definition: A ~~parcel~~Parcel of land upon which two or more ~~manufactured home~~Manufactured Homes, occupied or intended to be occupied for ~~dwelling~~Dwelling purposes, are located.
   2. Districts Permitted: By right in MH.
   3. Parking Requirements: Two off-street parking spaces must be provided for each ~~manufactured home space~~Manufactured Home Space involved in a ~~substantial modification~~Substantial Modification to an ~~existing manufactured home park~~Existing Manufactured Home Park.
   4. Loading Requirements: None.
   5. Additional Provisions:
      a. Required Park Inventory Report
         (i) Any ~~manufactured home park~~Manufactured Home Park which has received Special Review approval for the park is not required to submit a park inventory report. Any such ~~manufactured home park~~Manufactured Home Park shall ~~be~~ considered ~~to be~~ a use by right at the level of development and on the conditions set forth through Special Review. The Special Review approval shall become the governing park inventory report for the park.
         (ii) The park inventory report shall include the following information:
            (A) A site plan at a scale of one ~~1~~foot[1] to 100 feet showing the acreage covered by the ~~existing manufactured home park~~Existing Manufactured Home Park; the number, location, and size of all ~~manufactured home space~~Manufactured Home Spaces; the location and width of roadways and sidewalks or other pedestrian ways; the location and size of vehicular parking lots and recreation areas and amenities; and the location of service ~~building~~Buildings and any accessory ~~structure~~Structures.
            (B) An inventory of the existing ~~manufactured home~~Manufactured Homes located in the park, including serial and/or VIN number; model type and description; date of manufacture; and identification of space on which each home is located.
            (C) Documentation showing source of water supply, and methods used for sanitation, garbage disposal, and fire protection, including but not

necessarily limited to evidence of all required governmental or quasi-governmental approvals, licenses, and conditions of service.

(D) Additional information as may be reasonably requested by the Director to enable him to determine and document the existing level and type of development within the park.

b. Substantial Modifications to Existing Manufactured Home Parks

(i) The ~~substantial modification~~Substantial Modification of a ~~manufactured home park~~Manufactured Home Park from the level of use defined in the park inventory report requires an amendment to that report. A ~~substantial modification~~Substantial Modification includes (1) any increase in the number of ~~manufactured home~~Manufactured Homes or ~~home spaces~~Manufactured Home Spaces within the park; (2) any change in the location or configuration of ~~manufactured homes~~Manufactured Homes or ~~home spaces~~Manufactured Home Spaces within the park; (3) any addition of ~~structure~~Structures to service the park residents; (4) any change in the type or level of public services servicing the park; and (5) any other change which alters the basic character, layout, or the intensity of use of or in the park.

(ii) Process for Approving Substantial Modification through Amendment of ~~p~~Park ~~i~~Inventory ~~r~~Report

(A) No ~~substantial modification~~Substantial Modification of an ~~existing manufactured home park~~Existing Manufactured Home Park may occur unless the owner of the park submits a complete application to the Director for administrative approval of an amendment to the park inventory report. This application shall sufficiently describe the requested amendment~~,~~ and shall attach all information required for the park inventory report under 4-511.5.a.ii~~.~~, above, and any additional information necessary to address the applicable criteria set forth below.

(B) The Director shall refer the application to all appropriate referral agencies and all interest holders in the subject property, as identified in the title report supplied by the ~~applicant~~Applicant for this purpose.

(C) The Director shall have the discretion to approve, conditionally approve, or disapprove the application, in a written decision mailed to the ~~applicant~~Applicant, subject to the approval standards listed below, and based upon an entire review of the materials submitted by the ~~applicant~~Applicant and the referral responses.

(D) Any final written decision of the Director may be appealed by any interested party to the Planning Commission for a de novo public hearing, provided that such an appeal is filed in writing with the Director no later than 30 days after the date of his decision. Any interested party may appeal from the Planning Commission decision for a de novo public hearing before the Board of County Commissioners, provided that such an~~s~~ appeal is filed in writing with the Director no later than 30 days after the date of the Planning Commission's decision.

(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 home~~Manufactured Homes or ~~home spaces~~Manufactured Home Spaces shall not result in more than eight ~~manufactured home~~Manufactured Homes per gross acre being located on the subject ~~parcel~~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~~ 10 feet shall be provided between any ~~manufactured home~~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~~Manufactured Home Space.

(D) Existing streams, other water bodies or wetland areas, and plant and wildlife habitat, shall be preserved to the maximum extent possible.

(E) The proposed change shall not cause any fire or other safety hazard.

(F) At least two off-street parking spaces per ~~manufactured home~~ Manufactured Home involved in the proposed amendment shall be provided.

(G) Adequate open space or developed recreation areas shall be provided to serve the residents of the ~~manufactured home park~~Manufactured Home Park affected by the proposed amendment. At least 12 per-cent of the area involved in the amendment shall be dedicated to private park or resident recreational use.

(H) A landscaping plan shall be approved to ensure that adequate screening, shade, and vegetation are provided.

(iv) The ~~applicant~~Applicant must provide a satisfactory financial guarantee to the ~~County~~county to ~~insure~~ensure that all necessary ~~public improvement~~Public Improvements are provided.

c. No new, additional, or replacement ~~manufactured home~~Manufactured Home , or any other form of manufactured housing or ~~structure~~Structure, including but not limited to ~~camper trailer~~Camper Trailers, shall be brought into or located within any ~~manufactured home park~~Manufactured Home Park for ~~dwelling~~Dwelling purposes, unless it meets the definition of ~~manufactured home~~Manufactured Home as set forth in Article 18 of this Code.

D. Multi-Unit Dwelling

1. Definition: A ~~building~~Building or ~~building~~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~~Dwelling Unit, but not including hotels, motels, or boarding houses.
2. Districts Permitted: By right in NRCD 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 ~~&~~and Permitting review process.

E. Single Unit Dwelling
1. Definition: A detached ~~building~~Building which is occupied or which is arranged, designed, and intended to be occupied, by not more than one Household, and which contains not more than one ~~dwelling unit~~Dwelling Unit.
2. Districts Permitted: By right in all districts.
3. Parking Requirements: Two spaces.
4. Loading Requirements: None.
5. Additional Provisions: None.

4-512 Retail and Personal Services

A. Bank
1. Definition: A financial institution for the extension of credit, and the custody, loan, or exchange of money which may have drive through service.
2. Districts Permitted: By right in B, C, and GI.
3. Parking Requirements:
    a. One space per 333 square feet of ~~floor area~~Floor Area.
    b. Five stacking spaces per drive up window or station.
4. Loading Requirements: None.
5. Additional Provisions: None.

B. Building Material or Garden Store
1. Definition: A ~~facility~~Facility for the sale of home, lawn, and garden supplies; landscaping materials; plants; brick; lumber; and other similar materials. This use may include the outside storage of materials.
2. Districts Permitted: By right in C and GI; by Special Review in T.
3. Parking Requirements: One space per 200 square feet of sales area.
4. Loading Requirements: One loading space for 10,000 or more square feet of ~~floor area~~Floor Area.
5. Additional Provisions:
    a. This use shall also be granted and maintain all applicable local, state, and federal permits.

C. Convenience Store
1. Definition: Any retail establishment selling consumer products including primarily prepackaged food and household items, having a gross ~~floor area~~Floor Area of less than 5,000 square feet. A convenience store may also have associated recharge of electric vehicles or retail sale of gasoline and other petroleum products.
2. Districts Permitted: By right in B, C, and GI.
3. Parking Requirements:

a. One space per 200 square feet of ~~floor area~~Floor Area.
b. One stacking space per gas pump.

4. Loading Requirements: None.
5. Additional Provisions: None.

D. Day Care Center
1. Definition: A ~~facility~~Facility which provides less than 24-hour care or supervision for nine or more ~~person~~Persons who are not related by blood, marriage, or adoption to the owner, ~~operator~~Operator, or manager, whether such ~~facility~~Facility operates at day or night, with or without compensation for such care, and with or without stated educational purpose.
2. Districts Permitted: By right in B, C, LI, and GI; by Special Review A, RR, ER, SR, MF, MH, MI, and T.
3. Parking Requirements: One space per employee plus one space per 200 feet of ~~floor area~~Floor Area, or as determined through Special Review.
4. Loading Requirements: None.
5. Additional Provisions:
a. This use shall also be granted and maintain all applicable local, state, and federal permits.

E. Eating or Drinking Place, with drive through service
1. Definition: An establishment for the sale and consumption of food and beverages on the premises, which includes drive through service, and does not include establishments that require a license under Colorado State Statutes related to marijuana.
2. Districts Permitted: By Special Review in T, B, C, and GI.
3. Parking Requirements:
a. One space per 75 square feet of ~~floor area~~Floor Area.
b. Eight stacking spaces per drive up window or station.
4. Loading Requirements: One loading space for 10,000 or more square feet of ~~floor area~~Floor Area.
5. Additional Provisions: None.

F. Eating or Drinking Place, without drive through service
1. Definition: An establishment for the sale and consumption of food and beverages on the premises, which does not include drive through service, and does not include establishments that require a license under Colorado State Statutes related to marijuana. This may include small scale accessory beverage processing such as wineries, nanobreweries and microdistilleries.
2. Districts Permitted: By right in B, C, and GI; by Special Review in T.
3. Parking Requirements: One space per 75 square feet of public seating area.
4. Loading Requirements: One loading space for 10,000 or more square feet of ~~floor area~~Floor Area.
5. Additional Provisions:
a. Small scale food and beverage processing means less than 3,000 square feet of processing or manufacturing area.

G. Emergency Care Facility

1. Definition: A health-care ~~facility~~Facility, providing primarily outpatient emergency care for the diagnosis and treatment of individuals.
2. Districts Permitted: By right in B, C, LI, and GI.
3. Parking Requirements: One space per 330 square feet of ~~floor area~~Floor Area.
4. Loading Requirements: None.
5. Additional Provisions: None.

H. Indoor Theater
1. Definition: A ~~facility~~Facility for showing motion pictures, video, or staging theatrical performances to an audience, inside an enclosed ~~structure~~Structure.
2. Districts Permitted: By right in B, C, and GI.
3. Parking Requirements: One space per 30 square feet of ~~floor area~~Floor Area or one space per three fixed seats, whichever is greater.
4. Loading Requirements: None.
5. Additional Provisions: None.

I. Marijuana Establishment
1. Definition: Any location where more than six ~~(6)~~ plants are cultivated, produced, tested or distributed as authorized pursuant to Section 14 and Section 16 of Article XVIII of the Colorado Constitution and other applicable state law. This use includes the following:
   a. Marijuana store (a location for retail purchase of marijuana and marijuana products by the general public);
   b. Marijuana-infused products manufacturing;
   c. Optional premises cultivation or retail marijuana cultivation ~~facility~~Facility;
   d. Marijuana testing and/or research ~~facility~~Facility.;
   e. Primary ~~caregiver~~Caregiver; and
   f. Personal cultivation.
2. Districts Permitted: By right in T, B, C, LI, and GI.
3. Parking Requirements:
   a. One space per 200 square feet of ~~floor area~~Floor Area used for office, sales, or personal service operations.
   b. One space per 1,000 square feet of ~~floor area~~Floor Area used for used for cultivating and research and/or testing facilities.
4. Loading requirements: One loading space for 10,000 or more square feet of ~~floor area~~Floor Area.
5. Additional Provisions:
   a. This use must obtain and maintain all necessary state and local permits and licenses. Regardless of when they are established, businesses operating for the purpose of cultivation, manufacture, or sale of marijuana or marijuana-infused products, as defined in the Colorado Marijuana Code, C.R.S. §44-10-101, et. seq. ("the CMC"), are and will be subject to the provisions and limitations stated in the CMC. These provisions and limitations include those in the legislation, and any state and ~~County~~county requirements promulgated under the legislation. Such businesses or uses, even if allowed under ~~this Section~~ 4-512.I. or prior

provisions of this Code, are subject to termination if they cannot meet the requirements of, or legally operate pursuant to the Codes.

b. This use may include the accessory sale of products containing marijuana to the extent authorized by applicable state law.

c. Except in the LI and GI Zoning Districts, this use shall not be located within 500 feet of another Marijuana Establishment (including a Marijuana Establishment in the unincorporated ~~County~~county or a substantially similar ~~facility~~Facility in an ~~adjacent~~Adjacent municipality or county), as measured from the closest point of the subject ~~parcel~~Parcel lines. This prohibition shall not prevent a marijuana store, marijuana-infused products manufacturing, optional premises cultivation, retail marijuana cultivation ~~facility~~Facility, or marijuana testing and/ or research ~~facility~~Facility from locating within 500 feet of a ~~primary caregiver~~Primary Caregiver or personal cultivation.

d. A Marijuana Store shall not be located within 1,000 feet of an alcohol or drug treatment ~~facility~~Facility, a licensed child care ~~facility~~Facility, or an educational ~~facility~~Facility with students below the college grade level and ancillary properties owned by the educational ~~facility~~Facility, including but not limited to sport fields, play grounds, community gardens, or where for other reasons school children congregate (including facilities in the unincorporated ~~County~~county or substantially similar facilities in an ~~adjacent~~Adjacent municipality or county), as measured from the closest point of the subject ~~parcel~~Parcel lines. An alcohol or drug treatment ~~facility~~Facility shall be defined as a ~~facility~~Facility wherein treatment and 24-hour on-site supervision are provided for substance abuse with the goal of enabling residents to live independently when treatment is completed.

e. Marijuana-infused products manufacturing, optional premises cultivation, and marijuana testing and/or research facilities, are not subject to the above ~~setback~~Setback requirement in ~~Subsection~~ 4-512.I.5.c~~.~~, provided there is not an associated marijuana store on the same ~~parcel~~Parcel.

f. Marijuana establishments shall not have a drive-through service.

g. Personal cultivation and Primary Caregiver cultivation facilities are limited to no more than 99 plants.

h. For marijuana warehouse regulations, refer to ~~section~~ 4-515.b~~.~~ of this Code.

J. Mortuary

1. Definition: A ~~facility~~Facility where bodies are prepared for burial or cremation, which may include areas for embalming, performing of autopsies, and the storage of funeral supplies and vehicles.
2. Districts Permitted: By right in T, B, C, LI, and GI.
3. Parking Requirements: One space per 200 square feet of ~~floor area~~Floor Area.
4. Loading Requirements: None.
5. Additional Provisions: None.

K. Outdoor Theater

1. Definition: A ~~facility~~Facility for outdoor performances where the audience views the production from automobiles or while seated outside.

2. Districts Permitted: By right in C and GI.
3. Parking Requirements: If the theater has fixed seats, one space per three fixed seats; otherwise, one space per 30 square feet of ~~floor area~~Floor Area.
4. Loading Requirements: None.
5. Additional Provisions: None.

L. Recycling Collection Center, Small
1. Definition: A center for the acceptance and temporary storage of ~~recyclable materials~~Recyclable Materials to be transferred to a processing ~~facility~~Facility. Small Recycling Collection Centers involve no more than ~~3~~ three collection containers up to 40 total cubic yards in size.
2. Districts Permitted: By right in C, LI, and GI; by ~~limited impact special use~~ Limited Impact Special Review in F, A, T and B.
3. Parking Requirements: None.
4. Loading Requirements: None.
5. Additional Requirements:
   a. This shall be considered customary and incidental to Solid Waste Transfer Facilities and commercial or retail uses that are 20,000 square feet or larger.
   b. Collection centers located in parking lots, may not occupy required parking spaces. A collection center must be arranged so as to not impede traffic flow.
   c. Such a center does not include power driven processing equipment.
   d. The owner of the property and the ~~operator~~Operator of the collection center shall remove products stored at the site at least once a week.
   e. The owner of the property and the ~~operator~~Operator of the collection center shall keep the collection center in proper repair and the exterior must have a neat and clean appearance.
   f. Automated can recycling machines are limited to three per site.

M. Retail or Personal Service Facility
1. Definition: An establishment for the retail sale of merchandise or the provision of personal services, including drive-~~-~~through service. A retail ~~facility~~Facility includes but is not limited to antique or art shops, clothing, department, drug, dry good, florist, furniture, gift, grocery, hardware, hobby, office supply, package liquor, paint, pet, shoe, sporting, or toy stores. A personal service ~~facility~~Facility includes but is not limited to barber or beauty shop, dry cleaners, optometrist shop, photographic studio, or travel bureau.
2. Districts Permitted: By right in B, C, and GI.
3. Parking Requirements:
   a. One Space per 200 square feet of ~~floor area~~Floor Area.
   b. Five stacking spaces per drive up window or station.
4. Loading Requirements: One loading space for 10,000 or more square feet of ~~floor area~~Floor Area.
5. Additional Provisions: ~~none~~None.

N. Vehicle Service Center
1. Definition: A ~~facility~~Facility for the retail sale of fuel for vehicles and/or where light maintenance or vehicle service activities such as engine tune-ups, lubrication,

minor repairs, recharge of electrical vehicles, and carburetor cleaning are conducted.

2. Districts Permitted: By right in B, C, and GI.
3. Parking Requirements:
   a. One Space per gas pump, plus two spaces per service bay
   b. One stacking space per service bay and car wash bay
4. Loading Requirements: ~~none~~None.
5. Additional Provisions:~~.~~
   a. A one bay car wash may be accessory to the vehicle service center.
   b. Electric vehicle recharge stations built in conjunction with and accessory to homes or businesses that are for use by the owners, employees, or customers of the homes or businesses shall not be considered Vehicle Service Centers.

O. Veterinary Clinic, with outdoor holding facilities
   1. Definition: A ~~facility~~Facility for the diagnosis, treatment, hospitalization, and harboring of animals, which includes outdoor holding facilities.
   2. Districts Permitted: By right in A, B, C, and GI.
   3. Parking Requirements: One space per 330 square feet of ~~floor area~~Floor Area.
   4. Loading Requirements: None.
   5. Additional Provisions:
      a. Setback Requirements…300 feet from all ~~lot line~~Lot Lines.

P. Veterinary Clinic, without outdoor holding facilities
   1. Definition: A ~~facility~~Facility for the diagnosis, treatment, hospitalization, and harboring of animals, which does not include outdoor holding facilities.
   2. Districts Permitted: By right in A, T, B, C, LI, and GI; by Special Review in F, RR and ER.
   3. Parking Requirements: One space per 330 square feet of ~~floor area~~Floor Area.
   4. Loading Requirements: None.
   5. Additional Provisions: None.

4-513 Transportation Uses

A. Airport
   1. Definition: Areas used for the landing and take~~-~~off of aircraft, and any appurtenant areas which are intended for use as airport ~~building~~Buildings or other airport facilities. Such facilities may include land and ~~building~~Buildings necessary or convenient for the accommodation of the public, including but not limited to parking, retail, dining, hotel, and training facilities.
   2. Districts Permitted: By Special Review in A, T, B, C, LI, and GI.
   3. Parking Requirements: One space per 200 square feet of terminal ~~building~~Building ~~floor area~~Floor Area.
   4. Loading Requirements: One loading space for 10,000 or more square feet of ~~floor area~~Floor Area.
   5. Additional Provisions: None.

B. Heliport

1. Definition: Any designated area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.
2. Districts Permitted: By Special Review in F, A, T, B, C, LI, and GI.
3. Parking Requirements: One space per 200 square feet of terminal ~~building~~Building ~~floor area~~Floor Area, with a minimum of ~~5~~ five spaces.
4. Loading Requirements: One loading space for 10,000 or more square feet of ~~floor area~~Floor Area.
5. Additional Provisions: None.

C. Helistop
1. Definition: Any designated area used for the landing and taking off of helicopters for the purpose of picking up or discharging passengers or cargo. This use does not include fueling, refueling, or service facilities.
2. Districts Permitted: By Special Review in F, A, MF, T, B, C, LI, and GI.
3. Parking Requirements: Five spaces.
4. Loading Requirements: None.
5. Additional Provisions: None.

D. Multimodal Parking Facility
1. Definitions: A public parking area and transit ~~facility~~Facility to allow the parking of motor automotive and non-automotive modes to connect with transit, shuttle services, or rideshare programs; or a public parking area to allow the parking of automotive and non-automotive modes to service an area of public significance such as existing ~~townsite~~Townsites, open space, and areas which have cultural, environmental, or historical value, where provision of on-site parking is constrained and allowing off-site parking facilities would help maintain the character and function of the area or district served.
2. Districts Permitted: In all districts, by Limited Impact Special Review for lots with less than 15 automotive parking spaces or by Special Review for lots with 15 or more automotive parking spaces.
3. Loading requirements: To be determined through Special Review or Limited Impact Special Review.
4. Additional Provisions:
   a. This use is not required to be located on a ~~building lot~~Building Lot or comply with the minimum lot size requirement for the district in which it is located.
   b. Parking for uses on open space ~~parcel~~Parcels controlled by a government entity shall not require review under this section if the parking lot is in accordance with an open space management plan approved by the Board of County Commissioners.
   c. The parking ~~facility~~Facility must meet all applicable provisions of the Boulder County Multimodal Transportation Standards.
   d. Electric vehicle service equipment or electric vehicle supply equipment ("EVSE"), also referred to as a charging station, must be provided for new or expanded parking lots that total 15 or more automotive parking spaces.

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

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

(iii) For ease of use, parking spaces with an EVSE shall be designated for electric vehicle charging, and stations are required to register with an electric vehicle charging information network.

e. Internal traffic circulation systems shall be designed to mitigate conflicts between vehicular, bicycle, and pedestrian traffic. Pedestrian paths or sidewalks will connect to transit or shuttle stops, and the public area served. When an area of public significance is served, pedestrian walkways or sidewalks on the ~~parcel~~Parcel will connect to existing or planned walkways to the area being served.

f. For surface lots with 50 or more automotive parking spaces, interior landscaping must cover at least five percent~~5%~~ of the parking area.

g. Lighting shall comply with ~~Article~~ 7-1600 Outdoor Lighting of the Boulder County Land Use Code. Additional restrictions on quantity of lights, hours of operation, and lighting locations may be determined through the applicable review process.

h. A ~~stormwater management plan~~Stormwater Management Plan or drainage plan is required for final design and construction.

i. Rideshare requirements will be determined during review. Depending on the location and use of the multimodal parking ~~facility~~Facility, designated parking spots for rideshare vehicles may be required.

4-514 Utility and Public Service Uses

A. Central Office Building of a Telecommunication Company

1. Definition: An above ground ~~structure~~Structure which is in excess of eight feet in height which shelters telecommunications facilities required as an operating unit, including but not limited to the switch or other facilities used to establish connections between customer lines or between lines and trunk or toll lines to other central offices.
2. Districts Permitted: By review through areas and activities of state interest in all districts.

3. Parking Requirements: To be determined through review.
4. Loading Requirements: None.
5. Additional Provisions: None.

B. Community Cistern
1. Definition: An underground water storage container with a capacity of over 5,000 gallons, operated by a municipality or fire district or department, which contains water utilized exclusively for fire protection.
2. Districts Permitted: By Limited Impact Special Review in all districts unless waived by the Director.
3. Parking Requirements: To be determined through Limited Impact Special Review.
4. Loading Requirements: None.
5. Additional Provisions:
   a. This use is not required to be located on a ~~building lot~~Building Lot~~,~~ or comply with the minimum lot size requirement for the district in which it is located.
   b. Any above ground water storage ~~facility~~Facility with a capacity over 5,000 gallons is required to meet the requirements of ~~Article~~ 4-514.~~(R)~~ or 4-514.~~(S)~~, as applicable.
   c. The requirement for Limited Impact Special Review may be waived if the Director determines the community cistern will not have an impact on significant environmental or cultural resources identified in the Comprehensive Plan and that there is no potential for any significant conflict with the criteria listed in ~~Article~~ 4-601 of this Code. In considering this determination, the Director shall notify ~~adjacent property owner~~Adjacent Property Owners. The Director shall not issue the determination for seven days and shall consider any comments received from the public.

C. Fire Barn
1. Definition: A ~~facility~~Facility operated by a municipality, fire district, or department which houses fire equipment.
2. Districts Permitted: By Limited Impact Special Review in all districts.
3. Parking Requirements: To be determined through Limited Impact Special Review.
4. Loading Requirements: None.
5. Additional Provisions:
   a. This use is not required to be located on a ~~building lot~~Building Lot~~,~~ or comply with the minimum lot size requirement for the district in which it is located.

D. Fire Station
1. Definition: A ~~facility~~Facility operated by a municipality, fire district, or department which houses fire equipment and may be used for the housing of personnel and associated meetings.
2. Districts Permitted: By Special Review in all districts.
3. Parking Requirements: To be determined through Special Review.
4. Loading Requirements: None.
5. Additional Provisions: None.

E. Gas and/or Hazardous Liquid Pipelines

1. Definition: Pipelines for the collection and transmission of crude oil, natural gas or other hazardous liquids, including:
    a. flowlines: segments of pipe from the wellhead downstream through the production facilities ending at: (i) in the case of gas lines, the gas metering equipment, or (ii) in the case of oil lines, the oil loading point or lease automated custody transfer unit;
    b. gathering lines: pipelines and equipment that transports gas from a production ~~facility~~Facility, ordinarily commencing downstream of the final production separator at the inlet flange of the custody transfer meter, to a natural gas processing plan or transmission line or main, including valves, metering equipment, communication equipment, cathodic protection facilities, and pig launchers and receivers, but does not include dehydrators, treaters, tanks, separators, or compressors located downstream of the final production facilities and upstream of the natural gas processing plants, transmissions lines, or main lines); and
    c. intra-state transmission lines: pipelines within the State of Colorado and defined as transmission lines by the Colorado Public Utilities Commission in 4 C.C.R. 723-4:4901(ee) as amended~~6~~)
2. Districts Permitted: In all districts by Special Review under Article 4, Article 8 (areas and activities of state interest), or Article 12 as applicable. Gathering lines, intra-state transmission lines and flowlines that are part of new oil and gas development and are located on the same ~~parcel~~Parcel as a well head, pumping units, tanks and treaters will be subject to Special Review under Article 12 of this Code. Gathering lines and intra-state transmission lines that are not associated with new oil and gas development or are not located on the same ~~parcel~~Parcel as a well head, pumping units, tanks and treaters and are not subject to Article 8 are subject to special review under this Article 4.
3. Parking Requirements: None.
4. Loading Requirements: None.
5. Additional Provisions:
    a. This use is not required to be located on a ~~building lot~~Building Lot~~,~~ or comply with the minimum lot size requirement for the district in which it is located.
    b. The Applicant must provide written notice of the application to all property owners within 500 feet of the centerline of the proposed pipeline.
    c. The Applicant must submit copies of all necessary surface use agreements and proof of legal access to the site prior to the commencement of any construction activities.
    d. Siting~~.~~
        (i) Gathering lines, flowlines and intra-state transmission lines subject to Article 4 review shall, to the maximum extent practicable, be sited to avoid areas containing existing or proposed residential, commercial, or industrial ~~building~~Buildings; places of public assembly; the high mark of any surface waterbody; and sensitive environmental features.

(ii) Such lines shall, to the maximum extent practicable, be sited to avoid areas that will impact county open space or impede ~~road~~Road ~~rights-of-way~~Rights-Of-Way. Surface impacts and habitat fragmentation and disturbance must be minimized where such pipelines are permitted.

(iii) To the maximum extent practicable, without compromising pipeline integrity and safety, Applicants shall share existing pipeline ~~rights-of-way~~Rights-Of-Way and consolidate new corridors for pipeline ~~rights-of-way~~Rights-Of-Way to minimize surface impacts.

(iv) Setbacks from residential, commercial, or industrial ~~building~~Buildings, places of public assembly and the highwater mark of any surface water body will be determined on a case-by-case basis in consideration of the size and type of the proposed line and features of the proposed site, but a Gas and/or Hazardous Liquid Pipeline subject to Article 4 Special Review must not be located closer than ~~one hundred and fifty (~~150~~)~~ feet from a residential, commercial, or industrial ~~building~~Buildings; a place of public assembly; or a the high-water mark of any surface water body except in extraordinary circumstances. All ~~setback~~Setback distances shall be measured from the nearest edge of the pipeline.

(v) To minimize negative impacts to the channel, bank, and riparian areas, when crossing streams, rivers or ~~irrigation ditch~~Irrigation Ditches, ~~operator~~Operators must use boring technology or alternative Director-approved most effective performance techniques and practices.

e. Construction~~.~~

(i) Flowlines, gathering lines, and intra-state transmission lines subject to this Article 4 shall be buried below the level of cultivation, and must be installed so that the cover between the top of the pipe and the ground level, ~~road~~Road bed, river bottom, or underwater natural bottom is at least three ~~(3)~~ feet deep.

(ii) The Department may require an Applicant for a pipeline to provide a risk-based engineering study for all or part of its proposed pipeline ~~right of way~~Right-Of-Way that may require the implementation of more stringent construction or operation standards or space between the pipeline and other ~~structure~~Structures.

(iii) During pipeline construction for trenches that are left open for more than five ~~(5)~~ days and are greater than five ~~(5)~~ feet in width, install wildlife crossovers and escape ramps where the trench crosses well-defined game trails and at a minimum of one-quarter ~~(1/4)~~ mile intervals where the trench parallels well-defined game trails.

(iv) All pipe installed in a ditch must be installed in a manner that minimizes the introduction of secondary stresses and the possibility of damage to the pipe.

(v) Gathering lines, flowlines and intra-state transmission lines installed underground must have at least ~~twelve (~~12~~)~~ inches of clearance between the outside of the pipe and the extremity of any other underground ~~structure~~Structure, except that for drainage tile the minimum clearance may

be less than ~~twelve (~~12~~)~~ inches but not less than two ~~(2)~~ inches. Where ~~twelve (~~12~~)~~ inches of clearance is impracticable, the Director may approve a request by the ~~operator~~Operator to reduce the minimum clearance if adequate provisions are made for corrosion control.

f. **Records.** A complete record that shows the following must be maintained by the ~~operator~~Operator for the life of each pipeline ~~facility~~Facility and provided to the Director in electronic format compatible with the ~~County~~county's geographic information system for reference in case of emergency:
   (i) The total number of girth welds and the number nondestructively tested, including the number rejected and the disposition of each rejected weld.
   (ii) The amount, location, and cover of each size of pipe installed.
   (iii) The location of each crossing of another pipeline.
   (iv) The location of each buried utility crossing.
   (v) The location of each overhead crossing.
   (vi) The location of each valve and corrosion test station.
   (vii) Copies of all monitoring results and pipeline integrity test results for the past five years.

g. Inspection, Monitoring, Testing and Maintenance~~.~~
   (i) Gathering lines, flowlines and intra-state transmission lines must include a leak detection system that includes pressure flow meters, flow balancing, and a computer alarm and communication system in the event of a suspected leak, unless, upon Applicant's request, the Director determines that an equivalent or better, commercially available technology appropriate to the line and the site may be used instead. The leak detection system for gas pipelines must include pressure sensor equipment. The accuracy of the system must be defined once the system is established and tested in a manner approved by the Director. The Director may approve change in these requirements to address specific system operating requirements.
   (ii) Flowlines subject to Article 4 special review and operating at ~~fifteen (~~15~~)~~ psig or higher must either be pressure tested at least each calendar year unless risk factors suggest more frequent testing, or use a continuous monitoring program including a continuous leak detection system as described above.
   (iii) If a leak is detected, the ~~operator~~Operator must report the leak to the Director immediately, at a minimum within ~~twenty-four (~~24~~)~~ hours. The ~~operator~~Operator must notify the Director of any pipeline taken out of service due to a test failure immediately, at a minimum within ~~twenty-four (~~24~~)~~ hours.
   (iv) Pipe clamps, wooden plugs, or screw-in plugs must not be used for any permanent repair.
   (v) Operators must visually inspect all above-ground pipelines for leaks and corrosion on a monthly basis.

h. **Abandonment.** If an Operator plans to abandon a gathering line or transmission line, the Operator must submit proposed pipeline abandonment procedures to the Director for review and approval. Flowlines must be abandoned consistent with COGCC Rule 1103 as amended.

i. Where appropriate given the context of the application, in reviewing an application or formulating a condition of approval the Director may consult the pipeline guidelines published by the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration for acceptable separation distances between residential, institutional, recreational, commercial, or industrial uses and hazardous operations, available at 24 C.F.R. Part 51.

F. Major Facility of a Public Utility
   1. Definition: Any ~~electric transmission line~~Electric Transmission Lines, ~~power plant~~Power Plants, or substations of electric utilities; major ~~gas regulator station~~Gas Regulator Stations, transmission and gathering pipelines, and storage areas of utilities providing natural gas or petroleum derivatives; and their appurtenant facilities.
   2. Districts Permitted: By review under the regulation of areas and activities of state interest, or Special Review and location and extent review in all districts. Power ~~plants~~ Plants by review under the regulation of areas and activities of state interest in GI, LI, C, A, F.
   3. Parking Requirements: To be determined through the review.
   4. Loading Requirements: None.
   5. Additional Provisions:
      a. With the exception of ~~power plant~~Power Plants, this use is not required to be located on a ~~building lot~~Building Lot, nor comply with the minimum lot size requirement for the district in which it is located.
      b. Power ~~plants~~ Plants are required to be located on a ~~building lot~~Building Lot.
      c. Power ~~plants~~ Plants in the Agricultural or Forestry zone districts will be permitted only if the area used has been contaminated or damaged making it unsuitable for agricultural, forestry, or residential uses. These areas may include former landfills, brownfields, Superfund sites, and the like.
      d. Power ~~plants~~ Plants cannot be located on areas with the following Boulder County Comprehensive Plan designations: Agricultural Lands of National Importance, Agricultural Lands of Statewide Importance, Agricultural Lands of Local Importance, Natural Landmarks and Natural Areas, or Critical Wildlife Habitats.
      e. Applications for ~~power plant~~Power Plants shall be reviewed with special consideration given to the View Protection Corridors, as identified in the Boulder County Comprehensive Plan.

G. Public or Quasi-public Facility Other Than Listed
   1. Definition: A public or quasi-public ~~facility~~Facility other than those specified in ~~this Section~~ 4-514.
   2. Districts Permitted: By Special Review in all districts.
   3. Parking Requirements: To be determined through Special Review.
   4. Loading Requirements: To be determined through Special Review.
   5. Additional Provisions:
      a. This use is not required to be located on a ~~building lot~~Building Lot~~,~~ or comply with the minimum lot size requirement for the district in which it is located.

b. ~~Electric transmission line~~Electric Transmission Lines are not required to comply with the height requirement for the district in which it is located.

H. Public Safety Telecommunication Facility
1. Definition: A ~~facility~~Facility owned and/or operated by a governmental agency, or a volunteer public safety agency officially sanctioned by a government agency for that purpose, utilized for the transmission and reception of electromagnetic or electro-optic information for public safety communication uses.
2. Districts Permitted: By Limited Impact Special Review in all districts.
3. Parking Requirements: None.
4. Loading Requirements: None.
5. Additional Provisions:
   a. This use is not required to be located on a ~~building lot~~Building Lot~~,~~ or comply with the minimum lot size requirement for the district in which it is located.

I. Sewage or Water Transmission Lines
1. Definition: Pipelines used for the transport of water or ~~sewage~~Sewage.
2. Districts Permitted: By review under the regulation of areas and activities of state interest or location and extent review in all districts, unless the line is serving an oil and gas ~~facility~~Facility, in which case special review under Article 12 in all districts.
3. Parking Requirements: None.
4. Loading Requirements: None.
5. Additional Provisions:
   a. This use is not required to be located on a ~~building lot~~Building Lot~~,~~ or comply with the minimum lot size requirement for the district in which it is located.

J. Sewage Treatment Facility
1. Definition: A ~~facility~~Facility for the collection, treatment, and disposal of ~~sewage~~Sewage, which has a designed capacity to receive more than 2000 gallons of ~~sewage~~Sewage per day.
2. Districts Permitted: By review under the regulation of areas and activities of state interest, or Special Review and location and extent review in all districts.
3. Parking Requirements: To be determined through the review.
4. Loading Requirements: None.
5. Additional Provisions:
   a. This use is not required to be located on a ~~building lot~~Building Lot~~,~~ or comply with the minimum lot size requirement for the district in which it is located.

K. Small Wind-Powered Energy System
1. Definition: A wind energy conversion system which may include a wind turbine and blades, a tower, and associated control or conversion electronics.
2. 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.
3. Parking Requirements: None.
4. Loading Requirements: None.
5. Additional Provisions:

a. As a Principal Use, this use must be located on a ~~building lot~~Building Lot or an ~~outlot~~Outlot ~~plat~~Platted for this purpose. As an accessory use, this use must be located on a ~~building lot~~Building Lot if the Principal Use requires a ~~building lot~~Building Lot.
b. This use may be considered accessory~~, that is, customary and incidental~~ to a Principal Use when its primary purpose is to reduce consumption of utility power on the ~~parcel~~Parcel on which it is located.
c. The minimum ~~setback~~Setback from any property line, ~~right-of-way~~Right-Of-Way, roadway ~~easement~~Easement, or public trail shall be a distance no less than one~~1~~ times the system's highest point unless the ~~adjacent property owner~~Adjacent Property Owner(s) grants written permission for a lesser ~~setback~~Setback. In addition to the system's ~~structure~~Structures, guy wires associated with towers shall meet applicable ~~setback~~Setbacks for the zone district.
d. The maximum height of a wind energy system shall not exceed 80 feet in height, and no variance may be granted to exceed this maximum height limit. Structure height is the vertical distance from any part of the ~~structure~~Structure (including blades) to the existing or natural grade. A system that exceeds the applicable height limit of the zone district in which it is located will not be approved, unless the ~~applicant~~Applicant demonstrates through competent information, such as anemometer data or National Renewable Energy Laboratory mapping, that the proposed site provides sufficient wind potential to justify a taller system, and that the other requirements for this use and review criteria can be met.
e. Applications shall be reviewed according to the required review criteria based on the height of the ~~structure~~Structure with special consideration to:
    (i) **Comprehensive Plan ~~d~~Designations.** This use shall not have a significant adverse visual impact on the natural features or ~~neighborhood~~Neighborhood character of the surrounding area. Particular consideration to view protection shall be given to proposals that would be visible from areas designated Peak-to-Peak Scenic Corridor, View Protection Corridor, and areas within the Natural Landmarks and Natural Areas and buffers as designated in the Boulder County Comprehensive Plan.
    (ii) **Visual impacts.** Colors and surface treatment of the installation shall be as neutral and non-reflective as possible with muted colors on all surfaces. Graphics, signs and other decoration are prohibited.
f. Tower ~~structure~~Structure lighting is prohibited.
g. If this use ceases to perform its originally intended function for more than 18 consecutive months, the system shall be removed and adequate site restoration performed no later than 90 days after the end of the 18-month period.
h. Prior to approving an application for a small wind-powered energy system, staff may require the ~~applicant~~Applicant to show that no other less obtrusive form of renewable energy device is feasible under the circumstances.

L. Solar Energy – Building-Mounted System

1. Definition: A ~~solar energy system~~Solar Energy System mounted on or integrated into the construction of a ~~structure~~Structure, such as, but not limited to, a roof-mounted ~~solar energy system~~Solar Energy System.
2. Districts Permitted: By right in all districts.
3. Parking Requirements: None.
4. Loading Requirements: None.
5. Additional Provisions:
    a. Building-mounted systems may be mounted on an existing or new ~~legal structure~~Structure, subject to review through the ~~building~~Building permit process.
    b. Building-mounted systems may be mounted on an existing or new ~~legal structure~~Structure, subject to review through the ~~building~~Building permit process.
    c. A ~~building~~Building-mounted ~~solar energy system~~Solar Energy System added to a non-conforming ~~structure~~Structure, or a ~~structure~~Structure containing a non-conforming use, will not be considered an enlargement, repair, or alteration of a nonconforming ~~structure~~Structure or use that increases the degree of nonconformity under ~~Article~~ 4-1002 or that is impermissible under 4-1003.
        (i) Building-mounted ~~solar energy system~~Solar Energy Systems on a ~~structure~~Structure that is non-conforming because it does not meet or is currently at the minimum ~~setback~~Setback may project into the ~~setback~~Setback up to an additional one foot.
        (ii) Additional restrictions or requirements in ~~Article~~ 4-400 may apply to nonconforming ~~structure~~Structures and uses in the ~~floodplain~~Floodplain.
    d. Roof-mounted systems must be mounted as flush as possible to the roof. In order to achieve proper solar orientation, panels may exceed the height of the roofline and, consequently, the maximum height permitted in the zoning district by no more than five feet.

M. Solar Energy – Ground-Mounted System
1. Definition: A ~~solar energy system~~Solar Energy System mounted on a rack or poles that rests on or is attached to the ground, not including a ~~solar energy system~~Solar Energy System mounted on parking canopies.
2. Districts Permitted:
   [TABLE]
   *Note: Special Review is required for Significant Agricultural Lands in A, RR, ER, as listed in the additional provisions, below. Medium and Large systems are not permitted in ~~platted subdivision~~Platted Subdivisions in ER and RR.
3. Parking Requirements: To be determined through review.
4. Loading Requirements: None.
5. Additional Provisions:
    a. This use is required to be located on a ~~building lot~~Building Lot~~,~~ or an ~~outlot~~Outlot ~~plat~~Platted for this purpose.
    b. The use may be allowed ~~on~~ in the ~~right-of-way~~Right-Of-Way, as permitted by the ~~right-of-way~~Right-Of-Way owner and if compatible with the use of the ~~right-of-~~

~~way~~Right-Of-Way. For ~~right-of-way~~Right-Of-Way systems, further requirements may be stipulated by the Boulder County Public Works Department or the Colorado Department of Transportation to ensure compatibility with transportation-related uses of the ~~right-of-way~~Right-Of-Way.

c. The appropriateness of a site, the specific location on the site, and the extent of site disturbance will be determined through the applicable review process.
d. Ground-mounted systems with Disturbed Area~~disturbed area~~ greater than half of an ~~0.5~~ acre cannot be located on areas designated by the Boulder County Comprehensive Plan as Natural Landmarks, Natural Areas, Critical Wildlife Habitats, or Wildlife Migration Corridors.
e. Ground-mounted systems are allowed as a second Principal Use on ~~parcel~~Parcels subject to the review process applicable for the proposed new ground-mounted system.
f. Ground-mounted systems shall not exceed 15 feet in height, except to accommodate site-~~-~~specific needs and as approved through review. Systems exceeding 15 feet in height require an increased ~~setback~~Setback of 75 feet from all property lines, unless it is demonstrated that a lesser ~~setback~~Setback or topographical or vegetative screening adequately mitigates visual impacts. In no case shall a system exceed 25 feet in height.
g. Ground-mounted systems with Disturbed Area~~disturbed area~~ greater than ~~2.5~~ two and a half acres are not permitted in the Forestry Zoning District unless the site has been previously contaminated or the soil otherwise damaged, making it unsuitable for agricultural or forestry uses. Qualifying areas may include properties that have previously undergone intensive development and where it is determined, through the review process, that installation of a ground-mounted system will not have additional significant impacts.
h. Ground-mounted systems with a Disturbed Area~~disturbed area~~ greater than half of an~~0.5~~ acre on lands designated as Significant Agricultural Lands under the Boulder County Comprehensive Plan, and located in the Agricultural, Estate Residential, or Rural Residential zone districts~~-~~, require Special Review and are subject to the following additional requirements intended to preserve and maintain soil and agricultural integrity:
    (i) The total Disturbed Area~~disturbed area~~ associated with the ground-mounted system cannot exceed ~~7~~ seven acres on ~~parcel~~Parcels smaller than 70 acres in size, or 14 acres on ~~parcel~~Parcels larger than 70 acres in size.
    (ii) Application for the ground-mounted system must contain a ~~solar energy system~~Solar Energy System ~~development report~~Development Report as set forth in ~~Article~~ 3-203.

N. Solar Energy - Parking Canopy System
1. Definition: A ~~solar energy system~~Solar Energy System mounted on or integrated into the construction of a vehicle parking shade ~~structure~~Structure which covers vehicle or other multimodal parking areas.
2. Districts Permitted: By Site Plan Review in all districts.
3. Parking Requirements: To be determined through the review.

4. Loading Requirements: None.
5. Additional Provisions:
    a. This use is not required to be located on a ~~building lot~~Building Lot.
    b. This use is required to be located on an existing or approved parking area and the vehicle shade ~~structure~~Structure for this use must meet ~~building~~Building code requirements.
    c. Unobstructed separation of not less than 16 feet, between canopy ~~structure~~Structures, must be maintained over dedicated parking aisles. Parking space striping and other applicable requirements as described in the Multimodal Transportation Standards must be met.
    d. A parking canopy system and all of its component parts must not obstruct or encroach into a fire lane.
    e. Where possible, parking canopy systems should be designed to minimize the increase in overall massing on the site, for example, by having larger systems consist of multiple smaller canopy ~~structure~~Structures.
    f. Parking canopy system design must minimize drainage impacts.
    g. Parking canopy ~~solar energy system~~Solar Energy Systems must not exceed a maximum height of 30 feet, unless otherwise approved through Site Plan Review to accommodate site-specific needs.

O. Telecommunications Facility
1. Definition: A ~~facility~~Facility used to provide personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or Smart City, Internet of Things, wireless utility monitoring and control services. A Telecommunication Facility does not include a ~~facility~~Facility entirely enclosed within a permitted ~~building~~Building where the installation does not require a modification of the exterior of the ~~building~~Building; nor does it include a device attached to a ~~building~~Building, used for serving that ~~building~~Building only and that is otherwise permitted under other provisions of the Code. A Telecommunication Facility includes an Antenna or Antennas, including without limitation, direction, omni-directional and parabolic antennas, support equipment, Alternative Tower Structures, and Towers. This use does not include any other use listed in this Code, devices not used for communication, or radio frequency machines which have an effective radiated power of 100 watts or less.
    a. Small Cell Wireless Facility – is defined as a ~~facility~~Facility that is mounted on ~~structure~~Structures 50 feet or less in height including their antennas, and where each antenna is located inside an enclosure no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and primary equipment enclosures are no larger than seventeen cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment,

telecommunications demarcation box, ground-based enclosure, back-up power systems, grounding equipment, power transfer switch and cut-off switch and meets the height requirements of the district in which it is located.

b. Macro-Cell Facility is defined as a ~~facility~~Facility used for the transmission or reception of electromagnetic or electro optic information for the purposes of providing coverage over large areas, greater than 50 feet in height, and primary equipment enclosures are greater than seventeen cubic feet in volume.

c. Eligible Facility Request is defined as any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving~~:~~ collocation of new transmission equipment~~,~~; removal of transmission equipment~~,~~; or replacement of transmission equipment.

2. Districts Permitted:
   a. For Small Cell Wireless and Eligible Facility requests, an Administrative Review as set forth in ~~Article~~ 4-700.
   b. For a Macro-C~~c~~ell Facility placed on an existing ~~structure~~Structure that may require accessory ~~structure~~Structures and meets the height requirements of the district in which it is located, by Site Plan Review, subject to the requirements outlined in ~~Section~~ 4-800 through 4-806 of this Code.
   c. For a Macro-C~~c~~ell ~~facility~~Facility placed on a new ~~structure~~Structure or that exceeds the height requirements for the district in which it is located, by Special Review. In addition to the general requirements for Special Review, telecommunication facilities shall also be subject to the requirements outlined in ~~Section~~ 4-600 and ~~Section~~ 4-602.D of this Code.
3. Parking Requirements: None.
4. Loading Requirements: None.
5. Additional Provisions:
   a. This use is not required to be located on a Building Lot or comply with the minimum lot size requirement for the district in which it is located.
   b. All Telecommunication facilities shall comply with federal standards for radio frequency standards.
   c. Applicant must comply with the Boulder County Community Planning ~~&~~and Permitting Department Small Cell Wireless Facility Design Requirements and Guidelines publication available at the Community Planning ~~&~~and Permitting Department.
   d. Small cell facilities must meet the height requirements of the district in which it is located. Upon petition by the ~~applicant~~Applicant, the Community Planning ~~&~~and Permitting Director may allow up to an additional ~~8~~ eight feet above the height limit of the zoning district based upon consideration of the context of the location, technological feasibility, density of other equipment in the area, and visual impacts.
   e. Any small cell ~~facility~~Facility in the public right~~-~~-of-~~-~~way that is not used for a period of six months or more shall be deemed to be abandoned. The small cell ~~facility~~Facility owner or ~~applicant~~Applicant shall remove a small cell wireless

~~facility~~Facility that is considered abandoned and if they fail to remove the abandoned ~~facility~~Facility the ~~County~~county may remove the small cell ~~facility~~Facility and charge the costs to the small cell ~~facility~~Facility owner.

f. For Macro-cell facilities a separate accessory equipment ~~building~~Building is allowed as long as it is no more than 10% of the gross ~~floor area~~Floor Area of all existing permitted ~~structure~~Structures on the ~~parcel~~Parcel or 450 square feet, whichever is less unless waived by the Community Planning ~~&~~and Permitting Director.

g. Any approval of a small cell wireless ~~facility~~Facility is not subject to any appeal process under the Land Use Code.

h. For small cell wireless ~~facility~~Facility applications, property owners within 1,500 feet of the subject property shall be notified. Applications for other telecommunications facilities shall be noticed consistent with ~~Article~~ 3-204 or 4-805 as applicable.

P. Telecommunications Facility, requiring a new ~~structure~~Structure or accessory ~~structure~~Structure exceeding the height limitation of the district in which the ~~facility~~Facility is located, or exceeding the accessory ~~building~~Building size limitations set forth in ~~Subsection~~ 4-516.~~O.~~ immediately above.

1. Definition: A ~~facility~~Facility used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a new ~~structure~~Structure, requires accessory ~~structure~~Structures, or exceeds the height requirements of the district in which it is located. This use does not include any other use listed in this Code, devices not used for communication, or radio frequency machines which have an effective radiated power of 100 watts or less.
2. Districts Permitted: By Special Review in all districts.
3. Parking Requirements: None.
4. Loading Requirements: None.
5. Additional Provisions:
   a. In addition to the general requirements for approval of a special use permit, telecommunication facilities shall also be subject to the requirements outlined in ~~Section~~ 4-600 of this Code.
   b. This use is not required to be located on a ~~building lot~~Building Lot~~,~~ or comply with the minimum lot size requirement for the district in which it is located.

Q. Utility Service Facility

1. Definition: Any ~~electrical distribution line~~Electrical Distribution Lines, natural gas distribution lines, minor ~~gas regulator station~~Gas Regulator Stations, cable television lines, telegraph and telephone lines, or other minor service facilities.
2. Districts Permitted: By right in all districts.
3. Parking Requirements: None.
4. Loading Requirements: None.
5. Additional Provisions:
   a. This use is not required to be located on a ~~building lot~~Building Lot~~,~~ or comply with the minimum lot size requirement for the district in which it is located.
   b. No ~~building~~Buildings shall be associated with this use.

c. This use is limited to the following sizes:
(i) gas lines less than 12 inches; and
(ii) electric lines of less than 115,000 volts.

R. Water Reservoir
1. Definition: An area of land where water rights are retained or an area intended for water storage.
2. Districts Permitted: By review under the regulation of areas and activities of state interest, or Special Review and location and extent review in all districts.
3. Parking Requirements: To be determined through the review.
4. Loading Requirements: None.
5. Additional Provisions:
a. This use is not required to be located on a ~~building lot~~Building Lot~~,~~ or comply with the minimum lot size requirement for the district in which it is located.
b. This use does not include reservoirs used primarily for agricultural purposes. Agricultural purposes include but are not limited to stock watering ponds, irrigation reservoirs, and ~~fish farm~~Fish Farms. Any reservoir used primarily for agricultural purposes may also be used for incidental noncommercial recreational, piscatorial and wildlife purposes by the owners of the reservoir.

S. Water Tank or Treatment Facility
1. Definition: A ~~facility~~Facility, excluding community cisterns, with a capacity of 5,000 gallons or more for purifying, supplying, and holding water.
2. Districts Permitted: By review under the regulation of areas and activities of state interest, or Special Review and location and extent review in all districts.
3. Parking Requirements: To be determined through the review.
4. Loading Requirements: None.
5. Additional Provisions:
a. This use is not required to be located on a ~~building lot~~Building Lot~~,~~ or comply with the minimum lot size requirement for the district in which it is located.
b. This use shall also be granted and maintain all applicable local, state, and federal permits.

4-515 Warehouse Uses

A. Personal Storage Facility
1. Definition: A ~~facility~~Facility for storage of personal items in individual units, bins, rooms, or containers.
2. Districts Permitted: By right in C, LI, and GI.
3. Parking Requirements: One space per 20 units.
4. Loading Requirements: None.
5. Additional Provisions:
~~5.~~a. Any unit, bin, room, or container must be a permanent ~~structure~~Structure.

B. Warehouse and Distribution Center
1. Definition: A ~~building~~Building used primarily for the inside storage and distribution of goods and materials, which includes land and ~~building~~Buildings used as a relay

station for the transfer of goods from one vehicle or party to another, and the parking and storage of tractor and/or other trailer units.

2. Districts Permitted: By right in LI and GI.
3. Parking Requirements: One space per 1,000 square feet of ~~floor area~~Floor Area.
4. Loading Requirements: One loading space for 10,000 or more square feet of ~~floor area~~Floor Area.
5. Additional Provisions:
   a. The parking and storage of tractor and/or other trailer units does not allow the storage of either ~~of~~ empty inoperable trailers or trailers as storage units themselves.
   b. All required local, state, and federal licenses and permits, including those related to marijuana must be obtained from the appropriate regulatory agencies.
   c. For Marijuana Establishment regulations, refer to ~~Section~~ 4-512.I~~.~~ of this Code

4-516 Accessory Uses

An accessory use must be a use customarily incidental to and on the same ~~parcel~~Parcel as the main use. A use listed in 4-500 may be an accessory use if the Director determines that the use is customarily incidental to a main use. Except as provided ~~in this article~~, an accessory use must comply with all regulations applicable to the main use.

A. Accessory Agricultural Composting
   1. Definition: The conversion of organic materials, collected in a pile or windrow, through a process of managed biological decomposition to produce finished compost, in a manner customary and incidental to a principal agricultural use.
   2. Districts permitted: By right in F, A, RR, ER, T, B, C, LI, GI, and MI zone districts.
   3. Parking Requirements: None.
   4. Loading Requirements: None.
   5. Additional Provisions:
      a. Composting incidental to agricultural operations is exempt from the location requirements in ~~part~~ (c) below when under 50 cubic yards of material is being processed.
      b. Materials which may be collected from off-site are limited to wood and vegetative debris, yard byproducts, food discards and agricultural by-products.
      c. If more than 50 cubic yards of material is being composted at any one time, ~~T~~the location of the composting must be at least 150 feet from the perimeter of the ~~parcel~~Parcel(s) under the same ownership, lease, or control where the agricultural operation is occurring.~~, if more than 50 cubic yards of material is being composted at any one time.~~
      d. The total amount of active composting material shall not exceed 1,000 cubic yards at any one time.
      e. No more than 1,500 cubic yards of composted material shall be removed from the site in any 36-month period.
      f. Any required state and federal licenses and permits shall be obtained from the appropriate regulatory agencies and shall be maintained in good standing.

g. The location of composting activities must be outside the 100-year ~~floodplain~~Floodplain and at least 100 feet from wells and at least 50 feet from streams or other water features.
h. Measures to protect ~~storm water~~Stormwater quality shall be implemented. Runoff from composting shall not leave the property or enter a water body.

B. Accessory Agricultural Sales
1. Definition: A location for the retail sale or wholesale of ~~agricultural~~ Agricultural or ~~horticultural~~ Horticultural products.
2. Districts Permitted: By right in F, A, RR on ~~unsubdivided land~~Unsubdivided Land, ER, LI, GI, T, B, C, and MI; By Limited Impact Special Review in RR (subdivided) unless waived by the Director.
3. Parking Requirements: Vehicles should be accommodated on-site. On street parking may be permissible with review and approval from the Public Works Department.
4. Loading Requirements: Sufficient to accommodate the use.
5. Additional Provisions:
a. The majority of all products sold must be sourced from Boulder County ~~farm~~Farms. A minimum of 70 percent of the area used for sales, must be used for the sale of Agricultural Products. The remainder (up to 30 percent of the area used for sales) may be used for the sale of craft, artisan, or prepared food products, and may include a nominal amount of other products (~~e~~e.g., promotional items).
b. Food items sold must meet all applicable state and local requirements, for example sale of value-added products may require a license from Boulder County Public Health.
c. Units used for Accessory Agricultural Sales must meet the definition of an Agricultural Sales Unit and are subject to the Accessory Agricultural Structures provisions in ~~Article~~ 4-516.C.
d. Agricultural or ~~horticultural~~ Horticultural products grown on the ~~farm~~Farm may be processed on the ~~farm~~Farm to create a value-added product provided the majority of the ingredients are grown on-site. A commercial kitchen for the express purpose of processing ~~agricultural products~~Agricultural Products may be constructed.
e. For purposes of this use, the term "on-site" means ~~agricultural~~ Agricultural and ~~horticultural~~ Horticultural products that are grown on ~~parcel~~Parcels under the same ownership, lease, or control as the ~~parcel~~Parcel where the Accessory Agricultural Sales use is located.
f. A mobile ~~farm~~Farm stand shall be allowed a maximum of one~~(1)~~ 120-volt 20-amp GFCI protected receptacle fed from the existing electrical system. This receptacle shall be weatherproof and mounted in a weatherproof box with an approved cover allowing cord connection while closed. The box shall be mounted on a minimum 4x4 pressure treated post buried a minimum of ~~2'~~ two feet in the ground and standing a minimum of two feet~~2'~~ ~~above grade~~Above Grade or equivalent installation approved by the Chief Building Official. This

electrical installation shall be considered permanent and installed accordingly per all currently adopted NEC requirements.

g. The requirement for Limited Impact Special Review in RR subdivisions may be waived if the Director determines the Accessory Agricultural Sales will not have a negative impact on the ~~neighborhood~~Neighborhood and that there is no potential for any significant conflict with the criteria listed in ~~Article~~ 4-601 of this Code. In considering this determination, the Director shall notify ~~adjacent property owner~~Adjacent Property Owners. The Director shall not issue the determination for seven days and shall consider any comments received from the public.

h. A mobile ~~farm~~Farm stand located in the Floodplain Overlay District must meet the requirements in ~~Article~~ 4-405.F (for Recreational Vehicles) but does not need a Floodplain Development Permit. All other Agricultural Sales Units that have two sides and a roof and are located in the Floodplain Overlay District must receive a Floodplain Development Permit and meet the requirements of ~~Article~~ 4-405.C.3.a.

C. Accessory Agricultural Structure

1. Definition:
   a. A ~~structure~~Structure that is accessory to a principal agricultural use, which may include barns that store animals or agricultural implements, detached greenhouses, Season-Extending Agricultural Structures, indoor riding arenas, or other accessory ~~structure~~Structures depending on their demonstrated use; or
   b. Agricultural sales ~~structure~~Structures accessory to a principal Agricultural, Commercial, or Business use.
2. Districts Permitted: By right in F, A, RR, ER, LI, GI, T, B, C, and MI.
3. Parking Requirements: To be determined through review.
4. Loading Requirements: None.
5. Additional Provisions:
   a. Accessory Agricultural Structures are subject to the minimum requirements of the zoning district in which they are located.
   b. Accessory Agricultural Structures must be of a size and scale that relates to the size and scale of the agricultural use on-site, except that Agricultural Sales Units may be located on property not used for production of ~~agricultural products~~Agricultural Products (see 4-516). Property owners may be asked to demonstrate the agricultural use including the area where the agricultural use will take place, describe how the ~~structure~~Structure will be utilized, and discuss how the ~~structure~~Structure and its proposed size is necessary to support the agricultural use on-site. Property owners may be required to sign a zoning affidavit restricting the ~~structure~~Structure to agricultural uses.
   c. For purposes of this use, the term "on-site" means ~~parcel~~Parcels under the same ownership, lease or control as the ~~parcel~~Parcel where the Accessory Agricultural Structure is located.
   d. Structures that support the agricultural use shall not be considered Residential Floor Area. Structures that do not support an agricultural use are considered

Accessory Structures and will contribute to the total Residential Floor Area on the subject ~~parcel~~Parcel.

D. Accessory Beekeeping
   1. Definition: Raising domestic honey-bees for the purpose of collecting honey.
   2. Districts permitted: By right in F, A, RR, ER, SR, LI, GI, and MI.
   3. Parking Requirements: None.
   4. Loading Requirements: None.
   5. Additional Provisions:
      a. Beekeeping is an Open Agricultural use.
      b. Two ~~(2)~~ colonies are allowed per ~~building lot~~Building Lot in the SR zone district. ~~(~~A queen and her worker bees are considered one colony.~~)~~

E. Accessory Chicken Keeping
   1. Definition: Raising chicken hens primarily for the people living on the ~~parcel~~Parcel.
   2. Districts permitted: By right in F, A, RR, ER, SR, LI, GI, and MI.
   3. Parking Requirements: None.
   4. Loading Requirements: None.
   5. Additional Provisions:
      a. Keeping chickens is an agricultural use. For the F, A, RR, ER, LI, GI, and MI zone districts, the maximum number of animals on a ~~parcel~~Parcel shall be determined by the ~~animal unit~~Animal Units allowed in that zone district.
      b. ~~Building lot~~Building Lots in the SR zone district are permitted to have as many as eight ~~(8)~~ hens.
      c. Roosters are prohibited in the SR zone district.
      d. Chicken coops are considered Accessory Agricultural Structures. See ~~Article~~ 17-300.A~~.~~ to determine if a ~~building~~Building permit is required.

F. Temporary Accessory Community Meeting Facility
   1. Definition: An accessory community meeting ~~facility~~Facility is the use of an ~~legally~~ existing Educational Facility, including its accessory ~~structure~~Structures, for meetings of community groups including, but not limited to, homeowners associations, civic groups, religious groups, philanthropic organizations and other similar groups, provided that the accessory use:
      a. does not result in noise, vibration, light, odor, dust, smoke, or other air pollution causing a substantial negative impact on surrounding land uses and/or public use of public facilities in the area;~~,~~
      b. is clearly subordinate to the use of the lot for its principal Educational Facility use and does not change the character of the lot, including, but not limited to, possible limits on hours of use, and is otherwise subject to all restrictions applicable to the Principal Use except as provided herein;~~,~~
      c. does not include the outside storage of goods, materials, or equipment;~~,~~
      d. has signage limited to a non-illuminated identification sign two square feet or less in size;~~,~~
      e. does not produce traffic volumes exceeding that approved for the Principal Use;~~,~~ and
      f. does not occur during the principal hours of operation of the Principal Use.

2. Districts Permitted: By Special Review in all districts except F.
3. Parking Requirements: Same as that required for the corresponding Principal Use.
4. Loading Requirements: Same as that required for the corresponding Principal Use.
5. Additional Provisions:
    a. The use is limited to no more than ~~a~~ one year's existence on the property from the date of establishment on that property, except that the Community Planning ~~&~~and Permitting Director shall have the authority to extend this term for successive one-year terms after giving notice to property owners within 1,500 feet of the property and provided no significant opposition to continuing the use is received (and if it is, the use shall cease unless re-approved through Special Review).
    b. Annually, the Principal Use shall submit a report to the Boulder County Community Planning ~~&~~and Permitting Department advising them of the groups who are permitted to use the property.

G. Accessory Concrete or Asphalt Batch Plant
1. Definition: A ~~facility~~Facility for mixing concrete or asphalt.
2. Districts Permitted: By Special Review in A, LI, and GI.
3. Parking Requirements: To be determined through Special Review.
4. Loading Requirements: To be determined through Special Review.
5. Additional Provisions:
    a. This use must comply with all applicable local, state, and federal laws and permits.

H. Accessory Dwelling
1. Definition: A ~~dwelling unit~~Dwelling Unit which is accessory to a permitted Principal Use and which is limited to the following, allowed purposes:
    a. Family care units, to be occupied by a family member who either requires some level of care or supervision from, or provides some level of care or supervision to, another family member inhabiting the principal residence.
    b. Agricultural units, to be occupied by an agricultural worker or family whose help is required to support or conduct an agricultural Principal Use on the subject property.
    c. Historical units within a landmarked ~~structure~~Structure whose purpose is to contribute to the preservation of the landmark.
    d. Disaster Recovery Unit as permitted under Article 19.
2. Districts Permitted:
    a. For family care units, by Limited Impact Special Review in all districts;
    b. For agricultural units, by Limited Impact Special Review in the Agricultural District, and Rural Residential District on ~~unsubdivided land~~Unsubdivided Land; and
    c. For historic units, by Limited Impact Special Review in all districts.
3. Parking Requirements: At least one off-street parking space must be provided.
4. Loading Requirements: None.
5. Additional Provisions for Family Care Units~~:~~

a. The accessory ~~dwelling~~Dwelling may be detached from the ~~structure~~Structure housing the principal ~~dwelling~~Dwelling provided it is closely clustered with the principal ~~dwelling~~Dwelling.
b. The accessory ~~dwelling~~Dwelling is limited to 700 square feet in size. The Board may approve ~~covered porches~~Covered Porches to proposed accessory ~~dwelling~~Dwellings which exceed these specified square footage limitations, provided that no other portion of the ~~floor area~~Floor Area of the proposed ~~dwelling~~Dwelling exceeds the specified limitation, and provided that the Board approves the additional ~~covered porch~~ Covered Porch area in accordance with the special use criteria. In no event shall any such approved ~~covered porch~~Covered Porch area ever be enclosed.
c. A separate entrance to the accessory ~~dwelling~~Dwelling is allowed, but only one entrance to all ~~dwelling unit~~Dwelling Units may be visible from the front lot ~~property~~ line.
d. The property owner must live on the property.
e. The owner must submit an annual report to the Community Planning ~~&~~and Permitting Department indicating that the purpose for which the accessory unit was approved has not changed, and that the unit continues to be occupied in accordance with the approval. Any impermissible change in use of the unit can result in termination of the right to occupy or use the unit.
f. The unit may only be used as approved through Special Review. If a change in use is deemed to be a ~~substantial modification~~Substantial Modification of the approval, the approval will be terminated, and the unit must be removed or decommissioned.
g. A notice of these provisions will be recorded in the real property records of the Clerk and Recorder's Office for any approval granted.

6. Additional Provisions for Agricultural Worker Units~~.~~
a. The ~~applicant~~Applicant shall adequately demonstrate that the property size and nature of the agricultural work on the property requires a second ~~household~~Household for labor on-site.
b. The ~~applicant~~Applicant shall adequately demonstrate that the worker is substantially employed in farming the property.
c. The ~~applicant~~Applicant shall adequately demonstrate that the unit is necessary for operating the ~~farm~~Farm.
d. The accessory ~~dwelling~~Dwelling may be detached from the principal ~~dwelling~~Dwelling, provided it is either closely clustered with the principal ~~structure~~Structure or located where appropriate for the agricultural operation with which it is associated.
e. The accessory ~~dwelling~~Dwelling is limited to 1,800 square feet. The Board may approve ~~covered porches~~Covered Porches to proposed accessory ~~dwelling~~Dwellings which exceed these specified square footage limitations, provided that no other portion of the ~~floor area~~Floor Area of the proposed ~~dwelling~~Dwelling exceeds the specified limitation, and provided that the Board approves the additional ~~covered porch~~Covered Porch area in accordance with

the special use criteria. In no event shall any such approved ~~covered porch~~Covered Porch area ever be enclosed.

f. The property owner or a member of the owner's immediate family must work and live on the property.

g. The owner must submit an annual report to the Community Planning ~~&~~and Permitting Department indicating that the purpose for which the accessory unit was approved has not changed, and that the unit continues to be occupied in accordance with the approval. Any impermissible change in use of the unit can result in termination of the right to occupy or use the unit.

h. A notice of these provisions will be recorded in the real property records of the Clerk and Recorder's Office.

i. Agricultural accessory ~~dwelling~~Dwellings approved by Boulder County or ~~legally~~ nonconforming prior to October 19, 1994, shall be permitted to be repaired, remodeled or replaced, provided the new ~~structure~~Structure is in the same general location and does not exceed 1,800 square feet.

7. Additional Provisions for Historic Units~~.~~:

a. The accessory ~~dwelling~~Dwelling must occupy an existing historic ~~structure~~Structure that has been designated as a historic landmark by Boulder County.

b. The Boulder County Commissioners (BOCC), considering a recommendation from the Historic Preservation Advisory Board (HPAB), must determine that the proposed accessory ~~dwelling~~Dwelling is necessary for the preservation of the landmark.

c. The accessory ~~dwelling~~Dwelling is limited to the existing size of the landmarked ~~structure~~Structure except for minor additions that may be necessary for health and safety purposes, and which are approved by the BOCC, considering a recommendation from the HPAB.

d. Construction of new ~~structure~~Structures on the property cannot cause a significant negative impact on the landmark.

e. The unit may only be used as approved through the review. If unapproved changes occur the approval will be terminated, and the unit must be removed or decommissioned. Rescission of the landmark designation will automatically rescind the approval of the unit.

f. A notice of these provisions will be recorded in the real property records of the Clerk and Recorder's Office.

I. Accessory Horse Keeping

1. Definition: The keeping and use of horses on a ~~parcel~~Parcel where such keeping and use is not the Principal Use of the ~~parcel~~Parcel.
2. Districts Permitted: By right in F, A, RR, ER, SR, MF, MI, GI, and LI.
3. Parking Requirements: None.
4. Loading Requirements: None.
5. Additional Provisions:
   a. The number of horses is controlled by each zoning district.
   b. The term horses shall include horses, mules, and donkeys.

c. A minimum of one-half acre of pasture per horse is required for horse keeping in the SR and MF zoning districts.

J. Accessory Meat or Poultry Processing
   1. Definition: The processing of meat and poultry, of up to 10 ~~animal unit~~Animal Units per 30-day period, including but not limited to the slaughtering, butchering, dressing, and packaging of meat and poultry products.
   2. Districts Permitted: By right in F unsubdivided, A, RR unsubdivided, ER unsubdivided, LI, GI, and MI.
   3. Parking Requirements: None.
   4. Loading Requirements: None.
   5. Additional Provisions:
      a. All outdoor activities associated with this use shall be ~~setback~~Setback a minimum of 150 feet from all property lines.
      b. Animals must be raised on-site as defined in 4-502.
      c. The facilities associated with the use can be mobile or permanent.
      d. The use shall comply with all regulatory requirements of other applicable agencies.
      e. Waste reduction measures are encouraged, including composting. As part of this Accessory Use and in addition to the materials listed in 4-506, waste products resulting from this use may be composted.
      f. Structures or area permissible for the use:
         (i) Refrigeration or Freezing unit of no more than 150 square feet
         (ii) Butchering area of no more than 200 square feet

K. Accessory Outside Storage
   1. Definition: The outside placement, for a period of more than 24 hours, of items which are customary and incidental to the main use of the property.
   2. Districts Permitted: By right in all districts.
   3. Parking Requirements: None.
   4. Loading Requirements: None.
   5. Additional Provisions:
      a. The area of placement may not exceed five percent of the ~~lot area~~Lot Area.
      b. Items must be adequately screened from the view of ~~adjacent~~ Adjacent roadways and properties.
      c. Any unit, bin, room, or container used for storage must be a permanent ~~structure~~Structure.
      d. Any vehicles or trailers shall be licensed and operable and may not be used for storage.
      e. With the exception of the prohibition on using vehicles or trailers for storage, accessory outdoor storage of ~~agricultural products~~Agricultural Products and operable agricultural equipment is exempt from these additional provisions.

L. Accessory Solar Energy System
   1. Definition: Building-mounted, ground-mounted, and parking canopy ~~solar energy system~~Solar Energy Systems designed primarily for serving on-site needs of a Principal Use.

2. 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~~disturbed area~~ less than half of an~~0.5~~ acre~~s~~ per 4-802.
3. Parking Requirements: None.
4. Loading Requirements: None.
5. Additional Provisions:
   a. Ground-mounted systems are ~~structure~~Structures that must meet applicable ~~setback~~Setbacks for the zoning district except as provided in ~~section~~ 5.b~~.~~., below.
   b. If necessary for the effectiveness of the system, accessory ground-mounted systems may be located within minimum ~~lot line~~Lot Line ~~setback~~Setbacks and within any applicable major ~~road~~Road supplemental ~~setback~~Setback without the need for a variance, provided that the ~~solar energy system~~Solar Energy System is located not less than ~~5~~ five feet from ~~lot line~~Lot Lines and not less than 15 feet from all roads.
   c. Accessory ground-mounted systems may not exceed 15 feet in height, except to accommodate site-~~-~~specific needs and as approved through review. In no case shall a system exceed 25 feet in height.
   d. Accessory ~~solar energy system~~Solar Energy Systems must also meet all applicable Additional Provisions for solar energy including ~~building~~Building-mounted, ground-mounted, or parking canopy systems contained in 4-514.
   e. Ground-Mounted Solar Energy Systems do not require Site Plan Review if the Director determines all of the following parameters are met:
      (i) The height of the system is no more than 10 feet;
      (ii) The system complies with applicable zoning ~~setback~~Setbacks;
      (iii) The panels of the system are located within 100 feet of the use the system is accessory to (e.g., Single Unit Dwelling, agricultural ~~facility~~Facility) as measured from the furthest extent of the panel(s) to the closest point of the ~~structure~~Structure or ~~facility~~Facility that the system is providing power to;
      (iv) The cumulative panel area of the system(s) is no more than 750 square feet. The length times the width of the panel array will be used to determine panel area.
   f. Prior to final inspection, all areas of exposed or disturbed soil must be revegetated or stabilized by other means sufficient to prevent the establishment of noxious weeds, soil erosion and protect ~~stormwater~~Stormwater quality.
   g. Ground-mounted systems shall remain subject to explicit limitations that were imposed on a property through a prior ~~County~~county land use approval or ~~conservation easement~~Conservation Easement.

M. Accessory Structure
1. Definition: A subordinate ~~structure~~Structure detached from, but located on, the same lot as the Principal Use, the use of which is incidental and accessory to that of the Principal Use.
2. Districts Permitted: By right in all districts.
3. Parking Requirements: None.

4. Loading Requirements: None.
5. Additional Provisions:
    a. Any accessory ~~structure~~Structure is subject to the minimum requirements of the zoning district in which it is located.

N. Backyard Composting
1. Definition: The conversion of organic material into a humus-like material (compost) under a process of managed biological decomposition, in a manner customary and incidental to principal residential uses.
2. Districts Permitted: Permitted by right in all zone districts.
3. Parking Requirements: None.
4. Loading Requirements: None.
5. Additional Provisions:
    a. Materials to be composted are limited to materials incidental to residential uses typically generated on site.
    b. Composted material shall not be sold retail from the site.
    c. The total amount of compost material shall not exceed ~~5~~ five cubic yards at any one time.
    d. The location of composting activities must meet the zone district ~~setback~~Setbacks if more than one cubic yard of material is being composted at any one time.

O. Demonstration Farm or Farm Camp
1. Definition: An area of agricultural land, including accessory ~~structure~~Structures, used to demonstrate farming, ranching and agricultural practices, to assist in the evaluation of farming practices and technologies, and to increase public awareness of food production and preparation practices. This use must be accessory to an Agricultural Use as listed in 4-502. Overnight classes and overnight camps are not permitted as part of this use.
2. By right or Limited Impact in A~~,~~ or RR unsubdivided. The review process required is based on the number of attendees and type of events:
    a. By right for classes or ~~farm~~Farm camps for 15 or fewer people per day. Classes or ~~farm~~Farm camps for up to 25 people per day are allowed by right for properties with a Verified Established Farm Use.
    b. By Limited Impact Special Review for classes or ~~farm~~Farm camps for more than 15 people.
3. Parking Requirements: Vehicles should be accommodated on-site. On street parking may be permissible with review and approval from the Public Works Department.
4. Loading Requirements: Sufficient to accommodate the use on-site.
5. Additional Provisions:
    a. A related ~~structure~~Structure, including a classroom or kitchen for food preparation, may be approved as part of the Demonstration Farm use.
    b. A ~~building lot~~Building Lot is required for this use.
    c. All ~~farm~~Farm camps for children must provide a copy of their child-care license or a written exemption from the Colorado Department of Human Services to the

Community Planning ~~&~~and Permitting Department regardless of the number of children participating in the camp.

P. Farm Events
   1. Definition: A use accessory to a ~~farm~~Farm consisting of any group between 26 and 150 individuals assembled for or participating in an event where the ~~farm~~Farm is used as a venue. The purpose of this use is to allow commercial ~~farm~~Farms the opportunity to showcase their ~~farm~~Farm and crops, introduce their customers to the ~~farm~~Farm, demonstrate their farming practices, and host community-oriented events that provide marketing opportunities to the ~~farm~~Farm and help diversify farmers' incomes in a way that is low-impact on the land and neighboring property owners. This includes ~~farm~~Farm-to-table dinners, weddings, wedding receptions, and any other gathering where eating and socializing occurs where the majority of the food served at the event is made with ingredients grown or raised in Boulder County or by the host farmer(s).
   2. Districts Permitted: By right or Limited Impact in A~~,~~or RR unsubdivided. The review process required is based on the frequency of events:
      a. By right: No more than 12 Farm Events per calendar year.
      b. By right: If Home Events also occur on a ~~parcel~~Parcel where Farm Events occur, not more than 18 total events (including a maximum of 12 Farm Events) may occur per calendar year.
      c. By Limited Impact Special Review: 13 to 24 Farm Events per calendar year.
      d. Twenty-five (25) or more Farm Events per calendar year requires approval through Special Review.
   3. Parking Requirements: Vehicles should be accommodated on-site. On street parking may be permissible with review and approval from the Public Works Department.
   4. Loading Requirements: None.
   5. Additional Provisions
      a. This use requires a ~~building lot~~Building Lot~~.~~, except:
         (i) Parcels that are not ~~building lot~~Building Lots may host ~~farm~~Farm-to-table dinners only.
      b. Open Agriculture must be the Principal Use of the ~~parcel~~Parcel.
      c. This use must occur on a ~~parcel~~Parcel large enough to accommodate the use, parking, and sanitary facilities in a manner that does not negatively impact the neighboring ~~parcel~~Parcels and traffic and the Principal Use of the ~~parcel~~Parcel itself.
      d. No event will occur before 9 a.m. or after 10 p.m.
      e. Building new Floor Area or utilizing existing Floor Area for these events is allowed under this use classification if the Floor Area is used for agricultural purposes when not used for Farm Events.
      f. This use shall also be granted and maintain all applicable local, state, and federal permits. It is possible separate permits or approvals may be required by ~~County~~county or State agencies for any food or drink provided. The ~~applicant~~Applicant should contact the applicable agencies well in advance of

the event to ensure adequate time for processing any applications, including Boulder County Public Health regarding requirements for food service handling, ~~and the~~ Community Planning and Permitting ~~County Commissioners' Office~~ regarding requirements for Liquor Permits and ~~, County Public Works Department~~ for ~~Special~~ Events that utilize or impact ~~County~~ county Right-of-Way, and Parks ~~&~~and Open Space for Events or Group Gatherings on Parks ~~&~~and Open Space -owned property.

g. A Farm Event with greater than 99 people may occur with Special Authorization from the Zoning Administrator, following submittal of notice to neighbors within 1,500 feet of the proposed event location, and a 14-day comment period. Farm Events with greater than 99 people in attendance may not occur more than 12 times per calendar year.

Q. Grading of more than 50 Cubic Yards

1. Definition: Total movement, cut plus ~~fill~~Fill, of more than 50 cubic yards of material, with the following exceptions:
   a. Normal ~~grading~~Grading activity associated with ~~agriculture~~Agriculture, allowed mining activity, water wells, onsite waste-water treatment systems, trenching for placement of utilities, or foundation construction.
   b. Normal ~~grading~~Grading activity associated with trail or ~~road~~Road construction by a governmental entity on publicly acquired open space land in accordance with an open space management plan approved by the Board of County Commissioners.
   c. Normal ~~grading~~Grading activity associated with Right-of-Way maintenance and construction, consistent with the County Transportation Master Plan, or a project otherwise approved by the Board of County Commissioners.
   d. Normal ~~grading~~Grading activity such as the addition of ~~road~~Road base material, and as consistent with the Boulder County Comprehensive Plan and Multi-~~M~~modal Transportation Standards.
2. Districts Permitted: By Site Plan Review, which may be ~~waived~~ expedited by the Director, or Limited Impact Special Review in all districts.
3. Parking Requirements: None.
4. Loading Requirements: None.
5. Additional Provisions:
   a. While it may be exempt from these provisions, ~~grading~~Grading which impacts a ~~floodplain~~Floodplain is not exempt from applying for and receiving a Floodplain Development Permit.
   b. Normal agricultural ~~grading~~Grading that is exempt from the definition of this use includes but is not limited to: tilling fields, creating or altering ~~irrigation ditch~~Irrigation Ditch laterals, field leveling, field access roads for agricultural purposes, and other activities associated with farming and agricultural operations. Agricultural ~~grading~~Grading does not include terraforming for aesthetic purposes, landscaping ponds, altering wetlands, or other non-essential ~~grading~~Grading.

c. Ponds to be constructed at a depth of more than 24 inches must obtain a ~~grading~~Grading permit prior to construction. Ponds used to store/hold water for agricultural purposes (stock ponds, irrigation ponds) shall be exempt from the Site Plan Review or Limited Impact Special Review process unless they require an Individual Floodplain Development Permit.

