Boulder County

Boulder County
Land Use Department
Publications

Site Plan Review Waivers

Land Use Department
Courthouse Annex Building
2045 13th Street
PO Box 471
Boulder, CO 80302

Planning Division:
Phone: 303-441-3930
Email: planner@bouldercounty.org
Website: www.bouldercounty.org/lu

Office Hours:
8 a.m.-4:30 p.m. Mon., Wed., Thurs., Fri.
10 a.m.-4:30 p.m. Tuesday.

Site Plan Review Waivers

A **Pre-application Conference** is required prior to submitting each new Site Plan Review Waiver application.

The Site Plan Review Waiver Process

The Site Plan Review (SPR) regulations allow for certain types of minor projects, which are likely to be less impacting, to be waived from the full SPR process that would normally be required to approve their construction. These projects are eligible for an expedited review called the "Site Plan Review Waiver (SPRW)," during which the SPR standards are analyzed in a shorter time frame (approximately 2 weeks).

The following projects are eligible for the Site Plan Review Waiver process:

- Non-Residential accessory structures less than 5,000 square feet in the plains.
- Non-Residential Accessory structures less than 2,000 square feet in the mountainous areas of the county.
- Additions or other residential floor area under 2,000 square feet, which result in a total residential size that is 125% or less of the median residential floor area for the defined neighborhood.
- Earthwork involving less than 500 cubic yards of earthwork.
- Ground-mounted accessory solar arrays (see Land Use publication ***Small Renewable Energy Systems***).

A **Site Plan Review** or a **Site Plan Review Waiver** will be required if the cumulative increase in floor area is 1,000 square feet or more over that existing on the parcel as of September 8, 1998 or if the development will result in a total residential floor area greater than 125% of the median residential floor area for the defined neighborhood

Development proposed on properties with conservation easements or within a Natural Landmark or Natural Area (or the associated 250 foot buffer) as described in the Boulder County Comprehensive Plan or which requires a floodplain development permit can not be waived from Site Plan Review.

The Director may impose written terms and conditions (such as a down-lighting requirement, color requirement, and/or a revegetation requirement through the expedited review and determination) on the waiver. If a waiver is not granted, the proposal will require the full Site Plan Review process to examine the impacts more closely, even if granted a waiver, the project is subject to building code requirements and must be issued a building permit.

Residential vs. Non-Residential Floor Area

Residential floor area includes all attached and detached floor area (as defined in Article 18 of the Land Use Code) on a parcel, including principal and accessory structures used or customarily used for residential purposes, such as garages, studies, pool houses, home offices, and workshops. Gazebos and carports up to a total combined size of 400 square feet are exempt. Residential floor area does not include the area of any covered porch. Barns used for agricultural purposed are not considered residential floor area.

Fees

There is a $600.00 non-refundable fee to process Site Plan Review Waivers, with the $600.00 going toward the Site Plan Review fee if the waiver is not granted.

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Site Plan Review Waiver Checklist

Pre-Application Conference Planner		Date:
Project Name:	Size of Property in Acres:	
Current Owner:		
Property Address/Location:		

Project Information

When you submit your Site Plan Review Waiver application, be sure to include:

- ❏ **Application Form** - The application form must be signed by the current owner of record.
- ❏ **Vicinity and Location Maps** - Vicinity and location maps were provided to you during the pre-application conference. They show the project location relative to the entire county, as well as the subject parcel and how to access it from major roads.
- ❏ **Current Deed** - You will need to submit a copy of the current deed.
- ❏ Verification of Legal Building Lot - Development of any property on which the main or principal use would require a legal building lot will require confirmation of building lot status.
  - ❏ Building Lot Determination Letter.
  - ❏ Subdivision Exemption Resolution recognizing the building lot.
  - ❏ Verification of legal access.
- ❏ **Fact Sheet** - This form details the proposed square footage of the project and proposed earthwork for staff review.
- ❏ **Elevation Drawings** - Drawings that show all sides (north, east, south, and west) of the exterior of the buildings side views on 8.5" x 11" or 11" x 17" paper (see attached example).

  All Four Elevations Must Show:
  - ❏ Existing Grade.
  - ❏ Finished Grade.
  - ❏ Structure Height Above Existing Grade.
  - ❏ Standard Scale (⅛ = 1' or ⅟₁₆ = 1').
- ❏ **Site Plan** - Drawing showing the location of the proposed accessory structure, addition, or earthwork on the parcel of land on 8.5" x 11" or 11" x 17" paper.

  Basic Elements of the Site Plan Should Include:
  - ❏ North Arrow.
  - ❏ Dimensions of Property.
  - ❏ Name of Project.
  - ❏ Address.
  - ❏ Preparation Date.
  - ❏ Standard Scale.
  - ❏ Location of proposed improvements and/or structures, including solar photovoltaic arrays.
  - ❏ Distances from Structures to Property Lines.
- ❏ **Color Samples** and/or **Exterior Lighting Plan** including Fixture Cut-sheet(s).
- ❏ **Other:**

Once you submit these materials to our office, we will send a notice to the immediately adjacent neighbors and allow them seven (7) days to respond with any comments or concerns they might have. Staff will also visit the site so please **stake the proposed location of the proposed improvement on your land within one day** of submitting your application materials. If the Land Use Department does not find any significant concerns associated with your proposal, we will notify you that your proposal has been approved and the waiver granted, and you may proceed with your building permit. If potential significant impacts are found, the full Site Plan Review process will be required.

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Tuesday 10 a.m. to 4:30 p.m.

Shaded Areas for Staff Only
Intake Stamp

Application Form

Project Number	Project Name

❏ Limited Impact Special Use ❏ Limited Impact Special Use Waiver ❏ Modification of Special Use ❏ Site Plan Review ❏ Site Plan Review Waiver ❏ Subdivision Exemption ❏ Exemption Plat ❏ 1041 State Interest Review ❏ Other:	Application Deadline: First Wednesday of the Month ❏ Variance ❏ Appeal	Application Deadline: Second Wednesday of the Month ❏ Sketch Plan ❏ Preliminary Plan ❏ Final Plat ❏ Resubdivision (Replat) ❏ Special Use/SSDP	❏ Rezoning ❏ Road/Easement Vacation ❏ Location and Extent ❏ Road Name Change

Location(s)/Street Address(es)				
Subdivision Name				
Lot(s)	Block(s)	Section(s)	Township(s)	Range(s)
Area in Acres	Existing Zoning	Existing Use of Property		Number of Proposed Lots
Proposed Water Supply		Proposed Sewage Disposal Method		

Applicants:

Applicant/Property Owner			Email Address	
Mailing Address				
City	State	Zip Code	Phone	Fax
Applicant/Property Owner/Agent/Consultant			Email Address	
Mailing Address				
City	State	Zip Code	Phone	Fax

Agent/Consultant			Email Address	
Mailing Address				
City	State	Zip Code	Phone	Fax

Certification (Please refer to the Regulations and Application Submittal Package for complete application requirements.)

