Boulder County

Boulder County
Land Use Department
Publications

Exemption Plat

Land Use Department
Courthouse Annex Building
2045 13th Street
PO Box 471
Boulder, CO 80302

Planning Division:
Phone: 303-441-3930
Email: planner@bouldercounty.org
www.bouldercounty.org/lu/

Office Hours:
8 a.m.-4:30 p.m. Mon., Wed., Thurs., Fri.
10 a.m.-4:30 p.m. Tuesday

Exemption Plat

General Explanation

The Board of County Commissioners may grant an exemption from the application of the Subdivision Regulations in cases where the proposal involves previously subdivided land. The exemption plat process generally involves requests for relatively minor changes to the recorded subdivision plat, including boundary line changes, lot mergers, and the addition of vacated rights of way to adjacent lots. The exemption plat process may not be used to increase the number of subdivided lots and (with few exceptions) may not be used when the application includes unsubdivided land.

Process

Pre-Application Conference

A Pre-application Conference with a planner is required prior to making any application for a Land Use review process. A Pre-application Conference may be scheduled by calling the Land Use Department at 303-441-3930.

Application Acceptance

Once the application is submitted, it will be assigned to a planner who will review the application and determine if the application is complete.

Application Review

Complete applications will be referred out for review by various County Departments, public agencies (as necessary), and adjacent property owners. The Exemption Plat process includes a 15-day referral period. Land Use staff will visit the site, review all referral responses, and analyze the application for conformance with the Land Use Code criteria (Article 9-400). The application review results in a staff recommendation or determination regarding the application.

Public Hearing

For those applications which do not receive an administrative approval, the Board of County Commissioners (BOCC) makes a final decision regarding Exemption Plat approvals. A BOCC hearing date is scheduled once the application is accepted as complete and will be approximately six to eight weeks from the date of the application submittal (based on the Board's availability and completeness of the application). The Exemption Plat process requires at least a 14-day public notice prior to the hearing date. At the public hearing the BOCC will consider the application, take public testimony, and generally will make a final decision regarding the application. If the BOCC determines that additional information is necessary a decision may be put off until a later date so that the relevant information can be obtained.

Post-Approval

Applications that are approved by will have post-approval requirements that must be completed before the Exemption Plat is finalized. A plat meeting the requirements of Article 3-203.E.5 will be required to be reviewed and approved prior to its recordation at the with the County Clerk and Recorder. Other conditions of approval may need to be satisfied before this plat can be recorded.

Expiration

Approvals of Exemption Plats are effective for a calendar year from the date of approval. Post-approvalrequirements must be completed within this year or the approval is no longer valid. Extensions of this deadline may be granted.

Code Excerpts

Exemption Plat

Excerpt from Article 9 • Exemption Plat

9-300 Exemption Plats

A. The Board of County Commissioners may grant exemptions from the application of the Subdivision Regulations pursuant to the requirements of Article 9-300 where the proposed division involves Subdivided Land.

B. Unsubdivided Land is not eligible for an Exemption Plat unless:

1. it is part of an application to add it to Subdivided Land to create a Subdivided Lot of 35 acres or more; or
2. the county has received proper notice in a judicial process; and a court has entered an order changing the boundary lines shown on a Plat or the action has been settled through a boundary line agreement; or
3. it is part of an application involving Subdivided Land where both Parcels meet the definition of a Building Lot, as described in 9-100.A.7.

C. The minor divisions of land set forth in Article 9-301 are exempt from application of the Subdivision Regulations and do not require a public hearing before the Board ("Administrative Exemption Plat").

D. No Exemption Plat approval shall permit an increase in the number of Subdivided Lots unless any additional resulting Subdivided Lot is 35 acres or more, unless the additional density was recognized through a court action where the County was given timely notice of the pending action by the court and given the opportunity to join as a party in interest in the proceeding, or unless the Parcel adding the additional density meets the definition of a Building Lot in Article 9-100.A.7.

9-301 Administrative Exemption Plats

A. Administrative Exemption Plats Through Criteria Review

1. The Director may approve an application for an Administrative Exemption Plat if the Director has determined that there is no potential for any significant conflict with the criteria listed in 9-400 of this Code such that no conditions to mitigate land use impacts of the proposal are necessary;
2. If the Director approves an Administrative Exemption Plat, the Director shall notify the owners of property located within 1500 feet of the affected property of the decision and provide such property owners with the opportunity to appeal the decision to the Board.
3. The Director's determination is final after 14 calendar days from the date of notice unless appealed to the Board of County Commissioners under the provisions of Article 9-600.
4. Once the Director's determination is final, the Director will present the final Exemption Plat to the Chair of the Board for a signature.

B. Administrative Exemption Plat to Resolve Property or Boundary Line Disputes

1. The Director may approve an application for an Administrative Exemption Plat to finalize a division of a Subdivided Lot or lots by state court or through a boundary line agreement under § 38-44-112 to settle an action seeking a division of a Subdivided Lot by state court that meets any of the definitions of a Building Lot in Article 9-100.A.12.a-d. The Director will present the final Exemption Plat to the Chair of the Board for a signature.

2. Recognition as a Building Lot of a Subdivided Lot changed by a state court or a boundary line agreement, to settle an action seeking a change to the Subdivided Lot by a state court, that does not meet the definition of a Building Lot is subject to the Exemption Plat criteria in 9-400 and requires a hearing before the Board of County Commissioners.

