

BUSINESS MEETING ITEM COVER SHEET

DEPARTMENT County Attorney

DIVISION

TITLE Resolution 2009-81 (Land Use Code Text Amendments to Articles 4-1300 & 18 - Transferable Development Credits and House Size)

DOCUMENT TYPE Resolution

SUBTYPE DC-09-004

BUSINESS MEETING DATE 06/30/09

COMMISSIONERS' ACTION

Approved

Denied

Other

ORIGINAL(S) RETURNED TO Clerk & Recorder - Recording Division

AGENDA ITEM NUMBER

2

COMMENTS Please return original to Mike - BOCC after recording

RESOLUTION 2009-81

A RESOLUTION APPROVING BOULDER COUNTY LAND USE DOCKET #DC-09-004: TEXT AMENDMENTS TO ARTICLES 4-1300 AND 18 OF THE BOULDER COUNTY LAND USE CODE, APPROVED PURSUANT TO THE SIX-MONTH REVIEW OF THE COUNTY'S EXPANDED TRANSFER OF DEVELOPMENT RIGHTS (TRANSFERABLE DEVELOPMENT CREDIT/HOUSE SIZE) PROGRAM, UNDER ARTICLE 4-1307.A. OF THE LAND USE CODE

WHEREAS, pursuant to C.R.S. Sections 30-28-112 and -116, as amended, the Board of County Commissioners of Boulder County ("the Board") is authorized to amend the text of County's Zoning Regulations in accordance with the procedures set forth in those provisions and the applicable County regulations; and

WHEREAS, pursuant to C.R.S. Section 30-28-133, as amended, the Board is authorized to amend the text of the County's Subdivision Regulations in accordance with the procedures set forth in those provisions and the applicable County regulations; and

WHEREAS, pursuant to other statutory authority, the Board is empowered to adopt additional regulations which are related to the control of land use, including but not limited to Article 65.1 of Title 24 (Areas and Activities of State Interest); Articles 67 and 68 of Title 24 (Planned Unit Developments and Vested Rights, respectively); Article 20 of Title 29 (Local Land Use Enabling Act); Articles 11 and 15 of Title 30 (County Powers and Police Power, respectively); Article 1 of Title 32 (Special District Control); and Article 2 of Title 43 (County Highways), C.R.S.; and

WHEREAS, pursuant to the above-referenced authority, by Resolution 94-185 adopted October 18, 1994, effective October 19, 1994, the Board approved a unified Boulder County Land Use Code ("the Land Use Code"), which the Board first amended by Resolution 95-27 effective March 9, 1995, and has amended on subsequent occasions thereafter; and

WHEREAS, in Docket #DC-09-004 ("the Docket"), and pursuant to Article 4-1307.A. of the Land Use Code, the Boulder County Land Use Department proposed additional text amendments to the Land Use Code, this time as part of the mandated six-month review and adjustment of the transferable development credit/house size regulations which the Board adopted as Article 4-1300 of the Land Use Code in Resolution 2008-72 effective August 8, 2008, referred to as the County's "Expanded Transfer of Development Rights Program" (the "Proposed Amendments"); and

WHEREAS, the Proposed Amendments are further described in the memorandum and recommendation of the County Land Use Department to the Board dated June 18, 2009 ("the Staff Recommendation"); and

WHEREAS, the Boulder County Planning Commission ("the Planning Commission") held a duly-noticed public hearing on the Proposed Amendments on May 20, 2009, and recommended approval of the Proposed Amendments and certified the Docket for action to the Board; and

WHEREAS, on June 18, 2009, the Board held a duly noticed public hearing on the Proposed Amendments as certified to it by the Planning Commission ("the Public Hearing"), at which time the Board considered the documents and testimony presented by the County Land Use Department staff and several members of the public; and

WHEREAS, based on the Public Hearing, the Board finds that the Proposed Amendments, specifically in the form set forth in Exhibit A attached to and incorporated into this Resolution, meet the criteria for text amendments contained in Article 16 of the Land Use Code, in that the existing text is in need of amendment; the Proposed Amendments are not contrary to the intent and purpose of the Land Use Code; and the Proposed Amendments are in accordance with the Boulder County Comprehensive Plan, and specifically implement the Comprehensive Plan's Sustainability Element adopted by the Planning Commission in May, 2007, all as set forth in and supported by the record of the Public Hearing; and

WHEREAS, the Board further finds that the changes it has authorized in its decision on the Proposed Amendments from the Docket as certified to it by the Planning Commission, are minor in nature and are not substantial changes warranting a re-referral of the Docket for the Planning Commission's approval, disapproval or suggestions, and the Board may now proceed to finalize the Proposed Amendments as contained in Exhibit A; and

WHEREAS, the Board thus determines that the Proposed Amendments, as contained in Exhibit A attached to and incorporated into this Resolution, should be approved for adoption into the Land Use Code.

