

Article 3



Processes

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3-100 Approvals and Permits Necessary Prior to Development

- A. Actions Requiring Review by the Board of Adjustment, Planning Commission, and/or Board of County Commissioners
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 permit or other required permit, may appeal that interpretation or decision to 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 where the purpose of the correction is to rectify any technical error on the plat. Any corrections made must be consistent with the approved plat. See Section 5-401.
 4. Exemption Plats: Exemption Plats are 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 Exemption Plats for specific circumstances (such as Article 4-300).
 5. Historic Designation: The Board, after review by the Historic Preservation Advisory Board, may designate 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. PUDs may be permitted subject to the conditions set forth in a development agreement which has been approved in accordance with the applicable requirements of this Code. See Article 6.

10. **Replat:** A replat is an amendment to a plat and may require the amendment of the sketch plan, preliminary plan, and/or final plat. See Section 5-402. (Replats which are processed as exemption plats fall under the requirements for exemption plats as set forth in this Code.) Final plat replats approved under the Subdivision Regulations (Article 5) constitute site specific development plans establishing 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 or parcels. See Section 4-1100 and Section 4-118 in the case of Neighborhood Conservation Overlay Districts.
12. **Road Name Changes:** A 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, floodplain development, access, and/or 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 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 resulting in the creation of subdivided land under the Subdivision Regulations. The process to plat unsubdivided land to create subdivided land includes three steps: sketch plan, preliminary plan, and 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 is the first step of the three step process to create subdivided land. The 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 is the second step of the process to create subdivided land. The 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 is the last step in the process to create subdivided land. The final plat process will review the final engineering plans, the development agreement, letters of credit, conservation easements, deeds of development rights, home owners covenants, the plat, and any other necessary documents, reports and studies. See Section 5-300. Approved final plats pursuant to the Subdivision Regulations constitute site specific development plans establishing 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 Board of County Commissioners 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. Types of Subdivision Exemptions include boundary line adjustments, lot recognitions, and community facility lot splits. See Article 9.
17. **Vacation of a Public Road or Easement:** A request by a property owner for the vacation of road, right-of-way, or utility 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 Transportation Department for more information.
 - b. Building Permit: Prior to construction of or alteration to a structure, a building permit is required. Applications for this permit are available from the Boulder County Land Use Department, Building Division.
 - c. Deconstruction Permit: Prior to the deconstruction of any building, a deconstruction permit is required. Applications for this permit are available from the Boulder County Land Use Department, Building 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 Land Use 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 Transportation Department.
 - f. Grading Permit: A grading permit is necessary for movement of greater than 50 cubic yards of material. Limited impact special review is required for the movement of more than 500 cubic yards of material as provided in Section 4-516(N) of this Code. Site Plan Review and Limited Impact Special Review are not required for normal grading activity associated with agriculture, allowed mining activity, foundation construction, or 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. Applications for this permit are available from the Boulder County Land Use Department, Building Division.
 - g. Historic Review: A review of building permit applications for demolition, remodeling, or addition to a structure greater than 50 years in age. See Article 15.
 - h. Site Plan Review: Administrative review for development.
 - i. Stormwater Quality Permit: As required under Article 7-904 and administered by the County Engineer to control construction and post-construction stormwater discharges and to protect water quality.
 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 plans, preliminary plans, and final plats (with annual extensions totaling up to three years being allowed for recordation of the 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 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 Land Use Department, Building Safety & Inspection Services Team. 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, 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 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 applicants.
 - 1. The pre-application conference shall be held between the applicant and a planner with the Land Use 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 in the Land Use Department office or at the site.
 - d. The 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 shall also meet with members of the appropriate department to discuss the development proposal.
 - a. For floodplain, road, access, traffic concerns, parking design and engineering, and all vehicular movement patterns and volumes the applicant will meet with a member of the staff of the Development Review Section of the Boulder County Transportation Department.
 - b. For water supply, sanitation, or water quality concerns, the 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 concerns, the 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 Staff during this pre-application conference are only preliminary in nature and should not be relied upon by the applicant. All prospective applicants should be informed that formal comments cannot be made by staff until after the application is submitted and 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 any public information regarding the development proposal which is in the County's possession.