C. Administrative Exemption Plat for Subdivided Lots for Which the County Issued Permits

1. The Director may approve an application for an Administrative Exemption Plat to finalize a division of a Subdivided Lot that meets the definition of a Building Lot in Article 9-100.A.7. The Director will present the final Exemption Plat to the Chair of the Board for a signature.

9-302 Vacations

A. Road and utility easement vacations, resulting from Subdivided Lot reconfigurations through this process or otherwise requiring changes to the Plat, shall be heard and acted upon by the Board, in conjunction with the Exemption Plat hearing, following review of the vacation through the process in Article 10 of this Code by Planning Commission.

9-400 Review Criteria for Subdivision Exemptions and Exemption Plats

A. A Subdivision Exemption or an Exemption Plat shall meet the following criteria:

1. For Subdivision Exemptions only, if the exemption would result in an increase in the number of currently existing lots, any identified land use impacts associated with the increase are sufficiently mitigated.

2. For Exemption Plats only, if the originally-approved Subdivided Lots were 1.1 acres or less, the size of each of the proposed lots shall not change by more than fifteen percent, unless served by public water and/or sewer.

3. The proposed lots shall have legal access.

4. The proposed lots and potential development on them shall be capable of being served by an adequate physical access, including for emergency and non-emergency purposes, which meets the requirements of the County Engineer, and, if applicable, the local fire protection district.

5. The proposed lots and potential development on them shall be capable of being served by an adequate water supply.

6. The proposed lots and potential development on them shall be capable of being served by an adequate on-site wastewater system or sewage treatment system as required by Boulder County Public Health.

7. Adequate public facilities and services shall exist to serve the proposed lots and potential development on them.

8. If any of the proposed lots are in the Floodplain Overlay District:

a. The potential impacts of creating the proposed lots or portions of proposed lots within the Floodplain Overlay District shall be sufficiently mitigated; and

b. the development upon the proposed lots shall be possible outside the Floodplain Overlay District; or

c. the potential development upon the proposed lots shall be capable of obtaining a floodplain development permit under Article 4-400 of this Code, as determined by the County Engineer.

9. The proposed lots and development on them shall be in harmony with the character of the neighborhood and compatible with the surrounding area and shall be appropriately landscaped and screened to minimize the obtrusiveness of structures and maximize visual blending with the surrounding topography.

10. The proposed lots and potential development on them shall not be subject to, or contribute to, significant risk from natural hazards such as unstable soils, steep or unstable slopes, floods, and wildfire.

11. The proposed lots and potential development on them shall not have a significant adverse impact on environmental resources identified in the Comprehensive Plan or through the review of the application, such as Wetlands and Riparian Areas; plant communities and vegetative cover; Critical Wildlife Habitat and Migration corridors; Natural Areas and Natural Landmarks; Environmental Conservation Areas; agricultural, forestry, or open lands; and views, vistas, and scenic corridors.

12. The proposed lots and potential development on them shall not have a significant adverse impact on historic, cultural, or archaeological resources identified in the Comprehensive Plan or through the review of the application.

13. The proposed lots and potential development on them shall not cause unnecessary or excessive site disturbance or erosion, or alter historic drainage patterns.

14. The proposed lots and potential development on them shall be in accordance with the Comprehensive Plan and any applicable intergovernmental agreement affecting land use or development, and this Code.
15. Where the division creates Parcels for use as community facilities such as public parking areas, public or private educational facilities, public parks, and open space purchase by a public entity, and utility land acquisitions including for utility substations without any dwelling units, an exemption may be approved for the placement of a community facility where the size, location and available services are reasonable, appropriate, and customary for the proposed use.

9-500 Conditions of Approval and Post-Approval Requirements for Subdivision Exemptions and Exemption Plats

A. If an application for a Subdivision Exemption or an Exemption Plat does not meet all the listed criteria for approval, the Board, in its discretion, may impose reasonable conditions which allow a proposal to meet the criteria. Nothing in this provision shall require the Board to impose conditions if, in the Board's discretion, the Board determines that a reasonable basis for mitigation does not exist and that the application shall therefore be denied.

1. Conditions of approval which the Board may impose to allow an application to meet the listed criteria include, without limitation, structure height or floor areas restrictions; designation of building envelopes or locations in which structures, buildings, or site disturbance shall be confined; landmarking to protect historic or cultural resources; designation of preserved areas of land; required management practices to maintain preserved land, protect environmental resources, minimize erosion, control or eliminate noxious weeds or undesirable plants, regulate drainage, and prevent hazards both on and off the subject property including through wildfire mitigation; landscaping or other appropriate screening measures including through limiting building materials or colors; landowner grant of a Conservation Easement or restrictive covenant running with the land to preserve, and avoid the over-intensive use of, sites with recognized conservation and open land values; and purchase and retirement of development rights to mitigate an increase in density recognized through a Subdivision Exemption approval.
2. In exercising its discretion to determine whether an Exemption Plat meets or does not meet the listed criteria, the Board may weigh the evidence on the criteria which is presented, with regard to the property taxation treatment of the subject Subdivided Land, conveyancing history of the subject Subdivided Land, land use regulatory history of the Subdivided Land, existing development on the subject Subdivided Land, and reasonable investment backed expectation of the landowner in the subject Subdivided Land.