R. Home Events
   1. Definition: A use accessory to a principal residential use consisting of any group between 26 and 99 individuals total, assembled for or participating in an event where:
      a. The group is assembled for live music, broadcast music, or other commercial entertainment on a property where a fee or financial donation is requested from attendees to pay for the event; or~~,~~
      b. The group is assembled for product sales or a product sales party where a purchase is expected from attendees.
   2. Districts Permitted: By right in all districts.
   3. Parking Requirements: All vehicles must be accommodated on-site or in permitted on-street parking spaces.
   4. Loading Requirements: None.
   5. Additional Provisions:
      a. The event must be hosted by one or more of the individuals who reside on the property.
      b. Events will not occur more than 12 times per year at any residence.
      c. No events will occur before 9 a.m. or after 11 p.m. or will exceed six consecutive hours in duration.
      d. This use is subject to the Boulder County noise ordinance (Ordinance No. 92-28, as it may be amended from time to time).
      e. All other ~~legally~~ accessory residential uses which are not Home Events, as defined above, are allowed by right with none of the restrictions in (a) through (c) above.

S. Home Occupation
   1. Definition: A home occupation shall mean an accessory use consisting of a ~~vocational~~Vocational activity conducted inside a ~~dwelling unit~~Dwelling Unit or its accessory ~~structure~~Structures, and used only by the individuals who reside therein and one employee, provided that the home occupation:
      a. does not result in noise or vibration, light, odor, dust, smoke, or other air pollution noticeable at or beyond the property line~~,~~;
      b. includes only the incidental sale of stocks, supplies, or products~~,~~;
      c. is clearly subordinate to the use of the lot for ~~dwelling~~Dwelling purposes and does not change the character of the lot~~,~~;
      d. does not include the outside storage of goods, materials, or equipment;
      e. has signage limited to a non-illuminated identification sign two square feet or less in size~~,~~;

f. does not exceed one-half the total ~~floor area~~Floor Area of the ~~dwelling~~Dwelling including activities carried out in an accessory ~~structure~~Structure, with the exception of child-care which may exceed this limit~~,~~;
g. does not produce traffic volumes exceeding that produced by the ~~dwelling unit~~Dwelling Unit by more than 16 ~~average daily trip~~Average Daily Trips or a maximum of 30 trips during any 24-hour period~~,~~; and
h. does not include nursing homes, restaurants, vehicle repair businesses, boarding houses, or marijuana establishments.

2. Districts Permitted: By right in all districts.
3. Parking Requirements: One off-street space.
4. Loading Requirements: None.
5. Additional Provisions:
   a. In subdivisions, no more than one vehicle associated with the use, registered as a passenger vehicle, light truck, recreational truck, or ~~farm~~Farm truck may be parked outside on the property.
   b. The number or type of registration for vehicles associated with the use is not limited on properties located outside subdivisions.

T. Residential Marijuana Processing and Cultivation
1. Definition: Cultivation, production, or processing of marijuana or manufacture of marijuana products/byproducts, or as authorized pursuant to Section 14 and Section 16 of Article XVIII of the Colorado Constitution and other applicable state law, in a legal ~~dwelling unit~~Dwelling Unit or accessory ~~structure~~Structure, not for the purpose of sale or profit, primarily by and for the individuals living on the ~~parcel~~Parcel. A maximum of six ~~(6)~~ plants may be grown per legal ~~dwelling unit~~Dwelling Unit, regardless of the number of occupants. Processing of plants is limited only to those plants grown on the ~~parcel~~Parcel.
2. Districts permitted: By right in all districts.
3. Parking Requirements: None.
4. Loading Requirements: None.
5. Extraction of Marijuana Concentrate:
   a. Use of compressed, flammable gas as a solvent in the extraction of THC or other cannabinoids is prohibited.
   b. Alcohol/ethanol extraction is permitted provided it is done without application of an open flame or open heat source and uses not more than 375 ml of alcohol or ethanol during the extraction process.
   c. Food-based extraction is permitted including production of marijuana concentrate by extracting cannabinoids from marijuana through the use of propylene, glycol, glycerin, butter, olive oil, or other cooking fats or oils.
   d. Water-based extraction is permitted including production of marijuana concentrate by extracting cannabinoids from marijuana through the use of only water, ice or dry ice.
6. Additional provisions:

a. Residential Marijuana Processing and Cultivation must not result in noise or vibration, light, odor, dust, smoke, particulate or other air pollution noticeable at or beyond the property line or shared ~~dwelling unit~~Dwelling Unit wall.
b. Supplemental carbon dioxide and/or ozone is prohibited.
c. Marijuana plants shall not be cultivated, produced processed or possessed in the common areas of a Multi-Unit Dwelling or attached residential development.

U. Household Pets
1. Definition: Domestic animals kept for pleasure exclusive of ~~livestock~~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).
~~a.~~b. A service animal as defined by state law is exempt from counting toward the maximum number of pets permitted on a Parcel.

V. Noncommercial Telecommunications Site, one ~~structure~~Structure which meets ~~setback~~Setback and height requirements
1. Definition: A facility utilized for the transmission or reception of electromagnetic or ~~elector~~electro-optic information, which is accessory to a residential use, is not commercial in nature, and meets the ~~setback~~Setback and height requirements of the district in which the facility is located.
2. Districts Permitted: By right in all districts.
3. Parking Requirements: None.
4. Loading Requirements: None.
5. Additional Provisions: None.

W. Noncommercial Telecommunications Site, multiple ~~structure~~Structures and/or not meeting ~~setback~~Setback or height requirements
1. Definition: Any facility or facilities utilized for the transmission or reception of electromagnetic or electro-optic information, which is accessory to a residential use, is not commercial in nature, and does not meet either the ~~setback~~Setback or height requirements of the district in which the facility is located.
2. Districts Permitted: By Limited Impact Special Review in all districts.
3. Parking Requirements: None.
4. Loading Requirements: None.
5. Additional Provisions:
a. Setback requirements: 50 feet from all ~~lot line~~Lot Lines.

X. Small Wind-Powered Energy System, Roof-Mounted
1. Definition: A wind energy conversion system which may include a wind turbine and blades, a support ~~structure~~Structure, and associated control or conversion electronics and is mounted to an existing ~~structure~~Structure.

2. Districts Permitted: By right in all districts.
3. Parking Requirements: None.
4. Loading Requirements: None.
5. Additional Provisions:
    a. By right, roof-mounted systems may exceed the roofline by up to five feet or the maximum height of the zone district by up to five feet (whichever is more restrictive).
    b. Roof-mounted systems that propose to exceed the roofline or maximum height of the 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.

Y. Parking
1. Definition: A permanent parking area.
2. Districts Permitted: By right in all districts, subject to the additional provisions below and any specific provisions associated with the property's Principal Use.
3. Parking Requirements
    a. The quantity and location of vehicle parking shall be appropriate for the use and site characteristics. Deviating from the number of required automotive parking spaces as described in each use classification may be appropriate based on the specific circumstances of a proposal including without limitation available on-street parking, seasonal or temporary needs for parking, shared parking agreements, reliance on alternative modes or other transportation demand management strategies.
    b. A parking area may be shared to meet parking requirements. A sufficient, binding agreement for the duration the parking area will be shared is required.
    c. For multiuse facilities, the parking for the most intensive use as defined in the Community Planning &~~and~~ Permitting Department shall control.
4. Loading requirements: As needed for ~~primary use~~Principal Use requirements.
5. Additional Provisions:
    a. Parking for uses on open space ~~parcel~~Parcels controlled by a government entity shall not require review under this code if the parking lot is in accordance with an open space management plan approved by the Board of County Commissioners.
    b. The parking facility must meet all applicable provisions of the Boulder County Multimodal Transportation Standards.
    c. Electric vehicle service equipment or electric vehicle supply equipment ("EVSE"), also referred to as a charging station, must be provided for new or expanded parking lots that total 15 or more automotive parking spaces.
        (i) On-site installation may not be required if a more suitable location is appropriate. Factors to be considered in determining suitability are land use impacts, proximity to employment areas, ~~townsite~~Townsites or historical areas, existing or planned EVSE infrastructure in the area, electric infrastructure on-site and nearby, and location in relation to arterial roadways. For cases in which on-site installation is not required, the

~~applicant~~Applicant shall be subject to the Electric Vehicle Charging Fund standards, as adopted by the Board of County Commissioners.

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

(iii) For ease of use, parking spaces with an EVSE shall be designated for electric vehicle charging, and stations are recommended to register with an electric vehicle charging information network.

d. Internal traffic circulation systems shall be designed to avoid conflicts between vehicular, bicycle, and pedestrian traffic. Pedestrian paths or sidewalks ~~will~~ must connect to the area being served.

e. For surface lots with 50 or more automotive parking spaces, interior landscaping must cover at least five percent~~5%~~ of the parking area.

f. Lighting shall comply with ~~Article~~ 7-1600 Outdoor Lighting of the Boulder County Land Use Code. Additional restrictions on quantity of lights, hours of operation and lighting locations may be determined through the applicable review process.

g. A ~~stormwater management plan~~Stormwater Management Plan or drainage plan is required for final design and construction.

h. For uses applying Transportation Demand Management strategies, areas reserved for rideshare vehicles shall have markings and signs indicating that the space is reserved for a rideshare vehicle.

Z. Short-Term Rental

1. Definition: A ~~dwelling unit~~Dwelling Unit offering transient lodging accommodations to a single booking party at a time within that ~~dwelling unit~~Dwelling Unit for rental duration of fewer than 30 days where:
   a. The ~~dwelling unit~~Dwelling Unit is the primary residence of the owner or tenant;
   b. The owner or tenant resides on the premises; and
   c. The owner or tenant is present during the rental period, with the exception of up to forty-five nights per year where the entire ~~dwelling unit~~Dwelling Unit may be rented without an owner or tenant present.
2. Districts Permitted: By right in all districts.
3. Parking Requirements: Two spaces, which must be on-site.
4. Loading Requirements: None.
5. Additional Provisions:
   a. All Short-Term Rentals must maintain a valid Boulder County Short-Term Rental License.
   b. A Short-Term Rental may not be marketed or used for weddings, receptions, or similar private or public events, with the exception of those by-right events hosted by one or more of the individuals who reside on the property.

c. Historic Accessory Dwelling Units are the only type of Accessory Dwelling Unit eligible for this use.

4-517 Temporary Uses

A. Educational Tour
   1. Definition: A gathering or activity involving the use of a ~~parcel~~Parcel for educational purposes incidental to the existing use on the property. Use relies on the location as a basis for the activity. Types of uses contemplated are school field trips and infrequent educational tours.
   2. Districts Permitted: By right in all districts.
   3. Parking Requirements: None.
   4. Loading Requirements: None.
   5. Additional Provisions
      a. Allowed up to 24 times per year and may include up to 20 additional vehicle trips per day.

B. Emergency Noncommercial Telecommunications Facility
   1. Definition: A facility owned and/or operated by a governmental agency, or a volunteer public safety agency officially sanctioned by a government agency for that purpose, utilized for the transmission and reception of electromagnetic or electro-optic information for public safety communication uses. This facility may operate for a maximum of six months.
   2. Districts Permitted: By special authorization of the Building Official in all districts.
   3. Parking Requirements: To be determined by the Building Official.
   4. Loading Requirements: To be determined by the Building Official.
   5. Additional Provisions: None.

C. Garage Sales or Occasional Sales
   1. Definition: The sale of tangible personal property at retail by a ~~person~~Person who is not in the business of selling tangible personal property at retail.
   2. Districts Permitted: By right in all districts.
   3. Parking Requirements: None.
   4. Loading Requirements: None.
   5. Additional Provisions:
      a. Sales may occur no more than four times a year for no more than three days on each occurrence.
      b. A ~~person~~Person shall not sell merchandise acquired solely for the purpose of resale at a garage or occasional sale.

D. Group Gathering / Special Events
   1. Definition: Any group of 50 or more ~~person~~Persons assembled on a ~~parcel~~Parcel as a venue for a meeting, festival, social gathering, or other similar purpose for a period of time which exceeds ~~8~~ eight hours in a single day or extends over a maximum of three consecutive days. A ~~parcel~~Parcel may not accommodate more than two ~~(2)~~ Group Gatherings per calendar year as this is a Temporary Use. Additional events could be reviewed under the Reception Hall and Community Meeting Facility use.

2. Districts Permitted: By special authorization of the Zoning Administrator in all districts.
3. Parking Requirements: To be determined by the Zoning Administrator.
4. Loading Requirements: To be determined by the Zoning Administrator.
5. Additional Provisions:
    a. Exceptions:
        (i) Events that meet the Definition and Additional Provisions of Home Events or Farm Events do not fall within this use classification.
        (ii) Events occurring within, or upon the grounds of a private property where the property owner receives no compensation for hosting the event and guests/attendees are not charged an admission fee, are allowed by right without Special Authorization of the Zoning Administrator.
    b. This use must occur on a ~~parcel~~Parcel large enough to accommodate the use, parking, and sanitary facilities in a manner that does not negatively impact the neighboring ~~parcel~~Parcels, or the Principal Use of the ~~parcel~~Parcel itself.
    c. A ~~parcel~~Parcel may not accommodate more than two ~~(2)~~ Group Gatherings per calendar year. A group gathering which occurs over multiple days cannot exceed three~~(3)~~ consecutive days. Additional events could be reviewed under the Reception Hall and Community Meeting Facility use.
    d. Any tent (other than personal camping tents or ~~recreational vehicle~~Recreational Vehicles), trailer, or ~~structure~~Structure subject to the requirements of these regulations and intended or used for human occupancy shall comply with the International Codes, as amended by the ~~County~~county, as well as with any Boulder County Public Health ~~Department~~ requirements, and shall not be used or occupied until approved by the Chief Building Official.
    e. Permanent alterations to the subject site are prohibited.
    f. Any activities or ground disturbance must not have adverse impacts on agricultural or ~~environmental resources~~Environmental Resources as mapped in the County Comprehensive Plan or otherwise identified on-site.
    g. The site must be returned to its original condition prior to the establishment of the use within 48 hours of its discontinuance.
    h. It is the ~~applicant~~Applicant's responsibility to notify ~~adjacent property owner~~Adjacent Property Owners of the Group Gathering/Special Event in writing at the time of application to the Zoning Administrator. If the ~~applicant~~Applicant wishes to notify a larger surrounding area of the proposed event, they should contact the Community Planning ~~&~~and Permitting Department and request a mailing list of all property owners within 1,500 feet of the property.
    i. This use shall also be granted and maintain all applicable local, state, and federal permits. It is possible separate permits or approvals may be required by ~~County~~county or State agencies for any food or drink provided. The ~~applicant~~Applicant should contact the applicable agencies well in advance of the event to ensure adequate time for processing any applications, including Boulder County Public Health regarding requirements for food service handling and wastewater treatment, Colorado Department of Public Health and

Environment as a potential water supplier to more than 25 people, ~~the County Commissioners' Office~~Community Planning and Permitting regarding requirements for Liquor Permits and for~~, County Public Works Department for Special~~ Events that utilize or impact ~~County~~ county Right-of-Way, and Parks ~~&~~and Open Space for Events or Group Gatherings on Parks ~~&~~and Open ~~Spaceowned~~Space owned property.

E. Temporary Batch Plant
   1. Definition: A temporary facility for mixing concrete.
   2. Districts Permitted: By special authorization of the ~~County~~ Building Official in all districts.
   3. Parking Requirements: To be determined by the Building Official.
   4. Loading Requirements: To be determined by the Building Official.
   5. Additional Provisions: None.

F. Temporary Construction or Sales Office
   1. Definition: A facility temporarily used as a construction or sales office.
   2. Districts Permitted: By special authorization of the Building Official in all districts.
   3. Parking Requirements: To be determined by the Building Official.
   4. Loading Requirements: To be determined by the Building Official.
   5. Additional Provisions: None.

G. Temporary Dwelling Unit
   1. Definition: A ~~dwelling unit~~Dwelling Unit temporarily used, by the property owner, during construction or remodeling of the principal ~~dwelling unit~~Dwelling Unit.
   2. Districts Permitted: By special authorization of the Building Official in all districts.
   3. Parking Requirements: To be determined by the Building Official.
   4. Loading Requirements: None.
   5. Additional Provisions: None.

H. Temporary Christmas Tree Sales
   1. Definition: Unless otherwise expressly provided in this Code, an operation which is open to the public and scheduled to occur over a period not to exceed 42 days in any calendar year. This use includes sales of Christmas trees in Boulder County.
   2. Districts Permitted:
      a. By Limited Impact Special Review in F, A, T, B, LI, GI, C, and RR. Use within RR is limited to property that is not in a ~~platted subdivision~~Platted Subdivision.
   3. Parking Requirements: To be determined through Limited Impact Special Review.
   4. Loading Requirements: To be determined through Limited Impact Special Review.
   5. Additional Provisions:
      a. One non-illuminated identification sign not to exceed 32 square feet in total surface area shall be permitted.
      b. This use may be allowed on a ~~parcel~~Parcel with an existing Principal Use.

I. Temporary Special Use (nonconforming use under ~~Section~~ 4-1004.A.2~~)~~.
   1. Definition: A nonconforming use under ~~Section~~ 4-1003.~~(~~A.~~)~~~~(2)~~ which receives special use approval as a temporary use under ~~Section~~ 4-1004.A.2~~.~~.
   2. Districts Permitted: By Special Review in all districts.
   3. Parking Requirements: To be determined through Special Review.

4. Loading Requirements: To be determined through Special Review.
5. Additional Provisions: See ~~Section~~ 4-1004.A.2~~.~~.

J. Temporary Weather Device Tower
   1. Definition: A tower erected for the express purpose of mounting an anemometer or other weather device.
   2. Districts Permitted: By right in all districts.
   3. Parking Requirements: None.
   4. Loading Requirements: None.
   5. Additional Provisions:
      a. Temporary towers must meet the ~~setback~~Setback requirements for Small Wind-Powered Energy Systems and shall not exceed 80 feet in height.
      b. Temporary towers must be removed within two years unless approved to be converted to a Small Wind-Powered Energy System.

K. Temporary Water or Transmission Line
   1. Definition: Temporary above-ground pipelines used for the transport of water to or from a previously approved oil and gas facility or location.
   2. Districts Permitted: By limited impact special review in all districts.
   3. Parking Requirements: None.
   4. Loading Requirements: None.
   5. Additional Provisions:
      a. This use is not required to be located on a ~~building lot~~Building Lot~~,~~ or comply with the minimum lot size requirement for the district in which it is located.

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: NRCD 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 ~~D~~district's provisions.

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

A. A land use designated as a special use in a zoning district is one that – because of its inherent nature, extent and external effects – may be allowed to establish only if approved by ~~subject to~~ Special Review or Limited Impact Special Review. ~~to~~ Such reviews 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~~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 is 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 ~~structure~~Structures and other improvements on the site; the size, height and massing of the ~~structure~~Structures; the number and arrangement of ~~structure~~Structures; the design of ~~structure~~Structures and other site features; the proposed removal or addition of vegetation; the extent of site disturbance, including, but not limited to, any ~~grading~~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 ~~townsite~~Townsites and rural communities, mountainous terrain, agricultural lands and activities, sensitive environmental areas, and the characteristics of nearby development and ~~neighborhood~~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~~Parcel size and the natural landscape/topography; the area of impermeable surface; the amount of blasting, ~~grading~~Grading, or other alteration of the natural topography; the elimination or disruption of agricultural lands; the effect on

significant natural areas and ~~environmental resources~~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 ~~structure~~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 soil~~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 ~~flood~~Flooding corridors, alluvial fans, floodways, ~~floodplain~~Floodplains, and ~~flood~~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~~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~~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 or Limited Impact 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~~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~~Conservation Easement upon so much of the site as may be determined necessary to mitigate impacts of the ~~special use~~s.

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~~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~~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~~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~~county, or other communities in the ~~County~~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~~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~~Yard and shall not be within 100 feet of a residential zoning district.
h. Landscaping: The front ~~yard~~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 ~~yard~~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~~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 plan~~Construction Plans for the proposed ~~building~~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~~Structure approved through this process, a ~~certificate of occupancy~~Certificate of Occupancy shall have been issued by the Building Official. Such certificate shall show that such ~~building~~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~~Floor Area of all ~~building~~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

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~~Floor Area limitations:

1. 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~~Floor Area specified in the table below, based on the ~~parcel~~Parcel size on which the use is located:

   [Table]

2. 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~~Floor Area specified in the table below, based on the ~~parcel~~Parcel size on which the use is located (unless the additional requirements of ~~Section~~ 4-602.~~(~~C.~~)~~(3~~)~~ are met):

   [Table]

3. Ability of Existing Uses to Expand Over Maximum Development Allowed Under ~~Section 6~~4-602.~~(~~C.~~)~~(2~~)~~ Above: Existing Community and Lodging Uses may expand beyond the ~~floor area~~Floor Area limitations established for Existing Uses, up to the additional ~~floor area~~Floor Area amounts specified in the table in this section, based on the ~~parcel~~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~~Floor Area. Development Credits must be acquired through the Boulder County Development Rights Clearinghouse prior to the issuance of a ~~building~~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 ~~building~~Buildings and other developed areas to screen ~~building~~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.

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.

c. 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~~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~~ Adjacent owners required as part of the title report submitted with the Special Review application, the Community Planning ~~&~~and 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~~ 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~~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~~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~~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~~Adjacent to, on, or incorporated into existing or proposed ~~building~~Buildings or other ~~structure~~Structures.
d. Where a telecommunication system uses a network of facilities, the ~~applicant~~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~~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~~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~~county such as through an adopted ~~townsite~~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 ~~pollutant~~Pollutants.
d. The ~~applicant~~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~~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~~county may vary from these

standards where the ~~applicant~~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~~county may also impose stricter standards based on range design, ~~environmental resources~~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~~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 ~~person~~Persons or ~~adjacent~~Adjacent properties. The range design and operation will dictate the Surface Danger Zone. The Surface Danger Zone will, in turn, affect ~~setback~~Setback distances.
   (ii) **Shotgun Ranges.** Trap ranges shall have a ~~shotfall zone~~Shotfall Zone on property under control of the ~~applicant~~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 zone~~Shotfall Zones on property under control of the ~~applicant~~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~~ 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~~Parcel or ~~parcel~~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 ~~structure~~Structures (whether permanent or seasonal), lodging, or other occupiable or occupied ~~structure~~Structures not on the subject property. The ~~applicant~~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~~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~~Operator of the Firing Range facility shall provide to the Community Planning ~~&~~and Permitting Department, at the time of application for the ~~building~~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~~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~~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~~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 ~~&~~and Permitting Department and the Sheriff and range rules must be posted on site.
(A) **Supervision.** To receive a reduction in ~~setback~~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 ~~operator~~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.ij.(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~~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~~Substantial Modification under 4-603 of the Code. Changes that are not a ~~substantial modification~~Substantial Modification and are routine maintenance include simple, small-scale activities (e.g., repairing ~~structure~~Structures such that a ~~building~~Building permit is not required under the Code) associated with regular and general upkeep of an existing ~~building~~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

1. 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.
2. 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.
3. The Bed and Breakfast must comply with the Additional Provisions outlined in ~~Article~~ 4-507.A~~.~~ of this Code.
4. Notice of the waiver application being reviewed shall be sent to referral agencies and ~~adjacent property owner~~Adjacent Property Owners in accordance with ~~Article~~ 3-204 of this Code.
5. The Director shall not issue the determination for 15 days following such notification and shall consider any comments received by the public.

4-603Modification of a Special Review Approval

A. Prior to modifying any approval~~ed 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~~Minor Modification.

2. Determine that the requested modification is substantial. Substantial Modifications ~~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~~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~~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 ~~special use~~applicable 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 ~~&~~and Permitting Director to determine whether the proposed change constitutes a ~~substantial modification~~Substantial Modification.

4-604Limitation 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 or Limited Impact Special Review that does not significantly commence operation or construction as described and approved in a ~~building~~Building permit on any portion of the ~~special use permit~~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 or Limited Impact 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~~ 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 ~~&~~and 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~~Applicant. The 24-month time frame may be extended should the Director determine that circumstances beyond control of the ~~applicant~~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.

4-700 Administrative Reviews

4-701 Purpose

~~A.~~ Administrative review is a review procedure for certain types of proposed development that are deemed in advance to not cause significant conflict with the Boulder County Comprehensive Plan and ensure compliance with the development standards of the ~~County~~county.

4-702 Applicability and Scope of the Administrative Review Process for Development

A. Administrative Review shall be required for the following:
   1. Any Small Cell Wireless Telecommunications Facility
   2. Eligible Facilities Request

B. Criteria
   1. Meets additional provisions of Use definition
   2. Administrative Reviews of Small Cell Wireless Telecommunication Facility are subject to the ~~County~~county's Small Cell Wireless Facility Design Requirements and Guidelines. ~~Design Requirements and Guidelines for Small Cell Wireless Facility.~~

4-800 Site Plan Review

4-801 Purpose

A. Site Plan Review is an administrative review procedure for certain proposed developments which are considered likely to significantly impact important ecosystems, agricultural lands, surrounding land uses and

~~neighborhood~~Neighborhoods, and infrastructure needs and demands, and which may be unsafe due to natural hazards.

B. This Site Plan Review process for proposed new development will allow any significant adverse impacts on the environment, agricultural lands, surrounding land uses and ~~neighborhood~~Neighborhoods, and infrastructure to be identified, evaluated, and avoided or acceptably mitigated through the imposition of reasonable conditions.

4-802 Applicability and Scope of the Site Plan Review Process for Development

A. Site Plan Review shall be required for (unless not required or expedited pursuant to ~~sections~~ B and C below):
   1. Any development requiring a ~~building~~Building permit on vacant ~~parcel~~Parcels in unincorporated Boulder County, except for~~:~~:
      a. Season-Extending Agricultural Structures, if the dimensions of the Season-Extending Agricultural Structures on a property fall below the thresholds identified in 4-802.A.15.
   2. Any cumulative increase in ~~floor area~~Floor Area of more than 1,000 square feet on a ~~parcel~~Parcel over that existing as of September 8, 1998.
      a. In calculating this 1,000 square foot threshold, any demolition and rebuilding of any existing ~~structure~~Structure or any portions thereof, shall be counted toward the threshold.
      b. Any ~~floor area~~Floor Area not ~~legally~~ existing as of September 8, 1998, shall be counted toward the threshold.
      c. Calculation of this threshold includes all principal and accessory ~~structure~~Structure(s), except for~~:~~;
         (i) Season-Extending Agricultural Structures, if the dimensions of the Season-Extending Agricultural Structures on a property fall below the thresholds identified in 4-802.A.15.
         (ii) Agricultural Sales Units less than 500 square feet.
         (iii) Structures identified in 17-300.A.1. that fall below the thresholds for a ~~building~~Building permit.
   3. New ~~structure~~Structures of any size requiring a ~~building~~Building permit when the site is located within a Natural Landmark or Natural Area as described in the Environmental Resources Element of the Comprehensive Plan and shown on the Zoning District Maps of Boulder County.
   4. New ~~structure~~Structures 500 square feet or more in the 250-foot buffer associated with a Natural Landmark or Natural Area, as described in the Environmental Resources Element of the Comprehensive Plan and shown on the Zoning District Maps of Boulder County.
   5. New ~~structure~~Structures or additions to existing ~~structure~~Structures of any size on property over which a ~~conservation easement~~Conservation Easement has been granted.
      a. The Director may exempt a ~~structure~~Structure from this provision if the holder of the ~~conservation easement~~Conservation Easement confirms in writing that, in

the opinion of the ~~easement~~Easement holder, the proposed ~~structure~~Structure(s) would not conflict with the terms of the ~~easement~~Easement.

6. Development occurring in a Rural Community District as described in the regulations for that District.
7. Any development in the Floodplain Overlay District involving new ~~structure~~Structures, elevation of an existing ~~building~~Building, or additions to existing ~~building~~Buildings that expand the footprint of the ~~structure~~Structure.
8. Any ~~grading~~Grading permit for over 50 cubic yards of earthwork (including ~~grading~~Grading associated with an access permit).
9. A change of use of a ~~parcel~~Parcel, except for a change in use to:
   a. A Vacation Rental; or
   b. A Single Unit Dwelling where the proposed Residential Floor Area is less than or equal to the maximum Residential Floor Area for the zoning district. The conversion of existing Floor Area to Residential Floor Area shall be limited to the maximum Residential Floor Area for the zoning district.
10. A commercial telecommunications facility utilizing an existing ~~structure~~Structure and meeting the height requirements of the district in which the facility is located.
11. A small wind-powered energy system.
12. A ground-mounted or parking canopy ~~solar energy system~~Solar Energy System as a Principal Use or accessory use, as specified in ~~Articles~~ 4-514 and 4-516.
13. Any proposal which is eligible for an Expedited Site Plan Review, but for which an approval was not granted.
14. An Agricultural Sales Unit larger than 500 square feet, or greater than 12 feet in height.
15. Season-Extending Agricultural Structure(s) greater than 5,000 cumulative square feet located on ~~parcel~~Parcels ~~5~~ five acres or larger, or greater than 3,000 cumulative square feet located on ~~parcel~~Parcels less than ~~5~~ five acres, or ~~Season-Extending~~Season-Extending Agricultural Structure(s) greater than 12 feet in height.
    a. Season-Extending Agricultural Structures that do not go through a Site Plan Review process will go through an administrative review to ensure proposed ~~structure~~Structures are constructed within applicable ~~setback~~Setbacks and adhere to applicable Floodplain Overlay District provisions (4-400).
16. Any application proposing to utilize the retrofitting of an existing ~~structure~~Structure for the purpose of making a demonstrated energy efficiency improvement or the use of ~~building~~Building materials or design intended to achieve heightened energy efficiency as an exemption from compliance with the zoning district maximum Residential Floor Area.
17. Any application proposing to utilize a landmarked or otherwise protected historic ~~structure~~Structure(s) as an exemption from compliance with the zoning district maximum Residential Floor Area.

B. Site Plan Review shall not be required for:
   1. Earthwork that is part of normal agricultural or mining practices.

2. Accessory ~~structure~~Structures less than 1,000 square feet.
    a. Except in those circumstances in which Site Plan Review is required because of cumulative threshold specified in ~~this section~~ A.~~(~~2~~)~~, above.
    b. Except in a Natural Landmark, a Natural Area, or in the associated 250-foot' buffer as specified in ~~this section~~ A.~~(~~3~~)~~ and ~~(~~4~~)~~, above.
    c. Except Agricultural Sales Units as specified in 4-802.A.14.
3. Restoration of a ~~structure~~Structure or access that has been damaged or destroyed by causes outside the control of the property owner or their agent.
    a. Restoration must involve the original location along the stream for stream spanning hydraulic ~~structure~~Structures, and in the case of a non-hydraulic ~~structure~~Structure, the original location, ~~floor area~~Floor Area, and height, if applicable. Such restoration must meet the other applicable provisions of this Code, including but not limited to the applicable zoning district ~~setback~~Setback and height requirements and the provisions of the Floodplain Overlay District (also see Nonconforming Structures ~~&~~and Uses, ~~Article~~ 4-1002.~~(~~D~~)~~ and 4-1003.~~(~~F~~)~~).
    b. Restoration must be commenced within one year after the date on which the ~~structure~~Structure or access was damaged or destroyed, or a latent defect discovered. This limitation may be extended in the case of extenuating circumstances as determined by the Director.
    c. Restoration of bridges, box culverts, low-water crossings, or other hydraulic ~~structure~~Structures, either as a temporary or permanent hydraulic ~~structure~~Structure, and accesses are subject to review by the County Engineer for compliance with the Boulder County Storm Drainage Criteria Manual and the Multimodal Transportation Standards. The County Engineer may additionally impose conditions on the construction to assure basic safety.
    d. The provisions of ~~this Section~~ 4-802.~~(~~B.~~)~~~~(~~3~~)~~ shall not apply to Substantial Improvements to ~~building~~Buildings in the Floodplain Overlay District as provided for in ~~Section~~ 4-400 of this Code.
4. Development on ~~subdivided land~~Subdivided Land with a ~~final plat~~Final Plat approved after February 22, 1994, unless the ~~plat~~Plat approval otherwise requires Site Plan Review for the lots.
5. Development in approved Neighborhood Conservation Overlay Districts to the extent that the approved Neighborhood Conservation plan covers the relevant Site Plan Review standards detailed in ~~this Article~~ 4-806.
6. Any development or earthwork eligible for a General Floodplain Development Permit.
7. Any development or earthwork requiring an Individual Floodplain Development Permit, so long as the Community Planning ~~&~~and Permitting Director finds no conflicts with the standards listed in ~~Article~~ 4-806 of this Code.

C. If the Community Planning ~~&~~and Permitting Director determines that there is no potential for any significant conflict with the standards listed in ~~Article~~ 4-806 of this Code, an Expedited Site Plan Review may be allowed in the following circumstances:

1. Any increase in the total Residential Floor Area up to 2,000 square feet provided the proposed ~~structure~~Structure size does not exceed the zoning district maximum Residential Floor Area.
    a. This provision includes instances in which Site Plan Review would be required because the ~~floor area~~Floor Area exceeds the cumulative threshold specified in ~~this section~~ A.~~(~~2~~)~~ and B.~~(~~2~~).(~~a~~), above.
2. In the plains, any non-residential accessory ~~structure~~Structure less than 5,000 square feet, with the exception of Agricultural Sales Units.
3. In the ~~mountainous areas~~Mountainous Areas, any non-residential accessory ~~structure~~Structure less than 2,000 square feet, with the exception of Agricultural Sales Units.
4. Any application proposing to utilize the one-time maximum 200-square-foot exemption from compliance with the zoning district maximum Residential Floor Area.
5. Any ~~grading~~Grading permit involving under 500 cubic yards of earthwork.
6. Any free-standing small wind-powered energy system that meets the height limitations for the zone district.
7. Any roof-mounted small wind-powered energy system as described in that use classification description 4-516.
8. A principal or accessory ground-mounted ~~solar energy system~~Solar Energy System less than half of an~~0.5~~ acre.
9. A parking canopy ~~solar energy system~~Solar Energy System less than half of an~~0.5~~ acre or an Accessory Solar Energy System that does not satisfy the additional provisions described in ~~Article~~ 4-516.L.5.e.

D. In considering an Expedited Site Plan Review determination, the Director shall notify ~~adjacent property owner~~Adjacent Property Owners. The Director shall not issue the determination for seven days following such notification and shall consider any comments received by the public. In expediting Site Plan Review as authorized under ~~this section~~ 4-802, the Director may impose written terms and conditions as may be reasonably necessary to ensure that the regulatory basis for the review is not contravened once the subject use or construction is commenced.

E. If the proposed permit or development requires Special Review, Limited Impact Special Review, Development Plan Review, Historic District Review (~~Section~~ 4-114), or Subdivision Regulations or PUD Review, Subdivision Exemption, or Exemption Plat Review, the applicable Review process shall substitute for the Site Plan Review process under this section. In any such combined review process, the standards in ~~Section~~ 4-806 shall be applied to the part of the proposal requiring Site Plan Review.

4-803 Pre-Application Conference

A pre-application conference as defined in ~~Section~~ 3-201 shall be held prior to the submission of an application for Site Plan Review.

4-804 Application and Submittal Requirements

A. Within four days of ~~the time application is made~~application submittal, all proposed access points, driveways, wells, leach fields, cisterns, turn-out, turn-arounds, and at least four corners of the proposed ~~structure~~Structures must be visibly marked on the property with clearly labeled stakes.

B. For the purpose of referring the project to applicable agencies, the ~~applicant~~Applicant shall submit the following information:

1. The application form available at the Community Planning ~~&~~and Permitting Department as specified in Article 3 of this Code.
2. Name of the proposed development or use and total number of acres.
3. A site plan at a scale which best conveys the conceptual aspects of the plan and allows for effective public presentation. This site plan must have the following elements:
   a. Date of preparation, revision box, written scale, graphic scale, and north arrow (designated as true north).
   b. Clearly identified boundary lines, corner pins, dimensions of the subject property, and distance of ~~structure~~Structures from property lines.
   c. Location, and dimension of all ~~structure~~Structures, existing and proposed.~~,~~
   d. Parking areas, driveways, emergency turn-outs, and emergency turn-arounds will be shown, with locations and dimensions including all proposed ~~grading~~Grading for the property.
   e. All roads, railroad tracks, ~~irrigation ditch~~Irrigation Ditches, fences, existing and proposed utility lines, and ~~easement~~Easements on or ~~adjacent~~Adjacent to the ~~parcel~~Parcel.
   f. Significant on-site features including~~,~~ but not limited to: natural and artificial drainage ways, wetland areas, ditches, hydrologic features (with ~~flood~~Flooding limits based on information available through the ~~County~~county), aquatic habitat, geologic features (including slopes, alluvial fans, areas of subsidence, rockfall areas, USDA soil classification and landslide areas), vegetative cover, dams, reservoirs, excavations, and mines.
   g. Location and size of leach field, sewer service lines, treatment facilities, well(s) and/or water lines to serve the proposed development.
   h. ~~(~~For mountainous area properties only:~~)~~ Existing and proposed topographic contours at maximum intervals of five feet for at least 50 feet around all proposed disturbances. The remainder of the site may show greater contour intervals (e.g. 20-~~-~~foot intervals) or obtain contours from the area's U.S.G.S. topographic map.
   i. Any Floodplain, 100-~~-~~year Floodplain or Floodway located on the property as indicated in ~~Article~~ 4-400 of this code.
   j. Any Natural Landmark or Natural Area along with a 250-~~-~~foot buffer zone surrounding the landmark or area as shown on the Zoning District Maps of Boulder County. Any Environmental Resources identified in the Comprehensive Plan must also be included on the site plan.

k. The location and type of proposed exterior lighting.

4. Four elevation drawings showing existing grade, finished grade, and height of the ~~structure~~Structure above existing grade. The location and dimensions of all windows must also be included on each of the elevations.
5. Verification that the site is a legal ~~building lot~~Building Lot under this code and that legal access from a public ~~road~~Road has been obtained.

C. The following information may be required to be submitted with a site plan application if the Director determines that such information is necessary to allow the site plan standards of 4-806 to be adequately evaluated:

1. A detailed site plan of developed portions of the property presented at a larger scale than required in ~~(~~4-804.B~~)~~ above.
2. Land survey data to identify the subject property including section corners and distance and bearing to these corners, quarter corners, township, range, etc.
3. Documentation of legal access to the subject ~~parcel~~Parcel and/or proposed development location.
4. ~~(~~For non-mountainous portions of the county~~:)~~ Existing and proposed topographic contours at maximum intervals of five feet for at least 50 feet around all proposed disturbances. The remainder of the site may show greater contour intervals (e.g. 20-foot intervals) or obtain contours from the area's U.S.G.S. topographic map.
5. Location, width, and typical cross-section of all existing and proposed earthwork, including but not limited to: driveways, pedestrian paths, parking areas, and berms. This information may include earthwork calculations, ~~grading~~Grading plan, drainage plan, and/or geotechnical/soils reports. The Director may request that any or all of this information be certified by a Colorado registered Professional Engineer.
6. Information regarding the use of ignition/fire resistant construction materials.
7. Location of existing and proposed landscaping including a revegetation plan. The site plan shall illustrate the type, height, and/or caliper of the trunk of proposed plantings. All plantings will be specified by type and location.
8. Location and results of soil percolation tests (Boulder County Public Health approval) where on-site wastewater systems or similar systems are proposed. This may include site approval and discharge permit, if required, as issued by the Colorado Department of Health.
9. Erosion control and revegetation plan.
10. The areas of all development in square feet and percentage of site, including total square feet of proposed driveways, parking, and ~~building~~Buildings. Include limits of disturbance on the site plan and provide the total area in acres.
11. A ~~development report~~Development Report addressing the standards in 4-806.
12. A letter of verification of a search of Inventory of Cultural Resources from the State Historical Society, a report defining the archaeological or historical resources on the site (based on information available from the State Historic Preservation Officer) or the appropriate archeological field survey report.
13. A Wildfire Mitigation Plan demonstrating the appropriate site location of ~~structure~~Structures, construction design and the use of ignition resistant ~~building~~Building material, defensible space and fuel reduction around the

~~structure~~Structures, driveway access for emergency vehicles, and an emergency water supply for fire ~~-~~fighting.

14. A control plan for noxious weeds.
15. A topographic survey certified by a Colorado Registered Surveyor or Professional Engineer.
16. Information regarding the type of glass used on the ~~structure~~Structure as it relates to reflectivity of sunlight and their emission of internal lighting.
17. A wildlife impact report meeting the requirements of ~~Section~~ 7-1700 of this Code. The requirement for a wildlife impact report shall not be construed to import the substantive requirements of ~~Article~~ 7-1700 into the Site Plan Review process, but rather shall provide additional information for the ~~County~~county to apply the site plan review standards to the facts of the application.
18. An outdoor lighting plan showing the location and type of proposed lighting, in compliance with ~~Article~~ 7-1600 Outdoor Lighting and Article 18 Fully Shielded Light Fixture.

4-805 Review by the Director

A. Once an application for Site Plan Review is filed, the Director shall promptly forward one copy of the application and supporting materials to the Access ~~&~~and Engineering, Public Health, Parks ~~&~~and Open Space Departments, local fire district, and any other potentially affected agencies or organizations. The Director shall also post a sign on the property stating the Site Plan Review number and the address and phone number of the Community Planning ~~&~~and Permitting Department. The Director may require that a notification sign be posted off-site when on-site posting would not allow for notification of those potentially impacted. Referrals shall be returned to the Director 21 days from date the application is referred.

B. Any determination by the Director to approve, conditionally approve, or deny a site plan application must be in writing and mailed or otherwise provided to the ~~applicant~~Applicant no later than 35 days after the date on which the Site Plan Review application is deemed complete. Once the determination is made, the Director shall also provide notice of the determination to all referral agencies and the ~~adjacent property owner~~Adjacent Property Owners within 1,500 feet of the property. If the Director fails to make a determination on the site plan application within this time period, the application as submitted shall be considered approved and the ~~applicant~~Applicant's ~~building~~Building permit shall be processed.

C. The Director may suspend the 35-day decision period required in ~~Subsection~~ 4-805.B~~.~~, above, at any time during the 35-day period under the following circumstances:
   1. At the request of the ~~applicant~~Applicant~~,~~; or~~;~~
   2. Whenever the Director or a referral agency determines that the application requires more information to conduct adequate review of the standards The Director shall promptly notify the ~~applicant~~Applicant of the shortcomings.

D. The decision period will resume when either the ~~applicant~~Applicant indicates to the Director in writing that they are ready to proceed, or the Director notifies the ~~applicant~~Applicant that the department has received sufficient information upon which

to evaluate the application. If the new information submitted results in an application that is substantially different than the original, or requires additional review, a new 21-day referral may be required prompting the 35-day decision period to restart. When the decision period resumes and a new referral is not required, the Director shall have ten days or the remainder of the original 35-day decision period, whichever is greater, to issue a determination.

E. The Director may declare a Site Plan Review application withdrawn if the application is not completed within six months of the date of it either being deemed incomplete or suspended by the ~~applicant~~Applicant or Director as permitted by this Code. The six-month withdrawal deadline may be extended should the Director determine that circumstances beyond the control of the ~~applicant~~Applicant prevent timely completion of the application. If the application is withdrawn, a new application and new fee must be submitted to continue the project.

4-806 Site Plan Review Standards

A. All Site Plan Review applications shall be reviewed in accordance with the following standards which the Director has determined to be applicable based on the nature and extent of the proposed development. When two or more of the standards listed below conflict, the Director shall evaluate the applicability and importance of each of the conflicting standards under the facts of the specific application and make a reasonable attempt to balance the conflicting standards in reaching a site plan decision.

1. The location of existing or proposed ~~building~~Buildings, ~~structure~~Structures, equipment, ~~grading~~Grading, or uses shall not impose an undue burden on public services and infrastructure.
2. The proposed development shall 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 soil~~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 ~~flood~~Flooding corridors, alluvial fans, floodways, ~~floodplain~~Floodplains, and ~~flood~~Flood-prone areas; and avalanche corridors. Natural hazards may be identified in the Comprehensive Plan Geologic Hazard and Constraint Areas Map or through the Site Plan 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~~Floodplain mapping data, and creek planning studies. Development within or affecting such natural hazards may be approved, subject to acceptable measures that will satisfactorily mitigate all significant hazard risk posed by the proposed development to the subject property and surrounding area, only if there is no way to avoid one or more hazards, no other sites on the subject property can be reasonably developed, or if reasonably necessary to avoid significant adverse impacts based upon other applicable Site Plan Review standards.

3. 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~~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.
4. The proposed development shall not alter historic drainage patterns and/or flow rates or shall include 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~~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.
5. The development shall avoid significant natural ecosystems or environmental features, including but not necessarily limited to riparian corridors and wetland areas, plant communities, and wildlife habitat and migration corridors, as identified in the Comprehensive Plan or through the Site Plan Review process. Development within or affecting such areas may be approved, subject to acceptable mitigation measures and in the discretion of the Director, only if no other sites on the subject property can be reasonably developed, or only if reasonably necessary to avoid significant adverse impacts based upon other applicable Site Plan Review standards.
6. The development shall avoid agricultural lands of local, state or national significance as identified in the Comprehensive Plan or through the Site Plan Review process. Development within or affecting such lands may be approved, subject to acceptable mitigation measures and in the discretion of the Director, only if no other sites on the subject property can be reasonably developed, or only if reasonably necessary to avoid significant adverse impacts based upon other applicable Site Plan Review standards.
7. The development shall avoid significant historic or archaeological resources as identified in the Comprehensive Plan or the Historic Sites Survey of Boulder County, or through the Site Plan Review process. Development within or affecting such resources may be approved, subject to acceptable mitigation measures and in the discretion of the Director, only if no other sites on the subject property can be reasonably developed, or only if reasonably necessary to avoid significant adverse impacts based upon other applicable Site Plan Review standards.
8. The development shall not have a significant negative visual impact on the natural features or ~~neighborhood~~Neighborhood character of surrounding area. Development shall avoid prominent, steeply sloped, or visually exposed portions of the property. Particular consideration shall be given to protecting views from public lands and ~~rights-of-way~~Rights-Of-Way, although impacts on views of or from private

properties shall also be considered. Development within or affecting features or areas of visual significance may be approved, subject to acceptable mitigation measures and in the discretion of the Director, only if no other sites on the subject property can be reasonably developed, or only if reasonably necessary to avoid significant adverse impacts based upon other applicable Site Plan Review standards~~criteria~~.

a. In reviewing development proposals in the Peak-to-Peak Scenic Corridor Area, special attention will be paid to the visibility of the development from the Peak-to-Peak Highway, with the intent to ensure development is minimally visible from the Highway.
b. For development anywhere in the unincorporated areas of the county, mitigation of visual impact may include changing ~~structure~~Structure location, reducing or relocating windows and glazing to minimize visibility, reducing ~~structure~~Structure height, changing ~~structure~~Structure orientation, requiring exterior color and materials that blend into the natural environment, and/or lighting requirements to reduce visibility at night.

9. The location of the development shall be compatible with the natural topography and existing vegetation and the development shall not cause unnecessary or excessive site disturbance. Such disturbance may include but is not limited to long driveways, over-sized parking areas, or severe alteration of a site's topography. All earthwork and ~~grading~~Grading shall have a demonstrated associated Principal Use.
10. Access, including non-county--maintained roads and driveways, shall meet the Boulder County Multimodal Transportation Standards, from the improvements on the subject property to a maintained public ~~road~~Road. All driveways shall have a demonstrated associated Principal Use.
11. Runoff, erosion, and/or sedimentation from the development shall not have a significant adverse impact on the surrounding area.
12. The development shall avoid Natural Landmarks and Natural Areas as designated in the Goals, Policies ~~&~~and Maps Element of the Comprehensive Plan and shown on the Zoning District Maps of Boulder County. The protection of Natural Landmarks and Natural Areas shall also be extended to their associated buffer zones. Development within or affecting such Landmarks or Areas may be approved, subject to acceptable mitigation measures and in the discretion of the Director, only if no other sites on the subject property can be reasonably developed, or only if reasonably necessary to avoid significant adverse impacts based upon other applicable Site Plan Review standards.
13. The proposal shall be consistent with the Comprehensive Plan, any applicable intergovernmental agreement affecting land use or development, and this Code.

4-807 Community Planning ~~&~~and Permitting Director's Determination

A. If the Director finds in reviewing a site plan application that the application meets the applicable standards set forth in ~~Section~~ 4-806, the Director shall approve the site plan and the ~~applicant~~Applicant can continue to process the ~~building~~Building permit.

B. If the Director finds that the application does not meet an applicable standard or standards, and that a reasonable basis for mitigation measures has been demonstrated, the Director shall approve the application with reasonable conditions that will avoid or acceptably mitigate the significant adverse impacts of the development. These conditions may include~~,~~ but are not necessarily limited to the relocation or modification of proposed ~~structure~~Structures, additional landscaping, buffering, screening, relocation of access, or any other measures necessary to mitigate any significant impact or reduce hazards. The Director shall specify when the conditions shall be met.
C. If the Director finds that the application does not meet an applicable standard or standards and that a reasonable basis for mitigation measures has not been demonstrated, the Director shall deny the application as proposed. The Director's determination must specify the reasons for the denial based upon the Site Plan Review standards in ~~Section~~ 4-806.
D. Once the Director issues a determination, the determination shall not be final, and no permit based upon the determination shall be issued, for 14 ~~calendar~~ days after the date of the determination, in order to allow time for the ~~applicant~~Applicant to appeal, or for the Board of County Commissioners to call up the determination for further review, pursuant to ~~Sections~~ 4-808 and 4-809 ~~of this Article~~. The Director's determination shall become final, and permits applied for in accordance with the determination may be issued, only after the expiration of this 14-day period, and only if the determination is not reviewed and acted upon by the Board of County Commissioners at a subsequent appeal or call-up hearing.

4-808 Applicant's Right of Appeal of a Conditional Approval or Denial

A. If the Director denies a site plan or conditionally approves it with conditions to which the ~~applicant~~Applicant objects the ~~applicant~~Applicant shall be entitled to appeal the Director's determination to the County Commissioners.
B. The ~~applicant~~Applicant must file an appeal for this purpose with the Community Planning ~~&~~and Permitting Department in writing received no later than 14 ~~calendar~~ days after the date of the Director's determination.
C. The Board shall review the Director's determination at a public hearing held as soon as practical after the appeal has been filed. Prior written notice of this hearing shall be provided to the ~~applicant~~Applicant and to property owners within 1,500 feet~~,~~ and shall be published as part of the Board's agenda in a newspaper of general circulation in Boulder County.
D. Any site plan application submitted by a public utility or a power authority providing electric or natural gas service, which relates to the location, construction, or improvement of a major electrical or natural gas facility as contemplated by Section 29-20-108, C.R.S., as amended, shall be considered to be a "final application" under Section 29-20-108 on which final ~~County~~county action in the event of an appeal shall be required to be taken within 90 days after submission of the application, or the application under Section 29-20-108 is deemed approved. For purposes of ~~this Subsection~~ 4-808.E~~.~~, "submission" shall be considered to be the submission of a

complete application as required by this Article 4, including but not limited with respect to compliance with any applicable notice requirements to the mineral estate owners and lessees constituting less than full fee title in the subject property as required by Article 65.5 of Title 24, C.R.S.

4-809 Board of County Commissioner~~'~~s' Review ("Call-up") of a Conditional Approval or Denial

A. No permit may be issued for 14 ~~calendar~~ days after the date of the Director's approval.

B. At the same time written approval of the site plan is provided to the ~~applicant~~Applicant, the Director shall forward to the Board a written statement including:
   1. the location of the affected property~~,~~;
   2. a description of the proposed development under the permit~~,~~; and
   3. the basis for the Director's determination. The Director's determination can be either that there is no significant adverse impact, that the significant adverse impacts can be avoided or acceptably mitigated through the conditions imposed as specified in the statement, or that the application be denied for reasons specified in the statement.

C. Upon receiving the Director's statement, and no later than 14 ~~calendar~~ days after the date of the approval, the Board may call the Director's determination up for review before the Board. The call-up generally shall be made by the Board at a public meeting convened within this 14-day period. However, if it is not practical for the Board to convene a public meeting for this purpose within the 14-day period, any member of the Board may authorize a call-up within the 14-day period, which call-up shall be effective provided that the Board subsequently ratifies the call-up at a public meeting held within a reasonable period of time after the 14-day period expires.
   1. The Board shall review the Director's determination at a public hearing held as soon as practical after the Director's determination. Prior written notice of this hearing shall be provided to the ~~applicant~~Applicant and to property owners within 1,500 feet~~,~~ and shall be published as part of the Board's agenda in a newspaper of general circulation in Boulder County.

D. At the public hearing, the Board shall consider evidence related to the Director's determination which may be presented by the Director, the ~~applicant~~Applicant, or interested members of the public. The Board shall not be limited in their review to the subject of the call-up, but may review any aspect of the site plan application. Based upon this evidence, the Board may affirm the Director's decision, alter conditions, add new conditions, or reverse the Director's determination on any aspect of the Site Plan Review application. In the case of denial of a site plan, the Board shall state its reasons for its decision based upon the Site Plan Review standards in ~~Section~~ 4-806. No permit shall be issued until and unless the Board acts on the Director's determination at the public hearing~~,~~ and approves the site plan.

E. Any site plan application submitted by a public utility or a power authority providing electric or natural gas service, which relates to the location, construction, or improvement of a major electrical or natural gas facility as contemplated by Section 29-20-108, C.R.S., as amended, shall be considered to be a "final application" under

Section 29-20-108 on which final ~~County~~county action in the event of a call-up shall be required to be taken within 90 days after submission of the application, or the application under Section 29-20-108 is deemed approved. For purposes of ~~this Subsection~~ 4-808.E~~.~~, "submission" shall be considered to be the submission of a complete application as required by this Article 4, including but not limited with respect to compliance with any applicable notice requirements to the mineral estate owners and lessees constituting less than full fee title in the subject property as required by Article 65.5 of Title 24, C.R.S.

4-810 The Effect of an Approved Site Plan

A. A Site Plan Review determination or Expedited Site Plan Review determination shall expire three years from the date the application was approved.
B. The approval of a site plan by the Director does not result in the vesting of development rights, nor does it permit the violation of any county or state regulations to preclude the Building Official from refusing to issue a permit if the plans and specifications do not comply with applicable regulations, or that the work described in the application for the permit does not conform to the requirement of the Uniform Building Code as adopted by Boulder County.

4-811 Amendments to an Approved Site Plan

A. Any proposal to change a site plan approved under this Article shall require a request to the Community Planning ~~&~~and Permitting Department to determine whether the proposed change constitutes a ~~substantial modification~~Substantial Modification to the approved plan. If the Director determines that the change constitutes a ~~substantial modification~~Substantial Modification, no such change shall be allowed to proceed until an application to amend the approved site plan is filed with the Director and approval granted in accordance with this Article. The ~~applicant~~Applicant or its successor may appeal the Director's decision to require an amended site plan to the Board of County Commissioners, provided that any such appeal shall be in writing and shall be filed with the Community Planning ~~&~~and Permitting Director no later than 30 days following the date of the Director's decision to require a site plan amendment.

4-900 Development Plan Review for Subsurface Mining

4-901 Purpose

A. This Development Plan Review is an administrative review procedure for subsurface mining which is considered likely to significantly impact Environmental Resources, surrounding land uses and infrastructure needs and demands.
B. Development Plan Review shall occur before subsurface mining commences on a mining site. As part of the review procedure, the ~~applicant~~Applicant shall be required to submit a development plan indicating mine and ~~building~~Building siting and layout, buffering, landscaping, access, lighting, and other specific data.

C. This Development Plan Review process for proposed mining will allow any significant adverse impacts on the environment to be identified, evaluated, and avoided or acceptably mitigated through the imposition of reasonable conditions.

4-902 Development Plan Review Requirements

~~A.~~ A development plan must be submitted for any subsurface mining, proposed to be located in the unincorporated area of Boulder County (see ~~Section~~ 4-508~~.~~ ~~(D)~~). Development plan approval is required prior to the issuance of any county ~~building~~Building permits, or associated ~~grading~~Grading, access, or ~~floodplain development permit~~Floodplain Development Permits, for the subsurface mining. In addition, subsurface mining which may not require a ~~building~~Building or other associated county permit must also obtain development plan approval under this Article.

4-903 Pre-Application Conference

~~A.~~ A pre-application conference as defined in ~~Section~~ 3-201 shall be held prior to the submission of an application for Development Plan Review.

4-904 Application

~~A.~~ The application for Development Plan Review shall be made on application forms available at the Community Planning ~~&~~and Permitting Department. Such forms shall have all spaces completed, designate all agents, exhibit all owner or ~~operator~~Operator signatures, and be accompanied by required fees and all materials required within these regulations. ~~(~~There is no fee for processing a Development Plan Review application for subsurface mining.~~)~~

4-905 Development Plan Submission

A. The ~~applicant~~Applicant shall submit seven copies of the proposed development plan with the completed application form to the Community Planning ~~&~~and Permitting Department, or alternatively, the plan shall be submitted in a digital form acceptable to the Community Planning ~~&~~and Permitting Department. The following information must be submitted with a development plan application unless waived by the Director where inappropriate or unnecessary. An attempt will be made to reduce the application requirements to the minimum necessary for adequate processing of the application. For any of the following requirements, the State Division of Minerals and Geology (DMG) submittal may be substituted if it contains the same or similar information.

1. A vicinity map indicating the section, township, and range of the site, and its relation to surrounding public roads and municipal boundaries.
2. A detailed drawing of the site (affected surface area) at a scale of one~~1~~ inch to 100 feet or other appropriate scale, including the following:
    a. the dimensions of the site, indicating area in square feet and acres, names of the mining claims, if applicable, and the area of the site to be disturbed;
    b. the location of all ~~structure~~Structures, laydown yards, settling ponds, milling facilities, and any other facilities or stationary equipment;

c. existing and proposed roads within the site as well as ingress and egress from public or private roads;
d. on-site features such as ~~floodplain~~Floodplain designations, water courses and springs, drainage, utility lines and ~~easement~~Easements, ditches, Environmental Resources, geologic features and hazards, vegetative cover including any mapped wildfire hazard areas, dams, reservoirs, mines, and known cultural resources;
e. existing and proposed topographic contours at vertical intervals of five feet maximum within 50 feet of the proposed activity. In terrain where the average cross slope exceeds 15 percent, vertical intervals may be 20 feet maximum for the area within 50 feet of the proposed activity. The remainder of the site may show topography using a U.S.G.S. topographic map; and
f. existing and proposed vegetation, buffers, berms, fences, and other screening devices.

3. Diagram showing ~~adjacent~~Adjacent properties and the approximate location of roads and ~~building~~Buildings and their uses within a distance of 200 feet of any proposed ~~structure~~Structure, facility, or area to be disturbed. This may be drawn at a smaller scale than the site plan.
4. One copy of application forms and/or approvals for all applicable local, state, or federal permits. Where such permits have not yet been applied for, a listing of all such permits which will be needed shall be included, together with an explanation of which particular activities the permits will enable. Supplemental submission of subsequent permit applications and/or approvals may be made a condition of Development Plan approval.
5. A summary of the mining plan, per the State Division of Mining and Geology regulations, including the method of and associated schedules for the production, milling or processing; 'moth balling' and abandonment; hours of operation; an access and transportation route plan; anticipated truck traffic generation; a waste disposal plan; production rates and total volumes of ore and waste rock; a drainage and erosion control plan for both on-site and off-site drainage; and, a description of the water source to be used in the operation where applicable.
6. For all designated mining operations (DMO), as defined in CRS 34-32-103, an emergency response plan, including a list of all hazardous substances which will be used or generated, fire protection and ~~hazardous materials~~Hazardous Materials spills plan, which specifies planned actions for possible emergency events, a listing of ~~person~~Persons to be notified of an emergency event, proposed signage, and provisions for access by emergency response teams. The emergency plan must be acceptable to the appropriate fire district or the Boulder County Sheriff, as appropriate. The plan shall include a provision for the ~~operator~~Operator to reimburse the appropriate emergency service provider for costs incurred in connection with emergency response for the ~~operator~~Operator's activities at the site.

7. A summary of the reclamation plan submitted or intended to be submitted to the DMG, including proposed recontouring, revegetation or other appropriate measures to restore the surface while operations proceed or after they cease.
8. A noise, odor, or dust abatement plan as specified in 4-907.A~~.~~ to control impacts on ~~adjacent~~Adjacent properties.
9. Any proposed measures, pursuant to the standards in 4-907.A~~.~~, necessary to mitigate anticipated adverse impacts on the aesthetic features of the site, on views from surrounding properties or public ~~rights-of-way~~Rights-Of-Way, or on significant Environmental Resources such as wetlands or plant and wildlife habitats.
10. Distance to nearest ~~subdivided land~~Subdivided Land or substantially developed ~~townsite~~Townsite.
11. A noxious weed management plan for the site.

4-906 Referral and Review by Director

A. The Director will coordinate the review of the development plan application. Upon the filing of a complete application for Development Plan Review, the Director shall promptly forward one copy to the Boulder County Public Works, Public Health, and Parks ~~&~~and Open Space Departments; the appropriate fire district; the Boulder County Sheriff; and any ~~adjacent~~Adjacent municipality for comment.
   1. Referral comments on the proposed development shall be returned to the Director no later than 18 days from the date of application.
   2. The Community Planning ~~&~~and Permitting Department shall determine if the application is complete as soon as possible after submittal.

B. In addition, the Director shall notify the property owners within 1,500 feet and surface owners of the subject property, if different from the ~~applicant~~Applicant, and post a sign on the site within seven days after accepting the application for Development Plan Review. Both the notice and the sign shall indicate that a Development Plan Review application has been made, and the phone number of the Community Planning ~~&~~and Permitting Department where information regarding the application may be obtained. The Director may require that a notification sign be posted off-site when on-site posting would not allow for notification of those potentially impacted.

C. Any determination by the Director to approve or conditionally approve a development plan application must be in writing and mailed or otherwise provided to the ~~applicant~~Applicant no later than 28 days after the date on which the development plan application is accepted as complete. Failure to make a determination on the application within this time period shall result in the application being considered approved and the ~~applicant~~Applicant's ~~building~~Building permit or associated ~~grading~~Grading, access, or ~~floodplain development permit~~Floodplain Development Permit being processed.

4-907 Development Plan Review Standards and Criteria for Approval

A. A development plan shall be approved or conditionally approved in accordance with the following standards and criteria.

1. Any equipment used in production or reclamation of a mine must comply with Section 25-12-103, C.R.S., Maximum Permissible Noise Levels.
   a. For any mine where noise from the site will have a substantial impact in ~~adjacent~~Adjacent areas, additional noise mitigation may be required. One or more of the following additional noise mitigation measures may be required:
      (i) acoustically insulated housing or covers enclosing any motor or engine;
      (ii) screening of the site or noise emitting equipment by fencing or landscaping;
      (iii) a noise management plan specifying the hours of maximum noise and the type, periodicity, and level of noise to be emitted, including blasting; and
      (iv) any other noise mitigation measures required by the Colorado Division of Minerals and Geology, or other responsible agency, or as proposed by the ~~operator~~Operator and accepted by the Director.
2. Subsurface mining facilities shall be located in a manner to minimize their visual and physical impact and disturbance of the land surface, and to maximize their compatibility with the character of the ~~neighborhood~~Neighborhood and surrounding land uses.
   a. Facilities shall be painted or otherwise finished in a non-contrasting, nonreflective color, to blend with the ~~adjacent~~Adjacent landscape.
   b. In areas where the facilities will have a substantial visual impact on the surrounding area, landscaping or screening of the site, or the use of less intrusive equipment, may be required. Specific landscaping or screening requirements may include, but are not necessarily limited to, establishing and properly maintaining ground cover, shrubs, and trees; shaping cuts and fills to appear as natural forms; designing the operation to utilize natural screens; or constructing fences for use with or instead of landscaping.
   c. The development plan will incorporate the use of wildfire mitigation measures, such as location of ~~structure~~Structures, fuel reduction, incorporation of a buffer around ~~structure~~Structures, and the use of fire-~~-~~resistant ~~building~~Building material, if applicable.
   d. The facilities will not have a significant adverse impact on surrounding land uses.
   e. The facilities will not have an adverse safety impact on ~~adjacent~~Adjacent ~~parcel~~Parcels and ~~rights-of-way~~Rights-Of-Way.
3. Access roads on the site and access points to public roads shall be reviewed by the Boulder County Public Works Department. All access and oversize or overweight vehicle permits must be obtained from the Boulder County Public Works Department prior to beginning operation. All proposed transportation routes to the site shall also be reviewed and approved by the Boulder County Public Works Department to minimize traffic hazards and adverse impacts on public roadways. Existing roads shall be used to minimize land disturbance unless traffic safety, visual or noise concerns, or other adverse surface impacts clearly dictate otherwise.
4. For any subsurface mining located in or ~~adjacent~~Adjacent to an Environmental Resource the ~~operator~~Operator shall consult with the Division of Parks and Wildlife

or the county as applicable to determine appropriate mitigation procedures. In no case shall an ~~operator~~Operator engage in activities which jeopardize a state, federal, or otherwise listed threatened or endangered species.

5. Air contaminant emissions shall be in compliance with the permit and control provisions of the Colorado Air Quality Control Program, Title 25, Article 7, C.R.S., and the fugitive dust regulations administered by Boulder County Public Health.
6. All operations shall comply with all applicable state Water Quality Control and drinking water standards.
7. All waste disposal or treatment facilities shall comply with all requirements of the state or Boulder County Public Health ~~Department~~ and responsible emergency response authorities, as applicable.
8. Subsurface mining shall comply with all state and Federal requirements. However, to the extent that a state or Federal requirement falls within a land use regulatory area addressed by this Article, and conflicts with any conditions of a development plan approved under this Article, the development plan conditions shall be enforceable provided they do not materially impede the state or Federal interest. The ~~applicant~~Applicant may appeal the development plan approval to the Board of County Commissioners under ~~Section~~ 4-909.A~~.~~, below (or within thirty days after written notification to the Director of an alleged material conflict if the conflict is discovered after the appeal deadline in ~~Section~~ 4-909.A~~.~~ has expired and could not reasonably have been discovered earlier), or any argument as to material conflict shall be deemed waived. If it is possible for the ~~applicant~~Applicant to appeal to the applicable state or Federal agency for a variance or waiver to comply with a conflicting development plan condition, there shall be a presumption in any appeal before the Board of County Commissioners that a material conflict does not exist, unless the ~~applicant~~Applicant has pursued an appeal with the applicable agency.
9. The proposal shall be consistent with the Comprehensive Plan, any applicable intergovernmental agreement affecting land use or development, and this Code.

4-908 Community Planning ~~&~~and Permitting Director's Determination

A. If the Director finds in reviewing a development plan application that the application meets the applicable standards set forth above, the Director shall approve the development plan, and the ~~applicant~~Applicant may continue the processing of the ~~building~~Building or other associated county permit application, or otherwise engage in the proposed subsurface mining.

B. If the Director finds that the application does not meet an applicable standard or standards, and that a reasonable basis for mitigation measures has been demonstrated, the application shall be approved with appropriate reasonable conditions imposed to avoid or acceptably mitigate the significant adverse impacts of the development. Such conditions may include, but are not necessarily limited to, the relocation or modification of proposed access roads, facilities, or ~~structure~~Structures; landscaping, buffering, or screening; posting of adequate financial guarantees; compliance with specified surface reclamation measures; or any other measures

necessary to mitigate any significant impact on surrounding properties and public infrastructure.

C. If the Director finds that the application does not meet an applicable standard or standards and that a reasonable basis for mitigation measures has not been demonstrated, the Director shall deny the application as proposed.

D. Once the Director issues a determination on the development plan, the determination shall not be final, and no permit based upon the determination shall be issued, for 14 ~~calendar~~ days after the date of the determination, in order to allow time for the ~~applicant~~Applicant to appeal, or for the Board of County Commissioners to call up the determination for further review, pursuant to ~~Sections~~ 4-909.A~~.~~ and 4-910.A~~. of this Article~~. The Director's determination shall become final, and permits applied for in accordance with the determination may be issued, only after the expiration of this 14-day period, and only if the determination is not reviewed and acted upon by the Board of County Commissioners at a subsequent appeal or call-up hearing.

4-909 Applicant's Right of Appeal of Conditional Approval or Denial

A. In the event that the Director conditionally approves or denies a development plan application, the ~~applicant~~Applicant shall be entitled to appeal the approval to the Board of County Commissioners. The ~~applicant~~Applicant must file an appeal for this purpose with the Director in writing received no later than seven ~~calendar~~ days after the date of the Director's determination. If the determination is mailed to the ~~applicant~~Applicant, three additional days for mailing shall be added to the time for filing an appeal.

B. The Board shall review the Director's determination at a public hearing scheduled as soon as practical after the appeal has been filed. Prior written notice of this hearing shall be provided to the ~~applicant~~Applicant and property owners within 1,500 feet and shall be published as part of the Board's agenda in a newspaper of general circulation in Boulder County.

C. At the public hearing the Board shall consider evidence related to the Director's determination which may be presented by ~~County~~county staff, the ~~applicant~~Applicant, or interested members of the public. The Board shall not be limited in their review to the subject of the appeal, but may review any aspect of the development plan application. Based upon this evidence the Board may affirm the Director's determination, or may approve the development plan with modified, altered, deleted, or added conditions in accordance with ~~Section~~ 4-907.A. ~~of this Article.~~ No ~~County~~county ~~building~~Building, ~~grading~~Grading, access, or ~~floodplain development permit~~Floodplain Development Permit shall be issued, or the ~~applicant~~Applicant is otherwise allowed to proceed with the operation, until the Board acts on the Director's determination at the public hearing, and approves the development plan with or without the addition or modification of conditions.

4-910 Board of County Commissioners' Review ("Call-up") of a Determination to Approve or Conditionally Approve a Development Plan

A. No county ~~building~~Building, ~~grading~~Grading, access, or ~~floodplain development permit~~Floodplain Development Permit may be issued to the ~~applicant~~Applicant, nor shall the ~~applicant~~Applicant be authorized to proceed with any proposed subsurface mining operation not requiring one of these county permits, for 14 ~~calendar~~ days after the date of the Director's approval, in order for the Board of County Commissioners to review the approval. At the same time written approval of the development plan is provided to the ~~applicant~~Applicant, the Director shall forward to the Board a written statement which shall include the location of the site, a description of the proposed subsurface mining, and, if the development plan is conditionally approved, the conditions of approval.

B. Upon receiving the Director's statement, and no later than 14 ~~calendar~~ days after the date of the approval, the Board may call the Director's determination up for review before the Board. The call-up generally shall be made by the Board at a public meeting convened within this 14-day period. However, if it is not practical for the Board to convene a public meeting for this purpose within the 14-day period, any member of the Board may authorize a call-up within the 14-day period, which call-up shall be effective provided that the Board subsequently ratifies the call-up at a public meeting held within a reasonable period of time after the 14-day period expires.
    1. The Board shall review the Director's determination at a public hearing held as soon as practical after the Director's determination. Prior written notice of the hearing shall be provided to the ~~applicant~~Applicant and property owners within 1,500 feet and shall be published as part of the Board's agenda in a newspaper of general circulation in Boulder County.

C. At the public hearing the Board shall consider evidence related to the Director's determination which may be presented by ~~County~~county staff, the ~~applicant~~Applicant, or interested members of the public. The Board shall not be limited in their review to the subject of the call-up, but may review any aspect of the development plan application. Based upon this evidence the Board may affirm the Director's determination or denial, or alter, delete, or add conditions of approval, in accordance with ~~Section~~ 4-907.A. ~~of this Article.~~ No ~~County~~county ~~building~~Building, ~~grading~~Grading, access, or ~~floodplain development permit~~Floodplain Development Permit shall be issued, or the ~~applicant~~Applicant otherwise allowed to proceed with the proposed surface mining operation, until the Board acts on the Director's determination at the public hearing~~,~~ and approves the development plan with or without the addition or modification of conditions.

4-911 Effect of the Approved Development Plan

~~A.~~ After approval of a development plan for ~~an~~ subsurface mining, the ~~applicant~~Applicant shall be entitled to have processed any necessary ~~building~~Building, ~~grading~~Grading, access, or ~~floodplain development permit~~Floodplain Development Permits or to otherwise proceed with the proposed operation. The approval of a

development plan by the Director does not result in the vesting of development rights, nor does it permit the violation of any county, state, or federal regulations or preclude the ~~County~~ Building Official or Public Works Department or Public Health from refusing to issue a permit if the plans and specifications do not comply with applicable county regulations.

4-912 Inspections

~~A.~~ Any site under an approved development plan may be inspected by the county at any time, to ensure compliance with the requirements of the approved development plan, provided that reasonable prior notice is given to the contact ~~person~~Person at the telephone number supplied by the ~~applicant~~Applicant. The approved development plan shall be considered to grant the ~~applicant~~Applicant's implied consent to such inspections.

4-913 Enforcement

A. In addition to any other remedy authorized under this Code to enforce the provisions of this Article, the Director shall be entitled to draw on any financial guarantee provided by an ~~applicant~~Applicant pursuant to this Article, if the ~~applicant~~Applicant violates any term or condition of an approved development plan. If the Director has reason to believe that a violation of an approved development plan for which a financial guarantee has been provided has occurred, the Director shall provide written notice to the ~~applicant~~Applicant describing the violation~~,~~ and stating a reasonable time within which the violation must be corrected. If, within that time period, the ~~applicant~~Applicant has not either corrected the violation or filed a written appeal with the Board of County Commissioners, the Director shall be entitled to enter upon the site to take any reasonable measures to correct the violation, and may draw on the financial guarantee to cover the costs of corrective measures. The ~~County~~county may not require any financial guarantee which is related to mining operation within the State's purview under the Colorado Mined Land Reclamation Act, as amended.

B. If the ~~applicant~~Applicant files a timely appeal with the Board of County Commissioners, the Board shall schedule a hearing on the appeal at the soonest possible time of which the ~~applicant~~Applicant shall receive reasonable prior notice. If the Board confirms at the hearing that the violation has occurred and has not been corrected, the Board in its discretion may give the ~~applicant~~Applicant additional time to correct the violation~~,~~ or may specify the time at which the Director may take appropriate action to have the violation corrected and draw on the financial guarantee to cover the costs of corrective measures.

C. To e~~i~~nsure the Director's ability to enforce the provisions of any approved development plan, the Director shall not release any financial guarantee provided under this Article for an individual development plan, until the Director confirms that all applicable provisions of the plan have been complied with.

4-914 Amendments to a Development Plan

~~A.~~ Any proposal to change a development plan approved under this Article shall require an application to the Community Planning ~~&~~and Permitting Department to determine whether the proposed change constitutes a ~~substantial modification~~Substantial Modification to the approved plan. If the Director determines that the change constitutes a ~~substantial modification~~Substantial Modification, no such change shall be allowed to proceed until an application to amend the approved development plan is filed with the Director and approval granted in accordance with this Article. The ~~applicant~~Applicant or its successor may appeal the Director's decision to require an amended development plan to the Board of County Commissioners, provided that any such appeal shall be in writing and shall be filed with the Community Planning ~~&~~and Permitting Director no more than 30 days following the date of the Director's decision to require a development plan amendment.

4-1000 Nonconforming Structures and Uses

4-1001 Principles of Construction as Applied to Nonconforming Structures and Uses

A. In recognition of the broadly accepted policy that nonconforming uses and ~~structure~~Structures should be brought to conforming status as speedily as justice will permit~~,~~ and favoring the reasonable regulation of nonconforming uses and ~~structure~~Structures to minimize their adverse impacts on current comprehensive zoning schemes and the community, this Article shall be strictly construed against the continuation or expansion of nonconformity in Boulder County.

4-1002 Nonconforming Structures

A. A nonconforming ~~structure~~Structure is any ~~e~~existing ~~structure~~Structure which does not conform to the ~~structure~~Structure regulations of this Code for the zoning district in which such nonconforming ~~structure~~Structure is located, as a result of either (1) the adoption or amendment of this Code, or (2) a final county administrative or judicial decision precluding Boulder County from enforcing this Code specific to a ~~structure~~Structure on the basis of estoppel, laches, or waiver.
   1. For the purposes of these regulations, ~~structure~~Structure(s) with ~~E~~existing Floor Area as of May 13, 2025~~,~~ that exceeds the zoning district Residential Floor Area maximum shall not be considered Nonconforming Structures.

B. A nonconforming ~~structure~~Structure may continue to be occupied, except as otherwise provided for in this Section.

C. A nonconforming ~~structure~~Structure may not be altered, repaired, or enlarged in any way which would increase the degree of nonconformity with respect to the ~~setback~~Setback or height regulations of this Code:
   1. For purposes of this Section, an increase in the degree of nonconformity shall be any alteration which adds to the ~~floor area~~Floor Area or height of the portion of the ~~structure~~Structure which violates this Code.

2. This restriction may be waived if the Building Official determines that any such alteration, repair, or enlargement is necessary to rectify a hazardous health or safety situation, or to comply with the public health or safety requirements of another governmental entity having lawful jurisdiction over the ~~structure~~Structure.
3. Agricultural ~~structure~~Structures, either singly or cumulatively, legally constructed which were over 25,000 square feet (or 35,000 square feet in a ~~community service area~~Community Service Area) as of October 18, 1994, may be altered, repaired, or enlarged provided the total square footage of the ~~structure~~Structures on a ~~parcel~~Parcel is not increased.
4. Installation of a flush roof-mounted or ~~building~~Building integrated accessory ~~solar energy system~~Solar Energy Systems shall not be considered an increase in the degree of nonconformity, provided it meets the specifications in ~~section~~ 4-514 or 4-516.

D. A nonconforming ~~structure~~Structure which has been damaged or destroyed by causes outside the control of the property owner or their agent, may be restored to its original location, ~~floor area~~Floor Area, and height, provided that such restoration complies with the current provisions of the Boulder County Building Code.
1. Such restoration must be commenced within six months after the date on which the nonconforming ~~structure~~Structure was damaged or destroyed and completed within one year after the date on which the restoration was commenced.
   a. These times may be extended for a reasonable period, if approved by the County Commissioners at a public hearing upon a showing of extraordinary circumstances by the property owner or their agent.
2. The provisions of ~~this Section~~ 4-1002~~.~~.~~(~~D~~)~~ shall not apply to Substantial Improvements to ~~structure~~Structures in the Floodplain Overlay District as provided for in ~~Section~~ 4-400 of this Code.
3. Restoration meeting the requirements of this provision is~~are~~ not required to undergo a Site Plan Review (see 4-802.B.3). ~~(See Article 4-802 (B) (3))~~

4-1003 Nonconforming Uses

A. A nonconforming use is any existing use which does not conform to the use regulations of this Code for the zoning district in which such nonconforming use is located, as a result of either:
1. the adoption or amendment of this Code;~~,~~ or
2. a final administrative or judicial decision precluding the ~~County~~county from enforcing this Code specific to a use on the basis of estoppel, laches, or waiver.
   a. Uses are not considered nonconforming due to inadequate parking.
   b. Uses which fall within ~~Section~~ 4-1003.A.2~~.~~, above shall not be eligible to apply for a special use permit for a Use of Community Significance ~~Section~~ (4-504).

