

Code Excerpts



Special Use & Limited Impact Special Use

Excerpt from Article 4 • Zoning

4-600 Uses Permitted by Special Review and Limited Impact Special Review

A land use designated as a special use in a zoning district is one that – because of its inherent nature, extent and external effects – may be allowed to establish if subject to special review to assure the use is located, designed, and operated in harmony with neighboring development and the surrounding area and does not adversely affect the public health, safety, and welfare. The purpose of the review process is to determine the compatibility of the use with the site and surrounding land and uses and the adequacy of services. Public review is necessary because the effect of a special use on the surrounding environment cannot be determined adequately in advance of the use being proposed for a particular location. During the review process, the county considers location, design, configuration, intensity, and impacts by comparing the proposal to the code criteria, intergovernmental agreements, established hazard areas, parcel specific conditions, site context and any other applicable regulations to assure that the use can operate in a sustainable way with minimal danger or impact to the users, the natural environment, or the developed environment.

- A. A use permitted by special review may be established in a zoning district only upon approval of the Board, after review by the Planning Commission, subject to conditions and mitigation measures.
- B. A use permitted through limited impact special review may be established in a zoning district only upon approval of the Board subject to conditions and mitigation measures.

4-601 Review Criteria

- A. A use will be permitted by Special Review or Limited Impact Special Review only if the Board finds that the proposed use meets the following criteria as applicable:
 1. except as otherwise noted, the use will comply with the minimum zoning requirements of the zoning district in which the use is to be established, and will also comply with all other applicable requirements;
 2. the use will be compatible with the surrounding area. In determining compatibility, the Board should consider the location of structures and other improvements on the site; the size, height and massing of the structures; the number and arrangement of structures; the design of structures and other site features; the proposed removal or addition of vegetation; the extent of site disturbance, including, but not limited to, any grading and changes to natural topography; and the nature and intensity of the activities that will take place on the site. In determining the surrounding area, the Board should consider the unique location and environment of the proposed use; assess the relevant area that the use is expected to impact; and take note of important features in the area including, but not limited to, scenic vistas, historic townsites and rural communities, mountainous terrain, agricultural lands and activities, sensitive environmental areas, and the characteristics of nearby development and neighborhoods;

3. the use will be in accordance with the Comprehensive Plan;
 4. the use will not result in an over-intensive use of land or excessive depletion of natural resources. In evaluating the intensity of the use, the Board should consider the extent of the proposed development in relation to parcel size and the natural landscape/topography; the area of impermeable surface; the amount of blasting, grading, or other alteration of the natural topography; the elimination or disruption of agricultural lands; the effect on significant natural areas and environmental resources; the disturbance of plant and animal habitat, and wildlife migration corridors; the relationship of the proposed development to natural hazards; and available mitigation measures such as the preservation of open lands, the addition or restoration of natural features and screening, the reduction or rearrangement of structures and land disturbance, and the use of sustainable construction techniques, resource use, and transportation management;
 5. the use will not have a material adverse effect on community capital improvement programs;
 6. the use will not require a level of community facilities and services greater than that which is available;
 7. the use will support a multimodal transportation system and not result in significant negative impacts to the transportation system or traffic hazards;
 8. the use will not cause significant air, odor, water, or noise pollution;
 9. the use will be adequately buffered or screened to mitigate any undue visual impacts of the use;
 10. the use will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County; and
 11. the use will establish an appropriate balance between current and future economic, environmental, and societal needs by minimizing the consumption and inefficient use of energy, materials, minerals, water, land, and other finite resources.
 12. The use will not result in unreasonable risk of harm to people or property – both onsite and in the surrounding area – from natural hazards. Development or activity associated with the use must avoid natural hazards, including those on the subject property and those originating off-site with a reasonable likelihood of affecting the subject property. Natural hazards include, without limitation, expansive soils or claystone, subsiding soils, soil creep areas, or questionable soils where the safe-sustaining power of the soils is in doubt; landslides, mudslides, mudfalls, debris fans, unstable slopes, and rockfalls; flash flooding corridors, alluvial fans, floodways, floodplains, and flood-prone areas; and avalanche corridors; all as identified in the Comprehensive Plan Geologic Hazard and Constraint Areas Map or through the Special Review or Limited Impact Special Review process using the best available information. Best available information includes, without limitation, updated topographic or geologic data, Colorado Geologic Survey landslide or earth/debris flow data, interim floodplain mapping data, and creek planning studies.
- B. If the proposed use is approved or conditionally approved, the Board may impose such conditions and safeguards to insure compliance with the requirements, standards, and conditions of this Section 4-600. Where development or activity associated with the proposed use cannot completely avoid one or more natural hazard, whether because no other site on the subject property can be reasonably designated or developed for the use or because the proposed site is the best location due to the need to avoid or minimize significant adverse impacts under other applicable review criteria, the use may be conditionally approved only if one or more measures will satisfactorily mitigate all significant natural hazard risk posed by the proposed use to the subject property and to the surrounding area. The violation of any condition, safeguard, or commitment of record shall be sufficient grounds for revocation of the Special Review approval by the Board, after a public hearing held in accordance with provisions of Paragraph 3-205(C).
- C. An application for a use by Special Review shall include a development agreement which must be submitted and approved by the Board.
- D. Where appropriate, in order to enable the proposed use to meet the standards set forth in (A) above, the Board may require the dedication of a perpetual conservation easement upon so much of the site as may be determined necessary to mitigate impacts of special uses.

Excerpt from Article 3 • Processes

3-203 Standards for Submittal Requirements

- E. 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.
- F. 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 the Boulder County Public Health Department 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 the Boulder County Public Health Department 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 the Boulder County Public Health Department 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.**
 - 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.