I certify that I am signing this Application Form as an owner of record of the property included in the Application. I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. I understand that all materials required by Boulder County must be submitted prior to having this matter processed. I understand that public hearings or meetings may be required. I understand that I must sign an Agreement of Payment for Application processing fees, and that additional fees or materials may be required as a result of considerations which may arise in the processing of this docket. I understand that the road, school, and park dedications may be required as a condition of approval.

I understand that I am consenting to allow the County Staff involved in this application or their designees to enter onto and inspect the subject property at any reasonable time, without obtaining any prior consent.

All landowners are required to sign application. If additional space is needed, attach additional sheet signed and dated.

Signature of Property Owner	Printed Name	Date
Signature of Property Owner	Printed Name	Date

The Land Use Director may waive the landowner signature requirement for good cause, under the applicable provisions of the Land Use Code.

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Planning Review Fee Schedule

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Planning Review Fee Schedule

The fee structure is adopted by the Board of County Commissioners, and attempts to recover actual costs of providing the services.

The non-refundable application fee/deposit is usually exceeded. The Land Use Department will bill on a monthly basis once the fee is exceeded. Amendments require the same non-refundable fee as the original process.

Every planning process is required to have a pre-application conference prior to an application being submitted.

Process	Non-Refundable Application Fee	Additional Billing*
Pre-application Conference in office	No Charge	N/A
Pre-application Conference on site	$208.00	N/A
Appeal of Administrative Decision	$750.00 deposit and time billed for staff up to a total amount of $2,000. If the appellant prevails with the Board of Adjustment, the deposit and any additional payments will be refunded.	$103.83/hr up to $2,000.00
Building Lot Determination: In a platted subdivision or previous Building Lot Determination completed in previous 5-year period.	$50.00	flat fee
Building Lot Determination: All others.	$75.00	flat fee
Comprehensive Plan change	$1,000.00	$103.83/hr
Correction Plat	$125.00	flat fee
Construction Development Permit (collected at Building Counter)	$857.00 (adopted June 2013)	N/A
DPR and Construction Development Permit inspections and ongoing monitoring	In house review of compliance reports/ documents $103.83/hr, with 2-hour minimum. Inspections 103.83/hr with 2-hour minimum.	$103.83/hr
Exemption Plat**	$1,575.00 $900 due at application, $675 due one week prior to hearing.	flat fee (if hours exceed 18 hours excess time to be billed at 103.83/hr)
Extension of Approval	$150.00	N/A
Hazard Mitigation Review	$260.00	N/A
Location and Extent	$500.00	$103.83/hr

*The hourly billing rate of $103.83/hr is for planner/engineer time. Administrative time will be billed for non-flat rate items at $30/hr. Public Notices required as part of a process will be billed for actual costs. Other agencies may require additional fees for review of land use applications, which fees must be paid separately.

**No charge for Exemption Plats and Subdivision Exemptions which remove a unit of density.

Process	Non-Refundable Application Fee	Additional Billing*
Limited Impact Special Review (except as noted below)	$750.00	$103.83/hr
Limited Impact Special Review for: ❏ Accessory Agricultural Sales 4-516(A) ❏ Accessory Farm Stand 4-516(H) ❏ Agricultural Accessory Dwellings (4-516(G)(1)(b) ❏ Demonstration Farm or Farm Camp 4-516(M) ❏ Farm Events 4-516(N) ❏ Farm Store 4-502(B) ❏ Seasonal Farm Stand 4-502(E) ❏ Watershed Restoration Project (grading 500 cubic yards or more)	$450.00	$300.00 hearing fee, to be collected prior to Board of County Commissioners hearing.
Preliminary Plan and/or Final Plat	$850.00	$103.83/hr
Renewable Energy System; Residential	$100.00	N/A
Renewable Energy System; non-Residential	$500 .00	N/A
Replat	$600.00	$103.83/hr
Rezoning	$750.00	$103.83/hr
Site Plan Review ❏ Proposal where the resulting Residential Floor Area exceeds the applicable Presumptive Size Maximum for the neighborhood. ❏ Commercial telecommunications facility. ❏ Establishment of use on a previously vacant or abandoned property. ❏ Changes in use in combination with structural or other significant physical improvements (i.e. parking increase).	$1,800.00 (flat fee)	N/A
Site Plan Review ❏ Proposals where the resulting Residential Floor Area is less than the applicable Presumptive Size Maximum for the neighborhood. ❏ Proposals for non-residential floor area not eligible for SPRW. ❏ Grading less than 500 cubic yards if not approved through waiver.	$1,250.00 (flat fee)	N/A
Site Plan Review ❏ Change in use other than to an Agricultural Use under 4-502 of the Land Use Code with no significant physical improvements.	$950.00 (flat fee)	N/A
Site Plan Review ❏ Change in use to an Agricultural Use under 4-502 of the Land Use Code with no significant physical improvements. ❏ Watershed Restoration project.	$475.00 (flat fee)	N/A
Site Plan Review Waiver	$600.00 (flat fee)	N/A
Site Specific Development Plan	$1,000.00 (flat fee)	N/A
Sketch Plan	$1,000.00	$103.83/hr
Subdivision or PUD (combined process SP/PP/FP/SSDP)	$1,450.00	$103.83/hr
Subdivision Exemption**	$500.00	$103.83/hr
Special District	$500.00	N/A
Special Use/SSDP	$1,450.00	$103.83/hr
Special Use Monitoring	$125.00	$103.83/hr
State Interest Reviews (1041)	$750.00	$103.83/hr
Substantial Modification Determinations *Complex determinations as identified by staff may require staff billing for additional time. Applicants will be notified and given a written estimate for amount anticipated and an additional deposit may be required. If determined to be a Major/Substantial modifications, these fees will be applied to the subsequent required process.*	$160.00	$103.83/hr

Process	Non-Refundable Application Fee	Additional Billing*
Vacation (road / easement)	$750.00	$103.83/hr
Variance	$500.00	$103.83/hr
Zoning Verification letter (when a formal zoning verification letter is requested) *Zoning compliance verification letter contains information regarding current zoning on the parcel, previous reviews and permits on the parcels and any known unresolved zoning or building code complaints on record.*	$125.00	$103.83/hr

*The hourly billing rate of $103.83/hr is for planner/engineer time. Administrative time will be billed for non-flat rate items at $30/hr. Public Notices required as part of a process will be billed for actual costs. Other agencies may require additional fees for review of land use applications, which fees must be paid separately.

