



Land Use

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BOULDER COUNTY PLANNING COMMISSION

Wednesday, April 17, 2019, at 3:00 p.m.

Commissioners' Hearing Room, Third Floor
Boulder County Courthouse, 1325 Pearl Street, Boulder, CO

PUBLIC HEARING

Docket DC-18-0006: General Code Clean Up Text Amendments to the Boulder County Land Use Code

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AGENDA

1. Staff presentation and Planning Commission clarifying questions
2. Public Hearing
3. Planning Commission deliberation and decision

INTRODUCTION

On October 4, 2018, the Board authorized staff to pursue text amendments to the Land Use Code as part of a General Code Clean-up. The Code is in need of amendment to address grammar and clerical mistakes, outdated references and terminology (e.g., following updates to Boulder County Comprehensive Plan elements), and minor changes to clarify Code provisions and improve processes. Staff gathered information for the proposed clean-up through meetings, internal communications, and a record of historical interpretations. Many proposed changes are minor text corrections, while others involve inserting missing words which are critical to conveying the content clearly, or replacing or removing language which has become antiquated with procedural changes within the department and other County agencies. Additionally, staff proposes to add clarifying language to the Code, which demonstrates the intent and historic interpretations of the Code.

ACTION REQUESTED

Staff requests that the Planning Commission recommend BOCC approval of the Land Use Code text amendments proposed in Attachment A.

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I. SCOPE OF THE PROPOSED AMENDMENTS

The proposed amendments codify existing procedures, streamline existing review processes, and clarify current practices and policies.

Summary of Proposed Text Amendments

- References and formatting corrected or updated
- Off-site sign posting allowed
- Variance referral period reduced to 15 days
- Vacation post approval timeline extended to one year
- Site Plan Review application material requirements updated
- Site Plan Review and determination deadline updated to address circumstances when an application is put on-hold or requires additional information
- Kennel definition and provisions Clarified
- Carport definition added
- Setback definition clarified
- Grading definition updated and clarified
- Long Range Planning Commission reference removed
- Fire Code references updated
- Environmental Resources Element references updated

Objective of Proposed Text Amendments

The purpose of amending the Code is to address grammar and clerical mistakes, improve departmental processes, update references and terminology, and clarify Code provisions.

II. EXPLANATION OF PROPOSED AMENDMENTS

This portion of the staff report presents an explanation of some of the more complex proposed Code amendments found in **Attachment A**. The lettering corresponds with the organization of topics in Attachment A and is intended to help with navigating and understanding the rationale for the proposed changes.

Address Clerical Mistakes and Formatting

This section includes updating outdated code references and creating consistent formatting. Through previous amendments to the Code, sections and subsections have changed, and some of the references to those sections were never updated. The outdated Code references are being corrected and formatted in a manner such that they will be easy to locate and change for future amendments to avoid these same issues in the future. Consistent formatting is proposed and would be applied for future Code amendments.

Improve Departmental Procedures

E. Variance Referral Period Reduced

Recently, it was discovered that referral provisions for Variances was much longer than we had ever done. Up until the adoption of the 1994 Code, Variances were a stand-alone Article 26 of the County Zoning Regulations, and were processed with a standard 15 day referral period. When the Code was adopted in 1994, the Variance process was placed in Article 3 with the other Code required processes and, inadvertently, the language for the referral period was changed to 35 days. However, from the time of the adoption of the Code in 1994 up until about a year ago, standard practice was to refer out the Variance applications for 15 days. The proposed changes codify the original 15 day referral practices.

F. Vacation Post Approval Timeline Increase

Planning Commission and the Board of County Commissioners has requested that the Code be updated to align the post-approval requirements for Subdivision Exemptions, Exemption Plats, and Vacations. The proposed changes will fulfill this request and all processes will require recordation or completion of the post-approval requirements within one year of approval.

G. Site Plan Review Updates

Staff proposes changes to the Application and Determination requirements for Site Plan Review. The proposed changes will align with current practices for application submittal, requiring copies of all zoning maps provided in the pre-application conference and an outdoor lighting plan. The number of hard copies required for submittal will be reduced to three, as most of our referrals now accept electronic packets.

Additionally, staff proposes to change the 28-day calendar timeframe, as it relates to applications being suspended, or put “on-hold”, for Site Plan Review processing. The 28 calendar day timeline is problematic for planning staff when an applicant or referral agency

requests to suspend an application toward the end of the timeline. Currently, when an application is suspended, the time clock pauses, so if it is suspended at day 26, staff would have 2 days to finish processing when the application review resumes. For example, currently, if an application resumes review on a Friday and there are three days left in the decision period, a determination must be issued on the following Monday. However, often new information or plans are provided that require additional staff review and analysis. The current Code makes it nearly impossible for staff to process the new information in the allotted time, while continuing other assigned applications and tasks. The proposed amendment will allow the greater of either 10 days or the remainder of the original 28-days, for staff to issue a determination letter when an application resumes review.

Clarify Code Provisions

I. Update Grading Provisions

There are several places where grading is referenced in the Code including Article 18 Definitions, Article 4-516 Accessory Uses, and Article 3 Processes. The current Article 18 definition of grading references an outdated Building Code and there is no longer clear language that defines grading. The proposed amendment clarifies the original intent and the historic interpretation of grading. Code language for Grading as an Accessory Use needs to be amended to reflect past changes to *4-802 Applicability and Scope of the Site Plan Review Process for Development*, which requires a Site Plan Review Waiver process for over 50 cubic yards of grading. The proposed amendments change the use to *Accessory Grading Over 50 cubic-yards*, and modify the exceptions to the use. The exceptions allow for items that are statutorily exempt, agricultural grading, and those projects already approved by the BOCC through other processes to be exempt from the Land Use Code requirements and review.

Update References and Terminology

L. Remove Reference to Long Range Planning Commission

The Long Range Planning Commission has not been active or appointed in over 20 years. The duties and functions of the Long Range Planning Commission are now carried out by the Planning Commission.

M. Fire Code Updates

The references to Fire Codes in the Land Use Code are outdated. The proposed amendments will cover any current and future codes as they are updated from time to time by the National Fire Protection Association and International Building Code.

N. Environmental Resources Element Updates

The Environmental Resources Element of the Boulder County Comprehensive Plan (BCCP) was updated in 2013 and changed the language used for some terminology and maps referenced in the Code. The proposed changes are only to update references to Environmental Resources in the Code to make it consistent with the BCCP and not to change any intent or interpretation. This will include adding a definition of Environmental Resources which describes all maps and items identified as environmental resources in the BCCP. Staff will be proposing to the BOCC authorization of amendments to the Land Use Code for some

more substantial changes related to the Environmental Resources Element, including changes to review criteria and requirements for impact reports.

IV. SUMMARY OF REFERRAL FEEDBACK AND RESPONSES

Staff circulated an interdepartmental referral in March to solicit feedback on draft Code changes. No comments or feedback was received. This staff report and attachments were sent to our external stake-holders and referral agencies as part of the noticing for this hearing, and public comments are welcomed throughout the review process for these Code amendments.

