Boulder County
Land Use Department

Boulder County
TDCs & SPR
regulation changes

Planning with Boulder County’s Future in Mind
Boulder County TDCs & SPR

TDC Clearinghouse

Boulder County Transferable Development Credits Clearinghouse

Presenters: Ruth Becker & Kim Sanchez
Boulder County TDC Program

What are TDCs?

Transferable Development Credits

• Rights to develop additional residential floor area
Boulder County TDC Program

What is the TDC Program?

- Boulder County Land Use Code Article 4-1300
- New Program, Effective 8/8/08
- Size Threshold 6000 square feet

  Residential Floor Area: Attached and Detached area
  Principal Residence and Residential Accessory Structures
  Excludes covered porches, decks and patios

- TDC Program provides mechanism to transfer rights to develop above Size Threshold
- TDCs obtained through restrictions on development
  Smaller homes and Vacant Land
Boulder County TDC Program

What is the purpose of the TDC Program?

- Implement Sustainability Element of Comprehensive Plan
  - Offset Impacts of Large Home Construction
  - Preserve Rural Neighborhood Character
  - Preserve Vacant Land
- Preserve Diversity of Housing Stock
Boulder County TDC Program

Who are the Interested Parties?

- **TDC Buyers:**
  - Want more than 6000 sq. ft residential floor area
  - Required (some exemptions)

- **TDC Sellers:**
  - Restrict development to 2000 sq. ft. rfa or less
  - Voluntary

- **Uninvolved:**
  - 2000-6000 square feet development
  - City dwellers, Outside Boulder County
# Boulder County TDC Program

## How Many TDCs Do I Need to Purchase?

<table>
<thead>
<tr>
<th>Number of square feet</th>
<th>Number of TDCs</th>
<th>Total Additional Square Feet</th>
<th>Total Credits for Additional Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1&lt;sup&gt;st&lt;/sup&gt; 500</td>
<td>1</td>
<td>500</td>
<td>1</td>
</tr>
<tr>
<td>2&lt;sup&gt;nd&lt;/sup&gt; 500</td>
<td>1</td>
<td>1,000</td>
<td>2</td>
</tr>
<tr>
<td>3&lt;sup&gt;rd&lt;/sup&gt; 500</td>
<td>2</td>
<td>1,500</td>
<td>4</td>
</tr>
<tr>
<td>4&lt;sup&gt;th&lt;/sup&gt; 500</td>
<td>2</td>
<td>2,000</td>
<td>6</td>
</tr>
<tr>
<td>5&lt;sup&gt;th&lt;/sup&gt; 500</td>
<td>3</td>
<td>2,500</td>
<td>9</td>
</tr>
<tr>
<td>Each additional 500 sf</td>
<td>3</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
What development is Exempt from the 6000 square foot Size Threshold?

- SPR application submitted by 9/7/07
- Building permit application submitted by 8/8/08
- Development is within statutory vesting period
  - Receive additional 3 year vesting period
- Part of a TDR/PUD
  - 9000 square foot threshold
- Firm numerical house size recognized by BOCC
- Restoration of damaged/destroyed structure
  - Causes outside control of owner
Boulder County TDC Program

Who Can Sell TDCs?

- Owners of legal building lots
- Parcels must have legal access
- Restrict development through Restrictive Covenant or Conservation Easement
- Mortgage Subordination
Boulder County TDC Program
How Many TDCs For Restricting Residential Floor Area?

<table>
<thead>
<tr>
<th>Developed Parcel Residential Floor Area</th>
<th>Number of TDCs Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,000 square feet</td>
<td>2 TDCs</td>
</tr>
<tr>
<td>1,500 square feet</td>
<td>3 TDCs</td>
</tr>
<tr>
<td>1,000 square feet</td>
<td>4 TDCs</td>
</tr>
</tbody>
</table>
# Boulder County TDC Program
How Many TDCs For Restricting to Vacant Land?

<table>
<thead>
<tr>
<th>Vacant Properties</th>
<th>Mountains</th>
<th>Plains</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation Easement</td>
<td>5 TDCs</td>
<td>10 TDCs</td>
</tr>
<tr>
<td>Sale in Fee</td>
<td>7 TDCs</td>
<td>12 TDCs</td>
</tr>
</tbody>
</table>
Boulder County TDC Program

• Are Bonus TDCs Available?
  • For Significant Conservation Values
    - Preservation of natural, cultural, ecological resources
    - Agricultural water rights
    - Urban shaping
    - Trail linkages, access to lakes, elimination of private property enclaves
  • Maximum of 5 bonus TDCs
  • Separate Review by Parks and Open Space Department
What is the Process to Obtain TDCs?

- TDC Determination Application
- Title Review
- Restrictive Covenant or Conservation Easement
- Subordination of Mortgages/Deeds of trust
What are the Benefits of Selling TDCs?

• Obtain funds for another purpose
• If intend to maintain house size or vacant land, provides opportunity to benefit from that decision
• Conserving land and diversity of housing stock
Boulder County TDC Program

What are the Limitations of Selling TDCs?

- Permanent restrictions
- Vacant land can never be developed
- Development size restriction can only be increased to 2000 square feet
  - With Covenant Amendment
Boulder County TDC Program

How to Buy and Sell TDCs?