B. Post-Approval Requirements

1. The Board or Director may impose post-approval requirements upon any approved Exemption Plat or Administrative Exemption Plat including, without limitation, a title report including all owners as of the date of recordation of the new Deeds; that the owner include appropriate language on any required Deeds; and certification from the County Treasurer's Office that there are no outstanding ad-valorem taxes to be paid on the property being exempted.

9-600 Appeal of Director's Determination

A. The Director's determination, made under Article 9-201 or 9-301.A, of whether an application meets the criteria in Article 9-400 for a Subdivision Exemption or an Exemption Plat may be appealed to the Boulder County Board of County Commissioners.

1. If any person aggrieved by the Director's determination files an appeal with the Land Use Department in writing within 14 calendar days, the Board shall review the Director's determination at a public hearing. If no appeal is made within 14 calendar days after the date of the determination, the Director's determination is final.
2. Prior written notice of the public hearing on the appeal shall be provided to the applicant and to property owners within 1500 feet and shall be published as part of the Board's agenda in a newspaper of general circulation in Boulder County.
3. At the public hearing, the Board shall consider evidence related to the Director's determination which may be presented by the Director, the applicant, or interested members of the public. The Board shall not be limited in its review to the subject of the appeal but may review any aspect of the application. Based upon this evidence the Board may affirm the Director's decision, add new conditions, or reverse the Director's determination. In the case of denial of an application, the Board shall state its reasons for its decision based upon the criteria in the applicable article of this Code.

B. The Director's determination, made under Article 9-301.B or 9-301.C, of whether an application meets the requirements for approval may be appealed to the Boulder County Board of Adjustment under the provisions of Article 4-1200.

9-700 Expiration of Subdivision Exemption and Exemption Plat Approval

A. The Board of County Commissioners' or Director's decision to approve or conditionally approve an Exemption Plat or Subdivision Exemption shall, unless otherwise stated in such action, be effective for a period of one calendar year from the date of approval to the date of recordation of all required documents.

B. The Board of County Commissioners or Director may grant up to two extensions of deadlines of no more than one year each for those dates specified in this Article, if they find that there has been no change in this Code, the Comprehensive Plan, or the surrounding neighborhood which would substantially affect the approved exemption.

C. On an annual basis, the Director may present to the Board of County Commissioners all those applications that will expire in the coming year and may need extensions of processing time.

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http://www.bouldercounty.org/lu/

Office Hours: Monday — Friday 8:00 AM to 4:30 PM

Exemption Plat Submittal Requirements Checklist

Project Name:	PAC-
Pre-application Planner:	**Date**

Application Materials

The following information may be required, depending on the type of proposal. Please indicate that the information has been enclosed with your application and referral packets by checking the box labeled "Attached" (Article 3-203 of the Boulder County Land Use Code has detailed information about application materials).

Submittal Requirements Checklist

	Materials	Land Use Packet	Referral Packets	Attached
1	Application Form		✔	
2	Application Fee			
3	Signed Fee Agreement			
4	Project Description			
5	Exemption Map(s)			
6	HB 1088 Form (Mineral Interest Cert.)			
7	Vicinity Map			
8	Title Information			
9	Completed Public Notice Sign Form			
10	Referral Agency List			
11	Referral Packets			
12	Signed Exemption Plat Submittal Requirements Checklist (this form)			
13	Other:			
14	Other:			

Referral Packets

The materials identified in the checklist above by the pre-application planner must be included in your referral packets. You will be required to prepare referral packets for the agencies in the provided list, as directed by the pre-application planner.

All of the referral packets shall be left unsealed and delivered to the Land Use Department, along with the original application materials and application fee to begin processing.

Please include a copy of this form with your application. For general information about preparing referrals, please read the Land Use publication *Referral Packet Mailing Guidelines*.

Certification

I certify that all required materials are properly in the referral packets for the above application, and that packets have the proper mailing and first class postage. I understand that error in preparation of the packets may result in a delay in processing the application.

Applicant's Signature:	**Date:**
Please Print Name:	**Phone:**

General Description of Application Materials

1. **Application Form**

   The application form is to be completed and signed by all property owners (provided in the packet).

2. **Application Fee**

   An application fee of $700.00 is to be submitted with the application.

3. **Fee Agreement**

   A fee agreement is to be to be completed and signed (see Land Use publication *Fee Agreement* provided in the Exemption Plat packet).

   Additional fees are based on the amount of staff time involved in the review and processing the application.

4. **Project Description**

   Provide a detailed written description, discussion of applicable standards, and the justification for the proposal.

5. **Exemption Map**

   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.

   Adjacent subdivided land, unsubdivided land, and public lands, the property shall be identified by the owner's name.

   The following significant features shall be shown:

   - Existing structures;
   - Utility lines;
   - Natural and artificial drainage ways, ditches, and lakes;
   - Approximate vegetative cover;
   - Rock outcrops and salient geologic features and hazards;
   - Dams and reservoirs;
   - Excavations and mine shafts;
   - Fence lines;
   - Driveways;
   - Well sites and water lines; and
   - On-site wastewater systems, leach fields, and waste lines.

   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.

6. **Mineral Interest Certification/HB 1088 Form**

   If the proposal includes any new surface development certification of notification of all affected mineral interest holders is required in accordance with Article 65.5 of Title 24, Colorado Revised Statutes (H.B. 01-1088, effective July 1, 2001).

