Boulder County

Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306
303-441-3930 • www.BoulderCounty.gov

Staff Recommendation for Docket DC-26-0004

BOULDER COUNTY BOARD OF COUNTY COMMISSIONERS PUBLIC HEARING

November 10, 2026, at 1 p.m.

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

PUBLIC HEARING with PUBLIC TESTIMONY

Staff: Ethan Abner, Senior Planner

Docket DC-26-0004: Text Amendments to the Land Use Code related to Detention Centers

Text amendments to the Land Use Code to define detention centers as specific uses and identify the places and scale at which they may or may not be permitted in unincorporated Boulder County.

Action Requested: Approval

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INTRODUCTION

The Boulder County Board of County Commissioners (BOCC) expressed concerns regarding the potential land use impacts of detention centers at a work session on May 26, 2026. Primarily, the Boulder County Land Use Code (the "Code") does not define detention centers as specific uses, identify the scale at which these uses may or may not be appropriate, or identify zoning districts in which these uses may or may not occur. On June 2, 2026, the BOCC authorized Community Planning and Permitting (CPP) staff to pursue text amendments to the Code related to detention centers. The BOCC also enacted a temporary moratorium on applications for these land uses effective June 2, 2026, to December 2, 2026, unless ended early or otherwise extended. At the moratorium hearing on June 2, the Commissioners and members of the public expressed support for prohibiting these uses.

DISCUSSION AND PROPOSED TEXT AMENDMENTS

The Code was enacted to promote the health, safety, and general welfare of the present and future inhabitants of Boulder County and to guide future growth, development, and the distribution of land uses within the county. Detention centers, jails, prisons, correctional facilities, and similar facilities are not specifically defined in the Code. Staff's proposal would define detention centers in Article 18 and amend text in Article 4 to prohibit this use.

Detention centers are designed and operated for continuous habitation by people, sometimes adding density to areas that do not have the appropriate infrastructure to support that density or intensity of use. This is often true in rural or low-density areas that do not have water service, sewage systems, or roads built to support higher levels of traffic. Additionally, the design of detention centers is often incompatible with residential areas, as these facilities often include tall security fencing, bright outdoor security lighting, barbed wire, gated access, guard towers, and other prominent structures. Due to these impacts, detention centers are generally incompatible with the rural economy and landscape the Comprehensive Plan seeks to protect in unincorporated Boulder County. A recent national trend has been the conversion of existing structures—typically commercial buildings and warehouses—to detention centers. This is problematic, as these types of structures and defined uses are not designed to support continuous occupation by large groups of people. The regulations proposed by staff seek to address all these issues by clarifying that detention centers are not permitted in unincorporated Boulder County.

Staff reviewed land use codes for jurisdictions throughout Colorado to better understand how this use is regulated, when communities do regulate it. Generally, regulations:

- Define a distinct use category for correctional facilities.
- Require a special review or conditional use permit.
- Allow the use only in appropriate zoning districts and at an appropriate scale.

- Specify whether the facilities are publicly or privately owned, or both.

The complete draft Code text can be found in Attachment A. The proposed text amendments include the following proposed definition (underlined) for Detention Center in Article 18, Definitions:

- A facility where persons are held in custody (detained, kept, confined) for any amount of time by an entity legally authorized to do so. This includes holding areas, prisons, jails, correctional facilities, penal institutions, or similar facilities, whether publicly or privately owned.

Staff also propose adding the text (underlined) below to 4-514.G, Public or Quasi-public Facility Other than Listed.

G. Public or Quasi-public Facility Other than Listed
    1. Definition: A public or quasi-public Facility other than those specified in 4-514. This use does not include Detention Centers, which are not permitted under this Code.

Rather than define a detention center use and then not permit it in any zoning district, staff propose to update the above definition to clarify that the use is not permitted.

REFERRAL FEEDBACK, PUBLIC COMMENT, AND PLANNING COMMISSION

This docket was sent to referral agencies throughout the county. In general, this includes other departments or agencies, community interest groups, municipalities, fire protection agencies, adjacent counties, water and sanitation districts, utilities, school districts, and homeowners associations. If an agency does not respond to the referral, staff regard it as a response of "no conflict" per 3-204.C of the Code. Staff finalized the staff packet for the Board of County Commissioner's hearing on November 2, 2026. Any comments received after November 2 will be shared with the Board of County Commissioners before the public hearing on November 10. Referral comments received by November 2 are summarized below and included in Attachment B.