**No charge for Exemption Plats and Subdivision Exemptions which remove a unit of density.

Additional Billing

- ❑ Additional or repeated inspections: $155.75
- ❑ Re-application fee for incomplete applications:
  - 1st re-application: $75.00 or 10% of application fee, whichever is greater.
  - 2nd or more re-application: $155.75 or 15% of application fee, whichever is greater.

Other Development Review Fees and Waivers

- ❑ A Public Notice Sign Deposit (refundable if sign is returned) of $25.00 is required at time of application, as applicable.
- ❑ Fees for applications not specifically listed in this fee schedule will be determined by the Land Use Director based on the hourly rate and actual time spent.
- ❑ Fees for certain conditional use permit and site plan applications may be reduced, at the discretion of the Board of County Commissioners subsequent to the conclusion of the review process, when the County's cost of review is less than the applicable fee.

Payment

Checks should be made out to **Boulder County Treasurer**.

Credit/Debit Card Convenience Fee

A Credit/Debit Card Convenience Fee of 2.5% applies to all credit card and debit card transactions.

Site Plan Review Waiver Fact Sheet

The applicant(s) is/are required to complete each section of this Fact Sheet is required to be completed, even if the information is duplicated elsewhere in the application. Completed Fact Sheets cut application review time, and assist staff in expediting determinations. Please make duplicates of this page if the project involves more than two structures. Please note: If a project is granted a SPR Waiver but the building permit floor area calculations result in new floor area exceeding 2,000 sq. ft., then the project will trigger a full SPR prior to issuance of a building permit.

Structure #1 Information

Type of Structure: (e.g. residence, studio, barn, etc.)					
Total Existing Floor Area: (Finished + Unfinished square feet including garage if attached.)			sq. ft.	**Deconstruction:**	sq. ft.
Are new floor areas being proposed where demolition will occur? ❑ **No** ❑ **Yes** (include the new floor area square footage in the table below)					
Proposed Floor Area (New Construction Only)				❑ Residential ❑ Non-Residential	
	Finished	**Unfinished**	**Total**		
Basement:	sq. ft.	sq. ft.	sq. ft.	**Height** (above existing grade)	
First Floor:	sq. ft.	sq. ft.	sq. ft.	**Exterior Wall Material**	
Second Floor:	sq. ft.	sq. ft.	sq. ft.	**Exterior Wall Color**	
Garage: ❑ Detached ❑ Attached	sq. ft.	sq. ft.	sq. ft.	**Roofing Material**	
***Covered Porch:**	sq. ft.	sq. ft.	sq. ft.	**Roofing Color**	
Total:	sq. ft.	sq. ft.	sq. ft.	**Total Bedrooms**	

Structure #2 Information

Type of Structure: (e.g. residence, studio, barn, etc.)					
Total Existing Floor Area: (Finished + Unfinished square feet including garage if attached.)			sq. ft.	**Deconstruction:**	sq. ft.
Are new floor areas being proposed where demolition will occur? ❑ **No** ❑ **Yes** (include the new floor area square footage in the table below)					
Proposed Floor Area (New Construction Only)				❑ Residential ❑ Non-Residential	
	Finished	**Unfinished**	**Total**		
Basement:	sq. ft.	sq. ft.	sq. ft.	**Height** (above existing grade)	
First Floor:	sq. ft.	sq. ft.	sq. ft.	**Exterior Wall Material**	
Second Floor:	sq. ft.	sq. ft.	sq. ft.	**Exterior Wall Color**	
Garage: ❑ Detached ❑ Attached	sq. ft.	sq. ft.	sq. ft.	**Roofing Material**	
***Covered Porch:**	sq. ft.	sq. ft.	sq. ft.	**Roofing Color**	
Total:	sq. ft.	sq. ft.	sq. ft.	**Total Bedrooms**	

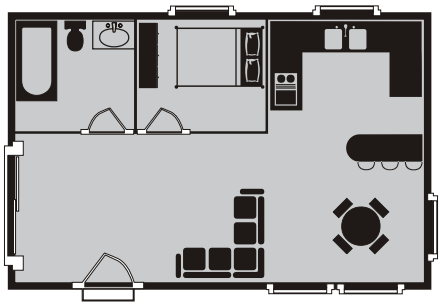
*See Article 18-131A for definition of covered porch.

Project Identification:

Project Name:
Property Address/Location:
Current Owner:
Size of Property in Acres:

Determining Floor Area

Floor Area is measured in terms of square feet. The total square footage is as everything within the exterior face of the exterior walls including garages and basements. **Covered porch area that is attached to the principal structure is not included (see Article 18-131A).** The shaded area on the diagram indicates the area counted as square feet.



Residential vs. Non-Residential Floor Area

Residential Floor Area includes all attached and detached floor area (as defined in Article 18-162) on a parcel, including principal and accessory structures used or customarily used for residential purposes, such as garages, studies, pool houses, home offices and workshops. Gazebos and carports up to a total combined size of 400 square feet are exempt. Barns used for agricultural purposed are not considered residential floor area.

Note: If an existing wall(s) and/or roof(s) are removed and a new wall(s)/roof(s) are constructed, the associated floor area due to the new wall(s)/roof(s) are considered new construction and must be included in the calculation of floor area for the Site Plan Review and shown on this Fact Sheet.

If a Limited Impact Special Review is required, then call 303-441-3930 and ask for a new Pre-Application conference for the Limited Impact Special Review.

Floor Area

Please Note: If a project is granted a SPR Waiver but the building permit floor area calculations result in new floor area exceeding 2,000 sq. ft., then the project will trigger a full SPR prior to issuance of a building permit.