V. RECOMMENDATION

Amendments to the Land Use Code require approval by the Board of County Commissioners, upon recommendation of the Planning Commission.

Text Amendment Criteria

Article 16-100.B. contains the criteria for amending the text of the Land Use Code. Staff finds that the proposed amendments in this Docket meet the following criteria:

1. the existing text is in need of the amendment;
2. the amendment is not contrary to the intent and purpose of this Code; and
3. the amendment is in accordance with the Boulder County Comprehensive Plan

Action Requested

Staff requests that Planning Commission recommend Board of County Commissioner approval of the proposed Land Use Code text amendments in Attachment A of this staff report.

DC-18-0006 Proposed Amendments by Topic

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Address Clerical and Formatting Mistakes

A. Update Code References

4-203.H “of this Subsection ~~4-203.H~~ **G**”

4-516.R Household Pets

1. Definition: Domestic animals kept for pleasure exclusive of livestock.
2. Districts Permitted: No more than four weaned animals in RR, ER, SR, and MF; and no more than seven weaned animals in all other districts. Small birds, small reptiles, and fish and small mammals including gerbils, rabbits, mice and similar small animals are not limited in number.
3. Parking Requirements: None
4. Loading Requirements: None
5. Additional Provisions:
 - a. Household pets shall not include any nondomestic animals (see 4-501~~D~~ Keeping of Nondomestic Animals)

4-804.B.1

- B. For the purpose of referring the project to applicable agencies, the applicant shall submit a minimum of five copies of the following information:
 1. The application form available at the Land Use Department as specified in ~~Article 3 Section 3-202~~ of this Code.

4-808.E “of this Subsection ~~4-808.E~~ **G**”

4-809.E “of this Subsection ~~4-808.E~~ **G**”

4-1003.A.2.b

b. Uses which fall within Section 4-1003.~~A.2 (A) (2)~~, above shall not be eligible to apply for a special use permit for a ~~u~~Use of ~~e~~Community ~~s~~Significance (~~Section 4-506 (H)~~~~Article 4-504~~).

4-1003.F.3

3. The provisions of this Section ~~4-1004 (F)~~~~4-1003.F~~ shall not apply to ~~S~~substantial ~~I~~improvements to structures in the Floodplain Overlay District as provided for in Section 4-400.

4-1301.A.1

Mountain Area- “as defined in Section 18-178A” should be 18-178C change to “Article 18”

B. Clerical Mistakes

5-102 Standards and Conditions for Sketch Plan Approval

- A. The Planning Commission and the Board of County Commissioners shall not approve a sketch plan proposal until the applicant has adequately shown that the proposal meets the following:
 4. The develop~~ment~~ proposal conforms with the Comprehensive Plan, any applicable intergovernmental agreement affecting land use or development, and this Code.

2-800.C.1 Boulder County Board of Adjustment**C. Duties and Responsibilities**

1. The Board of Adjustment holds regular meetings to hear appeals of any order, requirement, decision, or determination made by the Land Use Director or County Engineer in administering or enforcing Article 4 related provisions (~~i.e.~~, e.g. definitions in Article 18) of this Code, to hear appeals of the Director specified provisions of Article 12, and to consider certain variances from the requirements of Article 4 of this Code.

3-202 Application Submittal Requirements**Table footnotes**

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.~~ e.g. retaining walls and bridges); and Transportation System Impact Analysis.

3-202.A.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.~~ e.g. retaining walls and bridges) (x) transportation system impact analysis

3-202.A.16.c Subdivision Request to Plat Unsubdivided Land-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.~~ e.g. 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 3-203.A.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

4-602.F.1.j Special Review for Firing Range

j. Any future expansion that results in additional firing positions, including without limitation a lengthened daily period of operations or increased length of the direct fire zone or the area of the shotfall zone to accommodate the use of firearms not identified in the then-existing Special Use permit application will constitute a substantial modification under 4-603 of the Code. Changes that are not a substantial modification and are routine maintenance include simple, small-scale activities (~~i.e.~~ e.g. repairing structures such that a building permit is not required under the Code) associated with regular

and general upkeep of an existing building, firing line, target line, parking lots, etc. Routine maintenance activities are associated with maintaining a facility, not expansion or new construction.

6-500 Noncontiguous Nonurban Planned Development

3. The land proposed for preservation must meet one of the following:

- a. At least 90 percent of the land proposed for preservation under the conservation easement must be identified either as significant agricultural land of National Importance in the Comprehensive Plan.
- b. A majority of the land must be proposed open space or a significant natural or cultural feature noted on the Environmental Resources Map of the Comprehensive Plan.
- c. A majority of the land must be determined to have significant environmental resource or open space value (~~i.e.~~ *e.g.* scenic area/corridor or community buffer) supported by the Open Space goals and policies of the Comprehensive Plan.

7-1600.I.1.a. all other outdoor light fixtures lawfully installed prior to and operable on August 5 (effective date), 2003

C. Formatting Consistency

The following formatting will be updated where relevant and utilized through future Code updates:

- Capitalize terms defined in Article 18 and Article 4, and any Land Use Reviews.
- Consistent referencing format using periods rather than parenthetical (e.g. 4-805(B)(2) vs. 4-805.B.2)
- Use full reference to make it easier to locate and update references with new amendments (e.g. use “Subsection 4-203.H”, in lieu of “Subsection H”)
- Consistency for Special Review vs. Special Use Review.

Improve Departmental Procedures

D. Off-site Sign Posting Allowed

3-205.A.7

- A. The Board of Adjustment shall hold a public hearing on all applications for variances and appeals subject to the following conditions:
 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. *The Director may require that a notification sign be posted off-site when on-site posting would not allow for notification of those potentially impacted.*

3-205.B.2.b Planning Commission Review

- 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:
 - 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.
 - iii. *The Director may require that a notification sign be posted off-site when on-site posting would not allow for notification of those potentially impacted.*

4-906.B Development Plan Review

- B. In addition, the Director shall notify the property owners within 1,500 feet and surface owners of the subject property, if different from the applicant, and post a sign on the site within seven days after accepting the application for Development Plan Review. Both the notice and the sign shall indicate that a Development Plan Review application has been made, and the phone number of the Land Use Department where information regarding the application may be obtained. *The Director may require that a notification sign be posted off-site when on-site posting would not allow for notification of those potentially impacted.*

4-805.A Review By the Director

- A . Once an application for SPR is filed, the Director shall promptly forward one copy of the application and supporting materials to the Transportation, Public Health, Parks and Open Space Departments, local fire district, and any other potentially affected agencies or organizations . The Director shall also post a sign on the property stating the Site Plan Review docket number and the address and phone number of the Land Use Department. *The Director may require that a notification sign be posted off-site when on-site posting would not allow for notification of those potentially impacted.* Referrals shall be returned to the Director no later than 18 days from date the application is filed.