7. **Vicinity Map**

   8½" x 11" map of the surrounding area.

8. **Title Information**

   Include ownership information (list of all owners and interest owners) and title reports for all properties included in the Exemption Plat request (see Land Use publication *Title Information* provided in the Exemption Plat packet).

9. **Completed Public Notice Sign Form**

10. **Referral Agency List**

11. **Referral Packets**

    As part of the Special Use application process the Boulder County Land Use Department refers applications to various county departments, agencies (as necessary), adjacent property owners, and/or other interested parties.

    The application materials/documents to be referred are collectively referred to as the **Referral Packet"**.

    It is the responsibility of the applicant to assemble their Referral Packets in appropriate envelopes with the correct mailing addresses and postage. The completed Referral Packets should be submitted with the rest of the application materials. **The Boulder County Land Use Department** shall be the return address.

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Tuesday 10 a.m. to 4:30 p.m.

Shaded Areas for Staff Only
Intake Stamp

Application Form

Project Number	Project Name

❏ Limited Impact Special Use ❏ Limited Impact Special Use Waiver ❏ Modification of Special Use ❏ Site Plan Review ❏ Site Plan Review Waiver ❏ Subdivision Exemption ❏ Exemption Plat ❏ 1041 State Interest Review ❏ Other:	Application Deadline: First Wednesday of the Month ❏ Variance ❏ Appeal	Application Deadline: Second Wednesday of the Month ❏ Sketch Plan ❏ Preliminary Plan ❏ Final Plat ❏ Resubdivision (Replat) ❏ Special Use/SSDP	❏ Rezoning ❏ Road/Easement Vacation ❏ Location and Extent ❏ Road Name Change

Location(s)/Street Address(es)				
Subdivision Name				
Lot(s)	Block(s)	Section(s)	Township(s)	Range(s)
Area in Acres	Existing Zoning	Existing Use of Property		Number of Proposed Lots
Proposed Water Supply		Proposed Sewage Disposal Method		

Applicants:

Applicant/Property Owner			Email Address	
Mailing Address				
City	State	Zip Code	Phone	Fax
Applicant/Property Owner/Agent/Consultant			Email Address	
Mailing Address				
City	State	Zip Code	Phone	Fax

Agent/Consultant			Email Address	
Mailing Address				
City	State	Zip Code	Phone	Fax

Certification (Please refer to the Regulations and Application Submittal Package for complete application requirements.)

I certify that I am signing this Application Form as an owner of record of the property included in the Application. I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. I understand that all materials required by Boulder County must be submitted prior to having this matter processed. I understand that public hearings or meetings may be required. I understand that I must sign an Agreement of Payment for Application processing fees, and that additional fees or materials may be required as a result of considerations which may arise in the processing of this docket. I understand that the road, school, and park dedications may be required as a condition of approval.

I understand that I am consenting to allow the County Staff involved in this application or their designees to enter onto and inspect the subject property at any reasonable time, without obtaining any prior consent.

All landowners are required to sign application. If additional space is needed, attach additional sheet signed and dated.

Signature of Property Owner	Printed Name	Date
Signature of Property Owner	Printed Name	Date

The Land Use Director may waive the landowner signature requirement for good cause, under the applicable provisions of the Land Use Code.

Boulder County

Boulder County Land Use Department Publications

Planning Review Fee Schedule

Land Use Department
Courthouse Annex Building
2045 13th Street
PO Box 471
Boulder, CO 80302

Planning Division:
Phone: 303-441-3930
Email: planner@bouldercounty.org
Website: www.bouldercounty.org/lu

Office Hours:
8 a.m.-4:30 p.m. Mon., Wed., Thurs., Fri.
10 a.m.-4:30 p.m. Tuesday

Planning Review Fee Schedule

The Planning Review Fee Schedule is adopted by the Board of County Commissioners, and attempts to recover actual costs of providing the services.

The non-refundable application fee/deposit is usually exceeded. The Land Use Department will bill on a monthly basis once the fee is exceeded. Amendments require the same non-refundable fee as the original process.

Every planning process is required to have a Pre-application Conference completed prior to an application being submitted. For more information, call 303-441-3930.

Process	Non-Refundable Application Fee	Additional Billing*
Pre-application Conference: ❑ In office	No Charge	N/A
Pre-application Conference: ❑ On site	$218.00	N/A
Appeal of Administrative Decision	$750.00 deposit and time billed for staff up to a total amount of $2,000.00 If the appellant prevails with the Board of Adjustment, the deposit and any additional payments will be refunded.	$106/hr up to $2,000.00
Building Lot Determination: ❑ In a platted subdivision or previous Building Lot Determination completed in previous 5-year period.	$50.00	Flat Fee
Building Lot Determination: ❑ All others	$75.00	Flat Fee
Comprehensive Plan change	$1,000.00	$106.00/hr
Correction Plat	$125.00	Flat Fee
Exemption Plat[1]	$1,575.00 ($900.00 due at application, $675.00 due one week prior to hearing)	Flat Fee (if hours exceed 18 hours excess time to be billed at 106.00/hr)
Extension of Approval	$150.00	N/A
Hazard Mitigation Review	$260.00	N/A

*The hourly billing rate of $106.00/hr is for planner/engineer time. Administrative time will be billed for non-flat rate items at $30.00/hr. Public Notices required as part of a process will be billed for actual costs. Other agencies may require additional fees for review of land use applications, which must be paid separately.
Note: Additional consultant or referral fees may be required per Article 3-203.C as necessary to process application.