3-202 Application Submittal Requirements Table

	Application Form(s), Project Description and Fee	Building Plans and/or Elevations ¹	Development Report	Engineering Report ²	Exemption Map	Final Plat Map	Interpretation Letter ³	Landscape Plans	Letter of Credit ⁴	Mineral Rights Certification of Compliance, ¹	Preliminary Plan Map	Referral Packets	Required Title Information	Service Area Description	Site Plan	Sketch Plan Map	Vicinity Map
Appeal of Interpretation of Regulation	✓						✓										
Areas and Activities of State Interest	✓	✓								✓		✓		✓	✓		✓
Correction Plat	✓																
Exemption Plat	✓				✓					✓		✓	✓				✓
Historic Designation	✓														✓		✓
Land Use Code Text Amendments	✓																
Limited Impact Special Review	✓	✓	✓	✓						✓		✓	✓		✓		✓
Location and Extent	✓	✓		✓						✓		✓		✓	✓		✓
Planned Unit Development	✓	✓	✓	✓		✓		✓		✓	✓	✓	✓		✓ ¹	✓	✓
Replat/Site Specific Development Plan	✓					✓				✓	✓ ¹	✓	✓		✓ ¹	✓ ¹	✓
Rezoning	✓		✓									✓	✓		✓		✓
Road Name Change	✓																✓
Site Plan Review	✓	✓													✓		✓
Site Plan Review Appeal	✓	✓													✓		✓
Special Use/Site Specific Development Plan	✓	✓	✓					✓		✓		✓	✓		✓		✓
Subdivision Sketch Plan	✓		✓							✓		✓	✓			✓	✓
Subdivision Preliminary Plan	✓		✓	✓						✓	✓	✓	✓				✓
Subdivision Final Plat/Site Specific Development Plan	✓		✓	✓		✓		✓	✓	✓		✓	✓				✓
Subdivision Exemption	✓		✓		✓					✓		✓	✓				✓
Vacation of a Public Road or Easement	✓											✓	✓		✓		✓
Variances	✓	✓								✓					✓		

1 – May be necessary.

2 – Engineering Report and plans for the following, as applicable: Streets, trails, walkways, and bikeways. The mitigation of geologic hazards. Sewage collection and water supply distribution systems. Utilities; soils report; geology report; overlot grading, final drainage, structural features (i.e. retaining walls and bridges); and Transportation System Impact Analysis.

3 – A letter stating the interpretation of these regulations being appealed.

4 – A letter of credit for all public improvements and warranty.