12-400.H.5 Application Procedure for Special Review of Oil and Gas Operations

5. **Posting Public Notice Signage Onsite.** Within five (5) days after submitting the application, the Applicant must post a public notice sign or signs on the site of the proposed operation that meet the following requirements:
 - a. The sign must be posted in a location visible to the public (i.e., visible from a public road) and approved by the Director. If the Director determines that a single sign will not provide adequate public notice, multiple signs meeting the requirements of this section may be required.
 - b. In lettering clearly visible and proportionate to the size of the sign, the sign must contain the following:
 - (i) “Attention: An oil and gas operation consisting of potentially [number of wells] is being proposed in your area. Please read this notice carefully.”
 - (ii) “The applicant has applied for Special Review, [docket number]”
 - (iii) “Information regarding this application may be obtained from the Boulder County Land Use Department at [phone number]”
 - c. Within five (5) days of the posting of the sign, the Applicant must submit a photograph of the sign or signs as posted for review by the Director. If the Director determines that the sign not comply with the requirements of this Article, the Director may require the Applicant post a sign

or signs complying with this Article.

d. The sign or signs must be posted kept on the site until the special review process is complete. The Applicant must repair or replace signs that are damaged or defaced within five (5) days of learning of damage or defacement.

e. The Director may require that a notification sign be posted off-site when on-site posting would not allow for notification of those potentially impacted.

E. Variance Referral Period Reduced to 15 days

3-204.C.1.a Referral Requirements

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, Vacations, and Variances*—~~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

F. Vacation Post Approval Timeline Extended to One Year

10-100 Vacations

- A. Public roads, alleys, and easements may be vacated after consideration at a public hearing by both the Planning Commission and the Board of County Commissioners.
- ~~B. The vacation becomes effective upon recordation of the Board's resolution of approval with the Boulder County Clerk and Recorder's office. Prior to recordation, the applicant must complete all conditions of approval.~~
- B.* Unless otherwise noted, the portions of the road or alley vacated will be divided down the centerline and added to the respective adjacent property
- C.* Application and processing requirements for *V*vacations are included in Article 3.
- D.* Following approval or conditional approval of a *V*vacation, the applicant shall submit to the Land Use Department all necessary documents. ~~required by the conditional approval showing compliance with the conditional approval.~~
- E.* *The Vacation becomes effective upon recordation of the Board's resolution of approval with the Boulder County Clerk and Recorder's office.*
 - 1.* *Prior to recordation, the applicant must comply with and complete all conditions of approval.*
 - 2.* The Land Use Department staff shall record the Commissioner's resolution of approval with the Clerk and Recorder's office within ~~45 days~~ *1 year* of the Commissioners' approval unless otherwise specified.

G. Site Plan Review Updates

4-804 Application and Submittal Requirements

- A. Within four days of the time application is made, all proposed access points, driveways, wells, leach fields, cisterns, turn-out, turn-arounds, and at least four corners of the proposed structures must be visibly marked on the property with clearly labeled stakes.
- B. For the purpose of referring the project to applicable agencies, the applicant shall submit a minimum of ~~five~~*three* copies of the following information:

1. The application form available at the Land Use Department as specified in ~~Article 3 Section 3-202~~ of this Code .
 2. ~~A vicinity map clearly showing and identifying the general location and boundaries of the subject property prepared by using the 1:80,000 scale County Road Map base; and a location map clearly identifying the subject property and how to access it from the closest county right of way. This map must be of acceptable scale to show the names of all public roads. All applicable maps provided in the pre-application conference.~~
 3. Name of the proposed development or use and total number of acres .
 4. A site plan at a scale which best conveys the conceptual aspects of the plan and allows for effective public presentation . This site plan must have the following elements:
 - a. Date of preparation, revision box, written scale, graphic scale, and north arrow (designated as true north)
 - b. Clearly identified boundary lines, corner pins, dimensions of the subject property, and distance of structures from property lines .
 - c. Location, and dimension of all structures, existing and proposed,
 - d. Parking areas, driveways, emergency turn-outs, and emergency turn-arounds will be shown, with locations and dimensions including all proposed grading for the property .
 - e. All roads, railroad tracks, irrigation ditches, fences, existing and proposed utility lines, and easements on or adjacent to the parcel .
 - f. Significant on-site features including, but not limited to: natural and artificial drainage ways, wetland areas, ditches, hydrologic features (with flooding limits based on information available through the County), aquatic habitat, geologic features (including slopes, alluvial fans, areas of subsidence, rockfall areas, USDA soil classification and landslide areas), vegetative cover, dams, reservoirs, excavations, and mines .
 - g. Location and size of leach field, sewer service lines, treatment facilities, well(s) and/or water lines to serve the proposed development .
 - h . (For mountainous area properties only) Existing and proposed topographic contours at maximum intervals of five feet for at least 50 feet around all proposed disturbances . The remainder of the site may show greater contour intervals (i.e. 20 foot intervals) or obtain contours from the area's U.S.G.S. topographic map .
 - i. Any Floodplain, 100 year Floodplain or Floodway located on the property as indicated in Article 4-400 of this code .
 - j. Any Natural Landmark or Natural Area along with a 250 foot buffer zone surrounding the landmark or area as shown on the Zoning District Maps of Boulder County . ~~Significant Natural Communities, Rare Plant Areas or Riparian Corridors that are indicated in the Natural Resources Element of~~ Any Environmental Resources identified in the Comprehensive Plan must also be included on the site plan .
 - k. The location and type of proposed exterior lighting .
 5. Four elevation drawings showing existing grade, finished grade, and height of the structure above existing grade. The location and dimensions of all windows must also be included on each of the elevations.
 6. Verification that the site is a legal building lot under this code and that legal access from a public road has been obtained.
- C . The following information may be required to be submitted with a site plan application if the Director determines that such information is necessary to allow the site plan standards of 4-806 to be adequately evaluated:
1. A detailed site plan of developed portions of the property presented at a larger scale than required in (B) above.

2. Land survey data to identify the subject property including section corners and distance and bearing to these corners, quarter corners, township, range, etc .
3. (For non-mountainous portions of the county) Existing and proposed topographic contours at maximum intervals of five feet for at least 50 feet around all proposed disturbances . The remainder of the site may show greater contour intervals (i.e. 20 foot intervals) or obtain contours from the area's U.S.G.S. topographic map.
4. Location, width, and typical cross-section of all existing and proposed earthwork, including but not limited to: driveways, pedestrian paths, parking areas, and berms . This information may include earthwork calculations, grading plan, drainage plan, and/or geotechnical/soils reports . The Director may request that any or all of this information be certified by a Colorado registered Professional Engineer .
5. Information regarding the use of ignition/fire resistant construction materials .
6. Location of existing and proposed landscaping including a revegetation plan . The site plan shall illustrate the type, height, and/or caliper of the trunk of proposed plantings . All plantings will be specified by type and location .
7. Location and results of soil percolation tests (Boulder County Public Health approval) where on-site wastewater systems or similar systems are proposed . This may include site approval and discharge permit, if required, as issued by the Colorado Department of Health .
8. Erosion control and revegetation plan .
9. The areas of all development in square feet and percentage of site, including total square feet of developed driveways, parking, and buildings .
- 10 . A development report addressing the standards in 4-806 .
- 11 . A letter of verification of a search of Inventory of Cultural Resources from the State Historical Society, a report defining the archaeological or historical resources on the site (based on information available from the State Historic Preservation Officer) or the appropriate archeological field survey report .
- 12 . A Wildfire Mitigation Plan demonstrating the appropriate site location of structures, construction design and the use of ignition resistant building material, defensible space and fuel reduction around the structures, driveway access for emergency vehicles, and an emergency water supply for fire fighting .
- 13 . A control plan for noxious weeds .
- 14 . A topographic survey certified by a Colorado Registered Surveyor or Professional Engineer .
- 15 . Information regarding the type of glass used on the structure as it relates to reflectivity of sunlight and their emission of internal lighting .
- 16 . A wildlife impact report meeting the requirements of Section 7-1700 of this Code . The requirement for a wildlife impact report shall not be construed to import the substantive requirements of Article 7-1700 into the Site Plan Review process, but rather shall provide additional information for the County to apply the site plan review criteria to the facts of the application .
17. *An outdoor lighting plan showing the location and type of proposed lighting, in compliance with Article 7-1600 Outdoor Lighting and Article 18 Fully Shielded Light Fixture.*