B. Except as otherwise provided in this Section, a nonconforming use may be continued and normal or routine maintenance of a ~~structure~~Structure containing a nonconforming use shall be permitted. Normal or routine maintenance shall include any maintenance or repair which does not impermissibly enlarge or alter the ~~structure~~Structure containing a nonconforming use under ~~Section~~ 4-1003.C~~.~~, below.

C. Enlargement or Alteration of a Nonconforming Use

1. The right to continue a nonconforming use terminates immediately when the nonconforming use is enlarged, expanded, extended, or altered in any of the following ways, and the property owner does not successfully pursue any of the options specified in ~~Section~~ 4-1003.~~H.~~ within 30 ~~calendar~~ days after the Director provides written notification of an alleged illegal enlargement or alteration to the owner.
   a. Addition of a new ~~structure~~Structure containing or accessory to the nonconforming use;
   b. Enlargement or alteration of a ~~structure~~Structure containing or accessory to the nonconforming use, including but not necessarily limited to an increase in ~~floor area~~Floor Area, an increase in height, or any other alteration or improvement in excess of normal or routine maintenance of the ~~structure~~Structure;
   c. Enlargement or alteration in the land area occupied by the nonconforming use, unless the basic nature of the use, at the time it became nonconforming, clearly indicated or contemplated such an increase or alteration; or
   d. Any other enlargement or alteration of the nonconforming use which has the effect or threatened effect of creating a hazard or nuisance on or off the property, of adversely affecting the character of the ~~neighborhood~~Neighborhood, or of intensifying the use of the land or its need for services.
   e. Removal or replacement of any structural member in a use for which the ~~County~~county is precluded from enforcing this Code specific to use on the basis of estoppel, laches, or waiver.
2. An impermissible enlargement or alteration shall not include the following:
   a. a change of ownership of the property;
   b. an alteration or expansion which the Building Official determines is necessary to rectify a hazardous health or safety situation or to comply with the public health or safety requirements of another governmental entity having lawful jurisdiction over the ~~structure~~Structure;
   c. an extension of the nonconforming use within the ~~structure~~Structure containing the use, provided that such extension is not accompanied by an alteration of the ~~structure~~Structure falling within ~~category~~ (b), above;
   d. the addition of a ~~solar energy system~~Solar Energy System to a ~~structure~~Structure containing a nonconforming use provided it meets the specifications in ~~Articles~~ 4-514 or 4-516; or
   e. any replacement or upgrading of outmoded or worn equipment or supplies, provided that such activity does not fall within ~~category Section~~ 4-1003.C.1.d~~.~~, above.
3. Owners of legal ~~building lot~~Building Lots containing agricultural uses which have become nonconforming as a result of adoption or amendment of this Code, may restore, modify, and maintain existing conforming ~~structure~~Structures, and may construct new conforming ~~structure~~Structures, provided such ~~structure~~Structures are directly related to the agricultural use, and provided the use is not enlarged or altered in any other way.

D. Change of a Nonconforming Use
   1. A nonconforming use may be changed only to a use which is conforming in the zoning district in which the use is located.
   2. Any change of a nonconforming use to any other use shall operate immediately to terminate the right to continue the nonconforming use. Thereafter, the property shall be used only in conformity with the use provisions of its zoning district.

E. Destruction of a Structure Containing a Nonconforming Use
   1. A ~~structure~~Structure containing a nonconforming use shall be deemed destroyed when either greater than 50 percent of its ~~floor area~~Floor Area, or greater than 50 percent of its actual value (as determined by the Boulder County Assessor) is destroyed.
   2. The right to continue a nonconforming use terminates immediately when the ~~structure~~Structure containing that use is destroyed by an intentional act of the property or ~~structure~~Structure owner or their agent.
   3. In all other cases, when a ~~structure~~Structure containing a nonconforming use is destroyed, the ~~structure~~Structure may be restored, and the nonconforming use may be reestablished.
      a. Restoration of the ~~structure~~Structure must be commenced within six months after the date on which the nonconforming ~~structure~~Structure was destroyed and completed within one year after the date on which the restoration was commenced.
      b. These times may be extended for a reasonable period, if approved by the County Commissioners at a public hearing upon a showing of extraordinary circumstances by the property owner or their agent.
   4. The provisions of ~~this Section~~ 4-1003.E~~.~~ shall not apply to Substantial Improvements to ~~structure~~Structures in the Floodplain Overlay District as provided for in ~~Section~~ 4-400.

F. Damage to a Structure Containing a Nonconforming Use
   1. The right to continue a nonconforming use terminates immediately when the ~~structure~~Structure containing that use is damaged by an intentional act of the property or ~~structure~~Structure owner or their agent.
   2. In all other cases, when a ~~structure~~Structure containing a nonconforming use is damaged, the ~~structure~~Structure may be restored, and the nonconforming use may be reestablished.
      a. Restoration of the ~~structure~~Structure must be commenced within six months after the date on which the nonconforming ~~structure~~Structure was damaged and completed within one year after the date on which the restoration was commenced.
      b. These times may be extended for a reasonable period, if approved by the Board of County Commissioners at a public hearing upon a showing of extraordinary circumstances by the property owner or their agent.
   3. The provisions of ~~this Section~~ 4-1004.F~~.~~ shall not apply to Substantial Improvements to ~~structure~~Structures in the Floodplain Overlay District as provided for in ~~Section~~ 4-400.

4. Restoration meeting the requirements of this provision are not required to undergo a Site Plan Review (see 4-802.B.3). ~~(See Article 4-802.B.3.~~

G. Abandonment of a Nonconforming Use
   1. The right to continue a nonconforming use terminates as soon as the use is abandoned through the discontinuance of the use for an uninterrupted period of six months or more, as a result of causes within the control of the property owner or their agent.
      a. Discontinuance of the use shall be a complete cessation of all activity on the property related to the use as determined in relationship to the nature and history of the nonconforming use, based upon available public information on the use.
      b. If the nonconforming use is a seasonal use, the use shall be terminated if it is discontinued for an entire single season based upon the history and nature of the use.
   2. Any nonconforming use may be abandoned in less than six months or a season, as applicable, if the property owner expressly states an intent to abandon the use~~,~~ or engages in action which unambiguously expresses an intent to abandon.

H. Notice of Termination in the Event of Unlawful Enlargement or Alteration of a Nonconforming Use, Change of Use, Abandonment of a Nonconforming Use, or Destruction or Damage to a Structure Containing a Nonconforming Use
   1. n the event that the Director receives information upon which a determination is made that the right to continue a nonconforming use has been or may have been terminated by operation of ~~Section~~ 4-1003, the Director shall provide a written notification of this determination by first-~~-~~class mail to the property owner, and to the ~~parcel~~Parcel address, all as shown on the records of the Boulder County Assessor. The property owner shall have 30 ~~calendar~~ days after the date of the notification within which to provide evidence satisfactory to the Director to show that the determination is in error, to abate the illegal enlargement or alteration, to apply for approval of a special use or other applicable approval under this Code, or to file an appeal of the Director's determination to the Board of County Commissioners. In any appeal, the property owner shall have the burden to show that the right to continue the nonconforming use was not terminated according to the applicable provisions of this Article, when judged in light of the history and nature of the use and the circumstances of the alleged termination
   2. Nothing in this Section shall alter or diminish the Director's right to take enforcement action against the unlawful continuation of a nonconforming use terminated by operation of ~~Section~~ 4-1003 hereof, as set forth in 30-28-124, C.R.S., as amended, and Article 17 of this code. Moreover, except in the case of an illegal enlargement or alteration for which the owner shall be provided with a 30 day opportunity to abate, any failure by the Director to provide a notification of a determination of termination as provided for in this Section shall in no way entitle the property owner to continue or resume a nonconforming use terminated by operation of ~~this Section~~ 4-1003.~~(H)~~.

4-1004 Recognition of Nonconforming Uses

A. A nonconforming use may be recognized as a conforming use if:
   1. The use was made nonconforming pursuant to ~~Section~~ 4-1003.A.1~~.~~, and receives special use review approval as a Use of Community Significance under ~~Sections~~ 4-504.H and 4-602.E~~.~~ of this Code~~;~~, or
   2. The use is nonconforming pursuant to 4-1003.A.2~~.~~, and receives special use approval as a temporary use under ~~Section~~ 4-600.A. In addition to satisfying the special use criteria of ~~Section~~ 4-601, such a use may receive special use approval only if it meets the following requirements, to assure that these nonconforming uses are brought into conformity as quickly as justice may permit:
      a. The use is required to totally cease, or to be changed to a conforming use, within a reasonable time certain as determined by the Board of County Commissioners through the special use review process, not to exceed 30 years.
      b. During the time certain when the use is allowed to exist as a temporary special use, the property owner grants a ~~conservation easement~~Conservation Easement to the ~~County~~county to assure that no future expansion of the use or its associated ~~structure~~Structures occurs on the property beyond that approved in the special use. The ~~conservation easement~~Conservation Easement will also require that at the expiration of the temporary use period established in ~~Subsection~~ 4-1004.A.2.a~~.~~, the temporary special use shall cease, and the property's use and ~~structure~~Structures shall be made to conform to the zoning districts requirements and in accordance with any specific requirement of the special use review and ~~conservation easement~~Conservation Easement.
      c. Approval of the use as a temporary special use will result in some measurable decrease in one or more of the adverse land use impacts associated in the nonconforming use (such as in traffic, noise, or adverse visual impact).
   3. The use was a legal residential use when it became nonconforming pursuant to ~~Subsection~~ 4-1003.A.1~~.~~ and receives Limited Impact Special Review ~~use~~ approval under ~~Section~~ 4-600.A~~.~~, and, in addition, the owner/ ~~applicant~~Applicant agrees to permanently ~~deed~~Deed restrict the approved special use as ~~affordable housing~~Affordable Housing under the adopted standards of the BOCC based upon the recommendation and policies of the Boulder County Housing Authority.
      a. No increase in density is permitted through this approval.
      b. Minor expansions to the use may be allowed through the limited impact special use process, so long as the proposed use results in some measurable decrease in one or more of the adverse land use impacts associated with nonconforming use (such as in traffic, noise, or adverse visual impact) and so long as current ~~County~~ Building Code requirements are met.
   4. The nonconforming use is changed to any other conforming use recognized under this Code.

4-1100 Rezoning (Zoning Map Amendments)

4-1101 Initiation of Amendments

A. Initiation of Map Amendments
   1. Map amendments may be initiated by the Board of County Commissioners, the Planning Commission, or the legal owner of any property in Boulder County.
   2. Map amendments shall be reviewed and acted upon in accordance with the procedural provisions contained within Article 3 of this Code, except the following:
      a. Comprehensive map amendments initiated by the Board of County Commissioners or Planning Commission including map amendments resulting from a text amendment to this Code. In this case, the following notification requirements may be adopted by the Planning Commission.
         (i) The newspaper notice need not contain the name of the landowner and ~~applicant~~Applicant, the proposed and existing zoning, or the general location description of the land.
         (ii) The property need not be posted with a sign.
         (iii) The written notice of the hearing need not be provided to the ~~applicant~~Applicant.
         (iv) A written notice of the hearing need not be mailed to all owners of interest and ~~adjacent~~Adjacent land-owners identified in the title report.

4-1102 Standards and Conditions

A. No map amendment shall be adopted by the Board of County Commissioners unless the Board has determined that:
   1. a public need exists for the map amendment;
   2. the amendment is consistent with and in furtherance of the stated intent and purposes of this Code;
   3. the amendment is in accordance with the Boulder County Comprehensive Plan and any applicable intergovernmental agreement affecting land use or development;
   4. the subject property is an appropriate site for the map amendment, and is a reasonable unit of land for such reclassification;
   5. the map amendment would not have a material adverse effect on the surrounding area;
   6. the map amendment will not result in an over-intensive use of land;
   7. the map amendment will not have a material adverse effect on community capital improvement programs;
   8. the map amendment will not require a level of community facilities and services greater than that which is available;
   9. the map amendment will not result in undue traffic congestion or traffic hazards;
   10. the map amendment will not cause significant air, water, or noise pollution;
   11. the map amendment will not permit the use of any area designated within the Boulder County Comprehensive Plan for the Extraction~~extraction~~ of commercial mineral deposits in a manner which would interfere with the present or future

Extraction~~extraction~~ of such deposit by an extractor to any greater extent than under the present zoning of the property;

12. it must be demonstrated that any ~~structure~~Structures to be built on the property will not be affected by ~~geologic hazard~~Geologic Hazards if they exist; and
13. the map amendment will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County.

4-1200 Board of Adjustment

4-1201 Appeals to the Board of Adjustment

A. Appeals to the Board of Adjustment may be taken by any ~~person~~Person aggrieved by any decision of the Community Planning &and Permitting Director or County Engineer made in the course of the administration or enforcement of Article 4 or any related provision of this code, unless the Code provides that the decision will be appealed to the Board of County Commissioners.
B. An application for an appeal must be made within 30 days after the Director or County Engineer makes a written decision on the matter being appealed. The 30 days shall start to run on the third day after the date of mailing of the decision to the last known address of the ~~person~~Person concerning whom the decision is made. If not appealed to the Board of Adjustment the decision shall be final.
C. The process for filing an appeal and specifics regarding the public hearing before the Board of Adjustment are outlined in Article 3 of this Code.
D. Appeals to the Board of Adjustment related to any matters under Article 12, Special Review for Oil and Gas Operations, must be specifically permitted under Article 12.
E. Any party to a proceeding before the Board of Adjustment may appeal the Board of Adjustment's final decision under C.R.C.P. 106(a)(4).

4-1202 Standards of Review

A. Interpretations of this Code
    1. In hearing an appeal of an administrative decision or interpretation, the Board of Adjustment shall consider the following:
        a. the technical meaning of the provision being appealed;
        b. evidence as to the past interpretation of the provision;
        c. the principles of interpretation and rules of construction in Article 1 of this code; and
        d. the effect of the interpretation on the intent of this Code and the implementation of the Comprehensive Plan and any applicable intergovernmental agreement affecting land use or development.
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~~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;

~~c.~~d. a change in the height or ~~yard~~Yard requirements which could be obtained, or have been denied, through Special Review; ~~or~~

~~d.~~e. a ~~substantial modification~~Substantial Modification to any planned unit development or special use allowed approved by the County Commissioners;

~~e.~~f. any increase in the ~~base flood~~Base Flood level;

~~f.a. a change in the height or yard requirements which could be obtained, or have been denied, through Special Review; or~~

g. a variance from any provision of Article 12; or

~~g.~~h. ~~A~~ a decrease in the spacing requirements for Marijuana Establishments under the ~~Additional~~ additional ~~Provisions~~ provisions of ~~Article~~ 4-512.I.~~.~~ of this Code.

2. In order to grant a variance, the Board of Adjustment shall find that the following criteria have been satisfied:
   a. there exist exceptional or extraordinary physical circumstances of the subject property such as irregularity, narrowness, shallowness, or slope;
   b. because of these physical circumstances, the strict application of this Code would create an exceptional or undue hardship upon the property owner;
   c. the hardship is not self-imposed;
   d. the variance, if granted, will not adversely affect the use of ~~adjacent~~Adjacent property as permitted under this code;
   e. that the variance, if granted, will not change the character of the zoning district in which the property is located, and is in keeping with the intent of this Code and the Boulder County Comprehensive Plan; and
   f. that the variance, if granted, does not adversely affect the health, safety, and welfare of the citizens of Boulder County and is in accordance with the Comprehensive Plan and any applicable intergovernmental agreement affecting land use or development.
3. In addition to any other procedural requirements which the Board of Adjustment may require in its duly adopted Supplemental Rules, no initial hearing on any variance application which anticipates new surface development may be held until the ~~applicant~~Applicant provides a certification of compliance with Article 65.5 of Title 24, C.R.S. signed by the ~~applicant~~Applicant, confirming that the ~~applicant~~Applicant or its agent has examined the records of the Boulder County Clerk and Recorder for the existence of any mineral estate owners or lessees that own less than full fee title in the property which is the subject of the application, and stating whether or not any such mineral estate owners or lessees exist. If any such mineral estate owners or lessees exist, the Applicant must sign an additional certification confirming that the ~~applicant~~Applicant has, at least 30 days prior to the initial public hearing on the variance, transmitted to the ~~County~~county and to the

affected mineral estate owners and lessees the notices required by Article 65.5 of Title 24, C.R.S.

4. In any case where information becomes known to the Community Planning ~~&~~and Permitting Director or the Board that an ~~applicant~~Applicant has failed to provide notice of the initial public hearing on a variance as required by Article 65.5 of Title 24, C.R.S., the Board or the Director on behalf of the Board may continue, may reschedule, or may vacate the initial public hearing to allow proper notice to be provided under Article 65.5 of Title 24, C.R.S.

C. Additional requirements for variances and appeals under ~~Section~~ 4-400 of this Code ("Floodplain Overlay District") are set forth in ~~Section~~ 4-408 and 4-409, respectively.

D. Request for variances from Article 13 – Sign Code

1. The Board of Adjustment shall have the power to hear an appeal from a decision based on an interpretation of any provision of Article 13 denying a sign permit on grounds other than those governed by the Building Code.
2. The Board of Adjustment may grant a variance from the height, size and/or ~~setback~~Setback limitations for any sign regulated in Article 13 when, by reason of topography, ~~road~~Road location or elevation, or other exceptional difficulties or unique circumstances associated with the ~~parcel~~Parcel on which the sign is located, the sign would not be visible or serve its intended purpose under the existing size or ~~setback~~Setback regulations.
3. The Board of Adjustment shall not have the power to grant a variance from any other provision of Article 13.

4-1203 Expiration

~~A.~~ Unless otherwise stated in the motion made by the Board of Adjustment, all rights to permits authorized by the granting of any variance shall expire one year from the time approval for a variance is final.

4-1204 Extensions

~~A.~~ An extension of up to six months for good cause shown may be granted by the Board of Adjustment.

4-1300 Expanded TDR Program and Structure Size Thresholds for Single Unit Dwellings

A. Introduction and Purposes

1. ~~This Section~~ 4-1300 establishes a ~~structure~~Structure size threshold for ~~single~~ Single Unit Dwellings, above which additional Development Credits must be obtained to offset the impacts of larger scale homes, and below which Development Credits can be severed to preserve a supply of smaller scale homes. These regulations also provide for the transfer of Development Credits to maintain rural character through the preservation of vacant land.
2. ~~This Section~~ 4-1300 allows for the transfer of Development Credits to offset the impact of existing Community Uses and Lodging Uses that are approved to expand

over the maximum development thresholds established in the Special Provisions, Special Review for Community and Lodging Uses (~~Art~~ 4-602.~~(~~C.~~)~~(2~~)~~~~).

3. These regulations are adopted to implement the goals and policies in the Sustainability Element of the Boulder County Comprehensive Plan. Those goals and policies include:
    a. Preserving the rural character of unincorporated Boulder County, especially those areas with particular historic or contextual character;
    b. Promoting more sustainable development through incentives, education and regulation;
    c. Allowing for the impacts of larger scale home development to be offset through the preservation of vacant land and smaller scale residential development elsewhere in the ~~County~~county;
    d. Providing flexibility for property owners to build and keep smaller scale homes which will help provide a diversity of housing stock in unincorporated Boulder County; and
    e. Promoting and preserving vacant land by creating incentives for property owners to leave land undeveloped.

4-1301 Division of the County into Geographic Areas

A. For purposes of ~~this Article~~ 4-1300, unincorporated Boulder County is divided into the following two geographic areas:
    1. Mountain Area – The Mountain Area includes the ~~mountainous areas~~Mountainous Areas of the county as defined in Article 18 (the area west of CO 93 from its intersection with the south county line to the City of Boulder, west of the City of Boulder city limits, west of US 36 from the City of Boulder to CO 66, and west of the St. Vrain Supply Canal from CO 66 to its intersection with the north county line).
    2. Plains Area – The Plains Area includes all areas of the county that are not included in the Mountain Area.

4-1302 Single Unit Dwelling Size Threshold

A. The Size Threshold is the measure of Single Unit Dwelling ~~residential floor area~~Residential Floor Area that is allowed on a legal ~~building lot~~Building Lot without having to purchase Development Credits, as further provided below. ~~Building lot~~Building Lots with ~~residential floor area~~Residential Floor Area at a specified level less than the Size Threshold may sell Development Credits, as further provided below.
    1. Size Threshold to be applied county-wide
        a. Total ~~residential floor area~~Residential Floor Area, as defined in ~~Article~~ 18-189D, equal to 6,000 square feet.
        b. This total ~~floor area~~Floor Area includes all ~~residential floor area~~Residential Floor Area as defined in ~~Article~~ 18-189D.
    2. Structures exempt from the Size Threshold are ~~manufactured home~~Manufactured Home s located in a zoned Manufactured Home Park; nonresidential ~~structure~~Structures including agricultural accessory ~~structure~~Structures such as

barns and loafing sheds; and Agricultural, Family Care and Historic Accessory Dwelling Units that are approved though a Special Review process.

4-1303 Conveyance and Severance of Development Credits

A. Development Credits may be conveyed either in a private market transaction or through the County Clearinghouse (see ~~Section~~ 4-1305, below).
   1. For Development Credits conveyed through private market transactions, the parties must obtain Development Credit Certificates from the County Clearinghouse in advance of conveyance.
      a. Adequate documentation of private transactions, such as purchase agreements or bills of sale, must be submitted to the County Clearinghouse within five business days after the closing of the transaction, for registration purposes.
      b. The County Clearinghouse may request information as necessary to provide adequate evidence of the private transaction.
   2. Boulder County may sell or donate Development Credits to the County Clearinghouse from properties purchased by the Boulder County Parks ~~&~~and Open Space Department under the rules and policies governing the operation of the Clearinghouse, contained in ~~Section~~ 4-1305, below, and the purchase of properties by the Parks ~~&~~and Open Space Department.

B. Severance of Development Credits from Vacant Building Lots Which ~~Are~~ are ~~To~~ to Remain Vacant
   1. Development Credits may be severed from a ~~vacant building lot~~Vacant Building Lot, provided that the lot meets the following requirements and any future development potential removed from the lot as specified below:
      a. In the Plains Area:
         (i) The lot must be a ~~building lot~~Building Lot.
         (ii) The lot must meet the definition of "~~vacant building lot~~Vacant Building Lot" under Article 18 of this Code. ~~Building lot~~Building Lots which are not vacant under this definition may be rendered vacant, provided that all necessary ~~structure~~Structures and improvements are removed from the lot and all necessary land restoration accomplished to the satisfaction of the Director pursuant to all applicable Land Use Code review and ~~building~~Building permit requirements (including historic review if necessary), prior to the issuance and transfer of any Development Credits.
         (iii) The lot must not be required to remain vacant by a ~~conservation easement~~Conservation Easement or other instrument recorded outside the scope of this ~~Article~~ 4-1300.
         (iv) The lot must have legal access.
         (v) The property owner may offer to grant a ~~conservation easement~~Conservation Easement, or other preservation instrument, on the lot to either the ~~County~~county or another land preservation entity approved by the ~~County~~county, keeping the lot vacant in perpetuity. If such offer is accepted, the property owner retains fee title to the lot and will receive ten

Development Credits, which may then be held by the property owner or sold to either the County Clearinghouse or on the private market.

(vi) The property owner may offer to convey the lot in fee to either the ~~County~~county or another land preservation entity approved by the ~~County~~county. If such offer is accepted, the property owner will receive as compensation twelve Development Credits, which may then be held by the property owner or sold to either the County Clearinghouse or on the private market.

b. In the Mountain Area:

(i) The lot must be a ~~building lot~~Building Lot.

(ii) The lot must meet the definition of "~~vacant building lot~~Vacant Building Lot" under Article 18 of this Code. ~~Building lot~~Building Lots which are not vacant under this definition may be rendered vacant, provided that all necessary ~~structure~~Structures and improvements are removed from the lot and all necessary land restoration accomplished to the satisfaction of the Director pursuant to all applicable Land Use Code review and ~~building~~Building permit requirements (including historic review if necessary), prior to the issuance and transfer of any Development Credits.

(iii) The lot must not be required to remain vacant by a ~~conservation easement~~Conservation Easement or other instrument recorded outside the scope of this ~~Article~~ 4-1300.

(iv) The lot must have legal access.

(v) The property owner may offer to grant a ~~conservation easement~~Conservation Easement, or other preservation instrument, on the lot to either the ~~County~~county or another land preservation entity approved by the ~~County~~county, keeping the lot vacant in perpetuity. If such offer is accepted, the property owner retains fee title to the lot and will receive five Development Credits which may then be held by the property owner or sold to either the County Clearinghouse or on the private market.

(vi) The property owner may offer to sell the lot in fee to either the ~~County~~county or another land preservation entity approved by the ~~County~~county. If such offer is accepted, the property owner will receive seven Development Credits, which may then be held by the property owner or sold to either the County Clearinghouse or on the private market.

C. Severance of Development Credits from Building Lots Where Restricted Residential Floor Area is to be~~Is To Be~~ Allowed

1. Development Credits may be severed from a ~~building lot~~Building Lot, whether or not the lot is a ~~vacant building lot~~Vacant Building Lot as defined in Article 18 of this Code, provided that the lot meets the following requirements and Single Unit Dwelling ~~residential floor area~~Residential Floor Area on the lot is limited as specified below:

a. The lot must be a ~~building lot~~Building Lot.

b. If the lot is not a ~~vacant building lot~~Vacant Building Lot, it must contain only legal Single Unit Dwelling ~~residential floor area~~Residential Floor Area and accessory

~~structure~~Structures (though other forms of existing ~~floor area~~Floor Area may be removed from the lot provided all such removal and any necessary land restoration is accomplished to the satisfaction of the Director pursuant to all applicable Land Use Code review and ~~building~~Building permit requirements, ~~(~~including historic review if necessary~~)~~, prior to the issuance and transfer of any Development Credits).

c. The lot must not already be restricted to 2,000 square feet or less of Single Unit Dwelling ~~residential floor area~~Residential Floor Area through a ~~conservation easement~~Conservation Easement or other recorded instrument (although such lots can sever Development Credits as perpetually vacant lots if they follow the requirements of ~~Subsection~~ 4-1303.B~~.~~ above).

d. The lot must not already be firmly (vs. presumptively) restricted to 2,000 square feet or less of Single Unit Dwelling ~~residential floor area~~Residential Floor Area through a ~~County~~county land use approval (although such lots can sever Development Credits as perpetually vacant lots if they follow the requirements of ~~Subsection~~ 4-1303.B~~.~~, above).

e. The lot must have legal access.

f. The property owner must restrict Single Unit Dwelling ~~residential floor area~~Residential Floor Area on the eligible lot to the amount of ~~residential floor area~~Residential Floor Area specified below, and if so done will receive the following Development Credits:

(i) For development restricted to 2,000 square feet of ~~residential floor area~~Residential Floor Area, the owner may receive two Development Credits.

(ii) For development restricted to 1,500 square feet of ~~residential floor area~~Residential Floor Area, the owner may receive three Development Credits.

(iii) For development restricted to 1,000 square feet of ~~residential floor area~~Residential Floor Area, the owner may receive four Development Credits.

2. The owners of eligible lots shall receive the authorized number of Development Credits upon the granting of a restrictive covenant or other county approved preservation instrument to assure that the restriction imposed on the size of future development will run with the property in perpetuity.

3. A developed lot, whose owner restricts the size of development on that property under this Section, may develop or redevelop to the maximum size included in that ~~deed~~Deed restriction.

D. Additional "Bonus" Development Credits may be awarded for eligible ~~building lot~~Building Lots under ~~Subsections~~ 4-1303.B~~.~~ and C~~.~~ above, subject to the provisions of this Subsection.

1. Lots owned or under contract for purchase by Boulder County on the effective date of these regulations, or being purchased by the Boulder County Parks ~~&~~and Open Space without property owner participation in ~~this Article~~ 4-1300, are not eligible for Bonus Development Credits.

2. Bonus Development Credits may be awarded to a particular lot based on a site-specific assessment of the ~~parcel~~Parcel by the applicable County Department.
    a. The availability of Bonus Development Credits will be based on the number and extent of significant conservation values or significance of the floodway mitigation which the Parks ~~&~~and Open Space Department, Community Planning ~~&~~and Permitting Department, or Public Works Department in its sole discretion finds associated with the specific ~~building lot~~Building Lot.
    b. Such review will be undertaken upon request of the ~~building lot~~Building Lot owner.
    c. The award of Bonus Development Credits is limited to a maximum of five Development Credits per ~~building lot~~Building Lot.
        (i) Significant conservation values or floodway mitigation based on which the County Parks ~~&~~and Open Space, Community Planning ~~&~~and Permitting, or Public Works Department may award Bonus Development Credits include:
            (A) Preservation of Resources – The lot(s) contains cultural, historic, or archaeological resources, View Protection Corridors, Significant Agricultural Lands, or Environmental Resources, as described in the Boulder County Comprehensive Plan that would be preserved thorough a restriction on development on the lot.
            (B) Agricultural Water Rights – The lot(s) have agricultural water for irrigation tied to the land to be preserved.
            (C) Urban Shaping – The lot(s) helps to create significant buffer zones between communities or between residential and nonresidential uses, including, but not limited to, rural preservation areas specified in ~~County~~county intergovernmental comprehensive planning agreements with municipalities.
            (D) Other Open Space Benefits – The lot(s) offers desired linkages to trails or other open space properties, provides desired access to public lakes, streams or other usable open space properties, or eliminates private property enclaves.
            (E) Preservation of Historic Resources – The lot(s) have historically landmarked ~~structure~~Structures that would be preserved.
            (F) Floodway mitigation – Development within the mapped floodway will be removed from the lot(s).

E. Limitations on the Use of Development Credits on Preserved Lots
    1. Once a property owner has severed the Development Credits from a vacant lot under ~~Section~~ 4-1303.B, above, Development Credits may not be repurchased to allow development on that lot.
        a. Restricted lots from which Development Credits have been severed may be combined with ~~adjacent~~Adjacent ~~parcel~~Parcels that are or may be developed, provided the combination is approved through any applicable land use process and provided the restrictions remain in place and the portion of the lot which is restricted is not available for development.

2. Once a property owner has severed Development Credits from a lot where development has been restricted under ~~Section~~ 4-1303.C~~.~~, above, the preservation instrument restricting development on that lot may be amended to allow the purchase and use of Development Credits to increase the ~~floor area~~Floor Area allowed on that lot up to a maximum of 2,000 square feet.
    a. Prior to the issuance of a ~~building~~Building permit for the allowed increase in ~~floor area~~Floor Area, the owner must execute and record an amended preservation instrument approved by the Clearinghouse to memorialize the new restricted ~~floor area~~Floor Area.
    b. The property owner shall submit the required Development Credit Certificates along with ~~building~~Building permit application for construction of the additional square footage.

4-1304 Acquisition and Use of Development Credits for Construction

A. Requirement for Acquisition of Development Credits – Development Credits must be acquired prior to the issuance of a ~~building~~Building permit for the approved development.
B. Development Credits must be obtained for development of ~~residential floor area~~Residential Floor Area greater than the Size Thresholds in ~~Section~~ 4-1302 according to the following table. This table shall be applied cumulatively to ~~residential floor area~~Residential Floor Area subject to ~~this Article~~ 4-1300 (e.g., development in phases shall require the same number of Development Credits as a single combined application).

    [TABLE]

C. Development Credits for non-Residential Floor Area~~residential floor area~~ must be obtained for approved ~~floor area~~Floor Area above the thresholds established in ~~Art.~~ 4-602.C~~.~~ of this code. One Development Credit is required for each 500 square feet of new ~~floor area~~Floor Area.
D. Fractional Development Credits will not be recognized, nor can they be banked for future use.
E. Process for the Acquisition of Development Credits
    1. n the case of either a private transaction or purchase from the Clearinghouse, the Clearinghouse shall issue the appropriate Development Credit certificates. Certificates may be acquired in a private transaction at any time, and ~~applicant~~Applicants purchasing Credits prior to a land use review approval do so at their own risk. Certificates may not be acquired from the Clearinghouse for development exceeding the applicable size threshold until the development has received final ~~County~~county land use approval.
    2. Any ~~building~~Building permit application for a Single Unit Dwelling greater than the applicable Size Threshold, or for an existing Community Use or Lodging Use approved through the Special Use Review process, shall not be considered

complete without the submission of the necessary Development Credit certificates and completion of any required land use process.

F. Relationship between Size Thresholds Existing Single Unit Dwellings
   1. Single Unit Dwellings existing on the effective date of these regulations (August 8, 2008) are not subject to the Size Threshold requirement in ~~this Article~~ 4-1300; however, any addition of ~~residential floor area~~Residential Floor Area to an existing ~~structure~~Structure which increases the total ~~residential floor area~~Residential Floor Area to a size greater than the specified size threshold, will be subject to a requirement to purchase Development Credits to offset the portion of that additional new ~~residential floor area~~Residential Floor Area above the threshold. Demolition and rebuilding of any existing residential ~~structure~~Structure or any portions thereof will not be counted toward the Size Threshold.

4-1305 Boulder County Development Credits Clearinghouse

A. Short Title
   1. The Boulder County Development Credits Clearinghouse (also referred to as the "Clearinghouse") shall be established to assist in the administration of ~~this Article~~ 4-1300.

B. Duties and Responsibilities
   1. Purchase and Sale of Development Credits – The Clearinghouse will have the ability to purchase Development Credits from willing sellers, and to sell Credits to willing buyers needing additional ~~floor area~~Floor Area for their development.
   2. Registration of the Development Credits – The Clearinghouse will maintain a registration of the Development Credits available for purchase either through private market transactions or through the Clearinghouse, and of Development Credits that have been purchased and sold.
   3. Issuance of Development Credit Certificates – The Clearinghouse shall be responsible for the issuance of Development Credit Certificates to be used in both private and Clearinghouse transactions to convey or acquire Development Credits.
   4. Recordation – The Clearinghouse shall oversee the recordation of the necessary approved documents to assure that development size limitations and vacant land preservation encumbrances on specific lots associated with the transfer of Development Credits are maintained as required in ~~this Article~~ 4-1300.

4-1306 Application of ~~Article~~ 4-1300

A. The following development shall be exempt from compliance with the Size Threshold outlined in ~~Section~~ 4-1302 to the extent noted below:
   1. The specific development recognized in any land use approval granted prior to the effective date of these regulations, which on the effective date of these Regulations, is within the statutory vesting period granted under ~~Article~~ 3-207 of the Land Use Code (codifying Part 1 of Article 68, Title 24, C.R.S.). The applicable statutory vesting period is specified in the Commissioners' resolution approving the subject development. Once the statutory vesting period for these developments expires, an additional three years shall be added to that original vesting period before the

development will be subject to these regulations. After this vesting period expires, any development covered by ~~this Subsection~~ 4-1306.A.1., which is also an approved PUD ~~subdivision~~Subdivision, shall be exempted from the Size Thresholds on the same basis as Transfer of Development Rights PUD subdivisions (i.e., up to a total ~~residential floor area~~Residential Floor Area of 9,000 square feet per lot - see ~~Subsection~~ 4-1306.A.4., below).

2. The specific development for which a complete application for a ~~County~~county ~~building~~Building permit has been submitted prior to the effective date of these regulations. If any ~~building~~Building permit issued under this Subsection expires or is not lawfully pursued, the development becomes subject to these regulations.
3. The specific development approved as a Site Plan Review under ~~Article~~ 4-800 of this Code (whether approved solely as a Site Plan Review request, or as a Site Plan Review request combined with another form of land use review), pursuant to a complete application submitted on or before September 7, 2007. This exemption lasts for the three-year period specified in ~~Section~~ 4-810.A~~.~~, after which the Site Plan Review approval expires and the development becomes subject to these regulations.
4. Development in a Transfer of Development Rights Planned Unit Development Subdivision receiving site approved and recorded under ~~Article~~ 6-700 of this Code will be exempted from the Size Threshold up to a total ~~residential floor area~~Residential Floor Area of 9,000 square feet per lot. ~~Residential floor area~~Residential Floor Area greater than 9,000 square feet per lot will be subject to the requirement to purchase additional Development Credits for the floor area greater than 9,000 square feet.
5. Development in a Noncontiguous Nonurban Planned Unit Development Subdivision receiving area approved and recorded under ~~Article~~ 6-500 of this Code will be exempted from the Size Threshold up to a total ~~residential floor area~~Residential Floor Area of 9,000 square feet per lot. ~~Residential floor area~~Residential Floor Area greater than 9,000 square feet per lot will be subject to the requirement to purchase additional Development Credits for the floor area greater than 9,000 square feet.
6. The specific development recognized in a Commissioners' authorization for a firm, numerical house size to be built as stated in a land use approval granted pursuant to a complete application submitted on or before September 7, 2007, and for which a recorded ~~conservation easement~~Conservation Easement was required or agreed to as part of the approval. This exemption does not apply, however, where the ~~conservation easement~~Conservation Easement was anticipated or required under the general land use regulations governing the development, such as PUD, NUPUD, NCNUPUD, and TDR sending site regulations. This exemption also does not apply where the house size allowance in the subject approval is stated presumptively (as opposed to authorizing a definite size), or where the size allowance applies to multiple ~~structure~~Structures (making it difficult to determine the particular size authorized for the residence itself).

7. The restoration of a ~~structure~~Structure under ~~Section~~ 4-802.B.3, where a ~~structure~~Structure has been damaged or destroyed by causes outside the control of the property owner or agent.
8. A one-time allowance of up to 200 square feet of ~~residential floor area~~Residential Floor Area may be exempt from the requirement to purchase Development Credits.

B. For purposes of interpreting the exemptions contained in ~~Section~~ 4-1306.A~~.~~, above, the following additional provisions shall govern:
   1. The effective date of these regulations shall be the effective date of August 8, 2008, stated in the Commissioners' resolution (Resolution 2008-72) approving the regulations.
   2. Approvals granted prior to the effective date of these regulations shall be approvals that have a final Commissioners' vote of approval before the regulations' effective date.
   3. A requirement for a complete application to be filed, means a complete application as determined by the Director with reference to this Code's or the Building Code's submittal requirements for the application in question.
   4. The reference to an exemption applying to the "specific development" in a submitted or approved application means the exact development in the submitted or approved application, with only ~~minor modification~~Minor Modifications being allowed in the discretion of the Community Planning ~~&~~and Permitting Director.

C. The Community Planning ~~&~~and Permitting Director is empowered to make interpretations regarding the application of the exemptions stated in ~~Section~~ 4-1306.A~~.~~, above, to specific development. In making interpretations, the Community Planning ~~&~~and Permitting Director shall consider the purposes of the regulations in this Section, as well as the principles of interpretation and rules of construction contained in Article 1 of this Code. Any aggrieved party may appeal the Director's final interpretation under this Section to the Board of County Commissioners, provided that any such appeal shall be in writing, and shall be filed with the Community Planning ~~&~~and Permitting Director no later than 30 days following the date of the Director's final interpretation.

4-1307 Review and Amendment of These Regulations

A. The Board of County Commissioners will undertake a review of ~~this Article~~ 4-1300, including the Size Threshold and the operation of the Clearinghouse, six months after the effective date of these regulations. This review was conducted on March 3, 2009.
B. The Board may establish a regular time interval for continued review of this program.

Article 5 – Subdivision Regulations

5-100 Sketch Plan

5-101 Introduction

A. The ~~sketch plan~~Sketch Plan is the first step of the three~~-~~step approval process to ~~plat~~Plat ~~unsubdivided land~~Unsubdivided Land. During this step, public hearings will be held before the Planning Commission and the Board of County Commissioners. The

~~applicant~~Applicant must receive ~~sketch plan~~Sketch Plan approval or conditional approval in order to proceed to the second step, the ~~preliminary plan~~Preliminary Plan.

B. The ~~sketch plan~~Sketch Plan process will review, at a conceptual level, the feasibility and design characteristics of the development proposal based on the standards set forth in this Section. Residential densities will be based on unit types and/or commercial/industrial square footage limits, as established in Article 4 of this Code, with the understanding that additional technical engineering design material, survey work and preparation of required documents will be submitted for review at later steps in the application review process.

C. The ~~preliminary plan~~Preliminary Plan and ~~final plat~~Final Plat may be combined with the ~~sketch plan~~Sketch Plan if the proposed development contains ~~7~~ seven ~~subdivided lot~~Subdivided Lots or less and development of the lots does not require extensive engineering. The Director shall determine whether a particular application may combine ~~sketch plan~~Sketch Plan, ~~preliminary plan~~Preliminary Plan, or ~~final plat~~Final Plat processes.

5-102 Standards and conditions for Sketch Plan Approval

A. The Planning Commission and the Board of County Commissioners shall not approve a ~~sketch plan~~Sketch Plan proposal until the ~~applicant~~Applicant has adequately shown that the proposal meets the following:

1. The design conforms to the criteria established in ~~Section~~ 7-200.
2. A water source is designated and the method of distribution within the proposed ~~platted subdivision~~Platted Subdivision is defined. Also necessary, as applicable, are a preliminary agreement for water service from the appropriate water provider, well permits from the State Engineer, preliminary evidence on the availability of water, and/ or a preliminary water augmentation proposal. In accordance with ~~Section~~ 7-300, the water supply must be adequate for the type of ~~platted subdivision~~Platted Subdivision proposed.
3. Either a written commitment to provide a public ~~sewage~~Sewage disposal system or a ~~sewage~~Sewage disposal system which complies with state and local laws and regulations, in accordance with ~~Section~~ 7-400.
4. The development proposal conforms with the Comprehensive Plan, any applicable intergovernmental agreement affecting land use or development, and this Code.
5. The proposed methods for fire protection comply with ~~Section~~ 7-1100.
6. The proposed uses for all areas are appropriate and the design is based on the constraints of topography, soil types, ~~geologic hazard~~Geologic Hazards, aggregate resources, ~~environmental resources~~Environmental Resources, Floodplain~~flood plain~~, airplane flight overlays, or other constraints.
7. Services are available and adequate to meet the needs of the proposed ~~platted subdivision~~Platted Subdivision including transportation, police protection, schools, recreation, telephone, mail, gas, electric power and other services, and comply with ~~Section~~ 7-1200.

5-103 Planning Commission Consideration of a Sketch Plan Proposal

A. Planning Commission action on a ~~sketch plan~~Sketch Plan proposal shall include either a recommendation of:
   1. approval of the ~~sketch plan~~Sketch Plan;
   2. conditional approval, including a listing of all conditions; or
   3. denial, including a listing of reasons for denial.

B. If the Planning Commission determines that more information is required for a decision to be made on the proposal, they may table their consideration of the ~~sketch plan~~Sketch Plan, in accordance with the provisions of ~~Section~~ 3-205.

C. Following action under ~~Section~~ 5-103.~~(~~A~~)~~:
   1. The ~~Land Use~~ Director shall certify the action by the Planning Commission and ~~transmit~~Transmit this certificate to the Board of County Commissioners.
   2. The Director shall ~~transmit~~Transmit this certificate to the ~~applicant~~Applicant.
   3. This certificate shall include any special conditions of approval or reasons for denial and the date, place, and time of the hearing before Board of County Commissioners.

D. The Planning Commission may reserve the right to reconsider ~~sketch plan~~Sketch Plan issues during their consideration of the ~~preliminary plan~~Preliminary Plan or ~~final plat~~Final Plat.

5-104 Board of County Commissioners' Consideration of a Sketch Plan Proposal

A. Board action on a ~~sketch plan~~Sketch Plan proposal shall include either:
   1. Approval of the ~~sketch plan~~Sketch Plan.
   2. Conditional approval of the ~~sketch plan~~Sketch Plan, including a listing of all conditions. The Board may specify conditions which shall be satisfied prior to the filing of a ~~preliminary plan~~Preliminary Plan application.
   3. Denial of the ~~sketch plan~~Sketch Plan, including a listing of the reasons for denial.
   4. The Board may table their consideration of a ~~sketch plan~~Sketch Plan for more information from the ~~applicant~~Applicant, or they may return the ~~sketch plan~~Sketch Plan to the Planning Commission for the Commission's reconsideration at a public hearing, in accordance with the provisions of ~~Section~~ 3-205.

B. Following action by the Board:
   1. The Director shall certify any action taken by the Board and shall ~~transmit~~Transmit such certification to the ~~applicant~~Applicant.
   2. The certification of action shall also specify the ~~sketch plan~~Sketch Plan expiration dates as defined in ~~Section~~ 5-500 of this Code.
   3. The Board may reserve the right to reconsider ~~sketch plan~~Sketch Plan issues during their consideration of the ~~preliminary plan~~Preliminary Plan or ~~final plat~~Final Plat.

5-200 Preliminary Plan

5-201 Introduction

A. The ~~preliminary plan~~Preliminary Plan is the second step of the three-~~-~~step approval process to ~~plat~~Plat ~~unsubdivided land~~Unsubdivided Land. During this step, public hearings will be held before the Planning Commission and the Board of County Commissioners. The ~~applicant~~Applicant must have received ~~sketch plan~~Sketch Plan approval or conditional approval in order to proceed with the ~~preliminary plan~~Preliminary Plan application.

B. The ~~preliminary plan~~Preliminary Plan process will review the feasibility and design characteristics of the proposal based on the standards set forth in this Section. The ~~preliminary plan~~Preliminary Plan process will also evaluate preliminary engineering design. The ~~applicant~~Applicant must receive ~~preliminary plan~~Preliminary Plan approval or conditional approval in order to proceed to the third step, the ~~final plat~~Final Plat.

C. The ~~preliminary plan~~Preliminary Plan may be combined with the ~~sketch plan~~Sketch Plan and the ~~final plat~~Final Plat if the proposed ~~platted subdivision~~Platted Subdivision contains ~~7~~ seven ~~subdivided lot~~Subdivided Lots or less and development of the lots does not require extensive engineering. The Director shall determine whether a particular application may combine ~~sketch plan~~Sketch Plan, ~~preliminary plan~~Preliminary Plan, or ~~final plat~~Final Plat processes.

5-202 Standards and Conditions for Preliminary Plan Approval

A. The Planning Commission and Board of County Commissioners shall not approve a ~~preliminary plan~~Preliminary Plan proposal until the ~~applicant~~Applicant has adequately shown that the proposal meets the following:
   1. The proposal complies with ~~sketch plan~~Sketch Plan approval.
   2. The proposed water supply meets the requirements of ~~Section~~ 7-300 of this Code, including a schematic design of the water distribution system, and, if applicable, well pump tests.
   3. If a public ~~sewage~~Sewage disposal system is proposed, provision has been made for such system, or, if other methods of ~~sewage~~Sewage disposal are proposed, that such systems will comply with state and local laws and regulations and the requirements of ~~Section~~ 7-400 of this Code.
   4. The proposed roads meet the requirements of ~~Section~~ 7-600 of this Code and the Transportation Standards.
   5. The proposed drainage meets the requirements of ~~Section~~ 7-900 of this Code.
   6. The preliminary engineering plans provide evidence to show that the proposed methods for fire protection comply with ~~Section~~ 7-1100 of this Code.
   7. The proposal meets other applicable sections of Article 7.

5-203 Planning Commission Consideration of a Preliminary Plan Proposal

A. Planning Commission action on a ~~preliminary plan~~Preliminary Plan shall include either:
   1. Approval of the ~~preliminary plan~~Preliminary Plan.

2. Conditional approval of the ~~preliminary plan~~Preliminary Plan, including a complete listing and clear explanation of all conditions.
3. Denial of the ~~preliminary plan~~Preliminary Plan, including a listing of reasons for the denial.
4. If the Planning Commission determines that more information is required for a decision to be made on the proposal, they may table their consideration of the ~~preliminary plan~~Preliminary Plan, in accordance with the provisions of Section 3-205.

B. The Planning Commission may reserve the right to reconsider ~~preliminary plan~~Preliminary Plan issues during their consideration of the ~~final plat~~Final Plat.

5-204 Board of County Commissioners Consideration of a Preliminary Plan Proposal

A. Board action on a ~~preliminary plan~~Preliminary Plan shall include either:
1. Approval of the ~~preliminary plan~~Preliminary Plan.
2. Conditional approval of the ~~preliminary plan~~Preliminary Plan, including a complete listing and clear explanation of all conditions.
3. Denial of the ~~preliminary plan~~Preliminary Plan, including a listing of reasons for the denial.
4. If the Board determines that more information is required for a decision to be made on the proposal, they may table their consideration of the ~~preliminary plan~~Preliminary Plan for more information from the ~~applicant~~Applicant, or may return the ~~preliminary plan~~Preliminary Plan to the Planning Commission for the Commission's reconsideration at a public hearing, in accordance with the provisions of ~~Section~~ 3-205~~-~~.

B. The Board may reserve the right to reconsider ~~preliminary plan~~Preliminary Plan issues during their consideration of the ~~final plat~~Final Plat.

5-300 Final Plat

5-301 Introduction

A. The ~~final plat~~Final Plat is the last step in the three~~-~~step approval process to ~~plat~~Plat ~~unsubdivided land~~Unsubdivided Land. During this step, there will be public hearings before the Planning Commission and Board of County Commissioners. The ~~applicant~~Applicant must have received ~~preliminary plan~~Preliminary Plan approval or conditional approval in order to proceed with the ~~final plat~~Final Plat process.

B. The ~~final plat~~Final Plat process will review the final engineering plans, the ~~development agreement~~Development Agreement, letters of credit, ~~conservation easement~~Conservation Easements, home~~-~~owners covenants, the ~~plat~~Plat, and any other documents, reports, or studies as necessary; and may also review ~~sketch plan~~Sketch Plan or ~~preliminary plan~~Preliminary Plan issues such as ~~building height~~Building Height, landscaping, and ~~building~~Building envelopes which have been deferred.

C. The ~~final plat~~Final Plat may be combined with the ~~sketch plan~~Sketch Plan and the ~~preliminary plan~~Preliminary Plan if the proposed ~~platted subdivision~~Platted Subdivision contains ~~7~~ seven ~~subdivided lot~~Subdivided Lots or less and development of the lots does not require extensive engineering. The Director shall determine whether a particular application may combine ~~sketch plan~~Sketch Plan, ~~preliminary plan~~Preliminary Plan, or ~~final plat~~Final Plat processes.

5-302 Standards and Conditions for Final Plat Approval

A. Neither the Planning Commission nor the Board of County Commissioners shall approve a ~~final plat~~Final Plat proposal until the ~~applicant~~Applicant has met the following standards and conditions.
   1. Complies with all conditions of sketch and ~~preliminary plan~~Preliminary Plan approval.
   2. Includes adequate final engineering plans for the water distribution system, final agreements to provide water service from the water provider, and provisions for the perpetual maintenance of the water system.
   3. Meets all planning, engineering, and surveying requirements of the ~~County~~county for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
   4. Does not include a lien, conveyance, or encumbrance to the property dividing a ~~subdivided lot~~Subdivided Lot or ~~outlot~~Outlot.
   5. Provides certification from the Boulder County Treasurer's Office that all ad valorem taxes applicable to the land have been paid.

B. The ~~applicant~~Applicant must also submit a ~~development agreement~~Development Agreement.

5-303 Planning Commission Consideration of a Final Plat Proposal

A. Planning Commission action on a ~~final plat~~Final Plat proposal shall include a recommendation for:
   1. approval of the ~~final plat~~Final Plat;
   2. conditional approval, including a listing of all conditions; or
   3. denial, including a listing of the reasons for denial.

B. If the Planning Commission determines that more information is required for a decision to be made on the proposal, they may table their consideration of the ~~final plat~~Final Plat, in accordance with the provisions of ~~Section~~ 3-205.

C. Following action by the Planning Commission:
   1. The ~~Land Use~~ Director shall certify the action by the Planning Commission and ~~transmit~~Transmit this certificate to the Board of County Commissioners.
   2. The Director shall ~~transmit~~Transmit this certificate to the ~~applicant~~Applicant.
   3. This certificate shall include any special conditions of approval or reasons for denial and the date, place, and time of the hearing before the Board of County Commissioners.

5-304 Board of County Commissioners' Consideration of a Final Plat Proposal

A. Board action on a ~~final plat~~Final Plat proposal shall include either:
   1. Approval of the ~~final plat~~Final Plat.
   2. Conditional approval of the ~~final plat~~Final Plat, including a listing of all conditions of such approval and authorization for the chairperson to sign the ~~final plat~~Final Plat and other associated documents.
      a. Conditions other than ~~final plat~~Final Plat map notes or conditions to be satisfied prior to ~~plat~~Plat recordation shall be avoided.
      b. Where necessary, the Board may table its decision until such time as the ~~applicant~~Applicant can comply with the conditions.
   3. A denial of the ~~final plat~~Final Plat, including a listing of the reasons for denial.

B. Following action by the Board:
   1. The Director shall certify any action taken by the Board and shall ~~transmit~~Transmit such certification to the ~~applicant~~Applicant by mail or by hand delivery.
   2. The certification of action shall also specify the ~~final plat~~Final Plat expiration dates as specified in ~~Section~~ 5-500.

C. After the denial of a ~~final plat~~Final Plat by the Board, unless a ~~substantial modification~~Substantial Modification to the proposal is made, the ~~applicant~~Applicant may not submit an application for the proposed ~~platted subdivision~~Platted Subdivision for a period of 12 months.

5-305 Post Approval Action

A. The ~~final plat~~Final Plat may be filed for recording once the ~~applicant~~Applicant has submitted and the Board has approved a ~~development agreement~~Development Agreement.

B. Recordation
   1. The ~~applicant~~Applicant must complete all conditions of ~~final plat~~Final Plat approval prior to recording the ~~plat~~Plat and associated documents.
   2. The ~~plat~~Plat does not become effective until it is properly filed for recording with the Boulder County Clerk and Recorder.
   3. A ~~plat~~Plat proposal becomes complete and the ~~subdivided land~~Subdivided Land becomes eligible for public sale of lots and development only after the post approval requirements of ~~Section~~ 5-305.~~(~~A~~)~~, above, are met, and the ~~plat~~Plat and associated documents are recorded.

5-400 Correction Plats and Replats

5-401 Correction Plats

A. The Board of County Commissioners may approve a ~~correction plat~~Correction Plat if the sole purpose of such ~~correction plat~~Correction Plat is to correct one or more technical errors in an approved ~~plat~~Plat when the ~~correction plat~~Correction Plat is consistent with the approved ~~final plat~~Final Plat.

B. The ~~correction plat~~Correction Plat shall comply with all provisions and requirements contained within ~~Section~~ 5-300 and Article 3, and shall bear an explanation of the

relationship between the ~~correction plat~~Correction Plat and the ~~plat~~Plat corrected, including a full description of all matters corrected.

5-402 Replats

A. Changes other than approved technical corrections (see ~~Section~~ 5-401) to any ~~plat~~Plat shall be considered a ~~subdivision~~Subdivision and must comply with the standards and conditions for ~~subdivided land~~Subdivided Land approval included in this Code, unless the Director determines that they fall within the Exemption Plat provisions of Article 9 of this Code.
B. The Director may modify the application process defined in Article 3 of this Code if it is determined that adequate public notice and input on the ~~replat~~Replat application can be attained through a shortened process.
C. A ~~replat~~Replat may be required to amend the ~~sketch plan~~Sketch Plan, ~~preliminary plan~~Preliminary Plan, and/or the ~~final plat~~Final Plat, but shall be subject to the relevant standards and criteria and may be subject to the original conditions of approval.
D. The proper naming or titling of a ~~replat~~Replat shall correspond to the convention established by the Community Planning ~~&~~and Permitting Department.
    1. In general, these include the name of the original ~~platted subdivision~~Platted Subdivision followed by a letter representing the ~~replat~~Replat.
    2. Example: Crestview Estates, Second Filing, Replat - which is the first ~~replat~~Replat of any lots found in Crestview Estates, Second Filing.

5-500 Expiration of Approvals

A. The Board of County Commissioners decision to approve or conditionally approve a ~~sketch plan~~Sketch Plan, ~~preliminary plan~~Preliminary Plan, or a ~~final plat~~Final Plat shall, unless otherwise stated in such action, be effective as follows:
    1. ~~Sketch plan~~Sketch Plan - one~~1~~ year with the ability to request an extension of one~~1~~ year.
    2. Preliminary ~~plan~~ Plan - one~~1~~ year with the ability to request an extension of one~~1~~ year.
    3. ~~Final plat~~Final Plat - one~~1~~ year with the ability to request an extension of one~~1~~ year; and the ability for the ~~applicant~~Applicants of a TDR/ PUD to request annual extensions, provided the period from ~~final plat~~Final Plat approval to final recordation of the ~~plat~~Plat is no more than three~~3~~ years.
B. Extensions
    1. The Board of County Commissioners may grant extensions if it finds that there has been no change or change proposed in this Code, the ~~County~~ Comprehensive Plan, or the surrounding ~~neighborhood~~Neighborhood which would substantially affect the approved plan or ~~final plat~~Final Plat.
    2. A request for an extension shall include:
        a. The reasons for the ~~applicant~~Applicant's inability to comply with the specified deadlines.

b. Any changes in the character of the ~~neighborhood~~Neighborhood or this Code or the Comprehensive Plan which have occurred since approval of the plan or ~~final plat~~Final Plat.
c. The effect of these changes on the proposed ~~platted subdivision~~Platted Subdivision.
d. The anticipated time schedule for completing the process to ~~plat~~Plat the subject land.

C. Final engineering plans required for ~~final plat~~Final Plat approval shall expire one year after approval by the County Engineer, or one year from ~~final plat~~Final Plat approval, whichever is later.

D. The County Engineer may re-approve the final engineering plans if it is found that there~~,~~ have been no substantial changes in available engineering technology, the requirements of the Transportation Standards, or this Code, or the property or surrounding properties since the approval of the ~~final plat~~Final Plat.

E. Expiration of approvals shall require that the ~~applicant~~Applicant repeat the process to ~~plat~~Plat ~~unsubdivided land~~Unsubdivided Land with a new application.

Article 6 – Planned Development Districts

6-100 Introduction and Purposes

A. A Planned Unit Development (PUD), as authorized by C.R.S. 24-67-101 et seq., as amended, may be permitted in any area of the unincorporated county.
1. The PUD is an entire development concept and shall be reviewed as a whole.
2. Any modifications to a PUD shall result in a review by the Director, and, if found to be a ~~substantial modification~~Substantial Modification, amendment of the approved PUD development plan shall be required.

B. Planned Unit Developments are formulated in order to encourage the flexibility in the development of land that may be necessary to permit adjustment to changing public and private needs; to foster the ability to provide development patterns which are more compatible with and effective in meeting such needs; to promote the more efficient use of land so as to preserve and enhance the natural characteristics and unique features of a property; to improve the design, character and quality of new development; to encourage integrated planning to achieve the objectives of the Boulder County Comprehensive Plan; to preserve open areas; to facilitate the adequate and economical provision of streets and utilities and to reduce the burden on existing streets and utilities by more efficient development; and to conserve the value of land. The PUD is an entire development concept and shall be reviewed as a whole. Modifications to a PUD shall result in a review and amendment of the approved ~~Sketch Plan~~Sketch Plan.

C. Besides the general PUD, specific types of PUDs include the Nonurban Planned Unit Development (NUPUD), the Noncontiguous Nonurban Planned Unit Development (NCNUPUD), the Mountain PUD, and the Transferred Development Rights PUD (TDR/PUD).

D. In addition to those purposes outlined within these Regulations, NUPUD, NCNUPUD, and TDR/PUD submission, review, and action shall be guided by the following objectives:
   1. To accomplish the preservation of those lands identified within the Boulder County Comprehensive Plan as agricultural lands of National, Statewide, and Local Importance and other valuable agricultural lands; to accomplish such preservation through the strategic and planned location of ~~subdivided lot~~Subdivided Lots.
   2. To accomplish the preservation of those natural and cultural resources as identified in the Cultural and Environmental Resources Elements of the Comprehensive Plan; to accomplish such preservation through the strategic and planned location of ~~subdivided lot~~Subdivided Lots.
   3. To offer density bonus as an incentive to discourage the development of valuable agricultural and other resource lands in Boulder County.
   4. To offer the NUPUD and TDR/PUD processes as a viable alternative to municipal annexation for development purposes.
   5. To stabilize nonurban land values.
   6. To create a process for ~~plat~~Platting ~~unsubdivided land~~Unsubdivided Land whereby agricultural property owners may realize profits from the conveyance of portions of their land or the development rights from that land without being forced to sell large or entire agricultural tracts.
   7. To provide for ~~subdivided lot~~Subdivided Lots of such size, location, design, and orientation to minimize future demands for services while providing opportunities for the support of a variety of lifestyles.

6-200 General Requirements for all Planned Unit Developments

A. The ~~parcel~~Parcel being considered for a PUD must be a legal ~~building lot~~Building Lot.
B. Any proposed PUD, or ~~substantial modification~~Substantial Modification to an approved PUD, is subject to the requirements of this Article and the public hearing process defined in Article 3 of this Code.
C. Any proposed ~~plat~~Plat for a NUPUD or NCNUPUD must meet the applicable general requirements included in ~~Section~~ 6-300 for all PUDs as well as the specific requirements for that type of PUD as described below. A TDR/PUD is not subject to the requirements of 6-300, but is subject to the specific requirements of ~~Section~~ 6-700, below.
D. Any common areas proposed within a PUD shall be included within the overall area covered by the development plan.
   1. Each lot or interest within the PUD shall be deemed as a unit granting to the ~~parcel~~Parcel owner a proportionate undivided interest in the common area in perpetuity, with such restrictions as may be consistent with the unified development plan of the PUD.
   2. There shall be a plan, which shall also be a ~~deed~~Deed restriction by covenant or otherwise, in perpetuity, binding the PUD owners to the maintenance of the common areas.

E. No PUD shall be approved without a plan setting forth the provisions for unified development of the PUD, including but not necessarily limited to ~~easement~~Easements, covenants and restrictions relating to use, location, and ~~bulk~~Bulk of ~~building~~Buildings and other ~~structure~~Structures; intensity of use or density of development; utilities; private and public streets, ways, roads, pedestrian areas, and parking facilities; common (or dedicated) open spaces; and other public facilities.
F. A PUD must be maintained during construction and occupation under unified development control or a unified development plan.
G. Ownership and maintenance of the common areas designated for the enjoyment of residents shall be the responsibility of a homeowners association and/or architectural control committee pursuant to appropriate covenant, unless a different arrangement is determined to be adequate.
H. No PUD shall be approved without the written consent of the landowner whose properties are included within the PUD.
I. The proposal shall be in accordance with the Comprehensive Plan, and any applicable intergovernmental agreement affecting land use or development.~~;~~

6-300 Planned Unit Development

A. Any use, or combination of uses allowed in the underlying zoning district may be included in a PUD. The uses permitted in the PUD must be specifically defined and approved as a part of the unified development plan controlling the PUD.
B. There is no minimum area requirement or maximum density for a PUD; however the PUD must meet the standards and conditions for approval in ~~Section~~ 6-1000, below.
C. Unless otherwise specifically described in the PUD development plan the following ~~bulk~~Bulk requirements will be applied:
    1. For Commercial and Business uses
        a. Front ~~yard~~Yard ~~setback~~Setback…60 feet
        b. Side ~~yard~~Yard ~~setback~~Setback…0 or 12 feet
        c. Rear ~~yard~~Yard ~~setback~~Setback…20 feet
        d. Maximum ~~building height~~Building Height…50 feet
    2. For Industrial uses
        a. Front ~~yard~~Yard ~~setback~~Setback…60 feet
        b. Side ~~yard~~Yard ~~setback~~Setback…0 or 12 feet
        c. Rear ~~yard~~Yard ~~setback~~Setback…20 feet
        d. Maximum ~~building height~~Building Height…50 feet
    3. For Residential uses
        a. Front ~~yard~~Yard ~~setback~~Setback…35 feet
        b. Side ~~yard~~Yard ~~setback~~Setback…7 feet
        c. Rear ~~yard~~Yard ~~setback~~Setback…15 feet
        d. ~~Building height~~Building Height…30 feet unless a lower or higher height is justified by the unique characteristics of the particular site; in no event, however, shall any residential ~~structure~~Structure exceed 35 feet in height.

6-400 Nonurban Planned Unit Development

A. Purpose: A residential PUD consisting of ~~subdivided land~~Subdivided Land which may allow for an increase in density from one ~~dwelling unit~~Dwelling Unit per 35 acres up to one unit per 17.5 acres on a minimum of 320 acres in order to preserve agricultural, environmental, or open space resources. The mechanism to preserve these resources is a ~~conservation easement~~Conservation Easement held by Boulder County on that portion of the ~~subdivided land~~Subdivided Land ~~plat~~Platted as an ~~outlot~~Outlot, which may not be developed for residential use.

B. Requirements

1. Area

a. A NUPUD must contain an area of at least 320 acres, of which 75% or more is covered by one or more of the following designations identified for preservation in the Boulder County Comprehensive Plan: agricultural lands of state or national significance, designated open space, critical wildlife habitats and corridors, critical plant associations and rare plant sites, natural landmarks and natural areas, wetlands, and archeological sites; or

b. A NUPUD may contain an area of 35 acres up to (but not including) 320 acres if the following circumstances are met:

(i) 75% or more of the area is covered by one or more of the designations listed in ~~subsection~~ (a), above; and

(ii) the proposed area is ~~contiguous~~ Contiguous along at least one-sixth of its perimeter to a NUPUD or other ~~subdivided land~~Subdivided Land with a ~~plat~~Plat recorded on or before August 17, 1994; and

(iii) the proposed area is composed entirely of ~~parcel~~Parcels created on or before August 17, 1994, which are in the same ownership (including legal heirs) as existed on or before August 17, 1994; and

(iv) the proposed units are clustered with the development in the ~~contiguous~~ Contiguous NUPUD or other ~~subdivided land~~Subdivided Land, except where the ~~applicant~~Applicant can show that clustering would significantly diminish the viability of the designated area (as per (i) above); and

(v) the residences to be constructed on the proposed ~~subdivided lot~~Subdivided Lots do not exceed 2,500 square feet ~~above grade~~Above Grade; or

c. A NUPUD may contain an area of 35 acres up to (but not including) 320 acres also if the following circumstances are met:

(i) 75% or more of the area is covered by one or more of the designations listed in ~~subsection~~ (a), above; and

(ii) the area is within one mile of an existing municipality, or is entirely included within the Rural Preservation area of the East Central Boulder County Intergovernmental Agreement, in which case it does not have to meet (i) above, except that no NCNUPUD shall be approved in the Rural Preservation area; and

(iii) the residences to be constructed on the proposed ~~subdivided lot~~Subdivided Lots do not exceed 2,500 square feet ~~above grade~~Above Grade; or

d. A NUPUD may contain an area of 35 acres up to (but not including) 52.5 acres provided that the proposed area is composed entirely of ~~parcel~~Parcels created on or before August 17, 1994, which are in the same ownership (including legal heirs) as existed on or before August 17, 1994, and provided that the residences to be constructed on the proposed ~~subdivided lot~~Subdivided Lots do not exceed 2,500 square ~~above grade~~Above Grade.
e. NUPUD applications may be proposed only on lands in the Agricultural, Rural Residential, Suburban Residential, or Multifamily zoning districts.

2. Uses Allowed
   a. Any use, or combination of uses, allowed in the underlying zoning district may be included in a NUPUD. The uses permitted in the NUPUD must be specifically defined and approved as a part of the development plan, with the following requirements:
      (i) Outlot…Agricultural uses, and accessory agricultural ~~structure~~Structures
      (ii) Subdivided Lots…Single Unit Dwellings, homestead units, open or intensive agricultural uses, and any use requiring special review.
3. Homestead Units
   a. Any existing ~~dwelling~~Dwelling which is determined to be historically significant, contributing to the rural character of the county, or which has been lived in by the same ~~person~~Person since March 22, 1978, may be counted as a ~~dwelling unit~~Dwelling Unit in addition to the one unit per 17.5 acres allowed though the approval of a NUPUD. These homestead units must have been built and used in full conformance with ~~existing County~~county regulations.
   b. The area around any existing ~~dwelling~~Dwelling may be ~~plat~~Platted as a separate ~~subdivided lot~~Subdivided Lot from the ~~outlot~~Outlot and shall be counted as part of the developed portion of the NUPUD.
   c. The homestead, if approved, shall be permitted as long as the original ~~structure~~Structure remains. The unit of density is lost if demolished. Alteration of more than 50% of the original ~~structure~~Structure is not permitted. If the ~~structure~~Structure is lost through a casualty or accident, it may be restored to its original size and appearance, or to an appearance approved by the ~~County~~county as contributing to the rural character of Boulder County. If a homestead in the Floodplain Overlay District is lost through ~~flood~~Flooding, the home may be restored only if relocated outside the Floodplain Overlay District, if approved by the BOCC through a ~~replat~~Replat of the NUPUD.
4. Density and the Developed Area
   a. The overall density of the NUPUD shall not exceed one ~~dwelling unit~~Dwelling Unit per 17.5 acres. Any fraction of a unit of density shall be rounded down to the next whole number.
   b. All residential improvements, including, but not limited to, ~~subdivided lot~~Subdivided Lots, residential roads, recreation areas, water systems, and waste facilities, to be used by the residential area, shall be considered as part of the developed area of the NUPUD.

c. In no case shall the developed area of a NUPUD exceed 25% of the total area of the NUPUD. However, the Board of County Commissioners, after review by the Planning Commission, may reduce the allowable developed area to no less than 15%, if it is determined that a reduction is justified by the unique characteristics of the particular site, including but not necessarily limited to the existence of designated agricultural lands or ~~environmental resources~~Environmental Resources.

5. Subdivided Lot and Use Design
   a. The ~~subdivided lot~~Subdivided Lots created though the NUPUD process should be located on the least productive agricultural land and in such a manner as to have little impact on any environmental or open space resource area located on the ~~parcel~~Parcel. The ~~subdivided lot~~Subdivided Lots shall also be located outside any known hazard area.
   b. The ~~subdivided lot~~Subdivided Lots shall be clustered in such a manner to make efficient use of land resources and infrastructure. The ~~subdivided lot~~Subdivided Lots and ~~dwelling unit~~Dwelling Units in the NUPUD should also be clustered with respect to ~~dwelling~~Dwellings on surrounding properties. The impact on the existing uses and the rural character of the area must be included in the consideration of the number of units allowed in a cluster including undeveloped lots.
   c. Subdivided ~~lots~~ Lots should be located nearest to utilities and roads to minimize the amount of construction and the loss of agricultural land, unless this directly conflicts with 6-400 .~~(B.)(5.)(a)~~ or other preservation goals.
   d. Where technically feasible, joint or common water and/or sanitation systems should be used.
6. Undeveloped Area (Outlot)
   a. The undeveloped area should be ~~plat~~Platted as a single ~~outlot~~Outlot, unless an existing ditch, physical feature, or ~~road~~Road separates the preserved area in such a way as to make a single use of the property infeasible. The existence of a historic site, wildlife habitat, or other resource would also allow for the ~~plat~~Platting of separate ~~outlot~~Outlots.
   b. The area set aside for trail ~~easement~~Easements and peripheral roads may be considered as part of the ~~outlot~~Outlot.
   c. The ~~outlot~~Outlot may be owned jointly by the owners of the ~~subdivided lot~~Subdivided Lots, a single lot owner, Boulder County, any municipality, or other party.

6-401 Continued Agricultural Use

A. An inventory and history of agricultural production must be provided as part of the application for a NUPUD which proposes agricultural use of the ~~outlot~~Outlot. This must include soils survey information, information regarding water rights owned and used, and the availability of water for irrigation purposes.
B. In order to maintain and implement the goals and policies of the Environmental Resource Element of the Comprehensive Plan, the following objectives shall apply.

1. Maintain soil stability through the use of appropriate vegetative cover to prevent soil loss due to wind and water erosion.
2. Maintain water use at a non-erosive rate of application. This section shall not require the owner of the ~~outlot~~Outlot to acquire water and commence irrigation when the ~~outlot~~Outlot has not been irrigated in the previous 10 years.

C. If the proposed ~~outlot~~Outlot does not meet the resource preservation objectives, the Board may require a resource preservation plan be submitted prior to recording the ~~final plat~~Final Plat. If, in the future, the ~~outlot~~Outlot does not meet the resource preservation objectives a plan to meet these objectives shall be required pursuant to the terms of the ~~conservation easement~~Conservation Easement.

6-500 Noncontiguous Nonurban Planned Unit Development

A. Purpose: A Noncontiguous Nonurban Planned Unit Development (NCNUPUD) is a NUPUD which allows for a transfer of density from a sending area to a receiving area in order to protect specific agricultural, environmental, or open space resources.

B. A NCNUPUD is a type of NUPUD and shall meet the NUPUD requirements, except as modified by the following additional requirements.
1. Noncontiguous ~~parcel~~Parcels included within the NCNUPUD must be within the same water service area or water and/or sanitation district, school district, and fire district/response area, unless provisions to mitigate any development imbalances created by the transfer of residential development are accepted and approved by Boulder County.
2. There will be less negative impact and a greater benefit from the proposed NCNUPUD, in comparison to individual NUPUDs on the ~~parcel~~Parcels, as measured by the criteria in this Article and in the Boulder County Comprehensive Plan.
3. The land proposed for preservation must meet one of the following:
   a. At least 90 percent of the land proposed for preservation under the ~~conservation easement~~Conservation Easement must be identified either as significant agricultural land of National Importance in the Comprehensive Plan.
   b. A majority of the land must be proposed open space or a significant natural or cultural feature noted on the Environmental Resources Map of the Comprehensive Plan.
   c. A majority of the land must be determined to have significant environmental resource or open space value (e.g., scenic area/corridor or community buffer) supported by the Open Space goals and policies of the Comprehensive Plan.
4. The cumulative impact of units transferred into an area must not result in a significant change in the nonurban character of the area. For receiving ~~parcel~~Parcels greater than 35 acres, no transfer shall be permitted which creates a density greater than ~~6~~ six units per 35 acres, excluding the homestead units. In the case of ~~parcel~~Parcels less than 35 acres, a transfer may result in a density of four units per 35 acres excluding the homesteads.
5. Areas proposed for inclusion in ~~conservation easement~~Conservation Easements from which ~~dwelling unit~~Dwelling Units are being transferred shall not be located within adopted Community Service ~~areas~~ Areas and or other areas which Boulder

County believes are likely to be annexed and developed within municipalities without approval by such municipalities.

6. Sending Area
   a. The sending area shall contain a significant agricultural, environmental, or open space resource which is in the best interest of the residents of Boulder County to preserve.
   b. Sending area lands in the Forestry district shall consist of 175 ~~contiguous~~ Contiguous acres and may transfer one ~~dwelling unit~~Dwelling Unit per 35 acres. The sending area shall include an environmental or cultural feature or area identified for preservation by Boulder County~~,~~ and be dedicated to the ~~County~~county in fee, unless the ~~County~~county determines that a ~~conservation easement~~Conservation Easement is adequate protection for the resources identified for preservation.
   c. Sending area lands in the districts where NUPUDs are allowed, as specified above, may consist of any ~~parcel~~Parcel of 35 acres or more and may transfer two ~~dwelling unit~~Dwelling Units per 35 acres.
   d. If ~~dwelling unit~~Dwelling Units remain on a sending area, the area of land remaining for development shall be reduced in proportion to the percentage of development which has been transferred.
7. Receiving Area
   a. No more than 50 percent of the receiving area shall be used for development, unless further restricted below.
   b. A receiving area which contains lands designated in the Comprehensive Plan as Agricultural ~~l~~Lands of National~~wide~~ Importance, a natural or cultural resource, or proposed open space shall not be permitted unless:
      (i) no more than 25 percent of the receiving area is used for residential development; and
      (ii) the development shall in no way be detrimental to the continued agricultural use of the remaining preserved area, to any significant natural or cultural resource, or to the open space values which support the proposed open space designation.
8. Banking of Unutilized Density
   a. Units not utilized in an NCNUPUD application may be held and used in a subsequent application as follows:
      (i) The unused units shall not exceed the units used or ~~plat~~Platted for development on the receiving ~~parcel~~Parcel of the original application.
      (ii) The unused units shall be ~~plat~~Platted in a ~~block~~Block on the receiving ~~parcel~~Parcel as a part of the ~~final plat~~Final Plat; the ~~block~~Block shall be clearly identified on the ~~plat~~Plat as to its purpose, and configured in such a manner so that it is not possible to develop the banked units on the receiving site, without amendment to the original PUD.
      (iii) Any subsequent application to use and develop the banked units shall be evaluated with regard to the impact of additional density on the receiving ~~parcel~~Parcel identified in that application.

(iv) The ~~County~~county shall be required to recognize the ~~plat~~Platted but unused units only to the extent that a development proposal for the units may be submitted and subsequently approved under the land use regulations of Boulder County in affect at the time of that subsequent application.

(v) The benefits of preservation of the larger land area which is accomplished by the banking of units must clearly outweigh the benefits of approving a development which preserves a smaller area, and leaves the unused density on the sending ~~parcel~~Parcel, when considered with respect to the goals of preservation of agricultural lands, ~~environmental resources~~Environmental Resources and/or open lands.

9. Additional Notice Requirements
   a. In addition to the notice requirements in ~~Section~~ 3-204 the following shall apply:
      (i) For NUPUDs comprised of noncontiguous ~~parcel~~Parcels, notice shall be provided to all owners and addresses within one-half mile of the boundary of the ~~parcel~~Parcels proposed to receive transferred units. The title/property owner report, prepared for a NCNUPUD shall reflect the names and addresses of the owners and address of properties within one-half mile of the boundary of the ~~parcel~~Parcels to receive ~~building lots~~Building Lots.
      (ii) After the approval of a NCNUPUD, a sign which complies with the Boulder County Sign regulations, shall be placed in a visible location on the receiving ~~parcel~~Parcel, which indicates the number of ~~dwelling unit~~Dwelling Units approved for the ~~parcel~~Parcel.

6-600 Mountain Planned Unit Development

A. Purpose: Mountain Planned Unit Developments may be permitted in the Forestry zoning district in order to minimize service and management costs of lands located in mountain areas; to provide flexibility and to accommodate personal desires in the sale of mountain properties; to encourage the retention of large areas of mountain land in forestry uses by allowing the conveyance of small land ~~parcel~~Parcels; to provide flexibility in the location of residential lots in mountain areas; and, to provide a means of development sensitive to environmental concerns and existing capital services, such as roads.

B. Mountain PUDs shall meet both the PUD requirements and the following additional requirements:~~.~~
   1. The Mountain PUD shall include an area of not less than 70 acres.
   2. The overall density of the Mountain PUD does not exceed one ~~dwelling unit~~Dwelling Unit per 35 acres.
   3. ~~Conservation easement~~Conservation Easements, or other acceptable means, are applied to prevent further ~~subdivision~~Subdivision or development of lands committed for forestry or other open uses.

6-700 Transferred Development Rights Planned Unit Development

A. Purpose: To promote county-wide preservation of ~~agriculture~~Agriculture, rural open space and character, scenic vistas, natural features, and ~~environmental~~

~~resources~~Environmental Resources for the benefit of the residents of Boulder County. The preservation and maintenance of these resources will be ensured by encouraging county wide land use planning including the perpetuation of large areas of generally ~~contiguous~~ Contiguous properties suitable for agricultural use through the transfer of development rights from ~~parcel~~Parcels suitable for preservation to properties meeting the criteria for development.

B. Designation of Areas to be Preserved: The sending sites to be preserved and protected through the application of this article are those designated on the Boulder County TDR Sending Sites Map, the Niwot Sending and Receiving Area Map, and areas designated through Intergovernmental Agreements with municipalities in Boulder County.

C. Areas to be Developed Utilizing Development Rights Transferred ~~F~~from a Sending Site: The areas which are suitable for development using the density transferred from the sending sites must meet the criteria and standards for approval defined in 6-700.~~(~~E~~)~~, ~~(~~G~~)~~, and K below as applicable. These areas are referred to as receiving sites.

