

## **Temporary Partial Cessation on Processing Community Planning & Permitting Applications in Wildfire Zone 2**

On December 30, 2021, grass wildfires and straight-line winds resulted in severe damage or total loss of over 1,100 residential homes, commercial buildings, and other structures in Boulder County (the “Marshall Fire”). Boulder County declared a local disaster emergency pursuant to § 24-33.5-709, C.R.S., as amended, Colorado Governor Jared Polis declared a state of emergency, and President Joseph R. Biden approved a Major Disaster Declaration in response to the Marshall Fire.

On February 4, 2022, the Community Planning & Permitting Director issued a temporary cessation on processing Community Planning & Permitting applications in the areas affected by the Marshall Fire. That February 4 temporary cessation expired on March 29, 2021, upon the Boulder County Board of County Commissioners’ adoption of the Article 19 regulations related to the Marshall Fire. The present temporary cessation applies to areas not affected by the Marshall Fire in Wildfire Zone 2 in Boulder County.

Prior to building new structures and additions of more than 1,000 square feet in areas located in Wildfire Zone 2 in the county, the Community Planning & Permitting Director (the “Director”) has determined that existing regulations concerning development in the Boulder County Land Use Code (the “Code”) may not adequately address wildfire hazards.

The Local Government Land Use Control Enabling Act, C.R.S. §§ 29-20-101 *et seq.*, provides the County with broad authority to plan for and regulate the use of land to best protect and promote the health, safety, and general welfare of the present and future inhabitants of Boulder County and to guide future growth, development, and distribution of land uses within Boulder County. Article 19 of the Code provides the Director the authority to suspend development and establish a moratorium on the issuance of permits he administers provided that such action is reasonably justifiable to protect life and property and to conduct recovery activities in a prioritized and orderly fashion.

Staff anticipates the time needed to update the Building Code is approximately 60 days in total. Public hearing for the Building Code amendment is scheduled for the Board of Review on April 6, 2022, for consideration and recommendation to the Board of County Commissioners. The County Commissioners are scheduled to consider and adopt Building Code amendments on May 12, 2022, at a public hearing.

A temporary cessation on processing permit applications for proposed new development and additions of more than 1,000 square feet in the areas of unincorporated Boulder County located in Wildfire Zone 2 is reasonable and necessary to protect the public health, safety, and welfare of the County. This temporary pause begins immediately on the date of this temporary cessation and ends at the close of business on June 6, 2022, or at earlier date if amendments to the Building Code are implemented, or the partial cessation is otherwise lifted. A map showing Wildfire Zones 1 and 2 is attached.

The purpose of the temporary cessation is to allow time for the County to update the Building Code to address fire impacts and additional mitigation measures for development in Wildfire Zone 2. This work is necessary to protect life and property in light of wildfire hazards. The County Community Planning & Permitting Department will not accept, process, or approve any permit applications for new development and additions of more than 1,000 square feet in

Wildfire Zone 2 after the effective date of this temporary cessation and throughout the temporary development suspension period or sooner if appropriate regulations are in place or if it is determined regulatory amendments are not necessary prior to the specified end date.

Staff will continue analyzing the modifications to the current County regulations necessary to protect the public health, safety, and welfare. Any development conducted without all necessary County approvals will be in violation of the Boulder County Land Use Code or other applicable County regulations.

This temporary cessation does not apply to demolition permits, temporary repair permits, or temporary electrical permits.

This temporary cessation does not apply to property owners outside of the burn area in Wildfire Zone 2 who are building new structures and additions of more than 1,000 square feet, so long as they commit to rebuild to the requirements adopted as Appendix A of Article 19-500 of the Boulder County Land Use Code.

If a property owner believes certain activity outside of the exceptions listed above is not subject to the temporary cessation, the owner must submit a request for exemption in writing to the Director. Work eligible for an administrative exemption from the temporary cessation of permits may only proceed upon written approval of the Director.