4-805 Review by the Director

- A. Once an application for SPR is filed, the Director shall promptly forward one copy of the application and supporting materials to the Transportation, Public Health, Parks and Open Space Departments, local fire district, and any other potentially affected agencies or organizations. The Director shall also post a sign on the property stating the Site Plan Review ~~docket~~ number and the address and phone number of the Land Use Department. *The Director may require that a notification sign be posted off-site when on-site posting would not allow for notification of those potentially impacted.* Referrals shall be returned to the Director ~~no later than~~ 18 days from date the application is ~~filed-referred~~.

- B. Any determination by the Director to approve, conditionally approve, or deny a site plan application must be in writing and mailed or otherwise provided to the applicant no later than 28 days after the date on which the site plan application is ~~filed~~*deemed complete*. Once the determination is made, the Director shall also provide notice of the determination to all referral agencies and the adjacent property owners within 1500 feet of the property. If the Director fails to make a determination on the site plan application within this time period, the application as submitted shall be considered approved and the applicant's building permit shall be processed.
- C. The Director may suspend the 28-day decision period required in subsection (B) above at any time during the 28-day period *under the following circumstances*:
1. ~~at~~*At* the request of the applicant, or
 2. whenever the Director *or a referral agency* determines that the application *requires more information to conduct adequate review of the standards*. ~~is not complete. The Director may deem the application incomplete, based on the application submittal requirements, at the Director's initiative, or at the request of any or all referral agencies. In the event that the Director deems an application incomplete, the~~ *The* Director shall ~~immediately~~ *promptly* notify the applicant of the shortcomings.
- ~~D. Once the requested information has been provided, the application shall be deemed filed as of that date and the Director shall render a decision within 28 days. The decision period will resume when either the applicant indicates to the Director in writing that they are ready to proceed, or the Director notifies the applicant that the department has received sufficient information upon which to evaluate the application. If the new information submitted results in an application that is substantially different than the original, or requires additional review, a new 18-day referral may be required prompting the 28-day decision period to restart. When the decision period resumes and a new referral is not required, the Director shall have ten days or the remainder of the original 28-day decision period, whichever is greater, to issue a determination. However,~~
- E. *If* the application is not completed within 6 months of the date of *being deemed incomplete or any subsequent* suspension, the Director may declare the application withdrawn. The 6 month time frame may be extended should the Director determine that circumstances beyond the control of the applicant prevent a timely completion of the application.

Clarify Code Provisions

H. Kennel Use Definition and Provisions clarified

4-503.F Kennel

- F. Kennel
1. Definition: Any place or premises, other than a pet shop or veterinary clinic, used in whole or part for the purpose of keeping eight or more *weaned* dogs or cats in any combination whether the animals are boarded or household pets.
 2. Districts Permitted: By Special Review or Limited Impact Special Review in A; by Special Review in F and MI
 3. Parking Requirements: One space per 300 square feet of floor area, with a minimum of two spaces.
 4. Loading Requirements: None
 5. Additional Provisions:
 - a. For kennels with eight to 12 dogs or cats:

- (i) the animals shall be kept a minimum of 100 feet from any property line or other mitigating circumstance exists or may be created which has the same or better mitigating effect; and
 - (ii) kennels of this size require Limited Impact Special Review in the Agricultural zoning district, and Special Review in the Forestry and Mountain Institutional zoning districts.
- b. For kennels with more than 12 dogs or cats:
- (i) the animals shall be kept a minimum of 300 feet from any property line or other mitigating circumstance exists or may be created which has the same or better mitigating effect.
 - (ii) kennels of this size require Special Review in all permitted zoning districts.
- c. If a single family dwelling is used as the holding facility for boarded animals, the use shall be limited to no more than 12 boarded animals but in no case shall there be more than 15 dogs including household pets or no more than 15 total cats including household pets, and the requirements of 5 (a) above shall apply.
- d. One single family dwelling, occupied by the owner, operator, or manager of the business will be considered customary and incidental as a part of this use.
- e. Kennels which legally existed on April 1, 2000 will be considered conforming at their present levels of use provided a site plan and description of the operation is submitted to the Land Use Department by December 31, 2000.
- f. A facility which provides services including: day care, agility or other training, or grooming, where the services are being provided for animals that are not concurrently boarded at the Kennel, is considered a Retail/Personal Service Facility (4-512).

I. Carport Definition Added

18-123A Carport

A Carport can be attached or detached and shall be open on at least two sides.

J. Setback Definition Clarified

18-194 Setback

The required minimum distance between the Building or Structure and the related front, side, or rear Lot Line. (See Article 18 Lot Line definition and Article 7-1403 of this Code - Supplemental Requirements for Yards Along Major Roads)

K. Grading Provisions Updated

18-168 Grading

Any total soil or rock movement, excavating, filling, and other earthwork. ~~Grading is regulated by the appendix chapter titled "Excavation And Grading," of the most current edition of the Uniform Building Code, as published by the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California 90601, with the administration of the excavation and grading provisions otherwise being in accordance with the administrative provisions of the current edition of the Boulder County Building Code~~

3-100.B.1.f

- f. Grading Permit: A grading permit is necessary for movement of greater than 50 cubic yards of material. ~~Limited impact special review~~ A planning approval is required for the movement of more than ~~500~~ cubic yards of material, with some exceptions, as provided in Section 4-516~~(C)~~ 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.