D. Zoning Requirements: The uses approved as part of a TDR/PUD shall be limited to the following:
   1. Residential and nonresidential density, uses, minimum ~~lot area~~Lot Area, minimum receiving land area, ~~building height~~Building Height, and ~~yard~~Yard requirements shall be determined at the TDR/PUD ~~sketch plan~~Sketch Plan approval. The receiving site will include ~~2~~two units per 35 acres plus the density transferred to the site.
   2. Residential TDR/PUDs: Residential development rights may be transferred from any designated sending site in the A, RR, ER, and SR zoning districts, to any approved residential receiving site meeting the applicable criteria for receiving sites under these regulations. The maximum allowable total units within a residential TDR/PUD shall be 200.
   3. Residential/nonresidential TDR/PUDs: Residential development rights may be transferred from any designated sending site in the A, RR, ER, and SR zoning districts, and converted to nonresidential uses and density on any receiving site in the B, C, LI, and GI zoning districts which meets the applicable receiving site criteria under these regulations. The ~~sketch plan~~Sketch Plan for a nonresidential TDR/PUD shall establish the ratio of non-Residential Floor Area~~residential floor area~~ to be developed on the receiving site, to the number of residential development rights being sent. In establishing this ratio, the effect of the proposed non-Residential Floor Area~~residential floor area~~ shall be of no greater impact to the surrounding area than would the equivalent amount of residential development which is transferred into the site. In evaluating the land use impact of the proposed non-Residential Floor Area~~residential floor area~~, the impacts considered shall include but not be limited to traffic and circulation patterns, compatibility with adjoining development and land uses, and the effect on designated open space, environmentally sensitive lands, and critical wildlife habitats or corridors.

E. Development Criteria for Receiving Sites which Accept Transferred Development Rights
   1. In order to be eligible for additional density from development rights, a property-owner must apply for and receive approval to ~~plat~~Plat a TDR/PUD on the ~~parcel~~Parcel.

2. Adequate facilities and services must be provided to serve a TDR/PUD development. Receiving sites shall be subject to any school impact fee in effect and to any other requirements, such as phasing of the project, necessary to mitigate the impact of new students on overcrowding of schools, or to assure that other facilities and services are adequate and available to serve the TDR/PUD.
3. Defined Subareas for transfer: ~~-~~ For every TDR/PUD, 75% of the total number of development rights needed to complete the project must be acquired from designated sending sites located in the same subarea as the proposed receiving site unless the ~~applicant~~Applicant proposes a specifically defined and identified sending area which is designated by the BOCC in the TDR/PUD approval.

F. Development Criteria for Sending Sites from which Development Rights are Transferred
1. Parcels eligible for the density transfer option must be located within approved sending areas, as depicted on Boulder County TDR Sending Sites Map, the Niwot Sending and Receiving Area Map, or any map adopted through an Intergovernmental Agreement with a municipality in Boulder County.
2. In no case shall the developed acreage of a sending site exceed five percent~~5%~~ of the total area of the sending site, and the ~~conservation easement~~Conservation Easement shall cover all of the sending site area.
3. The ~~conservation easement~~Conservation Easement, pursuant to C.R.S. 38-30.5-101 through 38-30.5-110, or other acceptable means are effected to prevent further ~~subdivision~~Subdivision or development of lands committed for ~~agriculture~~Agriculture or other open uses.
4. Units which have been expressly banked as unutilized density through an approved and recorded NUPUD or NCNUPUD, may be eligible to participate in a TDR/PUD if the Commissioners determine that participation enhances the preservation of the sending site, and otherwise furthers the purposes of ~~this Section~~ 6-700 and the Comprehensive Plan. Any such banked units which are not proposed or approved for use in a TDR/PUD, can still be ~~plat~~Platted as part of an NUPUD or NCNUPUD application provided that all regulations in effect at the time of the application are met.
5. Units which have not been expressly banked as required in the preceding subsection, and which are merely units not utilized in or approved as part of a NUPUD or NCNUPUD application, may not be held and used as part of a TDR/PUD.
6. Units proposed for transfer from sending sites which have been acquired in fee by a governmental entity for the preservation purposes listed in ~~Section~~ 6-700.~~(~~A~~)~~, above, or from sending sites encumbered by a ~~conservation easement~~Conservation Easement held by a governmental entity for the preservation purposes listed in ~~Section~~ 6-700.~~(~~A~~)~~, above, will be eligible for participation in a TDR/PUD only if the Commissioners determine that the proposal for participation enhances the preservation of the sending site and otherwise furthers the purposes of ~~this Section~~ 6-700 and the Comprehensive Plan. If such a determination is made, participation in a TDR/PUD will not require a separate ~~conservation easement~~Conservation Easement to be granted to the ~~County~~county over the sending site, unless the Commissioners determine that a separate ~~easement~~Easement is necessary to

assure the long-term preservation of the sending site on substantially the same terms as the Conservation Easement form approved by the ~~County~~county for use in these TDR/PUD regulations. A public hearing shall be held prior to the sale of development rights from open space.

G. Standards and Conditions of Approval for Development on a Receiving Site: A PUD utilizing transferred development rights shall be approved only if the Board of County Commissioners finds that the proposed development meets the following standards and conditions:
   1. The proposed TDR/PUD must be ~~adjacent~~Adjacent to and compatible with adjoining development and land uses, as well as compatible with the land uses designated for the area in adopted municipal master or comprehensive plans.
   2. The proposal must be located ~~adjacent~~Adjacent to a major arterial, collector, or transit route.
   3. Except as provided in 6-700.~~(~~G.~~)~~(7~~)~~, below, receiving sites shall not be located on national significant agricultural land, designated open space, environmentally sensitive lands, or critical wildlife habitats or corridors, as identified in the Comprehensive Plan.
   4. Within any residential TDR/PUD not more than five percent~~5%~~ of the total land area may be developed for structural nonresidential uses.
   5. Within any residential TDR/PUD, the nonresidential portions of the TDR/PUD will not be issued a Certificate of Occupancy until such time as 75% of the residential portions of the development are complete.
   6. The proposed development shall include, where appropriate, methods to contribute to the costs for the provision of capital facilities including schools.
   7. Exceptions to the above approval criteria may be granted by the Board of County Commissioners if the following conditions apply:
      a. The proposed project is located within an approved Community Service Area, or
      b. The proposed project is located ~~adjacent~~Adjacent to existing ~~subdivided land~~Subdivided Land which is developed at greater than rural density or is a ~~platted subdivision~~Platted Subdivision within a municipality.
   8. No exception shall alter receiving sites as designated in the Niwot Area or in an approved TDR IGA.

H. Development Standards for Sending Sites
   1. Principal and accessory uses will be determined through the establishment of a ~~conservation easement~~Conservation Easement pursuant to the provisions of this Article following a form approved by Boulder County.
   2. Property owners choosing not to participate in the transfer of development program still may utilize the use by right of one residential unit per 35 acres.
   3. The potential number of development rights available for transfer from sending sites and the number of ~~building lot~~Building Lots permitted on sending sites participating in the transfer density program is as follows:
      a. For ~~parcel~~Parcels between 35 and 52.49 acres
         (i) two development rights can be sent; ~~OR~~or

(ii) one unit may be sent ~~AND~~ and one unit may be built on site, but only if specifically approved by the Commissioners based on a finding that the proposal enhances the preservation of the sending site and otherwise furthers the purposes of ~~this Section~~ 6-700 and the Comprehensive Plan.

b. For ~~parcel~~Parcels between 52.5 and 69.9 acres
   (i) three development rights can be sent; ~~OR~~or
   (ii) two units may be sent ~~AND~~ and one unit may be built on site, but only if specifically approved by the Commissioners based on a finding that the proposal enhances the preservation of the sending site~~,~~ and otherwise furthers the purposes of ~~this Section~~ 6-700 and the Comprehensive Plan.

c. For ~~parcel~~Parcels between 70 and 87.49 acres
   (i) four development rights can be sent; ~~OR~~or
   (ii) three rights can be sent ~~AND~~ and one unit may be built on site.

d. For ~~parcel~~Parcels between 87.5 and 104.9 acres
   (i) five development rights can be sent; ~~OR~~or
   (ii) four rights can be sent ~~AND~~ and one unit built on site.

e. For ~~parcel~~Parcels between 105 and 122.49 acres
   (i) six development rights can be sent; ~~OR~~or
   (ii) five rights can be sent ~~AND~~ and one built on site.

f. For ~~parcel~~Parcels between 122.5 and 139.9 acres
   (i) Seven development rights can be sent; ~~OR~~or
   (ii) six development rights can be sent ~~AND~~ and one built on site.

g. For ~~parcel~~Parcels 140 acres and larger
   (i) two development rights per 35 acres can be sent; ~~OR~~or
   (ii) any combination of transfer and on~~-~~site development which does not exceed two units per 35 acres transferred or one unit per 70 acres on site (i.e., on 140 acres there could be the transfer of ~~6~~six units and the construction on site of ~~2~~two units).

4. Sending sites which have deliverable agricultural water rights in an annual average amount of one and a half~~1½~~ acre feet per acre or more attached to, available for use on, or used on a significant portion (generally considered to be 75%) of the property, for at least ~~5~~ five years prior to August 17, 1994, shall receive an additional unit of density for each 35 acres irrigated. This may be exercised only through the sending of that unit to a recognized receiving site. This additional unit shall be made available if the owner provides the ~~County~~county an undivided interest in the water rights which have been historically applied to the sending site as set forth in this subsection.
5. Verification of sending site acreage through a survey will be required if the property is within five percent~~5%~~ of the minimum acreage needed to be eligible for a development right.

I. Procedure for Obtaining Transferred Development Rights
1. Development rights may be transferred to an approved receiving site only after the ~~applicant~~Applicant obtains a Development Right Certificate for each right to be utilized from an eligible sending site.

a. A Development Right Certificate will be issued by the Boulder County Community Planning &and Permitting Department upon the conveyance of a Conservation Easement to the ~~County~~county on the sending site. A Conservation Easement will not be required only under the circumstances provided in ~~Section~~ 6-700.~~(~~F.~~)~~(6~~)~~,~~ above.

b. The Conservation Easement, which defines the limitation on the development of the sending site, including the number of development rights severed from that ~~parcel~~Parcel, shall be recorded in the real property records for that sending site at the office of the Boulder County Clerk and Recorder.

c. Any remaining development rights shall be built only after the sending ~~parcel~~Parcel goes through the proper process for establishment of location of ~~building~~Buildings or lots as follows:

(i) Development of one right must be on the undivided sending site and requires Site Plan Review (see ~~Article~~ 4-800).

(ii) Development of two or three rights requires a Subdivision Exemption (see Article 9) if separate lots are being created, or PUD approval if separate lots are not being created.

(iii) Development of more than three rights requires a Subdivision Regulations and/or PUD approval, as applicable, if separate lots are being created, or PUD approval if separate lots are not being created (see Articles 5 and 6).

2. The receiving site may be established by a conceptual plan, including location, size and general development parameters, submitted by the ~~applicant~~Applicant and approved by the Board of County Commissioners after review and recommendation by the Planning Commission. A ~~sketch plan~~Sketch Plan will be required following the conceptual plan approval or in lieu of submittal of a conceptual plan.

3. A TDR/PUD approval shall also require a ~~preliminary plan~~Preliminary Plan which shall be submitted by the ~~applicant~~Applicant and approved by the Board of County Commissioners after review and recommendation by the Planning Commission.

4. The ~~final plat~~Final Plat will only ~~plat~~Plat and record the number of ~~subdivided lot~~Subdivided Lots for which all of the development rights have been acquired and documented by Development Right Certificates.

a. Prior to the acquisition of all development rights approved on a receiving ~~parcel~~Parcel, the ~~final plat~~Final Plat will only define the rights utilized in each ~~block~~Block. Building permits will not be issued for development using those rights ~~plat~~Platted in ~~block~~Blocks until an amendment to the TDR/PUD, including an amended ~~final plat~~Final Plat converting the ~~block~~Blocks into ~~subdivided lot~~Subdivided Lots, is approved.

b. Improvements directly related to the ~~block~~Block for which some or all of the ~~subdivided lot~~Subdivided Lots have been ~~plat~~Platted, must be complete or adequately guaranteed prior to the issuance of ~~building~~Building permits.

J. The following ~~parcel~~Parcels will not be considered for a TDR/PUD receiving site:

1. Parcels of less than 35 acres, unless

a. they are ~~adjacent~~Adjacent to an approved sending site or an approved ~~conservation easement~~Conservation Easement so that the total land area committed to agricultural or other open space use is at least 35 acres; or
b. they are located within a municipal ~~community service area~~Community Service Area or municipal influence area as described in the Boulder County Comprehensive Plan or a jointly adopted intergovernmental agreement between Boulder County and the relevant municipality, subject to the concurrence and approval of that municipality.

2. Any ~~parcel~~Parcel of less than 35 acres meeting the criteria of ~~Sections~~ 6-700.~~(~~1.~~)~~(a~~) or 6-700.~~(~~1.~~)~~(b~~), above, which is located more than one-half of a mile away from a municipal boundary, shall not be developed at a gross density of more than one unit per acre.
3. A ~~subdivided lot~~Subdivided Lot shown on a ~~plat~~Plat recorded prior to August 17, 1994, the date of the first public notice of Planning Commission consideration of these regulations.
4. Parcels of LESS than 70 acres created after August 17, 1994, will only be eligible for development rights at the base density of the zoning district in which the ~~parcel~~Parcel is located. No additional development rights may be granted to those ~~parcel~~Parcels.

K. The following additional requirements shall apply within the Niwot Sending and Receiving area:
1. No more than a total of 93 units shall be received within the potential Niwot Receiving Areas.
2. Units may be sent to Niwot receiving areas only from sending areas designated on the Niwot Sending and Receiving map as sending areas and only in the following ratios:
a. Sending areas and percentage eligible to be sent into Niwot Receiving Areas

[TABLE]

Remaining development rights may be used in receiving sites if approved outside of the Niwot Receiving Area.

3. Any development approved within receiving area R2 shall incorporate a buffer along Highway 52.
4. Any units approved within receiving area R4 shall be compatible with the agricultural character of existing ~~adjacent~~Adjacent development.

6-800 Conservation Easement

A. Before the Board of County Commissioners may approve a NUPUD, a NCNUPUD, or a TDR/PUD the ~~applicant~~Applicant shall agree to grant to Boulder County a ~~deed~~Deed of ~~conservation easement~~Conservation Easement in gross pursuant to Article 30.5 of Title 38, C.R.S., as amended, protecting the preserved land from development in accordance with the approved conservation values. ~~Conservation easement~~Conservation Easements encumbering required ~~outlot~~Outlots shall provide

for long-term preservation and appropriate management of the property's conservation values and shall be granted in perpetuity, subject to transfer or termination only pursuant to the express terms of these regulations and the governing ~~conservation easement~~Conservation Easement.

B. The ~~conservation easement~~Conservation Easement shall include the following terms:
   1. The ~~easement~~Easement shall limit future ~~County~~county termination of the ~~easement~~Easement to situations where:
      a. the termination is consistent with the current Comprehensive Plan and this Code; and
      b. the termination is consistent with a management or land use plan contractually agreed to by the ~~County~~county and another interested governmental entity or entities.
   2. If termination of the ~~conservation easement~~Conservation Easement is proposed, the ~~County~~county may require compensation in an amount sufficient to offset any loss of public benefit resulting from the proposed ~~easement~~Easement termination. Determination of the amount and form of compensation shall be made on a case-by-case basis by the Board.
   3. If transfer of the ~~conservation easement~~Conservation Easement is proposed, the recipient of any transferred interests must be a governmental entity, or a charitable organization, defined as a "qualified organization" under Section 170(h) of the Internal Revenue Code of 1986, as amended.
   4. The ~~parcel~~Parcel preserved by the ~~conservation easement~~Conservation Easement shall be managed as a single agricultural unit, unless multiple ~~outlot~~Outlots are approved or to separate areas of the ~~parcel~~Parcel or ~~parcel~~Parcels that are unsuitable for agricultural uses. These areas would include natural areas, wildlife preserves, trails, or other identified environmental or open lands resources.
   5. The ~~conservation easement~~Conservation Easement for a TDR/PUD sending site shall include a reference to the extinguishment of the development rights transferred off that site. If additional rights are transferred after the recordation of the ~~conservation easement~~Conservation Easement, the ~~easement~~Easement shall be amended to reflect the extinguishment of those additional rights and the amendment shall be recorded.

6-900 Coordination with Other Provisions and Processes

A. If review and approval under the Subdivision Regulations is necessary, review of an application under this article shall be carried out simultaneously, and under the same application, referral, notice, and public hearing procedural requirements as is provided for ~~sketch plan~~Sketch Plan review in Article 5 of this Code.

B. In cases where special use approval is required for a proposed use, review of the PUD application under this article shall be carried out simultaneously with the special use review as provided for within Article 4 of this Code.

C. Recordation of the ~~development agreement~~Development Agreement shall vest the owner's property rights for a period of three years, unless a longer vesting period is approved as authorized in ~~Section~~ 3-207 of this Code.

6-1000 Standards and Criteria for Approval of a Planned Unit Development

A. The PUD shall be approved only if the Board of County Commissioners finds that the development meets the following standards and criteria:
   1. the development achieves the purposes of the PUD and the Comprehensive Plan when development at one unit per 35 acres would interfere with or be counter to those purposes;
   2. the PUD would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and/or energy efficient site design;
   3. the development will not have a material adverse impact on the surrounding area and will be in harmony and compatible with the ~~neighborhood~~Neighborhood (compatibility includes but is not limited to size, scale, mass, architectural design, and landscaping);
   4. the proposal fully complies with the minimum zoning and Subdivision Regulations requirements set forth in this Code;
   5. the development will be in accordance with the Comprehensive Plan, and any applicable intergovernmental agreement affecting land use or development;
   6. the project will be served by adequate facilities including streets, fire protection, water and sanitation;
   7. the PUD results in no significantly greater burden on present and projected public facilities and services than development at one unit per 35 acres;
   8. undue traffic congestion or traffic hazards will not result from the proposed PUD; roadways, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed PUD and in the vicinity of the proposed PUD;
   9. the development will not cause significant air, water, or noise pollution;
   10. detrimental conditions will not result due to development on excessive slopes or in ~~geologic hazard~~Geologic Hazard areas;
   11. the soil and drainage conditions are of a sufficiently stable nature to support development, including whatever ~~sewage~~Sewage disposal treatment is used;
   12. fire hazards will not be created or increased;
   13. the PUD will not adversely affect any land of significant historical, cultural, recreational or aesthetic value;
   14. the benefits of preservation of the larger land area which is accomplished by the banking or transfer of units shall clearly outweigh the potential impacts of approving a development which preserves a smaller area; and
   15. the PUD will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County.

B. Upon approval of the PUD, the Board of County Commissioners may impose reasonable conditions or safeguards to ~~insure~~ ensure compliance with these regulations.

6-1100 Modifications to an Approved Planned Unit Development

A. A ~~substantial modification~~Substantial Modification, removal, or release of the provisions of the PUD shall only be permitted by the Board of County Commissioners, following review and a public hearing held in accordance with the provisions of Article 3 of this Code.
B. The modification shall be consistent with the efficient development and preservation of the entire PUD; shall not affect, in a substantially adverse manner, either the enjoyment of land abutting or across a street from the PUD, or the public interest; and, is not granted solely to confer a special benefit upon any ~~person~~Person.

Article 7 – Development Standards

This Article 7 is intended to apply to all types of development regulated by the Land Use Code. Except as may otherwise be required by law, the Director may waive or alter any of these requirements if they are determined to be inappropriate or unnecessary in a particular instance given the nature and extent of the proposal.

7-100 General Restrictions on Development

A. Character of the Land
    1. Land which is found by the Board of County Commissioners to be unsuitable for ~~subdivision~~Subdivision or development due to physical constraints shall not be subdivided or developed unless methods are used to solve the problems created by these unsuitable land conditions.
    2. Land shall be used in a manner appropriate to the constraints.
B. Self-imposed Restrictions
    1. If the ~~applicant~~Applicant voluntarily commits to restrictions or requirements greater than those contained within this Code the commitments may be required to be indicated on the ~~final plat~~Final Plat, contained within the ~~development agreement~~Development Agreement, or in restrictive covenants.
    2. If the commitment is accepted by the Board of County Commissioners in their approval of any ~~subdivision~~Subdivision, the commitment shall be fully enforceable under these Regulations as a requirement of the ~~subdivision~~Subdivision approval.

7-200 Development Design

A. The following shall be considered requirements for development design.
    1. All subdivisions shall result in the creation of lots which are developable and capable of being built upon in conformance with this Code, the Building Code, or other ~~County~~county adopted regulations.
    2. The design of the development shall eliminate or mitigate the potential effects of hazardous site conditions.
    3. Lots shall be laid out to provide positive drainage away from all ~~building~~Buildings.
    4. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area.

5. Drainage shall be designed to avoid concentration of storm drainage from any lot to an ~~adjacent~~Adjacent lot.
6. Lot ~~area~~Area, width, frontage, depth, shape, location, and orientation shall conform to all provisions of this Code and be appropriate for the location of the development and for the type of use allowed.
7. All lots shall front on and have access to a public ~~right-of-way~~Right-Of-Way or approved private access ~~easement~~Easement.
8. All proposed points of access must comply with the Transportation Standards.
9. No lot shall be divided by a municipal or ~~County~~county boundary line, ~~road~~Road, alley or other lot.
10. Internal and external links to public trails and open space abutting the property shall be provided.
11. Extensions required for future development shall be provided.
12. Lot boundaries should conform to descriptions in liens or mortgages so that the division of a lot through a foreclosure does not occur.
13. Maintenance of common facilities must be accomplished either through covenants and a homeowners association, a separate maintenance agreement, or some other perpetual agreement.
14. The overall development design should conform to the Comprehensive Plan.

B. The following guidelines shall be used to the greatest extent possible.
1. The design and development of subdivisions should preserve the natural terrain, drainage, existing topsoil, and vegetation, including tree masses and large individual trees.
2. The design and development of subdivisions should preserve the natural terrain, drainage, existing topsoil, and vegetation, including tree masses and large individual trees.
3. Development design should provide for efficiency in the installation and provision of all public and private facilities and services.
4. The development should provide for ~~solar access~~Solar Access on site and on ~~adjacent~~Adjacent properties.
5. The development design should maintain stands of trees or other vegetative cover to reduce the effects of winds on ~~building~~Buildings.
6. Lot dimensions should be adequate to allow for the provision of necessary private service and off-street parking facilities needed by the type of use and development allowed.
7. Double frontage lots should be avoided except where essential to provide separation of residential development from expressways, major arterials, or to overcome specific disadvantages of topography and orientation.
8. Landscaping should be provided, especially as a buffer between different types of uses both within and ~~adjacent~~Adjacent to the development. Xeriscape should be used instead of traditional landscaping.
9. Side ~~lot line~~Lot Lines should be at right angles to, or radial to the center of curvature of the street or ~~road~~Road on which the lot fronts. Where ~~lot line~~Lot Lines are not at right angles or radial to street lines, this shall be indicated on the ~~final plat~~Final Plat.

10. Lots should be arranged to minimize the number of ~~outlot~~Outlots.
11. Lots should use natural and man-made divisions, such as fences and ~~easement~~Easements, as their boundaries.
12. All lots should have reasonable access to open space, trails, park land or recreation facilities that are set aside for either development use or use by the general public.
13. Recreation facilities should be centrally located to all residents of the development.
14. The development design should be coordinated with the ~~storm water~~Stormwater drainage and ~~flood~~Flood control systems.
15. Utility, access, or drainage ~~easement~~Easements should not divide a lot.
16. Common water and sanitation facilities should be located on separate ~~outlot~~Outlots commonly owned by the users.
17. Residential lots should be located to minimize adverse influences due to airports and airport operations.
18. The newly created residential lots should be located nearest to utilities and roads to minimize the amount of construction of these improvements and the loss of agricultural land.

C. The following applies where phasing of the development is requested.
   1. The phasing schedule shall be noted in the ~~development agreement~~Development Agreement.
   2. A single phase shall not divide a ~~block~~Block.
   3. All phasing shall be approved by the Board of County Commissioners.
   4. Modifications to the phasing schedule shall be made only after review and approval by the Board of County Commissioners.
   5. The phasing schedule shall recognize the need for proper drainage, secondary access, water and waste systems and open space at all times during the phasing schedule.

7-1300 Water Systems

A. The State Engineer and County Engineer shall be considered the ~~County~~county's experts in evaluating the reliability of the water supply source. It shall be the responsibility of the ~~applicant~~Applicant to provide such evidence as may be required by the State and County Engineers.

B. Boulder County Public Health shall be considered as the ~~County~~county's expert in evaluating the quality of the proposed water supply source. It shall be the responsibility of the ~~applicant~~Applicant to provide such evidence as may be required by Boulder County Public Health.

C. Water supplies shall be treated by a method acceptable to Boulder County Public Health to conform to minimum local and State requirements. Public Health may require test wells.

7-301 Water Reliability Requirements

A. In addition to the requirements of the State Engineer and Public Health, the following provisions shall be used to evaluate the adequacy of the water source intended to serve the proposed development:

1. Sufficient ~~water~~ Water ~~supply~~Supply
    a. The average daily demand of the entire service area and the proposed development will be based upon 300 gpd (gallons per day) per residential unit or 75 gpd per capita, whichever is greater.
    b. The average daily demand for commercial and industrial uses will be reviewed based on the anticipated demand of the proposed development. Appropriate multipliers may be utilized in calculating this amount.
    c. Each residential lot shall have adequate water to meet required landscaping.
2. Irrigation Water
    a. The irrigation demand shall be based on information submitted by the Soil Conservation Service. Such material shall take into account the type of vegetation to be maintained, the soil characteristics, the historic yield of the property, and available water rights.
    b. All areas shall be evaluated for water demand.
    c. The ~~development agreement~~Development Agreement shall include any requirements for water.

7-302 Water Service

A. Every effort should be made to secure public water system extension; however, where water service is not physically or economically feasible, a central well and distribution system is preferred over individual wells.
B. The ~~applicant~~Applicant must submit a letter of intent for service from the water supplier at the time of ~~sketch plan~~Sketch Plan application with a contract for service prior to ~~final plat~~Final Plat recordation.
C. For proposed developments within 2,000 feet of an existing water system, or within a ~~community service area~~Community Service Area, the Board may require the subdivider to make provisions for the extension of service. This includes escrow funds for the installation of water mains and house connections in addition to the installation of domestic wells.
D. If a private water supply system is proposed, the ~~applicant~~Applicant shall submit engineering plans to the ~~County~~county to be reviewed by the Community Planning ~~&~~and Permitting Department, County Engineer, and County Public Health.
    1. If a private central water supply system is proposed, evidence must be submitted regarding the ability of the system to meet the minimum requirements of State and County Public Health regulations and this Section. Evidence regarding the means to repair and maintain the water system is also required.
    2. Special review may be required for use of a central water system.

7-303 Wells

A. The following provisions shall apply for the use of wells.
    1. Individual on-site wells will not be permitted for developments with densities greater than one residential unit per acre.
    2. The well shall have adequate water quality, quantity, and dependability for the proposed density prior to ~~preliminary plan~~Preliminary Plan approval.

a. The well should be continuously pumped or bailed at a minimum rate of three gallons per minute per domestic unit for a minimum of five hours. After five hours of pumping or bailing at such a rate, recorded data should show that the well is producing at a minimum rate of three gallons per minute per domestic unit and that the quality of water recovered from the well after five such hours of pumping or bailing, meets public health standards for potability.
b. Water samples from the well tests shall comply with Primary Drinking Water Regulations for the State of Colorado issued by the State Department of Health.

7-304 Water Distribution System

A. The water distribution system internal to the development shall be sized to meet both the initial and future demands of the proposed development. Oversizing for likely extensions may be required, with that oversizing to be paid for by future development.
B. In constructing the internal water distribution system, the following design provisions shall apply:
   1. The system shall be sized for maximum day demand plus fire or peak hour demand, whichever is greater
      a. Maximum day demand may be assumed as ~~3.0~~three times average day demand, and maximum hour demand may be assumed to be ~~6.0~~six times average day demand unless calculations indicate otherwise. Designs using standards other than these must be approved by the County Engineer.
      b. Minimum residual pressures shall be 40 psi under maximum hour demands; 20 psi if direct flow is used.
      c. The actual pressure in the supply system under the conditions specified shall be used in designing the distribution system.
         (i) If future connection to a different supply system is anticipated, critical pressure in that system may be used as the starting design pressure.
         (ii) Assumed future supply pressures and points of connection for designing the system in all other cases shall be subject to the approval of the County Engineer.
      d. Minimum main sizes shall be six inches except for short culs-de-sac. Where the external supply or pressure is not adequate to meet requirements, additional pipe diameter, parallel or looping lines, or additional storage or pumping shall be provided to meet the requirements.
   2. Standards for fire flows shall be as follows:
      a. The distribution system shall be designed for the following fire flows in addition to the maximum day rate:

         [TABLE 7-304-B-2-a as table or text?]

      b. Each fire hydrant shall be assumed to flow 500 gpm in low density areas and 1000 gpm in high density or commercial/industrial areas. Fire flows shall be assumed to flow from hydrants or groups of hydrants which will produce the critical pressure on the system.

(i) The minimum size of the main on which fire hydrants are located shall be ~~6~~ six inches in diameter.
(ii) All hydrants shall be fitted with National Standard threads unless other agreements are reached with the agency providing fire protection.

3. The quality and materials specifications for all water systems must be submitted for review and are subject to the approval of the County Engineer. Proposed specifications should include the following:
   a. The strength rating for distribution piping and fittings with fire flow demand is to have a minimum safety factor of four times the anticipated internal operating pressure.
   b. The system is to be designed for a minimum service life of 50 years.
   c. Sufficient cover to prevent freezing.
   d. Dead-end mains are to be provided with a suitable means for flushing.

C. New water systems shall be designed with sufficient treatment and storage capacity to serve the specified maximum hour demands for a period of ~~6~~ six hours or a maximum day demand plus the required fire demand of the specified duration.

7-400 Sewage Treatment

A. Boulder County Public Health shall be considered Boulder County's expert concerning the adequacy of the proposed ~~sewage~~Sewage treatment system.
B. In addition to the requirements of Boulder County Public Health the provisions of this article shall be used to evaluate the adequacy of the ~~sewage~~Sewage treatment system intended to serve the proposed development.

7-401 Public Systems

A. Every effort should be made to secure public sewer extension; however, where connections to an existing public sewer are not physically or economically feasible, a central collection system and treatment plant is preferred.
B. The ~~applicant~~Applicant must submit a letter of intent for service from the sanitation service at the time of ~~sketch plan~~Sketch Plan application with a contract for service prior to ~~final plat~~Final Plat recordation.
C. For proposed developments within 2,000 feet of an existing sanitary sewer main, or in a ~~community service area~~Community Service Area, the Board may require the subdivider to make provisions for the extension of service. This includes escrow funds for the installation of sewer mains and house connections in addition to the installation of temporary individual on-site sanitary disposal systems.
D. Where the proposed development is within a ~~community service area~~Community Service Area, individual on-site wastewater systems will not be permitted. Where sewer service is not available, a central treatment plant and collection system in accordance with appropriate municipal standards may be used.

7-402 Private Systems

A. For private systems, the ~~applicant~~Applicant will be required to submit formal plans to the ~~County~~county which will be reviewed by the Community Planning ~~&~~and Permitting

Department, County Engineer, and Boulder County Public Health. The recommendations of these referral agencies will be given to the Planning Commission and the Board of County Commissioners.

B. On-site Systems

Where individual or central on-site treatment systems are proposed, lots shall be laid out to provide a suitable treatment area for each lot or grouping of lots based upon criteria established by Boulder County Public Health.

1. Where leach fields are proposed, evaluation of suitable treatment area shall include soil suitability, well slopes, surface hydrology, and water table depth, including anticipated variation with time.
   a. Percolation tests shall be sufficiently representative to reasonably assure that each lot will have a suitable treatment area.
   b. Larger lots may be required due to the capacity of the proposed treatment system.
2. The ~~applicant~~Applicant must contact Boulder County Public Health to determine specific problems in the general vicinity which might affect the proposed on-site wastewater systems.
3. For central systems, the ~~applicant~~Applicant must submit engineering data to prove that each site in the development is capable of accommodating an on-site wastewater system or accommodating an alternative engineered system in accordance with Boulder County Public Health requirements.

7-403 Sewage Collection

A. Collection systems shall be designed and sized in accordance with guidelines and requirements furnished by the ~~sewage~~Sewage agency providing the service and Boulder County Public Health.

1. Collection systems shall be sized to meet present and future demands of the proposed development.
2. Oversizing for likely extensions may be required, with that oversizing to be paid for by future development.
3. For situations where guidelines and standards are not available, those designs intended for use shall be submitted for review and are subject to approval by the County Engineer.
4. Approval of the proposed system by the service agency is required where applicable as a condition of approval by the County Engineer.
5. The constructed systems shall not permit infiltration rates in excess of 200 gallons per inch of diameter per mile of pipe per day, unless otherwise specified by the service agency.

7-500 Solid Wastes

Where suitable public or private ~~solid waste~~Solid Waste storage and collection systems are not available to serve the proposed development, individual unit or group storage containers and/or container sites and periodic collection of containers may be required.

Volume generation rates to be used in determining the size, number, and type of containers and frequency of pickup shall be subject to approval by the County Engineer.

7-600 Subdivision Roads

7-601 Continuation of Roads and Dead-End Roads

A. The following shall apply to dead end roads and roads which will be continued.
   1. The arrangement of roads shall provide for the continuation of major roads between ~~adjacent~~Adjacent properties when the continuation is necessary for the convenient movement of traffic, effective fire protection, or for efficient provision of utilities.
      a. If the ~~adjacent~~Adjacent property is undeveloped and the ~~road~~Road must be temporarily dead-ended, ~~right-of-way~~Right-Of-Way shall be extended to the property line, and the construction and maintenance of a turnaround of approximately 80 feet in diameter may be required for temporary use, with ~~plat~~Plat notation that land outside the normal ~~road~~Road ~~right-of-way~~Right-Of-Way shall revert to abutting property owners whenever the ~~road~~Road is continued.
   2. Where a ~~road~~Road does not extend to the boundary of the development, and its continuation is not required for access to adjoining property, its terminus should be no closer than 50 feet to the boundary.

7-602 Reserve Strips

A. Reserve strips in the form of one-foot ~~outlot~~Outlots may be required to control or restrict access to perimeter or stub roads.
B. Such strips shall be utilized only where their ownership and control is accepted by the public agency having jurisdiction.
C. The ~~outlot~~Outlots should be deeded to the public agency at the time of recordation of the ~~final plat~~Final Plat.

7-603 Private Roads

A. The use of private roads, which meet the specifications contained in the Transportation Standards, is encouraged and is permitted upon review by the Planning Commission and approval by the Board of County Commissioners.
B. Private roads shall be designed to discourage use by the general public.

7-700 Reserved

7-800 Reserved

7-900 Drainage

A. The 2016 Storm Drainage Criteria Manual (SDCM), available from the County Engineer, shall be the authoritative reference for drainage and is incorporated into the Land Use Code by this reference. The Urban Storm Drainage Criteria Manual, available through the Urban Drainage and Flood Control District, may be used as an authoritative

supplement. The Transportation Standards shall be used for design standards and specifications.

B. Complete drainage systems for the entire development area shall be designed by a professional engineer, licensed in the State of Colorado.

C. All drainage plans required to be submitted as part of a land use application under this Code must comply with the SDCM. The drainage system plan shall be depicted graphically identifying all existing drainage features which are to be used; all proposed surface drainage ~~structure~~Structures; and all appropriate designs, details, and dimensions necessary to clearly explain proposed construction materials and elevations.

D. Development proposed within a Floodplain Overlay District, shall be capable of receiving a ~~floodplain development permit~~Floodplain Development Permit from the County Engineer prior to receiving final approval.

E. Land which is subject to a possible upstream dam failure shall not be developed unless the potential ~~flood~~Flooding condition is alleviated according to plans approved by the County Engineer, unless otherwise approved by the State Engineer.

F. ~~Storm drainage system~~Storm Drainage Systems shall be separate and independent of any sanitary sewer system and shall be designed in compliance with the following requirements:

1. The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only ~~runoff~~Runoff from the development area but also, where applicable, the system shall be designed to accommodate the ~~runoff~~Runoff from those areas ~~adjacent~~Adjacent and upstream from the development itself, as well as its effects on lands downstream.
2. If a development is proposed in phases, a general drainage plan for the entire area shall be presented with the first phase and appropriate development stages for the drainage system for each section shall be indicated.

7-901 Drainage Easements

A. Dedication to the ~~County~~county of a ~~storm water~~Stormwater or drainage ~~easement~~Easement or ~~right-of-way~~Right-Of-Way may be required if a proposed development is traversed by a ~~watercourse~~Watercourse, drainageway, channel, stream, water supply ditch, or canal. This ~~rightof-way~~Right-Of-Way shall conform to the lines of such ~~watercourse~~Watercourse, and be of such width and construction as will be adequate for the purpose of maintenance, and the exclusion of improvements of the type which would interfere with ~~runoff~~Runoff.

1. Where possible, the drainage shall be maintained by an open channel with rip-rap or grass lined banks, or such channel design that is in accordance with the SDCM. This channel shall be of adequate width for maximum potential volume off flow.
2. The minimum requirements for such ~~easement~~Easements or ~~rights-of-way~~Rights-Of-Way shall be based on a ~~base flood~~Base Flood, but shall not be less than 20 feet in width.
3. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within ~~road~~Road ~~rights-of-way~~Rights-Of-Way, perpetual

unobstructed ~~easement~~Easements at least 20 feet in width for such drainage facilities shall be provided across property outside the ~~road~~Road lines and with satisfactory access to the ~~road~~Road. Drainage ~~easement~~Easements shall be carried from the ~~road~~Road to a natural ~~watercourse~~Watercourse or to other drainage facilities.

4. When a proposed drainage system will carry water across private land outside the development, appropriate drainage rights must be secured and indicated on the ~~plat~~Plat or the site plan.
5. Low-lying lands along ~~watercourse~~Watercourses subject to ~~flood~~Flooding or overflowing during storm periods, whether or not included in areas for ~~easement~~Easement dedication, shall be preserved and retained in their natural state as drainage ways.
6. Provision for the maintenance of such drainage areas shall be included as part of the development approval.

7-902 Water Table

A. The following provisions shall apply to areas of high ground water. Stipulation may be required as part of the ~~development agreement~~Development Agreement to mitigate problems associated with ground water.
   1. In cases where the water table is proposed to be artificially lowered, the ~~design water table~~Design Water Table must be determined prior to the completion of the subdrain system. Confirmation of the lowering of the water table must be made after construction. Also, provisions must be made for maintenance of the subdrain system, including funds for maintenance, as well as individual or group responsibility for on-going maintenance.
   2. The following shall apply to ~~building~~Buildings with basements:
      a. the finished basement floor elevation shall be six inches or more above the ~~design water table~~Design Water Table; and
      b. where the finished basement floor elevation ranges from six inches to two feet above the ~~design water table~~Design Water Table, the basement shall be equipped with a peripheral subdrain which flows to a sump or sumps, daylight, or other approved point.
      c. In each case the ultimate discharge point for peripheral ~~S~~ssubdrain shall be reviewed and approved in conjunction with ~~subdivision~~Subdivision approval.
      d. Acceptable ultimate discharge points include:
         (i) at-grade on lots larger than one acre provided that water will not flow onto ~~adjacent~~Adjacent property;
         (ii) buried ~~storm drainage system~~Storm Drainage Systems provided that freezing will not be a problem; and
         (iii) major natural waterways.
      e. Unacceptable discharge points include:
         (i) roadside ditches
         (ii) street gutters
         (iii) at-grade on lots one acre or smaller and ~~adjacent~~Adjacent property

f. Where the finished basement floor elevation is more than two feet above the ~~design water table~~Design Water Table, no special requirements for subdrainage shall be imposed.

3. In relevant cases as described above, where the elevation of the ~~design water table~~Design Water Table is within 10 feet of the pre-construction grade at the ~~building~~Building site then the ~~development agreement~~Development Agreement shall provide for the following:
   a. the elevation of the ~~design water table~~Design Water Table shall be shown on structural plans submitted with the ~~building~~Building permit application
   b. the elevation of the finished basement floor shall be shown on the structural plans submitted with the ~~building~~Building permit application
   c. a licensed surveyor shall certify that the basement floor was constructed at the elevation specified on the approved structural plans as a precondition for issuance of the ~~certificate of occupancy~~Certificate of Occupancy.
4. Crawl spaces shall be permitted only where the ~~design water table~~Design Water Table is a minimum of three feet below the interior finished crawl space grade.
5. In cases where the artificial lowering of the water table may interfere with established water supplies, water rights, and/or aquatic environments, the ~~County~~county may prohibit such lowering.

7-903 Erosion and Sediment Control

A. If the plans for development ~~entail~~ have the potential to cause erosion, a soil erosion and sedimentation plan shall be submitted for the ~~County~~county's review and acceptance.
B. The plan shall include good engineering, hydrologic, soil restoration and revegetation and pollution control practices as outlined in the County's Storm Drainage Criteria Manual, Urban Storm Drainage Criteria Manual, Volume 3 – Best Management Practices, or the Colorado Department of Transportation's Water Quality Control standards.
C. Installation of erosion and sediment control measures is required prior to beginning construction, and may be required to be maintained post-construction, as necessary.
D. Financial guarantees may be required if deemed necessary to secure performance and may include provisions for enforcement of both the permanent and temporary erosion and sediment control facilities.

7-904 ~~Stormwater~~Stormwater Quality Management Permit Requirements

A. ~~Purpose/Intent~~ The purpose and intent of this section is to protect and enhance the water quality of Boulder County's ~~watercourse~~Watercourses and waters of the state; comply with and implement the Clean Water Act, the Colorado Water Quality Control Act including the state Water Quality Control Division's ("WQCD") Colorado Discharge Permit System ("CDPS") ~~Stormwater~~Stormwater Management Program, and related ~~County~~county water quality and land use authority; and provide for the health, safety, and welfare of Boulder County citizens by controlling the discharge of ~~construction activity~~Construction Activity generated ~~stormwater~~Stormwater to the municipal/county

separate storm sewer system (MS4) from within the ~~County~~county's unincorporated Urbanized Area (or such other permit area as may be as authorized under the ~~County~~county's CDPS General Permit issued by the state WQCD), and to state waters located within or flowing from the unincorporated ~~County~~county generally. The objectives of this section are therefore to:

1. Regulate the contribution of ~~stormwater~~Stormwater-conveyed ~~pollutant~~Pollutants to the MS4 (under the ~~County~~county's CDPS General permit), and more broadly to state waters located within or flowing from the unincorporated ~~County~~county, generated from ~~construction activity~~Construction Activity and development;
2. Reduce ~~pollutant~~Pollutants in ~~stormwater~~Stormwater discharges from ~~construction activity~~Construction Activity by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth or land;
3. Require the installation of temporary and permanent ~~stormwater~~Stormwater ~~runoff~~Runoff controls and ~~best management practices~~Best Management Practices ("BMPs") to prevent the deterioration of water quality related to ~~stormwater~~Stormwater discharges from construction activities and sites;
4. Provide reliable mechanisms to assure the effective, ongoing maintenance of required permanent BMPs;
5. Maintain structural ~~stormwater~~Stormwater control facilities and nonstructural ~~stormwater~~Stormwater management practices so that they continue to function as designed and do not threaten public safety;
6. Establish procedures for monitoring, inspection, and enforcement as necessary to ensure compliance with ~~County~~county ~~stormwater~~Stormwater regulations; and
7. Facilitate compliance with water quality-related state and federal standards and permits.

B. This section applies to all ~~stormwater~~Stormwater entering the ~~County~~county's MS4 ~~storm drainage system~~Storm Drainage System, and other waters of the state located within or flowing from unincorporated Boulder County, generated from ~~construction activity~~Construction Activity on any developed or undeveloped lands within the unincorporated ~~County~~county, as provided by this section, unless exempted.

C. Responsibility for Administration
   1. The County Engineer shall administer, implement, and enforce the provisions of this section.

D. Requirements for ~~Stormwater~~Stormwater Quality Permit; Limited Permit Exemptions
   1. A ~~stormwater~~Stormwater quality permit from the County Engineer is required for ~~construction activity~~Construction Activity resulting in the following total Disturbed Area~~disturbed area~~:
      a. One acre or more; or
      b. Less than one acre if ~~construction activity~~Construction Activity is part of a larger common plan of development, even if multiple, separate and distinct land development activities may take place at different times on different schedules, so long as the common plan will ultimately disturb one acre or more.

2. The County Engineer may require a ~~stormwater~~Stormwater quality permit regardless of the size of the total Disturbed Area~~disturbed area~~, in conjunction with approval of a final ~~subdivision~~Subdivision ~~plat~~Plat, special use permit, or other site-~~-~~specific development plan under this Code, or if the ~~construction activity~~Construction Activity is ~~adjacent~~Adjacent to a ~~watercourse~~Watercourse or wetlands.
3. Agricultural land management activities, except point source discharges subject to National Pollutant Discharge Elimination System ("NPDES") or CDPS ~~stormwater~~Stormwater permitting requirements, are exempt from this section.
4. A Special Review permit authorizing ~~oil and gas operation~~Oil and Gas Operations subject to a ~~stormwater~~Stormwater control plan approved under ~~Article~~ 12-700 or 12-701 of this Code shall be considered the equivalent of a County Engineer ~~stormwater~~Stormwater quality under ~~this Article~~ 7-904 and a separate permit application under ~~this Article~~ 7-904 for such operations shall not be required.~~.~~

E. Application Requirements
1. Applications for ~~stormwater~~Stormwater quality permits shall be filed on a form prescribed by the County Engineer. A complete application shall include:
   a. Signature by the landowner or the owner's authorized representative, and identification of the ~~operator~~Operator and other ~~person~~Persons responsible for compliance with the permit. The County Engineer shall have the discretion to require that ~~person~~Persons identified as ~~operator~~Operators, or other ~~person~~Persons who are known at the time of application as being responsible for implementation of any approved permit, sign the application as ~~applicant~~Applicants.
   b. Documentation of an application for a Colorado Department of Public Health and Environment ("CDPHE") ~~stormwater~~Stormwater general permit for construction.
   c. A ~~Stormwater~~Stormwater Management Plan ("SWMP") including but not limited to the following:
      (i) Best Management Practices ("BMPs") to be installed on a temporary basis as necessary to control ~~stormwater~~Stormwater discharges from the construction site both prior to and during construction;
      (ii) A site plan or plans depicting the affected site(s) in sufficient detail to show significant site features (natural and manmade), areas proposed to be disturbed and developed, existing ~~easement~~Easement areas and restricted development areas, and locations of proposed temporary BMPs; and
      (iii) Identification of any affected MS4 or waters of the state anticipated to receive ~~stormwater~~Stormwater discharge from the site.
   d. For ~~construction activity~~Construction Activity within the Urbanized Area, a final drainage plan including a narrative describing proposed permanent BMPs and methods for their perpetual maintenance, identification of the parties responsible for perpetual maintenance of proposed permanent BMPs, a site plan showing locations of the proposed permanent BMPs, and, as required by the County Engineer, engineered drawings or design schematics for proposed permanent BMPs.

e. All BMPs designed to meet the requirements of this section shall generally comply with the Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual, Volume 3 – Best Management Practices; the Colorado Department of Transportation's ("CDOT") "Erosion Control and ~~Stormwater~~Stormwater Quality Guide," or any other alternative methodology, which is demonstrated to be effective and approved by the ~~County~~county.
f. All other information deemed necessary for the adequate processing of the application, as required in the discretion of the County Engineer.
g. Payment of a permit fee in an amount determined by the County Engineer as reasonably necessary to defray the costs of administering the ~~County~~county's ~~stormwater~~Stormwater quality program under this section.

F. Application Approval and Permit Requirements
1. Within ~~thirty (~~30~~)~~ working days after receipt of a complete ~~stormwater~~Stormwater quality permit application, the County Engineer shall make a decision on the submitted application. The County Engineer may extend the 30 days for a reasonable period of time if, during the review process of the complete application, the County Engineer discovers problems or deficiencies requiring additional information to be provided or a response from the ~~applicant~~Applicant or related agencies or interested parties. The County Engineer shall notify the ~~applicant~~Applicant in writing of any such extension and the problems or deficiencies involved, and shall attempt to make a decision as soon as reasonably possible after the initial 30 days. Failure of the County Engineer to issue a decision within the specified time period shall not result in the application being automatically approved as submitted, and the County Engineer shall retain jurisdiction to make a decision on the application at the soonest possible time.
2. If the County Engineer determines that insufficient information has been provided to make a decision on the application, or that the application as submitted cannot adequately reduce the discharge of ~~pollutant~~Pollutants to the maximum extent practicable and protect water quality, the County Engineer shall deny the application. If a permit is denied, the County Engineer shall notify the ~~applicant~~Applicant in writing of the grounds for denial, and if appropriate shall suggest corrective actions that may be taken to obtain a permit.
3. If the County Engineer determines that the application is adequate to reduce the discharge of ~~pollutant~~Pollutants to the maximum extent practicable and protect water quality, the County Engineer shall approve the application, and issue the ~~stormwater~~Stormwater quality permit, including any reasonable conditions to mitigate conditions specific to the site, provide for the adequate installation and maintenance of temporary and permanent BMPs, and allow for reasonable adjustments in required BMPs in response to changing or unanticipated conditions in the field. Any approved permit shall also contain the following standard operating requirements:
   a. The permittee must keep the accepted SWMP on site at all times and shall make the SWMP available for County Engineer inspection upon request.

b. The permittee shall provide timely installation and maintenance of all required temporary BMPs required in the SWMP. Nonfunctioning, damaged, or destroyed BMPs shall be repaired or restored immediately. All BMP maintenance, repair, and restoration work shall be documented on the accepted SWMP required to be kept on site and available for County Engineer inspection.
c. The responsibility to maintain and reconstruct or repair all BMPs, both temporary and permanent, shall run with the land and be binding on subsequent owners. Permanent BMPS, which shall be required for ~~construction activity~~Construction Activity in the Urbanized Area, shall be maintained in perpetuity.
d. The permittee shall inspect all temporary BMPs at least every 14 days and within 24 hours after any precipitation or snowmelt event that causes surface ~~runoff~~Runoff. An erosion control supervisor ("ECS") must conduct all BMP inspections and keep a detailed record of same, as part of the SWMP required to be kept on site and available for County Engineer inspection.
e. When the County Engineer deems it necessary for the reasonable implementation of this section, the County Engineer may require the provision of a financial guarantee to assure required performance under the permit.
    (i) The financial guarantee shall be in the form of an acceptable letter of credit with a banking institution in the State of Colorado, or a cash deposit.
    (ii) The amount of the financial guarantee may include warranty collateral to assure the performance of the required improvement for an appropriate period after completion or acceptance.
    (iii) The amount and term of the guarantee and provisions for its release shall be in the reasonable discretion of the County Engineer.
f. By accepting the issued permit, the permittee consents, both for itself and its successors in interest, to allow the County Engineer and associated ~~County~~county agents access to the property which is the subject of the permit, for purposes of inspecting compliance with the permit including its approved SWMP, approved final drainage plan, and all required BMPs, both temporary and permanent. County access may occur at any time for this purpose and without prior notice to the permittee, including the landowner, ~~operator~~Operator or any responsible party under the approved permit, so long as the permit is active or BMPs or other requirements under the permit are required to be met or maintained.
g. In instances where the County Engineer has reason to believe that an unannounced inspection is not necessary to assessing compliance, the County Engineer may provide prior notice of a forthcoming inspection to the permittee.
h. The County Engineer shall record any approved permit in the real property records of Boulder County, to provide notice to subsequent owners or ~~person~~Persons in interest of the requirements of the permit, of the ongoing obligation to maintain permanent BMPs, and of the County Engineer's right of entry for inspection and enforcement purposes under the permit without prior consent of the permittee (including the landowner, ~~operator~~Operator, or other responsible party under the approved permit). Recordation of a permit cover

sheet or of the permit itself, without all approved plans or attachments, shall be considered adequate notice of the full contents of the permit, so long as the material recorded indicates that the full permit file can be located in the official records of the County Engineer.

G. Changes to Issued Permit; Required Permit Amendments
   1. Upon receipt of a ~~stormwater~~Stormwater quality permit, the permittee may make ~~minor modification~~Minor Modifications to the SWMP and its approved temporary BMPs. To qualify as a minor change, the permittee must document that the change is necessary to provide equivalent water quality protection while still fulfilling the purposes of this section and not increasing adverse water quality impacts. The permittee shall promptly record all ~~minor modification~~Minor Modifications on the SWMP required to be kept on site and available for County Engineer inspection.
   2. Whenever there is a change to the accepted SWMP or any other aspect of an approved permit involving design, construction, operation, or maintenance which has the potential to cause a reduction in water quality protection or have a significant effect on hydrology or ~~stormwater~~Stormwater discharge from the project or site, this shall be considered a ~~substantial modification~~Substantial Modification to the approved permit, and may not proceed unless the County Engineer first approves an amendment to the permit filed and processed in accordance with the permit application procedures specified in this section, above. In the alternative, the permittee may request that the County Engineer determine whether a proposed change is minor or substantial in accordance with the considerations specified in this section. The County Engineer may impose reasonable terms and conditions on any approval of the proposed change as minor, to assure that the change is not substantial and otherwise complies with the issued permit and this section, which terms and conditions shall become part of the issued permit.

H. County Confirmation of Compliance with Issued Permits; Ongoing Requirements To Maintain Permanent BMPS
   1. Upon completion of the construction or development covered by a ~~stormwater~~Stormwater quality permit, the permittee shall request that the County Engineer perform a final inspection to confirm compliance with the accepted SWMP and all other requirements of the permit related to controlling ~~stormwater~~Stormwater and other construction site discharges prior to and during construction.
   2. If the approved permit requires the construction and maintenance of permanent BMPs, those BMPs must be installed at the time of final inspection, or an additional financial guarantee meeting the terms of ~~subsection~~ 7-904.F.3.e, above, must be provided, as required by the County Engineer, to assure such performance. The permittee must provide “as built” plans, certified by a Colorado licensed Professional Engineer, for any required permanent BMP within 30 days after BMP construction is completed or such other time period specified in the permit by the County Engineer.
      a. As a condition of approval of the permit and its required permanent BMPs, the permittee shall agree to maintain the BMPs to their design capacity in perpetuity,

unless the BMP facility is dedicated to and accepted by the ~~County~~county for ownership and maintenance.

b. The obligation to maintain permanent BMPs shall be memorialized on the ~~subdivision~~Subdivision ~~plat~~Plat, annexation ~~plat~~Plat, ~~development agreement~~Development Agreement, or other binding agreement or instrument in a form acceptable to the County Engineer, that shall be binding on all subsequent owners of the permanent ~~BMPS~~ BMPs and recorded in the office of the Boulder County Clerk and Recorder. Permanent BMPs included in a final drainage plan and as depicted in the submitted as-built plans must undergo ongoing inspections to document maintenance and repair needs and to ensure compliance with the requirements of the ongoing BMP maintenance agreement. Continuing permittee and owner (or other responsible party) consent for the County Engineer to enter the property or site to inspect permanent BMPs for required operation and maintenance, shall be considered to be provided as part of the ~~stormwater~~Stormwater quality permit issuance, as provided in ~~subsection~~ F.3~~.~~, above.

c. Any ~~person~~Person who transfers ownership of land on which BMPs are located or will be located, or who otherwise transfers ownership of BMPs or responsibility for the maintenance of BMPs to another ~~person~~Person or entity, shall provide written notice to the County Engineer within 30 days after such transfer and shall also provide clear written notice of the maintenance obligations associated with the BMPs to the new or additional owner prior to that transfer. Failure to provide proper notice will not absolve any ~~person~~Person from meeting the requirements of this section.

I. Enforcement and Penalties

1. Violation: It is unlawful for any ~~person~~Person to violate any provision of a ~~stormwater~~Stormwater quality permit or fail to comply with any of the requirements of this section. Any ~~person~~Person who violates any of the provisions of this section may be subject to one or more of the enforcement actions outlined below.
2. Enforcement: All personnel authorized by the County Engineer shall have the power to conduct inspections, give verbal direction, issue notices of violations, perform abatement actions, seek judicial permission and relief, and implement other enforcement actions under this section or as otherwise authorized by law.
3. Right of Entry ~~To~~ to Investigate Suspected or Known Violations: Whenever the County Engineer has reason to believe that there exists or is likely to exist any condition which constitutes a violation of this section, the County Engineer shall have the right to enter the subject property at any reasonable time to inspect and determine whether a violation exists.
   a. Consent for Entry, or Administrative Search Warrant, Required: Before entering any property, the County Engineer shall make a reasonable effort to locate the owner and obtain consent to enter. If such consent cannot be obtained, the County Engineer may seek entry by submitting a sworn affidavit to the proper court of jurisdiction, setting forth facts sufficient to support a reasonable belief that a violation exists or is likely to exist and that further investigation of the

property is thus warranted. Such request for entry may include the right for the County Engineer or its designees to set up devices on the property, conduct sampling, take photographs, or perform other investigations deemed reasonably necessary to investigate the alleged violation or assess the effect of any unauthorized erosion or discharges.

b. Consent for Entry, or Administrative Search Warrant, Not Required: Consent to enter or an administrative search (inspection) warrant shall not be required if entry is authorized under an existing ~~stormwater~~Stormwater quality permit or other prior authorization of the owner or permittee; to make observations from public property, other private property, or portions of the subject property that are open or accessible to the public or in which the owner otherwise lacks a reasonable expectation of privacy; or where the County Engineer deems an emergency situation to exist which imminently threatens the public health or safety.

4. Notice of Violation: If the County Engineer determines that a violation of this section exists and exercises discretion to pursue enforcement, the County Engineer shall provide written notice, in letter or electronic form, to the property owner of record, and to any known permittee or ~~operator~~Operator if different from the owner. The notice shall describe the alleged violation, the steps required to abate the violation, and a reasonable timetable for compliance.
5. Stop Work Order: The County Engineer may also, in writing sent to or served on the property owner and/~~-~~or permittee or ~~operator~~Operator, order that the activity constituting a violation be stopped until further notice from the County Engineer. If the owner and/or ~~operator~~Operator or permittee cannot be located, the notice to stop shall be posted in a conspicuous place upon the area where the activity is occurring and shall state the nature of the violation. It shall be unlawful for any owner and/or ~~operator~~Operator or permittee to fail to comply with a stop work order.
6. Judicial Enforcement Remedies Generally: If compliance is not timely achieved, the County Engineer or Boulder County Sheriff, as applicable, may enforce this section in any court of competent jurisdiction, seeking civil or criminal remedies, as appropriate, and relying on any applicable legal enforcement authority, including but not necessarily limited to county zoning regulatory enforcement under C.R.S. Sections 30-28-124 and 30-28-124.5; county ~~building~~Building code enforcement under C.R.S. Section 30-28-209; and county ordinance enforcement under Part 4 of Article 15 of Title 30, C.R.S. In addition, any condition caused or permitted to exist in violation of this section is a threat to public health, safety, and welfare, and is declared and deemed a public nuisance, with any court of competent jurisdiction empowered to enjoin such violations upon proof thereof~~-~~. In any such action the ~~County~~county may recover its costs and attorneys' fees, and collect applicable penalty assessments, as authorized by law.
7. Judicial and Penalty Assessment Enforcement Remedies under County Ordinance Powers (C.R.S. Sections 30-15-402-410, including the simplified county court procedures of Part 1 of Article 2 of Title 16, C.R.S., and the penalty assessment provisions of C.R.S. Sections 16-2-201 and 18-1.3-503): Any ~~person~~Person who

violates a county ordinance adopted pursuant to Part 4 of Article 15 of Title 30, C.R.S., commits a class 2 petty offense under state law which shall be punished by a fine of not more than one thousand dollars for each separate violation. Each day that a violation is proven to exist may be considered a separate offense. Under this authority, the Board of County Commissioners adopts the following graduated fine schedule: $500 for the first violation, and $1,000 for the second or repeat violations. Pursuant to C.R.S. Section 16-2-201, the arresting officer may give the violator a penalty assessment notice, or a summons and complaint may be issued pursuant to the simplified county court procedures of Part 1 of Article 2 of Title 16, C.R.S. The County Engineer and official designees are hereby designated to enforce the ordinance provisions of this section as authorized in C.R.S. Section 30-15- 402.5, and the Boulder County Sheriff is empowered to enforce county ordinance provisions under C.R.S. Section 30-15- 410.

8. Administrative Remedy of Abatement of County Ordinance Violation under C.R.S. Section 30-15-401(11): Any violation that the County Engineer determines is part of the ~~County~~county's ~~stormwater~~Stormwater quality management program required by the ~~County~~county's Municipal Separate Storm Sewer System (MS4) CDPS General Permit issued by the state WQCD, and that the owner, ~~operator~~Operator or permittee fails to abate following notice of violation provided as required under this section, may be administratively abated by the ~~County~~county in accordance with C.R.S. Section 30-15-401(11), as incorporated herein. The following provisions shall govern such proceeding:
    a. The County Engineer shall seek an administrative entry and abatement (seizure) warrant from the county or district court having jurisdiction over the property from which the violation is to be abated, which the court shall issue upon the County Engineer's presentation of this section (which has been adopted as a C.R.S. Section 30-15-401(11) ordinance); a sworn or affirmed affidavit stating the factual basis for the warrant; evidence that the property owner has received notice of the alleged violation and has failed to abate the condition within the reasonable prescribed period; a general description of the location of the subject property; and a general list of corrective action needed.
    b. Within ~~ten (~~10~~)~~ days after the date of issuance of the administrative entry and abatement (seizure) warrant, the County Engineer shall execute the warrant in accordance with the directions by the issuing court; provide or mail a copy of the warrant to the property owner; and submit proof to the court of execution of the warrant, including a written inventory of any property impounded by the County Engineer.
    c. Upon completion of these requirements, the County Engineer may assess the reasonable cost of the abatement, including five percent for inspection and other incidental costs in connection with the abatement, upon the subject property, by recording a notice of such assessment with the Boulder County Clerk and Recorder. The notice shall specify the basis for and amount of the assessment, and a reasonable time within which the assessment must be paid

to the ~~County~~county, which generally shall be within ~~thirty (~~30~~)~~ days unless the County Engineer determines a longer or shorter payment period is reasonable.

d. Once recorded, the assessment notice shall be a lien against the subject property until paid, and shall have priority based upon the date of recording. If the assessment is not paid within the time specified in the notice, the Boulder County Clerk and Recorder, upon request of the County Engineer or other responsible ~~County~~county official, may certify that fact to the Boulder County Treasurer, who shall collect the assessment, together with a ~~ten (~~10~~)~~ percent penalty for the cost of collection, in the same manner as taxes are collected. State law for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of the assessment authorized in this section.

9. Remedies Not Exclusive: The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law, and the exercise of any remedy specified herein shall not necessarily prejudice the pursuit of other listed remedies. It is within the discretion of the County Engineer to seek cumulative remedies.

J. Administrative Appeals

1. Any ~~person~~Person aggrieved by the inability to obtain a ~~stormwater~~Stormwater quality permit under this section, or by the County Engineer's final decision on an issued permit or interpretation of the provisions of this section, may file an administrative appeal with the Board of County Commissioners. An appeal must be filed in writing with and received by the County Engineer no later ~~thirty~~ ~~(~~30~~)~~ days after the final action or decision being appealed. Upon receipt of an appeal authorized in this section, the County Engineer shall schedule a public hearing before the Board of County Commissioners on the appeal at the soonest time practicable, considering the Board's schedule, staff time needed to prepare a presentation on the appeal, the issues presented in the appeal, and timing concerns of the appellant.
2. Notice of a Board of County Commissioners' hearing on the appeal shall be published in a newspaper of general circulation within the ~~County~~county, and provided to the appellant, no later than ~~fourteen (~~14~~)~~ days prior to the hearing.
3. At the hearing, the Board shall consider the documents and testimony presented by the appellant and its representatives, the County Engineer, any other involved ~~County~~county staff, and any interested members of the public. The Board shall make a decision based on the entire record before it, either affirming in whole or in part, or overturning, the decision of the County Engineer. The Board's decision shall be considered final upon the Board's adoption of a written resolution memorializing its decision at the public hearing.

K. Related Provisions

1. In addition to requirements in this section, ~~stormwater~~Stormwater quality and discharge of ~~pollutant~~Pollutants into the ~~municipal separate storm sewer system~~Municipal Separate Storm Sewer System (MS4, or ~~County~~county storm drain system) are subject to regulation under Boulder County Public Health's Ordinance

2012-4, “An Ordinance Concerning Illicit Discharge and ~~Stormwater~~Stormwater Quality.”

2. Other permits or approvals under this Code, and related regulations of the ~~County~~county, such as those of the Public Works Department and ~~County~~ Public Health, may be necessary before construction or development can commence.

7-1000 Water Supply Ditches

A. An ~~easement~~Easement must be ~~plat~~Platted for any existing ditch or lateral.

B. The following provisions shall be required for the handling of ~~irrigation ditch~~Irrigation Ditches traversing areas proposed to be subdivided for development.

1. Existing ditches must be accurately located on the ~~plat~~Plat by appropriate survey data. The ~~preliminary plan~~Preliminary Plan must show the top of ditch banks relative to ~~easement~~Easement limits proposed.
2. The written approval of the ditch owner or representative may be required for any proposed modifications of a ditch at the ~~sketch plan~~Sketch Plan and ~~preliminary plan~~Preliminary Plan phases of the ~~subdivision~~Subdivision process. Written approval of final plans for such uses shall be required for ~~final plat~~Final Plat approval.
3. Where the County Engineer determines that extraordinary requirements are proposed by a ditch company as conditions of ~~subdivision~~Subdivision approval, the County Engineer may recommend that the Board of County Commissioners approve other requirements.
4. ~~Irrigation ditch~~Irrigation Ditches are not to be realigned unless expressly approved by the Division Engineer and then the realignment is to be in a manner approved by the ditch owner and the County Engineer.
    a. Ditch realignments shall be referred to the Soil Conservation Service for review and comment during review of the ~~preliminary plan~~Preliminary Plan.
5. Prior to county acceptance of any ~~public improvement~~Public Improvement located within the ditch ~~easement~~Easement, the ~~applicant~~Applicant shall provide a certificate of clearance from the appropriate official of the ditch company to the effect that all work required as a condition of ~~plat~~Plat approval has been satisfactorily performed.
6. Road crossings over a public water course or ditch shall be bridged or culverted in a manner consistent with the ~~County~~county's requirements, standards, and specifications and in accordance with the hydraulic requirements of the ditch company.
    a. The ditch company shall be consulted regarding all proposed ditch crossings and written consent of the ditch company may be required by the County Engineer for such crossings.
7. The ditch ~~easement~~Easement shall extend the length of the ditch through the subject property and the size of the ditch ~~easement~~Easement shall be based on the following:
    a. The minimum ditch ~~easement~~Easement shall be the area between the ditch banks, as measured between the top of each ditch bank plus 15 feet on one side

of the ditch and five feet on the other side of the ditch to provide for vehicular access and maintenance activities.

(i) The side with 15 feet is to be such that continuous vehicular access along the length of the ditch can be provided.

(ii) The top of the ditch is considered to be the lowest point, as measured at any cross-section, at which water could not overflow.

b. Additional ~~easement~~Easement width may be required where the ditch company can demonstrate the legal right for the additional width in order to continue the historic maintenance and/or use of the ditch.

c. Additional ~~easement~~Easement width may be required where there is a dedication of land paralleling the ditch ~~easement~~Easement for a needed public purpose.

d. Except where otherwise provided, the ditch ~~easement~~Easement shall be an exclusive ~~easement~~Easement for the use of the ditch company. Exceptions to an exclusive ~~easement~~Easement will be at ~~road~~Road ~~rights-of-way~~Rights-Of-Way, along trails or bikeways and where drainage and other utility ~~easement~~Easements are overlapping.

8. Not-withstanding the width of the ditch ~~easement~~Easement proposed by the developer, within the specifications of this Section, or approved by the Board of County Commissioners, the ditch company may have rights to an ~~easement~~Easement or ~~right-of-way~~Right-Of-Way which is larger in size either under the rules of adverse possession and prescription, or under applicable state or federal law existing at the time the ditch was constructed. Activities of the ~~County~~county or subdivider are not intended to annul or abridge these rights.
9. Unless otherwise approved by the County Engineer and the applicable ditch company, ditches are not intended to be used as drainage facilities.
10. If the Board determines the existence of a ditch through a proposed development may result in improper use of that ditch for recreational purposes by residents of the development, then the developer may be required by the Board to take protective measures.

7-1100 Fire Protection

A. It is the intent of Boulder County to work with the Fire Protection Districts and Fire Departments in the ~~County~~county to assure the highest level of fire protection service that is available and reasonable.

B. To work towards a reasonable level of fire protection the following requirements apply:
   1. Where a central water system is provided, fire hydrants shall be provided in all developments and shall be separated by no more than 600 feet. No ~~dwelling~~Dwelling shall be more than 300 feet from the nearest hydrant.
   2. Fire-fighting water sources for the proposed development shall meet the requirements set forth in the National Fire Protection Association, National Fire Code, or the specific fire code regulations as jointly adopted by Fire Protection Districts and the Board.

3. In areas that cannot meet the distance and time requirements a local water source shall be provided. The source may be either a lake or pond with an all weather access or a cistern. Cisterns shall be connected to a water source in such a manner that they will be constantly maintained at full available capacity.
4. Capacity of cisterns shall be based on the requirements set forth in the National Fire Code, as cited in ~~Section~~ 7-1100.~~(~~B.~~)~~~~(2)~~, above.
5. Cisterns or other similar systems will not be allowed without an adequate backup water supply source.
6. Storage systems that require recharging by hauling of water will not be permitted unless there is no suitable alternative and binding provisions are made for recharging.
7. Written approval from the applicable fire agency is required if on-site storage is to be waived.
8. When fire protection facilities are to be installed by the developer, such facilities including all surface access roads shall be installed and made serviceable prior to and during the time of construction.
9. Subdivision agreements or other documents shall provide for continued maintenance of fire protection systems and means of enforcement by Boulder County.

C. Fire Hazard Areas
1. Additional fire precaution measures may be required because of fire hazard in the following areas:
   a. areas rated as fire hazards by the State of Colorado Forest Service;
   b. where slopes in or ~~adjacent~~Adjacent to proposed developments are in excess of 20%; or
   c. where the local fire protection agency identifies a specific fire danger.
2. In these areas all slash (fallen trees, shrubs, pulled stumps, and other combustible materials) may be required to be disposed of from an area extending to at least 150 feet from the ~~road~~Road centerline prior to the acceptance of any roads.
3. All slash must also be removed from the vicinity of the home sites prior to final ~~building~~Building inspection.
4. A forest management program for the reduction of wildfire danger may be required, including provisions for continuous proper forest management to maintain a low wildfire danger.
5. The Board may require other mitigation efforts as conditions of final approval where there is the determination that these efforts will reduce the recognized fire hazard.
6. A development proposal shall be referred to the appropriate fire protection experts as part of the development review process.

7-1200 Utility Location

A. Utilities include, but are not limited to water, sewer, gas, electric power, telephone and cable television.
B. The following shall apply to the location of utility services.

1. All utility facilities shall be located underground throughout the development except in situations or locations where undue hardship result from compliance with this requirement and the overriding intent of this Code has been demonstrated. All utility lines, including ~~appurtenances~~Appurtenances, shall be placed either within public ~~road~~Road ~~rightsof-way~~Rights-Of-Way or within the ~~subdivision~~Subdivision ~~easement~~Easements or ~~rights-of-way~~Rights-Of-Way provided for the particular facilities in accordance with the approved utility service plan.
2. Easements shall be free from conflicting legal encumbrances, avoid unnecessary removal of trees or excessive excavations, and be reasonably free from physical obstructions.
    a. Easements centered on common rear ~~lot line~~Lot Lines shall be at least 16 feet wide.
    b. Where an ~~easement~~Easement abuts a rear ~~lot line~~Lot Line which is not the rear ~~lot line~~Lot Line of another lot, or which is on the perimeter of the development, the ~~easement~~Easement width shall be 10 feet or more.
    c. Where ~~easement~~Easements are combined with a water course, drainage way, channel, or stream, an additional utility ~~easement~~Easement of at least 10 feet in width shall be provided if the use would be in conflict with drainage requirements or wetlands.
    d. Multiple use of a given ~~easement~~Easement is encouraged to minimize ~~easement~~Easements.
    e. Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear ~~lot line~~Lot Lines, perpetual unobstructed ~~easement~~Easements at least 10 feet in width shall be provided along side ~~lot line~~Lot Lines with satisfactory access to the ~~road~~Road or rear ~~lot line~~Lot Lines. Easements shall be indicated on the ~~plat~~Plat.
3. In all cases, the ~~applicant~~Applicant shall work with the utility companies to provide reasonably sized ~~easement~~Easements in appropriate locations.

C. The ~~final plat~~Final Plat shall note all ~~easement~~Easements.
1. Ditch ~~easement~~Easements shall, in general, be dedicated to the ditch company.
2. Public utility ~~easement~~Easements, drainage ~~easement~~Easements, etc., including all ~~easement~~Easements that are for the benefit of the public, unless otherwise indicated on the ~~plat~~Plat, shall be dedicated to Boulder County.
    a. These ~~easement~~Easements are the property of Boulder County.
    b. The ~~County~~county shall act as custodian of the ~~easement~~Easements and may limit the use of such ~~easement~~Easements to the purposes indicated on the ~~plat~~Plat.
    c. The use or uses for each ~~easement~~Easement shall be designated on the ~~plat~~Plat to avoid use conflicts.
3. Permits for construction within the ~~easement~~Easements may be required by the Board of County Commissioners.
4. After review by public utilities, or other service providers, providing designated services to the area in and around the development, the Board of County

Commissioners may vacate ~~plat~~Platted ~~easement~~Easements after review of the vacation by the Planning Commission.

7-1300 Dedication Requirements

A. The Board of County Commissioners, after review by the Planning Commission, may require the dedication of sites and land areas within a development which are deemed necessary to serve the residents of that proposed ~~subdivision~~Subdivision or development.
B. In lieu of a dedication of sites and land areas, the Board of County Commissioners, after review by the Planning Commission and with advice from the potential receiving body, may require payment of a sum of money not exceeding the full ~~market value~~Market Value of such sites and land areas or combination of such land dedication and such payment.

7-1301 Dedicated Land

A. All dedicated lands shall be designated on the ~~final plat~~Final Plat as ~~outlot~~Outlots.
    1. Outlots shall be deeded to Boulder County or other appropriate agency at the time of recordation of the ~~final plat~~Final Plat.
    2. Disposition of the ~~outlot~~Outlots shall be shown on the face of the ~~final plat~~Final Plat.
B. Title insurance, acceptable to Boulder County, which is provided by a title insurance company authorized to do business in the State of Colorado, and a certificate of representations and warranties concerning title and usability of the property on a form provided by Boulder County shall be required at the time of recordation of the ~~final plat~~Final Plat.

7-1302 Required Transportation Dedications

A. The following shall be required for development.
    1. All transportation facilities, including but not limited to roads, streets, alleys, shared use pathways, or other public transportation ways located within the subject property, the benefit of which is to the current or future residents of the subject property, shall be dedicated as public ~~rights-of-way~~Rights-Of-Way unless specifically approved as private ~~rights-of-way~~Rights-Of-Way and so designated on the ~~plat~~Plat or exemption documents.
    2. In addition to any other dedication requirements of this Article, land shall be dedicated to Boulder County for ~~rights-of-way~~Rights-Of-Way for perimeter transportation facilities.
    3. Where, in the opinion of the County Engineer, a development will have an adverse impact on the Boulder County transportation system, the ~~applicant~~Applicant may be required by the Board to make necessary improvements to the impacted facilities as a condition of ~~plat~~Plat approval.
        a. The Board may establish a special area ~~road~~Road improvement fund applicable to impacted areas requiring improvement.

b. Any land being subdivided in one of these areas shall be required to make appropriate payment to the fund or establish the means for such payment through the ~~development agreement~~Development Agreement.

B. The following shall pertain to ~~road~~Road dedications and reservations.
   1. New perimeter street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is ~~adjacent~~Adjacent to a new ~~subdivision~~Subdivision, the other half of the street shall be improved and dedicated by the ~~subdivision~~Subdivision developer. The Board of County Commissioners may authorize a new perimeter street where the ~~subdivision~~Subdivision developer improves and dedicates the entire required street ~~right-of-way~~Right-Of-Way width entirely within the ~~subdivision~~Subdivision boundaries.
   2. When, due to topography, hazards or other design constraints, additional ~~road~~Road width is necessary to provide for the public safety by cut and/or ~~fill~~Fill area, drainage area or other ~~road~~Road ~~appurtenances~~Appurtenances along roads, then dedication or right-or-way in excess of the minimum standards shall be required.

C. Refer to the Transportation Standards for dedication details.

7-1303 Required Park Dedications

A. The following shall be required for subdivisions and exemptions.
   1. The standard for required park dedications is 25 acres per 1000 occupants for residential areas and/or up to three percent of the total land utilized for commercial, industrial, or other nonresidential areas.
   2. Where a trail alignment is required as a condition of approval, and where the total land set aside for such trail exceeds the required dedication amount, then the land designated as trail land shall be reserved for future acquisition by Boulder County.

B. Criteria for Park Dedications
   1. In determining which land areas are appropriate for dedication as parks, the Planning Commission and Board of County Commissioners shall consider the following criteria in requiring park dedications:
      a. The assurance of the continuity of open space links, trails, and other major components of the recreation system.
      b. The assurance that areas set aside for parklands have been examined for compliance with all regional plans, particularly the Boulder County policies and development statement for parks and recreation and the Boulder County Parks and Open Space Department capital development schedule.
      c. The assessment of the suitability of proposed land dedications for park, recreation and open space needs.
      d. The examination of the size, shape, topography, geology, presence and condition of ground cover and timber; condition of soil; drainage; location; access; and availability of water to lands proposed for park, and recreation uses.
      e. The assurance of the protection of natural and historical features, scenic vistas, watersheds, air quality, timber, and wildlife.

f. Parklands that are intended to be used for trail ~~rights-of-way~~Rights-Of-Way shall conform to the following additional criteria:
   (i) The land may be either set aside as a dedicated ~~easement~~Easement or as a deeded ~~outlot~~Outlot.
   (ii) The minimum width for such trail ~~easement~~Easement or ~~outlot~~Outlot shall be based on the particular reasonable needs of the trail, its location, the surrounding terrain, and the projected usage. In no instance shall the width be less ~~then~~ than 12 feet, and in all cases the ~~easement~~Easement shall be adequate width to handle the proposed uses.
   (iii) User safety shall be a primary consideration in locating a trail ~~easement~~Easement ~~adjacent~~Adjacent to collectors or arterial streets.
   (iv) There shall be provisions for public access to the trail ~~easement~~Easement within the subject property.
   (v) The trail ~~easement~~Easement may overlap and include property previously included in other ~~easement~~Easements such as ditch, canal, utility, or ~~conservation easement~~Conservation Easements; public or private open space; or other ~~easement~~Easement. However, no ~~easement~~Easement may compromise the functional use of any other ~~easement~~Easement.

g. Park land shall not be considered as part of the land set aside for open space or agricultural preservation as provided for PUD's or NUPUD's.

7-1304 Required School Dedications

A. The following shall be required for subdivisions and exemptions.
   1. Dedication requirements shall be 750 square feet of land per ~~dwelling unit~~Dwelling Unit for Single Unit Dwellings and 500 square feet per ~~dwelling unit~~Dwelling Unit for Multi-Unit Dwellings or other reasonable criteria approved by the specific school district and passed by Resolution of the Board of County Commissioners.
   2. When, after recommendation of the appropriate school district, dedication of all or portions of required school lands is not deemed feasible or in the public interest, the school district may recommend to the Board of County Commissioners one of the following options:
      a. Guarantee of future land dedication may be requested by the school district when dedication of all or portions of required school lands is not deemed feasible or in the public interest in a particular phase of development. In this case, the developer must submit a letter guaranteeing future dedication of land for school sites to the appropriate school district.
      b. Cash-in-lieu of land in accordance with this article.

B. Such dedication shall be a condition of approval by both the Planning Commission and the Board of County Commissioners.

7-1305 Other Required Dedications

A. The following shall be required for subdivisions and exemptions.
   1. The ~~applicant~~Applicant shall dedicate drainage ways, drainage basins, floodway areas, etc. as drainage ~~easement~~Easements as required by the Board.

2. Utility ~~easement~~Easements shall be set aside ~~so as~~ to provide areas for the provision of those utilities.
3. The ~~applicant~~Applicant may be required to dedicate or reserve suitable lands for sites for fire stations or other public safety facilities as may be reasonably required by the Board to protect the health, safety and welfare of the future residents of the proposal.

B. Such dedication shall be a condition of approval by both the Planning Commission and the Board of County Commissioners.