3-202 Application Submittal Requirements

- A. The following list details the submittal requirements for the various County approvals defined in Section 3-100(A), above. A detailed description of the material to be submitted is included in Section 3-203. Except as may be otherwise required by law, the Director may waive or alter any of these minimum requirements if they are determined to be inappropriate or unnecessary.
1. Appeal of an Interpretation of the Regulations
 - a. Statement of the interpretation being appealed.
 - b. Application Form, Project Description and Fee
 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 3-203A.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 to said lines or pipelines.
 3. Correction Plat
 - a. Application Form, Project Description and Fee
 - b. Revised Plat Map
 4. Exemption Plats
 - a. Application Forms, 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 3-203A.1.d.i.), except that such certification shall not be required for the platting or 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, 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 3-203A.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 3-203A.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 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
 - (iii) sewage collection and water supply distribution system
 - (iv) overlot grading
 - (v) soils report
 - (vi) geology report
 - (vii) final drainage
 - (viii) groundwater drainage
 - (ix) structural features (i.e. 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 3-203A.1.d.i.) , except that such certification shall not be required for the platting or replatting of an additional single subdivided lot, or for subsequent applications for the same new surface development for which the 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 3-203A.1.d.i.) , except that such certification shall not be required for the platting or replatting of an additional single subdivided lot, or for subsequent applications for the same new surface development for which the 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 in question.
 - c. A list of the property owners adjacent to the 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. 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 3-203A.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 to said lines or pipelines.
 - h. Required Title Information
16. 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 3-203A.1.d.i.) except that such certification shall not be required for the platting or replatting of an additional single subdivided lot, or for subsequent applications for the same new surface development for which the 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 3-203A.1.d.i.) except that such certification shall not be required for the platting or replatting of an additional single subdivided lot, or for subsequent applications for the same new surface development for which the 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 hazards
 - (C) sewage collection and water supply distribution systems
 - (D) overlot grading
 - (E) final drainage
 - (F) soils report
 - (G) geology report
 - (H) groundwater drainage
 - (I) structural features (i.e. 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 3-203A.1.d.i.), except that such certification shall not be required for the platting or replatting of an additional single subdivided lot, or for subsequent applications for the same new surface development for which the applicant has already complied with the Article 65.5 of Title 24, C.R.S.
 - (ix) Required Title Information
- 17. 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 3-203A.1.d.i.), except that such certification shall not be required for applications for a boundary line adjustment.
 - g. Required Title Information
- 18. Vacation of a Public Road or Easement
 - a. Application Form, Project Description and Fee
 - b. Vicinity Map
 - c. Site Plan
 - d. Required Title Information
- 19. Variances
 - a. Application Form, Project Description and Fee
 - b. Site Plan
 - c. Description of hardship
 - d. A complete 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 3-203A.1.d.i.).