- City of Boulder: The City of Boulder found that the proposed text appears generally consistent with the Comprehensive Plan's framework of directing urban development toward areas planned for urban services and maintaining the rural character of unincorporated areas. The City of Boulder also encourages the County to consider whether the proposed prohibition is intended to apply to all detention facilities, including those that serve local or regional public needs.

- Response of No Conflict: Boulder County Conservation Easement Program, Little Thompson Water District, Town of Erie, Longmont Fire, United Power, Xcel, Boulder County Access and Engineering, and Niwot Sanitation District.

Information regarding the proposed text amendment was sent to the Boulder County Land Use Code amendments listserv, an e-mail subscription list that members of the public may opt into to receive updates about ongoing work related to the Code. Staff received one public comment recommending a clarification of the proposed text.

Staff presented Docket DC-26-0004: Text Amendments to the Land Use Code related to Detention Centers to the Planning Commission on October 21, 2026. After short deliberation the Planning Commission voted 6-0 to recommend the BOCC approve the docket. View the Planning Commission public hearing online.

REVIEW CRITERIA

Article 16 of the Code contains criteria for amending its text. For the reasons outlined above, staff find the proposed text amendments meet the following criteria:

1) The existing text is in need of amendment.
    a. The Code does not currently define the detention center use, an appropriate intensity for that use, or locations in which this use may or may not occur. The proposed text clarifies that detention centers are not permitted in unincorporated Boulder County.
2) The amendment is not contrary to the intent and purpose of this Code.
    a. The proposed amendment is not contrary to the purpose and intent of this Code, which guides development in the unincorporated county and identifies appropriate locations and intensities for uses to occur. Based on the potential land use impacts of detention centers, staff propose that these uses not be allowed in the unincorporated county.
3) The amendment is in accordance with the Boulder County Comprehensive Plan.
    a. The Comprehensive Plan seeks to guide denser and more intense development to the municipalities, while preserving the rural unincorporated lands for agricultural activities, low-density residential development, and other activities consistent with the rural character of the county.

RECOMMENDATION

Staff recommend that the Board of County Commissioners **approve Docket DC-26-0004: Text Amendments to the Land Use Code Related to Detention Centers.**

Attachment A: Proposed Text for Detention Center

Underlining identifies text to be added to the Boulder County Land Use Code. Detention Center would be defined in Article 18 using the definition proposed below.

18-XXX Detention Center

A facility where persons are held in custody (detained, kept, confined) for any amount of time by an entity legally authorized to do so. This includes holding areas, prisons, jails, correctional facilities, penal institutions, or similar facilities, whether publicly or privately owned.

Staff proposed adding the underlined text below to 4-514.G, Public or Quasi-public Facility Other than Listed.

G. Public or Quasi-public Facility Other Than Listed

1. Definition: A public or quasi-public Facility other than those specified in 4-514. This use does not include detention centers, which are not permitted under this Code.
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 or comply with the minimum lot size requirement for the district in which it is located.
    b. Electric Transmission Lines are not required to comply with the height requirement for the district in which it is located.

From: Northrup, Elizabeth (Liz)
To: Abner, Ethan
Cc: Carden, Tim; Rogers, Courtney
Subject: RE: Referral Packet for DC-26-0004: Detention Centers
Date: Wednesday, September 23, 2026 9:04:31 AM

Hi Ethan,

Thanks for the opportunity to review this code update language related to Detention Centers. The Conservation Easement Program at Parks & Open Space does not have any comments on this proposed language.

Thank you,
Liz

Liz Northrup | Conservation Easement Program Supervisor
she/her/hers
Boulder County Parks & Open Space
5201 St. Vrain Road
Longmont, CO 80503
303-678-6253 (office)
enorthrup@bouldercounty.gov
Boulder County Open Space Website

From:	Catie Bartone
To:	Abner, Ethan
Subject:	[EXTERNAL] DC-26-0004: Detention Centers
Date:	Wednesday, September 30, 2026 12:54:06 PM
Attachments:	image.png image.png

Hello Ethan,

LTWD has no comments on this referral.