7-1306 Reservations

A. In addition to other public dedication requirements, the Board reserves the option to require that certain lands be reserved for schools or other public purposes listed in Article 7.
B. These lands are reserved for acquisition by Boulder County on a payment schedule established by the Board of County Commissioners which shall be based on the fair ~~market value~~Market Value at the time of purchase, as determined by the Boulder County Assessor, or another designated appraiser and accepted by the Board of County Commissioners.
C. Unless the Board approves some other time period, these lands shall be reserved for a period not to exceed five years.

7-1307 Cash-in-lieu

A. The ~~applicant~~Applicant, at the option of the Board after advice from the potential receiving body, may pay Boulder County cash-in-lieu of land dedication in those cases where the dedication of land is unacceptable.
   1. Payment shall be based on the ~~market value~~Market Value, to be determined after completion of the ~~plat~~Platting process, of the entire property as it is valued after ~~plat~~Platting.
   2. A proportionate amount of this value shall be assigned to any ~~parcel~~Parcels or properties requested by Boulder County for public use.
   3. If required, property values shall be established by appraisal, provided in the first instance by the ~~applicant~~Applicant, and accepted by the Board of County Commissioners.
   4. Minimum payment for cash-in-lieu of land dedication shall be $500 for any required dedication.
   5. Any payments shall be placed in designated Boulder County maintained interest bearing escrow accounts.
B. Combination of Dedication and Cash-in-lieu
   1. The ~~applicant~~Applicant, at the option of the Board after advice from the potential receiving body, may meet the dedication requirements of this Article 7 through a combination of cash-in-lieu and land dedication in those cases where a portion of the dedication of land is unacceptable.

2. The value of the combination of both the land dedication and the cash-in-lieu of land shall not exceed the full ~~market value~~Market Value of the total required dedication of sites and land areas.
3. Full ~~market value~~Market Value shall be established in accordance with the provisions of ~~Section~~ 7-1307.~~(~~A.~~)~~(1~~)~~, above.

7-1308 Release of Land or Cash

A. After final approval of a ~~subdivision~~Subdivision ~~plat~~Plat and receipt of dedications, the Board shall give written notification to the appropriate school districts and local government entities.
   1. Following such notice, a school district or local government entity may request the dedication for a use authorized by this section.
   2. After review by the Board the land or funds will be transferred to the appropriate school district or local government entity.

B. In the case of school and park sites: after completion of the ~~plat~~Platting it is determined the receiving body no longer finds a need for such land they may request that the Board sell the land.
   1. Prior to a sale, both the Planning Commission and the Parks ~~&~~and Open Space Advisory Committee shall review the action.
   2. Any moneys paid to the Board from the sale of such dedicated sites and land areas shall be held by the Board to be used for any of the following:
      a. the acquisition of reasonably necessary sites and land areas or for other capital outlay purposes for schools;
      b. the development of sites and land areas for park purposes; or
      c. growth-related planning functions by school districts for educational purposes.
   3. Such moneys shall be held and released in accordance with the processes established by ~~Section~~ 7-1307 of this Code.

C. Funds may be released to the appropriate school district or local government entity if the Board finds that the proposed use of the fund is compatible with the intent of the cash-in-lieu payment or sale of the land. At the time of release of funds, Boulder County shall retain a reasonable management fee for the holding and maintenance of such escrow accounts, provided that the management fee does not exceed the amount of interest generated by the account.

7-1400 Supplementary Requirements for Lots and Yards

7-1401 Supplementary Requirements for Lots

A. In measuring the minimum ~~lot area~~Lot Area one-half of the area of ~~adjacent~~Adjacent public ~~rights-of-way~~Rights-Of-Way may be included provided the measured public ~~rights-of-way~~Rights-Of-Way do not exceed ten percent of the total ~~lot area~~Lot Area.

B. In those instances where the ~~right of way~~Right-Of-Way has increased by acquisition of property on only one side of the original ~~right-of-way~~Right-Of-Way, the original centerline should be used to measure the original size of the property.

7-1402 Supplementary Requirements for Yards

A. Cornices, canopies, eaves or similar architectural features may extend two feet into a required ~~yard~~Yard.
B. Fire escapes may extend six feet into a required rear ~~yard~~Yard.

7-1403 Supplemental Requirements for Yards Along Major Roads

A. Existing Freeways, Expressways, Principal Arterials, Minor Arterials, and Collectors shall be designated on the Boulder County zoning maps.
B. Along these designated roads, the minimum ~~yard~~Yard requirements for all ~~structure~~Structures, with the exception of signs, shall be not less than either:
   1. the normal zoning district requirement~~,~~;
   2. the zoning district front ~~yard~~Yard requirement~~,~~; or
   3. the following distance from the centerline of the existing roadway:
      a. freeways, expressways 160 feet
      b. principal arterials 110 feet
      c. minor arterials 110 feet
      d. minor arterials in mountainous terrain 55 feet
      e. collectors not in mountainous terrain 90 feet

7-1500 Survey Monuments

A. All survey work shall, at a minimum, comply with the standards contained in C.R.S. 38-51-101 and 102 and this Code. All horizontal and vertical monuments shall be established by a Land Surveyor registered in the State of Colorado.
B. Permanent ~~plat~~Plat boundary monuments shall be set at locations approved by the County Engineer. In general, these include:
   1. Survey monuments for external boundaries of all ~~platted subdivision~~Platted Subdivisions shall be set not more than fourteen hundred feet apart along any straight boundary line; at all angle points; at the beginning, end, and points of change of direction or change of radius of any curved boundaries defined by circular arcs; and at the beginning and end of any spiral curve; and at all public land corners.
   2. Internal ~~subdivision~~Subdivision ~~survey monument~~ Survey Monuments shall be established at all ~~road~~Road centerline intersections; the center of radius for culs-de-sac; the ~~road~~Road centerline Point of Curvature's and Point of Tangent's of curves, or the Point of Intersection's of curves; and at the end of the centerline for dead-end streets.
   3. All monuments shall be solidly embedded in the ground. Affixed securely to the top of each monument shall be a durable cap bearing the Colorado registration number of the land surveyor responsible for the establishment of said monument.
   4. State plane coordinates are required to be furnished to the County Engineer for all ~~subdivision~~Subdivision boundary monuments that are within one mile of a first or second order monument.
C. At least one permanent benchmark shall be established in a new or ~~replat~~Replatted ~~subdivision~~Subdivision.

1. The benchmark shall be a domed brass cap firmly affixed to a permanent ~~structure~~Structure, i.e., a concrete bridge headwall, concrete irrigation ~~structure~~Structures, or other sizeable concrete masses. The cap can also be set in a solid rock formation or in the ground in a ~~6~~ six-inch diameter, 36-inch deep concrete monument. The cap is not to be set in sidewalks, curbs, driveways, streets, utility poles or trees.
2. The benchmark shall be located with at least ~~3~~ three horizontal ties shown on the ~~plat~~Plat.
3. The elevation and the datum used to establish the benchmark shall be recorded on the ~~plat~~Plat and submitted to the County Engineer.
4. The elevation datum of the benchmark shall be surveyed from United States Geological Survey, Bureau of Land Management, or Boulder County Floodplain monuments.

7-1600 Outdoor Lighting

A. Purpose and Intent
   1. It is the intent of this Section to define practical and effective measures by which the obtrusive aspects of outdoor light use can be minimized while preserving safety, security, and the nighttime use and enjoyment of property. These measures will curtail the degradation of the nighttime visual environment by encouraging lighting practices that direct appropriate amounts of light where and when it is needed, increasing the use of energy efficient sources, and decreasing the waste of light and the generation of ~~glare~~Glare resulting from poorly shielded or inappropriately directed lighting fixtures.

B. Applicability
   1. **New Uses, Buildings and Major Additions or Modifications.** For all proposed new land uses, developments, ~~building~~Buildings, and ~~structure~~Structures that require a ~~building~~Building permit, or site plan review, all outdoor lighting fixtures shall meet the requirements of this Code.
   2. Any new lighting shall meet the requirements of this Section with regard to shielding.
   3. If a property or use with nonconforming lighting is abandoned as defined in Section 4-1000, then all outdoor lighting shall be reviewed and brought into compliance with this Code before a new use is approved.
   4. Exemptions
      a. Lighting for public roadways is exempt from the provisions of this Code.
      b. Lighting in historic districts may be exempted from these regulations.
      c. Seasonal decorations using typical unshielded low-wattage incandescent lamps shall be permitted.

C. Shielding
   1. Any lamp installed must be shielded such that the light is projected below the horizontal plane created by the shield.

2. **Effective Shielding Standard.** All light fixtures shall be installed and maintained in such a manner that the shielding is effective as described in the definition in ~~Article~~ 18 –162A for fully shielded fixtures.
3. **Light Trespass Standard.** Beyond the shielding requirements of ~~Section~~ C.1 above, all light fixtures shall be located, aimed or shielded so as to minimize stray light trespassing across property boundaries.

D. Specific Uses~~.~~
1. Outdoor Display Lots and Parking Lots~~.~~
   a. Lighting sources shall be mounted no more than 12 feet above finished grade.
   b. Fully shielded lighting is required.
2. Service Station Canopies~~.~~
   a. All luminaries mounted on or recessed into the lower surface of service station canopies shall be fully shielded and utilize flat lenses.
   b. Total Under-Canopy Output: The total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed 20 lumens per square foot of canopy. All lighting mounted under the canopy, including but not limited to luminaries mounted on the lower surface or recessed into the lower surface of the canopy and any lighting within signage or illuminated panels over the pumps, is to be included toward the total at full initial lumen output.

E. Submission of Plans and Evidence of Compliance
1. The ~~applicant~~Applicant shall submit, as part of the application for a ~~building~~Building permit, evidence that the proposed work will comply with this Code. The submission shall contain but shall not necessarily be limited to the following:
   a. plans indicating the location on the premises of all lighting fixtures, both proposed and any already existing on the site;
   b. description of all lighting fixtures, both proposed and existing. The description may include, but is not limited to, catalog cut sheets and illustrations by manufacturers; and
   c. photometric data, such as that furnished by manufacturers, or similar showing the angle of cut off of light emissions.

F. Approved Materials and Methods of Construction or Installation/Operation
1. The provisions of this Code are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed by this Code, provided any such alternative has been approved by the Community Planning ~~&~~and Permitting Department. The alternative may be approved with a finding that it:
   a. provides at least approximate equivalence to those applicable specific requirements of this Code; or
   b. is otherwise satisfactory and complies with the intent of this Code.

G. Prohibitions~~.~~
1. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal plane, is prohibited.
2. The private operation of ~~searchlight~~Searchlights is prohibited.

H. Temporary Exemption~~.~~

1. Any ~~person~~Person may submit a request to the Community Planning ~~&~~and Permitting Department for a temporary exemption. The request shall contain the following information:
    a. specific Code exemption(s) requested;
    b. duration of requested exemption(s);
    c. proposed location on premises of the proposed light fixture(s);
    d. purpose of proposed lighting;
    e. information for each fixture as required in ~~Section~~ E.1; and
    f. previous temporary exemptions, if any, and addresses of premises thereunder.~~;~~

I. Other Exemptions
    1. Nonconformance
        a. All other ~~outdoor light fixture~~Outdoor Light Fixtures lawfully installed prior to and operable on August 5, 2003, of this amendment are exempt from the requirements of ~~Article~~ 7-1600. There shall be no change requiring the issuance of a ~~building~~Building permit without conforming to all applicable requirements of this Code.
        b. Emergency lighting used by police, firefighting, or medical personnel, or at their direction, is exempt from all requirements of this code for as long as the emergency exists.
        c. **Swimming Pool and Fountain Lighting.** Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and shielding standards of ~~Section~~ 7-1600.C, though it must conform to all other provisions of this code.

7-1700 Wildlife Impacts

A. Unless exempted pursuant to ~~Subsection~~ (I), below, all land use development applications which require a ~~development report~~Development Report under ~~Article~~ 3-203.~~(F)~~ of this Code (subdivisions, PUDs, special review and limited impact special review approvals, rezonings, and exemptions), shall be required to include a wildlife impact report as provided herein, prepared by a wildlife expert approved by the Boulder County Parks ~~&~~and Open Space Department, and retained by the ~~applicant~~Applicant, whenever the property which is the subject of the application meets any one of the following criteria:
    1. Is located within a Critical Wildlife Habitat, a Significant Natural Community, or a Riparian Corridor, as designated on the adopted Environmental Resources maps of the Boulder County Comprehensive Plan.
    2. Is located within a Natural Area or Natural Landmark listed in the Environmental Resources Element of the Boulder County Comprehensive Plan and mapped in the Boulder County Zoning Maps.
    3. Is located within a Boulder Valley Natural Ecosystem as designated on the adopted Boulder Valley Natural Ecosystems Map of the Boulder Valley Comprehensive Plan.
    4. Is located within a Critical Parcel Candidate Land as designated in the official records of the Front Range Backdrop Project as maintained in the Boulder County Community Planning ~~&~~and Permitting Department.

5. Is located within any critical habitat for state- or federally-designated threatened or endangered species as shown on any maps adopted under the critical wildlife habitat provisions of Article 8 of this Code.
6. Is determined by the Boulder County Parks ~~&~~and Open Space Department to serve as significant habitat for any of the listed "Species of Special Concern in Boulder County" (1994 adopted list, as it may be duly updated from time to time).
7. Is determined by the Boulder County Parks ~~&~~and Open Space Department to serve as significant habitat for any of the species on the Colorado Division of Wildlife's "Colorado Listing of Endangered and Threatened Wildlife Species and Species of Special Concern" (May 15, 1998 adopted list, as it may be duly updated from time to time).
8. Is determined by the Boulder County Parks ~~&~~and Open Space Department to serve as significant habitat for the black-tailed prairie dog (Cynomys ludovicianus), with reference to any published maps of Boulder County Public Health, the Colorado Division of Wildlife, or other such competent information source.
9. The wildlife species listed in ~~subsections~~ (6), (7), and (8) directly above shall hereafter be referred to as "Species of Special County Concern" with respect to the subject land development proposals.

B. The required wildlife impact report shall include an inventory of any Species of Special County Concern that are found on the subject property; an assessment of the property's status as significant habitat for any Species of Special County Concern; an assessment of the proposed development's impact on any Species of Special County Concern found on the subject property, and on the property's status as significant habitat for any Species of Special County Concern; a review of possible mitigation measures to reduce or alleviate any material negative impact on such Species of Special County Concern or on the property's status as significant habitat for any Species of Special County Concern; and a recommendation regarding whether the proposal can proceed without causing material adverse impact on a Species of Special County Concern or its significant habitat, and, if so, on what basis the proposal can avoid such impact.

C. The Board, in reviewing development proposals required to submit a wildlife impact report hereunder, shall have the discretion to deny proposals which the Board determines will have a material adverse impact on a Species of Special County Concern, or may materially and adversely impact habitat which is determined to be significant for such Species. In the alternative, if the Board determines it to be reasonable under the facts of the particular application, the Board may require mitigation measures to protect the Species of Special County Concern or its significant habitat on the subject property.

D. Mitigation measures may include, but shall not necessarily be limited to: avoidance of the area of Species of Special County Concern's significant habitat; construction of berms, landscaping, or other physical devices to protect the Species of Special County Concern or its significant habitat from material harm by the proposed development; relocation of all or part of the Species of Special County Concern to another suitable property; acquisition of other property to provide replacement habitat of a comparable

quantity and quality to that being impaired; donation of a ~~conservation easement~~Conservation Easement to the ~~County~~county if warranted to assure adequate preservation and management of a Species of Special County Concern or its significant habitat; or a combination of these or other reasonable measures.

E. The Board may determine the appropriate mitigation measures considering the required wildlife impact report, the advice of other professionals or consultants in the field, and the advice of the Boulder County Parks &and Open Space Department, all based on accepted biological knowledge and the particular circumstances and impacts of the proposed development. These circumstances may include but are not limited to the prevalence of the Species of Special County Concern in the general area of the development and in the ~~County~~county as a whole; the prevalence of predator species in the general area of the development; the relationship of the affected property to Environmental Conservation Areas identified on the Boulder County Comprehensive Plan and similar ecological areas identified in other Comprehensive Plan or in intergovernmental agreements to which the ~~County~~county is a party; and other relevant ecological and biological factors.

F. As used in ~~this Article~~ 7-1700, "significant habitat" means an area or property which contains a Species of Special County Concern, or which has a high potential to serve as significant habitat for such Species based on the ecological, biological, or physical characteristics of the property as well as on the property's proximity or relationship to other known locations of the Species or to other significant habitat for the Species.

G. Unless the Community Planning &and Permitting Director determines that a longer period is necessary due to such factors as seasonal considerations, scope of the required report, or work demands of an approved wildlife expert, an ~~applicant~~Applicant can generally expect that a required wildlife impact report will be completed within 45 days after a request for such report.

H. Existing expert wildlife impact reports may be used to satisfy, in whole or in part, the wildlife impact report requirement of ~~this Article~~ 7-1700, provided the Boulder County Parks &and Open Space Department determines that such existing report is adequate for this purpose, considering such factors as the existing report's date and scope and the nature of the development proposed in the application.

I. The Community Planning &and Permitting Director may exempt any of the following, otherwise covered applications from the foregoing wildlife impact report requirement:
    1. Subdivision ~~exemption~~ Exemption applications proposing a change or development which can be reasonably determined at the pre-application stage to have no material impact on a Species of Special County Concern or significant habitat for such Species (such as a minor boundary line adjustment to resolve an existing structural encroachment).
    2. Applications where the subject property is encumbered by a ~~conservation easement~~Conservation Easement or other form of binding land management or preservation plan which adequately protects any Species of Special County Concern or significant habitat for such Species found on the property.

Article 8 – Location ~~&~~and Extent Areas ~~&~~and Activities of State Interest (1041)

8-100 Location and Extent Review

A. The purpose of the location and extent review is to determine whether public or quasi-public utilities or uses proposed to be located in the unincorporated area of the ~~County~~county are in conformance with the Comprehensive Plan.

B. Proposals Requiring Review

1. The following projects, whether public or private, shall be subject to location and extent review:
   a. roads;
   b. parks;
   c. public ways, grounds, and spaces;
   d. public ~~building~~Buildings and ~~structure~~Structures; and
   e. public utilities.
2. The location and extent review of a proposal, as defined in Article 3, may be done concurrently with other discretionary ~~County~~county review processes.
3. No initial ~~County~~county hearing on any location and extent review application which ~~Section~~ 3-202.A~~.~~ of this Code identifies as requiring compliance with Article 65.5 of Title 24, C.R.S. may be held until the ~~applicant~~Applicant provides a certification of compliance with Article 65.5 of Title 24, C.R.S. signed by the ~~applicant~~Applicant, confirming that the ~~applicant~~Applicant or its agent has examined the records of the Boulder County Clerk and Recorder for the existence of any mineral estate owners or lessees that own less than full fee title in the property which is the subject of the application, and stating whether or not any such mineral estate owners or lessees exist. If any such mineral estate owners or lessees exist, the Applicant must sign an additional certification confirming that the ~~applicant~~Applicant has, at least 30 days prior to the initial public hearing on the location and extent review, transmitted to the ~~County~~county and to the affected mineral estate owners and lessees the notices required by Article 65.5 of Title 24, C.R.S.
4. In any case where information becomes known to the Community Planning ~~&~~and Permitting Director or the Board that an ~~applicant~~Applicant has failed to provide notice of the initial public hearing on a location and extent review as required by Article 65.5 of Title 24, C.R.S., the Board or the Director on behalf of the Board may continue, may reschedule, or may vacate the initial public hearing to allow proper notice to be provided under Article 65.5 of Title 24, C.R.S.

8-200 Regulations for Areas and Activities of State Interest

8-201 Short Title

These regulations may be cited as the "Boulder County Regulations for Areas and Activities of State Interest" or the "Boulder County 1041 Regulations" or "these Regulations."

8-202 Purposes and Intent

A. The general purpose of these regulations is to facilitate the identification, designation and regulation of areas or activities of state interest consistent with applicable statutory requirements.

B. The specific purposes and intent are as follows:

1. To encourage planned and orderly, efficient, economical land use development;
2. Provide for the needs of ~~agriculture~~Agriculture, forestry, industry, business, residential communities, and recreation in future growth;
3. Encourage uses of land and natural resources per their character and adaptability;
4. Conserve soil, water, forest resources, and Environmental Resources;
5. Protect the beauty of the landscape;
6. Promote efficient and economical use of public resources;
7. Regulate projects that would otherwise cause excessive noise, water, and/or air pollution, or which would otherwise degrade or threaten the existing environmental quality within the ~~County~~county;~~.~~
8. Ensure that new domestic water and ~~sewage~~Sewage treatment systems shall be constructed in areas which will result in the proper utilization of existing treatment plants and the orderly development of domestic water and ~~sewage~~Sewage treatment systems of ~~adjacent~~Adjacent communities;~~.~~
9. Ensure that major extensions of domestic water and ~~sewage~~Sewage treatment systems shall be permitted only in those areas in which the anticipated growth and development that may occur as a result of such extension can be accommodated within the financial and environmental capacity of the area to sustain such growth and development;~~.~~
10. Require that municipal and industrial water projects shall emphasize the most efficient use of water, including, to the extent permissible under existing law, the recycling and reuse of water;~~.~~
11. Ensure that urban development, population densities, and site layout and design of ~~storm water~~Stormwater and sanitation systems shall be accomplished in a manner that will prevent the pollution of aquifer recharge areas;~~.~~
12. Ensure that major facilities of public utilities are located to avoid direct conflict with adopted ~~County~~county land use plans~~,~~ and otherwise serve the stated purposes of these regulations;~~.~~
13. Ensure that site selection of arterial highways and interchanges and collector highways occurs so that community traffic needs are met, desirable community patterns are not disrupted, and direct conflict with adopted local government, regional, and state master plans is avoided;~~.~~
14. Provide~~s~~ that areas containing, or having a significant impact on, historical, natural, or archaeological resources of statewide importance are developed ~~so as~~ to be compatible with and not destructive to the historical, natural, and archaeological value of such resources;~~.~~
15. Ensure that areas around interchanges involving arterial highways are developed to discourage traffic congestion, encourage the smooth flow of motorized and

nonmotorized traffic, discourage incompatible land uses, and the expansion of the demand for government services beyond the reasonable capacity of the community or region to provide such services as determined by the ~~County~~county, and preserve desirable existing community patterns;~~.~~

16. Ensure that the site selection and development of new communities will not overload the facilities or services of existing communities of the region and will conform to the Boulder County Comprehensive Plan and any duly adopted intergovernmental agreements or comprehensive development plans between the ~~County~~county and another governmental entity;~~.~~
17. Ensure that development in natural hazard areas minimizes significant hazards to public health or safety or to property or the environment;~~.~~
18. Ensure that development involving all areas and activities designated hereunder is consistent with these regulations, the Boulder County Comprehensive Plan, and any duly adopted intergovernmental agreements or comprehensive development plans between the ~~County~~county and another governmental entity; and~~.~~
19. Protect the public health, safety, welfare and the environment.

8-203 Findings

The Board of County Commissioners finds that:

A. All applicable notice and public hearing requirements have been followed;
B. Based on duly noticed public hearings the Board has considered the current and foreseeable development pressures, and the applicable guidelines for designation issued by applicable state agencies; and
C. These regulations are necessary because of the current and foreseeable development pressures on and within the ~~County~~county; and
D. These regulations are necessary to fulfill the purposes and intentions specified in ~~Section~~ 8-202, above.

8-204 Authority

These regulations are authorized by C.R.S. 24-65.1-101, et seq., and by additional applicable authority as enumerated in Article 1 of this Code.

8-205 Applicability

These regulations shall apply to all proceedings concerning the identification and designation of areas and activities of state interest, and the control of development in any area of state interest or the conduct of any activity of state interest which has been or may hereafter be designated by the Board of County Commissioners in the unincorporated areas of Boulder County, whether on public or private land.

8-206 Relationship with Other Requirements

A. Where these regulations overlap with the ~~County~~county's requirements for zoning special use approval, Subdivision Regulations or ~~subdivision exemption~~Subdivision Exemption or ~~exemption plat~~Exemption Plat review, or for Comprehensive Plan location

and extent review pursuant to C.R.S. 30-28-110(1) and ~~Section~~ 8-100 of this Code, these regulations shall control, and a separate review process under special use review, zoning, Subdivision Regulations or ~~subdivision exemption~~Subdivision Exemption or ~~exemption plat~~Exemption Plat review, or location and extent review shall not be required, unless expressly stated to the contrary in these regulations. Where these regulations overlap with other applicable ~~County~~county requirements, including but not necessarily limited to ~~County~~county ~~grading~~Grading and ~~floodplain~~Floodplain regulations, all applicable regulations shall be followed and all required ~~County~~county permits or approvals shall be obtained.

B. Review or approval of a project by a federal or state agency does not obviate, and will not substitute for, the need to obtain a permit for that project under these regulations. However, where in the opinion of the Board, federal or state review and approval processes adequately address the impacts that these regulations are designed to address, the ~~County~~county may agree to rely on that review and approval.

8-207 Maps

The following maps are hereby incorporated into ~~this Article~~ 8-200 by this reference, for the purpose of specifying or aiding in the identification of the boundaries of the adopted area of state interest with which each map is associated. To the extent any map identified below has not otherwise been officially adopted, it shall be considered to be officially adopted for purposes of administering these regulations by virtue of its inclusion in ~~this Section~~ 8-207.

A. The adopted ~~County~~county Floodplain Overlay District maps identified in ~~Article~~ 4-402 of this Code, as they have been officially adopted and may be duly amended pursuant to the ~~County~~county's zoning regulations from time to time, which shall constitute the basis for designation of the ~~County~~county's designated ~~flood~~Flood natural hazard areas, the boundaries of which are further specified in ~~Section~~ 8-405.E~~.~~ of these regulations.

B. The "Major/Extensive Problems Geologic Hazard Areas" and the "Moderate/Significant Problems Geologic Hazard Areas" identified on the official Boulder County Comprehensive Plan Map entitled "Geologic Hazard and Constraint Areas," as it currently exists and may be duly amended pursuant to the ~~County's~~ Comprehensive Plan from time to time, which shall constitute and govern the ~~County~~county's designated geologic natural hazard areas.

C. The following map shall constitute and govern the ~~County~~county's designated natural resources of statewide importance that are significant wildlife habitats as defined in ~~Section~~ 8-210.A~~O.~~ of this Article:

   1. The Threatened and Endangered Species Map approved as part of adopted amendments to this Article, as it currently exists and may be amended from time to time.

8-208 Duties of the Board of County Commissioners

Unless otherwise specifically provided, it shall be the duty of the Board of County Commissioners to perform all functions set forth in these regulations. The Board shall also

be generally empowered to hear appeals from any ~~person~~Person aggrieved by any decision of the Director made in the course of administering these regulations.

8-209 Severability

If any section, clause, provision, or portion of these regulations should be found unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder of this regulation shall not be affected thereby and is hereby declared to be necessary for the public health, safety, and welfare.

8-210 Definitions

A. "Applicant" means any ~~person~~Person or entity applying for a permit under these regulations.

B. "Approved Service Area" means an area which either is:
   1. A Community Service Area as defined in ~~Section~~ 18-126 of this Code; or
   2. If not included in the definition in ~~Section~~ 18-126, is specifically approved by the Board pursuant to a public hearing convened for this purpose in which the Board shall consider whether the proposed service area:
      a. Is a logical extension of a ~~community service area~~Community Service Area as defined in ~~Section~~ 18-126 of this Code;
      b. Is capable of being reasonably served within a reasonable period of time;
      c. Will not cause significant adverse environmental impacts on the unincorporated ~~County~~county; and
      d. Will not overburden the infrastructure of the unincorporated ~~County~~county in areas surrounding the proposed service area.
   3. No service area approved under ~~Subsection~~ 8-210.B.2~~. of this Section~~ shall be considered to constitute approval of community or municipal service areas for any other ~~County~~county land use planning or regulatory purpose.
   4. To discourage the inefficient proliferation of service providers in the unincorporated ~~County~~county, and to assure the provision of urban services in accordance with the Boulder County Comprehensive Plan and associated intergovernmental planning agreements, the term "approved service area" shall be applied with respect to development proposed by recognized providers of community or urban services within the unincorporated ~~County~~county, which providers are municipalities, special districts, and public utilities with service plans or service areas approved by the ~~County~~county.

C. "Area Around ~~A~~ a Key Facility" means an area immediately and directly affected by a key facility.

D. "Arterial Highway" means any limited-access highway which is part of the federal-aid interstate system or any limited-access highway constructed under the supervision of the Colorado Department of Transportation.

E. "Aspect" means the cardinal direction the land surface faces, characterized by north-facing slopes generally having heavier vegetation cover.

F. "Avalanche" means a mass of snow or ice and other material that may become incorporated therein as such mass moves rapidly down a mountain slope.

G. "Board of County Commissioners" or "the Board" means the Board of County Commissioners of the County of Boulder, State of Colorado.
H. "Collector Highway" means a major thoroughfare serving as a corridor or link between municipalities, unincorporated population centers or recreation areas, or industrial centers, and constructed under guidelines and standards established by, or under the supervision of, the Colorado Department of Transportation. "Collector highway" does not include a city street or local service ~~road~~Road or a county ~~road~~Road constructed under the supervision of local government.
I. "Corrosive soil" means soil that contains soluble salts that may produce serious detrimental effects in concrete, metal, or other substances that are in contact with such soil.
J. "Debris-fan floodplain" means a floodplain that is located at the mouth of a mountain valley tributary stream as such stream enters the valley floor.
K. "Designation" means that legal procedure for designating areas or activities of state interest specified by 24-65.1- 101, et seq., C.R.S.. It is carried out by the Board of County Commissioners.
L. "Developer" means any ~~person~~Person engaging or proposing to engage in development in an area of state interest or in conduct of an activity of state interest designated or proposed to be designated under these regulations.
M. "Development" means any construction or activity which changes the basic character or the use of the land on which the construction or activity occurs but excludes any construction, activity or use exempted from the permit process pursuant to this Article.
N. "Director" means the Boulder County Community Planning ~~&~~and Permitting Director.
O. "Domestic water or ~~sewage~~Sewage treatment system" or "system" means a major domestic water or ~~sewage~~Sewage treatment system, and includes wastewater treatment plants, water supply systems, and water treatment plants, more specifically defined as follows:
    1. "Wastewater treatment plant" is the facility or group of units used for the treatment of industrial or domestic wastewater from sewer systems and for the reduction and handling of solids and gases removed from such wastes, whether or not such facility or group of units is discharging into state waters. "Wastewater treatment plant" specifically excludes any facility or group of units used for pretreatment, treatment, or handling of industrial water, wastewaters, reuse waters, and wastes which are not discharged into state waters.
    2. "Water supply system" means the system of pipes, ~~structure~~Structures, and facilities through which a water supply is obtained, treated, and sold or distributed for human consumption or ~~household~~Household use, if such system has at least fifteen service connections or regularly serves at least twenty-five individuals.
    3. "Water treatment plant" means the facility or facilities within the water supply system which can alter the physical, chemical, or bacteriological quality of the water.
P. "Dry wash channel and dry wash floodplain" means a small watershed with a very high percentage of ~~runoff~~Runoff after torrential rainfall.

Q. "Efficient use of water" means the employment of methods, procedures, controls and techniques to ensure the amount of water and the purpose for which water is used in the ~~County~~county will yield the greatest benefit to the greatest number of people. Such benefits will include but are not limited to economic, social, aesthetic, environmental and recreational

R. "Enclave" means an unincorporated area of land entirely contained within the outer boundaries of a municipality, provided that not more than 30 percent of the enclave is surrounded solely by annexed ~~right-of-way~~Right-Of-Way.

S. "Expansive soil and rock" means soil and rock which contains clay and which expands to a significant degree upon wetting and shrinks upon drying.

T. "Extension" means a major extension and is an increase in hydraulic capacity, an upgrade in treatment or transmission capability, an increase in facility size, or a replacement of an existing facility in a new or altered location.

U. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
   1. the overflow of water from channels and reservoir spillways;
   2. the unusual and rapid accumulation of ~~runoff~~Runoff or surface waters from any source; or
   3. mudslides (i.e. mudflows) which are proximately caused by ~~flood~~Flooding, as defined in ~~Subsection~~ 8-210.U.2~~.~~ of this definition and which are sufficiently fluid ~~so as~~ to flow on and over the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

V. "Flood hazard area" means an area containing or directly affected by a ~~flood~~Flood.

W. "Floodplain" means an area ~~adjacent~~Adjacent to a stream, which area is subject to ~~flood~~Flooding as the result of the occurrence of an intermediate regional ~~flood~~Flood and which area thus is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to:
   1. Mainstream floodplains;
   2. Debris-fan floodplains; and
   3. Dry wash channels and dry wash floodplains.

X. "Geologic hazard" means a geologic phenomenon which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to:
   1. Avalanches, landslides, rock falls, mudflows, and unstable or potentially unstable slopes;
   2. Seismic effects;
   3. Radioactivity; and
   4. Ground subsidence.

Y. "Geologic hazard area" means an area containing or directly affected by a geologic hazard.

Z. "Ground subsidence" means a process characterized by the downward displacement of surface material caused by natural phenomena such as removal of underground

fluids, natural consolidation, or dissolution of underground minerals or by man-made phenomena such as underground mining.

AA. "Historical or archaeological resources of statewide importance" means those resources officially included in the national register of historic places, designated by statute or included in an established list of places compiled by the state historical society, including but not limited to those designated by the Board in accordance with C.R.S. 30-11-107(1)(bb) as amended.

AB. "Interchange" means the intersection of two or more highways, roads, or streets at least one of which is an arterial highway. At such intersection there must be direct access to and from the arterial highway.

AC. "Key facilities" means interchanges involving arterial highways, whether existing or proposed.

AD. "Layman's description" means a general, nonlegal description and the popular name, if any, of the tract of land on which the activity or development is to be conducted. The term "general description" means "layman's description."

AE. "Legal Description" means any description from which it is possible to locate accurately on the ground the boundaries of the land being described.

AF. "Mainstream floodplain" means an area ~~adjacent~~Adjacent to a perennial stream, which area is subject to periodic ~~flood~~Flooding.

AG. "Major facility of a public utility" means:

1. Central office ~~building~~Buildings of telephone utilities;
2. Transmission lines, ~~power plant~~Power Plants, and substations of electrical utilities; and
3. Pipelines and storage areas of utilities providing natural gas or other petroleum derivatives and includes extensions to those facilities.

AH. "Major publicly owned reservoir" means any body of water formed by an embankment or ~~structure~~Structure 10 feet in vertical height or having a surface area at high water line, in excess of 20 acres, for which public funds have been used in the construction of all or any part of the dam or where a public entity or agency owns or administers the described property. The ownership of stock in a mutual ditch or reservoir company does not constitute ownership or administration. Furthermore, any loan of funds for construction, operation, maintenance, repair or replacement of all or any part of a dam does not constitute the use of public funds.

AI. "Matter of state interest" means an area of state interest or an activity of state interest or both as defined under 24- 65.1-101, et seq., C.R.S.

AJ. "Mudflow" means the downward movement of mud in a mountain watershed because of peculiar characteristics of extremely high sediment yield and occasional high ~~runoff~~Runoff.

AK. "Municipal and industrial water project" or "project" means a system and all components thereof through which a municipality or industry derives its water supply from either surface or subsurface sources, or which otherwise serves municipal or industrial users.

AL. "Municipality" means a home rule or statutory city, town, or a city and county or a territorial charter city.

AM. "Natural hazard" means a geologic hazard or a ~~flood~~Flood.
AN. "Natural hazard area" means an area containing or directly affected by a natural hazard.
AO. "Natural resources of statewide importance" means and is limited to shorelands of major publicly owned reservoirs and significant wildlife habitats in which the wildlife species, as identified by the Colorado Division of Wildlife in a proposed area could be endangered, including species listed or being considered for listing under state or federal guidelines.
AP. "New communities" means the major revitalization of existing municipalities or the establishment of urbanized growth centers in unincorporated areas. New communities shall not include those established through the municipal annexation of unincorporated territory.
AQ. "Person" means any individual, limited liability company, partnership, corporation, association, company, or other public or corporate body, and includes without limitation any political subdivision, agency, instrumentality, or corporation of the State or the United States government.
AR. "Planning Commission" means the Boulder County Planning Commission.
AS. "Public Utility" means, a public utility as defined by state law, with the exception of utilities owned and operated by a municipality located within Boulder County.
AT. "Radioactivity" means a condition related to various types of radiation emitted by natural or man-made radioactive minerals that occur in deposits of rock, soil, and water.
AU. "Regulations" means these regulations as finally enacted and approved.
AV. "Reservoir" (except in the context of the separately defined term "major publicly owned reservoir") means an area of land where water is retained or an area intended for water retention, and which is used or proposed for use in whole or in part for the storage of municipal water supplies or of water which is part of a domestic water treatment system.
AW. "Seismic effects" means direct and indirect effects caused by an earthquake or an underground nuclear detonation.
AX. "Siltation" means a process that results in an excessive rate of removal of soil and rock materials from one location and rapid deposit thereof in ~~adjacent~~Adjacent areas.
AY. "Shorelands" means all lands extending a minimum of 200 feet shoreward of the high-water line, and all wetlands associated with a major publicly owned reservoir.
AZ. "Slope" means the gradient of the ground surface that is definable by degree or percent.
BA. "Unstable or potentially unstable slope" means an area susceptible to a landslide, a mudflow, a rock fall, or accelerated creep of slope-forming materials.
BB. "Urbanized growth center" means an establishment of any use requiring urban services and not otherwise allowed under the Boulder County Land Use Code, the Boulder County Comprehensive Plan, or associated intergovernmental planning agreements.

8-300 Designation of Matters of State Interest

8-301 Board of County Commissioners ~~To~~ to Make Desisgnations

Designations and amendments of designations may be initiated in the following ways:

A. The Board of County Commissioners may in its discretion designate and adopt regulations for the administration of any matter of state interest.
B. The Planning Commission may on its own motion or upon request by the Board of County Commissioners, recommend the designation of matters of state interest following public hearing before the Planning Commission. The Board of County Commissioners shall decide, in its sole discretion, and pursuant to the requirements of 24-65.1-101, et seq., C.R.S., whether or not to designate any or all of the requested matters of state interest.

8-302 Moratorium

A. Whenever the Board of County Commissioners designates a matter of state interest pursuant to 24-65.1-404, C.R.S., no ~~person~~Person shall engage in any development in such area, and no activity shall be conducted, until the designation and guidelines or regulations for such an area or activity are finally determined and a permit has been issued thereunder.

8-303 Public Hearing Required

A. The Board of County Commissioners shall hold a public hearing before designating any matter of state interest and adopting regulations for the administration thereof. Said hearing shall be noticed and held pursuant to 24-65.1-404 through -407, C.R.S.
B. The Board in its discretion may request that the Planning Commission hold a hearing and provide a recommendation to the Board on the proposed designation prior to the Board's hearing. Notice of any hearing before the Planning Commission shall be published no less than seven days before the Planning Commission hearing date in a newspaper of general circulation in the ~~County~~county.

8-304 Factors ~~To Be~~to be Considered at Designation Hearings

At the public hearing, the Planning Commission and Board of County Commissioners shall consider such evidence as they deem appropriate, including, but not necessarily limited to testimony and documents addressing the following considerations:

A. The intensity of current and foreseeable development pressures;
B. The matters and considerations set forth in any applicable guidelines for identification and designation issued by the applicable state agency~~-~~;
C. The boundaries of any area proposed for designation;
D. Reasons why the particular area or activity is of state interest, the adverse impacts that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantage of development of such area or conduct of such activity in a coordinated manner;

E. The extent to which other governmental entities regulate the area or activity proposed to be designated;
F. The applicable criteria for administration of the proposed area or activity as set forth in these regulations and 24- 65.1-201, et seq., C.R.S.;
G. The legislative declarations stated in 24-65-102, 24-65.1-101, and 29-20-102, C.R.S.; and
H. The Boulder County Comprehensive Plan or any duly adopted intergovernmental agreements or comprehensive development plans adopted as part of, pertaining to, or affected by the area or activity under consideration.

8-305 Record of Designation Hearing

The Board will collect and preserve the following record of the designation process, at minimum:

A. Notice of the hearing;
B. Certificate of publication of the notice;
C. Written testimony presented by any ~~person~~Persons at the public hearing;
D. An audio recording of the hearing; and
E. The written resolution or order making appropriate findings supporting any designation and adopting the accompanying guidelines or regulations pursuant to ~~Section~~ 8-306, below.

8-306 Adoption of Designation and Regulations

A. At the conclusion of the hearing, or within 30 days thereafter, the Board of County Commissioners may, by resolution, adopt, adopt with modification, or reject the proposed designation and accompanying guidelines or regulations.
B. Each designation order adopted by the Board shall, at a minimum:
    1. Specify the boundaries of the designated area of state interest;
    2. State reasons why the designation is appropriate in light of the factors considered at the public hearings pursuant to ~~Section~~ 8-304, above; and
    3. Specify the regulations applicable to the designated matter of state interest.

8-307 Combined Designation and Permit Hearing

If a ~~person~~Person proposes to engage in development in an area of state interest or to conduct an activity of state interest not previously designated and for which regulations have not been adopted, the Board of County Commissioners may hold one hearing for determination of designation and regulations as well as for granting or denying the permit.

8-308 Specific Designations

A. Activities of State Interest

The Board of County Commissioners, having considered the intensity of current and foreseeable development pressures and applicable guidelines for identification and designation adopted and issued by applicable state agencies, as well as the other relevant factors set forth in ~~Section~~ 8-304, above, at a duly noticed public hearing held

in accordance with Part 4 of Article 65.1, C.R.S., does hereby find and declare the following activities to be matters of state interest and does hereby adopt the accompanying regulations requiring permits for these designated activities as further set forth herein:

1. Site selection and construction of major new domestic water and ~~sewage~~Sewage treatment systems;
2. Major extensions of existing domestic water and ~~sewage~~Sewage treatment systems;
3. Efficient utilization of municipal and industrial water projects;
4. Site selection and construction of major facilities of a public utility;
5. Site selection of arterial highways and interchanges;
6. Site selection of collector highways; and
7. Site selection and development of new communities.

The conduct of any of these activities within the boundaries of unincorporated Boulder County shall be subject to the foregoing designations, as further set forth in these Regulations.

B. Areas of State Interest
   1. Areas around key facilities in which development may have a material effect upon the key facility or the surrounding community;
   2. Areas containing or having significant impact upon historical or archaeological resources of statewide importance;
   3. Areas containing or having significant impact upon natural resources of statewide importance; and
   4. Natural Hazard areas, which are ~~flood~~Flood hazard areas and geologic hazard areas.

      Development in any of these areas within the boundaries of unincorporated Boulder County shall be subject to the foregoing designations, as further set forth in these Regulations.

8-400 Permits Required for Areas and Activities Designated in ~~Section~~ 8-309

8-401 Specific Water and Sewage Treatment Activities Requiring Permits

A permit shall be required for any major new domestic water or ~~sewage~~Sewage treatment system, major extension to an existing major domestic water or ~~sewage~~Sewage treatment system, or municipal and industrial water project, which is proposed to be located in whole or in part in the unincorporated portions of Boulder County, and which meets any of the following criteria:

A. New water supply systems (excluding reservoirs which are separately covered under (C), below), or new water treatment plants, or extensions of those systems or plants (excluding line extensions which are separately covered under (E), below), that serve more than 25 year round residents or provide the equivalent amount of water service and are not located entirely within an approved service area.

B. New wastewater treatment plants, or extensions to existing plants (excluding line extensions which are separately covered under (E), below), that have an average flow of more than 2,000 gallons a day and are not located entirely within an approved service area.
C. Construction of any new reservoir where:
    1. 30 percent or more of the capacity is owned, controlled, used, or intended to be used for the storage of municipal or industrial water supplies or of water which is part of a domestic water treatment system; or
    2. less than 30 percent but more than one percent of the capacity is owned, controlled, used, or intended to be used for the storage of municipal or industrial water supplies or of water which is part of a domestic water treatment system, and the reservoir has not been permitted pursuant to the special use review provisions of the Boulder County Land Use Code; or
    3. the reservoir is lined.
D. Expansion of any existing reservoir for a municipal or industrial or domestic treated water use.
E. Extensions to water supply and wastewater systems which:
    1. use 12 inch" or larger distribution or transmission lines; or
    2. use two or more lines of any size which are parallel to and located within 100 feet of one another, and have a total cross section equal to or greater than 120 square inches; and
    3. are not located entirely within an approved service area.
F. Systems, extensions, or projects located partly or entirely on land which is owned or managed for open space, recreation, environmental protection, or other land preservation purposes, except land which is owned by the entity proposing the system, extension, or project.
G. Systems, extensions, or projects located partly or entirely on land that has been designated as an area of state interest.
H. Systems, extensions, or projects partly or entirely on land which is designated in accordance with the Boulder County Comprehensive Plan as any one of the following: a historic site, archaeologically sensitive area, natural hazard area, critical wildlife habitat, critical plant association, or wetland.
I. Any system, extension, or project which relies upon or uses water decreed to agricultural land in the unincorporated ~~County~~county, and which:
    1. is proposed to be converted to industrial use, municipal use, or domestic treated water use as part of a water supply system, pursuant to an application filed with the Water Court after January 25, 1994;
    2. requires total or partial dry up of the above-referenced agricultural land; and
    3. serves primarily a municipality or other group of users located in a county other than Boulder County.

    This provision shall not apply to any agricultural water conversion which occurs as part of a use allowed under the ~~County~~county's Land Use Code (with the exception

of uses reviewed under the ~~County~~county's location and extent process under 30-28-110(1), C.R.S. and ~~Section~~ 8-100 of this Code).

8-402 Specific Water and Sewage Treatment Activities Exempted from the Permit Process

A permit shall not be required for any major new domestic water or ~~sewage~~Sewage treatment system, major extension to an existing major domestic water or ~~sewage~~Sewage treatment system, or municipal and industrial water project, which is proposed to be located in whole or in part in the unincorporated portions of Boulder County, and which meets any of the following criteria:

A. Any system, extension, or project not covered under ~~Section~~ 8-401, above.
B. Systems, extensions, or projects which are located on unincorporated land that is an enclave within the municipality proposing the activity.
C. Upgrades to existing facilities that are required maintenance or otherwise required by federal, state or ~~County~~county regulations, including repairing and/or replacing old or outdated equipment, or installing new equipment, provided the improvements do not expand levels of service beyond design capacity, and provided further that the upgrade does not alter the location of the existing facility.
D. Any system, extension, or project proposed as part of a ~~County~~county ~~exemption plat~~Exemption Plat application (i.e., a ~~replat~~Replat of an existing ~~platted subdivision~~Platted Subdivision where no new density is proposed).
E. Any system, extension, or project necessary to serve any ~~platted subdivision~~Platted Subdivision or other use approved under the ~~County~~county's Land Use Code (with the exception of uses reviewed under the ~~County~~county's location and extent process under 30-28-110(1), C.R.S. and ~~Section~~ 8-100 of this Code), provided that the service provider obtains a specific exemption from the Board, based upon a public meeting of which the service provider shall receive reasonable prior notice, that review of the proposed service facilities falls outside the purposes of these regulations, or provided that the Board specifies in its approval of the ~~platted subdivision~~Platted Subdivision or other use that separate review of the system, extension, or proposal is not necessary under these regulations.

8-403 Specific Public Utility Activities Requiring Permits

A permit shall be required for any major facility of a public utility, which is proposed to be located in whole or in part in the unincorporated portions of Boulder County, and which meets any of the following criteria:

A. New natural gas or other petroleum derivative transmission lines that serve more than 25 year-~~-~~round residents and are not located entirely within an approved service area.
B. Extensions to natural gas or other petroleum derivative transmission lines which:
    1. use 12 inch" or larger distribution or transmission lines; or
    2. use two or more lines of any size which are parallel to and located within 100 feet of one another, and have a total cross section equal to or greater than 120 square inches; and

3. are not located entirely within an approved service area.

C. Natural gas or other petroleum derivative storage areas.
D. New ~~electric transmission line~~Electric Transmission Lines or extensions that are 115,000 volts or greater.
E. Power ~~plants~~ Plants generating 50 megawatts or more.
F. Substations of electrical utilities which control electricity in amounts of 115,000 volts or more.
G. Central office ~~building~~Buildings of telephone utilities.

8-404 Specific Public Utility Activities Exempted from the Permit Process

A permit shall not be required for any major facility of a public utility, which is proposed to be located in whole or in part in the unincorporated portions of Boulder County, and which meets any of the following criteria:

A. Any facility not covered under ~~Section~~ 8-403, above.
B. Facilities which are located on unincorporated land that is an enclave within the municipality proposing the activity.
C. Upgrades to existing facilities that are required maintenance or otherwise required by federal, state or ~~County~~county regulations, including repairing and/or replacing old or outdated equipment, or installing new equipment, provided the improvements do not expand levels of service beyond design capacity, and provided further that the upgrade does not alter the location of the existing facility.
D. Any facility proposed as part of a ~~County~~county ~~exemption plat~~Exemption Plat application (i.e., a ~~replat~~Replat of an existing ~~platted subdivision~~Platted Subdivision where no new density is proposed).
E. Any facility necessary to serve any ~~platted subdivision~~Platted Subdivision or other use approved under the ~~County~~county's Land Use Code (with the exception of uses reviewed under the ~~County~~county's location and extent process under 30-28-110(1), C.R.S. and ~~Section~~ 8-100 of this Code), provided that the service provider obtains a specific exemption from the Board, based upon a public meeting of which the service provider shall receive reasonable prior notice, that review of the proposed service facilities falls outside the purposes of these regulations, or provided that the Board specifies in its approval of the ~~platted subdivision~~Platted Subdivision or other use that separate review of the system, extension, or proposal is not necessary under these regulations.

8-405 Other Designated Areas and Activities Requiring a Permit

A. Site selection of arterial highways and interchanges and collector highways.
B. Site selection and development of new communities.
C. Development located in areas around arterial highway interchanges, unless the development is regulated with full and binding effect under other Articles of this Code. The boundaries for these areas shall be an area within a radius of one mile from the center of the interchange.

D. Development located in areas containing or having a significant impact upon historical, archaeological or natural resources of statewide importance, unless the development is otherwise regulated with full and binding effect under other Articles of this Code. The boundary of the areas regulated hereunder shall be the area which physically contains the designated historical, archaeological or natural resource, or in the specific case of significant wildlife habitats the areas shown on the maps identified in ~~Section~~ 8-207.C~~. of this Article~~, and an area within a radius of 1,500 feet from the area containing the resource. However, the Director may determine that development within a larger area (up to one mile in radius) may be regulated, provided that the Director identifies specific land use impacts by which the larger area will be immediately and directly affected within the stated purposes of this Article.

E. Development located in ~~flood~~Flood hazard areas, unless the development is otherwise regulated with full and binding effect under other Articles of this Code. The boundaries of the ~~flood~~Flood hazard areas regulated hereunder shall be as follows:
   1. The boundaries of the Floodplain Overlay Zoning District as stated in ~~Article~~ 4-402 of this Code as amended.

F. Development located in geologic hazard areas, unless the development is otherwise regulated with full and binding effect under other Articles of this Code. The boundary of the geologic hazard areas regulated hereunder shall be those specified in the maps identified in ~~Section~~ 8-207.B~~. of these regulations~~. In accordance with C.R.S. Section 24-65.1-202(2)(a)(I), an area of corrosive soil, expansive rock and soil, or siltation shall not in and of itself be included within this geologic hazard area designation unless the Colorado Water Conservation Board, through the local soil conservation district, identifies such area for designation, or unless an activity of state interest designated hereunder is to be conducted in such an area of corrosive soil, expansive rock and soil, or siltation.

G. If any proposed development is located partly within and partly without the boundary of an area of state interest as designated in these Regulations, the impacts of the entire development will be subject to review under these Regulations. All construction or uses which compose or are directly associated with the development shall be considered to be part of the development, including but not necessarily limited to ~~building~~Buildings, other associated ~~structure~~Structures, access roads or drives, utility lines, and parking areas.

8-406 Determination of Whether a Proposed Activity or Development Must go Through the Permit Process

A. The Director shall determine the applicability of ~~Section~~ 8-400 to the conduct of any proposed activity or development. The Director shall make this determination within 10 ~~calendar~~ days after the Director receives a written request from the ~~applicant~~Applicant stating the reasons why the proposed activity or development is not subject to ~~Section~~ 8-400.

B. If any ~~person~~Person is aggrieved by the decision of the Director to include an activity within or exempt it from these regulations, that ~~person~~Person may file an appeal to the Board with the Director, no later than ten days after the date of the Director's written

decision (with three days added for mailing if the decision is mailed). The appeal shall be accompanied by a statement describing why the Director's decision is incorrect.

C. The Board shall schedule a public hearing on the appeal to be held no more than 30 days after the appeal is filed.
D. For the purpose of deciding the appeal, the Board may require the developer to provide a description and declaration of the scope of the activity or development, including, but not necessarily limited to;
    1. The site of the proposed activity or development.
    2. The size, if proposed, of any transmission lines, storage tanks, dams and or reservoirs.
    3. The number of residents to be served by the activity, or in the case of wastewater treatment plants, the average flow, in gallons, of wastewater a day.
    4. The increase in the ~~County~~county population that is projected as a result of the activity.
    5. The water rights on which the activity relies.
    6. Any geologic hazards areas or ~~flood~~Flood hazard areas mapped within one mile of the site.
E. At the appeal hearing, the appellant will have the burden of proving that the Director erred in the decision to include or exclude the activity or development from these regulations.

8-407 Specific Uses Exempted from the Permit Process in Areas of State Interest

A. Open ~~agriculture~~Agriculture and Single Unit Dwellings built or maintained on legal ~~building lot~~Building Lots.
B. Operation, maintenance, repair and replacement of existing water and ~~sewage~~Sewage collection, treatment, storage and delivery facilities and associated works, provided that improvements or replacements of existing facilities do not expand the level of service beyond existing design capacity and do not materially alter the location of the existing facility.
C. Projects addressed by an Intergovernmental Agreement which the ~~County~~county has approved will be subject to these regulations unless otherwise provided by the terms of the Intergovernmental Agreement.

8-500 Application Procedures

8-501 Permits Required after Designation; Receipt of Application Form

A. Any ~~person~~Person desiring to engage in a development in a designated area of state interest or to conduct a designated activity of state interest in whole or in part within the unincorporated area of Boulder County must first obtain a permit pursuant to these regulations.
B. An application shall not be accepted unless the Director determines that it is complete pursuant to the application submittal requirements of this Section and of ~~Section~~ 8-507, below. If the application is considered incomplete by the Director, the Director

shall specify what additional information is required. When a submitted application is considered to be complete by the Director, the Director shall note upon the application the date and hour of its receipt.

C. When an ~~applicant~~Applicant seeks a permit to engage in development involving more than one area or activity of state interest regulated hereunder, the Director shall require that a single application be completed including all affected areas and activities.

D. For any application to be considered complete under these Regulations, in addition to meeting the requirements of ~~Section~~ 8-507, below, the application shall include the entire development as contemplated or reasonably foreseeable for the subject property in question for at least a five-year period. For purposes of this Subsection, the subject property is the property on which the development is located, and any other ~~contiguous~~ Contiguous property which is under the developer's ownership or control and is otherwise subject to regulatory jurisdiction under ~~this Article~~ 8-200, et seq. At a minimum, the application shall include all development which has been planned for the subject property as shown in any capital improvements plan, facilities master plan, or other acceptable master planning document which the ~~applicant~~Applicant has approved as of the time of application or anticipates approving at any time while the application is in process. If the Applicant has not approved such a master plan covering at least a five-year period, it shall approve such a plan before the application will be accepted as complete. The purpose of these requirements is to assure that development for a subject property is reviewed in a rational context of reasonably foreseeable development for the property, to avoid piecemeal analysis of applications, and to allow for a comprehensive consideration of the cumulative impacts of development under these Regulations.

E. For any application submitted after the effective date of ~~Subsection~~ 8-501.D~~.~~, immediately above (February 27, 2003) which is approved by the Board, the following requirements shall apply to any amendment to that approval which is submitted within a five-year period after the date of the approval. Any such amendment shall be presumed to constitute piecemeal development which cannot be rationally or adequately reviewed under the applicable standards of ~~Section~~ 8-511 of this Article, unless the Applicant demonstrates one of the following circumstances:

1. The Board approved less than the complete development pursuant to ~~Section~~ 8-511.B.15~~.~~ of this Article, and the subject amendment includes development reflected in the applicable master plan but not previously approved.
2. The additional application addresses or corrects a matter of health or safety presented by the approved development.
3. The amendment clearly equals or reduces the impact or scope of the approved development, in the context of the applicable criteria under ~~Section~~ 8-511 ~~of this Article~~.
4. The amendment implements an amendment to the Boulder County Comprehensive Plan or a land use intergovernmental agreement to which the ~~County~~county is a party, and which was adopted after the ~~County~~county's approval of the development.

Any amendment for which the Applicant cannot demonstrate that one of the foregoing circumstances exists, shall not be approved, unless the Applicant clearly overcomes the presumption that the amendment constitutes piecemeal development which cannot be rationally or adequately reviewed under the applicable standards of ~~Section~~ 8-511 ~~of this Article~~.

F. The Director's determination regarding whether a permit application is complete under ~~Subsections~~ 8-501.B~~.~~, ~~and~~ 8-501.D~~.~~, and ~~Section~~ 8-507 may be appealed to the Board by any ~~person~~Person aggrieved by the determination, provided that an appeal is filed with the Board no later than 30 days after the date of the Director's written determination (with three days added for mailing if the determination is mailed). The appeal shall be accompanied by a statement describing the specific reasons why the appellant alleges the determination was in error, based on the criteria listed in ~~Subsections~~ 8-501.B~~.~~ ~~and~~ 8-501.D~~.~~, and ~~Section~~ 8-507. The Board shall convene a duly noticed public hearing on the appeal, at which hearing the appellant shall have the burden of proving that the Director erred in the determination regarding the completeness of the application.

8-502 Application Fee

No application fee shall be required of local political subdivisions located wholly or partly within Boulder County. For all other ~~applicant~~Applicants, a nonrefundable deposit of $500.00 shall be required with each application. Thereafter, the ~~applicant~~Applicant shall be responsible for paying the ~~County~~county's costs of processing the application which exceed $500.00, on a monthly basis, pursuant to the ~~County~~ Community Planning ~~&~~and Permitting Department's approved policy for charging for the processing of land use applications.

8-503 Waiver of Submission Requirements

The Director may waive any part of the submission requirements which are not relevant to a decision on the application or which the ~~applicant~~Applicant convinces the Director are unreasonably burdensome for the ~~applicant~~Applicant. The Director may not waive any requirements which are otherwise required by law, such as by Article 65.5 of Title 24, C.R.S.

8-504 Intergovernmental Agreements

Upon request of the State of Colorado or a political subdivision of the state as defined by 29-1-202(1), C.R.S., proposing to develop in an area of state interest or to engage in an activity of state interest, the requirements of these regulations may be met by the approval of an intergovernmental agreement in lieu of a permit application and review as provided by these regulations. In the event such an agreement is approved by the Board, no permit application to develop in the area or to conduct the activity of state interest shall be required, provided that all of the following conditions are met:

A. The state or political subdivision/developer and the ~~County~~county must both be authorized to enter into the intergovernmental agreement.

B. The purpose and intent of these regulations must be satisfied by the terms of the intergovernmental agreement.
C. A public hearing must be conducted by the Board to publicly review and approve of the proposed intergovernmental agreement. Notice of the public hearing shall be published once at least 30 and not more than 60 days prior to the hearing in a newspaper of general circulation in the ~~County~~county.
D. Both the Board and the governing body of the state or political subdivision/developer must approve the agreement in the manner required of each of them by the Colorado Constitution, state statutes and any applicable charter, ordinance or resolution.
E. Exercise of the provisions of this section by the state or political subdivision/ developer will not prevent that entity from electing at any time to proceed under the permit provisions of these regulations. Additionally, any entity which has previously proceeded under the permit provisions of these regulations may at any time elect to proceed instead under this Section.

8-505 General Process Outline

The following is a general outline of the steps required for any permit decision under these regulations. Specific information regarding each of the referenced steps follows this section.

A. Pre-application conference
B. Application
C. Referral to ~~adjacent~~Adjacent and/or nearby property owners and affected agencies
D. Staff review
E. Public review before the Planning Commission and Board of County Commissioners
F. Post-approval requirements

8-506 Pre-application Conference

A. A pre-application conference is required of all ~~applicant~~Applicants.
    1. The pre-application conference shall be held between the ~~applicant~~Applicant and a planner with the Community Planning ~~&~~and 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 application and the geographical area affected by the application.
        b. The planner will explain the application procedures and the materials required for submittal.
        c. The ~~applicant~~Applicant shall bring a conceptual site plan to the conference.
    2. If the planner feels that the proposal raises any of the following issues, the ~~applicant~~Applicant shall also meet with members of the appropriate ~~County~~county department to discuss the proposal.
        a. For ~~flood~~Flood or ~~floodplain~~Floodplain, ~~road~~Road, access, traffic concerns, parking design and engineering, and all vehicular movement patterns and volumes, the ~~applicant~~Applicant will meet with a member of the staff of the Floodplain Management Team or Access and Engineering Team from the

Community Planning and Permitting Department.~~Engineering Division of the Boulder County Public Works Department.~~

b. For water supply, sanitation, water quality or other public health concerns, the ~~applicant~~Applicant will meet with members of the Environmental Health Section of Boulder County Public Health. Boulder County Public Health ~~S~~staff will also review the location of the property affected by the application in relation to the identified radiation hazard sites as shown on Boulder County Public Health maps.

c. For open space or Environmental Resource concerns, the ~~applicant~~Applicant will meet with a member of the staff of the Parks ~~&~~and Open Space Department to discuss any potential effects of the application on open space and Environmental Resources in the ~~County~~county.

B. Any comments or commitments made by any member of the ~~County~~county's Staff~~s~~ during this pre-application conference are only preliminary in nature and should not be relied upon by the ~~applicant~~Applicant. All prospective ~~applicant~~Applicants should be informed that formal comments cannot be made by staff until after the application is submitted and ~~adjacent~~Adjacent and/or nearby property owners and referral agencies have had an opportunity to respond.

C. Pre-application conferences may be held individually with each department, or a joint conference for all, or some, of the departments may be scheduled.

D. County staff will make available to the ~~applicant~~Applicant any public information regarding the application which is in the ~~County~~county's possession.

8-507 Application Submittal Requirements

A. Application

1. Before any request for ~~County~~county approval under these regulations may be processed, a complete application, meeting the requirements of ~~this Section~~ 8-507, must be filed with the Community Planning ~~&~~and Permitting Department.

a. The application must include an application form designating all agents for the ~~applicant~~Applicant and exhibiting the ~~applicant~~Applicant's or agent's signature, and has all necessary information completed. The form shall be accompanied by all fees, maps, plans, and reports required by these regulations.

b. The signature on an application form will be assumed to indicate the ~~applicant~~Applicant's concurrence with all submissions and commitments made by their designated agent.

c. A written description of the proposal.

d. Any application which ~~Section~~ 3-202.A~~.~~ of this Code identifies as requiring compliance with Article 65.5 of Title 24, C.R.S. shall not be considered to have been submitted as complete until the ~~applicant~~Applicant has provided a certification signed by the ~~applicant~~Applicant confirming that the ~~applicant~~Applicant or its agent has examined the records of the Boulder County Clerk and Recorder for the existence of any mineral estate owners or lessees that own less than full fee title in the property which is the subject of the

application, and stating whether or not any such mineral estate owners or lessees exist.

e. In addition, for purposes of the ~~County~~county convening its initial public hearing on any application involving property for which mineral estate owners or lessees owning less than full fee title in the property have been certified by the ~~applicant~~Applicant to exist, the application shall not be considered to have been submitted as complete until the ~~applicant~~Applicant has provided an additional signed certification confirming that the ~~applicant~~Applicant has, at least 30 days prior to the initial public hearing, transmitted to the ~~County~~county and to the affected mineral estate owners and lessees the notices required by Article 65.5 of Title 24, C.R.S.

B. Professional Qualifications

1. A professional consultant may not be necessary for all applications. Only the following will require professional assistance.
   a. Improvement plans and reports for water supply, sanitation, drainage, utilities, soils, ~~grading~~Grading, roads, ~~structure~~Structures, transportation modeling, transportation planning, transit planning, air quality planning or modeling, ~~flood~~Floods and floodplains, and other civil engineering work must be certified by a registered Colorado Professional Engineer, or other qualified professional engineer exempted from licensing requirements by state statute.
   b. All documents containing land survey descriptions must be certified by a registered Colorado Professional Land Surveyor, or other qualified professional surveyor exempted from licensing requirements by state statute.
   c. Geology reports shall be prepared by either a member of the American Institute of Professional Geologists, a member of the Association of Engineering Geologists, an individual registered as a geologist by a state, or other qualified professional geologist exempted from licensing requirements by state statute.
2. All data and plans submitted for review must show the qualifications of the individual in charge of the work.

C. Consultants

1. If the ~~County~~county does not have qualified staff to review certain elements of an application or referral agencies are not able to adequately advise the ~~County~~county regarding certain elements of an application, the Board of County Commissioners may authorize the review be performed by a consultant engaged or approved by the Director. Consultants' fees shall not be required to be paid by local political subdivisions located wholly or partly within Boulder County. For all other ~~applicant~~Applicants, the Board shall have the discretion to decide whether the ~~applicant~~Applicant shall pay all, part of, or none of the consultants' fees, based upon the nature and extent of consulting expertise required.
2. A referral agency may impose a fee for the review of the application. No hearings will be held if any such referral agency's fee has not been paid.

D. Application requirements

1. The following are general requirements for any map or plan required as part of the application for a ~~County~~county approval. Minimum requirements include:

a. The name of the proposed development or use and total number of acres under consideration.
b. Since all maps and plans may be used for public presentation, the map scale and size should be large enough for effective presentation and should accurately illustrate the application.
c. Name, address, and telephone number of the ~~applicant~~Applicant, designer, engineer, surveyor, and any other consultants of the ~~applicant~~Applicant.
d. Date of preparation, revision box, written scale, graphic scale, and north arrow for each map.
e. A copy of the capital improvements plan, facilities master plan, or other applicable master planning document covering the subject development and property, as required in ~~Subsection~~ 8-501.D~~.~~, above.

2. The following requirements shall apply only to applications for the water and ~~sewage~~Sewage treatment activities designated in ~~Section~~ 8-308.A.1~~.~~-3~~.~~ above.
a. Detailed plans for the activity or development including the proposed system capacity and service area plans and maps.
b. A description of all existing or approved proposed domestic water or ~~sewage~~Sewage treatment systems within the jurisdiction of the ~~applicant~~Applicant as well as ~~adjacent~~Adjacent communities (incorporated and unincorporated).
c. The design capacity of each domestic water or ~~sewage~~Sewage treatment system and the distribution or collection network identified in 8-308.A.3~~.~~ above.
d. A detailed inventory of total commitments already made for current water or ~~sewage~~Sewage services in terms of taps or other appropriate measurement.
e. The source of the existing or new water supply for the proposed activity including applicable decreed water rights or plans, and information on any agricultural water rights decreed to land in unincorporated Boulder County and converted to provide the supply.

3. The following requirements shall apply only to applications for major facilities of a public utility.
a. Detailed plans for the facility including, but not limited to, the associated system capacity and proposed service area plans and maps.
b. A description of existing and proposed service in the area to be served.
c. A description of the distribution network for the area proposed to be served.

4. The following requirements apply only to development located in Historical and Archeological Resource Areas of statewide importance.
a. A state historical site survey form completed by a qualified professional acceptable to the State Historic Preservation Officer for all resources affected by the development.
b. A description of the mitigating efforts to be taken to preserve the designated resource.
c. Plans and procedures for notification to the State Historical Society and State Archaeologist upon discovery of historical or archaeological resources.

5. The following requirements apply only to development located in Natural Resource Areas of statewide importance.
   a. A survey of habitat of applicable species by a qualified professional.
   b. A plan of construction and operations, which shall contain an analysis of the effects of the proposed development upon wildlife species within the designated wildlife habitat.
6. The following requirements apply only to development located in Natural Hazard Areas.
   a. For development in a natural hazard area as set forth in ~~Section~~ 8-405.E.1~~.~~:
      (i) Application for a Floodplain Development Permit containing the information required in ~~Article~~ 4-407.B~~.~~ of this Code.
      (ii) A ~~flood~~Flood hazard impact report that addresses the criteria for developing in a ~~flood~~Flood hazard area, certified by a registered Colorado Professional Engineer.
      (iii) Maps or reports addressing ~~flood~~Flood hazard areas must be prepared by a registered Colorado Professional Engineer, a hydrologist or other professional with appropriate expertise in the issues addressed in the map or report as determined by the Community Planning ~~&~~and Permitting Director.
   b. For developments located within a natural hazard area which is a geologic hazard area:
      (i) A geology report documenting and assessing the nature and extent of the applicable geologic hazard, its impact on the proposed development, and proposed mitigation measures if any, prepared by either a member of the American Institute of Professional Geologists, a member of the Association of Engineering Geologists, or an individual registered as a geologist by a state.
7. Requirements applicable to all applications
   a. Detailed description of the need for the proposed development or activity, including but not limited to:
      (i) The present population of the area to be served and the population to be served.
      (ii) The predominant types of users or communities to be served by the proposal.
      (iii) The percentage of the design capacity at which the current system is now operating.
      (iv) If the proposal is a new water or wastewater treatment system or public utility facility and that system exceeds a ten~~-~~year projected increase in demand, a detailed explanation of the excess service capacity and the cost of the excess capacity.
      (v) The relationship of the proposal to the ~~applicant~~Applicant's long-range planning and capital improvements programs, including specific reference to the master plan(s) required to be submitted under ~~Subsections~~ 8-501.D~~.~~ and 8-507.D.1.e~~.~~, above.
   b. Environmental impact analysis~~.~~

(i) Land use:
  (A) Specify whether the proposal conforms to local governments planning policies and master plans.
  (B) Detail the agricultural productivity capability of the land affected by the proposal (SCS classification).
  (C) Specify how the proposed development will utilize existing ~~easement~~Easements or ~~rights-of-way~~Rights-Of-Way for any associated transmission, distribution or collector networks.
  (D) Specify any additional ~~right-of-way~~Right-Of-Way or ~~easement~~Easements for new or expanded transportation facilities.

(ii) Water resources:
  (A) On the same, or another appropriate map, indicate any ~~flood~~Flood hazard area associated with the proposal. Documentation of historical ~~flood~~Flooding activity on the ~~parcel~~Parcel where the activity or development will be located, and on other property affected by the activity or development, should be included. Detail potential, adverse impacts related to the associated ~~flood~~Flood hazard area.
  (B) Map and describe all surface waters, including applicable state water quality standards, to be affected by the project.
  (C) Describe the immediate and long-term impact and net effects that the activity would have on the quantity and quality of surface water under both average and worst-case conditions.
  (D) Map and describe all groundwater, including any aquifers. Describe the impacts and net effect of the activity on groundwater. At a minimum, the description should include:
    (1) Seasonal water levels in each ~~platted subdivision~~Platted Subdivision of the aquifer affected by the activity.
    (2) Artesian pressure in aquifers.
    (3) Groundwater flow directions and levels.
    (4) Existing aquifer recharge rates and methodology used to calculate recharge to the aquifer from any recharge sources.
    (5) For aquifers to be used as part of a water storage system, methodology and results of tests used to determine the ability of aquifer to impound groundwater and aquifer storage capacity.
    (6) Seepage losses expected at any subsurface dam and at stream-aquifer interfaces and methodology used to calculate seepage losses in the affected streams, including description and location of measuring devices.
    (7) Existing groundwater quality and classification.
    (8) Location of all water wells and their uses.
  (E) Describe the impacts and net effect of the activity on wetlands and riparian areas.

(1) Map and describe wetlands, and riparian areas to be affected by the activity, including a description of each type of wetlands, species composition, and biomass.
(2) Describe the source of water interacting with the surface systems to create each wetland (e.g., side-slope ~~runoff~~Runoff, over-bank ~~flood~~Flooding, groundwater seepage, etc.).
(3) Describe impacts and the net effect that the project would have on the wetlands and riparian areas.

(iii) Terrestrial and Aquatic Animals and Habitat:~~.~~
(A) Map and describe terrestrial and aquatic animals including the status and relative importance of game and non-game wildlife, ~~livestock~~Livestock and other animals; a description of streamflows and lake levels needed to protect the aquatic environment; description of threatened or endangered animal species and their habitat.
(B) Map and describe critical wildlife habitat and ~~livestock~~Livestock range to be affected by the activity including migration routes, calving areas, summer and winter range, and spawning beds.
(C) Describe the impacts and net effect that the activity would have on terrestrial and aquatic animals, habitat and food chain.

(iv) Terrestrial and Aquatic Plant Life:
(A) Map and describe terrestrial and aquatic plant life including the type and density, and threatened or endangered plant species and habitat.
(B) Describe the impacts and net effect that the activity would have on terrestrial and aquatic plant life.

(v) Air quality:~~:~~
(A) Detail how many ~~average daily trip~~Average Daily Trips will be generated by the proposal.
(B) Explain any other adverse impacts on air quality anticipated from the proposal.
(C) Describe how any state or federal air quality standards will be impacted and if the proposed transportation facility has been included in the region's air quality models to verify conformity with the air quality plan.
(D) Describe the airsheds to be affected by the activity, including the seasonal pattern of air circulation and microclimates.
(E) Describe the impacts and net effect that the activity would have on air quality during both construction and operation under both average and worst-~~-~~case conditions.

(vi) Environmental Resources and significant environmentally sensitive factors:
(A) Identify and locate on a map of appropriate scale the juxtaposition of any of the following features present in the proposed development or activity and its environs, and detail the potential impact of the proposal upon each feature.
(1) Potential natural hazards.
(2) Public outdoor recreation and open space areas.

(3) Unique areas of geologic, historic and archaeologic importance.
(4) Environmental Resources as defined in Article 18.

(vii) Visual aesthetics and nuisance factors:

(A) Identify viewsheds, scenic vistas, unique landscapes or land formations.

(B) Identify any significant deterioration of existing natural aesthetics, creation of visual blight, noise pollution or obnoxious odors which may stem from the proposal.

(C) Identify and describe any ~~structure~~Structures, excavations and embankments that will be visible as a result of this project.

(viii) Transportation impacts:

(A) Describe what impacts the proposal will have upon transportation patterns in the area intended to be served or affected by the proposal through the submittal of a traffic impact analysis of the proposed transportation facilities. The traffic impact analysis should include but not be limited to the following:

(1) Identify the facilities required to support the existing and future land uses being served by the proposed transportation facility.

(2) Furnish the traffic model data verifying consistency with the Denver Regional Council of Governments (DRCOG) regional plan, the Colorado Department of Transportation (CDOT) Statewide Transportation Improvement Program (STIP) and the DRCOG Transportation Improvement Program (TIP).

(3) Provide the existing and proposed traffic volume impacts to the ~~adjacent~~Adjacent ~~road~~Road system, including local roads.

(4) Provide the existing and future Level of Service (LOS) and capacity of the transportation facilities before and after the proposed transportation project is completed.

(5) All transportation access information as required by the CDOT State Highway Access Code, 1998 revisions or the most current edition thereof.

(6) Submittal of a benefit/cost analysis of the proposed transportation improvements and identify the distribution of the burden of the cost for the proposed improvements to the project as well as the ~~adjacent~~Adjacent state or local ~~road~~Road system.

(ix) Less damaging alternatives:

(A) If the Director determines that the nature or extent of the proposal involves the potential for significant environmental damage and warrants examination of specific, less environmentally damaging alternatives, the Director may request that the Board require that the ~~applicant~~Applicant evaluate and present information on such alternatives as part of the application.

(B) Required information on alternatives may include, but shall not necessarily be limited to, information on the environmental impacts and

cost-effectiveness of the alternatives in relationship to the proposal presented.

c. For any application which ~~Section~~ 3-202.A~~.~~ of this Code identifies as requiring compliance with Article 65.5 of Title 24, C.R.S., certification of compliance with Article 65.5 of Title 24, C.R.S., signed by the ~~applicant~~Applicant confirming that the ~~applicant~~Applicant or its agent has examined the records of the Boulder County Clerk and Recorder for the existence of any mineral estate owners or lessees that own less than full fee title in the property which is the subject of the application, and stating whether or not any such mineral estate owners or lessees exist.

8-508 Referral Requirements

A. Referral of Applications

1. When an application meeting the requirements of ~~Section~~ 8-507 is filed with the Community Planning ~~&~~and Permitting Department, the application materials shall be referred to interest holders in any property proposed to be physically disturbed by the activity or development, property owners within 1,500 feet of any property proposed to be physically disturbed, and appropriate referral agencies. Based on the specifics of the application, the Director may waive referral requirements if those requirements are unnecessary.
   a. The ~~applicant~~Applicant is responsible for preparing the referral packets in the manner prescribed by the Director. An error made either intentionally or unintentionally by the ~~applicant~~Applicant in the preparation of referral packets may result in a delay in processing of the application so that the proper referrals can be accomplished.
   b. All mailings shall be by U. S. Mail, first-class postage prepaid, with the exception of referrals to offices and agencies in the Boulder County interoffice mail delivery route.

B. Referral Packets

1. Each referral packet shall contain one copy of the site plan (full size or reduced to letter size) and application, and other materials as deemed appropriate by the Community Planning ~~&~~and Permitting Director. The number of referral packets required shall be determined by the Director.
2. Referral notices shall be mailed to agencies specified in ~~this Section of~~ 8-508 and to each owner of an interest in any property proposed to be physically disturbed by the proposal, and to property owners within 1,500 feet of any property proposed to be physically disturbed. Referral notifications may be distributed via e-mail.
3. Referral notices shall also include the name of the proposal, name of owners of the affected property, docket number, general location, number of acres, proposed use, and any other information deemed appropriate by the Director. The notice shall also include information on where to access referral packets on the ~~County~~county's website, and provide staff contact information in case the ~~person~~Person receiving the notice wishes to request a hard copy of the referral packet. The complete application referral packet shall be available for public review in hard copy form at

the ~~County~~ Community Planning ~~&~~and Permitting Department during business hours.

C. Review of Applications by Agencies and Individuals
   1. Referral responses from agencies and individuals.
      a. Referral responses must be received by the Director within 14 days of transmittal ~~in order~~ to ~~insure~~ ensure that recommendations and findings are considered.
      b. Failure of any office, agency, district or individual to respond within the above-mentioned time period, or within the period of an extension which may be expressly granted by the Director, will be regarded as a response with no conflict.
   2. The State Engineer shall review the application to ~~insure~~ ensure conformity with all applicable regulations of the Colorado Division of Water Resources and for comment on applicable water rights administration and determination concerns.
   3. The Colorado and County Public Health Departments shall review the application for conformity with all applicable State and County Public Health related regulations.
   4. The Colorado Geological Survey may evaluate those geologic factors which would have a significant impact on the proposed use of the land.
   5. The Colorado Public Utilities Commission shall review all applications for major facilities of a public utility, and provide information on any decisions, orders, or findings which the Commission has made or proposes to make with respect to the facility, and any other pertinent information.
   6. CDOT shall review the application for conformity to the State Highway Access Code, STIP and the regulations relative to the administration of state and federal transportation systems.
   7. The Regional Transportation District (RTD) shall review the proposed transportation facility and provide information relative to the impacts to the District's transit facilities.
   8. The Denver Regional Council of Governments (DRCOG) will review the proposed transportation facility and provide information relative to the impacts to the region's Five Year and the 2020 Transportation Improvement Program (TIP).
   9. The Colorado Division of Wildlife and the Colorado Natural Areas Council shall review all applications in areas affecting natural resources of statewide importance.
   10. The County Engineer shall review all engineering aspects of the proposal including referral responses and other relevant evidence, and shall ~~transmit~~Transmit findings and preliminary recommendations to the Director.
   11. The County Parks ~~&~~and Open Space Department shall review the application for open space and environmental impacts. Staff will schedule applications with such impacts for discussion before the Parks ~~&~~and Open Space Advisory Committee.
   12. The County Community Planning ~~&~~and Permitting Department shall evaluate the application for conformance with the Comprehensive Plan, these regulations, sound planning, and comments from the referral agencies and individuals.
   13. The Urban Drainage and Flood Control District and the Colorado Water Conservation Board shall review the application for ~~flood~~Flood hazard impacts.