NOW, THEREFORE, BE IT RESOLVED that the Proposed Amendments, as contained in Exhibit A attached to and incorporated into this Resolution, are hereby approved for adoption into the Land Use Code, to be effective beginning on the date of the Board's signature of this Resolution as set forth below.

BE IT FURTHER RESOLVED that, pursuant to C.R.S. Section 30-28-125, the Board authorizes the Clerk to the Board to arrange for the immediate transmittal of this Resolution, with its Attachment A, to the County Clerk and Recorder, for filing and appropriate indexing with that official, so that the Clerk and Recorder may make this Resolution, with its Exhibit A, accessible to the public. This transmittal should state recording Reference **No. 2735571**, the

recording of the Boulder County Land Use Code on November 4, 2005, which this transmittal supplements and amends.

A motion to approve the Proposed Amendments (Docket #DC-09-004), as set forth above, was made at the Public Hearing by Commissioner Domenico, seconded by Commissioner Toor, and passed by a 3-0.

Resolution 2009-81, with its Exhibit A, is hereby adopted and effective on this 30th day of June, 2009.

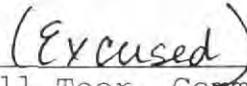
**BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY:**



Ben Pearlman, Chair



Cindy Domenico, Vice Chair



Will Toor, Commissioner



ATTEST:


Clerk to the Board

Expanded TDR Program including Structure Size Thresholds
Land Use Code Amendment - Article 4-1300
FINAL
Boulder County Board of County Commissioners

4-1300 – Expanded TDR Program and Structure Size Thresholds for Single Family Uses

A. Introduction and Purposes

1. This Section 4-1300 establishes a structure size threshold for single family residences, above which additional Development Credits must be obtained to offset the impacts of larger scale homes, and below which Development Credits can be severed to preserve a supply of smaller scale homes. These regulations also provide for the transfer of Development Credits to maintain rural character through the preservation of vacant land.
2. These regulations are adopted to implement the goals and policies in the Sustainability Element of the Boulder County Comprehensive Plan. Those goals and policies include:
 - a. Preserving the rural character of unincorporated Boulder County, especially those areas with particular historic or contextual character;
 - b. Promoting more sustainable development through incentives, education and regulation;
 - c. Allowing for the impacts of larger scale home development to be offset through the preservation of vacant land and smaller scale residential development elsewhere in the County;
 - d. Providing flexibility for property owners to build and keep smaller scale homes which will help provide a diversity of housing stock in unincorporated Boulder County; and
 - e. Promoting and preserving vacant land by creating incentives for property owners to leave land undeveloped.

4-1301 – Division of the County into Geographic Areas

A. For purposes of this Article 4-1300, unincorporated Boulder County is divided into the following two geographic areas:

1. Mountain Area – The Mountain Area includes the mountainous areas of the County as defined in the Land Use Code Section 18-178A (the area west of CO 93 from its intersection with the south county line to the City of Boulder, west of the City of Boulder city limits, west of US 36 from the City of Boulder to CO 66, and west of the St. Vrain Supply Canal from CO 66 to its intersection with the north county line).
2. Plains Area – The Plains Area includes all areas of the County that are not included in the Mountain Area.

4-1302 – Single Family Residential Size Threshold

A. The Size Threshold is the measure of single family residential floor area that is allowed on a legal building lot without having to purchase Development Credits, as further provided below. Building lots with residential floor area at a specified level less than the Size Threshold may sell Development Credits, as further provided below.

1. Size Threshold to be applied county-wide
 - a. Total residential floor area, as defined in Article 18-190, equal to 6,000 square feet.



- b. This total floor area includes all residential floor area as defined in Article 18-190.
- B. Structures exempt from the Size Threshold are manufactured homes located in a zoned Manufactured Home Park; nonresidential structures including agricultural accessory structures such as barns and loafing sheds; and Agricultural, Family Care and Historic Accessory Dwelling Units that are approved through a special review process.