Grading Calculation

Cut and fill calculations are necessary to evaluate the disturbance of a project and to verify whether or not a Limited Impact Special Review is required. Limited Impact Special Review is required when grading for a project involves more than 500 cubic yards (minus normal cut/fill and backfill contained within the foundation footprint).

If grading totals are close to the 500 yard trigger, additional information may be required, such as a grading plan stamped by a Colorado Registered Professional Engineer.

Earth Work and Grading

This worksheet is to help you accurately determine the amount of grading for the property in accordance with the Boulder County Land Use Code. Please fill in all applicable boxes.

Note: Applicant(s) must fill in the shaded boxes even though foundation work does not contribute toward the 500 cubic yard trigger requiring Limited Impact Special Use Review. Also, all areas of earthwork must be represented on the site plan.

Earth Work and Grading Worksheet:

	Cut	Fill	Subtotal
Driveway and Parking Areas			
Berm(s)			
Other Grading _____			
Subtotal			Box 1

* If the total in Box 1 is greater than 500 cubic yards, then a Limited Impact Special Review is required.

	Cut	Fill	Total
Foundation			
Material cut from foundation excavation to be removed from the property			

Excess Material will be Transported to the Following Location:

Excess Materials Transport Location:

Narrative

Use this space to describe any special circumstances that you feel the Land Use Office should be aware of when reviewing your application. If more room is needed, feel free to attach a separate sheet.

Is Your Property Gated and Locked?

Note: If county personnel cannot access the property, then it could cause delays in reviewing your application.

Certification

I certify that the information submitted is complete and correct. I agree to clearly identify the property (if not already addressed) and stake the location of the improvements on the site within four days of submitting this application. I understand that the intent of the Site Plan Review process is to address the impacts of location and type of structures, and that modifications may be required. Site work will not be done prior to issuance of a Grading or Building Permit.

Signature	Print Name	Date

Boulder County

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Historic Preservation Referral Requirement

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Boulder, CO 80302

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Fax: 303.441.4856
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Office Hours:
Monday – Friday 8 a.m. to 4:30 p.m.
Closed Tuesdays 8 to 10 a.m.

Historic Preservation Referral Requirement

Boulder County is committed to identifying and preserving the rich history of the unincorporated areas of the county. Through our Comprehensive Plan, Land Use Code, and other policies we have created a program to document, protect, and preserve the varying historic resources in our jurisdiction. County Land Use staff and the Historic Preservation Advisory Board (HPAB) are available to assist property owners in researching their property history, determining whether it is eligible for landmark designation, identifying ways to preserve the property and finding financial incentives for preservation.

The Historic Preservation Advisory Board (HPAB) serves as a referral body to review and comment on development proposals which would affect historic properties (any property with structures 50 years of age or older). Development review applications may require review by the full Historic Preservation Advisory Board, however, this depends on the nature of the historic resource and specific development proposal. A Boulder County Historic Preservation Planner in coordination with the members of HPAB determines the appropriate level of review for each development project.

Please contact a Boulder County Land Use Historic Preservation Planner at historic@bouldercounty.org or 303-441-3930 to discuss your project, and complete this form prior to submitting an application. Contact staff as soon as possible, since historic property research can take time. To avoid delays, contact the staff to begin this research well in advance of your submittal.

Applicant - Please complete this section:

Applicant(s):		
Project Address:		
City:	State:	Zip Code:
Parcel Information:		

The following is required to be completed by a Boulder County Historic Preservation Planner:

Land Use Staff in cooperation with HPAB has considered an application for:

_____

_____

_____

at the property listed above and has determined that the Application:

☐ Does not require a referral	
☐ Requires a referral only to the Boulder County Historic Preservation Planner	
☐ Requires a review by the Historic Preservation Advisory Board	
Historic Preservation Planner Signature:	Date:

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Site Plan Review Standards

Site plan review is an administrative review procedure for certain proposed developments which are considered likely to significantly impact important ecosystems, agricultural lands, surrounding land uses and neighborhoods, and infrastructure needs and demands, and which may be unsafe due to natural hazards. This site plan review process for proposed new development will allow any significant adverse impacts on the environment, agricultural lands, surrounding land uses and neighborhoods, and infrastructure to be identified, evaluated, and avoided or acceptably mitigated through the imposition of reasonable conditions.

A site plan review application shall be reviewed in accordance with the following standards, which the Director has determined to be applicable based on the nature and extent of the proposed development.

Site Plan Review Standards - Article 4-806 of Boulder County Land Use Code

1. To provide a greater measure of certainty as to the applicable neighborhood relevant for comparison, the following definition of neighborhood shall be used to review proposed Site Plan Review applications:

- **a.** For applications inside platted subdivisions, which have seven or more developed lots, the neighborhood is that platted subdivision.
- **b.** For applications within the mapped historic townsites of Allenspark, Eldora, Eldorado Springs, Raymond, and Riverside, the neighborhood is defined as the mapped townsite.
- **c.** For applications outside of platted subdivisions with seven or more developed lots or the townsites of Allenspark, Eldora, Eldorado Springs, Raymond, and Riverside, the defined neighborhood is the area within 1,500 feet from the applicable parcel. The neighborhood shall not include any parcels inside municipal boundaries, platted subdivisions with seven or more developed lots or the townsites of Allenspark, Eldora, Eldorado Springs, Gold Hill Historic District, Raymond, and Riverside.

2. The size of the resulting development (residential or nonresidential) must be compatible with the general character of the defined neighborhood.

- **a.** In determining size compatibility of residential structures with the defined neighborhood, it is presumed that structures of a size within the larger of a total residential floor area of either (1) 125% of the median residential floor area for that defined neighborhood or (2) of a total residential floor area of 1,500 square feet in the mapped townsites of Allenspark, Eldora, Eldorado Springs, Raymond, and Riverside, or 2,500 square feet for all other areas of the County, are compatible with that neighborhood, subject also to a determination that the resulting size complies with the other Site Plan Review standards in this section 4-806.A.
  - **(i)** The Boulder County Assessor's Records will be the base source of data to determine both the median size within that defined neighborhood as well as the existing residential floor area on a given parcel, as verified by Land Use staff for the subject parcel.
  - **(ii)** Median floor area will include the total residential floor area, as defined in Section 18-190.

b. Either the applicant or the Director may demonstrate that this presumption does not adequately address the size compatibility of the proposed development with the defined neighborhood.