D. **Post Referral Action.** If there are referral comments received by the Community Planning &and Permitting Department which require a response from the ~~applicant~~Applicant, the following actions shall occur:
   1. The Community Planning ~~&~~and Permitting staff will ~~transmit~~Transmit by first~~-~~-class mail, or hand delivery, the comments from referral agencies and individuals as soon as possible following the required referral response period.
   2. Within 14 days after transmittal of those comments, or by a later date specified by the Director, the ~~applicant~~Applicant shall respond in writing to all issues raised during the referral process.
      a. Such response shall be considered an amendment to the application~~,~~ and shall be made part of the application to be used as a basis for a final Community Planning &and Permitting staff recommendation.
      b. If the Director finds that this new information results in a substantial change in the proposal, the Director may re-refer the amended application and supporting materials to those referral agencies and individuals outlined in ~~Section~~ 8-508, above. The processing schedule will be amended accordingly.
      c. If the ~~applicant~~Applicant is unable to supply responses within the 14 days allowed, then the ~~applicant~~Applicant may request, in writing, a delay in processing the application for up to 95 days.
      d. If the ~~applicant~~Applicant fails to supply satisfactory responses within the specified time, the Director may either base the Community Planning &and Permitting staff recommendation on review of the file as it exists~~,~~ or reject the application as a result of the failure to provide information necessary to its proper review. In the case and application is rejected ~~of the latter~~, the Director shall inform the ~~applicant~~Applicant in writing.
   3. The Community Planning ~~&~~and Permitting staff shall make a recommendation based on its analysis of the record on the application, the referral comments and the ~~applicant~~Applicant's responses to the referral comments.

8-509 Notice of Permit Hearing

A. Not later than 30 days after receipt of a completed application for a permit, the Director shall set and publish notice of a date, time and place for a hearing before the Board. The notice shall be published once in a newspaper of general circulation in Boulder County, not less than 30 nor more than 60 days before the date set for the hearing. Notice shall also be mailed to the ~~applicant~~Applicant and to the property owners identified in ~~Section~~ 8-508.~~(~~B.~~)~~(2~~)~~, above, and to any other ~~person~~Persons or agencies requesting notice of the hearing, at the same time the notice is published. Inadvertent failure to notify every such property owner, ~~person~~Person or agency shall not affect the validity of any hearing or any determination of the BOCC.
B. The application shall be considered complete and therefore received by the Community Planning &and Permitting Department for purposes of ~~this Section~~ 8- 509, once the ~~applicant~~Applicant supplies satisfactory responses to the referral comments as required by ~~Section~~ 8-508.~~(~~D.~~)~~(2~~)~~, above, or, if no responses are required, within 14 days after the Director transmits information on the application to the referral agencies

and individuals pursuant to ~~Section~~ 8-508.~~(~~C~~)~~, or at such later date as the Director may have approved under ~~Section~~ 8-508.C ~~(~~c~~)~~, above. Completeness of the application shall also be determined based upon the ~~applicant~~Applicant's compliance with any applicable requirements of Article 65.5 of Title 24, C.R.S., as set forth in ~~Section~~ 8-507.A.1.d~~.~~, above.

C. Within the time constraints of ~~Section~~ 8-509.~~(~~A~~)~~ and ~~(~~B~~)~~, above, the Director shall schedule the application for a hearing before the Planning Commission. Notice of the Planning Commission hearing shall be published in a newspaper of general circulation in the ~~County~~county at least seven days before the hearing date, and shall be mailed to the ~~applicant~~Applicant and to the property owners identified in ~~Section~~ 8-508.~~(~~B.~~)~~~~(~~2~~)~~, above, and to any other ~~person~~Persons or agencies requesting notice of the hearing, at the same time the notice is published.

D. Notwithstanding any other provision of ~~this Article~~ 8-200, the Applicant shall be solely responsible for complying with any applicable requirements of Article 65.5 of Title 24, C.R.S.~~.~~ Therefore, if the application is one which ~~Section~~ 3-202.A~~.~~ of this Code identifies as requiring compliance with Article 65.5 of Title 24, C.R.S., and if the ~~applicant~~Applicant has certified as part of its application submittal that mineral estate owners or lessees owning less than full fee title in the property which is the subject of the application exist, the ~~County~~county's initial public hearing on the application (before the Planning Commission or the Board, as applicable) shall not be held unless the ~~applicant~~Applicant provides a further signed certification confirming that the ~~applicant~~Applicant has, at least 30 days prior to the initial public hearing, transmitted to the ~~County~~county and to the affected mineral estate owners and lessees the notices required by Article 65.5 of Title 24, C.R.S.

E. In any case where information becomes known to the Planning Commission, Board, or Community Planning &and Permitting Director that an ~~applicant~~Applicant has failed to provide notice of an initial public hearing on an application as required Article 65.5 of Title 24, C.R.S. at least 30 days prior to the initial ~~County~~county public hearing on the application, as required by Article 65.5 of Title 24, C.R.S., the Planning Commission, the Board, or the Director on behalf of the Planning Commission or Board may continue, may reschedule, or may vacate the initial public hearing to allow proper notice to be provided under Article 65.5 of Title 24, C.R.S..

8-510 Conduct of the Permit Hearings

A. The Planning Commission shall conduct its public hearing in such a manner so as to solicit all relevant testimony from the ~~applicant~~Applicant and members of the public.
   1. The Planning Commission shall hear testimony and receive evidence, including, but not limited to:
      a. The recommendations of the Director~~,~~; and
      b. Relevant testimony and documents presented at the public hearing.
   2. The Director shall conduct and preserve the following record of the public hearing before the Planning Commission:
      a. The permit application.

b. Any written statements or documents presented in support of or in opposition to the permit application.
c. The names and addresses (as available) of all ~~person~~Persons making oral or written statements, appearing as witnesses, or offering documentary evidence.
d. Any tape recording of the hearing.
e. The Planning Commission's recommendation.

B. The Board shall conduct its public hearing in such a manner so as to solicit all relevant testimony from the ~~applicant~~Applicant and members of the public.
1. The Board shall hear testimony and receive evidence, including, but not limited to:
a. The recommendations of the Planning Commission~~;~~,
b. The recommendation of the Director~~;~~ and
c. Relevant testimony and documents presented at the public hearing.
2. The Director shall conduct and preserve the following record of a public hearing:
a. The permit application.
b. Any written statements or documents presented in support of or in opposition to the permit application.
c. The names and addresses (as available) of all ~~person~~Persons making oral or written statements, appearing as witnesses, or offering documentary evidence.
d. Any tape recording of the hearing.
e. The resolution of the Board granting or denying the permit application.
f. A copy of the permit, if issued.

C. Any application submitted by a public utility or a power authority providing electric or natural gas service, which relates to the location, construction, or improvement of a major electrical or natural gas facility as contemplated by Section 29-20-108, C.R.S., as amended, and which is presented to the Planning Commission for review, shall be considered to be a "preliminary application" under Section 29-20-108. Final ~~County~~county action on any such application shall thus be required to be taken within 120 days after submission of the application, or the application under Section 29-20-108 is deemed approved. Any such application for a major electrical or natural gas facility which is presented to only the Board, shall be considered to be a "final application" under Section 29-20-108, on which final ~~County~~county action shall be required to be taken within 90 days after submission of the application, or the application under Section 29-20-108 is deemed approved. For purposes of ~~this Subsection~~ 8-510.C~~.~~, "submission" shall be considered to be the submission of a complete application as required by this Article 8, including but not limited with respect to compliance with any applicable notice requirements to the mineral estate owners and lessees constituting less than full fee title in the subject property as required by Article 65.5 of Title 24, C.R.S.

8-511 Standards of Approval of a Permit Application

A. General Approval Requirements
1. A permit application for development of a matter of state interest may not be approved unless the ~~applicant~~Applicant satisfactorily demonstrates that the proposal, including all mitigation measures proposed by the ~~applicant~~Applicant,

complies with all of the applicable criteria set forth in this Article. If the proposal does not comply with all of the applicable criteria, the permit shall be denied, unless the Board determines that reasonable conditions can be imposed on the permit which will enable the permit to comply with the criteria.

2. If the Board determines at the public hearing that sufficient information has not been provided to it to allow it to determine if the applicable criteria have been met, the Board may continue the hearing until the specified additional information has been received. The Board shall adopt a written decision on a permit application as soon as practicable after the completion of the permit hearing.

B. Standards for approval of all permit applications.
   1. The ~~applicant~~Applicant has obtained or will obtain all property rights, permits, and approvals necessary for the proposal, including surface, mineral, and water rights. The Board may, in its discretion, defer making a final decision on the application until necessary property rights, permits and approvals for the proposal are obtained.
   2. The ~~applicant~~Applicant has the necessary expertise and financial capability to develop and operate the proposal consistent with all requirements and conditions.
   3. Adequate water supplies, as determined by the Colorado State Engineer, are available for the proposal if applicable.
   4. The proposal will not cause unreasonable loss of significant agricultural lands as identified in the Comprehensive Plan, or identifiable on or near the site.
   5. The proposal shall not significantly degrade or pose a significant hazard to any aspect of the environment, including Environmental Resources and open space areas as identified in the Comprehensive Plan, and other features or elements that are deemed to be significant components of the natural environment worthy of preservation. For purposes of this section, the following aspects of the environment shall be considered:
      a. **Air quality.**~~:~~ The proposal shall not significantly deteriorate air quality. In determining impacts to air quality, these considerations shall apply:~~:~~
         (i) Changes to seasonal ambient air quality.
         (ii) Changes in visibility and microclimates.
         (iii) Applicable air quality standards.
      b. **Visual quality.** The proposal shall not significantly degrade visual quality. In determining impacts to visual quality, these considerations shall apply:~~:~~
         (i) Visual changes to ground cover and vegetation, waterfalls and streams, or other natural features.
         (ii) Interference with viewsheds and scenic vistas.
         (iii) Changes in appearances of forest canopies.
         (iv) Changes in landscape character types or unique land formations.
         (v) Compatibility of ~~building~~Building and ~~structure~~Structure design and materials with surrounding land uses.
      c. **Surface water quality.** The proposal shall not significantly degrade surface water quality. In determining impacts to surface water quality, these considerations shall apply~~:~~:

(i) Changes to existing water quality, including patterns of water circulation, temperature, conditions of the substrate, extent and persistence of suspended particulates and clarity, odor, color or taste of water.
(ii) Applicable narrative and numeric water quality standards.
(iii) Increases in point and non-point source pollution loads.
(iv) Increases in erosion.
(v) Increases in sediment loading to waterbodies.
(vi) Changes in stream channel or shoreline stability.
(vii) Changes in ~~stormwater~~Stormwater ~~runoff~~Runoff flows.
(viii) Changes in trophic status or in eutrophication rates in lakes and reservoirs.
(ix) Changes in the capacity or functioning of streams, lakes or reservoirs.
(x) Changes in flushing flows.
(xi) Changes in dilution rates of mine waste, agricultural ~~runoff~~Runoff and other unregulated sources of ~~pollutant~~Pollutants.

d. **Groundwater quality.** The proposal shall not significantly degrade groundwater quality. In determining impacts to groundwater quality, these considerations shall apply~~.~~:
(i) Changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces.
(ii) Changes in capacity and function of wells within the impact area.
(iii) Changes in quality of well water within the impact area.

e. **Wetlands and riparian areas.** The proposal shall not significantly degrade the quality of wetlands and riparian areas. In determining impacts to wetlands and riparian areas, these considerations shall apply:~~.~~
(i) Changes in the structure and function of wetlands.
(ii) Changes to the filtering and ~~pollutant~~Pollutant uptake capacities of wetlands and riparian areas.
(iii) Changes to aerial extent of wetlands.
(iv) Changes in species' characteristics and diversity.
(v) Transition from wetland to upland species.
(vi) Changes in function and aerial extent of floodplains.

f. **Terrestrial and aquatic animal life.** The proposal shall not significantly degrade the quality of terrestrial and aquatic animal life. In determining impacts to terrestrial and aquatic animal life, these considerations shall apply:~~.~~
(i) Changes that result in loss of oxygen for aquatic life.
(ii) Changes in flushing flows.
(iii) Changes in species composition or density.
(iv) Changes in number of threatened or endangered species.
(v) Changes to habitat and critical habitat, including calving grounds, mating grounds, nesting grounds, summer or winter range, migration routes, or any other habitat features necessary for the protection and propagation of any terrestrial animals.

(vi) Changes to habitat and critical habitat, including stream bed and banks, spawning grounds, riffle and side pool areas, flushing flows, nutrient accumulation and cycling, water temperature, depth and circulation, stratification and any other conditions necessary for the protection and propagation of aquatic species.
(vii) Changes to the aquatic and terrestrial food webs.

g. **Terrestrial and aquatic plant life.** The proposal shall not significantly degrade the quality of terrestrial and aquatic plant life. In determining impacts to terrestrial and aquatic animal life, these considerations shall apply~~.~~:
(i) Changes to habitat of threatened or endangered plant species.
(ii) Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity.
(iii) Changes in advancement or succession of desirable and less desirable species, including noxious weeds.
(iv) Changes in threatened or endangered species.

h. **Soils and geologic conditions.** The proposal shall not significantly degrade soils and geologic conditions. In determining impacts on soils and geologic conditions, these considerations shall apply~~.~~:
(i) Changes to the topography, natural drainage patterns, soil morphology and productivity, soil erosion potential, and ~~flood~~Flood hazard areas.
(ii) Changes to stream sedimentation, geomorphology, and channel stability.
(iii) Changes to lake and reservoir bank stability and sedimentation, and safety of existing reservoirs.
(iv) Changes to avalanche areas, mudflows and debris fans, and other unstable and potentially unstable slopes.
(v) Exacerbation of seismic concerns and subsidence.

i. The proposal shall not degrade the quality of any other Environmental Resources as defined in Article 18 of this Code.

6. The proposal will not have a significant adverse effect on the quality or quantity of recreational opportunities and experience.
7. The proposal will not cause unreasonable loss of significant cultural resources, including but not necessarily limited to historical ~~structure~~Structures or sites and archaeological artifacts or sites, as identified in the Comprehensive Plan or identifiable on or near the site.
8. The proposal or its associated transmission collector or distribution system will not create blight, or cause other nuisance factors such as excessive noise or obnoxious odors.
9. The proposal will not be subject to significant risk from ~~flood~~Floods, fires, earthquakes or other disasters or natural hazards.
10. The proposal or its associated transmission collector or distribution system will not create an undue financial burden on existing or future residents of the ~~County~~county.
11. The proposal will not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.

12. The planning, design and operation of the proposal will reflect appropriate principles of resource conservation, energy efficiency and recycling or reuse.
13. For those applications for which the Director has required information on the environmental impacts and costs of alternatives under ~~Section~~ 8-507.~~(~~D.~~)~~(7.~~)~~(b)~~, above, the proposal represents the least damaging alternative of reasonable cost among the alternatives analyzed.
14. The proposal is in accordance with the Boulder County Comprehensive Plan and any applicable intergovernmental agreement affecting land use and development, including but not limited to any applicable land use designations. In cases where a ~~person~~Person who is not a service provider with a ~~County~~county-approved service plan or service area, proposes a development within an approved service area, the Board shall not be compelled to consider the development be in compliance with the applicable adopted comprehensive plan or intergovernmental planning agreement simply by virtue of the fact that the development is located within, or is proposed to serve, an approved service area.
15. The proposal represents the complete, reasonably foreseeable development for the subject property as required under ~~Section~~ 8-501.D~~.~~, above, except that the Board may approve development constituting less than the complete development provided that the Applicant clearly demonstrates that a lesser proposal constitutes a discrete phase of the complete development as supported by the applicable master planning document required under ~~Subsection~~ 8-501.D~~.~~, which can be logically and adequately reviewed as a separate project under the applicable criteria of these Regulations. Amendments to approvals of applications submitted after the effective date of ~~Subsection~~ 8-501.D~~.~~ (February 27, 2003), shall be subject to the further requirements of ~~Subsection~~ 8-501.E~~.~~, above.

C. Additional standards for approval of municipal and industrial water projects.
   1. The proposal shall emphasize the most efficient use of water, including, to the extent permissible under existing law, the recycling and reuse of water. Urban development, population densities, and site layout and design of ~~storm water~~Stormwater and sanitation systems shall be accomplished in a manner that will prevent the pollution of aquifer recharge areas.
   2. To promote the efficient utilization of municipal and industrial water projects, utilization of the following water sources shall be favored:
      a. Utilization of existing municipal and industrial water supplies, for example, by lease, exchange, sale, or other ~~disposition~~ Disposition between ~~person~~Persons or entities within Boulder County, or between ~~person~~Persons or entities within Boulder County and those outside Boulder County.
      b. Water supplies from sources which do not involve the removal of water from irrigated ~~agriculture~~Agriculture or open space or preserved lands in Boulder County, or which do not involve increased use of native flows of water in the streams of Boulder County.

D. Additional standards for approval of site selection and construction of major new domestic water and ~~sewage~~Sewage treatment systems and major extensions of existing domestic water and ~~sewage~~Sewage treatment systems.

1. New domestic water and ~~sewage~~Sewage treatment systems and major extensions of existing domestic water and ~~sewage~~Sewage treatment systems shall be constructed in areas which will result in the proper utilization of existing treatment plants within the ~~County~~county and will ensure the orderly development of domestic water and ~~sewage~~Sewage treatment systems of ~~adjacent~~Adjacent communities within the ~~County~~county.
2. Major extensions of domestic water and ~~sewage~~Sewage treatment systems shall be permitted in those areas in which the anticipated growth and development that may occur as a result of such extension can be accommodated within the financial and environmental capacity of the area to sustain such growth and development.
3. Existing water and ~~sewage~~Sewage treatment systems servicing the area must be at or near operational capacity.
4. The scope and nature of the proposal will not compete with existing water and ~~sewage~~Sewage services or create duplicate services.
5. The age of existing domestic water and ~~sewage~~Sewage treatment systems, operational efficiency, state of repair or level of service is such that replacement is warranted.
6. Existing facilities cannot be upgraded or expanded to meet waste discharge permit conditions of the Colorado Water Control Division.

E. Additional standards for major facilities of a public utility.
1. Facilities shall be sited and constructed in areas which will result in the proper utilization of existing facilities and associated systems within or serving the ~~County~~county.
2. Facilities shall be permitted in those areas in which the anticipated growth and development that may occur as a result of such facility can be accommodated within the financial and environmental capacity of the area to sustain such growth and development and are in accordance with the applicable ~~County~~county land use plans.
3. Existing facilities and associated systems servicing the area must be at or near operational capacity.
4. If a facility extension or replacement is proposed, the age of existing facilities and associated systems, their operational efficiency, and their state of repair or level of service are such that extension or replacement is warranted.
5. If a new facility is proposed, existing facilities cannot be feasibly upgraded or expanded.

F. Additional standards for site selection of arterial highways and interchanges and collector highways.
1. Community traffic needs shall be met.
2. Desirable community patterns shall not be disrupted.
3. Direct conflicts with adopted local, regional and state master plans shall be avoided.

G. Additional standards for site selection of new communities.

1. The design shall, at a minimum, provide for transportation, waste disposal, schools, and other governmental services in a manner that will not overload facilities of existing communities of the region.

H. Additional standards for development in historical or archaeological resource areas of statewide importance.
   1. Development shall be designed to preserve the integrity of the resource.
   2. Development shall be conducted in a manner which will be compatible with the preservation of the resource and minimize damage to the resource.

I. Additional standards for development in natural resource areas of statewide importance.
   1. Development shall be designed to preserve the integrity of the resource.
   2. Development shall be conducted in a manner which will be compatible with the preservation of the resource and minimize damage to the resource.
   3. The proposed development will not adversely affect either surface or subsurface water rights.
   4. The proposed development will not significantly deteriorate significant wildlife habitat.
   5. The proposed development will not significantly degrade existing natural scenic characteristics, create blight, or cause other nuisance factors such as excessive noise or obnoxious odors.

J. Additional standards for development in areas around key facilities (interchanges involving arterial highways).
   1. The proposed development shall not pose a danger to public health or safety or to property (including the subject property, other impacted properties, and the environment).
   2. The volume of traffic to be generated by the proposed development shall be compatible with the traffic-handling characteristics of the interchange and the access ~~road~~Road and existing, affected traffic roads.
   3. The proposed development shall be compatible with existing developments and with the character of the ~~neighborhood~~Neighborhood, and shall not significantly impair an area or resource of special scenic, historical, or cultural significance.
   4. The proposed development shall preserve desirable existing community patterns.
   5. A development that proposes burdens or deprivations on the communities of a region shall not be justified on the basis of local benefit alone.

K. Additional standards for development in ~~flood~~Flood hazard areas.
   1. Development shall preserve the integrity of the ~~flood~~Flood hazard area by not altering or impacting it in any way which is likely to pose a significant threat to public health or safety or to property (including the subject property, other impacted properties, or the environment).
   2. Development which, in time of ~~flood~~Flood ing, will likely pose a significant threat to public health or safety or to property (including the subject property, other impacted properties, or the environment) shall be prohibited. In determining whether there will likely be a significant threat, the following factors shall be considered:

a. creation of obstructions from the proposed development during times of ~~flood~~Flooding, and vulnerability of the proposed development to ~~flood~~Flooding;
b. use of ~~flood~~Flood protection devices or ~~flood~~Floodproofing methods;
c. nature or intensity of the proposed development;
d. increases in impervious surface area caused by the proposed development;
e. increases in surface ~~runoff~~Runoff flow rate and amount caused by the proposed development;
f. increases in ~~flood~~Flood water flow rate and amount caused by the proposed development;
g. proximity and nature of ~~adjacent~~Adjacent or nearby land uses;
h. impacts to downstream properties or communities; and
i. impacts on shallow wells, waste disposal sites, water supply systems, and ~~sewage~~Sewage disposal or on-site wastewater systems.

3. Development shall comply with the Floodplain Overlay District Regulations of ~~Article~~ 4-400 of the Land Use Code, as amended.
4. Open space activities such as ~~agriculture~~Agriculture, passive recreation (recreation not requiring the development of playing fields, spectator stands or other significant ~~structure~~Structures), and mineral Extraction~~extraction~~, shall be presumed to be the favored form of development in the ~~flood~~Flood hazard area and shall be encouraged. Applications proposing other forms of development, which make a more intensive use of the land such as by increasing the structural coverage or impervious surface on the land, shall be presumed to generate adverse impacts on the ~~flood~~Flood hazard area and shall not be approved unless the ~~applicant~~Applicant clearly demonstrates that the criteria of ~~this Section~~ 8-511.K~~.~~ and of ~~Section~~ 8-511.B ~~.~~have been met.

L. Additional standards for development in geologic hazard areas.
1. Development shall not aggravate the hazardous condition or otherwise pose a significant risk to public health and safety or to property.
2. Open space activities such as ~~agriculture~~Agriculture, passive recreation not requiring the development of playing fields, spectator stands or other significant ~~structure~~Structures, and mineral Extraction~~extraction~~, shall be encouraged provided they can be conducted in a manner which does not aggravate the hazardous condition or otherwise pose a significant risk to public health and safety or to property.
3. Any approved development shall be designed in a manner that mitigates any significant risk posed by the geologic hazard, as confirmed by a registered professional engineer or other qualified expert in the field.
4. Shallow wells, ~~solid waste~~Solid Waste disposal sites, water supply systems, and on-site wastewater systems and ~~sewage~~Sewage disposal systems shall be protected.
5. Development shall comply with all applicable ~~County~~county Building Code and Public Health Department regulations.

8-512 Issuance of Permits

A. The permit shall be issued on the form adopted by the Board of County Commissioners, which may be the Board's written resolution of decision on the application.
B. The permit may be issued for an indefinite term or a specified number of years.

8-513 Financial Security

A. Before any permit is issued, the Board may, in its discretion, require the ~~applicant~~Applicant to file a guarantee of financial security deemed adequate by and made payable to the Board.
B. The purpose of this financial guarantee shall be to assure that the ~~applicant~~Applicant or permittee shall faithfully perform all requirements of the permit.
C. Any requirement for a financial guarantee shall be specified in the written decision of the Board on the permit application.

8-600 Post Approval Requirements

8-601 Enforcement of Permit Requirements

A. When it comes to the attention of the Board that the provisions of any permit have been violated by the permittee, the Board, if it determines that enforcement action is appropriate, shall give the permittee written notice of the specific violation and of a hearing on the proposed violation which the Board shall schedule no sooner than 30 days after the date of the written notice. If the Board determines that an emergency situation exists the Board may schedule the hearing sooner than 30 days, provided that the permittee receives at least five working days' prior notice of the hearing.
B. If the permittee fails to correct the violation by the public hearing date, and the Board determines at the public hearing that the violation exists, the Board, in its discretion, may impose an appropriate sanction, including but not necessarily limited to temporary suspension of the permit for a reasonable time certain; an order to correct the violation within a reasonable time certain; the requirement for additional financial guarantees; or revocation of the permit.
C. The Board shall have the authority to seek an injunction or other appropriate relief in the appropriate state or federal district court if the permittee fails to correct the violation or to comply with any sanction imposed at the public hearing.
D. Any permit issued under these regulations shall be deemed to include the granting of the permittee's consent to entry and inspections by the Board and its authorized representatives as may be necessary at any time during regular ~~County~~county business hours, without prior notice to the permittee, to determine compliance with the terms of the permit.
E. Any ~~person~~Person engaging in a development in a designated area of state interest or conducting a designated activity of state interest who does not obtain a permit pursuant to these regulations may be enjoined by the Board from engaging in such development or conducting such activity, and may be subject to such other criminal or civil liability as may be prescribed by law.

Article 9 – Building Lots, Mergers, Subdivision Exemptions ~~&~~and Exemption Plats

9-100 Building Lot

A. The following Parcels of land are Building Lots under this Code.
   1. A Parcel that meets the following criteria:
      a. Was lawfully created.
      b. Met the zoning minimum lot size when it was created or was created prior to the county's establishment of a zoning minimum lot size governing the Parcel.
      c. Did not require approval under the Subdivision Regulations.
   2. A Parcel of 35 acres or more.
   3. A Parcel that the Board approved as a Building Lot under the then applicable Subdivision Exemption provisions or Exemption Plat provisions of the Code.
   4. A Parcel that the Board approved as a Building Lot through a Conceptual Review, which was a process the Board used to determine the status of certain illegal Subdivisions created in the 1960s and 1970s. ~~(~~Conceptual Review policy was replaced by the codified Subdivision Exemption process in 1979 and is no longer a process in the Code~~)~~.
   5. A Subdivided Lot that conforms to a lawfully recorded ~~plat~~Plat.
   6. A Subdivided Lot that was further divided so that it no longer conforms with the recorded ~~plat~~Plat if the following criteria are met:
      a. The division occurred before August 28, 1972 (the date on which the county codified the provisions of S.B. 35), as shown by Deeds recorded on or before August 28, 1972.
      b. The lot complied with the zoning minimum lot size at the time of the division.
      c. ~~Subsequent to~~After the division, the Building Official, based upon accurate information submitted by the permittee, issued a ~~building~~Building permit for construction of ~~floor area~~Floor Area for a ~~structure~~Structure that required a Building Lot.
      d. The permit was not for minor work including, without limitation, the provision of electrical service, the installation of heating or cooling facilities, plumbing, windows, siding, or the repair or replacement of a roof.
      e. The permittee relied on the ~~building~~Building permit in good faith, substantially completed construction according to the permit, and substantially completed any required inspections.
      f. The Deed description for the resulting Subdivided Lot is clear and accurate, and it does not create discrepancies in boundaries with respect to ~~adjacent~~Adjacent Parcels. The Director may consult with the County Surveyor in making this determination.
      g. Where a Building Lot Existed but was then rendered not a Building Lot due to land division outside an appropriate ~~subdivision~~Subdivision process, the Building Lot can be reestablished by merging the ~~parcel~~Parcels by ~~deed~~Deed back into the original configuration per ~~Article~~ 9-102.

7. An Unsubdivided Parcel that does not otherwise meet the definition of a Building Lot, or a Subdivided Lot that was divided so that it no longer conforms with the recorded Plat and is included in an Exemption Plat as set forth in ~~Article~~ 9-300, and the following criteria are met:
    a. Subsequent to the division, the Building Official, based upon accurate information submitted by the permittee, issued a ~~building~~Building permit for construction of ~~floor area~~Floor Area for a ~~structure~~Structure that required a Building Lot.
    b. The permit was not for minor work including, without limitation, the provision of electrical service, the installation of heating or cooling facilities, plumbing, windows, siding, or the repair or replacement of a roof.
    c. The permittee relied on the ~~building~~Building permit in good faith, substantially completed construction according to the permit, and substantially completed any required inspections.
    d. The Deed description for the resulting Parcel is clear and accurate, and it does not create discrepancies in boundaries with respect to ~~adjacent~~Adjacent Parcels. The Director may consult with the County Surveyor in making this determination.
8. A Parcel owned by a governmental entity that is transferred to a nongovernmental entity or ~~person~~Person, provided that the Parcel met the zoning minimum lot size at the time title was transferred.
9. A Parcel that does not otherwise meet the definition of Building Lot, if the following criteria are met:
    a. The Parcel was created by combining it with one or more other Parcels (whether Building Lots or not) to form a single Parcel.
    b. The resulting combined Parcel reconstitutes a previously existing Building Lot.
10. A Parcel that met the definition of a Building Lot that is altered through condemnation or acquisition of a portion of the Parcel for public roadway purposes, except where the Parcel is split and contiguity disrupted as a result of the roadway.
11. A Parcel or Parcels created through a division of land by a state court or through a boundary line agreement under § 38-44-112 to settle an action seeking a division of land by a state court if the division involves Unsubdivided Land and/or Subdivided Land that is included in an Exemption Plat as set forth in ~~Article~~ 9-300, and:
    a. If the Parcel or Parcels were created after 2014 and immediately prior to the action, each Parcel subject to the division met the definition of a Building Lot the following criteria are met:
        (i) The county was given timely notice of the pending action by the court and given the opportunity to join as a party in interest in the proceeding.
        (ii) Each resulting Parcel has legal access.
    b. If the Parcel or Parcels were created after 2014, and any of the Parcels subject to the division did not meet the definition of a Building Lot immediately prior to the action and the following criteria are met:
        (i) The county was given timely notice of the pending action by the court and given the opportunity to join as a party in interest in the proceeding.

(ii) Immediately prior to the action, the Parcel met the definition of a Building Lot.
(iii) The Parcel size was not decreased.
(iv) The resulting Parcel has legal access.

c. If the Parcel or Parcels were created, even if the county was not given timely notice of the pending action by the court and given the opportunity to join as a party in interest in the proceeding and the following criteria are met:
   (i) Immediately prior to the action, the Parcel met the definition of a Building Lot.
   (ii) The Director determines, in his discretion, that the change to the Parcel from its original configuration is so minor that the county does not require a further land use process to recognize the lot.
   (iii) The resulting Parcel has legal access.
d. Any other Parcel or Parcels that were created if:
   (i) The county was given timely notice of the pending action by the court and given the opportunity to join as a party in interest in the proceeding.
   (ii) The court issued an order requiring the county to recognize the Parcel as a Building Lot.

9-101 Building Lot Determination

A. Any ~~person~~Person may request that the Director determine if any Parcel of land in the unincorporated county is a Building Lot that meets the requirements of ~~Article~~ 9-100.
B. Any Building Lot Determination request shall be made on an application provided by the Director. A complete application shall include payment of the specified processing fee, all information requested on the application, and any additional information that the Director determines is necessary to process the application including, without limitation, ~~parcel~~Parcel maps, Deeds, surveys, county ~~building~~Building permits, and county land use approvals or determinations issued for the Parcel.
C. If the application is made by a ~~person~~Person other than the Parcel owner, the Director will forward a copy of the application, as well as any Building Lot determination made on the Parcel, to the Parcel owner of record.
D. A determination by the Director that a Parcel is a Building Lot is not a determination that the Parcel can be developed for any particular purpose or use. Development shall be reviewed and approved through the applicable ~~County~~county Land Use Code processes and may require related approvals from the Boulder County Public Works Department, Boulder County Public Health, and state agencies.
E. If the Director determines that a Building Lot Determination has been issued in error, the Director may amend or rescind the determination as necessary.
F. County recognition of a specific Building Lot does not include an implied approval of any other Parcel as a Building Lot, even if the other Parcel was part of or a remainder piece from a Subdivision that created the Parcel being recognized.
G. The Director's interpretation of the definition of "Building Lot" in ~~Article~~ 9-100 made in the course of a Building Lot Determination, or the course of an amendment or

rescission of a Building Lot Determination, may be appealed to the Boulder County Board of Adjustment under the provisions of ~~Article~~ 4-1200.

9-102 Merger of Parcels

A. At the request of a property owner(s), the Director may merge two or more Parcels owned by the same property owner(s) into a single Parcel of less than 35 acres in the following instances:
   1. Where all Parcels were Building Lots, and upon final approval, the merged Parcel will constitute a single Building Lot.
   2. Where one or more of the Parcels proposed to be merged are not Building Lots, the areas that were not legal Building Lots shall not be used for ~~setback~~Setback or ~~building~~Building purposes for the merged lot.
      a. A Subdivision Exemption approval is required to merge a Building Lot(s) and a Parcel(s) that is not a Building Lot for the entirety of the resulting Parcel to be a Building Lot.
   3. Where a Building Lot Existed but was then rendered not a Building Lot due to land division outside an appropriate ~~subdivision~~Subdivision or Subdivision Exemption process, the Building Lot can be reestablished by merging the Parcels back into the original Building Lot configuration.

B. Owner-Requested Merger Process
   1. The property owner shall submit an application, provided by the Director, for merger and confirmation of addressing. A complete application shall include payment of the specified processing fee, all information requested on the application, and any additional information that the Director determines is necessary to process the application including, without limitation, Assessor's Parcel Identification Numbers of affected Parcels, a site plan showing the proposed final lot configuration, ~~parcel~~Parcel maps, Deeds, surveys, county ~~building~~Building permits, and county land use approvals or determinations issued for the Parcels.
   2. The application for merger shall also include a draft ~~deed~~Deed that: (1) properly describes the merged Parcel and; (2) includes the following statement on the face of the ~~deed~~Deed: "This ~~deed~~Deed is given to merge into one ~~parcel~~Parcel all property described in this ~~deed~~Deed. The ~~parcel~~Parcels are merged with the property owner's consent per CRS 30-28-139."
      a. Where a merger combines a Building Lot(s) and a Parcel(s) that is not a Building Lot, the ~~deed~~Deed language shall also identify the area of the ~~parcel~~Parcel that shall not be used for ~~building~~Building or ~~setback~~Setback purposes.
      b. Where a merger is proposed for the purpose of reconstituting a Lot, as shown on the recorded ~~plat~~Plat, the following statement shall be included on the face of the ~~deed~~Deed: "This ~~deed~~Deed is given to reestablish Lot xx Block xx of (Subdivision Name)."
   3. Upon approval by the Director, the property owner shall record a Deed in the real property records of the Boulder County Clerk and Recorder and provide a copy of the recorded Deed to the Community Planning ~~&~~and Permitting Department.

4. Upon the property owner's compliance with the conditions of approval, the Community Planning ~~&~~and Permitting Department will confirm addressing of the resulting Parcel and send a Final Approval letter to the property owner.

C. For any merger of Parcels of land or lots under the provisions of this Code, which merger is not requested in writing by each owner of an affected Parcel, and which merger occurs for the first time on or after October 1, 2003 (the effective date of Senate Bill 03-067 as codified in Section 30-28--139 of the Colorado Revised Statutes), the following provisions shall govern, as expressly required in Section 30-28-139:
   1. Prior to the completion of the merger, the county shall send notice of the county's intent to complete the merger to each owner of the affected Parcels by certified mail, at the address shown on the records of the County Assessor. The notice shall also specify that each such owner may request a hearing on the proposed merger pursuant to ~~Subsection~~ 9-102.C.2, immediately below, and shall specify action to be taken by such owner to request such hearing including, without limitation, the requirement that said owner shall request the hearing no later than 120 days after the date on which the owner receives the notice. The date of the owner's receipt of the notice shall be the date on which the notice arrives at the owner's stated address, which date the county may presume to be three days after the date of the county's mailing of the notice, unless the circumstances known to the county clearly indicate a later receipt date.
   2. Prior to the completion of the merger, where each owner of an affected Parcel has timely requested a hearing on the proposed merger satisfying the requirements of 9-102.C.~~Subsection~~ 1, immediately above, a public hearing on said merger shall be held before the Board of County Commissioners. The hearing shall be conducted for the purpose of allowing the Board to discuss with the owner of each affected Parcel the Board's reasons for proceeding with the merger, and to give each owner the opportunity to submit any basis provided under law for challenging the merger. In the case of a timely hearing request, the county shall provide notice of the time, place, and manner of the hearing to each owner of the affected Parcels and shall also publish the notice in a newspaper of general circulation in the county in a manner sufficient to notify the public of the time, place, and nature of said hearing. In order to give each such owner of an affected Parcel the opportunity to take whatever remedial action is allowed under the law prior to the hearing before the Board, the county shall not hold the hearing any sooner than 90 days after the date on which the owner received the county's initial mailed notice as provided in ~~Subsection~~ 9-102.C.1, above.
   3. Where the owner of each affected Parcel fails to timely request a hearing on the proposed merger satisfying the requirements of 9-102.C.~~Subsection~~ 1, above, no such hearing is required, and the affected Parcels shall be merged in accordance with the requirements of ~~this Subsection~~ 9-102.C.
   4. No merger of Parcels that is the subject of a hearing pursuant to 9-102.C.~~Subsections~~ 1 and 9-102.C.2, above, shall be effective unless:
      a. The owner of the Parcels has given consent to the merger of said Parcels.

b. The merger has been approved by a majority of the Board of County Commissioners.

5. Nothing in this Subsection shall be construed to abrogate or otherwise diminish or expand any rights a landowner may have under Article 68 of Title 24, C.R.S., pertaining to ~~vested property right~~Vested Property Rights.

9-200 Subdivision Exemptions

A. **Eligibility for Subdivision Exemption.** The divisions of land set forth here are exempt from the definition of the term 'Subdivision' and may be considered under ~~Article~~ 9-400 because the Board determined that such minor divisions are not within the purposes of Part 1 of Article 28 of Title 30, C.R.S. (the County Planning Act), as set forth in Article 1-300 of this Code, as authorized in C.R.S. Section 30-28-101(10)(d).

1. **Lot Recognition**~~.~~
   a. Recognition of an existing Parcel that is not a legal Building Lot as a Building Lot.
   b. Recognition of the merger of a Building Lot with a Parcel that is not a legal Building Lot, as a Building Lot in its entirety.
   c. Where nonconforming multiple ~~dwelling~~Dwellings and/or uses exist on a Building Lot, a Building Lot(s) may be recognized which separates the ~~dwelling~~Dwellings and/or uses onto individual Lot(s).
2. **Boundary Line Adjustment.** Reconfiguration of Building Lots which results in the same or fewer number of Building Lots.
3. **Community Facility Lot Split.** Where the division creates Parcels for use as community facilities such as public parking areas, public educational facilities, public parks, open space purchase by a public entity, and utility land acquisitions including for utility substations without any ~~dwelling unit~~Dwelling Units.
   a. No exemption is necessary in those cases where the community facility lot split involves land which is, or through the split will be, owned by the county.
4. Any appeal to an eligibility determination made by the Director shall use the same process as set forth in ~~Article~~ 9-400.C.

B. Proposals for condominiums, apartments, any other multiple ~~dwelling unit~~Dwelling Units, or that otherwise create two or more separate interests without dividing a Parcel are exempt from the definition of the term 'Subdivision' because the Board determined that such divisions are not within the purposes of the County Planning Act and are exempt from the requirement of a public hearing before the Board. The Director or the Board may approve a proposal under this provision if it is regulated by, and meets the criteria of, a binding review process under this Code.

C. When the Subdivision of Parcels involves land that is, or through the Subdivision will be, owned in full or in part by the county, Subdivision Exemption approval or approval under Article 5 of this Code is not required.

9-300 Exemption Plats

A. Eligibility for Exemption Plat

1. An amendment or change to a ~~plat~~Plat which at the Director's discretion has been determined to not require a Replat under ~~Article~~ 5-402 may be processed under

~~Article~~ 9-400, including but not limited to reconfiguration of a ~~parcel~~Parcel through boundary line adjustments without a change in the overall number of Building Lots, minor adjustment to a ~~building~~Building envelope, ~~parcel~~Parcel mergers that eliminate a Building Lot, and changes to ~~plat~~Plats resulting from the ~~road~~Road or ~~easement~~Easement vacation process of this Code.

2. No Exemption Plat approval shall permit an increase in the number of Subdivided Lots unless any additional resulting Subdivided Lot is 35 acres or more, unless the additional density was recognized through a court action where the county was given timely notice of the pending action by the court and given the opportunity to join as a party in interest in the proceeding, or unless the Parcel adding the additional density meets the definition of a Building Lot in ~~Article~~ 9-100.A.7.
3. Unsubdivided Land is not eligible for an Exemption Plat unless:
    a. It is part of an application to add it to Subdivided Land to create a Subdivided Lot of 35 acres or more; or
    b. The county has received proper notice in a judicial process and a court has entered an order changing the boundary lines shown on a Plat or the action has been settled through a boundary line agreement; or
    c. It is part of an application involving Subdivided Land where both Parcels meet the definition of a Building Lot, as described in 9-100.A.7.
4. Exemption Plat to Resolve Property or Boundary Line Disputes
    a. The Director may approve an application for an Exemption Plat to finalize a division of a Subdivided Lot or lots by state court or through a boundary line agreement under § 38-44-112 to settle an action seeking a division of a Subdivided Lot by state court that meets any of the definitions of a Building Lot in ~~Article~~ 9-100.A.11.a-d. The Director will present the final Exemption Plat to the Chair of the Board for a signature.
    b. Recognition as a Building Lot of a Subdivided Lot changed by a state court or a boundary line agreement to settle an action seeking a change to the Subdivided Lot by a state court that does not meet the definition of a Building Lot is subject to the Exemption Plat criteria in 9-500.
5. For Subdivided Lots Which the County Issued Permits
    a. The Director may approve an application for an Exemption Plat to finalize a division of a Subdivided Lot that meets the definition of a Building Lot in ~~Article~~ 9-100.A~~-~~.7. The Director will present the final Exemption Plat to the Chair of the Board for a signature.

9-400 Subdivision Exemption and Exemption Plat Process

A. The Director, by delegation of authority from the Board of County Commissioners, pursuant to this Article, may grant exemptions from the application of the Subdivision Regulations where the proposal includes either Unsubdivided Land (a Subdivision Exemption) or Subdivided Land (an Exemption Plat).
B. Upon receipt of a complete application, the Director shall review the application and issue a decision based on the criteria for Subdivision Exemption and Exemption Plat found in ~~Article~~ 9-500.

1. If the Director finds that the application meets the standards set forth in ~~Article~~ 9-500, the Director shall approve the application.
2. If the Director finds that the application does not meet an applicable standard or standards, but that application of reasonable mitigation measures allows the standard to be met, the Director shall approve the application with conditions.
3. If the Director finds that the application does not meet an applicable standard or standards and that reasonable mitigation measures do not allow the standard to be met, the Director shall deny the application.
4. Once the Director issues a determination, the determination shall not be final for 14 ~~calendar~~ days after the date of the determination, in order to allow time for the ~~applicant~~Applicant to appeal, or for the Board of County Commissioners to call up the determination for further review pursuant to ~~Article~~ 9-400.C and D of this Article.

C. Applicant's Right of Appeal of a Conditional Approval or Denial
1. If the Director denies an application or conditionally approves it with conditions to which the ~~applicant~~Applicant objects, the ~~applicant~~Applicant shall be entitled to appeal the Director's determination to the Board of County Commissioners.
2. The ~~applicant~~Applicant must file an appeal for this purpose with the Community Planning ~~&~~and Permitting Department in writing received no later than 14 ~~calendar~~ days after the date of the Director's determination.
3. The Board shall review the Director's determination at a public hearing held as soon as practical after the appeal has been filed. Prior written notice of this hearing shall be provided to the ~~applicant~~Applicant and to property owners within 1,500 feet and shall be published as part of the Board's agenda in a newspaper of general circulation in Boulder County.
4. At the public hearing, the Board shall consider evidence related to the Director's determination which may be presented by the Director, the ~~applicant~~Applicant, or interested members of the public. The Board shall not be limited in their review to the subject of the appeal but may review any aspect of the application. Based upon this evidence the Board may affirm the Director's decision, alter conditions, add new conditions, or reverse the Director's determination on any aspect of the application.

D. Board of County Commissioner's Review ("Call Up") of a Conditional Approval or Denial
1. Upon receiving the Director's determination, and no later than 14 ~~calendar~~ days after the date of the approval, the Board may call the Director's determination up for review before the Board. The call- up generally shall be made by the Board at a public meeting convened within this 14-day period. However, if it is not practical for the Board to convene a public meeting for this purpose within the 14-day period, any member of the Board may authorize a call-up within the 14-day period, which call-up shall be effective provided that the Board subsequently ratifies the call-up at a public meeting held within a reasonable period of time after the 14-day period expires.
2. The Board shall review the Director's determination at a public hearing held as soon as practical after the Director's determination. Prior written notice of this hearing shall be provided to the ~~applicant~~Applicant and to property owners within 1,500 feet

and shall be published as part of the Board's agenda in a newspaper of general circulation in Boulder County.

3. At the public hearing, the Board shall consider evidence related to the Director's decision which may be presented by the Director, the ~~applicant~~Applicant, or interested members of the public. The Board shall not be limited in their review to the subject of the call-up but may review any aspect of the application. Based upon this evidence, the Board may affirm the Director's decision, alter conditions, add new conditions, or reverse the Director's decision on any aspect of the application.

9-500 Review Criteria for Subdivision Exemptions and Exemption Plats

A. A Subdivision Exemption or an Exemption Plat shall meet all of the following criteria:
   1. The proposed lots and potential development on them shall: ~~meet all of the following criteria:~~
      a. Have legal access and be capable of being served by an adequate physical access, including for emergency and non-emergency purposes, which meets the requirements of the County Engineer, and, if applicable, the local fire protection district.
      b. Demonstrate how the property is capable of being served by an adequate water supply.
      c. Be served by an on~~-~~site wastewater system or ~~sewage~~Sewage treatment system as required by Boulder County Public Health or connect to a public sewer service.
      d. Not cause unnecessary or excessive site disturbance, or erosion or alter historic drainage patterns.
   2. Structures should not be made to violate ~~setback~~Setback requirements and ~~setback~~Setback compliance should be maintained. The Director may approve an exemption resulting in ~~structure~~Structures being nonconforming with regards to the ~~setback~~Setback when it is determined necessary or appropriate and does not conflict with the other criteria.
   3. Conformance with the minimum lot size in the zone district shall be maintained and lot size shall be sufficient to support development. The Director may approve an exemption which results in lots that do not meet the minimum lot size when it is determined necessary or appropriate and does not conflict with the other criteria.
   4. The proposed lot configurations and development on them shall be in harmony with the character of the ~~neighborhood~~Neighborhood.
   5. The proposed lots and potential development on them shall not be subject to, or contribute to, significant risk from natural hazards such as unstable soils, steep or unstable slopes, ~~flood~~Floods, and wildfire.
      a. If any of the proposed lots are in the Floodplain Overlay District:
         (i) The potential impacts of creating the proposed lots or portions of proposed lots within the Floodplain Overlay District shall be sufficiently mitigated.
         (ii) The development upon the proposed lots shall be possible outside the Floodplain Overlay District; or

(iii) The potential development upon the proposed lots shall be capable of obtaining a ~~floodplain development permit~~Floodplain Development Permit under ~~Article~~ 4-400 of this Code, as determined by the County Engineer.

6. The lots and potential development on them shall not result in adverse impact ~~on~~ to resources identified in the Comprehensive Plan or through the review of the application, such as Wetlands and Riparian Areas; plant communities and vegetative cover; Critical Wildlife Habitat and Migration corridors; Natural Areas and Natural Landmarks; Environmental Conservation Areas; agricultural, forestry, or open lands; and views, vistas, and scenic corridors; historic, cultural, or archaeological resources.
7. The proposed lots and potential development on them shall be in accordance with the Comprehensive Plan, any applicable intergovernmental agreement affecting land use or development, and this Code.

B. A Subdivision Exemption shall also meet the following additional criteria as applicable:
   1. Recognition of an existing Parcel that is not a Legal Building Lot as a Building Lot shall meet all of the following criteria:
      a. The property history analysis supports the recognition of the Parcel as a Building Lot. Analysis may rely on conveyance history, land use and regulatory history, ~~building~~Building permit records, assessor records and any other relevant history which demonstrates that the property was developed in good faith and with reasonable reliance on available information.
      b. Residential development has existed on the property since December 6, 1979, the ~~dwelling~~Dwelling received a ~~building~~Building permit if required at the time of construction, has been occupied and used as a residence consistently since its construction, and facilities to support the residence are in place.
      c. The Parcel is described on a ~~deed~~Deed on or before December 6, 1979.
      d. Structures eligible for Historic Landmark status shall be Landmarked prior to recordation of ~~deed~~Deeds effectuating the Subdivision Exemption.
   2. Recognition of an existing vacant Parcel that is not a Building Lot as a Building Lot shall meet all of the following criteria.
      a. The Parcel in its current condition shall meet all of the following criteria:
         (i) Have been created prior to December 6, 1979.
         (ii) Be located within a Community Service Area or municipal growth area identified in an Intergovernmental Agreement.
         (iii) Be ineligible for annexation.
         (iv) No method to otherwise resolve the illegal Parcel status or correct the illegal ~~subdivision~~Subdivision shall exist.
      b. Transferable Development Credits equivalent to a development right must be purchased and retired prior to finalization of the Subdivision Exemption.
   3. Recognition of Building Lots where an exemption requests the division of a Parcel with non- conforming multiple ~~dwelling~~Dwellings or uses shall meet all of the following criteria:

a. Parcels resulting from the exemption shall be configured to locate each ~~structure~~Structure or use fully within a resulting ~~parcel~~Parcel's boundary lines, no vacant ~~parcel~~Parcels shall be created.
b. Development on the resulting ~~parcel~~Parcels shall be limited to existing Floor Area plus the lesser of either 200 sq. ft. or a size limitation expressed elsewhere in the Code.
c. Structures eligible for Historic Landmark status shall be Landmarked prior to recordation of ~~deed~~Deeds effectuating the Subdivision Exemption.

4. Community Facility Lot Split
   a. The Director shall consider the specific or unique needs of the proposed community facility. An exemption may be approved for the placement of a community facility where the size, location and available services are reasonable, appropriate, and customary for the proposed use.

C. Additional Provisions for Exemption Plats
   1. Building envelope adjustments shall not be used to increase Residential Floor Area on the ~~parcel~~Parcel. Reconfigured ~~building~~Building envelopes should maintain the original purpose and intent for the establishment of the ~~building~~Building envelope and shall not be expanded in size unless the purpose of the area expansion is to support the implementation of goals established in the Comprehensive Plan.

9-600 Conditions of Approval for Subdivision Exemptions and Exemption Plats

A. If an application for a Subdivision Exemption or an Exemption Plat does not meet all the listed criteria for approval, the Director, in their discretion, may impose reasonable conditions which allow a proposal to meet the criteria. Nothing in this provision shall require the Director to impose conditions if, in the Director's discretion, the Director determines that a reasonable basis for mitigation does not exist, and that the application shall therefore be denied.
   1. Conditions of approval which the Director may impose to allow an application to meet the listed criteria include, without limitation, ~~structure~~Structure height or ~~floor area~~Floor Area~~s~~ restrictions; designation of ~~building~~Building envelopes or locations in which ~~structure~~Structures, ~~building~~Buildings, or site disturbance shall be confined; landmarking to protect historic or cultural resources; designation of preserved areas of land; required management practices to maintain preserved land, protect ~~environmental resources~~Environmental Resources, minimize erosion, control or eliminate noxious weeds or undesirable plants, regulate drainage, and prevent hazards both on and off the subject property including through wildfire mitigation; landscaping or other appropriate screening measures including through limiting ~~building~~Building materials or colors; landowner grant of a Conservation Easement or restrictive covenant running with the land to preserve, and avoid the over-intensive use of, sites with recognized conservation and open land values; and purchase and retirement of development rights to mitigate an increase in density recognized through a Subdivision Exemption approval.
   2. n exercising their discretion to determine whether an Exemption Plat meets or does not meet the listed criteria, the Director may weigh the evidence on the criteria

which is presented, with regard to the property taxation treatment of the subject Subdivided Land, conveyancing history of the subject Subdivided Land, land use regulatory history of the Subdivided Land, existing development on the subject Subdivided Land, and reasonable investment backed expectation of the landowner in the subject Subdivided Land.

9-700 Post-Approval Requirements for Subdivision Exemptions and Exemption Plats

A. The Director may impose post-approval requirements upon any approved exemption including, without limitation, a title report including all owners as of the date of recordation of the new Deeds or Final Plat Map; that the owner include appropriate language on any required Deeds or Final Plat Map; and certification from the Boulder County Treasurer's Office that there are no outstanding property taxes to be paid on the property being exempted.
B. Upon finding that all payments have been received and the documents are in the proper order and ready for recordation, the Director shall authorize the documents to be filed for recording with the Clerk and Recorder.

9-800 Expiration of Subdivision Exemption and Exemption Plat Approval

A. Any approval of an Exemption Plat or Subdivision Exemption shall, unless otherwise stated in such action, be effective for a period of one calendar year from the date of approval to the date of recordation of all required documents.
B. The Director may grant up to two extensions of deadlines of no more than one year each for those dates specified in this Article, if they find that there has been no change in this Code, the Comprehensive Plan, or the surrounding ~~neighborhood~~Neighborhood which would substantially affect the approved exemption.

Article 10 – Vacations of Public Roads, Alleys, ~~&~~and Easements

10-100 Vacations

A. Public roads, alleys, and ~~easement~~Easements may be vacated after consideration at a public hearing by both the Planning Commission and the Board of County Commissioners.
B. Unless otherwise noted, the portions of the ~~road~~Road or alley vacated will be divided down the centerline and added to the respective ~~adjacent~~Adjacent property.
C. Application and processing requirements for Vacations are included in Article 3.
D. Following approval or conditional approval of a Vacation, the ~~applicant~~Applicant shall submit to the Community Planning ~~&~~and Permitting Department all necessary documents.
E. The Vacation becomes effective upon recordation of the Board's resolution of approval with the Boulder County Clerk and Recorder's office.
    1. Prior to recordation, the ~~applicant~~Applicant must comply with and complete all conditions of approval.

2. The Community Planning ~~&~~and Permitting Department staff shall record the Commissioner's resolution of approval with the Clerk and Recorder's office within one~~1~~ year of the Commissioners' approval unless otherwise specified.

10-101 Vacations of Mapped Roads and ~~Rights-of-Way~~Rights-Of-Way in the Eldora Townsite

A. For purposes of ~~this Section~~ 10-101, the Eldora Townsite is the mapped Townsite recognized in 18-179C ~~Section 4-806.A.1.~~ of this Code, as shown on the corresponding adopted zoning map.
B. The purpose of ~~Section~~ 10-101 is to provide opportunities for property owners to come into compliance with county regulations, facilitating access and clear title to properties, and fostering flexibility for potential development, while preserving the rural and historic character and ~~environmental resources~~Environmental Resources of the Eldora Townsite, all in accordance with the Land Use Code and Comprehensive Plan.
C. The Board shall consider the following factors as favoring a Vacation request:
    1. Is necessary for access or to clear title to land.
    2. Resolves long-standing structural encroachment into the ~~rights-of-way~~Rights-Of-Way.
    3. Allows the ~~applicant~~Applicant to apply for a compliant onsite wastewater system and/or a well to serve an existing development if there is no reasonable alternative location.
    4. Facilitates ~~road~~Road and ~~rights-of-way~~Rights-Of-Way exchange if the ~~applicant~~Applicant is requesting Vacation of mapped ~~rights-of-way~~Rights-Of-Way, and the actual constructed ~~road~~Road is located elsewhere on the ~~applicant~~Applicant's property; in that case the ~~County~~county may require dedication of the property under the traveled way to the ~~County~~county as a condition of vacating the mapped ~~rights-of-way~~Rights-Of-Way. Alternatively, if the ~~applicant~~Applicant is requesting Vacation of mapped ~~rights-of-way~~Rights-Of-Way, and the actual constructed ~~road~~Road is located elsewhere off of ~~applicant~~Applicant's property, the ~~County~~county may vacate the mapped ~~rights-of-way~~Rights-Of-Way so long as the traveled way is kept in public use.
    5. Creates an opportunity to provide for development that is more consistent with the Comprehensive Plan and Land Use Code.
D. The Board shall consider the following factors as disfavoring a Vacation request:
    1. Facilitates new development contrary to the Comprehensive Plan or Land Use Code.
    2. Facilitates new development that has a negative impact on historic, archaeological, cultural, scenic, or ~~environmental resources~~Environmental Resources such as wetlands, riparian areas, and plant or wildlife habitat.
    3. Facilitates unsafe development in a natural hazard area.
    4. Prevents access to ~~County~~county-owned lands.
E. The Board shall not approve a Vacation within the Eldora Townsite if:

1. The Vacation will leave any adjoining land without access to an established public ~~road~~Road (Colorado State Statute 43-2-303(2)(a)). ~~Colorado State Statute 43-2-303(2)(a)~~
2. There is a current or foreseeable public need for the property. The evaluation of whether there is a current or foreseeable public need for the property should be made with reference to the stated purpose of preserving the rural and historic character and ~~environmental resources~~Environmental Resources of the Eldora Townsite.
3. The ~~rights-of-way~~Rights-Of-Way have been identified as facilitating access to Middle Boulder Creek, public lands or private properties, and are among the following ~~rights-of-way~~Rights-Of-Way: the section of unimproved ~~road~~Road between the west end of Eldorado Avenue where it turns north to, and including, Middle Boulder Creek; the alley between Eldorado Avenue and Spencer Avenue west of 11th Street; 11th Street north of Klondyke Avenue; 10th Street south of Spencer Avenue; 8th Street south of Eldorado Avenue to, and including, the portion that intersects with Spencer Avenue; 7th Street north of Klondyke Avenue; 6th Street north of Washington Avenue including all of Pearl Street; 6th Street south of Bryan Avenue; 5th Street south of Eldorado Avenue; 4th Street north of Huron Avenue; 3rd Street south of Eldorado Avenue; and 1st Street south of Eldorado Avenue. However, partial Vacations of these ~~rights-of-way~~Rights-Of-Way may be considered if they meet any of the factors in ~~Subsection~~ 10-101.C.
4. The ~~rights-of-way~~Rights-Of-Way are necessary for the ongoing maintenance of existing accepted roads.
5. In any Vacation approval, the Board may impose reasonable terms and conditions to address the purpose and factors stated in ~~Subsections~~ 10-101.B~~.~~ through E~~.~~ above, including but not necessarily limited to preserving a public interest in the vacated land through reservation or grant for utilities, access, or other legitimate public purposes; specifying how title to the vacated area is to vest in accordance with Part 3 of Article 2, Title 43, C.R.S., as amended; approving partial Vacations, or the Vacation of less area than proposed in a Vacation request; and limiting use of the vacated area for ~~setback~~Setback, ~~building~~Building, fencing, or other land development or land use purposes. No additional ~~rightsof-way~~Rights-Of-Way will be maintained by the Public Works Department as a result of any action on a Vacation request under ~~this Section~~ 10-101.

Article 11 – Special District Review

11-100 General Provisions and Procedures

11-101 Purposes

A. The purpose of this Article is to implement the Commissioners' authority to review and approve service plans for proposed special districts under Part 2 of Article 1 of Title 32, C.R.S., as amended through the 1993 Colorado Legislative Session ('Control Act'). All provisions of this Article are intended to be in compliance with the authority and

procedures specified in the Control Act and related statutes. To the extent that this Article does not expressly incorporate all applicable provisions of the Control Act and related statutes, those provisions shall still govern as stated in the Control Act or related statutes.

B. The procedures recognized in the Control Act and set forth in this Article are necessary for the orderly creation of special districts and for the logical extension of special district services throughout the ~~County~~county. The Control Act as implemented herein serves the purposes of preventing unnecessary proliferation and fragmentation of local government and avoiding excessive diffusion of local tax sources. (See C.R.S. 32-1-102.)

11-102 Service Plan Application Requirements

(see C.R.S. 32-1-202)

A. Any ~~person~~Person proposing the organization of a special district which includes property in the unincorporated ~~County~~county shall submit a service plan to the Commissioners prior to filing a petition for the organization of the proposed special district in any district court.

B. Filing of Service Plan with Clerk and Recorder
   1. The service plan shall be filed with the ~~County~~ Clerk and Recorder at least ten days prior to a regular meeting of the Commissioners.
   2. Within five days after the filing of any service plan, the ~~County~~ Clerk and Recorder, on behalf of the Commissioners, shall report to the Division of Local Government in the Colorado Department of Local Affairs, on forms furnished by the Division, the name and type of the proposed special district for which the service plan has been filed.
   3. Within five days after the filing of any service plan, the Clerk and Recorder shall deliver the service plan to the Director, for review by the Planning Commission pursuant to ~~Section~~ 11-103, below.

C. Required Contents of Service Plan
   1. A description of the proposed services;
   2. A financial plan showing how the proposed services are to be financed, including the proposed operating revenue derived from property taxes for the first budget year of the district, which shall not be materially exceeded except as authorized pursuant to C.R.S. 32-1-207 or 29-1-302 (see 32-1-202(2)(b)). All proposed indebtedness for the district shall be displayed together with a schedule indicating the year or years in which the debt is scheduled to be issued. The board of directors of the district shall notify the Commissioners of any alteration or revision of the proposed schedule of debt issuance set forth in the financial plan;
   3. A preliminary engineering or architectural survey showing how the proposed services are to be provided;
   4. A map of the proposed special district boundaries and an estimate of the population and valuation for assessment of the proposed special district;
   5. A general description of the facilities to be constructed and the standards of such construction, including a statement of how the facility and service standards of the

proposed special district are compatible with facility and service standards of any county within which all or any portion of the proposed special district is to be located, and of the municipalities and special districts which are interested parties pursuant to ~~Section~~ 11-~~-~~104.~~(~~B.~~)~~(2), below (see C.R.S. 32-1-204(1));

6. A general description of the estimated cost of acquiring land, engineering services, legal services, administrative services, initial proposed indebtedness and estimated proposed maximum interest rates and discounts, and other major expenses related to the organization and initial operation of the district;
7. A description of any arrangement or proposed agreement with any political subdivision for the performance of any services between the proposed special district and such other political subdivision, and, if the form contract to be used is available, it shall be attached to the service plan;
8. Information which, along with other evidence presented at the public hearing on the service plan, is satisfactory to establish that each of the applicable criteria required for the Commissioners' service plan approval set forth in ~~Sections~~ 11-203 and 11-204, below (see C.R.S. 32-1-203) is met; and
9. Such additional information as the Commissioners may require by resolution on which to base their findings pursuant to ~~Sections~~ 11-203 and 11-204, below (see C.R.S. 32-1-203).

D. Service Plan Processing Fee
   1. Each service plan filed shall be accompanied by a processing fee set by the Commissioners not to exceed $500.00, which shall be deposited into the ~~County~~county's General Fund. The Commissioners may waive the fee for good cause shown. The processing fee shall be used to reimburse the ~~County~~county for the reasonable direct costs related to processing the service plan and conducting the public hearings on the plan, including but not limited to the costs of notice, publication, and recording of testimony.
   2. If the Commissioners determine that more in-depth review of a particular service plan is required, the Commissioners may impose an additional service fee to reimburse the ~~County~~county for the reasonable direct costs related to the in-depth review. If the Commissioners impose an additional fee, it shall not be less than $500~~.00~~, and shall not exceed the lesser of one one-hundredth of one percent of the total amount of debt to be issued by the district as indicated on the service plan or the amended service plan, or $10,000~~.00~~. The Commissioners may waive all or any portion of the additional fee for good cause shown.

11-103 Planning Commission Review of Service Plan

adopted pursuant to the procedure provided in C.R.S. 30-28-112, as required by C.R.S. 32-1-202(1)).

A. The Planning Commission shall study and make a recommendation on the service plan to the Commissioners within thirty days after the plan was filed with the ~~County~~ Clerk and Recorder.

B. The Planning Commission shall review the service plan at a public hearing of which the proponent of the service plan shall receive prior notice. The Director shall publish notice of the Planning Commission hearing in a newspaper of general circulation in the ~~County~~county at least seven days prior to the hearing.
C. To the extent time allows prior to the hearing, the Director shall refer information concerning the service plan to the interested governmental units specified in ~~Section~~ 11-104.~~(~~B.~~)~~(2~~)~~, below, and to any other relevant agencies in the discretion of the Director.

11-104 Commissioners' Review of and Action on Service Plan

(see C.R.S. 32-1-202 and 32-1-204)

A. Setting and Notice of Public Hearing on Service Plan
   1. At the next regular meeting of the Commissioners which is held at least ten days after the final Planning Commission action on the service plan, the Commissioners shall set a date within 30 days after the regular meeting for a public hearing on the service plan of the proposed special district.
   2. The Commissioners shall provide written notice of the date, time, and location of the public hearing to the Colorado Division of Local Government.
   3. The Commissioners shall provide written notice of the date, time, and location of the public hearing to the proponent of the special district and to the governing body of any existing municipality or special district which has levied an ad valorem tax within the next preceding tax year and which has boundaries within a radius of three miles of the proposed special district boundaries, which governmental units shall be interested parties in the public hearing process.
   4. The Commissioners shall publish notice of the public hearing in a newspaper of general circulation in the ~~County~~county, the first publication of which shall be at least 20 days prior to the public hearing date. The publication shall constitute constructive notice to the residents and property owners within the proposed special district, who shall also be interested parties at the public hearing.
   5. The published newspaper notice shall contain the following information:
      a. The date, time, location, and purpose of the hearing;
      b. A general description of the land contained within the boundaries of the proposed special district; and
      c. Information outlining the methods and procedures pursuant to ~~Section (~~11-104.C~~)~~, immediately below (see C.R.S. 32-1-203(3.5)) concerning the filing of a petition for exclusion of territory from the proposed district.
   6. Not more than 30 days nor less than 20 days prior to the public hearing, the proponent of the special district shall send postcard or letter notification of the hearing to the property owners within the proposed special district, all as further required by C.R.S. 32-1-204(1.5).
   7. The Commissioners may continue the hearing for a period not to exceed 30 days, unless the proponent of the special district and the Commissioners agree to continue the hearing for a longer period.

8. If the boundaries of the proposed special district include territory within the ~~County~~county and another county or counties, the Commissioners of each of the respective counties, in their discretion, may hold a joint hearing on the proposed special district in accordance with the procedural requirements applicable to Commissioners' hearings on proposed service plans stated in this Section (see C.R.S. 32-1-205(1), referencing the hearing requirements of 32-1-204).

B. Required Public Hearing Procedures
   1. The hearing held by the Commissioners shall be open to the public, and a record of the proceedings shall be made.
   2. Interested parties at the hearing shall be the following:
      a. The governing bodies of any existing municipality or special district which has levied an ad valorem tax within the next preceding tax year, and which has boundaries within a radius of three miles of the proposed special district; and
      b. The residents and property owners within the proposed special district.
   3. All interested parties shall be afforded an opportunity to be heard under such rules of procedure as may be established by the Commissioners. Any testimony or evidence which in the Commissioners' discretion is relevant to the organization of the proposed special district shall be considered.

C. Exclusions of Property from Proposed District
   1. The Commissioners may exclude territory from a proposed special district prior to approval of any service plan.
   2. Any ~~person~~Person owning property in the proposed district who requests that his or her property be excluded from the special district prior to approval of the service plan shall submit the request to the Commissioners no later than 10 days prior to the Commissioners' public hearing on the service plan, but the Commissioners shall not be limited in their action with respect to exclusion of territory based upon such request.
   3. The proponent of the special district shall have the burden of proving that the exclusion of any property requested to be excluded is not in the best interests of the proposed special district.
   4. The Commissioners shall act on all requests for exclusion before they take final action issuing a resolution of approval for the proposed special district.

D. Commissioners' Authority t~~T~~o Act on Service Plan; Required Form and Timing of Decision on Plan
   1. The findings of the Commissioners on the service plan shall be based solely upon the service plan and the evidence or recommendations presented at the Commissioners' public hearing by the proponent of the special district, the Planning Commission, and any interested party as defined in 11-104.B.2~~Section (B)(2)~~, immediately above.
   2. The Commissioners have the following authority in the review of any proposed service plan:
      a. To approve the service plan as submitted without condition or modification.
      b. To disapprove the service plan as submitted.

c. To conditionally approve the service plan subject to the submission of additional information relating to, or the modification of, the proposed service plan. The Commissioners may exercise this power of conditional approval if they have satisfactory evidence, based on the public hearing, that the proposed service plan does not comply with the required criteria of ~~Section~~ 11-203, below (see C.R.S. 32-1-203(2)). The Commissioners' final approval shall then be contingent upon the proponent modifying the service plan to include the changes, or providing the additional information, as the Commissioners shall specifically state in their findings on the service plan. The proceedings shall be continued until such changes, modifications, or additional information are incorporated into the service plan.

3. Within 20 days after the completion of the public hearing, the Commissioners shall advise the proponent of the special district in writing of their action on the service plan.
   a. If the plan is approved as submitted, a resolution of approval shall be issued to the proponent.
   b. If the plan is disapproved as submitted, the specific detailed reasons for the disapproval shall be set forth in writing.
   c. If the service plan is conditionally approved, the Commissioners shall set forth in writing the changes or modifications to be made in, or the additional information relating to, the service plan, together with the reasons for the changes, modifications, or additional information. Upon incorporation of the specified changes, modifications, or additional information into the service plan, the Commissioners shall issue a resolution of approval to the proponent of the special district.

11-200 Criteria for Approval of Service Plan

11-201 Territory which District May Cover

(see C.R.S. 32-1-107(1))

A. A special district may be entirely within or entirely without, or partly within and partly without, one or more municipalities or counties, and may consist of noncontiguous tracts or ~~parcel~~Parcels of property.

11-202 Mandatory Criteria for Disapproval of a Service Plan

(see C.R.S. 32-1-107(2) ~~&~~and 32-1-202(2.1))

A. No special district may be organized wholly or partly within an existing special district providing the same service. Nothing in this provision, however, shall prevent a special district providing different services from organizing wholly or partly within an existing special district.
B. No service plan shall be approved if a petition objecting to the service plan and signed by the owners of taxable real and personal property, which property equals more than 50 percent of the total valuation for assessment of all taxable real and personal

property to be included in the proposed district, is filed with the Commissioners no later than 10 days prior to the Commissioners' public hearing on the service plan, unless such property has been excluded by the Commissioners pursuant to ~~Section~~ 11-104.C~~(c)~~, above (see C.R.S. 32-1-203(3.5)).

11-203 Mandatory Criteria for Disapproval

(see C.R.S. 32-1-203(2))

A. The Commissioners shall disapprove a service plan unless evidence satisfactory to them of each of the following is presented (or, in the Commissioners' discretion, they may conditionally approve the service plan pursuant to ~~Section~~ 11-104.~~(~~D.~~)~~~~(~~2.~~)~~~~(~~c~~)~~, above, to cause compliance with these criteria):
   1. There is sufficient existing and projected need for organized service in the area to be served by the proposed special district;
   2. The existing service in the area to be served by the proposed special district is inadequate for present and projected needs;
   3. The proposed special district is capable of providing economical and sufficient service to the area within its proposed boundaries; and
   4. The area to be included in the proposed special district has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

11-204 Discretionary Criteria for Disapproval

(see C.R.S 32-1-203(2.5))

A. The Commissioners may disapprove the service plan if evidence satisfactory to them of the following, at the Commissioners' discretion, is not presented:
   1. Adequate service is not, or will not be, available to the area through the ~~County~~county or other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis;
   2. The facility and service standards of the proposed special district are compatible with the facility and service standards of each county within which the proposed special district is to be located and each municipality which is an interested party as defined in ~~Section~~ 11-104.~~(~~B.~~)~~~~(~~2~~)~~, above;
   3. The proposal is in substantial compliance with the Boulder County Comprehensive Plan (or the Boulder Valley Comprehensive Plan or other approved comprehensive plan, as applicable);
   4. The proposal is in compliance with any duly adopted county, regional, or state long-range water quality management plan for the area;
   5. The creation of the proposed special district will be in the best interests of the area proposed to be served.

11-300 Material Modifications to County-Approved Service Plans

(see C.R.S 32-1-207(1)-(3), as amended)

11-301 County Approval of Substantial Modifications to Special District Service Plans; Processing Fee

A. Once a special district with territory in the unincorporated ~~County~~county has been organized pursuant to the terms of this Article and the Control Act, the governing body of the special district may make material modifications to the approved service plan only by petition to and approval by the Commissioners (including Planning Commission review) pursuant to the procedures governing the County's review and approval of original service plan submittals as stated in ~~Sections~~ 11-102 through 11-104 and 11-200, above.

B. The processing fee for ~~County~~county review of a petition for approval of a material modification to an approved service plan shall not exceed $250~~.00~~.

C. A material modification of an approved service plan shall be a change of a basic or essential nature, including but not limited to the following:
   1. Any addition to the types of services provided by the special district;
   2. A decrease in the level of services provided by the special district;
   3. A decrease in the financial ability of the district to discharge the existing or proposed indebtedness; or
   4. A decrease in the existing or projected need for organized service in the area.

D. A material modification may be found to exist if an approved special district changes its boundaries to include territory in the unincorporated ~~County~~county when the district previously included no territory in the unincorporated ~~County~~county. If the district changes its boundaries in this fashion, it shall notify the Commissioners, who may review the inclusion of territory. If the Commissioners determine based on this review that the inclusion constitutes a material modification to the district's service plan, the governing body of the special district shall file a petition for approval of a material modification of the service plan in accordance with ~~11-301.A through C~~Sections (A)-(C), immediately above.

E. Approval for modifications of an approved service plan shall not be required for changes necessary only for the execution of the original service plan, or for changes in the boundaries of the special district other than the type of change covered by 11-301.D~~Section (D)~~, immediately above.

11-302 Judicial Enforcement against Material Departures or Modifications to Approved Service Plans

A. The Commissioners may seek an injunction in the district court which approved the service plan of any material departure from the service plan as approved, or, if the plan has been modified, from the service plan as modified, which constitutes a material modification of the approved service plan as defined in ~~Section~~ 11-301, above.

B. No action may be brought to enjoin the construction of any facility, the issuance of bonds or other financial obligations, the levy of taxes, the imposition of rates, fees, tolls and charges, or any other proposed activity of the special district unless such action is commenced within 45 days after the special district has published notice of its intention to undertake such activity.

1. Such notice shall describe the activity proposed to be undertaken by the special district and provide that any action to enjoin such activity as a material departure from the service plan must be brought within 45 days from publication of the notice.
2. The notice shall be published one time in a newspaper of general circulation in the district, and shall be provided to the district court, as well as mailed to the Commissioners on or before the date of publication of the notice.

11-400 Annual Reporting Requirements

(see C.R.S. 32-1-104(2) and 32-1-207(3)(c)-(d))

11-401 Request for Required Reports from Any Special District

A. The Commissioners may request any special district located wholly or partly within the unincorporated ~~County~~county to file, not more than once a year, a special district annual report.
   1. The annual report shall be filed with the Commissioners, the Colorado Division of Local Government, and the State Auditor, and shall be deposited with the ~~County~~county Clerk and Recorder for public inspection. A copy of the report shall also be made available to any interested party as defined under ~~Section~~ 11-104.~~(~~B.~~)~~~~(2)~~, above.
   2. The annual report shall include but shall not be limited to information on the progress of the special district in the implementation of its service plan.
   3. The Commissioners may review the annual reports in a regularly scheduled public meeting, and such review shall be included as an agenda item in the public notice for such meeting.

B. On or before January 15 of each year, each special district located in the unincorporated ~~County~~county shall notify the Commissioners, the Boulder County Assessor, the Boulder County Treasurer, and the Boulder County Clerk and Recorder (in addition to the other entities specified in C.R.S. 32-1-104(2)), of the name of the chair of the board, the contact ~~person~~Person, the telephone number, and the business address of the special district. If such ~~person~~Persons and address are not located within the special district, the special district shall notify the Bolder County Clerk and Recorder of the name, address, and telephone number of a contact ~~person~~Person located within the special district, if such ~~person~~Person is available.

C. If a special district fails to file an annual report or provide any information required to be submitted under ~~this Section~~ 11-401, within nine months of the date of the request for such report or information, the Commissioners, after notice to the affected special district, may notify any county treasurer holding moneys of the special district to prohibit release of any such moneys until the special district complies with the applicable requirement.

11-402 Required Reports for Special Districts Created on or after July 1, 1991

A. Any special district created on or after July 1, 1991, which has obtained a resolution of service plan approval from the Commissioners, shall annually file the report specified in ~~Section~~ 11-401.~~(~~A~~)~~, above, with the Commissioners. This report shall be filed for five

years after the district's organization, and for succeeding annual periods if requested by the Commissioners. The annual report shall also be filed with the Colorado Division of Local Government and with the State Auditor.

B. The State Auditor shall review the annual report and report to the Colorado Division of Local Government any apparent decrease in the financial ability of the district to discharge its existing or proposed indebtedness in accordance with the service plan. In such event, the Division of Local Government shall confer with the board of the special district and with the Commissioners regarding such condition.

Article 12 – Oil and Gas Development, Facilities and Operations

12-100 Purpose

A. The ~~County~~county's objective is to (1) protect public health, safety, and welfare, and the environment and wildlife resources; and (2) regulate the surface impacts of ~~oil and gas operation~~Oil and Gas Operations in a reasonable manner to address matters including the following: local land use impacts; the location and siting of oil and gas facilities; impacts to public facilities and services; water quality and source; noise; vibration; odor; light; dust; air emissions and air quality; land disturbance; reclamation procedures; cultural resources; emergency preparedness and coordination with first responders; security; traffic and transportation impacts; financial securities; indemnification; insurance; other effects of oil and gas development; and providing for the planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights. The ~~County~~county will deny applications where the proposed ~~oil and gas operation~~Oil and Gas Operations cannot be conducted in a manner that appropriately protects public health, safety, and welfare, and the environment and wildlife.

B. This article is an exercise of the Board of County Commissioners' (the "Board's") regulatory authority over oil and gas development. Both the state and ~~County~~county regulate ~~oil and gas operation~~Oil and Gas Operations independently and both may have applicable rules.

C. The ~~County~~county's review process for new oil and gas facilities and operations includes: (1) the submission of all necessary information related to proposed oil and gas development and its potential impacts; (2) thorough analysis and review of such information; (3) multiple opportunities for public input prior to any decision being made, especially from those who are near the proposed development; and (4) action on the proposal, including a thorough evaluation of and determination about all necessary or warranted mitigation measures, or denial if necessary. These regulations are intended to provide close scrutiny of all proposed oil and gas development, including seismic testing, in order to protect public health, safety, and welfare, and the environment and wildlife. They also allow staff, the Boulder County Planning Commission, the Parks ~~&~~and Open Space Advisory Committee where appropriate, and the Board to consider site-specific circumstances related to oil and gas development and to customize avoidance, minimization, and mitigation measures to best address each of the site-specific circumstances, which may include modification, re-location,

or denial of proposed oil and gas facilities or ~~oil and gas operation~~Oil and Gas Operations if review of the criteria warrants it. These regulations will help to ensure close inspection, monitoring, and enforcement of all requirements and mitigation measures imposed by this Article. Finally, the regulations allow the ~~County~~county to address potential impacts of pre-existing oil and gas facilities and operations.

12-200 Authority ~~of Article~~

This article is authorized by C.R.S. §§ 25-8-101 et seq., 29-20-101 et seq., 30-28-101 et seq., 34-60-101 et seq., 25-7-101 et seq., 30-15-401, Colorado common law related to public nuisances, and other authority as applicable.

