

#### **4-101 - 4-112, 4-117 Zoning Districts**

C. Accessory Uses Permitted (see 4-516)

~~11. Grading of more than 500 Cubic Yards (f)~~

#### **4-101 – 4-112, 4-118**

F. Additional Requirements

3. Limited Impact Special Review is required for any use or activity which is:

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

#### **4-113 Economic Development (ED) District**

E. Additional Requirements

~~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.~~

#### **4-500 Use and Activity Regulations**

A. Unless otherwise indicated, all uses require a 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 or activity, including but not limited to location in the Floodplain Overlay District.

#### **4-519 Activities**

A. Earthwork

1. Definition: Any action except for wildfire mitigation that alters the land surface temporarily or permanently, including excavation, filling, grading, scraping or clearing top soils, stockpiling of materials, soil compaction, and the construction or use of access routes, staging areas, or equipment maneuvering areas including where material is excavated and subsequently replaced or redistributed on the site regardless of whether the finished ground elevation is changed.

2. Districts Permitted: All Zone Districts subject to the applicable review thresholds below.

a. By Right:

(i) less than 50 cubic yards; and

(ii) less than 5,000 square feet of Disturbed Area.

b. By Expedited Site Plan Review:

(i) 50 cubic yards or more, but less than 500 cubic yards of grading; or

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- (ii) 5,000 square feet or more, but less than 20,000 square feet of Disturbed Area.
  - c. By Site Plan Review:
    - (i) 500 cubic yards or more, but less than 5,000 cubic yards of grading; or
    - (ii) 20,000 square feet or more, but less than 87,120 square feet (two acres) of Disturbed Area.
  - d. By Limited Impact Special Use Review
    - (i) 5,000 cubic yards or more of grading; or
    - (ii) 87,120 square feet (two acres) or more of Disturbed Area.
3. Additional Provisions
- a. All earthwork shall have a demonstrated associated principal use.
  - b. Exemptions: the following activities are exempt from the land use review requirements of this section, provided they are not otherwise regulated by this Code:
    - (i) Foundational excavation and backfill within ten feet of the perimeter of a permitted structure.
    - (ii) Underground utility installation.
    - (iii) Septic system installation, except in situations where there are alterations of the ground surface, such as a raised bed.
    - (iv) Necessary agricultural activities including but not limited to tilling fields, creating or altering irrigation ditch laterals, field leveling, and field access roads for agricultural purposes. Agricultural grading does not include terraforming for aesthetic purposes, landscaping ponds, altering wetlands, construction of structures, or other nonessential grading.
    - (v) Grading activity associated with trail or 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
    - (vi) 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.
    - (vii) Grading activity such as the addition of road base material, consistent with the Boulder County Comprehensive Plan and Multi-Modal Transportation Standards.
    - (viii) Stockpiling of non-erosive materials that do not pose a risk to water quality.
    - (ix) Grading associated with mining shall be reviewed as required under the appropriate mining use classification.

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### (x) Wildfire Mitigation

#### (A) Land clearing, vegetation removal, and fuel reduction activities

conducted as part of a permitted wildfire mitigation activity, including but not limited to:

(1) Removal of trees, brush, and understory vegetation;

(2) Mechanical thinning, forestry mulching, chipping, hand clearing;  
and

(3) Creation and maintenance of defensible space and fuel breaks.

## **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 Buildings, Structures, equipment, 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 Soils or claystone, subsiding soils, soil creep areas, or questionable soils where the safe-sustaining power of the soils is in doubt; landslides, mudslides, mudfalls, debris fans, unstable slopes, and rockfalls; flash Flooding corridors, alluvial fans, floodways, Floodplains, and Flood-prone areas; and avalanche corridors. 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 mapping data, and creek planning studies. Development within or affecting such natural hazards may be approved, subject to ~~acceptable mitigation~~ measures that will satisfactorily ~~mitigate~~ reduce 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

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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~~ incorporate acceptable necessary mitigation measures to ~~compensate~~ fully address for any anticipated drainage impacts. All mitigation measures must comply with the Boulder County Storm Drainage Criteria Manual. Evaluation of potential drainage impacts shall rely on ~~the best available~~ the best available information ~~should be used to evaluate these impacts~~, including without limitation ~~the Boulder County Storm Drainage Criteria Manual~~, hydrologic analysis evaluations ~~to determine peak flows~~, Floodplain mapping studies, updated current topographic data, Colorado Geologic Survey landslide, and earth/debris flow data, and relevant master plans or creek planning studies, all as applicable appropriate given to 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 necessary 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 necessary 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 necessary 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 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, although impacts on views of or from private properties shall also be considered. Development within or affecting features or areas of visual significance

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may be approved, subject to acceptable necessary 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.

- 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 location, reducing or relocating windows and glazing to minimize visibility, reducing Structure height, changing Structure orientation, requiring exterior color and materials that blend into the natural environment, and/or lighting requirements to reduce visibility at night.
9. Development shall respond to the site's natural topography and existing vegetation and projects shall be designed to minimize site alteration. Development shall not result in unnecessary or excessive site disturbance resulting from design choices for example, structure location, structure configuration, long or steep driveways, over-sized parking areas, or alteration of a site's topography for aesthetic purposes. 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 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. All driveways shall have a demonstrated associated Principal Use.
11. Runoff, erosion, and/or sedimentation resulting from the development shall not have cause a significant adverse impacts 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 necessary 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.

### **4-804 Application and Submittal Requirements**

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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:

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 plan, drainage plan, drainage letter/report, and/or geotechnical/soils reports. The Director may request that any or all of this information be certified by a Colorado registered Professional Engineer.

### **18-168 Grading**

~~Any total soil or rock movement, excavating, filling, and other earthwork.~~

### **18-136A Disturbed Area**

**(as used in Article 7-904, or in Article 4-514, 4-516 or 4-802, pertaining to solar energy systems)**

~~That area of the land's surface disturbed or in any way changed as a result of construction activity, including but not limited to new structures, access and areas used for access or parking during and following the construction process. The total area of a site where soils or vegetation are exposed, removed, compacted, or otherwise altered as a result of site disturbance. Disturbed area includes, but is not limited to, building footprints, driveways, access roads, utility installation areas, material stockpiles, staging areas, and temporary construction access routes.~~