(i) Factors to be considered when determining the adequacy of this presumption and whether it can be overcome include:

(A) The visibility of the proposed development from other private parcels within the defined neighborhood, as well as visibility from either public roads or open space both within and outside that defined neighborhood.

(1) The proposed development must be minimally visible from the above-listed areas. Mitigation of visibility impacts may be achieved by:

(a) the use of natural topography to screen the proposed development, or

(b) underground construction to screen the proposed development; existing underground residential floor area may be considered, or

(c) distance of the proposed development from other private parcels, public roads and open spaces.

(B) The distribution of residential floor area within the defined neighborhood, taking into consideration the sizes (a minimum of two) adjacent to the subject property.

(1) If the proposed development is able to overcome the size presumption due to the adjacent sizes, the size of the resulting development may not exceed the median residential floor area of those adjacent to the subject property that are over the size presumption.

(C) For properties which are encumbered by a Boulder County conservation easement that specifies an allowable house size on that parcel, that specified home size is a factor to be considered in rebutting a size presumption which is smaller than the house size defined in the conservation easement.

(D) Significant adverse impacts demonstrated according to Standards 3 through 16 of this Section 4-806.A.

(E) Demolition and rebuilding of legally existing residential floor area that is not in conflict with the other standards set forth in this Section 4-806.

(F) Retrofitting of an existing structure for purposes of making a demonstrated energy efficiency improvement.

(G) Existing residential floor area that already exceeds the size presumption and has not been limited through a prior County land use approval.

(1) Up to a one-time maximum of 200 square feet of residential floor area may be granted under this factor.

(H) Historic structure(s) that are landmarked or otherwise protected cause the residential floor area to exceed the size presumption.

3. The location of existing or proposed buildings, structures, equipment, grading, or uses shall not impose an undue burden on public services and infrastructure.

4. The proposed development shall avoid natural hazards, including those on the subject property and those originating off-site with a reasonable likelihood of affecting the subject property. Natural hazards include, without limitation, expansive soils or claystone, subsiding soils, soil creep areas, or questionable soils where the safe-sustaining power of the soils is in doubt; landslides, mudslides, mudfalls, debris fans, unstable slopes, and rockfalls; flash flooding corridors, alluvial fans, floodways, floodplains, and flood-prone areas; and avalanche corridors. Natural hazards may be identified in the Comprehensive Plan Geologic Hazard and Constraint Areas Map or through the Site Plan Review process using the best available information. Best available information includes, without limitation, updated topographic or geologic data, Colorado Geologic Survey landslide or earth/debris flow data, interim floodplain mapping data, and creek planning studies. Development within or affecting such natural hazards may be approved, subject to acceptable measures that will satisfactorily mitigate all significant hazard risk posed by the proposed development to the subject property and surrounding area, only if there is no way to avoid one or more hazards, no other sites on the subject property can be reasonably developed, or if reasonably necessary to avoid significant adverse impacts based upon other applicable Site Plan Review criteria.

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; NFPA / 80A, 299, 1231; 2003 International Fire Code; and the 2003 International Building Code.

6. The proposed development shall not alter historic drainage patterns and/or flow rates or shall include acceptable mitigation measures to compensate for anticipated drainage impacts. The best available information should be used to evaluate these impacts, including but not limited to hydrologic evaluations to determine peak flows, floodplain mapping studies, updated topographic data, Colorado Geologic Survey landslide, earth/debris flow data, and creek planning studies.

7. The development shall avoid significant natural ecosystems or environmental features, including but not necessarily limited to riparian corridors and wetland areas, plant communities, and wildlife habitat and migration corridors, as identified in the Comprehensive Plan or through the site plan review process. Development within or affecting such areas may be approved, subject to acceptable mitigation measures and in the discretion of the Director, only if no other sites on the subject property can be reasonably developed, or only if reasonably necessary to avoid significant adverse impacts based upon other applicable site plan review criteria.
8. The development shall avoid agricultural lands of local, state or national significance as identified in the Comprehensive Plan or through the site plan review process. Development within or affecting such lands may be approved, subject to acceptable mitigation measures and in the discretion of the Director, only if no other sites on the subject property can be reasonably developed, or only if reasonably necessary to avoid significant adverse impacts based upon other applicable site plan review criteria.
9. The development shall avoid significant historic or archaeological resources as identified in the Comprehensive Plan or the Historic Sites Survey of Boulder County, or through the site plan review process. Development within or affecting such resources may be approved, subject to acceptable mitigation measures and in the discretion of the Director, only if no other sites on the subject property can be reasonably developed, or only if reasonably necessary to avoid significant adverse impacts based upon other applicable site plan review criteria.
10. The development shall not have a significant negative visual impact on the natural features or neighborhood character of surrounding area. Development shall avoid prominent, steeply sloped, or visually exposed portions of the property. Particular consideration shall be given to protecting views from public lands and rights-of-way, although impacts on views of or from private properties shall also be considered. Development within or affecting features or areas of visual significance may be approved, subject to acceptable mitigation measures and in the discretion of the Director, only if no other sites on the subject property can be reasonably developed, or only if reasonably necessary to avoid significant adverse impacts based upon other applicable site plan review criteria.
    a. In reviewing development proposals in the Peak-to-Peak Scenic Corridor Area, special attention will be paid to the visibility of the development from the Peak-to-Peak Highway, with the intent to ensure development is minimally visible from the Highway.
    b. For development anywhere in the unincorporated areas of the county, mitigation of visual impact may include changing structure location, reducing or relocating windows and glazing to minimize visibility, reducing structure height, changing structure orientation, requiring exterior color and materials that blend into the natural environment, and/or lighting requirements to reduce visibility at night.
11. The location of the development shall be compatible with the natural topography and existing vegetation and the development shall not cause unnecessary or excessive site disturbance. Such disturbance may include but is not limited to long driveways, over-sized parking areas, or severe alteration of a site's topography. Driveways or grading shall have a demonstrated associated principal use.
12. Runoff, erosion, and/or sedimentation from the development shall not have a significant adverse impact on the surrounding area.
13. The development shall avoid Natural Landmarks and Natural Areas as designated in the Goals, Policies & Maps Element of the Comprehensive Plan and shown on the Zoning District Maps of Boulder County. The protection of Natural Landmarks and Natural Areas shall also be extended to their associated buffer zones. Development within or affecting such Landmarks or Areas may be approved, subject to acceptable mitigation measures and in the discretion of the Director, only if no other sites on the subject property can be reasonably developed, or only if reasonably necessary to avoid significant adverse impacts based upon other applicable site plan review criteria.
14. Where an existing principal structure is proposed to be replaced by a new principal structure, construction or subsequent enlargement of the new structure shall not cause significantly greater impact (with regard to the standards set forth in this Section 4-806) than the original structure.
15. The proposal shall be consistent with the Comprehensive Plan, any applicable intergovernmental agreement affecting land use or development, and this Code.