Thank you,

Catie Bartone
Civil Engineer II

Little Thompson Water District
835 E State Highway 56
Berthoud, CO 80513
Direct: 970-344-6375

cbartone@ltwd.org | www.littlethompsonwd.gov

Book time to meet with me

Referral Memo: Text Amendments to the Land Use Code Related to Detention Centers

MEMO TO: Referral Agencies, Stakeholders, and Interested Parties
FROM: Ethan Abner, Long Range Planner II
DATE: September 21, 2026
RE: Docket DC-26-0004

Docket DC-26-0004: Text Amendments to the Land Use Code related to Detention Centers

Dear Referral Agency, Stakeholder, or Interested Party:

On June 2, 2026, the Boulder County Board of County Commissioners authorized Community Planning and Permitting staff to pursue text amendments to the Boulder County Land Use Code (the "Code") related to detention centers. Staff propose amending the Code to clarify that detention centers are not permitted in unincorporated Boulder County by adding text to 4-514.G, Public or Quasi-public Facility Other than Listed.

Electronic Attachment:

- Attachment A: Proposed Text for Detention Centers

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

You may also view the proposed text amendments and future revisions online at: https://www.boco.org/dc-26-0004.

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

Community Planning & Permitting staff, Planning Commission, and the Board of County Commissioners value comments from members of the public and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department at P.O. Box 471, Boulder, Colorado, 80306 or via email to

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

If you would like your responses considered and included in the staff packet for Planning Commission, please return them **no later than Monday, October 12, 2026** . Responses received after this deadline will be shared with the Planning Commission and incorporated into the staff packet for the BOCC hearing.

X We have reviewed the proposal and have no conflicts.

_____ Letter is enclosed.

Signed: Josh Campbell Printed Name: Josh Campbell

Agency or Address: Town of Erie - Planning and Development

Date: September 30, 2026

Community Planning & Permitting
Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306
303-441-3930 • www.BoulderCounty.gov

City of Longmont - Fire Services Division
Attn: Marc Sampson, Assistant Fire Marshal
225 Kimbark St.
Longmont CO 80501

Referral Memo: Text Amendments to the Land Use Code Related to Detention Centers

MEMO TO: Referral Agencies, Stakeholders, and Interested Parties
FROM: Ethan Abner, Long Range Planner II
DATE: September 21, 2026
RE: Docket DC-26-0004

Docket DC-26-0004: Text Amendments to the Land Use Code related to Detention Centers

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Claire Levy ***County Commissioner*** Marta Loachamin ***County Commissioner*** Ashley Stolzmann ***County Commissioner***

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X We have reviewed the proposal and have no conflicts.

____ Letter is enclosed.

Signed: Marc Sampson Printed Name: MARC SAMPSON

Agency or Address: LONGMONT FIRE DEPARTMENT

Date: 10.2.2026

Referral Memo: Text Amendments to the Land Use Code Related to Detention Centers

MEMO TO: Referral Agencies, Stakeholders, and Interested Parties
FROM: Ethan Abner, Long Range Planner II
DATE: September 21, 2026
RE: Docket DC-26-0004

Docket DC-26-0004: Text Amendments to the Land Use Code related to Detention Centers

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_X_ We have reviewed the proposal and have no conflicts.

_____ Letter is enclosed.

Signed: Emily Wood Printed Name: Emily Wood

Agency or Address: United Power, Inc

Date: 10/5/2026

Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: 303.285.6612
violeta.ciocanu@xcelenergy.com

October 7, 2026

Boulder County Community Planning and Permitting
PO Box 471 | Courthouse Annex – 2045 13th St., Boulder, CO 80302
Boulder, CO 80306

Attn: Ethan Abner

Re: Text Amendments to the Land Use Code related to Detention Centers, Case # DC-26-0004

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the above-mentioned request and currently has **no apparent conflict**.

Violeta Ciocanu (Chokanu)
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy

Although "branded" as Xcel Energy, the legal owner and operator of the utility facilities in Colorado is Public Service Company of Colorado. All utility facilities and related land rights, including fee property, easements, permits, etc., are owned by, operated by and held in the name of Public Service Company of Colorado, a Colorado Corporation.