3-203.G.1.e

- e. Grading ~~Report~~ Plan per the Boulder County Multi-Modal Transportation Standards

4-516 Accessory Uses

O. Grading of more than 500 Cubic Yards

1. Definition: Total movement ~~Movement~~ of more than 500 cubic yards of material, with the following exceptions:
 - a. normal grading activity associated with agriculture, allowed mining activity, water wells, onsite waste water treatment systems, trenching for placement of utilities, or foundation construction.
 - b. normal 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.
 - c. Normal grading activity associated with Right-of-Way maintenance and construction, consistent with the County Transportation Master Plan, or a project otherwise approved by the Board of County Commissioners.
 - d. Normal grading activity such as the addition of road base material, and as consistent with the Boulder County Comprehensive Plan and Multi-Modal Transportation Standards.
2. Districts Permitted: By Site Plan Review, which may be waived by the Director, or Limited Impact Special Review in all districts.
3. Parking Requirements: None
4. Loading Requirements: None
5. Additional Provisions:
 - a. While it may be exempt from these provisions, grading which impacts a floodplain is not exempt from applying for and receiving a Floodplain Development Permit.
 - b. Normal agricultural grading that is exempt from the definition of this use includes but is not limited to: tilling fields, creating or altering irrigation ditch laterals, field leveling, field access roads for agricultural purposes, and other activities associated with farming and agricultural operations. Agricultural grading does not include terraforming for aesthetic purposes, landscaping ponds, altering wetlands, or other nonessential grading.
 - c. Ponds to be constructed at a depth of more than 24²² inches must obtain a grading permit prior to construction. Ponds used to store/hold water for agricultural purposes (stock ponds, irrigation ponds) shall be exempt from the Site Plan Review or Limited Impact Special Review process, ~~(unless they require an Individual Floodplain Development Permit).~~

Update References and Terminology

L. Long Range Planning Commission Reference Removed

~~2-700 Boulder County Long Range Planning Commission~~

~~A. Short Title~~

~~1. The Boulder County Long Range Planning Commission may also be referred to as the ‘Long Range Planning Commission.’~~

~~B. Selection, Membership, and Term~~

~~1. The Long Range Planning Commission has 11 members; nine members appointed by the Board of County Commissioners and two members of the Planning Commission, selected by the membership of that body.~~

~~2. All members must be residents of the County.~~

~~3. The term of the nine Board appointed members is two years, while the term for the Planning Commission appointed members is one year.~~

~~C. Duties and Responsibilities~~

~~1. The Long Range Planning Commission is authorized to hold regularly scheduled meetings to discuss long range comprehensive planning matters~~

~~D brought to their attention by either the County Commissioners, Planning Commission, County staff, the public, or the membership of the Long Range Planning Commission.~~

~~2. The procedures followed by the Long Range Planning Commission are contained in the official bylaws adopted by the Long Range Planning Commission.~~

M. Fire Code References Updated

3-203.F.1.g 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.

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 *protection*, schools, hospitals, police, flood protection, solid waste disposal, and other services to this development while maintaining adequate levels of service to other areas.

4-600.F.1.h Special Review for Firing Range, Outdoor- Operational Requirements

(vi) The site plan shall satisfactorily mitigate the risk of wildfire both to the subject property and those posed to neighboring properties in the surrounding area by the proposed development. In assessing the applicable wildfire risk and appropriate mitigation measures, the Director shall consider the referral comments of the County Wildfire Mitigation Coordinator and the applicable fire district, and may also consult accepted national standards as amended, such as the ~~2003~~ Urban-Wildland Interface Code; *National Fire Protection Association (NFPA) NFPA-80A, 299, 1231*; ~~2003~~ International Fire Code; and the ~~2003~~ International Building Code.

4-806.A Site Plan Review Standards

5. The site plan shall satisfactorily mitigate the risk of wildfire both to the subject property and those posed to neighboring properties in the surrounding area by the proposed development. In assessing the applicable wildfire risk and appropriate mitigation measures, the Director shall consider the referral comments of the County Wildfire Mitigation Coordinator and the applicable fire district, and may also consult accepted national standards as amended, such as the ~~2003~~ Urban-Wildland Interface Code; [National Fire Protection Association \(NFPA\) NFPA / 80A, 299, 1231; 2003](#) International Fire Code; and the ~~2003~~ International Building Code.

7-1100 Fire Protection

- A. It is the intent of Boulder County to work with the Fire Protection Districts and Fire Departments in the County to assure the highest level of fire protection service that is available and reasonable.
- B. To work towards a reasonable level of fire protection the following requirements apply:
 1. Where a central water system is provided, fire hydrants shall be provided in all developments and shall be separated by no more than 600 feet. No dwelling shall be more than 300 feet from the nearest hydrant.
 2. Fire-fighting water sources for the proposed development shall meet the requirements set forth in the National Fire Protection Association, National Fire Code, ~~Standard 1231 'Standard On Water Supplies For Suburban And Rural Fire Fighting'~~ or the specific fire code regulations as jointly adopted by Fire Protection Districts and the Board.

N. Environmental Resource Element References Updated**18-143A Environmental Resources**

Air, water, soil, native plant and animal populations and their associated habitat, and the unique, distinctive, or significant natural features of the County's landscapes and related ecosystems, including but not limited to:

- *Critical Wildlife Habitats and Wildlife Migration Corridors*
- *Environmental Conservation Areas*
- *High Biodiversity Areas*
- *Natural Areas and Natural Areas*
- *Preble's Meadow Jumping Mouse Conservation Areas*
- *Rare Plant Areas and Significant Natural Communities*
- *Wetlands and Riparian Areas*
- *Boulder County Species of Special Concern*

Environmental Resources encompass those resources identified and mapped in the current and any updated version of the Environmental Resources Element of the Comprehensive Plan, as well as similar resources that may be identified on or in the vicinity of a site.

3-201.A.2.c Pre-Application Conference

c. For open space or ~~environmental resources~~ Environmental Resources 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~~ Environmental Resources in the county.

3-203 Standards for Submittal Requirements**B. Professional Qualifications**

1. A professional consultant may not be necessary for all applications. Only the following will require professional assistance.
 - a. Wildlife impact reports, where required under Article 7-1700, shall be prepared by an approved wildlife expert retained by the County Parks and Open Space Department and paid for by the applicant.

E. Specific Maps and Plans**4. Preliminary Plan Map**

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, and range of size, and identification of Environmental Resources ~~rare and/or endangered species~~ shall be included.

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.
 - d. The long and short term effect on Environmental Resources ~~flora and fauna~~ shall be determined through field surveys, and/or expert opinions or other competent information. The applicant shall address any material adverse impacts of the development on ~~these biological systems~~ any identified Environmental Resources, including plans for the mitigation of these impacts. Wildlife impact reports shall be required in accordance with Section Article 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.~~

3-204.C.10 Referral Requirements and Agency Review**C. Review of Applications by Agencies and Individuals**

10. The Colorado Division of Parks and Wildlife shall evaluate the application for its impacts on wildlife ~~of federal, state and local significance~~ and ~~on~~ associated ~~wildlife~~ habitat.

4-300 Natural Resource Protection Overlay District**4-301 Purpose**

To protect and conserve Environmental Resources ~~critical wildlife habitats, migratory corridors, and wetlands and historic drainage~~ by encouraging compatible proposed development on subdivided lands which have a sketch plan approved prior to March 22, 1978 which was not otherwise subject to a discretionary review for the purpose of protecting such resources ~~critical wildlife habitats and wetlands~~.