Boulder County

Boulder County Land Use Department Publications

Outdoor Lighting Requirements

Land Use Department
Courthouse Annex Building
2045 13th Street
PO Box 471
Boulder, CO 80302

Planning Division:
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Office Hours:
Monday – Friday 8:00 a.m. to 4:30 p.m.
Closed Tuesdays 8:00 a.m. to 10:00 a.m.

Outdoor Lighting Requirements

This informational publication is intended to help explain the importance of effective, quality lighting with regards to the Boulder County Outdoor Lighting Requirements. The Boulder County Land Use Department hopes to better convey why the County has adopted these regulations, and to offer examples of acceptable lighting fixtures designed to minimize light pollution while preserving the safety, security, nighttime use, and enjoyment of property ownership.

What is Light Pollution?

Light pollution is light that is obtrusive and wasteful. Examples of light pollution include skyglow, light trespass, and glare.

Skyglow

The night sky has been a resource and part of the quality of life in Boulder County since this area was first settled. However, over the years the night sky has slowly diminished due to unnecessary light and glare from inappropriate lighting. The importance of the sky in any rural area, and particularly in a place as beautiful as Boulder County,

is immeasurable. Skyglow is the wasted light shining skywards and reflecting out into the atmosphere. Skyglow decreases the ability to see stars and other astronomical elements. It can even reduce the ability to see the mountains. Full cut off shields over the light source directs light to where it is needed and reduces this wasted uplight.

Light Trespass

Light trespass is light that is distributed onto areas where the illumination is not wanted. Light intruding into neighboring homes and properties can keep people awake at night and destroy the sense of privacy. Complaints against "security" floodlights have increased dramatically over the years. Effective, quality lighting includes appropriate amounts in the appropriate place at the appropriate times.

Glare

Overly bright and poorly aimed lights cause glare, which is the most safety-related aspect of light pollution. Many people assume that a bright light (the brighter, the better) attached to an outside wall will deter criminals. However, the brighter the lights, the more difficult it is for the eye to adjust properly thus limiting the ability to detect possible intruders as quickly. Bright but unevenly distributed lighting often creates deep shadows where, due to the striking contrast, such intruders can hide. Shielded, evenly-distributed lighting reduces glare, harsh brightness, and deep shadows and can provide a safer environment.

Example of Bad Lighting.

Example of Good Lighting.

Bad Lighting

- ✔ Contributes to skyglow with upward direction of light, reducing enjoyment of the night sky.
- ✔ Causes glare, light trespass, and harsh illumination.
- ✔ Wastes Energy

Good Lighting

- ✔ Directs light down and to the sides as needed; light control.
- ✔ Reduces glare; more even illumination.
- ✔ Does not trespass onto neighboring property.
- ✔ Helps preserve the dark night sky.
- ✔ Cost Efficient.

Other Lighting Related Issues

Environmental and Economic Costs

Minimizing light pollution saves precious energy resources and reduces energy costs. In the United States alone, it is estimated that at least $1.5 billion dollars is wasted annually on the electricity for outdoor lighting that is emitted towards the sky. The production of this amount of electricity is equivalent to the burning of 6,000,000 tons of coal.

Effect on Wildlife

Lights attract and disorient animals. It can upset their biological patterns, affect their breeding cycles and deter them from established foraging areas. Trees are also affected; artificial light can prevent them from adjusting to seasonal variations. Light should be directed where it is needed.

Outdoor Lighting Requirements

Any outdoor lighting used for the illumination of parking areas, landscaping, residences, recreation areas, or for any private or public purpose, shall be arranged in a manner to meet the following conditions:

- ✔ Lights shall be fully shielded and downlit. The shield must be opaque so that no light can pass through it.
- ✔ Neither the direct or reflected light from any light source may create a traffic hazard to operators of motor vehicles on public roads, and no colored lights may be used in a way that could be confused or construed as traffic control devices.
- ✔ No blinking, flashing, or fluttering lights, or other illuminated device which has a change in light intensity, brightness, or color, and no lighting which exceeds 12 feet in height is permitted in any zoning district, except for temporary holiday displays, or as required by local, state, or federal regulations.
- ✔ Please note that the lighting requirements in the **Niwot Rural Community District (NRCD)** or as adopted through specific **Special Use** approvals may be more restrictive. If your property is located in the NRCD or is governed by a Special Use approval, please refer to the appropriate development plans.

To review the outdoor lighting requirements in its entirety, please see **Article 7-1600** of the Boulder County Land Use Code which can be viewed on-line at: **www.BoulderCounty.org**.