[1]No charge for Exemption Plats and Subdivision Exemptions which remove a unit of density.

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Process	Non-Refundable Application Fee	Additional Billing*
Limited Impact Special Review (except as noted below)	$750.00	$106.00/hr
Limited Impact Special Review for: ❏ Accessory Agricultural Sales 4-516 ❏ Agricultural Accessory Dwellings 4-516 ❏ Demonstration Farm or Farm Camp 4-516 ❏ Farm Events 4-516 ❏ Farm Store 4-502 ❏ Watershed Restoration Project (grading 500 cubic yards or more)	$450.00	$300.00 hearing fee, to be collected prior to Board of County Commissioners hearing.
Limited Impact Special Review Waiver	$450.00	N/A
Location and Extent	$500.00	$106.00/hr
Preliminary Plan and/or Final Plat	$850.00	$106.00/hr
Public Notice Sign Deposit (+refundable if sign is returned) required at time of application, as applicable.	$25.00+	N/A
Replat	$600.00	$106.00/hr
Rezoning	$750.00	$106.00/hr
Site Plan Review ❏ Proposal where the resulting Residential Floor Area exceeds the applicable Presumptive Size Maximum for the neighborhood. ❏ Commercial telecommunications facility. ❏ Establishment of use on a previously vacant or abandoned property. ❏ Changes in use in combination with structural or other significant physical improvements (i.e. parking increase).	$1,854.00 (Flat Fee)	N/A
Site Plan Review ❏ Proposals where the resulting Residential Floor Area is less than the applicable Presumptive Size Maximum for the neighborhood. ❏ Proposals for non-residential floor area not eligible for SPRW. ❏ Grading less than 500 cubic yards if not approved through waiver.	$1,287.00 (Flat Fee)	N/A
Site Plan Review ❏ Change in use other than to an Agricultural Use under 4-502 of the Land Use Code with no significant physical improvements.	$978.00 (Flat Fee)	N/A
Site Plan Review ❏ Change in use to an Agricultural Use under 4-502 of the Land Use Code with no significant physical improvements. ❏ Watershed Restoration project.	$489.00 (Flat Fee)	N/A
Site Plan Review Waiver	$618.00 (Flat Fee)	N/A
Renewable Energy System, Residential	$100.00 (Flat Fee limited by statute)	N/A
Renewable Energy System, non-Residential	$500 (Flat Fee limited by statute)	N/A
Site Specific Development Plan	$1,000.00 (Flat Fee)	N/A
Sketch Plan	$1,000.00	$106.00/hr
Special District	$500.00	N/A
Special Use/SSDP	$1,450.00	$106.00/hr
Special Use Monitoring	$125.00	$106.00/hr
State Interest Review (1041)	$750.00	$106.00/hr
Subdivision Exemption[1]	$500.00	$106.00/hr
Subdivision or PUD (combined process SP/PP/FP/SSDP)	$1,450.00	$106.00/hr

Process	Non-Refundable Application Fee	Additional Billing*
Special Review for Oil and Gas Operations		
❑ Registration Fee	$250.00	$250.00 Annually
❑ 1-7 well pad or other development covered under Article 12 (e.g. pipelines)	$5,850.00	Land Use: $127.00/hr
❑ 8 or more wells	$7,000.00	County Attorney: $140.00/hr
❑ Other Oil & Gas Operations subject to review under Article 12	$5,850.00	Public Health: $101.00/hr
Oil and Gas Operations Construction Permit		
❑ 1-7 well pad or other development covered under Article 12 (e.g. pipelines)	$1,350.00	N/A
❑ 8 or more wells	$1,600.00	N/A
Transferrable Development Credits (TDC) Determination		
❑ Basic TDC determination request (no bonus credits) by parcel owner/ authorized agent.	No Charge	N/A
❑ Basic TDC determination request (no bonus credits) on a parcel not owned by the applicant.	$200.00	N/A
❑ TDC determination request by parcel owner/authorized agent applying for bonus credits.	$100.00	N/A
❑ TDC determination request on a parcel not owned by the applicant applying for bonus credits.	$300.00	N/A
Substantial Modification Determination *Complex determinations as identified by staff may require staff billing for additional time. Applicants will be notified and given a written estimate for amount anticipated and an additional deposit may be required. If determined to be a Major/Substantial modifications, these fees will be applied to the subsequent required process.*	$160.00	$106.00/hr
Vacation (road / easement)	$750.00	$106.00/hr
Variance	$500.00	$106.00/hr
Zoning Verification (when a formal zoning verification letter is requested) *Zoning compliance verification letter contains information regarding current zoning on the parcel, previous reviews and permits on the parcels and any known unresolved zoning or building code complaints on record.*	$125.00	$106.00/hr

*The hourly billing rate of $106.00/hr is for planner/engineer time. Administrative time will be billed for non-flat rate items at $30.00/hr. Public Notices required as part of a process will be billed for actual costs. Other agencies may require additional fees for review of land use applications, which must be paid separately.
Note: Additional consultant or referral fees may be required per Article 3-203.C as necessary to process application.