CITY OF BOULDER

Referral Docket DC-26-0004
Text Amendments to the Land Use Code
Related to Detention Centers
Date: September 28, 2026

To: Ethan Abner, Boulder County Community Planning & Permitting
From: Chris Ranglos, Senior City Planner, City of Boulder Planning and Development Services, Comprehensive Planning Division

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Thank you for the opportunity to comment on the proposed amendments to the Boulder County Land Use Code related to detention centers. The City of Boulder appreciates the opportunity to coordinate with Boulder County on land use issues of shared interest within the Boulder Valley.

Boulder Valley Comprehensive Plan
The Boulder Valley Comprehensive Plan (Comprehensive Plan) is a jointly adopted plan that establishes a shared framework for urban growth, rural preservation and the provision of urban facilities and services within the Boulder Valley. The Comprehensive Plan emphasizes continued City-County collaboration to implement shared goals and address regional needs.

The City encourages the County to consider the following as it refines the proposed amendment.

Planning Area and Urban Development Considerations
The Comprehensive Plan establishes distinct Planning Areas and directs the City and County to focus new urban development within Area 1-Urban Lands. Policy 6 provides that new urban development may only occur in Area 1-Urban Lands when adequate facilities and services are available or anticipated. Policies 7 and 8 further establish that new urban development is not supported in Area 2-Urban Edge, Area 3-Rural Preservation or Area 3-Planning Reserve.

The City recognizes that detention centers are specialized institutional facilities that can have significant operational, infrastructure and public service requirements. The proposed amendment appears generally consistent with the Comprehensive Plan's

framework of directing urban development toward areas planned for urban services and maintaining the rural character of unincorporated areas.

Publicly Operated, Local-Serving Facilities
The proposed definition of "Detention Center" applies regardless of whether a facility is publicly or privately owned. The City encourages the County to consider whether the proposed prohibition is intended to apply to all detention facilities, including facilities operated by the Boulder County Sheriff's Office or another local government entity to serve local or regional public needs. If the County's intent is to prohibit detention centers generally, the City supports clarity regarding the application of the prohibition to locally operated facilities. Alternatively, the County could consider whether an appropriate review pathway should be retained for a locally operated facility serving a demonstrated public need.

City-County Coordination
The Comprehensive Plan calls for the City and County to pursue cooperative regional planning and shared initiatives to address the needs of the Boulder Valley. The City encourages continued coordination between the City and County when considering the location of facilities that serve regional or community-wide functions, particularly where such facilities may have implications for urban services, transportation, emergency response or other public infrastructure.

The City appreciates the County's consideration of these comments and looks forward to continued coordination on land use regulations that implement the shared goals of the Boulder Valley Comprehensive Plan.

October 6, 2026

TO: Ethan Abner, Long Range Senior Planner; Community Planning & Permitting

FROM: Anita Riley, Principal Planner; Community Planning & Permitting, Development Review Team – Access & Engineering

SUBJECT: Docket # DC-26-0004: Text Amendments to the Land Use Code Related to Detention Centers

The Development Review Team – Access & Engineering have reviewed the above referenced docket and find no conflicts with the proposed language.

This concludes our comments at this time.

Community Planning & Permitting
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Mailing Address: P.O. Box 471 • Boulder, Colorado 80306
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Referral Memo: Text Amendments to the Land Use Code Related to Detention Centers

MEMO TO: Referral Agencies, Stakeholders, and Interested Parties
FROM: Ethan Abner, Long Range Planner II
DATE: September 21, 2026
RE: Docket DC-26-0004

Docket DC-26-0004: Text Amendments to the Land Use Code related to Detention Centers

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Claire Levy *County Commissioner* Marta Loachamin *County Commissioner* Ashley Stolzmann *County Commissioner*

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_X____ We have reviewed the proposal and have no conflicts.

_____ Letter is enclosed.

Signed: Michele Funk Printed Name: Michele Funk

Agency or Address: Niwot Sanitation District

Date: 10/27/2026

From: Nancy Hall
To: !LongRange
Subject: [EXTERNAL] DC 26-0004 Detention Centers (comment)
Date: Tuesday, October 13, 2026 12:36:16 PM

Comment re: DC 26-0004 Detention Centers, updates to Land Use Code:

I suggest that the proposed language be amended thus:

Change:
whether publicly or privately owned

to:
whether publicly or privately owned *or under any combination of public and private ownership*

Nancy E. Hall, resident of unincorporated Boulder County