3-203 Standards for Submittal Requirements

A. Application

1. Before any request for County approval under this Code may be processed, a complete application must be filed with the Land Use Department. A complete application includes:
 - a. An application form with all agents designated, exhibiting all landowner signatures, and all necessary information completed. The signature on an application form will be deemed to indicate the landowners' concurrence with all submissions and commitments made by their designated agent. If the proposal is located on property over which a conservation easement has been granted, the application shall include either:
 - (i) a signature from the conservation easement holder consenting to the proposal being processed under the Code, or
 - (ii) a written statement from the easement holder(s) indicating that, in the opinion of the easement holder(s), the proposal, if approved and commenced or constructed, would not conflict with the terms of the easement.
 - b. Verification that the site is a legal building lot under this code and that legal access from a public road has been obtained.
 - c. A written description of the proposal. The project description is the first opportunity for an applicant to present the project to Land Use staff, referral agencies, adjacent property owners, and decision makers, so the 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'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 has submitted a certification signed by the applicant confirming that the 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 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 to exist, the application shall not be considered to have been submitted as complete until the applicant has provided an additional signed certification confirming that the applicant has, at least 30 days prior to the initial public hearing, transmitted to the 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 Land Use 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, roads, 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, shall be prepared by an approved wildlife expert retained by the County Parks and Open Space Department and paid for by the 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 does not have qualified staff to review certain elements of a proposal or referral agencies are not able to adequately advise the 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.
 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. 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 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, designer, engineer, surveyor, and any other consultants of the applicant. The 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. The vicinity map should include all lands within a three mile radius of the subject parcel.
 - b. Acceptable scales and base maps include the 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 inch to 200 feet for properties exceeding 160 acres in size, or 1 inch to 100 feet for properties less than 160 acres in size as appropriate.
 - b. The Director may require, or the 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, including land survey data to identify the subject 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 plans.
 - e. Location and width of all existing and proposed roadways, pedestrian paths, road 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 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 parcels, and areas of all development including location of structures, provided in square feet and percentage of site shall be included. This includes the total square feet of developed driveways, parking, and 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 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 map are either 1 inch to 200 feet for properties exceeding 160 acres in size, or 1 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 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, including land survey data to identify the subject 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 plans.
- e.** Location and width of all existing and proposed roadways, pedestrian paths, road 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 easements.
- g.** A schematic and narrative representation of the proposed land use including:
 - (i)** the zoning of the land to be platted;
 - (ii)** the total proposed 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 units;
 - (iv)** approximate subdivided lot sizes;
 - (v)** total number of square feet of proposed nonresidential floor space (for nonresidential subdivided land only);
 - (vi)** 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 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 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 drainage plan and flow control system must be included.
- j.** The applicant shall submit a reduced copy of the sketch plan map at a size of 8 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 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, having an error of closure not greater than 1 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 platted subdivisions, 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 blocks, subdivided lots, and outlots shall be shown. Blocks shall be identified by consecutive lettering in alphabetical order. The blocks in numbered additions to existing platted subdivisions bearing the same platted subdivision name shall be lettered consecutively throughout the several additions. All subdivided lots in each block shall be identified by consecutive numbering. Outlots shall be lettered in alphabetical order.
 - g.** The following significant features are to be shown: existing 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, range of size and identification of rare and/or endangered species shall be included.
 - i.** The location of proposed sites for residential, business, industrial, agriculture, park, and all other land uses must be identified. The designation of building envelopes may be required.
 - j. Roads**
 - (i)** The location, identification, and principal dimensions of all existing roads, alleys, trails, recorded easements and rights-of-way within and adjacent to the proposed 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, 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, jurisdiction, surface, and maintenance.
 - k.** The approximate widths, locations, and uses of all proposed 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.
 - m.** The location of existing and proposed water distribution systems, water treatment facilities, sewage collection systems, 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 treatment areas and a boring log and classification of the soils encountered to a depth of eight feet or to bedrock, whichever is lesser. The tests shall be sufficiently representative to assure that all proposed subdivided lots can reasonably be assumed to meet Boulder County Public Health requirements.
 - n.** The map must indicate the location of subdivided land to be dedicated or reserved in deeds or 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 must be shown.
 - o.** The applicant shall submit a reduced copy of the Preliminary Plan Map no larger than 8 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 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.
- b.** The 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 map which does not meet these standards may be rejected by the Director.
- c.** The 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 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 map shall be provided in digital form in a format and on media acceptable to the Director.
- e.** All final plat map titles, 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 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 areas depicted on the overlay sheet by use of a small key sketch.
- g.** Acceptable scales for the final plat map are either 1 inch to 50 feet for properties less than 100 acres in size, or 1 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 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 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 confirmation of closures for all boundaries, including blocks, subdivided lots, outlots, rights-of-way, and easements. Closure shall be achieved to an accuracy of 0.01 feet in all calculations shown on the plat.
- i.** All boundary lines (and survey descriptions thereof) of the subdivided land shall be clearly and prominently indicated on the final plat map.
- j.** The following information concerning adjacent lands shall be shown on the plat:
 - (i)** The names and locations of all adjacent platted subdivisions.
 - (ii)** The locations of all adjacent unsubdivided land and public lands.
 - (iii)** The full width and locations of all adjacent easements.
 - (iv)** The full width locations, and road names of all adjacent rights-of-way.
- k.** All lines, names, and descriptions on the final plat map which do not constitute a part of the proposed platted subdivision shall be dashed. Any area enclosed by the plat, but not a part thereof, shall be dash labeled as not being part of the subdivided land.
- l.** Concerning subdivided lots and blocks, the following standards shall apply:
 - (i)** All blocks and 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 lines.
 - (ii)** No ditto marks shall be used for dimensions.
 - (iii)** All unidentified angles will be presumed to equal 90 degrees.
 - (iv)** All subdivided lots, and wherever practicable, blocks shall be shown in their entirety on one sheet.
 - (v)** The area of each lot 0.5 acre or larger shall be shown to the nearest 0.01 of an acre.
 - (vi)** Blocks shall be identified by lettering in alphabetical order. The blocks in numbered additions to existing platted subdivisions bearing the same platted subdivision name shall be lettered consecutively throughout the several additions.
 - (vii)** All subdivided lots in each block shall be identified by consecutive numbering.