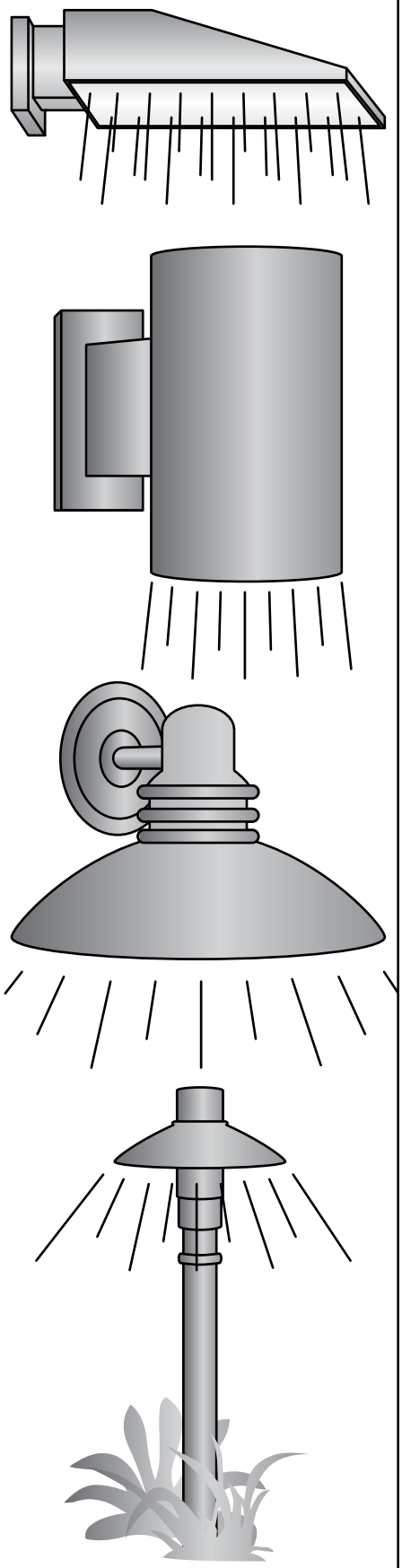
Getting Exterior Lighting Approved

All new exterior lighting fixtures must be approved before a building permit can be issued. Lighting plans should clearly indicate where every outdoor fixture is proposed, including landscape lighting. A depiction of the lighting fixture should be submitted in the form of a picture or manufacturer's cut sheet. If the proposed fixture is a recessed soffit light, please indicate that clearly on the lighting plan.

Lighting fixtures can be purchased that are approved by the International Dark-Sky Association, although not every Dark-Sky approved fixture meets the Boulder County lighting requirements. Another option is Dark-Sky approved shields that can be inserted into compatible lighting fixtures. However, some fixtures with shields may still not meet the Boulder County exterior lighting code. It is always best to check with Land Use staff to determine if a proposed fixture can be approved.

Every installed lighting fixture, including those that have shields or have been altered in any way, must be UL (Underwriter's Laboratories) listed. In addition, shields or other components added to the lighting fixture must be UL listed. Please be sure to keep the manufacturer's information (box, instructions, etc.) available for the electrical inspection as it may be needed to confirm the fixture complies with the electrical code.

Examples of Down Lighting Fixtures



Boulder County

Boulder County
Land Use Department
Publications

Building Height Restrictions

Land Use Department
Courthouse Annex Building
2045 13th Street
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Building Height Restrictions

Limitation of building height is an important tool in minimizing the impact of structures on the landscape and in increasing the compatibility of new structures with the surrounding neighborhood. The Boulder County Land Use Code establishes overall height limitations for each zoning district. A listing of the maximum building height allowed in each zoning district is found in Article 4 of the Code.

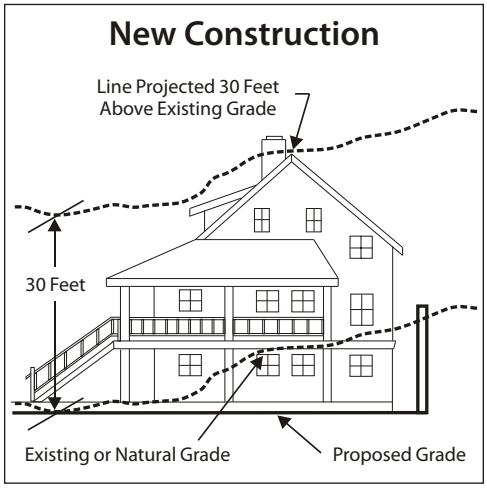
Measuring Building Height

Building Height Measurement

Building Height is the vertical distance from any part of the structure, excluding appurtenances (e.g. chimneys) to the existing grade below. To verify whether the height of a proposed structure is below the maximum height allowed, project a parallel line above the existing grade on all four elevation drawing see below). If the structure is below the upper line, the height limitation has been satisfied.

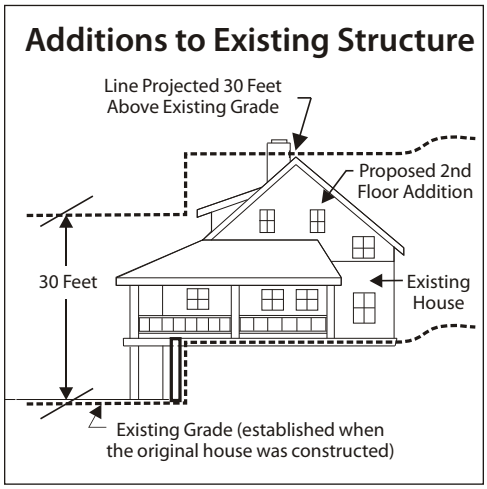
Existing Grade

For sites which have never been disturbed, existing grade is the same as the natural grade, which is the ground level before any human disturbances. For sites that have existing structures or other disturbances to the land, existing grade would be the ground level established when the structure or disturbance was created. Recent earthwork, particularly if the grading is done without permits, will not necessarily qualify as existing grade and often requires a determination from the Land Use Director.



Survey Requirement

If the proposed structure is within two feet of the maximum height, an elevation survey of the site is required. The site first must be surveyed prior to grading of the building area in order to establish existing grade. Elevations must be surveyed again prior to inspection of rough framing, and a licensed surveyor must submit a Height Survey Verification form certifying that the structure is below the maximum allowed height. Height Survey Verification forms are available from the Boulder County Building Division.



Building Height Requirements

Unsubdivided Land & Land Subdivided After August 29, 1994

The maximum building height allowed for residential structures is 30 feet, unless a lower or higher height has been approved through Site Plan Review, a subdivision approval, or other official review process. In no event, however, shall any residential structure exceed 35 feet in height.

Subdivided Land

Subdivided land is that land located within a platted area approved through a formal process by the Board of County Commissioners in accordance with the subdivision regulations in Article 5 of the Boulder County Land Use Code and recorded as a plat in the office of the Clerk and Recorder.

On land subdivided before August 29, 1994, the maximum building height is 35 feet unless a lower height was required through the subdivision process.