4-1303 –Conveyance and Severance of Development Credits

- A. Development Credits may be conveyed either in a private market transaction or through the County Clearinghouse (see Section 4-1305, below).
 - 1. For Development Credits conveyed through private market transactions, the parties must obtain Development Credit Certificates from the County Clearinghouse in advance of conveyance.
 - a. Adequate documentation of private transactions, such as purchase agreements or bills of sale, must be submitted to the County Clearinghouse within five business days after the closing of the transaction, for registration purposes.
 - b. The County Clearinghouse may request information as necessary to provide adequate evidence of the private transaction.
 - 2. Boulder County may sell or donate Development Credits to the County Clearinghouse from properties purchased by the Boulder County Parks and Open Space Department under the rules and policies governing the operation of the Clearinghouse, contained in Section 4-1306, below, and the purchase of properties by the Parks and Open Space Department.
- B. Severance of Development Credits from Vacant Building Lots ~~Where No Development is to Occur~~ Which Are To Remain Vacant
 - 1. Development Credits may be severed from a vacant building lots, provided that the lot meets the following requirements and any future development potential removed from the subject lot, based on the following as specified below:
 - a. In the Plains Area
 - i. ~~The parcel~~ lot must be a building lot.
 - ii. The lot must meet the definition of "vacant building lot" under Article 18 of this Code. Building lots which are not vacant under this definition may be rendered vacant, provided that all necessary structures and improvements are removed from the lot and all necessary land restoration accomplished to the satisfaction of the Director pursuant to all applicable Land Use Code review and building permit requirements (including historic review if necessary), prior to the issuance and transfer of any Development Credits.
 - iii. The lot must not be required to remain vacant by a conservation easement or other instrument recorded outside the scope of this Article 4-1300.
 - iv. The ~~building~~ lot must have legal access.
 - v. The property owner may offer to grant a conservation easement, or other preservation instrument, on the ~~property~~ lot to either the County or another land preservation entity approved by the County, keeping the ~~property~~ lot vacant in perpetuity. If such offer is accepted, the property owner retains fee title to the lot and will receive ten Development Credits, which may then be held by the property owner or sold to either the County Clearinghouse or on the private market.

~~iv.vi.~~ The property owner may offer to convey the lot in fee to either the County or another land preservation entity approved by the County. If such offer is accepted, the property owner will receive as compensation twelve Development Credits, which may then be held by the property owner or sold to either the County Clearinghouse or on the private market.

b. In the Mountain Area

i. ~~The parcel lot~~ must be a building lot.

ii. The lot must meet the definition of "vacant building lot" under Article 18 of this Code. Building lots which are not vacant under this definition may be rendered vacant, provided that all necessary structures and improvements are removed from the lot and all necessary land restoration accomplished to the satisfaction of the Director pursuant to all applicable Land Use Code review and building permit requirements (including historic review if necessary), prior to the issuance and transfer of any Development Credits.

iii. The lot must not be required to remain vacant by a conservation easement or other instrument recorded outside the scope of this Article 4-1300.

~~iv.~~ The building lot must have legal access.

~~v.~~ The property owner may offer to grant a conservation easement, or other preservation instrument, on the ~~property lot~~ to either the County or another land preservation entity approved by the County, keeping the ~~property lot~~ vacant in perpetuity. If such offer is accepted, the property owner retains fee title to the lot and will receive five Development Credits which may then be held by the property owner or sold to either the County Clearinghouse or on the private market.

~~vi.~~ The property owner may offer to sell the lot in fee to either the County or another land preservation entity approved by the County. If such offer is accepted, the property owner will receive seven Development Credits, which may then be held by the property owner or sold to either the County Clearinghouse or on the private market.

C. Severance of Development Credits from ~~Vacant or Developed Building Lots Where Development is to be Restricted~~ Restricted Residential Floor Area Is To Be Allowed

1. Development Credits may be severed from either ~~vacant or developed~~ a building lot, whether or not the lot is a vacant building lot as defined in Article 18 of this Code, except as provided in 4-1303.C.4. below, and provided that the lot meets the following requirements and single-family residential floor area on the lot is limited as specified below: any future development restricted on the subject lot, based on the following:

a. The ~~parcel lot~~ must be a building lot.

b. If the lot is not a vacant building lot, only legal single-family residential floor area is eligible to sever Development Credits.

c. The lot must not already be restricted to 2,000 square feet or less of single-family residential floor area through a conservation easement or other recorded instrument (although such lots can sever Development Credits as perpetually vacant lots if they follow the requirements of Subsection 4-1303.B. above).

d. The lot must not already be firmly (vs. presumptively) restricted to 2,000 square feet or less of single-family residential floor area through a County land use

approval (although such lots can sever Development Credits as perpetually vacant lots if they follow the requirements of Subsection 4-1303.B., above).