4-302 Designation of ~~Natural~~ Environmental Resources to be Protected

The Environmental Resources ~~critical wildlife habitats and wetland areas~~ protected and preserved

through the application of this ~~Section~~ Article 4-300 are those defined in Article 18 of this Code. ~~critical wildlife habitats, critical plant associations, and rare plant sites designated and shown on the Environmental Resources Maps adopted as part of the Boulder County Comprehensive Plan, and wetland areas mapped on the Boulder County Wetlands Map. The critical wildlife habitats are further described in the corresponding text of the Environmental Resources Element of the Comprehensive Plan. These maps and corresponding text of the Comprehensive Plan are hereby incorporated into this Section by this reference.~~

4-305 Exemption Plat Standards for Approval

A. Review by the Board of County Commissioners

1. An exemption plat shall be approved only if the Board finds that the exemption plat ~~meets the following standards and conditions, or parts thereof determined to be applicable to the specific case at hand:~~
 - a. ~~The development will not have a significant adverse impact on any Environmental Resources, designated plant or wildlife habitat, migration corridors, or sensitive and unique plant or wildlife ecosystems.~~
 - b. ~~The proposed development will not have a significant adverse impact on designated wetland areas or functions. Runoff and erosion from this development will not have a significant adverse impact on the character of the wetland.~~
2. This determination is to be based on the nature and extent of the proposed development, the potential impact on the environmental resource, and the adequacy of proposed mitigation measures, if any.
3. The Board shall not consider any aspect of the plat other than that directly related to the impact on the specific environmental resource.

4-514.F.5 Major Facility of a Public Utility

5. Additional Provisions:
 - d. Power plants cannot be located on areas with the following Boulder County Comprehensive Plan designations: Agricultural Lands of National Importance, Agricultural Lands of Statewide Importance, Agricultural Lands of Local Importance, Natural Landmarks and Natural Areas, or Critical Wildlife Habitats.
 - e. Applications for power plants shall be reviewed with special consideration given to ~~lands identified as Open Corridor, Roadside~~ the View Protection Corridors, as identified in the Boulder County Comprehensive Plan.

4-514.K Small Wind-Powered Energy System

5. Additional Provisions:
 - e. Applications shall be reviewed according to the required review criteria based on the height of the structure with special consideration to:
 - (i) Comprehensive Plan designations. This use shall not have a significant adverse visual impact on the natural features or neighborhood character of the surrounding area. Particular consideration to view protection shall be given to proposals that would be visible from areas designated Peak-to-Peak Scenic Corridor, ~~Open Corridor-Roadside~~ View Protection Corridor, and areas within the Natural Landmarks and Natural Areas and buffers as designated in the Boulder County Comprehensive Plan.

4-900 Development Plan Review for Subsurface Mining

4-901 Purpose

A. This Development Plan Review is an administrative review procedure for subsurface mining which is considered likely to significantly impact ~~important ecosystems~~ Environmental Resources, surrounding land uses, and infrastructure needs and demands.

4-905.A Development Plan Submission

2. A detailed drawing of the site (affected surface area) at a scale of 1 inch to 100 feet or other appropriate scale, including the following:
 - d. on-site features such as floodplain designations, water courses and springs, drainage, utility lines and easements, ditches, Environmental Resources, ~~wetlands or aquatic habitat, significant plant ecosystems, wildlife habitat and migration routes~~, geologic features and hazards, vegetative cover including any mapped wildfire hazard areas, dams, reservoirs, mines, and known cultural resources;
9. Any proposed measures, pursuant to the standards in 4-907.A, necessary to mitigate anticipated adverse impacts on the aesthetic features of the site, on views from surrounding properties or public rights-of-way, or on significant Environmental Resources ~~environmental resources~~ such as wetlands or plant and wildlife habitats.

4-907.A.4 Development Plan Review Standards and Criteria for Approval

4. For any subsurface mining located in or adjacent to an Environmental Resource ~~a significant wildlife habitat, as defined by the Colorado Division of Wildlife; or, Environmental Conservation Area; or, environmental resource, as designated in the Boulder County Comprehensive Plan, or identifiable on or near the site~~ the operator shall consult with the Colorado Division of Parks and Wildlife ~~Division of Wildlife~~ or the county as applicable to determine appropriate mitigation procedures. In no case shall an operator engage in activities which jeopardize a state, federal, or otherwise listed threatened or endangered species.

4-1303.D.2.c Conveyance and Severance of Development Credit

c. The award of Bonus Development Credits is limited to a maximum of five Development Credits per building lot. Significant conservation values or floodway mitigation based on which the County Parks and Open Space, Land Use, or Transportation Department may award Bonus Development Credits include:

Preservation of Resources – The lot(s) contains ~~natural, cultural, or ecological resources as outlined~~ historic, or archaeological resources, View Protection Corridors, Significant Agricultural Lands, or Environmental Resources, as described in the Boulder County Comprehensive Plan that would be preserved through a restriction on development on the lot. ~~These resources include, but are not limited to, mapped environmental conservation areas, natural landmarks, natural areas, significant natural communities, rare plant areas, critical wildlife areas, significant riparian corridors, open roadside corridors or significant agricultural lands of national importance, significant wetlands, and historic or archaeological resources.~~

Article 8 Areas and Activities of State Interest

8-202 Purposes and Intent

- A. The general purpose of these regulations is to facilitate the identification, designation and regulation of areas or activities of state interest consistent with applicable statutory requirements.
- B. The specific purposes and intent are as follows:
 1. To encourage planned and orderly, efficient, economical land use development;
 2. Provide for the needs of agriculture, forestry, industry, business, residential

- communities, and recreation in future growth;
3. Encourage uses of land and natural resources per their character and adaptability;
 4. Conserve soil, water, ~~and~~ forest resources, and Environmental Resources;
 5. Protect the beauty of the landscape;
 6. Promote efficient and economical use of public resources;
 7. Regulate projects that would otherwise cause excessive noise, water, and/or air pollution, or which would otherwise degrade or threaten the existing environmental quality within the County.
 8. Ensure that new domestic water and sewage treatment systems shall be constructed in areas which will result in the proper utilization of existing treatment plants and the orderly development of domestic water and sewage treatment systems of adjacent communities.
 9. Ensure that major extensions of domestic water and sewage treatment systems shall be permitted only in those areas in which the anticipated growth and development that may occur as a result of such extension can be accommodated within the financial and environmental capacity of the area to sustain such growth and development.
 10. Require that municipal and industrial water projects shall emphasize the most efficient use of water, including, to the extent permissible under existing law, the recycling and reuse of water.
 11. Ensure that urban development, population densities, and site layout and design of storm water and sanitation systems shall be accomplished in a manner that will prevent the pollution of aquifer recharge areas.
 12. Ensure that major facilities of public utilities are located to avoid direct conflict with adopted County land use plans, and otherwise serve the stated purposes of these regulations.
 13. Ensure that site selection of arterial highways and interchanges and collector highways occurs so that community traffic needs are met, desirable community patterns are not disrupted, and direct conflict with adopted local government, regional, and state master plans is avoided.
 14. Provide that areas containing, or having a significant impact on, historical, natural, or archaeological resources of statewide importance are developed so as to be compatible with and not destructive to the historical, natural, and archaeological value of such resources.
 15. Ensure that areas around interchanges involving arterial highways are developed to discourage traffic congestion, encourage the smooth flow of motorized and nonmotorized traffic, discourage incompatible land uses, and the expansion of the demand for government services beyond the reasonable capacity of the community or region to provide such services as determined by the County, and preserve desirable existing community patterns.
 16. Ensure that the site selection and development of new communities will not overload the facilities or services of existing communities of the region and will conform to the Boulder County Comprehensive Plan and any duly adopted intergovernmental agreements or comprehensive development plans between the County and another governmental entity.
 17. Ensure that development in natural hazard areas minimizes significant hazards to public health or safety or to property or the environment.
 18. Ensure that development involving all areas and activities designated hereunder is consistent with these regulations, the Boulder County Comprehensive Plan, and any duly adopted intergovernmental agreements or comprehensive development plans between the County and another governmental entity.
 19. Protect the public health, safety, welfare and the environment.