12-300 Effective Date and Survival

A. This Article will become effective on the date specified in the adopting resolution of the Board (Resolution 2020-95, effective December 15, 2020).
B. All conditions of approval for oil and gas development under this Article will survive until the Director provides notice of satisfactory completion of final reclamation of the oil and gas facilities, including plugged and abandoned wells and related pipelines. All conditions of approval will survive a change of ownership and apply to the Applicant's successors, including the requirements of Operator Registration and Financial Assurances.

12-400 Operator Registration and Renewal

A. **Registration Required.** All Operators within the unincorporated county must have a current and valid ~~County~~county registration in place.
B. **Submission and Renewal.** All Operators must submit the following Operator registration information and pay the registration or renewal fee. If an Operator or ~~person~~Person designates any portion of a document or submission to the ~~County~~county as "confidential" and if the ~~County~~county determines that the document meets the confidentiality provisions of the Colorado Open Records Act, it may be exempt from disclosure to the public, provided that any page containing such information is clearly labeled with the words "Confidential Information." All submissions under this section are subject to 12-1400.~~(E)~~:
    1. Company name, address, email, and mobile phone contact information for two individuals associated with the company and who will serve as 24-hour emergency contacts and who can ensure a timely and comprehensive response to any emergency.
    2. A map that shows all of the Operator's mineral rights, including lease rights, whether owned by the Operator named in number 1 above or a subsidiary or affiliate under the same management as the Operator, inside or within 2000² feet of the boundaries of unincorporated Boulder County.
    3. A certified list of all instances within the 10 years prior to the registration in which the Colorado Oil and Gas Conservation Commission ("COGCC"), Colorado Department of Public Health and Environment ("CDPHE"), other state agency, any federal agency, any city, or any county issued a notice of alleged violation or found

that the Operator violated applicable state, federal, or local requirements during the course of drilling, operation, or decommissioning of a well. The list must identify the date of the violation or alleged violation, the entity or agency issuing the notice or making the determination, the nature of the non-compliance, and, if applicable, the final resolution of the issue. If no such instances of non-compliance exist, the Operator must certify to that effect.

4. A list of all incidents (including but not limited to accidents, spills, releases, and injuries) within the past 10 years that occurred at facilities owned or operated by Operator or a subsidiary or affiliate under the same management as the Operator, including incidents involving contractors. Operator shall also list any root cause analyses conducted and corrective actions taken in response to the incidents, including internal changes to corporate practices or procedures.
5. Information related to the Operator's financial fitness to undertake the proposed ~~oil and gas operation~~Oil and Gas Operations, including materials (audited, where appropriate) such as the following:
   a. Balance sheets for the previous ~~5~~ five fiscal years;
   b. Operating cash flow statements for the previous ~~5~~ five fiscal years;
   c. List of long- and short-term debt obligations;
   d. List of undercapitalized liabilities;
   e. Statements necessary to calculate net profit margin, debt ratio, and instant or current solvency ratio;
   f. Certified copies of all current financial assurances filed with the COGCC; and
   g. Tax returns for the prior five~~5~~ years.
6. Complaint Protocol. Description of a process for the Operator's acceptance, processing, and resolution of any and all complaints submitted to state agencies or the Operator directly by members of the public stemming from any adverse impact from oil and gas facilities and operations.

C. New Operators to Boulder County must submit registration materials that are accepted by the ~~County~~county at least 60 days prior to scheduling a Pre-Application conference. Operators with existing facilities are subject to 12-500.~~(C)~~.
D. Operator registration must be updated and renewed annually by July 31.

12-500 Pre-Existing Facilities

A. **Application to Pre-Existing Facilities.** Oil and gas facilities that were legally established prior to the effective date of this Article but do not conform to this Article will be allowed to continue, subject to this section. Any proposed amendment, modification, maintenance, or repair to a pre-existing oil and gas facility or operation is subject to review by the Director under 12-1300.~~(D)~~ and ~~(E)~~. Any modification of such ~~oil and gas operation~~Oil and Gas Operations or facilities that the Director determines to be substantial requires a separate Special Review under this Article.
B. **Assumption of Existing Oil and Gas Operations.** Any ~~operator~~Operator assuming the ownership or operational responsibility for pre-existing oil and gas facilities or ~~oil and gas operation~~Oil and Gas Operations is subject to the requirements of ~~this section~~ 12-500.

C. **Registration.** Operators with existing oil and gas facilities in Boulder County prior to the effective date of Article 12 will submit the registration materials described in 12-400 within 90 days after the effective date of this article; or, if not already operating wells in Boulder County, at least 60 days prior to assuming responsibility for operating existing Oil and Gas Facilities. Operator registration must be updated and renewed annually by July 31.

D. **Inspections~~.~~**
   1. The ~~County~~county may inspect the items listed in ~~this section~~ 12-500 at pre-existing oil and gas facilities under 12-~~-~~1400.
   2. Operators will inspect all oil and gas facilities, including shut-in and temporarily abandoned facilities, as follows:
      a. Soil sampling for contamination within the boundaries of existing facility pads annually;
      b. Equipment-assisted inspection for emissions or releases, including use of best available technology (such as infrared cameras), at least every 30 days; and
      c. Visual inspections for liquid leaks at least every 30 days.
   3. Operators will report the date, methodology, subject, and results of all inspections to the ~~County~~county monthly.
   4. Spills, leaks, and releases of any substance other than fresh water, including spills of produced water, oil, condensate, natural gas liquids, all spills outside of secondary containment, gas leaks, and E ~~&~~and P waste, must be reported to the ~~County~~county Local Governmental Designee immediately upon discovery and no later than ~~6~~ six hours thereafter. When leaks, spills, or releases are discovered, by ~~County~~county or Operator inspection or otherwise, the enforcement mechanisms and penalty provisions in 12-1400 and 12-1500 will apply.
      a. **Reporting.** For spills or other releases meeting the Colorado reporting requirements pursuant to Section 25-8-601 (2), C.R.S., ~~operator~~Operators will adhere to all Colorado reporting requirements. If the ~~County~~county determines the spill or leak is reportable to any agency, the ~~County~~county may make such report.
      b. **Clean-up.** Any leak, release, or spill will be cleaned up according to applicable ~~County~~county, state and federal laws, including Colorado Water Quality Control Commission regulations, the Oil and Pollution Act and the Clean Water Act. Operators will notify the ~~County~~county immediately upon completion of clean-up activities, at which time the ~~County~~county will inspect the site and either approve the clean-up or impose additional requirements, which may include penalties under 12-1400 and 12-1500.
      c. **Root Cause Analysis.** A root cause analysis of any spill, leak, or release of any substance other than fresh water that resulted in serious bodily injury or fatality, serious environmental harm, was a Grade 1 gas leak as defined by the COGCC, or is otherwise requested by the Director, must be submitted to the ~~County~~county within 30 days of the leak, spill, or release.

E. **Noise.** Existing oil and gas facilities must comply with the noise standards in 12-1000.~~(O)~~.

F. **Odor.** Existing oil and gas facilities must not emit odor detectable after dilution with ~~2~~ two or more volumes of odor free air.

G. **Emergency Response Plan.** Each Operator with a pre-existing ~~oil and gas operation~~Oil and Gas Operation in the ~~County~~county is required to submit to the Department an Emergency Response Plan consistent with this section. Operators with multiple preexisting facilities may submit a single Emergency Response Plan that covers all pre-existing Oil and Gas Facilities. Emergency Response Plans for existing oil and gas facilities must be submitted with the registration and renewal. The emergency response plan must consist of at least the following information:

1. Name, address and phone number, including 24-hour emergency numbers for at least ~~2~~ two ~~person~~Persons located in or near Boulder County who are responsible for emergency field operations. The Operator is responsible for ensuring that at least one of these emergency contacts can be on the site of any emergency within 15 minutes.
2. Protocols for notification of emergency response services and the ~~County~~county, including contact names and numbers for each such agency, for use in reporting any incident causing or threatening to cause personal injury or property damage. Emergency response must be notified immediately upon the imminent threat or occurrence of such incidents; the ~~County~~county must be notified as quickly thereafter as practicable and in no instance more than 24 hours later.
3. An as-built facilities map in a format suitable for input into the ~~County~~county's GIS system depicting the locations and type of above and below ground facilities including sizes and depths below grade of all onsite and offsite oil and gas gathering and transmission lines and associated equipment, isolation valves, surface operations and their functions.
4. Transportation routes to and from oil and gas facilities for emergency response and management purposes, including at least ~~2~~ two evacuation routes and health care facilities that would be used. If two evacuation routes do not exist, a plan for ensuring that necessary evacuations will be possible in the event of an accident.
5. Detailed information addressing each potential emergency that may be associated with the operation. This will include events such as the following: well integrity issues; explosions; fires; gas, oil or water pipeline leaks or ruptures; hydrogen sulfide or other toxic or explosive gas emissions; and hazardous material vehicle accidents or spills. This will also include external hazards to the site such as earthquakes, lightning, ~~flood~~Floods, high winds, tornadoes, terrorism, vandalism, or wildfire.
6. The threshold or triggers constituting various potential types of emergencies must be identified.
7. The plan must include a provision that any spill outside of the containment area or that has the potential to leave the facility or to threaten a water body or groundwater must be reported to the emergency dispatch and the Director immediately, and in no case more than ~~4~~ fourhours after such spill is discovered, in addition to all necessary reporting to state agencies.

8. The plan must include a provision that obligates the Operator to reimburse the appropriate emergency response service providers for costs incurred in connection with any emergency. The appropriate emergency response service provider may specify alternative methods for reimbursement of its services.
9. Detailed information showing that the Operator has adequate personnel, ongoing safety training of all on-site personnel, safety supplies, and funding to implement the emergency response plan immediately at all times during operations.
10. As applicable, the plan must include provisions that obligate the Operator to keep onsite and make immediately available to any emergency responders the identification and corresponding Safety Data Sheets (SDS) of all products used, stored or transported to the site, including fracking fluids. Operators must timely provide SDS to the public in response to a written request. In cases of spills or other emergency events, the plan must include provisions establishing a notification process to emergency responders of potential products they may encounter, including the products used in the hydraulic fracturing fluids.
11. The plan must include a provision establishing a process by which the Operator periodically engages with the surrounding residents and landowners to educate them on the risks of the existing operations, explain emergency procedures, and establish a process for surrounding neighbors to communicate with the Operator.
12. The plan must include a process by which the community can submit concerns and complaints and be assured of timely responses.

H. **Revegetation and Reclamation.** When any pre-existing oil and gas facility is decommissioned, all areas disturbed will be reclaimed and revegetated to the satisfaction of the ~~County~~county, in consultation with the landowner. Revegetation and reclamation will include, but is not limited to, the use of native plant species when appropriate, integrated management of weed control and prevention, and full establishment of appropriate vegetation for a minimum of three consecutive growing seasons. No species on List A, B, or C in the ~~County~~county's Noxious Weed Management Plan may be used to meet revegetation requirements.

I. **~~Stormwater~~Stormwater Quality Control.** Adequate ~~stormwater~~Stormwater quality control measures must be used to comply with applicable permits and ~~County~~county regulations.

J. **Weed Control.** Any weeds identified on the property must be contained and suppressed, and dispersal of their seeds must be prevented.

K. **Fines.** Violations of this section are subject to the enforcement mechanisms in 12-1400 and 12-1500.

12-600 Well and Pipeline Abandonment or Decommissioning

A. An Operator may not commence activities to plug, re-plug, abandon, or otherwise decommission an oil and gas well, flowline, or associated fresh, produced or wastewater pipeline until the Director has reviewed and provided written approval for entry and surface operations to the Operator.

B. **Plugging/Re-Plugging, Abandoning or Decommissioning Wells~~.~~**

1. **COGCC rules.** Operators will comply with all COGCC rules regarding plugging, abandoning, and decommissioning oil and gas wells.
2. **Coordinates.** The Operator must provide the ~~County~~county with the surveyed coordinates of the decommissioned, plugged, or abandoned well.
3. **Marking.** Unless otherwise requested by the surface owner, the Operator must leave onsite a permanent physical marker of the well location.

C. **Pipeline Abandonment.** Flowlines or fresh, produced or associated wastewater pipelines proposed to be abandoned or decommissioned must be removed unless otherwise authorized in writing by the Director after consultation with the landowner. If the Director approves of abandonment in place of the line, all COGCC rules will be strictly complied with.

D. **Conditions of Approval of Well and Flowline Abandonment~~.~~**
1. With any approval for work to go forward, the Director will provide the Operator with ~~County~~county requirements for surface activities for plugging and abandoning wells and pipelines. These requirements may include but are not limited to:
   a. Timing Constraints;
   b. With respect to pipelines abandoned in place, a tracer in any nonmetal line; and
   c. Specific reclamation and revegetation requirements.

12-700 Geophysical Exploration for Oil and Gas ("Seismic Testing")

To protect the public health, safety, and welfare, and the environment and wildlife, the ~~County~~county will permit only those geophysical exploration activities ("seismic testing") that comply with the following requirements:

A. Prior to conducting any seismic testing, a geophysical exploration permit issued by the Director is required under this section. If the Operator submits information that is inadequate, the Director may deny a permit.

B. To apply for a permit, the Applicant must provide:
1. **Vibration Monitoring and Control Plan Map.** A map of the exploration area that identifies all of the following within 800 feet of all source points in the testing area:
   a. Water supplies for domestic, public, or agricultural use;
   b. Domestic, commercial, and industrial ~~structure~~Structures;
   c. Areas affected by previous mining activities or public works;
   d. ~~Geologic hazard~~Geologic Hazards;
   e. Mapped ~~floodplain~~Floodplain and floodway;
   f. Identification of wildlife resources; and
   g. Water, sewer, oil, gas, and chemical facilities and pipelines in the testing area.
2. A map showing the proposed travel routes of all vibration-generating seismic testing equipment;
3. A traffic control plan for any operations that will occur on or impede traffic on a public ~~right-of-way~~Right-Of-Way;
4. **Insurance Coverage.** A copy of the following insurance coverage, including the required Additional Insured Language:

a. **Commercial General Liability.** This coverage should be provided on an Occurrence Form, ISO CG001 or equivalent, with Minimum limits of $1,000,000 Each Occurrence, $2,000,000 General Aggregate and $2,000,000 Products Completed Operations Aggregate.
b. **Automobile Liability.** Bodily Injury and Property Damage for any owned, hired, and non-owned vehicles used in the performance of the Contract. Minimum limits $1,000,000 Each Accident.
c. **Workers' Compensation and Employer's Liability.** Workers' Compensation must be maintained with the statutory limits. Employer's Liability is required for minimum limits of $100,000 Each Accident/$500,000 Disease-Policy Limit/$100,000 Disease-Each Employee.
d. **Umbrella/Excess Insurance.** Umbrella/Excess Liability insurance in the amount of $25,000,000~~.00~~, following form.
e. **Professional Liability (Errors and Omissions).** Professional liability coverage with minimum limits of $10,000,000 Per Loss and $10,000,000 Aggregate. Professional Liability provisions indemnifying for loss and expense resulting from errors, omission, mistakes or malpractice is acceptable and may be written on a claims-made basis. The contractor warrants that any retroactive date under the policy shall precede the effective date of this Contract; and that either continuous coverage will be maintained or an extended discovery period will be exercised for a period of ~~2~~ two years beginning at the time work under this Contract is completed.
f. **Pollution Liability.** Coverage pay for those sums the Contractor becomes legally obligated to pay as damages because of Bodily Injury, Property Damage or environmental Damage arising out of a pollution incident caused by the Contractor's work including Completed Operations. Coverage shall include emergency response expenses, pollution liability during transportation (if applicable) and at Non-Owned Waste Disposal Site (if applicable). The Minimum limits required are $15,000,000 Per Occurrence/Loss and $15,000,000 Policy Aggregate. If the coverage is written on a claims-made basis, the Contractor warrants that any retroactive date applicable to coverage under the policy precedes the effective date of this Contract; and that continuous coverage will be maintained or an extended discovery period will be exercised for a period of ~~3~~ three years beginning from the time that work under this contract is completed. The ~~County~~county shall be named as an additional insured for ongoing operations and completed operations.
g. **Additional Insured.** Boulder County must be named as an additional insured for the General Liability, Umbrella/Excess Coverage and Pollution Liability policies listed above. Additional insured shall be endorsed to the policy. Additional Insured wording shall be as follows: County of Boulder, State of Colorado, a body corporate and politic, is named as an Additional Insured.
h. **Contractors.** Operators shall require adequate insurance of its contractors and subcontractors. Operators will be responsible for any and all damage or loss

suffered by the county as a result of the work being performed by Operator or any subcontractor as described in this Article.

5. Financial assurances in a form and amount satisfactory to the Director sufficient to guarantee Applicant's obligation to restore all property damaged by seismic testing to its pre-testing condition;
6. Copies of written permission from every landowner of property where the Operator is going to use or place equipment for geophysical exploration;
7. A Vibration Monitoring and Control Plan prepared by a Vibration Monitoring Specialist (VMS). The VMS must be an independent, registered Professional Engineer or Geologist. This Vibration Monitoring and Control Plan must include:
   a. The name of the Firm providing the vibration monitoring services;
   b. Specifications of the monitoring equipment to be used;
   c. Specifications of the energy source to be utilized for the source points;
   d. If vibroseis trucks will be utilized, the plan should discuss:
      (i) The number of vibroseis trucks;
      (ii) The distance between the vibroseis trucks;
      (iii) The drive level to be used;
      (iv) The sweep duration; and
      (v) The sweep frequency range.
   e. Measurement locations and field procedures for setting up vibration monitors;
   f. Procedures for data collection and analysis which include examples of vibration monitoring field sheets and vibration event analysis;
   g. Results of on-site vibration attenuation study (walk away test) with prediction of maximum expected particle velocity at each monitoring location;
   h. Means and methods of providing warning when the Response Values are reached;
   i. Generalized plans of action to be implemented in the event any Response Value is reached. This plan must include positive measures by the Operator to control vibrations (e.g. reducing drive level, increasing stand-off distances, dropping source points); and
   j. Procedures for addressing complaints and claims of damage.

C. The following requirements will apply to all permits to conduct geophysical exploration:
   1. Implementation of a Vibration Monitoring and Control Plan approved by the Director; the Director may require modifications to the plan submitted by the Applicant.
   2. Methods involving explosive material ("shotholes") are prohibited.
   3. All geophysical activities will be strictly limited to the areas, methodologies, and routes indicated in the maps and plans approved by the permit.
   4. All geophysical activities will be strictly limited to the hours of operation noted in the approved permit. In no case will the Director permit geophysical activities between 6 p.m. and 8 a.m.;
   5. The Applicant's VMS will be on site throughout all geophysical activities to ensure ~~County~~county permit conditions are met and will report whether the testing complies with the approved permit.

6. If any utility line(s) or other above or below ground features must be removed or altered during geophysical operations, the Applicant will provide a letter from the utility owner authorizing the removal or alteration and notify the ~~County~~county at least ~~3~~ three days prior to any such removal or modification and comply with any additional permitting requirements imposed by the ~~County~~county.
7. Applicant must obtain any permits for use of ~~County~~county roads required by the Boulder County Public Works Department.
8. No seismic testing activities will be permitted in a mapped floodway. Activities in a mapped ~~floodplain~~Floodplain may require a ~~County~~county Floodplain Development Permit.
9. Any violation of the terms of a seismic testing permit are subject to the penalties and enforcement mechanisms of ~~Article~~ 12-1400 and 12-1500, in addition to all remedies available ~~at~~ by law.
10. Ground vibration monitoring will be required for any source points located within 400 feet of any ~~structure~~Structures identified in the map of the exploration area. The VMS must conduct the analysis and interpretation of the collected vibration monitoring data for comparison to appropriate vibration limits and must prepare weekly reports for submittal to the ~~County~~county.
11. Ground vibration amplitudes will be limited to the following Response Values:
    a. The Response Values for ground vibration include a Threshold Value of 0.2 inches per second and a Limiting Value of 0.3 inches per second. Higher values may be acceptable based on the feature of concern, but the Applicant must submit an engineering report for review and approval by the ~~County~~county.
        (i) If a Threshold Value is reached, the Applicant must:
            (A) Immediately notify the ~~County~~county;
            (B) Meet with the ~~County~~county to discuss the need for response action(s);
            (C) If directed by the ~~County~~county during the above meeting that a response action is needed, submit within 24 hours a detailed specific plan of action based as appropriate on the generalized plan of action submitted previously as part of the vibration-monitoring plan. Seismic testing cannot resume until the detailed specific plan of action is approved by the ~~County~~county; and
            (D) If directed by the ~~County~~county, implement response action(s) within 24 hours of submitting a detailed plan of action.
        (ii) If a Limiting Value is reached, the Applicant must:
            (A) Immediately notify the ~~County~~county and suspend vibration producing activities in the affected area, except for those actions necessary to avoid exceeding the Limiting Value;
            (B) Meet with the ~~County~~county to discuss the need for response action(s); and
            (C) If directed by the ~~County~~county during the above meeting that a response action is needed, submit within 24 hours a detailed specific plan of action based as appropriate on the generalized plan of action submitted previously as part of the vibration-monitoring plan. Seismic testing

cannot resume until the detailed specific plan of action is approved by the ~~County~~county.

(D) If directed by the ~~County~~county, implement response action(s) within 24 hours of submitting a detailed specific plan of action, so that the Limiting Value is not exceeded.

12. Ten days prior to vibration monitoring pursuant to the Vibration Monitoring and Control Plan, the Applicant will submit a certificate of calibration for any vibration monitoring equipment that will be used on site. The certificate must certify that the instruments are calibrated and maintained in accordance with the equipment manufacturer's calibration requirements and that calibrations are traceable to the U.S. National Institute of Standards and Technology. All instrumentation must have been calibrated by the manufacturer or a certified calibration laboratory within one~~1~~ year of their use on site.
13. During the exploration activity, the Applicant must provide weekly reports summarizing any vibration monitoring data collected. The reports must be prepared and signed by the VMS. The ~~County~~county reserves the right to request a different reporting schedule where appropriate.
14. In addition to the above, the Director may impose additional conditions on the conduct of seismic testing that are necessary and reasonable to protect the public health, safety, and welfare, the environment or wildlife resources

D. **Notice and Property Inspection~~.~~**

1. After a permit is issued by the Director, the Applicant will provide notice of the seismic testing to each property located within 800 feet of any source point as depicted in the approved Vibration Monitoring and Control Plan Map at least 10 days before the testing is to occur.
   a. The notice ~~will~~ must include:
      (i) A description of the project including the duration, physical effects, precautions Applicant is taking, and precautions the property owner should take;
      (ii) Complaint procedures for property owners and residents;
      (iii) An offer of property and water well baseline condition inspections at the Applicant's expense, which, upon the property owner's request, will be completed at least ~~3~~ three days prior to seismic testing. Results of such testing will be provided to the property owner and maintained by Applicant for at least ~~3~~ three years. All baseline condition testing must be completed by a qualified technician who will report: the date of inspection, name of property owner, address of property owner, property owner contact information, description of the property, age of ~~structure~~Structure(s), material of ~~structure~~Structure(s) and foundation(s). High resolution photographs and video must be taken documenting the present state of all ~~structure~~Structures on the property, including roads, bridges, and sidewalks. The technician should note any chemical and physical weathering or any other structural defects. All water well samples must be collected by a qualified technician and include the date and time of sample, property owner

name, address, contact information and water type and conditions, well type, depth, age, casing type and length, drilling contractor, whether it is conditioned or filtered, sample point type, and any other useful information; and

(iv) The notice will further include an offer of property and water well condition inspections at the Applicant's expense after the testing is complete, the results of which will be provided to the property owner and maintained by the Applicant for at least ~~3~~ three years.

E. **Appeals.** The Applicant may appeal the Director's decision to deny a permit or place particular conditions on the permit to the Board of County Commissioners within 30 days of the Director's decision.

12-800 Application Process

A. **Special Review Required.** Except as provided in 12-500, all oil and gas facilities and ~~oil and gas operation~~Oil and Gas Operations on public and private land within the unincorporated areas of Boulder County must comply with this Article. Prior to the commencement of any new ~~oil and gas operation~~Oil and Gas Operations in the unincorporated county, an Applicant must submit an application which must receive approval according to this Article. Special Review approval is required prior to the issuance of ~~County~~county permits necessary for the oil and gas facility and operation.

B. **Community Engagement.** Boulder County requires Applicants to engage with local communities, residents, and other stakeholders. The purpose of this engagement is to provide sufficient opportunity for public and stakeholder comment on plans, operations, and performance, to listen to concerns of the community, and to address all reasonable concerns related to the proposed oil and gas facility and operation.

C. **Surface Use Agreements, Rights of Way, Easements.** Operators commonly enter into surface use agreements, ~~right of way~~Right-Of-Way agreements, ~~easement~~Easements and other types of access agreements with landowners. To avoid inconsistency, the ~~County~~county recommends that agreements with landowners related to the proposed oil and gas facility or ~~oil and gas operation~~Oil and Gas Operation not be finalized until the Applicant has completed Special Review under this Article, at which time the impacts related to the proposed siting will be analyzed.

D. **COGCC approval.** COGCC approval of any application does not constitute local approval, and compliance with all terms and conditions of this Article is required prior to the commencement of any new oil and gas facility and operations in the ~~County~~county. Wherever the Oil and Gas Conservation Act, §§ 34-60-101 et seq., C.R.S., requires local government approval prior to COGCC approval, Special Review under this Article must be completed before applications are submitted to the COGCC.

E. **Pre-Application Conference~~.~~**

1. Timing. A pre-application conference as defined in ~~Article~~ 3-201 of this Code must be held prior to the Applicant submitting an Application for Special Review. An Applicant must complete registration as defined in 12-400 prior to scheduling a pre-application conference.

2. Pre-Application Conference. At the pre-application conference, the ~~County~~county and the Applicant will discuss the points contained in ~~Article~~ 3-201 of this Code and review the ~~County~~county's Special Review process.
3. Six-month Duration for filing Application. Completion of the pre-application conference qualifies the Applicant to submit an Application for a Special Review provided the Application is filed within ~~6~~ six months after the pre-application conference.
4. Site Visit. At the discretion of the Director, a site visit of the ~~parcel~~Parcels involved in the Application may be required as part of the pre-application conference with the Applicant. To the extent necessary, the Applicant will be responsible for securing permission or coordinating with the landowner(s) to conduct the site visit.

F. **Application Submission.** The Application must include documentation listed in ~~Section~~ 12-900. The Applicant must submit the Application, the application fee, and supporting documentation in electronic format with a minimum of two additional copies of the Application materials in paper format. The Director may require additional paper copies of the Application, or a portion of the Application materials, if needed for review purposes. The Application must contain a certification from the Applicant that the information in the Application, as well as in any accompanying documentation, is true and accurate. The Application must be signed by a ~~person~~Person authorized to sign on behalf of the Applicant and identify who will be the primary contact during processing of the Application. The point of contact information in the Application must be amended to specify the new point of contact if the Applicant's point of contact changes during the Application process.

G. **Completeness Determination.** Upon acceptance of the Application, the Director will determine if the Application satisfactorily meets the requirements of this Article. If ~~County~~county staff needs consultants or staff outside the ~~County~~county to assist the Director with the completeness determination, the ~~County~~county may hire such assistance at the Applicant's expense. Upon review of the Application materials by the Director and any necessary outside consultants, the Director will determine whether a Special Review Application is complete.
1. **Application Deemed Incomplete.** If the Director finds that the Application is incomplete, the Director will inform the Applicant of the deficiencies. No further action will be taken on an incomplete Application. Should the Applicant fail to correct deficiencies within 12 months, the Application will expire, and the Applicant may submit a new Application and fee as specified in ~~Section~~ (12-800.F~~)~~ above. The 12~~twelve~~-month timeframe may be extended by the Director according to the standards in ~~Article~~ 4-604.~~(~~D~~)~~. Should the Applicant dispute the Director's completeness determination, the Applicant may appeal the Director's determination to the Boulder County Board of County Commissioners within 30 days of the Director's decision. During any Board of County Commissioners proceeding or subsequent appeal, the Application will not be processed.
2. Application Deemed Complete. If the Director finds that the Application is complete, the Director will process the Application.

H. **Notice~~.~~**

1. Upon receipt of an application and before conducting its completeness review, the Director will publicize receipt, including the name of the Applicant, the location and size of the proposed Oil and Gas Facilities or Operations, and a summary of the review procedures.
2. The Applicant must deliver notice to surface owners, to surrounding land owners and lessees, the Local Governmental Designees (LGDs) of any local government within one mile of the proposed oil and gas facilities, and to water source owners as identified in this section no more than 10 days after the Application is deemed complete by the Department. If approved by the Director, the Applicant may deliver the notice defined in this section using secure methods other than mail. Notice of the Application must be made as follows:
    a. To the surface owners of the ~~parcel~~Parcels of land on which the ~~oil and gas operation~~Oil and Gas Operation is proposed to be located;

Article 13 – Sign

13-100 Purpose and Intent

A. The purpose and intent of Article 13 are to regulate the number, type, location, physical dimensions, and design of signs to protect the public safety and welfare and preserve the right of free speech and expression. These regulations are intended to achieve the following objectives:
    1. Protect public safety by prohibiting signs that are structurally unsafe or poorly maintained; that cause unsafe traffic conditions through distraction of motorists, confusion with traffic signs, or hindrance of vision; and that impede safe movement of pedestrians or safe ingress and egress from ~~building~~Buildings or property.
    2. Protect aesthetic qualities by preventing visual clutter, protecting scenic views, preserving Boulder County's rural character, preventing intrusion of commercial messages into non-commercial areas in accordance with the Boulder County Comprehensive Plan, curtailing the degradation of the nighttime visual environment, and eliminating abandoned signs on unused commercial properties.
    3. Allow adequate signage for business identification, non-commercial speech, and dissemination of public information, including, but not limited to, public safety information and notification as may be required by law.

13-200 General Provisions

A. Signs must be designed, constructed, and maintained in accordance with all applicable safety codes.
B. Signs must not be placed in the ~~right of way~~Right-Of-Way of any public street, ~~road~~Road or highway, except as specifically provided for in this Article ~~the sign code~~.
C. Signs located in the vision clearance triangle must comply with the sight triangle specifications of table 13-500.~~(~~A.~~)~~~~(~~15.d~~)~~.
D. A ~~building~~Building permit must be obtained from the ~~County~~county Building Division prior to the erection, relocation or display of a sign unless it is exempt from permit requirements.

E. Any noncommercial sign must be allowed in any location and under any circumstance in which a commercial sign is allowed. Noncommercial signs must conform to applicable height, area and ~~setback~~Setback regulations of the zone district in which they are located. Noncommercial signs must not be regulated based on the speech content of the sign, except as provided for in 13-500.~~(~~A.~~)~~(15.~~d~~).

F. This Article does not apply to the following:
   1. Signs not visible from off-premises or a public ~~right of way~~Right-Of-Way.
   2. Signs of a duly constituted governmental body such as traffic or similar regulatory devices, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazard, parking, swimming, dumping, etc., or signs erected by public utilities or construction companies to warn of danger or hazardous conditions in the public ~~right-of-way~~Right-Of-Way.
   3. Signs required to be posted or maintained by law or governmental order, rule or regulation provided such signs comply with and do not exceed the requirements of such law, order, rule or regulation.
   4. Signs mounted on the interior of any fence that encloses a stadium or playing fields that are primarily visible to participants and attendees at the stadium or playing fields.

13-300 Definitions

A. Terms and phrases used in this Article have the following meaning:
   1. Commercial Sign: A sign containing a message advertising the manufacture, sale or availability of products, accommodations, services, attractions, or activities, or that is intended to attract attention to a business or to products, property, accommodations, services, attractions, or activities that are offered or exist for sale or for hire. This definition includes Temporary Real Estate signs.
   2. Electronic Message Centers: A sign whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments.
   3. External Illumination: Illumination of a sign that is affected by an artificial source of light not contained within the sign itself intended to cast light on the sign to make the sign content visible at night (see Figure 13-7). ~~(Figure 13-7)~~
   4. Freestanding Sign: A sign erected on its own self-supporting permanent ~~structure~~Structure, detached from any supporting elements of a ~~building~~Building.
   5. Halo Illumination: A sign using a three-dimensional sign copy that is lit in a way that produces a disk or circle of light behind the sign, ~~(~~also known as back-lit illumination~~)~~ (see Figure 13-8). ~~(Figure 13-8)~~
   6. Illuminated Sign: A sign with electrical equipment installed for illumination, internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface, or lit by halo illumination.
   7. Internal Illumination: A source of illumination entirely within the sign which makes the sign content visible at night by means of the light being transmitted through a

translucent material, but the source of the illumination is not visible (see Figure 13-6). ~~(Figure 13-6)~~

8. Multi-Driveway Sign: A sign at the entrance or exit of a premises that has two or more driveways.
9. Neon Sign: A sign containing glass tube lighting in which a gas and phosphors are used in combination to create a color light.
10. Nit (nt): The measure of luminance (brightness) in units of candela per square meter (1 nt = 1cd/1m2). The unit is based on the candela, a unit of luminous intensity, and the square meter, a unit of area.
11. Noncommercial Sign: A sign that does not contain information or advertising for any business, commodity, service, entertainment, product, or attraction. Noncommercial signs include, but are not limited to, a sign that supports a candidate for public office, urges action for or against a matter on the ballot of a primary, general, or special election, protests against any ~~person~~Person, business, organization, property or commercial activity, or promotes or denounces political, ideological, social or religious issues or beliefs of any ~~person~~Person or group. This definition also includes signs that identify historic districts, rural community districts, and other historic points of interest.
12. Portable Sign: A sign mounted on a vehicle, trailer or boat, or fixed or attached to a device for the purpose of transporting from site-to-site. This definition includes all vehicles placed or parked for the purpose of drawing attention to a service, product, object, ~~person~~Person, organization, institution, business, event, location or message, but not signs or lettering installed on vehicles, trailers or boats operating during the normal course of business.
13. Projecting Sign: A sign that projects at an angle of 10 or more degrees from the wall on which it is mounted.
14. Sign: Any writing, pictorial representation, decoration, emblem, flag, banner or other device used for visual communication that is intended to attract the attention of the public and is visible from the public ~~rights-of-way~~Rights-Of-Way or other properties. The following are expressly excluded from the definition of 'sign':
    a. Any flag, badge or insignia of any governmental unit.
    b. Works of art that in no way advertise a product or business.
    c. Text or pictorial representations on motor vehicles that are being operated or stored in the normal course of a business, provided the primary purpose of such vehicles is not for the display of signs and provided that such vehicles are parked or stored in areas incidental to their primary use as a commercial or delivery vehicle.
    d. Holiday decorations that are clearly incidental and customary and commonly associated with any national, local or religious holiday.
    e. A sign that is held or otherwise mounted on a ~~person~~Person or an animal or a sign on a device attached to a ~~person~~Person or animal.
15. Sign Copy: Any graphic, word numeral, symbol, insignia, text, sample, model or device.

16. Temporary Real Estate Sign: A sign erected to advertise the availability for sale or lease of the property or a portion of the property where the sign is located with a surface area that does not exceed 12 square feet and each sign face does not exceed six square feet. Temporary real estate signs must be removed within ~~fifteen (15)~~ days after the sale or occupancy of the property.
17. Wall Sign: A sign painted on or attached to a wall of a ~~structure~~Structure that meets the ~~setback~~Setback requirements for a ~~building~~Building and is in the same plane as the wall. A wall sign must not project more than eighteen inches from the wall.

13-400 Sign Area and Height and Illumination

A. The area and height of a sign must be measured in conformance with the following regulations:
   1. In computing the area of a sign, standard mathematical formulas for common regular geometric shapes must be used (see Figure 13-1). ~~(Figure 13-1.)~~
      In the case of an irregularly shaped sign or a sign with letters and/or symbols directly affixed to or painted on a wall, the area of the sign is the area within the perimeter or not more than eight straight lines enclosing the extreme limits of writing, representation, emblem, or any figure of similar character. This area includes any material or color forming an integral part of a background of the display or used to differentiate the sign from the backdrop or wall (see Figures 13-2, 13-3~~.~~).
   2. Where a sign has two or more display faces, the area of all faces must be included in determining the sign area.
   3. The area of a freestanding sign that is supported by a base or pedestals which is architecturally distinct from the sign face itself must not include the area of the base (see Figures 13-3, 13-4). ~~(Figures 13-3, 13-4.)~~
   4. Sign area must include vertical and horizontal spacing between letters, characters, emblems, etc. that convey the sign's message (see Figure 13-5). ~~(Figure 13-5.)~~
   5. The area of spherical, cylindrical, or other three-dimensional signs must be measured by calculating the area of elevation drawings of the sign.
   6. The height of a sign must be measured per ~~Article~~ 18-120, Building Height (Structure Height), contained in this Code.

      [IMAGES OF SIGNS]

B. Illuminated Sign: All sign lighting must be designed, directed, and shielded in so that the light source is not visible beyond the property boundaries where the sign is located. Lighting for signs must be directed such that only the sign face is illuminated. All lighted signs must have stationary and steady lighting.
   1. For signs using internal illumination (Figure 13-6): ~~(Figure 13-6)~~
      a. Only sign copy may be illuminated on an internally illuminated sign.
      b. Internally illuminated signs must use semi-~~opaque~~ Opaque or ~~opaque~~Opaque materials for sign copy such that the light emanating from the sign is diffused. Transparent or clear materials are not allowed for sign copy. Non-copy portions

of the sign (e.g., background and frame) must be made of completely ~~opaque~~Opaque material.

c. Internally illuminated exterior signage must not exceed a luminance of 150 cd/m2 (nits) during nighttime hours. The ~~applicant~~Applicant must provide written certification from the sign manufacturer that the light intensity has been preset not to exceed the levels specified above, and the intensity level is protected from end user manipulation by password protected software or other appropriate methods.

2. For signs using external illumination (Figure 13-7): ~~(Figure 13-7)~~ Lighting for externally illuminated signs must be steady, stationary and mounted at the top of the sign (or within ~~2~~ two feet above a ~~building~~Building mounted sign) and meet ~~Article~~ 7-1600 of the Boulder County Land Use Code. Light fixtures mounted above a sign face must meet the following requirements:
   a. The bottom opening of the light fixture must be flat (i.e., it could be covered by a flat board allowing no light to escape);
   b. The fixture must tilt toward the sign face; and
   c. The uppermost portion of the fixture's opening no higher than the top of the sign face.
3. For signs using halo illumination (Figure 13-8): ~~(Figure 13-8)~~
   a. The light source must not be visible.
   b. The light source must project only against the surface behind the sign.
   c. The sign must not be located on a reflective surface.

[IMAGES OF SIGNS]

13-500 Prohibited Signs

A. The following signs are prohibited:
   1. Signs containing a commercial message that does not advertise a product, service, activity, event, ~~person~~Person, institution, or business located on the premises where the sign is located, or the sale or rental of such premises.
   2. Signs, except publicly owned signs, attached to a tree, light pole, utility pole, or sign pole on public property or located in any public ~~right-of-way~~Right-Of-Way except where required by law.
   3. Signs with visible moving, revolving, rotating parts, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means.
   4. Signs with the optical illusion of movement by means of a design that presents a pattern capable of reversible perspective, giving the illusion of motion or changing of copy.
   5. Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsations.
   6. Strings of light bulbs used in connection with commercial premises for commercial purposes.

7. Signs that incorporate projected images~~,~~ or emit any sound, except for drive-up menu boards.
8. Signs containing glass tube lighting in which a gas and phosphors are used in combination to create a color light.
9. Signs whose alphabetic, pictographic or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments.
10. Freestanding commercial signs, together with their supporting ~~structure~~Structure, or ~~building~~Building mounted signs, that are in place for ~~6~~ six months or more after the premises have been vacated and advertise an activity, business, product or service no longer produced or conducted upon the premises upon which such sign is located.
    a. If the sign or sign ~~structure~~Structure is covered or the identifying symbols or letters removed, an extension of time may be granted by the ~~County~~ Building Official upon good cause shown.
    b. This provision must not apply to permanent signs accessory to businesses that are open only on a seasonal basis, provided there is clear intent to continue operation of the business.
11. Portable commercial signs.
12. Signs mounted on rooftops that project above the highest point of the roof line, parapet or fascia of the ~~building~~Building.
13. Pennants, balloons, streamers, whirligigs, or other similar devices, when used for advertising purposes.
14. Signs not allowed in this sign code.
15. Signs or sign ~~structure~~Structures that:
    a. Are structurally unsafe;
    b. Constitute a health or safety hazard because of inadequate maintenance or dilapidation;
    c. Are capable of causing electrical shocks to ~~person~~Persons likely to come into contact with them;
    d. May be confused with or purport to be official traffic signs, signals, or devices or any other official signs;
    e. Use words, phrases, symbols, or characters implying the existence of danger or the need for stopping or maneuvering of a motor vehicle; or
    f. Are located in a manner that interferes with pedestrian or vehicular travel or pose a hazard to pedestrians, or that interfere with the free use of any fire escape, exit or standpipe.
16. Signs located in a sight triangle, as such signs may conflict with the clear and open view of devices placed by a public agency for controlling traffic or may obstruct a motorist's or pedestrians clear view of an intersecting ~~road~~Road, alley or major driveway. The following criterion is to be used to determine the maximum sight line encroachment for non-traffic signs:
    a. Sight Triangles: At the intersection of two ~~(2)~~ or more streets, or a street and any driveway controlled by a stop sign or a requirement to stop, no sign that is higher

than ~~thirty~~ ~~(~~30~~)~~ inches above curb level shall be permitted in any sight triangle. Such sight triangle must be defined as the area between a ~~fifteen~~ ~~(~~15~~)~~ ~~-~~ foot ~~setback~~Setback from the ~~road~~Road or driveway yielding to the main ~~road~~Road at the subject intersection, and the distance as defined in Table 13-500-A-16-a Sight Triangle:

[TABLE 13-500-A-16-a Sight Triangle]

13-600 Sign Regulations Governing Specific Zoning Districts

A. All Zone Districts
   1. Outdoor lights must comply with~~meet Article~~ 7-1600.
   2. Signs are exempt from the supplemental ~~setback~~Setback in ~~Article~~ 7-1403.
   3. Each ~~plat~~Platted residential ~~subdivision~~Subdivision may maintain two permanent signs at each entry into the ~~subdivision~~Subdivision from a public ~~right-of-way~~Right-Of-Way subject to the following:
      ~~(i)~~a. The total area of each sign does not exceed 32 square feet of surface area and six feet in height.
      ~~(ii)~~b. The signs comply with all applicable Boulder County Multimodal Standards and other requirements of the Public Works Department.
      ~~(iii)~~c. If entry signs are illuminated they must be externally lit.

B. Forestry, Mountain Institutional and Agricultural Zoning Districts
   1. Total sign area per lot must not exceed 88 square feet and an additional 12 square feet for Temporary Real Estate Signs.
   2. Total commercial sign area per lot must not exceed 64 square feet with the exception of ~~parcel~~Parcels where the ~~principal use~~Principal Use is residential, in which case the total commercial sign area is limited to ~~2~~ two square feet and an additional 12 square feet for Temporary Real Estate Signs.
   3. Any combination of freestanding or wall sign must not exceed the 88 square feet per lot requirement.

[TABLE]

C. Rural Residential, Estate Residential, Suburban Residential, Multi-Family and Manufactured Home Park Zoning Districts
   1. Total sign area per lot must not exceed 64 square feet and an additional 12 square feet for Temporary Real Estate Signs.
   2. Total commercial sign area per lot must not exceed 32 square feet, with the exception of ~~parcel~~Parcels where the ~~principal use~~Principal Use is residential, in which case the total commercial sign area is limited to ~~2~~ two square feet and an additional 12 square feet for Temporary Real Estate Signs.
   3. Any combination of freestanding or wall sign must not exceed the 64 square feet per lot requirement.

[TABLE]

D. Transitional, Business, Commercial, Light Industrial, Economic Development, and General Industrial
   1. Total sign area per lot must adhere to cumulative allowances below, based on street frontages and number of uses on the ~~parcel~~Parcel.
   2. Total sign area must not exceed 450 square feet plus an additional 12 square feet for Temporary Real Estate Signs, with the exception of ~~parcel~~Parcels where the ~~principal use~~Principal Use is residential, in which case the total commercial sign area is limited to ~~2~~ two square feet and an additional 12 square feet for Temporary Real Estate Signs.
   3. Any combination of freestanding or wall sign must not exceed the 450 square feet per lot requirement.

[TABLE]

E. Historic and Rural Community Zoning Districts
   1. Each designated Historic or adopted Rural Community District may maintain permanent signs at each entry into the District from a public ~~right-of-way~~Right-Of-Way subject to the following:
      ~~(i)~~a. The total area of each sign does not exceed 32 square feet of surface area and six feet in height.
      ~~(ii)~~b. The signs comply with all applicable Boulder County Multimodal Standards and any other requirement or permit required by the Public Works Department.
   2. Rural Community District Sign regulations adopted as part of the district adoption ~~supercede~~supersede these regulations.
   3. Historic District Total Sign Area per lot not to exceed 56 square feet and an additional 12 square feet for Temporary Real Estate Signs, with the exception of ~~parcel~~Parcels where the ~~principal use~~Principal Use is residential, in which case the total commercial sign area is limited to ~~2~~ two square feet and an additional 12 square feet for Temporary Real Estate Signs.

[TABLE]

F. The standards in this Article must be the maximum allowed signage in all discretionary review processes. Refer to the district development plan for established Rural Community Districts and the approval resolution for other uses allowed by discretionary review for specific provisions.

13-700 Permits Required

A. No ~~person~~Person must display, erect, relocate, or alter the physical characteristics of any sign without first filing a permit application with the ~~County~~ Building Official obtaining a sign permit, except the following:
   1. Lettering and numerals no larger than 16 square inches affixed to a mailbox used by the United States Postal Service for mail delivery to the occupants of the property where the mailbox is located;
   2. Wall signs no larger than two square feet;
   3. Temporary Real Estate Signs; or

4. Noncommercial signs in all zoning districts.~~;~~

B. An application for a sign permit must include the following:
   1. The name, address, and telephone number of the owner or ~~person~~Persons entitled to possession of the sign and of the sign contractor or installer;
   2. The street address location of the proposed sign;
   3. Complete information required in the application form provided by the Building Official, including a sign plan and elevation drawings of the proposed sign, caption or the proposed sign and other data pertinent to the application;
   4. A complete application for an electrical permit for all signs requiring electrical hook-up;
   5. ~~Construction plan~~Construction Plans;
   6. Verification of all existing signs and sign areas in existence on the property;
   7. A statement of valuation or cost; and
   8. A fee established by the Board of County Commissioners in an amount sufficient to offset the cost of processing sign applications, inspecting signs and enforcing this article.

C. The Building Official must grant a sign permit within ~~twenty (~~20~~)~~ days after a complete application and fee are received for any sign that complies with all of the requirements in this Article.
   1. If the Building Official determines the application is incomplete or the proposed sign(s) is not allowed under these or other pertinent regulations, the Building Official must notify the ~~applicant~~Applicant. The notice must identify with specificity the deficiency in the application or the provision under which the proposed sign is not allowed.
   2. An ~~applicant~~Applicant for a sign permit may seek immediate review of a decision denying a sign permit. Decisions based on matters subject to the Building Code must be appealed to the Board of Review. Decisions based on the provisions of the Land Use Code must be appealed to the Board of Adjustment. All appeals must be subject to the time limits and other requirements of the appropriate reviewing body.

D. When a sign permit has been issued by the Building Official, it ~~must be~~is unlawful to change, modify, alter the structural characteristics of the sign, or otherwise deviate from the terms or conditions of said permit without prior approval of the Building Official. A written record of such approval must be entered upon the original permit application and maintained in the files of the Community Planning ~~&~~and Permitting Department.

E. If the Building Official finds that the sign erected under any permit is not in accordance with the information supplied in the permit application or is in violation of this or any other pertinent regulations, or should the Building Official find that there has been any misrepresentation in connection with the application for the permit, the sign owner or erector must be notified of such findings by first-~~-~~class mail to the address on the sign permit application. The notice must identify the violation and must state the permit will be revoked if the violation is not corrected within ~~thirty (~~30~~)~~ days.
   1. If such correction is not made within the ~~thirty (~~30~~)~~ day period, the Building Official must revoke the permit and must serve written notice to the sign owner or erector.

The Building Official must proceed pursuant to the Building Code provisions or the Zoning Enforcement provisions of this Code as applicable.

2. No ~~person~~Person shall proceed with the erection, relocation, alteration, or modification of the sign after such notice has been given.

13-800 Maintenance and Construction of Signs

A. All allowed signs must meet the following requirements:
   1. Signs and sign ~~structure~~Structures must be maintained at all times in a state of safe repair, with all braces, bolts, clips, supporting frame, and fastenings free from deterioration, insect infestation, rot, rust, or loosening.
   2. ~~Construction plan~~Construction Plans for all signs that require a permit must be submitted to the Building Official for review and approval.
   3. All signs must meet Boulder County wind-load specifications.

B. Electrical Signs
   1. All electric signs installed or erected in Boulder County must bear the label of Underwriters Laboratories, Inc.
   2. Electric signs must be rain-tight, except that service holes fitted with waterproof covers must be provided to each compartment of such signs.
   3. All electrical signs erected must comply with the Electrical Code of Boulder County.

C. Illuminated Signs
   1. Any light used for the illumination of a sign must be shielded so that the light will not shine directly on surrounding areas or create a traffic hazard or distraction to operators of motor vehicles on public thoroughfares.
   2. The Building Official may order a change in the illumination of any sign that becomes a hazard or nuisance.

D. The Building Official must have the authority to inspect and order the painting, repair, alteration, or removal, at the owner's expense, of a sign that constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

13-900 Nonconforming Signs

~~A.~~ Nonconforming signs must be governed by the provisions of 4-1000 Nonconforming Structures and Uses.

13-1000 Variances

~~A.~~ The Board of Adjustment must have the power to hear appeals and grant variances to the provisions of this Article per Article 4 of this Code.

Article 14 – Rubbish, Weeds ~~&~~and Brush, ~~&~~and Unsafe Structure

14-100 Purpose

~~A.~~ To protect the health, safety, and welfare of the citizens of Boulder County through the removal of rubbish (including trash, junk, and garbage); weeds and brush; and unsafe or abandoned ~~building~~Buildings and ~~structure~~Structures from land in the

unincorporated areas of the ~~County~~county. This includes removal by the ~~County~~county upon notice to and failure of the property owner to remove such rubbish, weeds, or unsafe ~~structure~~Structures, and the provision for criminal penalties in the event of failure to comply.

14-200 Authority

A. Section 30-15-401, C.R.S., as amended, authorizes the Board of County Commissioners to adopt ordinances for the control of matters of local concern, including providing for and compelling the removal of the following:
   1. 'Rubbish': rubbish, including trash, junk, and garbage, from land within the unincorporated ~~County~~county and from alleys behind and sidewalk areas in front of such land, with the exception of:
      a. industrial ~~parcel~~Parcels of ten acres or greater; and
      b. agricultural land, as defined by 39-1-102(1.6), C.R.S., as amended, currently in agricultural use.
   2. 'Weeds and Brush': weeds and brush from residential lots of two and one-half acres or less and from alleys behind and sidewalk areas in front of such lots; and
   3. 'Unsafe Structures:' any ~~building~~Building or ~~structure~~Structure, as further defined below, with the exception of any ~~building~~Building or ~~structure~~Structure on:
      a. affected land subject to the 'Colorado Mined Land Reclamation Act' as defined in 34-32-103(1.5), C.R.S., as amended;~~,~~
      ~~a.~~b. or ~~(b)~~ lands subject to the 'Colorado Surface Coal Mining Reclamation Act' pursuant to Article 33 of Title 34, C.R.S., as amended.

14-300 Applicability

A. This Article shall apply throughout the unincorporated area of the ~~County~~county, with the exception of (see 30-15-401(8) ~~&~~and (9), C.R.S., as amended):
   1. Any municipal service, function, facility, or property whether owned by or leased to the incorporated municipality, unless the municipality consents pursuant to 30-15-401(8), C.R.S., as amended.

B. This Article shall not duplicate or interfere with any service or facility authorized and provided by a special district, or contravene any power authorized and exercised by a special district, unless the ~~County~~county is specifically empowered by law to exercise authority with respect thereto, or the ~~County~~county and the special district agree pursuant to Part 2 of Article 1 of Title 29, C.R.S., as amended.

14-400 Definitions

A. Abatement: To remove the rubbish, weeds and brush, or unsafe ~~structure~~Structure as prescribed in the notice of violation.

B. Agricultural land~~: is t~~Land which, regardless of the uses for which such land is zoned, the Boulder County Assessor has determined meets the definition of "agricultural land" in 39-1-102(1.6), C.R.S., as amended.

C. Rubbish: Garbage, trash, and junk including, but not limited to, unwanted or discarded household items; waste from ~~building~~Building construction, remodeling, and repair;

tree branches, grass and shrub clippings, leaves, or other general yard and garden waste; motor vehicle parts or tires, or abandoned, unlicensed, or inoperable motor vehicles including without limitation mobile or ~~manufactured home~~Manufactured Home s; newspapers, magazines, packaging materials, waste paper or cardboard; dead animal carcasses; and any other unsightly or discarded material which causes or is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of community standards of cleanliness or generally accepted ~~neighborhood~~Neighborhood aesthetics.

D. Special District: Any special district established pursuant to Article 1 of Title 32, C.R.S., as amended; the Three Lakes Water and Sanitation District established pursuant to Article 10 of Title 32, C.R.S., as amended; the urban drainage and ~~flood~~Flood control district established pursuant to Article 11 of Title 32, C.R.S., as amended; any metropolitan ~~sewage~~Sewage disposal district established pursuant to Part 4 of Article 4 of Title 32, C.R.S., as amended; any drainage district established pursuant to Article 20 of Title 37, C.R.S., as amended; the Cherry Creek basin water quality authority established pursuant to Article 8.5 of Title 25, C.R.S., as amended; any regional service authority established pursuant to Article 7 of Title 32, C.R.S., as amended; and the Regional Transportation District established pursuant to Article 9 of Title 32, C.R.S., as amended~~.~~ (~~S~~see 30-15-401(9)(b), C.R.S., as amended~~.~~).
E. Unsafe Structure: A ~~structure~~Structure or ~~building~~Building which, in the determination of the Chief Building Official: (1) is in a condition presenting a substantial danger or hazard to public health, safety, or welfare; or (2) is a dilapidated ~~building~~Building which is unused by the owner or uninhabited because of deterioration or decay, and constitutes a fire hazard or subjects adjoining properties to a danger of damage by storm, soil erosion, or rodent infestation, or is a place frequented by trespassers and transients seeking a temporary hideout.
F. Violation: The presence of rubbish, weeds and brush, or an unsafe ~~structure~~Structure, contrary to the provisions of this Article.
G. Weeds and Brush: Any underbrush, bush, shrub, or plant material greater than nine inches in height which:
    1. ordinarily grows without cultivation; not in planting beds or otherwise in a controlled manner; or not for the purpose of food production; ~~and~~
    2. is allowed to grow in such a manner or extent that it causes or is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of community standards of cleanliness or generally accepted ~~neighborhood~~Neighborhood aesthetics; and
    3. is not a noxious weed designated under the ~~County~~county's Noxious Weed Management Plan, the removal of which shall be governed by that Plan and not this Article.

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

A. Complaint and Verification of Violation

1. Upon complaint made or filed by a member of the public or by a County official or employee, the Director will take reasonable steps to verify the complaint as a violation.
2. The Director's authority to enter and inspect land, a ~~building~~Building or ~~structure~~Structure for a violation, shall be governed by the same procedures for obtaining consent or an administrative search warrant as are set forth under ~~Article~~ 17-300.~~(~~E.~~)~~(1~~)~~ through ~~(~~2~~)~~.

B. Notification of Violation and Provision for Appeal
1. If the Director verifies a complaint as a violation, the Director will, as soon as practicable, provide written notice of the violation and the requirements for abatement to the property owner of record as identified on the Boulder County tax records (both to the address in the tax records and the property address, if different), and to any other responsible party whose identity and whereabouts are known to the Director.
2. The notification will include a description of the violation; the requirements for abatement including the time period in which abatement must occur; a proposed reinspection date to verify abatement; a statement of the right to appeal the determination of violation; and the time within which a written appeal must be filed. Ordinarily the Director will provide 30 days for abatement, unless the Director determines that a shorter or longer time is justified.
3. The property owner or other noticed ~~person~~Person may appeal the Director's determination that a violation exists to the Board of County Commissioners.
    a. Unless the notice of violation specifies a reasonable shorter time, the request for an appeal must be made to the Community Planning ~~&~~and Permitting Department in writing no later than 30 days after the date of the violation notice (with an additional three days allowed if the notice is mailed). The Director may specify a reasonable shorter time for filing an appeal in the notice, if the Director determines that an abatement time of less than 30 days is necessary.
    b. If a timely appeal is filed, the Director will schedule a hearing before the Board to consider the appeal at the earliest available time for which adequate notice of the appeal may be given.
    c. The Director will notify the party requesting the appeal of the hearing date and time as soon as possible after the hearing is scheduled. The Director also will notify ~~adjacent property owner~~Adjacent Property Owners and any other known interested members of the public in advance of the hearing.
    d. At the appeal hearing the Board will take testimony from the Director, the alleged violator, and any members of the public present. Based on the hearing the Board may affirm, reverse, or modify the determination of the Director as set forth in the notice of violation.

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 ~~meeting~~hearing, authorize the ~~County~~county to arrange for abatement of the violation. The Director shall provide reasonable prior notice of the ~~meeting~~ hearing

to the alleged violator in the same manner as required for the initial notice of violation under 14-500.B.1~~Subsection (B)(1)~~, above.

D. Administrative Entry and Seizure Warrant for County Abatement
   1. Upon authorization by the Board for ~~County~~county abatement of the violation, the Director shall seek an administrative entry and seizure warrant from the county or district court having jurisdiction over the property.
   2. Such warrant shall be issued upon presentation of these regulations; an affidavit stating the factual basis for the warrant; evidence that the property owner has received notice of the violation and has failed to abate the violation within the prescribed time; a general description of the location of the subject property; a general description of the violation; and the proposed method and extent of abatement by the ~~County~~county (including a general list or description of the rubbish, weeds or brush, or unsafe ~~structure~~Structure to be removed).

E. County Abatement
   1. Within 10 days following the date of issuance of an administrative warrant, the ~~County~~county shall abate the violation in accordance with the direction of the issuing court; a copy of the issued warrant shall be provided to the property owner; and proof of the execution of the warrant, including a written inventory of any property impounded by the ~~County~~county, shall be submitted to the court.
   2. The proposed method of abatement by the ~~County~~county may be accomplished through the use of ~~County~~county staff or by contract with a private party, and may include the impoundment of rubbish or other property removed as part of the abatement.
   3. A bill for the reasonable costs of abatement shall be mailed to the property owner of record at the addresses specified in 14-500.B.1~~Section (B)(1)~~, above. The bill may include a separate charge for the reasonable costs of inspection and other incidental costs incurred by the ~~County~~county in abating the violation, which charge may not exceed five percent of the total abatement costs for rubbish and unsafe ~~structure~~Structure violations, and may not exceed ten percent of the total abatement costs for weeds and brush violations. Payment of the bill shall be due within 60 days of the date of the bill.
   4. If the bill is unpaid after 60 days, the Director through the Boulder County Clerk shall certify the bill to the Boulder County Treasurer, who shall collect the assessment together with a ten percent penalty for the cost of collection, in the same manner as other taxes are collected~~.~~ (~~S~~see 30-15-401(1)(a)(I)(A) and -(I.5)(B), C.R.S., as amended~~.~~).

14-600 Preservation of Remedies

A. Unless otherwise specified in this article, the remedies as provided in this Article, and as may be available under other applicable regulations of the ~~County~~county or pursuant to state or federal law, are not exclusive in any way, and may be pursued by the ~~County~~county singly or in combination to achieve the most expeditious abatement of violations involving the presence of rubbish, weeds and brush, and unsafe ~~structure~~Structures.

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~~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 ~~administer~~ assist with the administration of the ~~County~~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 ~~certificate issued by~~process through which the Historic Preservation Advisory Board approves or denies ~~showing approval of~~ plans for construction, alteration, demolition, or relocation of ~~structures~~ resources which would affect a designated historic landmark. Also referred to as a CA.
6. Contributing Structures or Features: Those ~~structure~~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 ~~&~~and Permitting Department~~s~~.
8. District: A group of resources ~~structures~~ or a site which make a coherent whole due to their similar historic significance. This ~~would~~ could include things such as ~~neighborhood~~Neighborhoods; mining, agricultural, or commercial districts; landscapes; and town sites.
9. Exterior Architectural Features: The exterior architectural features of a ~~structure~~Structure, including but not limited to the color, kind, and texture of ~~building~~Building materials, and the type, design, and character of windows, doors, and ~~appurtenances~~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~~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~~Building permit applications for nondesignated ~~structure~~Structures greater than 50 years in age by the Historic Preservation Advisory Board. This review is to determine if the ~~structure~~Structure would be eligible for designation as a historic landmark, and if the proposed action would adversely affect the historic significance of that ~~structure~~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 ~~structure~~Structures with the contributing ~~structure~~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~~Person or ~~person~~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~~Structure foundations, gravestones, or tailings piles.
19. Preservation: The protection, enhancement, and maintenance of historic properties.
20. Property: The cultural resources, including ~~building~~Buildings, ~~structure~~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 ~~structure~~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 c~~Consultations prior to the submission of a nomination for designation of a landmark;~~. This subcommittee shall also provide direction on staff research efforts as necessary for the update and review of the Boulder County Historical Site Survey.~~

~~a.~~b. Direction on staff research efforts necessary for the update and review of the Boulder County Historical Site Survey;

~~b.~~c. ~~The Design Review Subcommittee: This subcommittee shall be available to the public for c~~Consultations prior to the submission of an application for a Certificate of Appropriateness; and~~.~~

~~c.~~d. ~~The Application Review Subcommittee: This subcommittee shall meet, as needed, t~~To determine if applications for ~~building~~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~~Building permit applications for non-designated ~~structure~~Structures greater than 50 years in age to determine whether the ~~structure~~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 ~~easement~~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 ~~T~~than 50 Years in Age

A. Applicability and Scope of the Historic Review Process
   1. Historic review of ~~building~~Building permit applications for alteration of nondesignated ~~structure~~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~~Structure under consideration; reroofing; electrical, plumbing, or mechanical upgrades or repair; and permits for alteration to a ~~structure~~Structure required by another governmental entity having lawful jurisdiction over that ~~structure~~Structure.
B. Procedure for Historic Review
   1. Preliminary Staff Review
      a. Upon ~~building~~Building permit application for alteration of nondesignated ~~structure~~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~~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~~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 ~~S~~ssubcommittee shall be available, as necessary, to aid county staff in determining if HPAB review of a ~~building~~Building permit application or Certificate of Appropriateness is warranted.
   b. If the ~~Application Review S~~ssubcommittee unanimously agrees on the following, review by the full HPAB shall not be required:
      (i) The ~~structure~~Structure proposed for alteration would not qualify for historic landmark designation; or
      (ii) The ~~structure~~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 S~~ssubcommittee cannot unanimously agree upon the items listed in (b) above, 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~~Applicant of the hearing.
   b. At this hearing HPAB shall determine if the ~~structure~~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~~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~~Applicant with the ~~building~~Building permit application.
   d. Upon a finding that a ~~structure~~Structure is not eligible as a historic landmark, then no historic review shall be required for the subject ~~structure~~Structure for any future permit applications.
   e. If the ~~structure~~Structure proposed for alteration is listed, the HPAB shall review the ~~building~~Building permit application to determine if the proposed alteration would have an adverse impact on the historic significance of the ~~structure~~Structure or the district including the ~~structure~~Structure.

C. Stay from the Issuance of a Building Permit
1. If HPAB or a subcommittee of HPAB determines that the ~~structure~~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 ~~will~~ can be stayed for up to 180 days from the date a complete ~~building~~Building permit application is received by the ~~County~~county Building Division. A copy of this determination, including the reasons for determining the ~~structure~~Structure is eligible for designation, shall be provided

to the ~~applicant~~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~~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~~Structure. As part of this process, HPAB may require the ~~applicant~~Applicant to allow the ~~County~~county staff or its agent on the subject property to provide historic photo-documentation of the ~~structure~~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~~Applicant to allow the ~~County~~county staff or its agent on to the subject property to provide historic photo-documentation of the ~~structure~~Structure. If, at the conclusion of the stay, an alternative to the proposed detrimental action has not been implemented, the ~~County~~county shall notify ~~the~~ History Colorado ~~Historical Society~~ of the proposed action and may ~~make a~~ recommend~~ation~~ that the Register listing be amended.

D. If the ~~structure~~Structure proposed to be demolished or altered under a ~~building~~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~~Structure.
E. Appeal of a Permit Stay
   1. An ~~applicant~~Applicant may appeal the determination of HPAB that the ~~structure~~Structure is eligible for landmark designation or that the proposed action will have an adverse impact on the historic significance of the ~~structure~~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~~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~~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~~Building permit for demolition, remodel, or addition work shall be processed through the usual ~~building~~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~~Applicant for a demolition, remodel, or addition permit feels that the waiting period imposed by HPAB causes a hardship to the ~~applicant~~Applicant, the

~~applicant~~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~~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~~Applicant, and testimony from the ~~applicant~~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~~Person or organization may request that ~~the Historic Resource~~ a ~~S~~ssubcommittee review a ~~structure~~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 ~~&~~and Open Space or Community Planning ~~&~~and Permitting Departments.
    a. A complete application shall include the names of all owners of property proposed for designation and the property owners ~~adjacent~~Adjacent to the site, a description of the proposed landmark including its locations, and an explanation of how the ~~structure~~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~~Structure, the ~~Historic Resource~~ ~~S~~ssubcommittee 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~~ Ssubcommittee 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 ~~parcel~~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~~

seven 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~~ seven 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~~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~~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 ~~structure~~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~~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~~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) ~~i~~Identification of the contributing and noncontributing ~~structure~~Structures within the site or district.
      (ii) Identification of the significant exterior architectural features of the contributing ~~structure~~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 ~~structure~~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~~Setback regulations, sign regulations, ~~floor area~~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~~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~~ seven 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~~ seven 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~~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 ~~structure~~Structures as historic landmarks:
      (i) identification of the significant exterior architectural features of the nominated ~~structure~~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~~Structure being designated.
   b. For the designation of site or districts as historic landmarks:
      (i) Identification of the contributing and noncontributing ~~structure~~Structures within the site or district.
      (ii) Identification of the significant exterior architectural features of the contributing ~~structure~~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 ~~structure~~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~~Setback regulations, sign regulations, ~~floor area~~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 ~~&~~and Permitting Department.

15-501 Criteria for Landmark Designation

A. In determining whether a ~~structure~~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~~Person or ~~person~~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 ~~structure~~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 ~~&~~and Open Space or Community Planning ~~&~~and 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~~ seven 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~~ seven days prior to the hearing, staff shall mail to the ~~applicant~~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~~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~~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~~ seven 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~~ seven days prior to the hearing, staff shall mail to the ~~applicant~~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~~Building permit from the Boulder County Community Planning &and 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~~Applicant may request consultation with a ~~the Design Review S~~subcommittee to discuss the proposed construction, alteration, or demolition.

D. ~~Applications~~ Review Process for a CA
   1. If the proposed action requires a ~~building~~Building permit, the ~~application~~ review process for a CA may proceed~~be processed~~ as part of the ~~building~~Building permit application. No ~~building~~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 full HPAB shall be required.
d. Applications for new primary ~~structure~~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~~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~~ seven 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~~ seven days prior to the hearing, staff shall mail to the ~~applicant~~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~~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 outlined~~s~~ 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~~Building permit, the ~~building~~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~~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~~Applicant may resubmit an amended application that takes into consideration the recommendations of HPAB.
4. If the ~~applicant~~Applicant feels that the denial of the CA has created hardship, the ~~applicant~~Applicant may pursue hardship relief as provided for in 15-700, below.
5. In the case of denial by HPAB, an ~~applicant~~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~~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~~ seven 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~~ seven days prior to the hearing, staff shall mail to the ~~applicant~~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~~Applicant may submit any or all of this information, plus any other information the ~~applicant~~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~~Structure or ~~structure~~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~~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 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~~ seven 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 seven~~7~~ days prior to the hearing, staff shall mail to the ~~applicant~~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~~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 seven~~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 seven~~7~~ days prior to the hearing, staff shall mail to the ~~applicant~~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~~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.

Article 16 – Text Amendments

16-100 Text Amendments

A. Text amendments may be initiated by the Planning Commission or the Board of County Commissioners through the Community Planning ~~&~~and Permitting Department. Text amendments shall be reviewed and acted upon in accordance with the procedural provisions contained in Article 3 of this Code.
    ~~A.~~1. The Director may correct clerical errors in the Code as they are discovered, without need for a text amendment as required by this Article.

B. No text amendment shall be adopted by the Board of County Commissioners unless the Board has determined that:
    1. the existing text is in need of the amendment;
    2. the amendment is not contrary to the intent and purpose of this Code; and
    3. the amendment is in accordance with the Boulder County Comprehensive Plan.

Article 17 – Enforcement

17-100 Enforcement Remedies Generally

A. All provisions of the Code have been adopted in accordance with the procedures required by C.R.S. 30-28-112 and -116, as amended, and may be enforced as a violation of the ~~County~~county's zoning regulations (see ~~Section~~ 17-300, below, and C.R.S. 30-28-124, and C.R.S. 30-28-124.5), with the following additions or exceptions:

1. Article 3 (Processes), Article 7 (Development Standards), and Article 16 (Text Amendments) shall be enforced in accordance with the remedies applicable to the type of process or application at issue (zoning, application for approval under the Subdivision Regulations, planned unit development, etc.).
2. Article 5 (Subdivision Regulations) and Article 9 (Exemptions) shall be enforced in accordance with the remedies specified for county ~~subdivision regulations~~Subdivision Regulations (see ~~Section~~ 17-400, below, and C.R.S. 30-28-110(3)-(4) and 30-28-137, as amended).
3. Article 6 (Planned Unit Development) shall be enforced in accordance with Article 67 of Title 24, C.R.S., as amended (Planned Unit Development Act of 1972), in addition to ~~and~~ any applicable zoning or Subdivision Regulations remedies.
4. Article 8 (Location and Extent Review) and Article 10 (Vacation of Public Roads) shall be enforced through any appropriate legal or equitable remedies allowed under the Colorado State Statutes or Colorado Court Rules, as amended. (See, e.g., 30-28-110(1), and Part 3 of Article 2 of Title 43, C.R.S., as amended, respectively.).
5. Article 11 (Special District Review) shall be enforced in accordance with Part 2 of Article 1 of Title 32, C.R.S., as amended (Special District Control Act).
6. Article 14 (Rubbish) shall be enforced in accordance with the provisions specified in that Article.

B. In addition to the remedies specified above, all provisions of the Code may be enforced by any legal or equitable means recognized by the Colorado State Statutes and Colorado Court Rules, as amended.

17-200 Non-liability of County

~~A.~~ This Code shall not be construed to hold Boulder County or any of its employees or officials acting within the scope of their employment in any manner responsible or liable for any damages to ~~person~~Persons or property resulting from any inspection or enforcement as herein authorized or resulting from any failure to so inspect or enforce, or resulting from the issuance or denial of any ~~building~~Building permit or the institution of or failure to institute any court action as herein required or authorized. In enacting this Code the Commissioners intend to preserve all rights of the ~~County~~county, its agencies and departments, and its elected and appointed officials and employees, to immunity from liability as set forth in the Colorado Governmental Immunity Act, C.R.S. 24-10,101, et seq.

17-300 Zoning Regulation Enforcement

A. Building Permit Requirements
1. No ~~person~~Person shall erect, construct, reconstruct, alter, or change the use of any ~~building~~Building or other ~~structure~~Structure within the unincorporated territory covered by this code without the property owner or ~~his~~ their authorized representative first obtaining a ~~building~~Building permit from the Building Official or ~~his~~ their authorized representative. A ~~building~~Building permit shall not be required for the following:

a. One-story detached accessory ~~structure~~Structures used as a storage shed, playhouse, greenhouse, chicken coop, agricultural loafing shed, or similar uses, provided:
   (i) the ~~floor area~~Floor Area of any ~~structure~~Structure does not exceed 120 square feet except agricultural loafing sheds which may not exceed 200 square feet;~~,~~
   (ii) the ~~structure~~Structure height does not exceed 12 feet;~~,~~
   (iii) the ~~structure~~Structure does not have any utilities;~~,~~ and
   (iv) the ~~structure~~Structure does not violate the conditions of any existing land use approval or ~~conservation easement~~Conservation Easement.
   (v) The number of allowed detached accessory ~~structure~~Structures which may be constructed without a ~~building~~Building permit shall be determined by the size of the subject ~~parcel~~Parcel:
      (A) One detached accessory ~~structure~~Structure may be constructed without a ~~building~~Building permit on ~~parcel~~Parcels half of an~~0.5~~ acre~~s~~ or less in size.
      (B) Two detached accessory ~~structure~~Structures may be constructed without a ~~building~~Building permit on ~~parcel~~Parcels greater than half of an~~0.5~~ acre and less than ~~ten~~ 10 acres.
      (C) Three detached accessory ~~structure~~Structures may be constructed without a ~~building~~Building permit on ~~parcel~~Parcels 10 acres and larger.
b. Fences not over six feet high.~~;~~
c. Movable cases, counters, and partitions not over five feet high.~~;~~
d. Retaining walls which are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids.~~;~~
e. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one;
f. Walks and driveways not more than 30 inches ~~above grade~~Above Grade and not over any basement or story below.~~;~~
g. Painting, papering, and similar finish work.~~;~~
h. Temporary motion picture, television, and theater stage sets and scenery;
i. Prefabricated swimming pools in which the pool walls are entirely above the ~~adjacent~~Adjacent grade and if the capacity does not exceed 5,000 gallons.~~;~~
j. Antennas and / or their supporting ~~structure~~Structures other than ~~building~~Buildings, accessory to residential use less than ten feet in height and lower than the ~~structure~~Structure height limit in the zoning district in which located, or which were constructed or erected prior to July 1, 1988.~~;~~
k. Temporary emergency noncommercial telecommunication sites operated by a governmental agency, or by a volunteer public safety agency officially sanctioned by a governmental agency for that purpose, for public safety communication uses, for a period not to exceed six months.

The above exceptions to the ~~building~~Building permit requirements do not exempt ~~structure~~Structures from meeting the other applicable provisions of this Code, including but not limited to the applicable zoning district ~~setback~~Setback and height requirements and the provisions of the Floodplain Overlay District.

2. The Building Official shall not issue any ~~building~~Building or ~~grading~~Grading permit unless the following requirements are met:
    a. The plans for the proposed erection, construction, reconstruction, alteration, or use fully conform to all applicable provisions of this Code, including but not limited to any existing approval granted under this Code. A zoning affidavit may be required prior to issuance of a ~~building~~Building permit or ~~Land Use~~land use approval to ensure the ~~structure~~Structure or use conforms to the planning or ~~building~~Building review and approval of the proposal. The approved use may not change without approval from the Director, and a revised affidavit reflecting any changes may be required. Zoning affidavits shall be recorded with the Boulder County Clerk and Recorder and shall apply to subsequent owners of the property;
    b. Boulder County Public Health has issued a permit for or has otherwise approved the sanitation system to serve the proposed ~~structure~~Structure or use, if applicable;
    c. The County Engineer has approved the access for the proposed ~~structure~~Structure or use pursuant to this Code and the Transportation Standards ~~and Specifications~~; and
    d. The proposed plans comply with all applicable provisions of the Building Code.
3. A ~~building~~Building permit shall be valid for the period specified on the permit, and as provided in the Building Code.
4. The Building Official shall not issue any occupancy permit or issue any final inspection approval until Boulder County Public Health has completed a final inspection and approval of any required sanitation system to serve the proposed ~~structure~~Structure or use.
5. In addition to any other enforcement remedy specified in this Code, the Building Official, the Director, or the County Engineer may withhold or demand the withholding of the issuance of any ~~building~~Building permit or other permit under this Code, or may refuse to accept or process any application or authorization for a ~~structure~~Structure, activity, or use, involving for any property on which a violation of this Code has been determined to exist.

B. Temporary Cessation on Issuance of Building Permits when Zoning Amendments Pending
    1. Provided that the Commissioners have specifically determined that conditions require such action and have so authorized in a public meeting, the Building Official shall not issue any ~~building~~Building permit for the proposed erection, construction, reconstruction, alteration, or use which would be in violation of the proposed amendments to this Code (text or maps) pending before the Planning Commission or Commissioners, from time of first public notice of such consideration until final

disposition by the Commissioners, but in no event longer than six ~~(6)~~ months from the time of first public notice.

2. In accordance with the ~~County~~county's authority to propose and consider meaningful zoning regulation amendments without risking the establishment of contrary ~~structure~~Structures or uses through the issuance of ~~building~~Building permits during the limited period when regulations are considered, no public hearing or prior notice shall be required for the Commissioners to authorize a temporary ~~building~~Building permit cessation pursuant to the preceding paragraph.
3. Upon any incorporated land becoming unincorporated due to disconnection from a municipality, discontinuance or abandonment of a city or town, or other means, the temporary cessation of ~~building~~Building permits in ~~Section~~ 17-300.B.1~~.~~ shall be in effect. Unless the law governing the disincorporation dictates a different date, the cessation will become effective when the final document effectuating the disincorporation is recorded with the Boulder County Clerk and Recorder. The cessation period shall last for six months, unless a shorter time period is specified by the Board. The purpose of this cessation period is to allow time for the Board to enact amendments to this Code to zone the disincorporated land. ~~This Section~~ 17-300.B.3~~.~~ shall be considered to be an ongoing resolution of the Board authorizing the cessation of ~~building~~Building permits upon the disincorporation of any land within the ~~County~~county in accordance with C.R.S. Section 30-28-121.

C. Vested Rights
   1. The issuance of any ~~building~~Building permit for particular property under this code shall in no way prevent the application of subsequently enacted zoning amendments (text or map) to that property except where rights have fully vested under the law and such subsequent enactment conflicts with such vested rights.
   2. For property where rights have vested solely pursuant to the provisions of Article 68 of Title 24, C.R.S., as amended, subsequently enacted zoning amendments (text or map) shall not preclude the issuance of a ~~building~~Building permit for which an application conforming to all approvals and regulations applicable at the time of vesting of such right has been properly filed, except for the following:
      a. Regulatory enactments and actions to which the affected landowner consents; or
      b. Regulatory enactments and actions designed to remedy or mitigate the impacts of natural or man-made hazards on or in the immediate vicinity of the subject property, which hazards could not reasonably have been discovered at the time of site-~~-~~specific development plan approval, and which hazards, if uncorrected, would pose a serious threat to the public health, safety, and welfare; or
      c. Regulatory enactments and actions for which appropriate compensation has been paid the landowner; or
      d. Regulatory enactments and actions which are general in nature and are applicable to all property subject to land use regulation by Boulder County including, but not limited to ~~building~~Building, fire, plumbing, electrical, and mechanical codes.