- Through the TDC Clearinghouse
- Privately
- Registration Process
- Sales Reporting Requirements
  - Issuance of New TDC Certificate to Buyer
Boulder County TDC Program

What is a TDC Worth?

- Market Value
- TBD
- No Fractional TDCs Recognized
Boulder County TDC Program

How to Use TDCs?

- Need Approved Site Plan Review
  - Purchase of TDCs does not guarantee approval
- Risks of Purchasing TDCs Before SPR Approved
- Submit to Land Use with Building Permit App
Boulder County TDC Program
Where Can I Find Additional Information?

- www.BoulderCountyTDCclearinghouse.org
- Clearinghouse Administrator
- Boulder County Land Use
Boulder County SPR reg. changes

Site Plan Review (SPR)

Boulder County
Boulder County SPR reg.changes
Unincorporated lands: Old Townsites

Boulder County
Boulder County SPR reg.changes
Unincorporated: Mountain settlements
Boulder County SPR reg.changes
Unincorporated lands: Foothills
Boulder County SPR reg.changes
Unincorporated lands: Rural Plains
Boulder County SPR reg.changes
Unincorporated lands: Mining Claims
Boulder County SPR reg.changes
For Sale By Owner
Boulder County SPR reg. changes
Unusual Building Sites
Boulder County SPR reg. changes

Unusual Building Sites

Boulder County
Boulder County SPR reg. changes
Difficult Access
Boulder County SPR reg. changes
Steep Slopes
Boulder County SPR reg. changes

Dense Forests
Boulder County SPR reg. changes
Wildfire Danger
Boulder County SPR reg. changes
Wildlife
Boulder County SPR reg.changes

Site Plan Review

1993  Site Plan Review regulations adopted (for an 8 month interim)

1994  Site Plan Review regulations approved & extended to the plains
Boulder County SPR reg.changes

Purpose

• To mitigate the impact of development
  - Single-family residences
  - Larger sized additions

Site Plan Review Approves:
- Bulk / Massing of a structure
  • How Big
  • How Tall
  • Where Located on a property
Boulder County SPR reg. changes
Site Plan Review Evaluation Standards

- **16 STANDARDS**
  - ☑ Environmental
  - ☑ Safety
  - ☑ Visual
  - ☑ Compatibility *new 8/8/08*
Boulder County SPR reg.changes

Recent Trends

- Trends show BIGGER houses
- Changing character of neighborhoods
- Housing stock

- Comprehensive Plan/Land Use Code Update
  - BOCC / PC made building size a priority
  - Need to address the issues of size (neighborhood character/compatibility) and energy consumption
Boulder County SPR reg.changes

Trends / Sizes

SPR applications (last few years leading up to reg changes):

- Approx. 50% houses < 5,000 sq.ft.
- Approx. 40% houses are between 5,000 - 10,000 sq.ft.
- Approx. 10% houses > 10,000 sq.ft.

Building Permit applications:

- 2006 median house size = 6,290 sq.ft.
  >Median grew incrementally from 3,627 sq.ft (2002)
~¼ of SPR applications are for teardowns

Median demolished house size = ~2,000 square feet
Average demolished house size = ~2,700 square feet

The average difference in size between a demo-ed house and the new house that replaces it = ~3,000 sq.ft.

On average, the new houses are 2-3 times larger than the demo-ed house they're replacing
Sustainability Element

**GOALS**

ELEMENT
-Maps-
-Text-

TDRs  Structure Size  Green Building  Other Topics

INDICATORS
Boulder County SPR reg.changes
Defined Neighborhood

Neighborhood is defined as:
- Area w/in 1500’ of the subject parcel, excluding subdivisions w/ more than 7 developed lots, townsites, or areas w/in municipal boundaries
- Platted Subdivisions with more than 7 developed lots
- Mapped Townsites (Allenspark, Eldora, Eldorado Springs, Gold Hill, Raymond, & Riverside)
Boulder County SPR reg. changes
Presumptive Compatible Size

LARGER # of either:
- 125% of the median residential floor area for the defined neighborhood

OR
- 1,500 sf → townsite areas
- 2,500 sf → everywhere else
Boulder County SPR reg. changes
Residential Floor Area

Residential floor area
= includes all attached and detached floor area on a parcel including principal and accessory structures used or customarily used for residential purposes, such as garages, studios, pool houses, home offices, and workshops
Boulder County SPR reg.changes

Factors to Rebut Presumption

✔ Visibility: structure must be minimally visible from other private parcels w/in the defined neighborhood/public roads/open space
  ✔ Use of topography / underground construction
  ✔ Distance of proposed development from private parcels, public roads, and open spaces

✔ Distribution of home sizes w/in the neighborhood; take into consideration esp. those houses most closely adjacent to the property

✔ Conservation Easements: House size limitation defined in a conservation easement
Boulder County SPR reg. changes
Scenic Corridor Area

- Defined the **Scenic Corridor** & added additional SPR criteria for development w/in the Peak-to-Peak Scenic Corridor Area
- These criteria will deal with the visibility impacts along the Peak-to-Peak Scenic Highway
- Identify specific mitigation factors & give more clarity to property owners in this area
- Mitigating factors include:
  - Changing location or structure orientation
  - Height of structures
  - Reduction or location of windows and glazing
  - Exterior color and materials
  - Lighting
Thank You for Your Time!

Boulder County