- m. All outlots shall be located, identified, and dimensioned. The area of each outlot, except reserve strips, 0.5 acre or larger shall be shown to the nearest 0.01 of an acre. All 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.
 - n. The final plat map shall show all road names; 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 lines with accurate bearings and dimensions including chord lengths and bearings, central angles, and radii of all curves.
 - (i) If any road in the proposed platted subdivision is a continuation or approximately a continuation of an existing public road, the conformity or the amount of conformity of the new road to the existing roads shall be accurately shown.
 - (ii) Whenever the centerline of a road has been established or recorded, the date shall be shown on the final plat map.
 - o. No area of subdivided land shall be created within and by virtue of a final plat map unless the area is identified as either a subdivided lot, outlot, or right-of-way. All areas of subdivided land inadvertently created and not noted on the proposed plat as subdivided lots, shall be presumed to be outlots which are not intended to be subdivided lots.
 - p. The final plat map shall show the purpose, width, and location (with fine dashed lines) of all easements. A plat note may be necessary to provide complete information of the purpose of the easement.
 - (i) All easements must be clearly labeled and identified.
 - (ii) If any 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 lots which are cut by an easement must be shown to indicate the actual length of the lot lines.
 - (iv) The widths of all easements must be shown with sufficient data to definitely locate the easement with respect to the subdivided land and each subdivided lot.
 - (v) If an easement shown on the plat is already of record, its recorded reference must be given.
 - (vi) If an easement is being dedicated by the plat, it shall be set out in the owner's certificate of dedication.
 - q. The final plat map shall contain executed certificates, notices, and statements on a single sheet in a standard form.
 - r. The final plat map shall include plat notes which adequately explain information pertinent to the execution and maintenance of the subdivided land including the ownership of outlots, references to the subdivision agreement and conservation easements, maintenance responsibility for private roads, etc.
 - s. The applicant shall submit a reduced copy of the final plat map no larger than 8 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 including section corners, distance and bearing to these corners, quarter corners, township, range, etc.
 - b. Adjacent subdivided 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 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 is required for subdivision requests to plat unsubdivided land, PUDs, special review approvals, rezonings, and exemptions. At a minimum the 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 to the subject property.
 - b. A description of site features such as streams, areas subject to 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 flora and fauna shall be determined through field surveys, and/or expert opinions. The applicant shall address any material adverse impacts of the development on these biological systems, including plans for the mitigation of these impacts. Wildlife impact reports shall be required in accordance with Section 7-1700.
 - e. The effect on significant cultural (archaeological and historic) resources and on other designated environmental resources, including but not limited to critical wildlife habitats, shall be assessed and plans for protection of such resources included. Wildlife impact reports shall be required in accordance with Section 7-1700.
 - 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, schools, hospitals, police, flood protection, 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.
 - (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 to floodplains, the nature of soils and subsoils, and their ability to adequately support waste disposal, the slope of the land, the effect of 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 Report.**
 - 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 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 the time of the application filing. These owners and interest holders include but are not necessarily limited to fee owners, 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 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 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 (G), the 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 to comply with the requirements of Article 65.5 of Title 24, C.R.S., confirming that the 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 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 G.
 - e. Title work must be current within six months of the application submittal date.
3. The applicant shall have the responsibility to search other records which may be reasonably available and known to the applicant which may provide the information required in this Subsection (G).
4. In addition to the information required above, the applicant shall identify any holdings of the applicant 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 development report is required for an application for a ground mounted solar energy system with disturbed area greater than 0.5 acre on lands designated as Significant Agricultural Lands under the Boulder County Comprehensive Plan. The solar energy development report must include:
 - a. An installation plan describing the installation method for the solar energy system, including a site plan showing the proposed 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 applications