~~b. The building lot must have legal access.~~

~~c. For Developed Building Lots, only detached single-family residential floor area is eligible to sever Development Credits.~~

~~f. _____~~

~~4. The property owner must restrict single-family residential floor area on the eligible lot to the size, measured in square feet, amount of residential floor area specified below, and if so done will receive the designated following Development Credits as specified in this subsection:~~

- ~~i. For development restricted to 2,000 square feet of residential floor area, the owner may receive two Development Credits.~~
 - ~~ii. For development restricted to 1,500 square feet of residential floor area, the owner may receive three Development Credits.~~
 - ~~iii. For development restricted to 1,000 square feet of residential floor area, the owner may receive four Development Credits.~~
- ~~2. The owners of eligible lots shall receive the authorized number of Development Credits upon the granting of a restrictive covenant or other county approved preservation instrument to assure that the restriction imposed on the size of future development will run with the property in perpetuity.~~
 - ~~3. A developed lot, whose owner restricts the size of development on that property under this Section, may develop or redevelop to the maximum size included in that deed restriction.~~
 - ~~4. Residential development restricted to a size of less than 2,000 square feet by a Conservation Easement recorded on or before the effective date of these regulations and held by either the County or another preservation entity, is not eligible to participate in the severance of Development Credits under this section 4-1303.~~
- ~~D. Additional "Bonus" Development Credits may be awarded for either vacant or developed eligible building lots under Subsections 4-1303.B. and C., above, from which Development Credits are conveyed, as a bonus for significant conservation values found to exist on such lots, subject to the provisions of this subsection.~~
- ~~1. Properties/Lots owned or under contract for purchase by Boulder County on the effective date of these regulations, or being purchased by the Boulder County Parks and Open Space without property owner participation in this Article 4-1300, are not eligible for Bonus Development Credits.~~
 - ~~2. Bonus Development Credits may be awarded to a particular lot based on a site-specific assessment of the parcel by the applicable County Parks and Open Space Department.~~
 - ~~a. The availability of Bonus Development Credits will be based on the number and extent of significant conservation values or significance of the floodway mitigation which the Parks and Open Space Department, Land Use Department, or Transportation Department in its sole discretion finds associated with the specific building lot.~~
 - ~~b. Such review will be undertaken upon request of the building lot owner.~~
 - ~~c. The award of Bonus Development Credits is limited to a maximum of five Development Credits per building lot.~~

- i. 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:
 - (a) Preservation of Resources – The lot(s) contains natural, cultural or ecological resources as outlined 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.
 - (b) Agricultural Water Rights – The lot(s) have agricultural water for irrigation tied to the land to be preserved.
 - (c) Urban Shaping – The lot(s) helps to create significant buffer zones between communities or between residential and nonresidential uses, including, but not limited to, rural preservation areas specified in County intergovernmental comprehensive planning agreements with municipalities.
 - (d) Other Open Space Benefits – The lot(s) offers desired linkages to trails or other open space properties, provides desired access to public lakes, streams or other usable open space properties, or eliminates private property enclaves.
 - (e) Preservation of Historic Resources – The lot(s) have historically landmarked structures that would be preserved.
 - (f) Floodway Mitigation – Development within the mapped floodway will be removed from the lot(s).

E. Limitations on the Use of Development Credits on Preserved Lots

1. Once a property owner has severed the Development Credits from a vacant lot under Section 4-1303.B, above, Development Credits may not be repurchased to allow development on that lot.
 - a. Restricted lots from which all Development Credits have been severed may be combined with adjacent parcels that are or may be developed, provided the combination is approved through any applicable land use process and provided the restrictions remain in place and the portion of the lot which is restricted is not available for development.
2. Once a property owner has severed Development Credits from a lot where development has been restricted under Section 4-1303.C., above, the preservation instrument restricting development on that lot may be amended to allow the purchase and use of Development Credits to increase the floor area allowed on that lot up to a maximum of 2,000 square feet.
 - a. Prior to the issuance of a building permit for the allowed increase in floor area, the owner must execute and record an amended preservation instrument approved by the Clearinghouse to memorialize the new restricted floor area.