[1]No charge for Exemption Plats and Subdivision Exemptions which remove a unit of density.

Additional Billing

- ❑ Additional or repeated inspections: $155.75
- ❑ Re-application fee for incomplete applications:
  - 1st re-application: $75.00 or 10% of application fee, whichever is greater.
  - 2nd or more re-application: $155.75 or 15% of application fee, whichever is greater.

Other Development Review Fees and Reductions

- ❑ Fees for applications not specifically listed in this fee schedule will be determined by the Land Use Director based on the hourly rate and actual time spent.
- ❑ Fees for certain conditional use permit and site plan applications may be reduced, at the discretion of the Board of County Commissioners subsequent to the conclusion of the review process, when the County's cost of review is less than the applicable fee.

Payment

Checks should be made out to **Boulder County Treasurer**.

Credit/Debit Card Convenience Fee

A Credit/Debit Card Convenience Fee of 2.5% applies to all credit card and debit card transactions.

Boulder County

Boulder County Land Use Department Publications

Fee Agreement

Land Use Department
Courthouse Annex Building
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Planning Division:
Phone: 303-441-3930
Fax: 303-441-4856
Email: planner@bouldercounty.org
http://www.bouldercounty.org/lu/

Office Hours:
Monday — Friday 8:00 AM to 4:30 PM

Fee Agreement

Agreement for payment of Land Use Department Application Fees and for processing of Application in accordance with the Boulder County Land Use Code.

I/We (applicant),

as Property Owner of Record/Applicant ("APPLICANT"), AGREE AS FOLLOWS with the County of Boulder and its Land Use Department (collectively "COUNTY"), in consideration of the County's acceptance of Applicant's application for the land use approval as further described below:

1. Applicant has submitted to County an application for approval of:

   Application Type:

2. Applicant acknowledges and understands that Board of County Commissioners has established and amends from time to time a fee structure for County Land Use Department applications for most applications, this includes a non-refundable deposit which must be paid prior to the Department's acceptance of any application for processing, and provision for billing the Applicant for any costs of processing applications which may accrue above the non-refundable deposit amount. The Applicant acknowledges and agrees that this Agreement shall govern the payment of fees for the processing of the Application.

3. The Application shall not be accepted for processing unless the property owner of record of the property included in the Application signs this Agreement. In the case of multiple property owners, the Director of the County Land Use Department ("Director") shall have the discretion to determine which owner(s) shall sign.
   A person other than the property owner of record may sign the Application and this Agreement only if the Land Use Director, for good cause shown, waives the requirement for landowner signature under the applicable provisions of the Land Use Code.

4. The Applicant shall be billed by the County Land Use Department ("the Department") for all direct and indirect costs (including but not limited to staff time of the Department, the County Attorney's Office, and the County Transportation, Public Health, and Parks Departments); mailing, copying, recording, and publication fees and costs; and authorized consultants' fees incurred by the County), which the Department has accrued to date in processing the Application. The Department will continue to bill the Applicant until all costs have accrued and are paid.

5. The Applicant agrees to pay all such bills in full, and by whatever manner of payment is specified as acceptable by the Director, by delivery made to the Department no later than one month after the billing date. The Director shall have the discretion to suspend processing of the Application if any payments under this Agreement are not made on time. This suspension may involve the postponement of scheduled Planning Commission or Board of County Commissioner hearings or meetings, and the incurrence of additional costs such as for remodification or republication. Similarly, the Director shall have the discretion to terminate the processing of any Application for which any billed payment is more than three months overdue.

6. The person/address whom the Applicant designates to receive all billings for fees under this Agreement are as follows:

Mailing Address		
City:	**State:**	**ZIP Code:**

Any billing mailed to this person/address and not returned to the Department shall be deemed received. The Applicant may change the billing address under this Paragraph by providing written notification of such change to the Department.

7. In the event of nonpayment of fees, the County shall have the right to file a fee collection action against any or all of the persons signing this Agreement or the Application as Applicant. Any resulting judgment for fees may be enforced in any legal manner whatsoever and may be filed as a judgment lien against the real property which is the subject of the Application, as well as against any real property owned in whole or in part by any judgement debtor hereunder.

8. Any agreement by the Director or County to forego any of the judicial or administrative remedies available to them under this Agreement in response to the late payment or nonpayment of fees, shall not in any way constitute a waiver of the Director's or County's rights to collect fees or appropriately adjust the processing of the Application as provided herein.

9. In submitting the Application and signing this Agreement, the Applicant acknowledges and agrees that the Application is subject to the applicable processing and public hearing requirements set forth in the Boulder County Land Use Code. The Applicant acknowledges that the Applicant has obtained or has access to the Boulder County Land Use Code, and that, prior to filing the Application, the Applicant has had the opportunity to consult the relevant provisions governing the processing of and decision on the Application.

10. In submitting the Application and signing this Agreement, the Applicant acknowledges and agrees that the Applicant is authorized to make available to the County, for purposes of copying and distributing for public review, all of the documents and information which the Applicant submits with or in support of the Application. Upon demand from the County, the Applicant agrees to indemnify and defend the County and its officials, agents and employees, and to hold them harmless from, any action, claim, suit, loss, cost, damage, or expense which may be brought or assessed against the County or any of its officials, agents or employees on account of any allegation by the Applicant or any person that the County may have violated federal copyright law, or violated any law, agreement, or provision allegedly protecting the confidentiality of or restricting public review of the Application materials which the Applicant submits to the County for review as part of the Application.