D. Building Lot

1. No ~~person~~Person shall use any ~~parcel~~Parcel for a use which is required by this code to comply with the minimum ~~lot area~~Lot Area requirements of the zoning district in which it is located, nor shall any ~~building~~Building permit for such ~~parcel~~Parcel be issued, unless the ~~parcel~~Parcel is determined to be a Building Lot by the Director.
2. The Director shall not determine a ~~parcel~~Parcel to be a Building Lot for a ~~principal use~~Principal Use if that ~~parcel~~Parcel has been occupied as or designated as a Building Lot for any other ~~principal use~~Principal Use, unless such ~~parcel~~Parcel has been expressly approved for multiple ~~principal use~~Principal Uses as part of a use permitted by Special Review (~~Article~~ 4-600) or Planned Unit Development (Article 6)

E. Inspection and Administrative Action against Violations
1. The Director, Building Official, County Engineer, Director of Public Health, or their authorized representatives are empowered, in conformity with the requirements of this subsection (E), to inspect and examine any ~~building~~Building, other ~~structure~~Structure, or ~~parcel~~Parcel or other area of land (collectively, 'premises'), concerning which they have reasonable cause to believe that a use exists, or a violation of a condition of approval as occurred, or construction or alteration work is being performed, or has been performed, in violation of the applicable provisions of this code. If the Director, Building Official, County Engineer or their authorized representatives discover a violation of this Code, the Building Code or a violation of a condition of approval, the Director, in the Director's discretion, may charge the violator for the actual cost to the ~~County~~county of any follow-up inspections and testing to determine if the violation has been remedied. When the Director, Building Official, or authorized representative (collectively, 'the enforcing official') has reasonable cause to believe that a violation of this code is likely to exist on a premises, and that entry onto the premises is necessary to verify the violation, the enforcing official shall first make a reasonable effort to locate the owner or other ~~person~~Person having charge or control of the premises, or portion thereof desired to be inspected, and request consent to enter and inspect the premises. If the owner or other ~~person~~Person in charge or control of the premises cannot be located or if entry is refused, the enforcing official may seek entry by submitting a sworn affidavit to the proper court of jurisdiction, setting forth facts sufficient to support a reasonable belief that the violation is likely to exist, and that further investigation of the premises is warranted. Any subsequent entry and inspection shall be conducted in accordance with an administrative search warrant issued by the court.
2. Consent to enter or an administrative search warrant shall not be required in the following circumstances:
    a. To conduct inspections during regular county business hours under an applied for or issued ~~building~~Building permit, for work authorized under that permit prior to the issuance of a final Certificate of Occupancy;
    b. To conduct inspections within the scope of another official document, such as a duly executed zoning compliance affidavit, which grants express or clearly implied consent to enter and inspect;

c. To make observations of the premises in plain view from public property or from portions of the premises which are open or accessible to the public, or in which the owner or occupant otherwise lacks a reasonable expectation of privacy;
d. To make observations of the premises from private property when the owner of the private property gives consent to do so; or
e. In emergency situations in which the enforcing official has reason to believe that the public health or safety is in imminent danger and could be jeopardized by any delay in securing entry.

3. If a violation is found to exist, the enforcing official shall by written order direct that such remedial action be taken forthwith as will result in full compliance with the applicable provisions of this code; provided, however, that the issuance of such order shall in no way or manner be deemed a prerequisite to the institution of such enforcement proceedings as are set forth in this Article 17; and provided further that compliance with such order shall not necessarily be deemed to be a defense to any alleged violation of this code in any court action instituted seeking full compliance therewith.
4. In addition to any other enforcement remedy specified in this Code, the Building Official, the Director, or the County Engineer may withhold or demand the withholding of the issuance of any ~~building~~Building permit or other permit under this Code, or may refuse to accept or process any application or authorization for a ~~structure~~Structure, activity, or use, involving any property on which a violation of this Code has been determined to exist.

F. Judicial Actions ~~against~~ Against Violations
1. Upon a finding of a violation by the Director, the Building Official, the County Engineer, or a County Commissioner the County Attorney is authorized to file lawsuits in county or district court to enforce the provisions of this code.
2. Criminal violations of this code shall be punished by a fine in an amount not to exceed one hundred dollars ($100~~.00~~) for each violation, such fine to inure to the County of Boulder, or by imprisonment in the ~~County~~county jail for not more than ~~ten (~~10~~)~~ days, or by both such fine and imprisonment, or by such other remedy as may be specified by amendment to C.R.S. 30-28-124. Each day during which such illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense.
3. Civil remedies against violations of this code may include civil penalties, injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate, or remove the violation. Civil fines may be recovered in the same civil action where injunction, mandamus and/or abatement is sought, or separate proceedings may be instituted seeking varying forms of relief, as C.R.S. 30-28-124, 30-28-124.5 or any other applicable provision of law may allow.
4. Unless the Director, Building Official, County Engineer, or the Board determines that immediate legal action is necessary to prevent imminent harm to the health safety, or welfare of the public or to prevent a violation from occurring, the enforcing official shall provide written notice of the alleged violation to the alleged violator at least ten

days prior to requesting that the County Attorney proceed with judicial enforcement action.

G. Stay of Judicial Enforcement
   1. Appeals to the Board of Adjustment
      a. A determination by the Director that a zoning violation exists may be appealed to the Board of Adjustment as set forth in ~~Article~~ 4-1200 of this Code.
      b. Unless the Director, Building Official, or County Engineer determines that immediate legal action is necessary to prevent imminent harm to the health, safety, or welfare of the public or to prevent a violation from occurring, judicial enforcement action against the violator will be stayed in the event of a timely appeal to the Board of Adjustment until a final decision is rendered by the Board of Adjustment, and, if applicable, any reviewing court.
   2. **Permit Applications.** Unless the Director, Building Official, or County Engineer determines that immediate legal action is necessary to prevent imminent harm to the health, safety, or welfare of the public or to prevent a violation from occurring, the County Attorney shall stay, or request that the court stay, any judicial enforcement action if:
      a. a complete application for a permit or other approval is submitted to the Community Planning ~~&~~and Permitting Department that, if approved, would fully resolve all violations; ~~and~~
      b. the application is for a use or activity that may be approved under the current provisions of the Code; ~~and~~
      c. the application is for a use or activity that is not the same or similar to an application or permit that was previously denied; ~~and~~
      d. in the opinion of the Director, Building Official, County Engineer, or the Board, the application is being pursued diligently and in good faith; and
      e. in the opinion of the County Attorney, the application was filed in good faith and not for the purpose of causing unreasonable delay or confusion in an ongoing enforcement action.

Unless otherwise ordered by the court, the stay shall remain in effect until a final decision is reached on the application or permit.

17-400 Subdivision Regulation Enforcement

A. Authority for Enforcement
   1. The Commissioners and their duly appointed representatives shall have the authority to enforce the provisions of Article 5, Subdivision Regulations in accordance with this Section and the governing statutes (C.R.S 30-28- 110(3)-(4), 30-28-133(1), and 30-28-137(3)-(4), as amended.)

B. Requirements for County Subdivision Approval
   1. No division of land constituting a ~~subdivision~~Subdivision under applicable state law shall occur unless it is exempt by terms of C.R.S. 30-28-101(10), has been approved under the Subdivision Regulations, or has received approval from the Board of

County Commissioners for a ~~subdivision exemption~~Subdivision Exemption or ~~exemption plat~~Exemption Plat.

2. Any ~~person~~Person or ~~person~~Person's agent who creates a ~~subdivision~~Subdivision and transfers legal or equitable title or sells any land thereby divided before a ~~final plat~~Final Plat, as required, for such land has been approved and recorded pursuant to this Code or applicable state law, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars ($1000~~.00~~) nor less than five hundred dollars ($500~~.00~~) for each ~~parcel~~Parcel of or interest in such land which is sold or where the legal or equitable title to the land is transferred. All fines collected under this provision shall be credited to the General Fund of the ~~County~~county. No ~~person~~Person shall be prosecuted, tried, or punished under this provision unless the indictment, information, complaint, or action for the same is instituted prior to the expiration of eighteen months after the recordation or filing in the Office of the County Clerk and Recorder of the instrument transferring or selling such illegally divided land~~.~~ (C.R.S. 30-28- 110(4)(a)).
3. The Commissioners shall have the power to bring an action to enjoin any ~~person~~Person creating an illegal ~~subdivision~~Subdivision as stated in ~~Subsection~~ 17-400.B.2~~.~~, immediately above, from selling proposed divided land before a ~~final plat~~Final Plat for such land has been approved and recorded pursuant to this Code or applicable state law~~.~~ (C.R.S. 30-28-110(4)(b)).
4. In addition to any other enforcement remedy specified in this Code, the Building Official, the Director, or the County Engineer may withhold or demand the withholding of the issuance of any ~~building~~Building permit or other permit under this Code, or may refuse to accept or process any application or authorization for a ~~structure~~Structure, activity, or use, involving any property which is determined to have been divided without the required ~~County~~county approval~~.~~ (C.R.S. 30-28-110(4)(a)).
5. Properties that were divided in violation of regulations or resolutions in effect at the time of such division shall be further subdivided only if the proposal includes provisions which bring the entire original ~~parcel~~Parcel, including the area previously divided in violation of the Regulations or Resolution into compliance with current zoning or ~~subdivision~~Subdivision requirements.

C. Enforcement of Subdivision Regulations Process and Platting Requirements

1. No ~~sketch plan~~Sketch Plan, ~~preliminary plan~~Preliminary Plan or ~~final plat~~Final Plat for proposed ~~subdivided land~~Subdivided Land shall be recommended for approval or conditional approval by the Planning Commission and approved or conditionally approved by the Commissioners, unless it conforms to the provisions of Article 5, Subdivision Regulations, or, as applicable, the ~~exemption plat~~Exemption Plat provisions of Article 9.
2. The Commissioners or the Planning Commission may take appropriate action to deny or to suspend or withdraw any approval of a plan or ~~plat~~Plat, or to require certain corrective measures to be taken, following a determination that the information provided by the ~~applicant~~Applicant or developer upon which such approval was based is materially false or inaccurate or that new significant

information has been brought to the Planning Commission's or Commissioners' attention. Such action may occur at any step in the ~~plat~~Platting or ~~exemption plat~~Exemption Plat process up to the approval of the ~~final plat~~Final Plat by the Commissioners, and shall take place at a regular public hearing. The Planning Commission or Commissioners shall determine at the hearing the nature and extent of the alleged false or inaccurate information, shall consider any new significant information that has been brought to its attention, and shall have power, upon good cause being shown, to deny the ~~plat~~Plat or plan or suspend or withdraw any approval or require corrective measures to be taken. No action to deny or to suspend or withdraw an approval or require corrective measures shall be taken unless the ~~applicant~~Applicant or developer is present at the hearing at which action is taken and has a fair opportunity to respond to the proposed denial, suspension, withdrawal, or corrective action.

3. If it is determined after any ~~final plat~~Final Plat is approved or filed for recording that the ~~plat~~Plat approval was based on inaccurate, false, or misleading information of a material nature, the Commissioners may take appropriate action to withdraw or reconsider the approval, to require corrective measures, or to void the ~~plat~~Plat, after a public hearing where adequate notice and opportunity to be heard are given to the ~~applicant~~Applicant or developer, any successor property owners, and any affected ~~adjacent property owner~~Adjacent Property Owners, referral agencies, or service providers.
4. The Commissioners or any purchaser of any ~~subdivided lot~~Subdivided Lot, ~~outlot~~Outlot, or other ~~subdivided land~~Subdivided Land subject to a ~~plat~~Plat restriction which is the security portion of a ~~subdivision~~Subdivision improvements agreement shall have the authority to bring an action in any district court to compel the enforcement of any ~~subdivision~~Subdivision improvements agreement on the sale, conveyance, or transfer of any such lot, ~~outlot~~Outlot, or other ~~subdivided land~~Subdivided Land or of any other provision of Part 1, Article 28, Title 30, C.R.S., as amended. Such authority shall include the right to compel rescission of any sale, conveyance, or transfer of title of any ~~subdivided lot~~Subdivided Lot, ~~outlot~~Outlot, or other ~~subdivided land~~Subdivided Land contrary to the provisions of any such restriction set forth on the ~~plat~~Plat or in any separate recorded instrument, but any such action shall be commenced prior to the issuance of a ~~building~~Building permit by any county where so required or otherwise prior to commencement of construction on any such lot, ~~outlot~~Outlot, or other ~~subdivided land~~Subdivided Land~~.~~ (C.R.S. 30-28-137(3), as amended~~.~~).
5. In addition to any other remedy set forth in Part 1, Article 28, Title 30, C.R.S., as amended, the Commissioners or any purchaser of any ~~subdivided lot~~Subdivided Lot, ~~outlot~~Outlot, or other ~~subdivided land~~Subdivided Land shall have the authority to bring an action for injunctive relief to enforce any ~~plat~~Plat restriction (including all obligations contained in documents required to be executed and recorded as part of the ~~final plat~~Final Plat approval and all commitments of record of the ~~applicant~~Applicant or developer related to the ~~County~~county's approval of the ~~final plat~~Final Plat), ~~plat~~Plat note, ~~plat~~Plat map, or provision of a ~~subdivision~~Subdivision

improvements agreement, and for damages arising out of failure to adhere to any such ~~plat~~Plat restriction, ~~plat~~Plat note, ~~plat~~Plat map, or provision of a ~~subdivision~~Subdivision improvements agreement. Nothing in Part 1, Article 28, Title 30, C.R.S., as amended, shall require the Commissioners to bring any action authorized in this provision~~.~~ (C.R.S. 30- 28-137(4), as amended~~.~~).

6. In addition to any other enforcement remedy specified in this Code, the Building Official, the Director, or the County Engineer may withhold or demand the withholding of the issuance of any ~~building~~Building permit or other permit under this Code, or may refuse to accept or process any application or authorization for a ~~structure~~Structure, activity, or use, involving any property for which a ~~final plat~~Final Plat has not been approved or recorded, or which is the subject of a violation of the ~~final plat~~Final Plat approval, including any ~~plat~~Plat note or restriction or any commitment of record in the ~~County~~county's ~~final plat~~Final Plat approval file.

D. Temporary Cessation on Acceptance of Applications for Approval of Subdivided Land while Planning Studies or Regulatory Amendments in Process

1. If the Commissioners determine at a public meeting that changes in the Article 5, Subdivision Regulations, related land use regulations, or the Comprehensive Plan (including but not limited to a proposed or existing comprehensive development plan under 29-20-105, C.R.S., as amended), that are under active consideration by the Planning Commission, the Commissioners, or the ~~County~~county staff, are such that owners of property will attempt to circumvent the provisions under consideration by applying for approvals of Sketch Plan, Preliminary Plan and/or Final Plat prior to the effective date of the proposed change, then the Commissioners may, by resolution, order the Director to not accept applications for proposals that violate the provisions under consideration and order the Planning Commission and Commissioners not to approve or conditionally approve any application that violates the provisions under consideration. Such resolution may be passed as an emergency measure without public notice. The resolution shall be effective for no more than six months, unless a reasonable longer time is specified in the resolution as necessary to complete actively pursued studies or is expressly authorized by intergovernmental agreement.

Article 18 – Definitions

18-100 Above Grade

Amended into and replaced by ~~Article~~ 18-162~~.~~ s~~S~~See ~~Article~~ 18-162.

18-101 Active Area

The area a use occupies. This is for purposes of parking calculations.

18-102 Adjacent

Meeting or touching at some point, or across a street, alley, or other ROW.

18-103 Adjacent Property Owner

An owner of record of any estate, right, or interest in real property which is ~~adjacent~~Adjacent to the subject land.

18-103A Affordable Housing

Housing which is restricted in sale and/or lease to meet the BOCC's adopted standards based upon the recommendation and policies of the Boulder County Housing Authority for ~~affordable housing~~Affordable Housing.

18-104 Agriculture

Uses involving the cultivation of land, production of crops, raising, breeding, and keeping of ~~livestock~~Livestock, and the buying and selling of crops, products or ~~livestock~~Livestock associated with the agricultural operation. Agriculture specifically does not include commercial, institutional, lodging, or recreational uses such as petting zoos, day-care centers, or summer camps.

18-105 Agricultural Products

Products derived by the cultivation of plants, the rearing of animals, and other activities related to farming, ranching, and agricultural production such as vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hay, bedding plants, flowers, herbs, wool, and finished compost.

18-105A Agricultural Sales Unit

A unit designed for the retail sale or wholesale of ~~agricultural~~ Agricultural or ~~horticultural~~ Horticultural products and adhering to the provisions for the Accessory Agricultural Sales and/or Farm Store uses which may be a ~~structure~~Structure, a portion of a ~~structure~~Structure, or a mobile ~~farm~~Farm stand.

A mobile ~~farm~~Farm stand is a vehicle-based sales unit (being either self-propelled or towed by a vehicle). Units shall maintain all applicable local, state, and federal permits and licenses.

18-106 Airport Hazard

Any ~~structure~~Structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport, or is otherwise hazardous to such landing or takeoff of aircraft.

18-107 Airport Protection Surfaces

Imaginary surfaces in an airport vicinity as established by the Federal Aviation Administration Regulation, part 77, 'Objects Affecting Navigable Airspace,' U.S. Department of Transportation, FAA, January 1975, as amended, for the purpose of controlling heights of objects in an airport vicinity, as codified under Subchapter E, 'Airspace,' of Title 14 of the Code of Federal Regulations, incorporated herein by this reference (Colorado Statute reference Airports, C.R.S. 1973 #41-4-101 et seq.), or by other means accepted by the Board of County Commissioners and as shown on the

Airport Protection Surface maps adopted and incorporated into this Resolution for purposes of regulating the height of ~~structure~~Structures.

18-108 Animal Unit

A term used to establish an equivalent density for various species of ~~livestock~~Livestock. The following animals shall have the following ~~animal unit~~Animal Unit equivalents:

[TABLE 18-108 Animal Units]

Cattle, Buffalo, Horse: 1 ~~animal unit~~Animal Unit
Horse (34 inches or less at withers): 5 ~~animal unit~~Animal Unit
Swine, Ostrich: 5 ~~animal unit~~Animal Unit
Goat, Sheep, Llama: 5 ~~animal unit~~Animal Unit
Poultry: 50 ~~animal unit~~Animal Unit
Mink and Similar Fur Bearing Animals: 50 ~~animal unit~~Animal Unit
Other Livestock: 1 ~~animal unit~~Animal Unit

Young animals shall not be counted until they are weaned. Horses include mules and donkeys.

18-109 Applicant

The owner of land, or the owner's authorized representative.

18-110 Appurtenances

The visible, functional, or ornamental objects accessory to and part of a ~~building~~Building.

18-110A Arena, Equestrian

An improved area, generally fenced, of at least 30 feet in width or length within which equestrian activities involving horse riding or driving occurs.

18-111 Asbuilt Profile

A map or drawing which depicts a vertical section of a ~~road~~Road, street, curb, conduit, or other physical feature as it has been actually constructed.

18-112 Average Daily Trips (ADT)

The average 24-hour volume, of all lanes in both directions being further defined as the total number during a stated period, divided by the number of days in that period. Unless otherwise stated, the period is a year. The term is commonly abbreviated as ADT.

18-113 Base Flood

A ~~flood~~Flood having a one percent chance of being equaled or exceeded in any given year. The term is used interchangeably with intermediate regional ~~flood~~Flood, one-hundred-year ~~flood~~Flood, and one percent chance ~~flood~~Flood.

18-113A Base Flood Elevation

The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-30, AR, AR/A, AR/AE, AR/A1-30, AR/AH, AR/AO, V1-30, and VE that indicates the ~~water surface elevation~~Water Surface Elevation resulting from a ~~flood~~Flood that has a one percent chance of equaling or exceeding that level in any given year.

18-114 Basement

Amended into and replaced by ~~Article~~ 18-162.~~.~~ ~~S~~see ~~Article~~ 18-162.

18-115 Bedrock

Solid rock underlying surface materials.

18-115A Best Management Practices (BMPs, as used in ~~Article~~ 7-904)

BMPs may be structural or nonstructural or both, as well as temporary or permanent or both, and include schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to maintain or improve ~~stormwater~~Stormwater quality by preventing or reducing the discharge of ~~pollutant~~Pollutants directly or indirectly to ~~stormwater~~Stormwater, ~~stormwater~~Stormwater conveyance systems, or waters of the state. BMPs also include treatment practices, operating procedures, and waste control practices to control site ~~runoff~~Runoff, spillage or leaks, sludge or water disposal, and drainage from raw materials storage.

Nonstructural BMPs (source controls) include practices that prevent pollution by reducing potential ~~pollutant~~Pollutants at their source before they come into contact with ~~stormwater~~Stormwater. Examples of nonstructural BMPs are site planning and project operations.

Structural BMPs (treatment controls) are engineered or constructed facilities designed to remove ~~pollutant~~Pollutants already in ~~stormwater~~Stormwater, with examples including detention and retention ponds, infiltration basins, sedimentation controls, and ~~pollutant~~Pollutant removal devices.

Temporary BMPs, such as silt fencing, are installed to control ~~stormwater~~Stormwater discharges and protect water quality while ~~construction activity~~Construction Activity is taking place and until final inspection or approval of construction occurs. Temporary BMPs for a particular site are typically addressed as part of a ~~Stormwater~~Stormwater Management Plan accepted as part of an approved ~~stormwater~~Stormwater quality permit.

Permanent BMPs, such as detention facilities, are installed to control ~~stormwater~~Stormwater discharges and protect water quality after ~~construction activity~~Construction Activity has been completed or final inspection has occurred, that must be maintained in good working order by the landowner, permittee, ~~operator~~Operator, or other responsible party on a perpetual basis or for so long as

the County Engineer requires. Permanent BMPs are typically addressed as part of a final drainage plan, and depicted through submitted as-built plans, that are accepted as part of an approved ~~stormwater~~Stormwater quality permit.

Accepted and recommended sources of BMPs include but are not limited to: Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual, Volume 3 – Best Management Practices; and the Colorado Department of Transportation's ("CDOT") "Erosion Control and ~~Stormwater~~Stormwater Quality Guide."

18-116 Block

A designated portion of ~~subdivided land~~Subdivided Land which, unless otherwise indicated on the ~~plat~~Plat, is land intended for future development in accordance with the applicable Subdivision Regulations.

18-117 Boulder County Comprehensive Plan

That document, including all amendments, adopted by the Planning Commission, which provides policy direction to the ~~County~~county and the public about how existing and proposed land uses ought to be evaluated, how the various governmental and land management entities in the ~~County~~county should coordinate their activities, and how ~~environmental resources~~Environmental Resources should be preserved. The Boulder Valley Comprehensive Plan and any similar subarea plans are considered part of the Boulder County Comprehensive Plan.

8-117A Breezeway

A covered passage connecting two ~~structure~~Structures (such as a house and garage) that is open on two sides; ~~breezeways~~ Breezeways may not be enclosed with walls, glass, or screens.

18-118 Building

Any permanent ~~structure~~Structure built for the support or shelter of any use or occupancy.

18-119 Building Footprint

The outline of the total area which is covered by a ~~building~~Building's perimeter at ground level.

18-120 Building Height (Structure Height)

The vertical distance from any part of the ~~structure~~Structure, excluding ~~appurtenances~~Appurtenances, to the existing or natural grade below. In a ~~platted subdivision~~Platted Subdivision for which overlot ~~grading~~Grading was permitted prior to October 18, 1994, the overlot ~~grading~~Grading shall be the existing grade.

18-121 Building Lot

A ~~parcel~~Parcel that meets the requirements of ~~Article~~ 9-100 of the Land Use Code.

18-122 Bulk

The total volume of the ~~structure~~Structure, found by multiplying the square footage by the height.

18-123 Camper Trailer

A wheeled vehicle without motive power which is designed to be drawn by a motor vehicle over the public highways and which is generally and commonly used for temporary living or sleeping accommodations.

18-123A Carport

A ~~structure~~Structure or portion of a ~~structure~~Structure intended to cover an area and provide shelter. A Carport consists of a roof and support elements and shall be open on at least two sides. The area of a Carport is measured to the drip line of the roof above when the ~~structure~~Structure is supported with columns only. If the ~~carport~~Carport has a wall the ~~structure~~Structure is measured to the outside of the walls for that side only.

18-123A Colorado Discharge Permit System (CDPS)

CDPS, which the Colorado Department of Public Health and Environment ("CDPHE") through its Water Quality Control Division ("WQCD") is authorized to administer as part of the Clean Water Act's National Permit Discharge Elimination System ("NPDES") program in Colorado. The CDPS ~~Stormwater~~Stormwater Management Program is designed to reduce the discharge of ~~pollutant~~Pollutants from the Municipal Separate Storm Sewer System (MS4) to the maximum extent practicable to protect water quality, through the implementation of BMPs consistent with the provisions of the program.

18-124 Certificate of Occupancy

A certificate issued by the ~~County~~county after final inspection and upon a finding that the ~~building~~Building, ~~structure~~Structure, or development complies with all provisions of the applicable county codes, permits, requirements and approved plans.

18-124A Clean Water Act

The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as amended.

18-124B Clearing and Grubbing

Any activity that removes the surface cover to expose bare ground.

18-125 Common Open Space

A ~~parcel~~Parcel of land, an area of water, or a combination of land and water within a site designed and intended primarily for the use or enjoyment of residents, occupants, and owners within that development.

18-126 Community Service Area (CSA)

A. **Municipal CSA** — A boundary line drawn around a municipality within which a city expects to accommodate future urban growth. Community Service Area plans provide, when jointly adopted by both municipal and county governments, a mutually binding comprehensive plan for county lands ~~adjacent~~Adjacent to each municipality. It is expected that land within municipal Community Service Areas will be developed in an urban pattern, urban services will be provided by the municipalities, and the area will eventually be annexed. The following are terms used by the various Plains municipalities that fit with the Community Service Area definition, and each area has been mapped.

   Boulder — Boulder Service Area (Area I and II of the Boulder Valley Comprehensive Plan);

   Broomfield — Southeast Boulder County Area Comprehensive Development Plan Intergovernmental Agreement or IGA, and the areas described within the southeast Boulder County, South 96th Street, Dillon Road and U.S. 287 Area Comprehensive Development Plan IGA (commonly referred to as the Northwest Parkway IGA);

   Erie — Influence Area (East Central Boulder County Comprehensive Development Plan IGA;

   Lafayette — Influence Area (East Central Boulder County Comprehensive Development Plan IGA;

   Longmont — Longmont Planning Area or LPA (Longmont Planning Area Comprehensive Development Plan IGA);

   Louisville — Influence Zone (Lafayette/Louisville Buffer Comprehensive Development Plan IGA) and areas described within the Northwest Parkway IGA;

   Lyons — Potential Service Area (Docket BCCP-86-01), Lyons Comprehensive Plan adopted by Boulder County on April 5, 1988): and~~,~~

   Superior —Influence and Study Areas (Superior Area Comprehensive Development Plan IGA).

B. **Limited CSA** — A boundary line drawn around an unincorporated area as designated in the Boulder County Comprehensive Plan within which it is expected that land may be developed and provided with a limited range of urban services, including:

   Niwot — an adopted Community Service Area (Niwot, Lefthand, Boulder Creek Subregion Goals, Policies and Maps Element, Boulder County Comprehensive Plan.)

18-127 Condominium Ownership

A ~~building~~Building, or group of ~~building~~Buildings, in which ~~dwelling unit~~Dwelling Units, offices, or ~~floor area~~Floor Area are owned individually, and the ~~structure~~Structure, common areas, and facilities are owned by all the owners on an undivided basis.

18-128 Conservation Easement

The grant of a property right stipulating that the described land will remain in a certain state and precluding future or additional development.

18-128A Construction Activity (as used in ~~Article~~ 7-904)

Ground surface disturbing activities which include, but are not limited to, clearing, vegetation removal, ~~grading~~Grading, excavation, removal or deposit of any rock, soil, or other materials, demolition, installation of new or improved haul roads and access roads, staging areas, stockpiling of soil, ~~fill~~Fill, or other materials, utilization of borrow areas, or other activities that expose soil. Construction ~~activity~~ Activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of a facility.

18-129 Construction Plan

The maps or drawings accompanying an application which show the specific location and design specifications of improvements to be installed in accordance with the requirements of approval by the Planning Commission and Board of County Commissioners.

18-130 Contiguous

A. Touching along a common boundary for at least 15 feet.
B. The contiguity of land areas shall not be affected by the existence between them of a ~~road~~Road or alley; a public or private ~~right-of-way~~Right-Of-Way; a public or private transportation or utility ~~right-of-way~~Right-Of-Way; a river, creek, stream, or other natural or artificial waterway; or an intersecting mining claim.
C. The contiguity of land areas shall be assumed to be disrupted by the existence of a freeway, expressway, principal arterial, and minor arterial, and by lands contained within the legal boundaries of any municipality.

18-131 Correction Plat

A rerecording of a previously approved ~~plat~~Plat which is intended to correct a technical error in the ~~plat~~Plat.

18-131A Covered Porch

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

18-132 Deed

A legal document conveying ownership of real property recorded in the real property records of the Boulder County Clerk and Recorder.

18-133 Design Water Table

The elevation of the water table at the location of the proposed ~~building~~Building site either (a) as measured between May 1 and July 15 in any year; or (b) the predicted May 1 - July 15 elevation of the water table where the prediction is based on a comprehensive geohydrologic study directed by a professional engineer.

18-134 Development Agreement

The agreement between the owner and county which specifies the terms and conditions of the approval. This agreement implements the site-~~-~~specific development plan which establishes vested rights under Article 68 of Title 24, C.R.S. (~~S~~see ~~Section~~ 3-207).

18-135 Development Report

A report which addresses issues and reports facts concerning activities, utilities, circulation and traffic, surrounding land uses, community facilities, environment, and other factors for a given development proposal.

18-135A Directly Visible

Allowing a direct line-of-sight to the light source or lamp.

18-136 Disposition

A contract of sale resulting in the transfer of equitable title to an interest in ~~subdivided land~~Subdivided Land; an option to purchase an interest in ~~subdivided land~~Subdivided Land; a lease or an assignment of an interest in ~~subdivided land~~Subdivided Land; or any conveyance of an interest in ~~subdivided land~~Subdivided Land which is not made pursuant to one of the foregoing. (C.R.S 30-28-101(1))

18-136A Disturbed Area

(as used in ~~Article~~ 7-904, or in ~~Article~~ 4-514, 4-516 or 4-802, pertaining to ~~solar energy system~~Solar Energy Systems)

That area of the land's surface disturbed or in any way changed as a result of ~~construction activity~~Construction Activity, including but not limited to new ~~structure~~Structures, access and areas used for access or parking during and following the construction process.

18-137 Dwelling

A. A ~~building~~Building or portion thereof used exclusively for residential occupancy, including Single Unit Dwellings and Multi Unit Dwellings, but not including hotels, motels, tents, ~~camper trailer~~Camper Trailers, or other ~~structure~~Structures designed or used primarily for temporary occupancy.

B. A ~~dwelling~~Dwelling shall also include the following types of residential ~~building~~Buildings which are factory made and not constructed on site:
   1. Manufactured Homes~~homes~~ which are not less than 24 feet in width and 35 feet in length, which are installed on an engineered permanent foundation in accordance with all applicable ~~County~~county requirements, and which have a brick, wood, or cosmetically equivalent exterior siding and a pitched roof, pursuant to C.R.S. 30-28-115(3)(a), as amended; and
   2. Factory built modular housing which is certified by the State of Colorado to meet Uniform Building Code requirements pursuant to the Colorado Housing Act of 1970, C.R.S. 24-32-701, et seq., as amended.

18-138 Dwelling Unit

A. One or more rooms designed to accommodate one Household and containing only one kitchen plus living, sanitary, and sleeping facilities.
B. Maximum occupancy of a Dwelling Unit shall not exceed any of the following:
   1. The number of individuals permitted by the Onsite Wastewater Treatment System (OWTS) Regulations, as applicable.
   2. The number of individuals that can be accommodated within the bedroom(s) and guestroom(s), as defined by the Boulder County Building Code, of the Dwelling Unit.
      a. A bedroom or guestroom occupied by one individual shall be at least 70 square feet. For each additional occupant the bedroom or guest room shall have an additional 50 square feet.
   3. Sixteen individuals.

18-139 Earth Material

Any mineral, rock, natural soil, overburden, or ~~fill~~Fill, or combination of such materials.

18-140 Easement

A right granted by a property owner permitting a designated part or interest of the property to be used by others for a specific use or purpose.

18-141 Electrical Distribution Line

Structures and appurtenant facilities used for the distribution of electric energy in voltages less than 115,000 volts.

18-142 Electric Substation

An assemblage of equipment and appurtenant facilities designed for voltage transformation, or voltage control of electricity in amounts of 115,000 volts or more.

18-143 Electric Transmission Line

A series of three or more ~~structure~~Structures and appurtenant facilities erected above ground, supporting one or more conductors emanating from a ~~power plant~~Power Plant or a substation, designed to transmit electric energy in voltages of 115,000 volts or more.

18-143A Environmental Resources

Air, water, soil, native plant and animal populations and their associated habitat, and the unique, distinctive, or significant natural features of the ~~County~~county's landscapes and related ecosystems, including but not limited to:

- Critical Wildlife Habitats and Wildlife Migration Corridors
- Environmental Conservation Areas
- High Biodiversity Areas
- Natural Landmarks and Natural Areas
- Preble's Meadow Jumping Mouse Conservation Areas
- Rare Plant Areas and Significant Natural Communities
- Wetlands and Riparian Areas
- Boulder County Species of Special Concern

Environmental Resources encompass those resources identified and mapped in the current and any updated version of the Environmental Resources element of the Comprehensive Plan, as well as similar resources that may be identified on or in the vicinity of a site.

18-143B Exemption Plat

An amendment or change to a Plat which is exempt from the requirements of Article 5 of this Code (Subdivision Regulations), and which falls within the scope of and must instead meet the requirements of Article 9 of this Code. Exemption Plats for certain subdivisions with a ~~sketch plan~~Sketch Plan approved prior to March 22, 1978, which affect significant natural resources, are separately addressed under ~~Article~~ 4-300 of this Code.

18-144 Existing Manufactured Home Park

Manufactured Home Park ~~home park~~ for which the construction of facilities including utilities, final ~~grading~~Grading, or pouring of pads and the construction of streets is completed before the effective date of ~~Section~~ 4-400, Floodplain Overlay District.

18-144A Expansion To An Existing Manufactured Home Park

Additions to an ~~existing manufactured home park~~Existing Manufactured Home Park beyond those that had been completed prior to the effective date of ~~Section~~ 4-400, Floodplain Overlay District.

18-145 Expansive Soil

Rock or soil that shrinks or expands excessively with changes in moisture content.

18-146 Extraction

The removal of any ~~earth material~~Earth Materials from places of natural occurrence to surface location. 'Extraction' shall not include 'prospecting' activities involved in the act of searching for or investigating a mineral deposit as defined under the State Mined Land Reclamation Act. However, it shall include activities involved in the

development of a mineral deposit once found as defined under the State Mined Land Reclamation Act, including but not necessarily limited to preparing the site for mining, defining further the mineral deposit by drilling or other means, conducting pilot plant operations, and constructing roads and other facilities accessory to mining (See 34-32-103, C.R.S., as amended.)

18-147 Facility

A ~~structure~~Structure or place which is built, installed, or established to serve a particular purpose. For purposes of ~~Section~~ 7-904, a facility may also be any ~~building~~Building, including a private home, ~~structure~~Structure, installation, process, or activity from which there is or may be a discharge of a ~~pollutant~~Pollutant.

18-149 Farm

A ~~parcel~~Parcel of land for which the ~~principal use~~Principal Use is ~~agriculture~~Agriculture.

18-150 Fill

A deposit of ~~earth material~~Earth Material placed by artificial means.

18-150A Final Plat

A map of land proposed to become ~~subdivided land~~Subdivided Land, and specified supporting materials, whose purpose is to allow evaluation of the detailed layout and design for the development, including but not necessarily limited to the final engineering plans, ~~subdivision~~Subdivision ~~development agreement~~Development Agreement, letters of credit, ~~conservation easement~~Conservation Easements, homeowners covenants as may be applicable to the terms of the development's approval, any outstanding design issues such as ~~building height~~Building Heights or envelopes and landscaping, and the ~~plat~~Plat as proposed for recording. The ~~final plat~~Final Plat is the last of the three required steps (~~sketch plan~~Sketch Plan, ~~preliminary plan~~Preliminary Plan, and ~~final plat~~Final Plat) for obtaining approval of ~~subdivided land~~Subdivided Land, and must be consistent with the approved ~~sketch plan~~Sketch Plan and ~~preliminary plan~~Preliminary Plan.

18-150B Fish Farm

The hatching and raising of fish for the purpose of harvesting and sale. Fish ~~farms~~ Farms are exclusive of recreational fishing operations.

18-151 Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of ~~watercourse~~Watercourses, or the unusual and rapid accumulation or ~~runoff~~Runoff of surface waters from any source.

18-152 Flood Insurance Rate Map (FIRM)

An official map of the Federal Emergency Management Agency (FEMA), on which the area subject to ~~flood~~Flooding by the ~~base flood~~Base Flood has been delineated either by approximate or detailed engineering study. These maps also delineate

~~flood~~Flood insurance rate zones and may include the delineation of ~~water surface elevation~~Water Surface Elevations and floodway boundaries.

18-153 Flood Insurance Study

The official report provided by the Federal Emergency Management Agency (FEMA) that includes ~~flood profile~~Flood Profiles, the Flood Boundary Floodway Map, and the ~~water surface elevation~~Water Surface Elevation of the ~~base flood~~Base Flood.

18-154 Flood Profile

A graph showing the ~~flood~~Flood ~~water surface elevation~~Water Surface Elevations and the elevations of the underlying land as a function of distance along a path of flow.

18-155 Flood Protection Elevation

An elevation two feet above the ~~water surface elevation~~Water Surface Elevation of the ~~base flood~~Base Flood. The two foot freeboard is a factor of safety, attempting to compensate for the many unknown factors that could contribute to ~~flood~~Flood heights greater than the height calculated for a selected size ~~flood~~Flood and floodway conditions, such as wave action, bridge and culvert openings, and the hydrological effect of urbanization of the watershed.

18-156 Floodfringe

Those portions of the Floodplain Overlay District that are not in the floodway.

18-157 Floodplain

Areas that are inundated by the ~~base flood~~Base Flood.

18-158 Floodplain Development

Under ~~floodplain~~Floodplain regulations, any public or private construction or activity that changes the basic character or the topography of the land on which the construction or activity occurs, including but not limited to any manmade change to improved or unimproved real estate, construction or ~~substantial improvement~~Substantial Improvement of ~~building~~Buildings or other ~~structure~~Structures. Development includes mining, dredging, filling, ~~grading~~Grading, paving, excavation, or drilling operations, or storage of equipment or materials; and all dams, reservoirs, walls, embankments, berms, levees, dikes, piles, abutments, projections, channel rectification, roads, bridges, culverts, excavations, and ~~fill~~Fills.

18-159 Floodplain Encroachment

Any development, stockpile, refuse, or matter in, along, across, or projecting into any ~~floodplain~~Floodplain which might impede, retard, or change the direction of a flow of water, either by itself or by catching or collecting debris carried by such water. The term ~~floodplain encroachment~~Floodplain Encroachment shall not include any device or ~~structure~~Structure reasonably necessary for ~~flood~~Flood control or prevention.

18-159A Floodplain Violation

The failure of a ~~structure~~Structure or other development to be fully compliant with Boulder County ~~floodplain~~Floodplain management regulations. A ~~structure~~Structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required in C.F.R. 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

18-162 Floor Area

The area of a ~~building~~Building or ~~structure~~Structure, existing or new, including basements and attached garages calculated without deduction for corridors, stairways, closets, the thickness of interior walls, columns, or other features as measured from the exterior face of the exterior walls. Floor ~~area~~ Area does not include the area of any ~~covered porch~~Covered Porch or solar energy ground-mounted system, or a solar energy parking canopy system except as specified for Residential Floor Area~~.~~ (~~F~~for Residential Structures, see also ~~Article~~ 18-189.D~~.~~)

A. **Above Grade Floor Area** Any ~~floor area~~Floor Area in which the floor is higher than existing grade, plus a portion of basement ~~floor area~~Floor Area in cases where any part of the basement story is higher than existing grade. The first two vertical feet of any basement story that are exposed above existing grade are excluded from the ~~above grade~~Above Grade ~~floor area~~Floor Area calculation. The ~~above grade~~Above Grade portion of the basement ~~floor area~~Floor Area is calculated by multiplying the total basement ~~floor area~~Floor Area by the percentage of the volume of the basement story that is higher than existing grade.
   1. If the finished floor surface of the main story of a residence is partially or completely above finished grade, then all ~~floor area~~Floor Area in the main story will be considered ~~above grade~~Above Grade ~~floor area~~Floor Area. All ~~floor area~~Floor Area in any stories above the main story will also be considered ~~above grade~~Above Grade ~~floor area~~Floor Area. The main story is defined as the story that includes, but is not limited to the kitchen, dining room, and living room.

B. **Below Grade Floor Area** Excepting the portion that is defined as ~~above grade~~Above Grade ~~floor area~~Floor Area, a portion of the basement ~~floor area~~Floor Area in which all or part of the floor is below existing grade. The first two vertical feet of any basement story that are exposed above existing grade are included in the below grade ~~floor area~~Floor Area calculation. Below grade ~~floor area~~Floor Area is calculated by multiplying the total ~~floor area~~Floor Area of the basement by the percentage of the volume of the basement that is below existing grade.

18-162A Fully Shielded Light Fixture

A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or

refraction from any part of the Luminaire, is projected below the horizontal plane as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.

18-163 Gas Distribution Pipeline

Mains, services, equipment and appurtenant facilities which carry or control the supply of gas from the point of local supply to and including the sales meter.

18-165 Gas Regulator Station

An assemblage of equipment which reduces, regulates and meters natural gas pressure in the transmission line, holder, main, pressure vessel or the compressor station piping. This may include auxiliary equipment such as valves, control instruments or control lines as well as piping.

18-166 Gas Transmission Pipeline

Pipelines and appurtenant facilities installed for the purpose of transmitting gas from a source to a distributing center, to a large volume customer, or to interconnect sources of supply.

18-167 Geologic Hazard

A geologic condition which may pose a significant threat to ~~person~~Persons or property.

18-167A Glare

The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of ~~glare~~Glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

18-168 Grading

Any total soil or rock movement, excavating, filling, and other earthwork.

18-169 Grazing

The feeding of ~~livestock~~Livestock or horses where more than 50% of the feed is produced on the immediate ~~parcel~~Parcel and available to the animals as in-place vegetation to sustain life.

18-169A Hazardous Materials

Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or to the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

18-170 Horticultural

Having to do with the growing of fruits, vegetables, flowers, or ornamental plants.

18-170A Household

A group of individuals who occupy a single Dwelling Unit and have established a cooperative living arrangement, where all members of the Household have free and unfettered physical access to the Dwelling Unit's kitchen, living areas, all utilities and mechanical equipment, and a bathroom which includes bathing facilities.

18-170B Illuminance

The amount of light falling onto a unit area of surface (luminous flux per unit area) - measured in lumens per square meter (lux) or lumens per square foot (footcandles).

18-171 Improvements

Street ~~grading~~Grading, street surfacing and paving, curb and gutters, street lights, street signs, sidewalks, crosswalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installations designated by the Planning Commission or Board of County Commissioners.

18-172 Individual Sewage Disposal System

A system or facility for treating, neutralizing, stabilizing, or disposing of ~~sewage~~Sewage which is not a part of or connected to a ~~sewage~~Sewage treatment facility.

18-172A Irrigation Ditch

A long narrow excavation dug in or placed on grade for carrying water which is listed in the Boulder County Ditch and Reservoir Directory.

18-173 Junk Yard

A ~~building~~Building, ~~structure~~Structure, or ~~parcel~~Parcel of land, or portion thereof, used for the collecting, storage or sale of waste paper, rags, scrap metal, or discarded material; or, for the collecting, dismantling, storage, salvaging, or demolition of vehicles, machinery or other materials. Considered a General Industrial use.

18-173AA Light Trespass

Light falling where it is not wanted or needed, typically across property boundaries.

18-173A Livestock

Farm animals kept or raised for pleasure or profit~~.~~ (S~~s~~ee also 18-108).

18-174 Lot Area

The area of the horizontal plane within the ~~lot line~~Lot Lines of a lot.

18-175 Lot Line, - Subdivided ~~land~~ Land in ~~plat~~Plats recorded prior to October 19, 1994:

A. **FRONT** That part of a property line dividing a lot from a ~~road~~Road. On a corner lot, only one property line shall be considered as a front line. The shorter

property line shall be considered the front unless the property owner chooses another property line dividing the lot from a ~~road~~Road.

B. **REAR** The line opposite and parallel to the front line. In the event no ~~lot line~~Lot Line is opposite and parallel to the front ~~lot line~~Lot Line, there shall be no rear.

C. **SIDE** All ~~lot line~~Lot Lines other than front ~~lot line~~Lot Lines or rear ~~lot line~~Lot Lines. A triangular lot has two side ~~lot line~~Lot Lines and no rear ~~lot line~~Lot Line.

18-175A Lot Line, - Unsubdivided land, and ~~subdivided land~~Subdivided Land in ~~plat~~Plats recorded on or after October 19, 1994:

A. **FRONT** That part of a property line dividing a lot from a ~~road~~Road, exempting private thoroughfares which are not in ~~subdivided land~~Subdivided Land. On a corner lot or other lots with multiple frontages, all street frontages shall be governed by front ~~yard~~Yard regulations.

B. **REAR** The boundary line opposite and parallel to the front line. In the event no ~~lot line~~Lot Line is opposite and parallel to the front ~~lot line~~Lot Line, there shall be no rear.

C. **SIDE** All ~~lot line~~Lot Lines other than front ~~lot line~~Lot Lines or rear ~~lot line~~Lot Lines. A triangular lot has two side ~~lot line~~Lot Lines and no rear ~~lot line~~Lot Line.

18-175B Lowest Floor

For purposes of construction in the Floodplain Overlay District, the ~~lowest floor~~Lowest Floor of the lowest enclosed area (including basement). An unfinished or ~~flood~~Flood resistant enclosure, usable solely for parking of vehicles, ~~building~~Building access or storage in an area other than a basement area is not considered a ~~building~~Building's ~~lowest floor~~Lowest Floor; Provided, that such enclosure is not built so as to render the ~~structure~~Structure in violation of the applicable non-elevation design requirements of this Code.

18-175C Luminaire

The complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket); a light fixture.

18-176 Manufactured Home

A. A ~~structure~~Structure, transportable in one or more sections, which, when erected on site, is 320 or more square feet, and which is built on a permanent chassis. These homes are designed to be used for residential purposes, with or without a permanent foundation when connected to the required utilities, and contain the necessary plumbing, heating, air-conditioning, and electrical systems. A home which does not meet the minimum size requirements stated above, is a ~~manufactured home~~ Manufactured Home if it either (1) is certified as such by HUD pursuant to the federal Manufactured Home Construction and Safety Standards Act, 41 U.S.C. 778 5401, et. seq., as amended, or (2) complies with the NFPA 501B/ANSI A119.1 (1973, 1974 and 1975 editions).

B. A ~~manufactured home~~ Manufactured Home also means a residential ~~building~~Building which, whether or not a ~~manufactured home~~ Manufactured

Home as defined above (and which under the ~~County~~county's prior regulations may have been defined as a mobile home), is either:

1. Located in an ~~legally existing manufactured home park~~Existing Manufactured Home Park in the unincorporated ~~County~~county on the rezoning date; or
2. Proposed to be relocated onto a legal ~~manufactured home space~~Manufactured Home Space in a ~~manufactured home park~~Manufactured Home Park; predates the certification requirements of the Federal Manufactured Home Construction and Safety Standards Act and NFPA 501b/ANSI a119.1 (1973 through 1975 editions); and is inspected by the Chief Building Official and determined to be in a safe, sound physical condition and to meet any other requirements for such homes as may be specified in the ~~County~~county's Building Code.

C. The term ~~manufactured home~~ Manufactured Home shall not include travel trailers, ~~camper trailer~~Camper Trailers, campers or self-contained motor homes or camper buses.

18-177 Manufactured Home Park

A ~~parcel~~Parcel upon which two or more ~~manufactured homes~~Manufactured Homes, occupied or intended to be occupied for ~~dwelling~~Dwelling purposes, are located. Also see — Manufactured Home Park — ~~Article~~ 4-511 Residential Uses~~507 Lodging Uses~~

18-178 Manufactured Home Space

A portion of ground within a ~~manufactured home park~~Manufactured Home Park designated for the permanent location of one ~~manufactured home~~Manufactured Home.

18-178A Market Value

Market Value~~value~~ is the price which a willing buyer would pay a willing seller under normal economic conditions, based on a representative body of comparable sales at or about the date for which the ~~market value~~Market Value is sought to be determined, as calculated by an independent appraisal performed by a professional appraiser, or by other accepted authoritative source such as the Boulder County Assessor's Office. In lieu of an independent appraisal, the ~~market value~~Market Value of the ~~structure~~Structure as determined from the records of the ~~County~~ Assessor may be used. For purposes of ~~floodplain~~Floodplain regulations, ~~market value~~Market Value may be set according to any method approved by FEMA and explained within FEMA P-758.

18-178B Minor Modification

A change which does not result in increased impacts or a greater intensity of either the uses of the development or in the activity under consideration.

18-178C Mountainous Areas

The area west of Colorado Highway 93 from its intersection with the south county line to the City of Boulder, west of the City of Boulder city limits, west of US 36 from City of Boulder to Colorado Highway 66, and west of the St. Vrain Supply Canal from Colorado Highway 66 to its intersection with the north county line.

18-179 Moveable Objects

Items not anchored to the ground that are subject to being transported by water, including trailers, automobiles, ~~manufactured home~~Manufactured Homes, tanks, trash dumpsters, lumber, or other materials.

18-179A Municipal Separate Storm Sewer System (MS4, as used in Article 7-904)

Publicly-owned facilities by which ~~stormwater~~Stormwater is collected or conveyed, or which are designed for the collection or conveyance of ~~stormwater~~Stormwater, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, catch basins, inlets, storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage ditches/channels, reservoirs, and other drainage ~~structure~~Structures.

18-179B National Pollutant Discharge Elimination System (NPDES) ~~Storm Water~~Stormwater Discharge Permit or NPDES Permit

A permit issued by the U.S. Environmental Protection Agency (or by a state under authority delegated pursuant to 33 USC Section 1342(b), e.g., the Colorado Discharge Permit System (CDPS) that authorizes the discharge of ~~pollutant~~Pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

18-179C Neighborhood

A. For Parcels inside ~~platted subdivision~~Platted Subdivisions, which have seven or more developed lots, the ~~neighborhood~~Neighborhood is that ~~platted subdivision~~Platted Subdivision.
B. For Parcels within the mapped historic Townsites of Allenspark, Eldora, Eldorado Springs, Raymond, and Riverside, the ~~neighborhood~~Neighborhood is the mapped historic Townsite.
C. For Parcels outside of ~~platted subdivision~~Platted Subdivisions with seven or more developed lots or the Townsites of Allenspark, Eldora, Eldorado Springs, Raymond, and Riverside, the ~~neighborhood~~Neighborhood is the area within 1,500 feet from the applicable Parcel. The ~~neighborhood~~Neighborhood shall not include any Parcels inside municipal boundaries, ~~platted subdivision~~Platted Subdivisions with seven or more developed lots or the ~~townsite~~Townsites of Allenspark, Eldora, Eldorado Springs, Gold Hill Historic District, Raymond, and Riverside.

18-179D New Floodplain Construction

Structures for which the ~~start of construction~~Start of Construction commenced on or after February 1, 1979, and includes any subsequent improvements to such ~~structure~~Structures.

18-180 OGCC

Oil and Gas Conservation Commission of the State of Colorado.

18-181 Oil and Gas Operation

Exploration for oil or gas, including but not limited to conventional oil and gas; the siting, drilling, deepening, recompletion, reworking, refracturing, closure or abandonment of an oil and gas well; production facility and operations including the installation of flow lines and gathering lines; construction, site preparation, reclamation and related activities associated with the development of oil and gas resources.

18-181A Opaque

Opaque means that a material does not transmit light from an internal illumination source. Applied to sign backgrounds, means that the area surrounding any letters or symbols on the sign either is not lighted from within, or allows no light from an internal source to shine through it.

18-181B Operator

The individual who has day to day supervision and control of activities. For purposes of ~~Section~~ 7-904, the ~~operator~~Operator may be considered the ~~stormwater~~Stormwater permittee or responsible agent of the permittee.

18-181C Outdoor Light Fixture

An outdoor illuminating device, outdoor lighting or reflective surface, luminous tube, lamp or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. Such devices shall include, but are not limited to lights used for:

A. parking lot lighting;
B. roadway lighting;
C. ~~building~~Buildings and ~~structure~~Structures;
D. recreational areas;
E. landscape lighting;
F. billboards and other signs (advertising or other);
G. product display area lighting;
H. ~~building~~Building or ~~structure~~Structure decoration;
I. ~~building~~Building overhangs and open canopies

18-182 Outlot

A designated portion of ~~subdivided land~~Subdivided Land which, unless otherwise noted on the ~~plat~~Plat, is not a ~~building lot~~Building Lot.

18-183 Parcel

All ~~contiguous~~ Contiguous land held under one ~~deed~~Deed, except where a portion of the land is designated a ~~building lot~~Building Lot pursuant to the provisions of this Code.

18-184 Person

Any individual, corporation, governmental entity, estate, trust, partnership, association, or other legal entity.

18-184A Plat

A map of certain described ~~subdivided land~~Subdivided Land, including supporting materials, which constitutes an instrument for recording real estate interests, is prepared and approved in accordance with the Subdivision Regulations, and is recorded in the office of the Boulder County Clerk and Recorder. The term "~~plat~~Plat," as used in this Code as a reference to ~~subdivided land~~Subdivided Land, does not include any map, depiction, or document of any kind describing ~~unsubdivided land~~Unsubdivided Land, even though the term "~~plat~~Plat" may be used in such document (for example, a document denominated as a "~~survey~~ Survey ~~plat~~Plat" or "~~subdivision~~ Subdivision ~~exemption plat~~Exemption Plat" which does not describe divisions of land approved pursuant to the Subdivision Regulations).

(as a verb:) To undertake and accomplish the process of creating ~~subdivided land~~Subdivided Land.

18-184B Platted Land or Platted Subdivision

Equivalent terms for "~~subdivided land~~Subdivided Land," defined below.

18-184C Pollutant (as used in Article 7-904)

Means anything which causes or contributes to pollution, this is, is harmful to humans, animals, public health, or the environment, or can degrade the quality of waters of the state or cause such waters to violate the stream standards established by the State of Colorado, or affect beneficial uses of water. The term includes, but is not limited to, sediment, dredged spoil, rock, sand, silt, incinerator residue, ash, ~~solid waste~~Solid Waste, ~~sewage~~Sewage, wastes from industrial, commercial, domestic, or agricultural sources, trash, litter, garbage or food waste, landscaping materials, lawn clippings, leaves, branches or other landscaping and yard debris, medical waste, wrecked or discarded equipment, radioactive materials, wastes that contain bacteria, viruses and other pathogens that pose a threat to human health, pet wastes, heat, surfactants, soaps, and cleaning products and wastes and residues from washing operations, including those that are biodegradable, oil and grease, petroleum hydrocarbons and antifreeze, metals, and toxic or hazardous wastes as defined by federal, state, or local laws and regulations, and including without limitation biocides and pesticides.

18-185 Power Plant

An electrical energy generating facility with generating capacity of more than 50 megawatts and any appurtenant facilities.

18-185A Preliminary Plan

A map of land proposed to become ~~subdivided land~~Subdivided Land, and specified supporting materials, whose purpose is to allow evaluation of the feasibility of and preliminary engineering design for the development, prior to the ~~applicant~~Applicant undertaking more detailed engineering and design work. The ~~preliminary plan~~Preliminary Plan is the second of the three required steps (~~sketch plan~~Sketch Plan, ~~preliminary plan~~Preliminary Plan, and ~~final plat~~Final Plat) for obtaining approval of ~~subdivided land~~Subdivided Land, and must be consistent with the approved ~~sketch plan~~Sketch Plan.

18-185B Primary Caregiver

A ~~person~~Person who meets the definition of ~~primary caregiver~~Primary Caregiver under article XVIII, section 14(1)(f) of the Colorado constitution and applicable law.

18-186 Principal Use

The primary purpose or function for which a ~~parcel~~Parcel is used.

18-187 Public Improvement

Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off street parking area, lot improvement, or other facility which benefits the public.

18-188 Public Water and Public Sewer Facilities

Those facilities of a municipality or a sanitation and/or water district which are organized and operated pursuant to State ~~S~~statute.

18-189 Reach

A term to describe longitudinal segments of a river, creek, or other ~~watercourse~~Watercourse.

18-189A Recreational Vehicle

A vehicle which is:

A. Built on a single chassis;
B. 400 square feet or less when measured at the largest horizontal projection;
C. Designed to be self-propelled or permanently towable by a light duty truck; and
D. Designed primarily not for use as a permanent ~~dwelling~~Dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

18-189B Recyclable Materials

Reusable materials including, but not limited to, metals, glass, plastic, wood, and paper which are intended for remanufacturing or reconstitution. Recyclable ~~materials~~ Materials do not include junk, rubbish, refuse, or hazardous waste.

18-189C Replat

An amendment or change to a ~~plat~~Plat which exceeds the scope of a ~~correction plat~~Correction Plat and is approved according to the applicable provisions of the Subdivision Regulations, or the Exemption Plat provisions of Article 9. In the discretion of the Director, ~~replat~~Replats which cannot be processed as Exemption Plats may, in accordance with the Subdivision Regulations, require ~~sketch plan~~Sketch Plan, ~~preliminary plan~~Preliminary Plan, and ~~final plat~~Final Plat review, or ~~preliminary plan~~Preliminary Plan and ~~final plat~~Final Plat review, or simply ~~final plat~~Final Plat review, depending upon the nature of the proposed change with reference to the definitions and purposes of the three required steps for obtaining approval of ~~subdivided land~~Subdivided Land.

(as a verb): To undertake and accomplish the process of amending or changing a ~~plat~~Plat.

18-189D Residential Floor Area

For the purposes of the Expanded Transfer of Development Rights Program and the application of zoning district Floor Area regulations, Residential Floor Area includes all attached and detached ~~floor area~~Floor Area (as defined in 18-162) on a ~~parcel~~Parcel including principal and accessory ~~structure~~Structures used or customarily used for residential purposes, such as garages, studios, pool houses, storage sheds, home offices, and workshops~~.~~ (~~E~~exemptions: Gazebos, ~~carport~~Carports, solar parking canopies, detached greenhouses, renewable energy storage facilities, ~~breezeways~~Breezeways, ~~structure~~Structures that do not require a ~~building~~Building permit in accordance with Article 17-300, and hoop houses up to a total combined size of 400 square feet~~.~~).

18-190 Right-Of-Way

Land occupied or intended to be occupied by a public crosswalk, trail, ~~road~~Road or other public transportation use; or railroad, ~~electric transmission line~~Electric Transmission Line, or other utility uses.

18-191 Road

A public or private thoroughfare which affords a means of access to abutting property.

18-192 Road Profiles

A drawing of an existing or proposed vertical section of a ~~road~~Road, street, or alley, which may include curb, gutter, and sidewalk. It may be a true or exaggerated profile, and may reflect either a centerline and/or both flow lines of a ~~road~~Road, street or alley.

18-193 Runoff

Precipitation which enters downstream waterways or properties.

18-193A Searchlight

A lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp, and with a swiveled or gimbaled mount to allow the assembly to be easily redirected. Such lights are used commonly to sweep the sky for advertisement purposes.

18-193B Season-Extending Agricultural Structure

A ~~structure~~Structure designed to extend the growing season. The ~~structure~~Structure is covered by plastic or shade cloth, has an earthen/ dirt floor that may be covered by fabric and/or gravel, and may include utilities.

18-194 Setback

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 (~~S~~see also Article 18 Lot Line definition and ~~Article~~ 7-1403 of this Code - Supplemental Requirements for Yards Along Major Roads).

18-195 Sewage

Refuse liquids or waste matter typically carried off site by a sewer system or treated on site by an on-site wastewater system.

18-195A Shotfall Zones

The area of a shotgun firing range where spent shotgun shot and projectiles fall to the earth and where development, other than trap or skeet houses or the equivalent facilities for other types of shotgun events, and human occupancy, other than ~~operator~~Operators of the trap, skeet or equivalent facilities, is prohibited.

18-196 Site-~~-~~Specific Development Plan

A plan which has been submitted to the ~~County~~county as part of a special use, ~~final plat~~Final Plat, or ~~final plat~~Final Plat ~~replat~~Replat approval, to establish a vested right pursuant to Part 1 of Article 68 of Title 24, C.R.S., as amended, describing with reasonable certainty the type and intensity of the proposed land use for a specific ~~parcel~~Parcel or ~~parcel~~Parcels of property (see ~~Section~~ 3-207).

18-196A Skeet Shooting

A shotgun shooting sport where firer is on the firing line and fires at targets launched from two houses in somewhat sideways paths that intersect in front of the shooter.

18-196B Sketch Plan

A map of land proposed to become ~~subdivided land~~Subdivided Land, and specified supporting materials, whose purpose is to allow the evaluation of the basic or conceptual feasibility and design characteristics of the development at an early stage in the planning process, in accordance with the Subdivision Regulations. The ~~sketch plan~~Sketch Plan is the first of the three required steps (~~sketch plan~~Sketch

Plan, ~~preliminary plan~~Preliminary Plan, and ~~final plat~~Final Plat) for obtaining approval of ~~subdivided land~~Subdivided Land.

18-197 Soil Survey

The ~~soil survey~~Soil Survey conducted by the U.S. Department of Agriculture in cooperation with the State Agricultural Experiment Stations and other Federal and State agencies.

18-198 Solar Access

The ability to receive sunlight across real property for any solar energy device.

18-199 Solar Energy System

A system composed of panels, arrays, or devices which convert the sun's radiant energy into thermal, chemical, mechanical, or electric energy, which may include an energy storage facility, and components for the transmission and distribution of transformed energy.

18-200 Solid Waste

Any garbage, refuse, rubbish, or other discarded materials, which may be in solid, liquid, or gaseous form.

18-200A Special Flood Hazard Area

An area having special ~~flood~~Flood, mudslide (i.e. mudflow), or ~~flood~~Flood-related erosion hazards, and as shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, A99, AH, VO, V1-30, VE, V, M, or E.

18-201 Start of Construction

The first placement of permanent construction of a ~~building~~Building or other ~~structure~~Structure on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation.

18-202 Storm

A ~~storm~~Storm which produces precipitation of a specified return frequency (i.e., a five-~~-~~year ~~storm~~Storm).

18-202A Storm Drainage System (as used in Article 7-904~~9-704~~)

See definition of Municipal Separate Storm Sewer System (MS4).

18-202B ~~Stormwater~~Stormwater

Any surface flow, ~~runoff~~Runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

18-202C ~~Stormwater~~Stormwater Management Plan (SWMP, as used in Article 7-904~~9-704~~)

A plan describing the temporary BMPs and other measures to be implemented prior to and during ~~construction activity~~Construction Activity to identify ~~pollutant~~Pollutants generated and the actions to eliminate or reduce

~~pollutant~~Pollutant discharges to ~~stormwater~~Stormwater, the MS4, and waters of the state.

18-203 Structure

A. A combination of materials forming an edifice or ~~building~~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 6 feet high~~ fences six feet or less in height;
   ~~2.~~3. any swimming pool that does not require a Building permit per Article 17-300;
   ~~3.~~4. platforms or decks ~~not more than~~ 30 inches or less ~~above grade~~Above Grade and not over any basement or story below;
   ~~4.~~5. utility mains, lines, and underground facilities; and
   ~~5.~~6. yard and play equipment.
B. A permanent ~~structure~~ Structure is built of materials in a manner which would commonly be expected to remain useful for a substantial period of time.
C. A temporary ~~structure~~ Structure is built of materials in a manner which would commonly be expected to have relatively short useful life, or is built for a purpose that would be expected to be relatively short-term in duration.

18-204 Subdivided Land

Land located within a ~~platted subdivision~~Platted Subdivision, as depicted on a ~~plat~~Plat recorded in the office of the Boulder County Clerk and Recorder on or after July 1, 1947. The recorded document shall include the signature of either Planning Commission or the Board of County Commissioners.

18-204A Subdivided Lot

A designated portion of ~~subdivided land~~Subdivided Land which is intended to be a ~~building lot~~Building Lot.

18-204B Subdivision

Any ~~parcel~~Parcel of land to be used for condominiums, apartments, or any other multiple-~~dwelling unit~~Dwelling Units, or any ~~parcel~~Parcel of land which is divided into two or more ~~parcel~~Parcels, separate interests, or interests of land, as defined pursuant to C.R.S. Section 30-28-101(10). Subdivisions are generally divisions of land into ~~parcel~~Parcels comprising less than 35 acres occurring on or after May 5, 1972, as further set forth in C.R.S. Section 30-28-101(10). Prior to May 5, 1972, what constituted a "~~subdivision~~Subdivision" of land in the unincorporated ~~County~~ county is set forth in the applicable Subdivision Regulations, first passed on March 3, 1954. Subdivisions of land as defined under the applicable Subdivision Regulations require approval under the Subdivision Regulations, unless exempted from such requirements under applicable law.

18-204C Subdivision Exemption

Pursuant to the authority granted in C.R.S. Section 30-28-101(10)(d), an approval by the Board of County Commissioners to take certain Unsubdivided Land or divisions of Unsubdivided Land out of the definition of "~~subdivision~~Subdivision," with the result that such land or divisions of land do not have to meet the requirements of the Subdivision Regulations. The requirements for Subdivision Exemptions are contained in Article 9 of this Code. Land with approved Subdivision Exemptions is not ~~plat~~Platted (subdivided) land, even though it may be described according to a so-called "Subdivision Exemption Plat" as defined in the Colorado surveying statutes in Title 38, C.R.S. Exemptions from the Subdivision Regulations for Subdivided Land are called "Exemption Plats" and are contained in the Exemption Plat requirements of Article 9 of this Code (see also ~~Article~~ 4-300).

18-204D Subdivision Regulations

The regulations contained in Article 5 of this Code and predecessor regulations enacted by the ~~County~~ county pursuant to the authority granted in Part 1 of Article 28 of Title 30, C.R.S. and predecessor Colorado county planning statutes, which set forth the process and requirements to ~~plat~~Plat ~~subdivided land~~Subdivided Land.

18-205 Subject Permits

Building, Grading, Access, or Floodplain Development Permits as required by Boulder County prior to undertaking a development project.

18-205A Substantial Damage

Damage of any origin sustained by a ~~structure~~Structure whereby the cost of restoring the ~~structure~~Structure to its before damaged condition would equal or exceed 50 percent of the ~~market value~~Market Value of the ~~structure~~Structure before damage occurred.

18-206 Substantial Improvement

A. Any cumulative combination of repairs, reconstruction, rehabilitation, expansion, or improvement of a ~~building~~Building or other ~~structure~~Structure, the cost of which equals or exceeds 50 percent of the ~~market value~~Market Value of the ~~structure~~Structure either before the improvement or repair is started, or if the ~~structure~~Structure has been damaged and is being restored, before the damage occurred. Substantial improvements are calculated on a cumulative basis, beginning with improvements commenced on or after September 11, 2013.
    1. The costs of the improvement shall include, but are not necessarily limited to, all materials, labor, built-in appliances, overhead, profit, and repairs to damaged portions of the ~~building~~Building that are done concurrent with the subject improvements.
    2. The costs of the improvement shall not include those associated with post-storm debris removal; permitting; fees, preparation of surveys, costs, plans, and or specifications; or improvements outside of the ~~structure~~Structure,

such as landscaping, sidewalks, fences, or detached ~~structure~~Structures; or work under a minor ~~building~~Building permit exempted from ~~floodplain development permit~~Floodplain Development Permit requirements under Article 4-400 of this Code.

B. The term ~~substantial improvement~~Substantial Improvement does not include:
   1. Any alteration of a ~~structure~~Structure listed on the National Register of Historic Places or on the Colorado State Historical Society's list of historic places.
   2. Any of the following types of improvements necessary to assure safe living conditions or bring a ~~structure~~Structure into compliance with state or local health, sanitation, safety, or ~~building~~Building codes:
      a. Electrical repairs;
      b. Furnace repairs or replacements;
      c. Water heaters, boilers, and evaporative cooler repairs or replacements;
      d. Air conditioner repairs or replacements;
      e. Repairs or replacements to roof coverings;
      f. Insulation or simple weatherization or energy efficiency upgrades.
   3. Costs associated with renovations or remodeling projects totaling less than $1,000.00, as increased annually starting January 1, 2018 by the Consumer Price Index inflation factor applicable to Boulder County.
   4. Note: even though not ~~substantial improvement~~Substantial Improvements, the work described above may still require an Individual Floodplain Development Permit.

18-207 Substantial Modification

A change which significantly alters the impacts and/or character of a ~~structure~~Structure, development, or activity. Considerations relevant to what constitutes a ~~substantial modification~~Substantial Modification of an approved special use are further detailed in Article 4-603.B., and may be relevant to ~~substantial modification~~Substantial Modification determinations for other categories of approvals under this Code.

18-207A Surface Danger Zone

The area, determined by an ~~applicant~~Applicant's professional engineer registered in the State of Colorado or other equally qualified individual, in which projectile impact may occur. The boundaries of the zone (i.e., the length of the range and the width of the firing point or points) accommodate the ballistics of the highest powered firearms and the range of ammunition that may be used in the permitted firing activities, but can be shortened by physical barriers, range operations, or other devices which reduce the maximum distance of a bullet's trajectory. The zone is generally in the line of fire and spans the area that could receive projectile impact resulting from direct fire, including misdirected and accidental discharges, and ricochets from any firearm. The zone consists of three parts: the impact area, the ricochet zone, and the secondary safety zone. The impact area is that of the direct

fire zone into which all shots are fired during the normal course of shooting and extends 5º to either side of the left and right limits of direct fire zone and downrange to the maximum range of any ammunition to be used on the range. This area includes all directions and angles of fire used on a firing range while shooting at a specific target, either stationary or moving, from a specific firing point. The ricochet area is 5º to either side of the impact area and extends downrange to the maximum range of any ammunition to be used on the range. The secondary danger area is that area paralleling, and 100 yards outside of, the outermost limits of the ricochet area and extending downrange to the maximum range of any ammunition to be used on the range~~.~~ (~~S~~see Figure 1: Surface Danger Zone without Mitigation).

[FIGURE 1]

18-208 Survey Monument

Iron, brass or aluminum shaft a minimum of ~~1/2~~ one half-~~-~~inch in diameter with a 24-inch minimum length set in concrete at least five inches in diameter and located in the ground at all points on streets, alleys, or boundary lines where there is a change in direction or curvatures.

18-208A Townsite

Unsubdivided Land where a land division map was recorded prior to July 1, 1947, and where the county does not recognize each mapped ~~parcel~~Parcel as a legal ~~building lot~~Building Lot.

18-209 Transmit

To transfer information to another party by either hand delivery, First-~~-~~Class U.S. Mail, facsimile, or electronic mail.

18-209A Trap Shooting

A shotgun shooting sport where a firer on the firing line shoots at targets launched from a single launching point and generally away from the shooter.

18-209B Unsubdivided Land or Unsubdivided Parcels

Land or ~~parcel~~Parcels which do not fall within the definition of Subdivided Land (i.e., land or ~~parcel~~Parcels which are not within a ~~platted subdivision~~Platted Subdivision).

18-209C Urbanized Area (as used in Article 7-904)

For Boulder County, the unincorporated territory shown on the Boulder County Urbanized Area Map that is maintained as an official record of the Boulder County Community Planning ~~&~~and Permitting Department. This map is based on the CDPS definition of “Urbanized Area” as ~~contiguous~~Contiguous, densely settled census block groups and census blocks that meet minimum population density requirements, along with ~~adjacent~~Adjacent densely settled census blocks that together encompass population of at least 50,000 people with boundaries as determined by the latest Decennial Census by the U.S. Bureau of Census.

18-210 Utility Storage Area

Any surface facility designed to store 50 million cubic feet or more of natural gas; or, 35,000 barrels or more of petroleum derivatives.

18-210A Vacant Building Lot

For the purposes of the Expanded Transfer of Development Rights Program under Article 4-1300 of this Code, a ~~vacant building lot~~Vacant Building Lot is a lot that qualifies as a ~~building lot~~Building Lot under this Code, but has no ~~structure~~Structures on it, except for improvements that are minor in nature and do not compromise the overall open land quality of the lot.

18-210B Verified Established Farm Use

A demonstrated production ~~farm~~Farm use verified by the Community Planning ~~&~~and Permitting Department to meet the following criteria:

A. The ~~principal use~~Principal Use of the property is production of crops, ~~livestock~~Livestock, or other ~~agricultural products~~Agricultural Products (with the exception of hay and forestry products) either for sale by a for-profit business, or for use by a certified 501(c)3 non-profit organization; or
B. Annual revenue from sales of ~~agricultural products~~Agricultural Products (with the exception of hay and forestry products) produced by the ~~farm~~Farm or ranch (i.e., by an agricultural business operating on the property) is greater than $15,000, as demonstrated by IRS Schedule F or other documentation.

Properties that meet the criteria for a Verified Established Farm Use are eligible for streamlined review process~~-~~es and additional allowances for related agricultural uses and ~~structure~~Structures as set forth in Article 4. The intent is to reduce costs and regulatory requirements for those properties contributing substantially to agricultural production in the ~~County~~county, and whose owners and ~~operator~~Operators can be expected to have the knowledge and experience to make productive use of land while minimizing land use impacts.

18-211 Vested Property Right

As defined in C.R.S. 24-68-102(5), the right to undertake and complete the development and use of property under the terms and conditions of a ~~County~~county-approved site~~-~~specific development plan (special use, ~~final plat~~Final Plat, or ~~final plat~~Final Plat ~~replat~~Replat approval), as implemented through an executed and recorded ~~development agreement~~Development Agreement. Unless otherwise specified in the site~~-~~specific development plan approval, a property right shall remain vested for a period of three years (see ~~Section~~ 3-207).

18-212 Vocational

Related to being trained in a skill or trade to be pursued as a career or occupation.

18-212A Wastewater (as used in Article 7-904)

Any water or other liquid, other than uncontaminated ~~storm water~~Stormwater, discharged from a facility.

18-213 Water Surface Elevation

The projected heights in relation to Mean Sea Level (as established by U.S.G.S. datum) reached by ~~flood~~Floods of various magnitudes and frequencies.

18-213A Watercourse

A channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir or lake, including major drainageways, in which ~~stormwater~~Stormwater ~~runoff~~Runoff and floodwater flow, either regularly or infrequently.

18-213B Waters Of The State Of Colorado (Waters Of The State~~,~~) ~~(~~as used in Article 7-904)

Any and all surface waters that are contained in or flow in or through the state of Colorado, but not including waters in ~~sewage~~Sewage systems, water in treatment works of disposal systems, waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed. This definition includes all ~~watercourse~~Watercourses, even if they are usually dry. For purposes of ~~Section~~ 7-904, waters of the state does not include subsurface waters.

18-214 Yard

The space which lies between the ~~lot line~~Lot Line and the nearest point of a ~~structure~~Structure. The minimum ~~yard~~Yard required is defined for each zoning district.

Article 19 – Procedures Following Disasters

Purpose:

Boulder County is vulnerable to natural and human caused disasters that can damage property and cause injury or death, including wildfires, ~~flood~~Flood, hail storms, rock-slides, blizzards, high winds, and tornadoes. Boulder County's Land Use Code contains provisions for rebuilding ~~structure~~Structures damaged or destroyed by means outside the control of the property owner; however, specific disaster events may warrant modified permitting and approval procedures to allow property owners to rebuild in a timely, safe, and responsible manner while also encouraging reasonable improvements in redevelopment consistent with current regulations and the Comprehensive Plan.

In addition, to respond appropriately in a disaster emergency, extraordinary actions must be taken quickly and efficiently. Some actions must occur faster than previously established permit processing timelines allow. Some actions require uses not normally allowed in certain zones, or not allowed without discretionary review, or not allowed without certain public process.

This Article addresses disaster emergency response in two ways. First, ~~Section~~ 19-100 grants temporary authority to certain county staff, upon the declaration of a local, state, or federal disaster emergency affecting Boulder County. The following Sections include regulations tied to specific disasters.

19-100 Emergency Procedures and Permitting

A. Duration~~=~~

~~A.~~1. Upon the formal declaration of a local, state, or federal disaster emergency affecting Boulder County, the authority granted certain county staff by ~~this section~~ 19-100 is activated for six months, unless and until such authority is terminated, extended, or otherwise amended by the Board of County Commissioners.

B. Damage Assessment
   1. If necessary, the ~~County~~county will conduct Damage Assessment pursuant to the Damage Assessment Annex to the Boulder County All Hazards Plan, as reflected by placards placed on ~~structure~~Structures classifying the nature of the damage to that ~~structure~~Structure.
   2. Once a placard has been attached to a ~~building~~Building, it shall not be removed, altered, or covered by anyone other than an authorized representative of the ~~County~~county or, in the alternative, without written consent by the ~~County~~county. Failure to comply with this prohibition may be considered a violation under the Boulder County Building Code or Articles 14 or 17 of the Land Use Code.

C. Development Suspension
   1. The ~~Land Use~~ Director, County Engineer, or Chief Building Official shall have the authority to establish a moratorium on the issuance of permits they administer including but not limited to ~~building~~Building permits, access permits, and acceptance of land use permit applications or other permit applications related to the use, development, and occupancy of private property authorized under the Land Use Code, adopted ~~building~~Building codes, and related ordinances, provided that such action is reasonably justifiable to protect life and property and to conduct recovery activities in a prioritized and orderly fashion.
   2. Any temporary cessation of land use permit applications will include applications currently under review governed by codified timeframes for that review (such as Site Plan Review). The review timeframe will be suspended from the date of the declared disaster and resume as soon as possible, but no later than the lifting of the Development Suspension.
   3. Any Development Suspension is subject to the following:
      a. Notice of the moratorium shall be posted in the usual place for posting Boulder County public notices and shall clearly identify the boundaries of the area in which the moratorium is in effect as well as the exact nature of the development permits temporarily held in abeyance.
      b. Any moratorium imposed shall be subject to review by the Board of County Commissioners at the earliest possible time, but no later than 90 days after it begins, at which time the Board shall take action to terminate, extend, or otherwise modify such moratorium.

D. Special Authorization for Temporary Emergency Use
   1. Notwithstanding the uses normally allowed within a particular zoning district, the Director, County Engineer, or Chief Building Official may authorize in any zoning district the temporary emergency use of property to aid in the immediate restoration of an area adversely impacted by a disaster, including without limitation:
      a. Critical response facilities. Any police, fire, medical, or communications facility that will aid in the emergency recovery.
      b. Critical infrastructure facilities. Any ~~road~~Road, bridge, or other transportation facility, any water or sewer facility, or any natural gas or electric power or other public utility facility that will aid in emergency recovery.
      c. Temporary housing. Any temporary lodging set up for emergency personnel or shelters for disaster victims.
      d. Debris collection and sort yards.
   2. Any such special authorization must be made in writing and include findings that the proposed temporary use will not be detrimental to the immediate ~~neighborhood~~Neighborhood, will not adversely affect the Comprehensive Plan, and will aid in the successful recovery of areas adversely impacted by the disaster. In making the determination, the ~~Land Use~~ Director, County Engineer, or Chief Building Official may require such information as they find necessary to determine the impacts of the proposed use, including without limitation the information listed in Land Use Code ~~Section~~ 3-100.D.1~~.~~ Where necessary, conditions may be imposed on special authorizations to mitigate impacts.

E. Temporary Emergency Repair Permits
   1. Immediately following a disaster, temporary emergency repairs to secure ~~structure~~Structures and protect property damaged in the disaster against further damage or to protect neighboring property may be made without permits. Work which constitutes "temporary emergency repairs" includes, without limitation, temporary roof repairs to prevent further water damage, temporary stabilization to shore up ~~structure~~Structures, temporary stabilization involving earthwork to avoid imminent collapse of ~~structure~~Structures or property, and temporary restoration of public recreational facilities such as trails and trailhead parking areas.
   2. The ~~Land Use~~ Director must be notified of all such temporary emergency repairs within 10 working days of the commencement of the repair work.
   3. Permits may be required for permanent work. In particular, nothing in this section shall be construed to exempt property owners from complying with county ~~floodplain~~Floodplain regulations and any state or federal regulatory requirements such as U.S. Army Corps of Engineers permits.

F. Deconstruction/Demolition of Damaged Structures
   1. Deconstruction permits are required for disaster recovery work, including deconstruction/demolition of damaged ~~structure~~Structures and certain debris removal work. The Chief Building Official may waive portions of the permitting requirements for such work, where appropriate in light of the nature of the disaster and the particular circumstances.

2. Where the need to address an immediate health and safety concern makes it unfeasible to obtain a deconstruction permit or a permit related to debris removal, property owners must contact the Chief Building Official to get verbal consent before commencing work. In addition, property owners must apply for the appropriate deconstruction and other permits within 72 hours of the commencement of the deconstruction or demolition.

19-200 Fourmile Canyon Fire (September, 2010)

19-300 Front Range Extreme Rain and Flood Event (September, 2013)

19-400 Cal-Wood Fire (October, 2020)

19-500 Marshall Fire (December, 2021)

Land Use Code Text Amendments ~~&~~and Resolutions