8-207 Maps

The following maps are hereby incorporated into this Article 8-200 by this reference, for the purpose of specifying or aiding in the identification of the boundaries of the adopted area of state interest with which each map is associated. To the extent any map identified below has not otherwise been officially adopted, it shall be considered to be officially adopted for purposes of administering these

regulations by virtue of its inclusion in this Section 8-207.

- A. The adopted County Floodplain Overlay District maps identified in Article 4-402 of this Code, as they have been officially adopted and may be duly amended pursuant to the County's zoning regulations from time to time, which shall constitute the basis for designation of the County's designated flood natural hazard areas, the boundaries of which are further specified in Section 8-405.E. of these regulations.
- B. The "Major/Extensive Problems Geologic Hazard Areas" and the "Moderate/Significant Problems Geologic Hazard Areas" identified on the official Boulder County Comprehensive Plan Map entitled "Geologic Hazard and Constraint Areas," as it currently exists and may be duly amended pursuant to the County's Comprehensive Plan from time to time, which shall constitute and govern the County's designated geologic natural hazard areas.
- C. The following map shall constitute and govern the County's designated natural resources of statewide importance that are significant wildlife habitats as defined in Section ~~8-210.AO8-21000~~ 8-210.AO8 of this Article:
 1. The Threatened and Endangered Species Map approved as part of adopted amendments to this Article, as it currently exists and may be amended from time to time.

8-506 Pre-application Conference

- A. 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 application and the geographical area affected by the application.
 - b. The planner will explain the application procedures and the materials required for submittal.
 - c. 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 County department to discuss the proposal.
 - a. For flood or 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 Engineering Division of the Boulder County Transportation Department.
 - b. For water supply, sanitation, water quality or other public health 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 affected by the application in relation to the identified radiation hazard sites as shown on Boulder County Public Health maps.
 - c. For open space or Environmental Resource 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's Staffs 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 application which is in the County's possession.

8-507 Application Submittal Requirements

- D. Application Requirements

7. Requirements applicable to all applications
 - a. Detailed description of the need for the proposed development or activity, including but not limited to:
 - (i) The present population of the area to be served and the population to be served.
 - (ii) The predominant types of users or communities to be served by the proposal.
 - (iii) The percentage of the design capacity at which the current system is now operating.
 - (iv) If the proposal is a new water or wastewater treatment system or public utility facility and that system exceeds a ten year projected increase in demand, a detailed explanation of the excess service capacity and the cost of the excess capacity.
 - (v) The relationship of the proposal to the applicant's long-range planning and capital improvements programs, including specific reference to the master plan(s) required to be submitted under Subsections 8-501.D. and 8-507.D.1.e., above.
 - b. Environmental impact analysis.
 - (i) Land use:
 - (A) Specify whether the proposal conforms to local governments planning policies and master plans.
 - (B) Detail the agricultural productivity capability of the land affected by the proposal (SCS classification).
 - (C) Specify how the proposed development will utilize existing easements or rights-of-way for any associated transmission, distribution or collector networks.
 - (D) Specify any additional right-of-way or easements for new or expanded transportation facilities.
 - (ii) Water resources:
 - (A) On the same, or another appropriate map, indicate any flood hazard area associated with the proposal. Documentation of historical flooding activity on the parcel where the activity or development will be located, and on other property affected by the activity or development, should be included. Detail potential, adverse impacts related to the associated flood hazard area.
 - (B) Map and describe all surface waters, including applicable state water quality standards, to be affected by the project.
 - (C) Describe the immediate and long-term impact and net effects that the activity would have on the quantity and quality of surface water under both average and worst case conditions.
 - (D) Map and describe all groundwater, including any aquifers. Describe the impacts and net effect of the activity on groundwater. At a minimum, the description should include:
 - (1) Seasonal water levels in each platted subdivision of the aquifer affected by the activity.
 - (2) Artesian pressure in aquifers.
 - (3) Groundwater flow directions and levels.
 - (4) Existing aquifer recharge rates and methodology used to calculate recharge to the aquifer from any recharge sources.
 - (5) For aquifers to be used as part of a water storage system, methodology and results of tests used to determine the ability of aquifer to impound groundwater and aquifer storage capacity.
 - (6) Seepage losses expected at any subsurface dam and at stream-aquifer interfaces and methodology used to calculate seepage losses in the affected streams, including description and location of measuring devices.
 - (7) Existing groundwater quality and classification.
 - (8) Location of all water wells and their uses.
 - (E) Describe the impacts and net effect of the activity on wetlands and riparian areas.
 - (1) Map and describe wetlands, and riparian areas to be affected by the activity, including a description of each type of wetlands, species composition, and biomass.

- (2) Describe the source of water interacting with the surface systems to create each wetland (~~i.e.~~ *e.g.* side-slope runoff, over-bank flooding, groundwater seepage, etc.).
- (3) Describe impacts and the net effect that the project would have on the wetlands and riparian areas.
- (iii) Terrestrial and Aquatic Animals and Habitat.
 - (A) Map and describe terrestrial and aquatic animals including the status and relative importance of game and non-game wildlife, livestock and other animals; a description of streamflows and lake levels needed to protect the aquatic environment; description of threatened or endangered animal species and their habitat.
 - (B) Map and describe critical wildlife habitat and livestock range to be affected by the activity including migration routes, calving areas, summer and winter range, and spawning beds.
 - (C) Describe the impacts and net effect that the activity would have on terrestrial and aquatic animals, habitat and food chain.
- (iv) Terrestrial and Aquatic Plant Life
 - (A) Map and describe terrestrial and aquatic plant life including the type and density, and threatened or endangered plant species and habitat.
 - (B) Describe the impacts and net effect that the activity would have on terrestrial and aquatic plant life.
- (v) Air quality:
 - (A) Detail how many average daily trips will be generated by the proposal.
 - (B) Explain any other adverse impacts on air quality anticipated from the proposal.
 - (C) Describe how any state or federal air quality standards will be impacted and if the proposed transportation facility has been included in the region's air quality models to verify conformity with the air quality plan.
 - (D) Describe the airsheds to be affected by the activity, including the seasonal pattern of air circulation and microclimates.
 - (E) Describe the impacts and net effect that the activity would have on air quality during both construction and operation under both average and worst case conditions.
- (vi) *Environmental Resources and* significant environmentally sensitive factors:
 - (A) Identify and locate on a map of appropriate scale the juxtaposition of any of the following features present in the proposed development or activity and its environs, and detail the potential impact of the proposal upon each feature.
 - (1) Potential natural hazards
 - (2) Public outdoor recreation and open space areas.
 - (3) Unique areas of geologic, historic and archaeological importance.
 - (4) *Environmental Resources as defined in Article 18*
- (vii) Visual aesthetics and nuisance factors:
 - (A) Identify viewsheds, scenic vistas, unique landscapes or land formations.
 - (B) Identify any significant deterioration of existing natural aesthetics, creation of visual blight, noise pollution or obnoxious odors which may stem from the proposal.
 - (C) Identify and describe any structures, excavations and embankments that will be visible as a result of this project.