11. In submitting the Application and signing this Agreement, the Applicant acknowledges and agrees that the County Land Use Department and any other County staff involved in processing the Application or their duly authorized representatives will need to enter upon the property which is the subject of the Application and conduct inspections thereof to evaluate the Application pursuant to the applicable criteria of the Land Use Code, and perform related tasks. The Applicant hereby consents to allow the County staff or their designees to enter upon and inspect the subject property at any time for this purpose without obtaining the Applicant's separate consent at the time of inspection. This consent extends to inspections while the Application is in process, as well as after it has been approved to assure that any imposed conditions of approval are met.

12. The Applicant agrees to waive any requirements for the Applicant's written consent to extend voluntarily any public hearing or other deadline associated with processing the Application, if the Applicant or its representative agrees orally to any such extension.

13. The Applicant acknowledges that the Applicant executes this Agreement freely, voluntarily, and without threat of compulsion. The Applicant understands that the Applicant may consult an attorney or any other person concerning the Application or this Agreement prior to executing this Agreement, if the Applicant so chooses.

14. Acceptance of the Application for filing and receipt of the Application fee deposit do not necessarily mean that the Application is complete under the applicable requirements of the Land Use Code.

15. This Agreement shall become effective once signed by the Applicant and the County. It shall remain in effect throughout the processing of the Application Form, and until all obligations of the Applicant under this Agreement and under any County approval of the Application Form are met.

16. This Agreement shall be construed and enforced in accordance with the law of the State of Colorado.

Applicant Signature:

Property Owner must sign this document per Paragraph 3.

Property Owners Signature:	**Date:**
Property Owners Signature:	**Date:**

Property Owners Signature:	**Date:**
Property Owners Signature:	**Date:**

Boulder County:

Land Use Director or Designee:	**Date:**

For Land Use Department Use

Docket Name:	**Docket Number:**	**Deposit Amount: $**	**Date Received:**

Boulder County

Boulder County
Land Use Department
Publications

Historic Preservation Referral Requirement

Land Use Department
Courthouse Annex Building
2045 13th Street
PO Box 471
Boulder, CO 80302

Planning Division:
303-441-3930
planner@bouldercounty.org
www.bouldercounty.org/lu

Office Hours:
8 a.m.-4:30 p.m. Mon., Wed., Thurs., Fri.
10 a.m.-4:30 p.m. Tuesday

Historic Preservation Referral Requirement

Boulder County is committed to identifying and preserving the rich history of the unincorporated areas of the county. Through our Comprehensive Plan, Land Use Code, and other policies we have created a program to document, protect, and preserve the varying historic resources in our jurisdiction. County Land Use staff and the Historic Preservation Advisory Board (HPAB) are available to assist property owners in researching their property history, determining whether it is eligible for landmark designation, identifying ways to preserve the property and finding financial incentives for preservation.

The Historic Preservation Advisory Board (HPAB) serves as a referral body to review and comment on development proposals which would affect historic properties (any property with structures 50 years of age or older). Development review applications may require review by the full Historic Preservation Advisory Board, however, this depends on the nature of the historic resource and specific development proposal. A Boulder County Historic Preservation Planner in coordination with the members of HPAB determines the appropriate level of review for each development project.

Please contact a Boulder County Land Use Historic Preservation Planner at historic@bouldercounty.org or 303-441-3930 to discuss your project, and complete this form prior to submitting an application. Contact staff as soon as possible, since historic property research can take time. To avoid delays, contact the staff to begin this research well in advance of your submittal.

Applicant - Please complete this section:

Applicant(s):		
Project Address:		
City:	State:	Zip Code:
Parcel Information:		

The following is required to be completed by a Boulder County Historic Preservation Planner:

Land Use Staff in cooperation with HPAB has considered an application for:

_____

_____

_____

at the property listed above and has determined that the Application:

☐ Does not require a referral	
☐ Requires a referral only to the Boulder County Historic Preservation Planner	
☐ Requires a review by the Historic Preservation Advisory Board	
Historic Preservation Planner Signature:	Date:

Boulder County

Boulder County
Land Use Department
Publications

Title Information

Land Use Department
Courthouse Annex Building
2045 13th Street
PO Box 471
Boulder, CO 80302

Planning Division:
Phone: 303-441-3930
Fax: 303-441-4856
Email: planner@bouldercounty.org
http://www.bouldercounty.org/lu/

Office Hours:
Monday — Friday 8:00 AM to 4:30 PM

Title Information

Title information is required for the processing of certain types of Land Use applications. Information contained in the Title Report allows the Land Use Department to be reasonably sure that all parties with an interest in the property are notified. The notification allows these parties to review the development proposal and submit comments to protect their interest in the property.

Owner Information

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.

Title Reports

To fulfill the requirements of the Land Use Code, the Applicant, at a minimum, shall provide from a licensed title insurance or abstract company either:

1. A title commitment for the subject property (no more than six months old); or,
2. A copy of the existing title insurance policy on the subject property with a letter from the issuing company providing updated title information. If the title information indicates the existence of a severed mineral estate, 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 the severed estate.

An O & E (owners and encumbrances) report **shall not** be considered sufficient to provide the title information required in this Subsection.