1. When an application is filed with the Land Use Department, the application materials may be referred to interest holders in the property who are not landowners, to 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 is responsible for preparing the referral packets in the manner prescribed by the Director. An error made either intentionally or unintentionally by the 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 (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 Land Use Director. The notice shall also include information on where to access referral packets on the County's website, and provide staff contact information in case the 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 Land Use 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, and vacations which are 15 day referrals) in order to insure 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 disposal reports
 - a. This review will report on the adequacy of existing or proposed 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 to submit additional engineering or geological reports or data and to conduct a study of the economic and engineering feasibility of a 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 Land Use 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 units, the school district shall submit specific recommendations with respect to the adequacy of school sites and the adequacy of school 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 floodplains, stormwater management issues, grading, drainage, access, retaining walls and referral responses, and shall transmit findings and preliminary recommendations to the Director.
- 8. 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.
- 9. The County Land Use 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 Wildlife shall evaluate the application for its impacts on wildlife of federal, state and local significance and on associated wildlife 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 Land Use Director deems have the potential to impact structures or resources of historical significance in the County.

D. Post Referral Action

If there are referral comments received by the Land Use Department which require a response from the applicant, the following actions shall occur:

1. The Land Use staff will 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 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 Land Use 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 is unable to supply responses within the 14 days allowed, then the applicant may request, in writing, a delay in processing the application for up to 95 days.
 - d. If the applicant fails to supply responses within the specified time, the Director may either base the Land Use 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 in writing.
3. As part of the post-referral action, the Land Use Staff will make a reasonable effort to apprise the applicant of any deficiency in the application known to the Staff prior to any required public hearing. In the case of any application to plat unsubdivided land, or application for any extension, betterment, or addition to buildings, structures, or plants or equipment of a public utility under C.R.S. 30-28-127, the applicant may request that any technical dispute between a licensed or registered professional retained by the applicant and the 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 (D).
4. The Land Use Staff shall make a recommendation based on its analysis of the record on the application, the referral comments and the 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 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 plans to call any expert witnesses on its behalf, the 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 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 Land Use Department 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, owners and interest holders in the property, and to 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'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 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 has, at least 30 days prior to the initial public hearing on the application, transmitted to the 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 Land Use Department where materials relating to the proposal may be reviewed prior to the hearing.
 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 review, rezonings (except comprehensive rezonings), and location and extent review shall include the following:
 - a. A notice published by the Land Use 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 Land Use 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;
 - (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 address or location by 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 Land Use 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.