- b. The property owner shall submit the required Development Credit Certificates along with building permit application for construction of the additional square footage.

4-1304 – Acquisition and Use of Development Credits for Construction of Residential Floor Area

- A. Requirement for Acquisition of Development Credits – For residential floor area approved through the Site Plan Review process or other applicable County review process, which exceeds the Size Threshold in Section 4-1302, above, Development Credits must be acquired prior to the issuance of a building permit for the approved development.
- B. Development Credits must be obtained for development of floor area greater than the Size Thresholds in Section 4-1302 according to the following table. This table shall be applied cumulatively to the residential floor area subject to this Article 4-1300 (i.e., development in phases shall require the same number of Development Credits as a single combined application). Fractional Development Credits will not be recognized, nor can they be banked for future use.

Number of square feet	Number of Credits	Total Additional Square Footage	Total Credits for Additional Square Footage
1 st 500	1	500	1
2 nd 500	1	1000	2
3 rd 500	2	1500	4
4 th 500	2	2000	6
5 th 500	3	2500	9
Each additional 500 square feet	3		

- C. Process for the Acquisition of Development Credits
 - 1. In the case of either a private transaction or purchase from the Clearinghouse, the Clearinghouse shall issue the appropriate Development Credit certificates. Certificates may be acquired in a private transaction at any time, and applicants purchasing Credits prior to a site plan review approval do so at their own risk. Certificates may not be acquired from the Clearinghouse for development exceeding the applicable size threshold until the development has received final County Site Plan Review approval.
 - 2. Any building permit application for a single family residential structure greater than the applicable Size Threshold shall not be considered complete without the submission of the necessary Development Credit certificates and completion of any required land use process.
- D. Relationship between Size Thresholds Existing Single Family Residential Structures
 - 1. Single family residential structures existing on the effective date of these regulations (August 8, 2008) are not subject to the Size Threshold requirement in this Article 4-1300; however, any addition of residential floor area to an existing structure which

increases the total residential floor area to a size greater than the specified size threshold, will be subject to a requirement to purchase Development Credits to offset the portion of that additional new residential floor area above the threshold. Demolition and rebuilding of any existing residential structure or any portions thereof will not be counted toward the Size Threshold.

4-1305 – Boulder County Development Credits Clearinghouse

A. Short Title

1. The Boulder County Development Credits Clearinghouse (also referred to as the “Clearinghouse”) shall be established to assist in the administration of this Article 4-1300.

B. Duties and Responsibilities

1. Purchase and Sale of Development Credits – The Clearinghouse will have the ability to purchase Development Credits from willing sellers, and to sell Credits to willing buyers needing additional floor area for their single family residential development.
2. Registration of the Development Credits – The Clearinghouse will maintain a registration of the Development Credits available for purchase either through private market transactions or through the Clearinghouse, and of Development Credits that have been purchased and sold.
3. Issuance of Development Credit Certificates – The Clearinghouse shall be responsible for the issuance of Development Credit Certificates to be used in both private and Clearinghouse transactions to convey or acquire Development Credits.
4. Recordation – The Clearinghouse shall oversee the recordation of the necessary approved documents to assure that development size limitations and vacant land preservation encumbrances on specific lots associated with the transfer of Development Credits are maintained as required in this Article 4-1300.

4-1306 – Application of Article 4-1300

A. The following development shall be exempt from compliance with the Size Threshold outlined in Section 4-1302 to the extent noted below:

1. The specific development recognized in any land use approval granted prior to the effective date of these regulations, which on the effective date of these Regulations, is within the statutory vesting period granted under Section 3-207 of the Land Use Code (codifying Part 1 of Article 68, Title 24, C.R.S.). The applicable statutory vesting period is specified in the Commissioners’ resolution approving the subject development. *Once the statutory vesting period for these developments expires, an additional three years shall be added to that original vesting period before the development will be subject to these regulations. After this vesting period expires, any development covered by this Subsection A.1., which is also an approved PUD subdivision, shall be exempted from the Size Thresholds on the same basis as Transfer of Development Rights PUD subdivisions (i.e., up to a total residential floor area of 9,000 square feet per lot - see Subsection A.4., below.*
2. The specific development for which a complete application for a County building permit has been submitted prior to the effective date of these regulations. If any building permit issued under this subsection expires or is not lawfully pursued, the development becomes subject to these regulations.