8-511 Standards for Approval of a Permit Application

A. General Approval Requirements

1. A permit application for development of a matter of state interest may not be approved unless the applicant satisfactorily demonstrates that the proposal, including all mitigation measures proposed by the applicant, complies with all of the applicable criteria set forth in this Article. If the proposal does not comply with all of the applicable criteria, the permit shall be denied, unless the Board determines

- that reasonable conditions can be imposed on the permit which will enable the permit to comply with the criteria.
2. If the Board determines at the public hearing that sufficient information has not been provided to it to allow it to determine if the applicable criteria have been met, the Board may continue the hearing until the specified additional information has been received. The Board shall adopt a written decision on a permit application as soon as practicable after the completion of the permit hearing.
- B. Standards for approval of all permit applications.
1. The applicant has obtained or will obtain all property rights, permits, and approvals necessary for the proposal, including surface, mineral, and water rights. The Board may, in its discretion, defer making a final decision on the application until necessary property rights, permits and approvals for the proposal are obtained.
 2. The applicant has the necessary expertise and financial capability to develop and operate the proposal consistent with all requirements and conditions.
 3. Adequate water supplies, as determined by the Colorado State Engineer, are available for the proposal if applicable.
 4. The proposal will not cause unreasonable loss of significant agricultural lands as identified in the Comprehensive Plan, or identifiable on or near the site.
 5. The proposal shall not significantly degrade or pose a significant hazard to any aspect of the environment, including *Environmental Resources* ~~environmental resources~~ and open space areas as identified in the Comprehensive Plan, and other features or elements that are deemed to be significant components of the natural environment worthy of preservation. For purposes of this section, the following aspects of the environment shall be considered:
 - a. Air quality: The proposal shall not significantly deteriorate air quality. In determining impacts to air quality, these considerations shall apply.
 - (i) Changes to seasonal ambient air quality.
 - (ii) Changes in visibility and microclimates.
 - (iii) Applicable air quality standards.
 - b. Visual quality. The proposal shall not significantly degrade visual quality. In determining impacts to visual quality, these considerations shall apply.
 - (i) Visual changes to ground cover and vegetation, waterfalls and streams, or other natural features.
 - (ii) Interference with viewsheds and scenic vistas.
 - (iii) Changes in appearances of forest canopies.
 - (iv) Changes in landscape character types or unique land formations.
 - (v) Compatibility of building and structure design and materials with surrounding land uses.
 - c. Surface water quality. The proposal shall not significantly degrade surface water quality. In determining impacts to surface water quality, these considerations shall apply.
 - (i) Changes to existing water quality, including patterns of water circulation, temperature, conditions of the substrate, extent and persistence of suspended particulates and clarity, odor, color or taste of water.
 - (ii) Applicable narrative and numeric water quality standards.
 - (iii) Increases in point and non-point source pollution loads.
 - (iv) Increase in erosion.
 - (v) Increases in sediment loading to waterbodies.
 - (vi) Changes in stream channel or shoreline stability.
 - (vii) Changes in stormwater runoff flows.
 - (viii) Changes in trophic status or in eutrophication rates in lakes and reservoirs.
 - (ix) Changes in the capacity or functioning of streams, lakes or reservoirs.
 - (x) Changes in flushing flows.
 - (xi) Changes in dilution rates of mine waste, agricultural runoff and other unregulated sources of pollutants.
 - d. Groundwater quality. The proposal shall not significantly degrade groundwater quality. In determining impacts to groundwater quality, these considerations shall apply.

- (i) Changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces.
 - (ii) Changes in capacity and function of wells within the impact area.
 - (iii) Changes in quality of well water within the impact area.
- e. Wetlands and riparian areas. The proposal shall not significantly degrade the quality of wetlands and riparian areas. In determining impacts to wetlands and riparian areas, these considerations shall apply.
 - (i) Changes in the structure and function of wetlands.
 - (ii) Changes to the filtering and pollutant uptake capacities of wetlands and riparian areas.
 - (iii) Changes to aerial extent of wetlands.
 - (iv) Changes in species' characteristics and diversity.
 - (v) Transition from wetland to upland species.
 - (vi) Changes in function and aerial extent of floodplains.
- f. Terrestrial and aquatic animal life. The proposal shall not significantly degrade the quality of terrestrial and aquatic animal life. In determining impacts to terrestrial and aquatic animal life, these considerations shall apply.
 - (i) Changes that result in loss of oxygen for aquatic life.
 - (ii) Changes in flushing flows.
 - (iii) Changes in species composition or density.
 - (iv) Changes in number of threatened or endangered species.
 - (v) Changes to habitat and critical habitat, including calving grounds, mating grounds, nesting grounds, summer or winter range, migration routes, or any other habitat features necessary for the protection and propagation of any terrestrial animals.
 - (vi) Changes to habitat and critical habitat, including stream bed and banks, spawning grounds, riffle and side pool areas, flushing flows, nutrient accumulation and cycling, water temperature, depth and circulation, stratification and any other conditions necessary for the protection and propagation of aquatic species.
 - (vii) Changes to the aquatic and terrestrial food webs.
- g. Terrestrial and aquatic plant life. The proposal shall not significantly degrade the quality of terrestrial and aquatic plant life. In determining impacts to terrestrial and aquatic animal life, these considerations shall apply.
 - (i) Changes to habitat of threatened or endangered plant species.
 - (ii) Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity.
 - (iii) Changes in advancement or succession of desirable and less desirable species, including noxious weeds.
 - (iv) Changes in threatened or endangered species.
- h. Soils and geologic conditions. The proposal shall not significantly degrade soils and geologic conditions. In determining impacts on soils and geologic conditions, these considerations shall apply.
 - (i) Changes to the topography, natural drainage patterns, soil morphology and productivity, soil erosion potential, and flood hazard areas.
 - (ii) Changes to stream sedimentation, geomorphology, and channel stability.
 - (iii) Changes to lake and reservoir bank stability and sedimentation, and safety of existing reservoirs.
 - (iv) Changes to avalanche areas, mudflows and debris fans, and other unstable and potentially unstable slopes.
 - (v) Exacerbation of seismic concerns and subsidence.
- i. *The proposal shall not degrade the quality of any other Environmental Resources as defined in Article 18 of this Code*