- c. A written notice of the hearing, together with the final recommendations of the Land Use Department, transmitted at least seven days prior to the hearing date to the applicant.
 - d. A written notice similar to that contained in Section 3-205(B)(2)(a), above, transmitted by the Land Use 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 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 B.2. shall not be deemed to qualify as, or substitute for, the 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 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 shall sign an additional certification confirming that the applicant has, at least 30 days prior to the initial Planning Commission public hearing on the application, transmitted to the 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 3-205B.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 on a comprehensive rezoning, text amendment, or Comprehensive Plan amendment.
 4. Notice of public hearings for preliminary plan, final plat, and vacations, shall include the following:
 - a. A written notice of the hearing and the final recommendations of the Land Use Department.
 - b. That notice is to be transmitted at least seven days prior to the hearing date to the applicant and to other owners of estates, rights, liens, mortgages or interests in the property.
 - c. The notices required in this Subsection B.4. for preliminary plan and final plat applications shall not be deemed to qualify as, or substitute for, the 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 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 shall sign an additional certification confirming that the applicant has, at least 30 days prior to the initial Planning Commission public hearing on the application, transmitted to the 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 Land Use Director or the Planning Commission that an 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 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 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'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 application to plat unsubdivided land (sketch plan, preliminary plan or final plat), PUD application, or application for any approval or permit for an extension, betterment, or addition to buildings, 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 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), 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 in writing agrees (the 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 still needs to receive a recommendation from any agency to which a 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 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 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 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'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 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 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 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 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 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, to other owners of estates, rights, liens, mortgages or interests in the property, and to 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 3-205B.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 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, to other owners of estates, rights, liens, mortgages or interests in the property, and to 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 C.4. shall not be deemed to qualify as, or substitute for, the 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 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 shall sign an additional certification confirming that the applicant has, at least 30 days prior to the initial BOCC public hearing on the application, transmitted to the 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, subdivision exemptions, and exemption plats shall include:
 - a. a notice of the hearing, as defined in Section 3-25(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, to other owners of estates, rights, liens, mortgages or interests in the property, and to 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 C.5. shall not be deemed to qualify as, or substitute for, the 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 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 shall sign an additional certification confirming that the applicant has, at least 30 days prior to the initial BOCC public hearing on the application, transmitted to the 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 plans, final plats, and 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 7 days prior to the hearing date to the applicant, to other owners of estates, rights, liens, mortgages or interests in the property, and to 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 Land Use Director or the BOCC that an 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 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 Land Use 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 Land Use Department; and all written commitments, statements, or evidence made or submitted by or in behalf of the applicants, landowners or interest holders or their agents, and interested members of the public. The 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 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 name changes, subdivision exemptions, and 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 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'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 application to plat unsubdivided land (sketch plan, preliminary plan or final plat), PUD application, or application for any approval or permit for an extension, betterment, or addition to buildings, 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 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), 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 in writing agrees (the 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 still needs to receive a recommendation from any agency to which a 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 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 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 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'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 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 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 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 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 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 or final plat replat approvals under the Subdivision Regulations, a development agreement must be reviewed and approved by County staff, signed by the applicant, and then signed by the Chair of the Board. The approved and executed 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 shall embody the terms and conditions of the site specific development plan creating a vested property right pursuant to Section 3-207.
 - 2. The 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 in conformity with Part I of Article 68 of Title 24, C.R. S., as amended.
 - 3. The development agreement shall be signed by all owners of the subject property.
- C. Subdivision Exemptions
 - 1. Following approval or conditional approval of an exemption, following actions may be required.
 - a. The applicant shall obtain all signatures necessary for execution of the appropriate documents. The Director shall be responsible for obtaining the signature of the Chair of the Board of County Commissioners.
 - b. The applicant shall supply a title report as defined in Section 3-203(G) which includes all owners of record as of the date of recordation.
 - c. The applicant shall obtain a certification from the County Treasurer's Office that there are no outstanding ad-valorem taxes to be paid on the property being exempted.
 - d. The Director shall verify that the proper signatures have been secured on the exemption documents.
 - e. The Director shall verify that references to the docket number of the exemption and date of approval are included on the deeds.
 - 2. Upon finding that all corrections have been made to the exemption documents, the proper signatures have been received, 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.
 - 3. The applicant shall be responsible for all recording fees.

D. Final Plats

1. The following actions shall occur after approval or conditional approval of the final plat by the Board of County Commissioners and prior to recordation of that 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 shall provide the Director with all of the proper original documents as required below.
 - a. The applicant shall correct, modify and amend all final plat documents in accordance with approval or conditional approval.
 - b. The 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 shall obtain itemized estimates for the cost of required improvements.
 - d. The 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 shall supply a title report as defined in Section 3-203 (G), above, which includes all owners of record as of the date of recordation.
 - g. The applicant shall obtain a certification from the 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 units approved for the 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 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 authorizing the plat to be filed for recording.
4. The applicant shall be responsible for all recording fees.
5. Upon completion of the recording process, the Director shall provide the applicant with a full size reproducible copy of the signed and recorded plat and copies of recorded documents as necessary.

E. Road Name Changes

1. The Land Use Department will notify, in writing, the applicant and the following owners and agencies:
 - a. all owners of property abutting the road and identifiable interest owners of record in the roadway,
 - b. the County Transportation 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 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 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 plats, or final plat 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 (1), shall be deemed approved, and the associated 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, or final plat 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 in a newspaper of general circulation of the 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 Submittals and Processing

- A. The Director may create a waitlist for accepting applications. When the Director establishes a waitlist, Land Use shall inform prospective 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 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.

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