Title work must be current within six months of the application submittal date.

Other Required Information

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 the Code.

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.

Boulder County

Boulder County
Land Use Department
Publications

Referral Packet Guidelines

Land Use Department
Courthouse Annex Building
2045 13th Street
PO Box 471
Boulder, CO 80302

Planning Division:
Phone: 303-441-3930
Fax: 303-441-4856
Email: planner@bouldercounty.org
http://www.bouldercounty.org/lu/

Office Hours:
Monday — Friday 8:00 AM to 4:30 PM

Referral Packet Guidelines

As part of a Land Use review process the Boulder County Land Use Department refers applications to appropriate agencies, adjacent property owners, and other interested parties for their review. Collectively the agencies, adjacent property owners, and other interested parties are referred to as the Referral Agencies.
The application materials/documents to be reviewed are collectively called the Referral Packet.

Referral Agencies

Agencies

Referral Packets may be required for Federal, State, County, and Municipal government agencies, Special Districts, and other agencies that may have an interest in the proposal. Please be aware that you will be charged for postage for each agency, with the exception of Boulder County Government Agencies.

Adjacent Property Owners (APOs)

Property owners within 1,500 feet of properties under review are notified of the application and subsequent public hearings. No referral packets for APOs are required with submission of your application, as the Land Use Department sends postcard notification to these persons. Please be aware that you will be charged for postage of said postcards, with the exception of postcards sent for Site Plan Review and Site Plan Review Waiver dockets.

Other Parties

Referral Packets are required for all parties (lien holders, mortgage holders, etc.) discovered in the title research to have an interest in the property. See the handout titled Title Information Required for Boulder County Land Use Applications for information regarding title commitment along with property interest notification.

Referral Packet Preparation

1. Your pre-application planner will identify which agencies you will be required to make referral packets for and which application materials/documents must go in each packet.
2. Once you have collected all of the application materials/documents make the required number of copies and place the required materials in mailing envelopes (please use white envelopes when possible as these are recyclable).
3. Add the correct mailing and return addresses to each envelope. The Land Use Department's address must be used as the return address:

   Boulder County Land Use Department
   PO Box 471
   Boulder, CO 80306
4. Please do not seal or fasten the envelopes, as the Land Use Department will add additional materials to the packets before mailing them.
5. One copy of Referral Agency List provided to you by the pre-application planner shall be submitted with the referral packets.

It is the responsibility of the Applicant to assemble their Referral Packets; applications will not be accepted without the required referral packets.

Boulder County

Boulder County
Land Use Department
Publications

BOCC Guidelines for Land Use Hearings

Land Use Department
Courthouse Annex Building
2045 13th Street
PO Box 471
Boulder, CO 80302

Planning Division:
Phone: 303-441-3930
Fax: 303-441-4856
Email: planner@bouldercounty.org
http://www.bouldercounty.org/lu/

Office Hours:
Monday — Friday 8:00 AM to 4:30 PM

BOCC Guidelines for Land Use Hearings

Overview of the Hearing Process

1. Convening and introduction by the Chair
2. Commissioners' Site Visit impressions
3. Staff Presentation – Basic cases 10 minutes. Involved cases 20 minutes
   a. Board questions
4. Applicant – 20 minutes (see below)
   a. Board questions
5. Public Hearing – 3 minutes per speaker (see below)
6. Staff response to issues raised
7. Applicant response
8. Commissioners' discussion and decision

Applicant Presentations

1. Applicant presentations should be no longer than 20 minutes. Planners will notify the applicant of this requirement at the time a hearing with the Commissioners is requested.
2. If the applicant wishes to exceed 20 minutes, he/she needs to notify the planner as soon as possible. Requests will be forwarded to the Commissioners for their consideration at the next agenda PMI. If the Commissioners decide to grant an extension of time and the scheduled date/time for the hearing does not allow for it, the applicant may be asked to reschedule, rather than inconveniencing other applicants who already have been scheduled for that day.
3. At the beginning of the meeting, the chair of the board will remind the applicant of the time allotted for the presentation. The presentation will be timed, so the applicant knows when time is running out.
4. The presentation time does not include any questions from the Board and the time it takes to answer them. Commissioners will attempt to hold their questions until the applicant has finished presenting. If a question is asked during the presentation, the timer will be stopped and restarted after the question has been answered.
5. If the applicant exceeds the allotted time, the chair may interrupt and end the presentation, at the chair's discretion.
6. Requests by the applicant to extend the presentation time on the day of the hearing may only be granted with an affirmative vote of the Board.

Public Hearing

1. Comments are generally limited to three minutes, unless otherwise determined by the Board of Commissioners.
2. Presenters may pool time, at three minutes per person, so long as everyone who is pooling time is present at the time of the presentation.
3. Any organized groups are allowed to present first, with rules for pooling time to be followed.
4. The presentations will be timed, so that the presenter knows when time is running out.
5. The presentation time does not include any questions from the Board and the time it takes to answer them. Commissioners will attempt to hold their questions until the presentation is finished. If a question is asked during the presentation, the timer will be stopped and restarted after the question has been answered.
6. If the presenter exceeds the allotted time, the chair may interrupt and end the presentation, at the chair's discretion.
7. Once everyone has had the chance to speak, the chair may open the hearing for additional comments from those who have previously presented, at the chair's discretion.