3. The specific development approved as a site plan review under Article 4-800 of this Code (whether approved solely as a site plan review request, or as a site plan review request combined with another form of land use review), pursuant to a complete application submitted on or before September 7, 2007. This exemption lasts for the three-year period specified in Section 4-810.A., after which the site plan review approval expires and the development becomes subject to these regulations.
 4. Development in a Transfer of Development Rights Planned Unit Development Subdivision receiving site approved and recorded under Article 6-700 of this Code will be exempted from the Size Threshold up to a total residential floor area of 9,000 square feet per lot. Residential floor area greater than 9,000 square feet per lot will be subject to the requirement to purchase additional Development Credits for the floor area greater than 9,000 square feet.
 5. Development in a Noncontiguous Nonurban Planned Unit Development Subdivision receiving area approved and recorded under Article 6-500 of this Code will be exempted from the Size Threshold up to a total residential floor area of 9,000 square feet per lot. Residential floor area greater than 9,000 square feet per lot will be subject to the requirement to purchase additional Development Credits for the floor area greater than 9,000 square feet
 - ~~5-6.~~ The specific development recognized in a Commissioners' authorization for a firm, numerical house size to be built as stated in a land use approval granted pursuant to a complete application submitted on or before September 7, 2007, and for which a recorded conservation easement was required or agreed to as part of the approval. This exemption does not apply, however, where the conservation easement was anticipated or required under the general land use regulations governing the development, such as PUD, NUPUD, NCNUPUD, and TDR sending site regulations. This exemption also does not apply where the house size allowance in the subject approval is stated presumptively (as opposed to authorizing a definite size), or where the size allowance applies to multiple structures (making it difficult to determine the particular size authorized for the residence itself).
 - ~~6-7.~~ The restoration of a structure under Section 4-802.B.3, where a structure has been damaged or destroyed by causes outside the control of the property owner or agent.
- B. For purposes of interpreting the exemptions contained in Section A, above, the following additional provisions shall govern:
1. The effective date of these regulations shall be the effective date of August 8, 2008 stated in the Commissioners' resolution (Resolution 2008-72) approving the regulations.
 2. Approvals granted prior to the effective date of these regulations shall be approvals that have a final Commissioners' vote of approval before the regulations' effective date.
 3. A requirement for a complete application to be filed, means a complete application as determined by the Director with reference to this Code's or the Building Code's submittal requirements for the application in question.
 4. The reference to an exemption applying to the "specific development" in a submitted or approved application means the exact development in the submitted or approved application, with only minor modifications being allowed in the discretion of the Land Use Director.

C. The Land Use Director is empowered to make interpretations regarding the application of the exemptions stated in Section A., above, to specific development. In making interpretations, the Land Use Director shall consider the purposes of the regulations in this section, as well as the principles of interpretation and rules of construction contained in Article 1 of this Code. Any aggrieved party may appeal the Director's final interpretation under this Section to the Board of County Commissioners, provided that any such appeal shall be in writing, and shall be filed with the Land Use Director no later than 30 days following the date of the Director's final interpretation.

4-1307 – Review and Amendment of These Regulations

- A. The Board of County Commissioners will undertake a review of this Article 4-1300, including the Size Threshold and the operation of the Clearinghouse, six months after the effective date of these regulations. This review was conducted on March 3, 2009.
- B. ~~After that initial review,~~ The Board may establish a regular time interval for continued review of this program.

Expanded TDR Program including Structure Size Thresholds
Amendments to Article 18 - Definitions
FINAL
Boulder County Board of County Commissioners

Current Definitions, with amendments, included in Article 18 of the Land Use Code

18-189D – Residential Floor Area – For the purposes of Site Plan Review and the presumptive size thresholds associated with the Expanded Transfer of Development Rights Program, Residential Floor Area includes all attached and detached floor area (as defined in 18-162) on a parcel including principal and accessory structures used or customarily used for residential purposes, such as garages, studios, pool houses, home offices, and workshops.

18-210A – Vacant Building Lot – For the purposes of the Expanded Transfer of Development Rights Program under Article 4-1300 of this Code, a vacant building lot is a lot that qualifies as a building lot under this Code, but has no structures on it, except for improvements that are minor in nature and do not compromise the overall open land quality of the lot.