Dated:

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Dale Case, Community Planning & Permitting Director

REVIEWED BY THE BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY  
ON \_\_\_\_\_ (DATE):

\_\_\_\_\_  
Marta Loachamin, Chair

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Claire Levy, Vice Chair

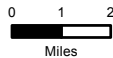
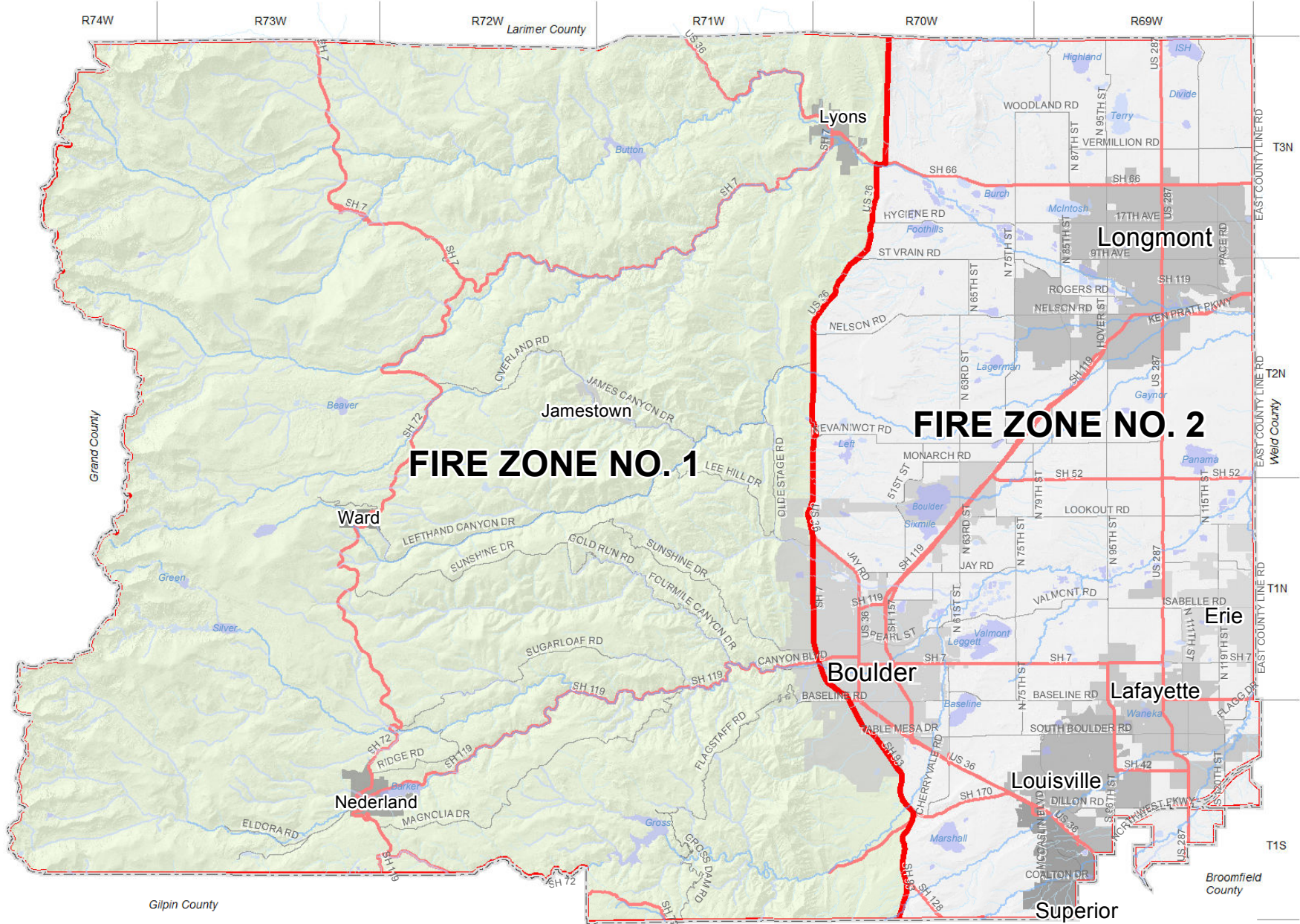
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Matt Jones, Commissioner

ATTEST:

\_\_\_\_\_  
Clerk to the Board



# BOULDER COUNTY WILDFIRE ZONE MAP



Jefferson County