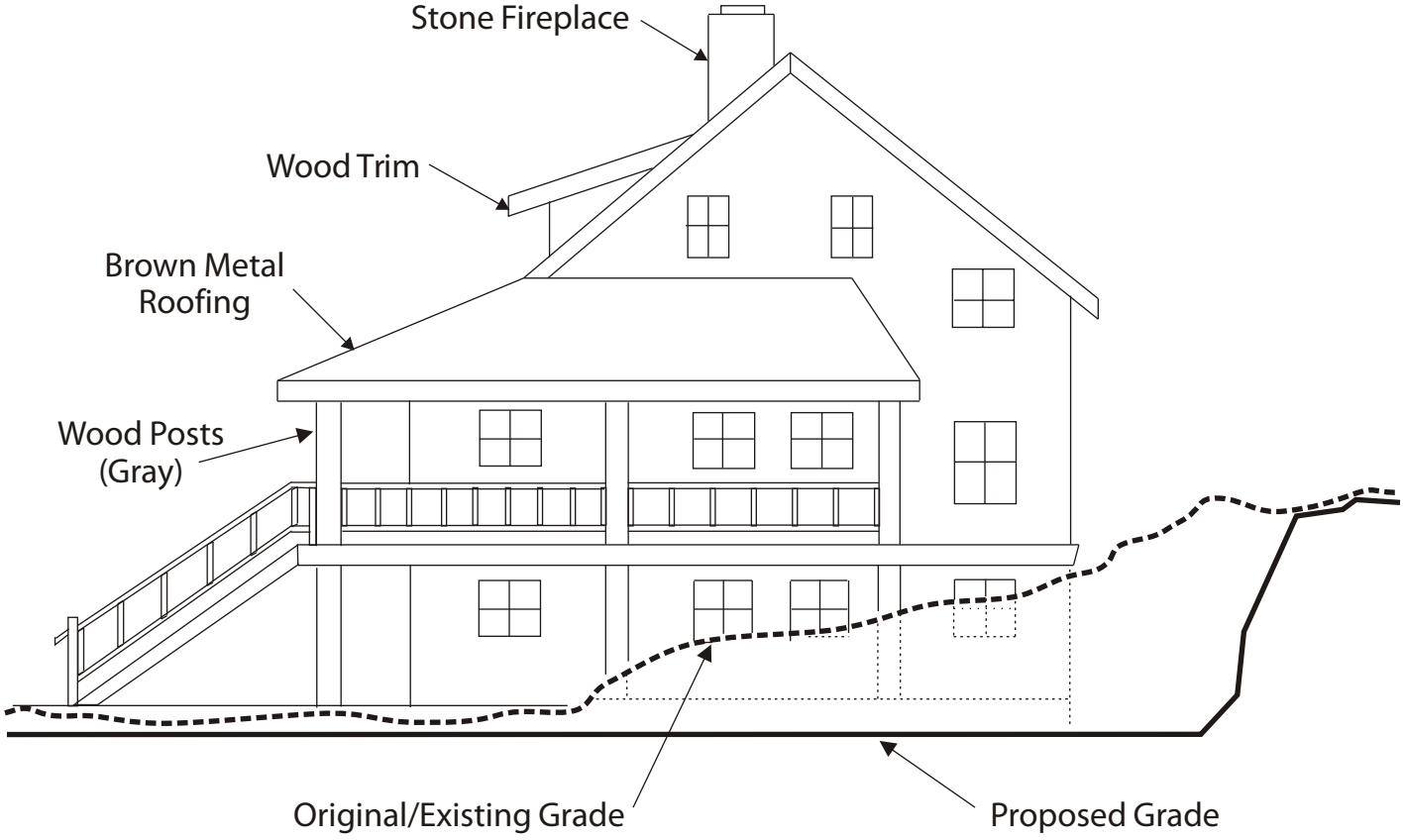
Building in a Subdivision?

The maximum height allowed within some subdivisions varies from lot to lot. Please check the notes recorded on the subdivision plat. This is where information about additional building height limitations can often be found. If in doubt about your allowed building height, please feel free to talk with one of our planners.

Please check with our office if you are in doubt about whether or not your property is within a formal subdivision.

Sample Elevation Drawing

Example Only:



South Elevation Scale: 1/8" = 1'-0"

Boulder County

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Earthwork & Grading

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Earthwork & Grading

Boulder County has identified several impacts associated with earth movement including erosion potential, habitat intrusion, soil stability, visual scarring, and interference with drainage. The County has also identified the location of a project in relation to the site's topography as perhaps the single biggest determining factor in gauging these impacts. County reviews will verify that thoughtful location and mitigation have played a role in all applications.

Grading Calculations

Grading is defined by the Boulder County Land Use Code as "Any excavating, filling or combination thereof."

Grading is broken down into two types:

1. **Cut** - Earthen materials that are removed from an area of land, such as digging a hole; and
2. **Fill** - The earthen materials that are added to an area of land, such as the placement of soil for a berm or fill slope.

Grading Calculations are the result of cut + fill as measured in cubic yards. This means that when one cubic yard of earth is cut, and then that same yard is used as fill elsewhere on the property, Boulder County would view this as two cubic yards of earth movement (sometimes this method is referred to as "double counting"). This form of measurement takes into consideration the total disturbance of a site from its existing state.

Grading Calculations must Include Features Designed to County Specifications - Earthwork calculations for driveways in particular must include several minimum specifications including cut and fill slopes (typically no steeper than 2 :1), provision for emergency access, and road width of 12 feet.
Note, however, that the road base material volume is exempt from the grading volume total.

Please Show Your Work by supplying any maps, mathematics, or diagrams used to produce your calculations you can help prevent delays in processing your review. The Land Use Department may require these items to verify calculations.

Review Triggers:

Various reviews are required for earth work depending on the amount of cubic yards moved. The reviews are:

- Less than 50 cubic yards? No review required.
- 50 or more cubic yards? Site Plan Review Waiver and Grading Permit required.
- 500 or more cubic yards? Limited Impact Special Use Review and Grading Permit required.

Exempt Earthwork

"Exempt" earthwork does not contribute toward the review triggers listed in the margin. Exempt earthwork includes:

1. Foundation work & incidental backfill, 10 feet from the structure perimeter;
2. Utility installation; and
3. Normal road base.

Septic System Installation is also exempt except in situations where there are alterations of the ground surface, such as a raised bed. Important Note: excess material removed from these features (especially foundations) that is used elsewhere on site as fill is not considered exempt earthwork.

Cut & Fill Slopes

Applications should show thoughtful attention paid to minimizing the impacts of cut and fill slopes. Consider the following when designing your site layout:

- Designing slopes which are conducive to revegetation should be a primary focus. Revegetation controls erosion and minimizes visual scarring.
- It is very difficult, under most circumstances, to establish vegetation on slopes steeper than 2:1.
- Although the county minimum for slopes is 1.5 : 1, reviews will typically require that slopes not exceed 2:1.
- If a slope of 2:1 or flatter cannot be achieved, then nearly vertical cuts and either 1) engineered retaining walls and/or 2) geotechnical evaluations of the slopes will be required.

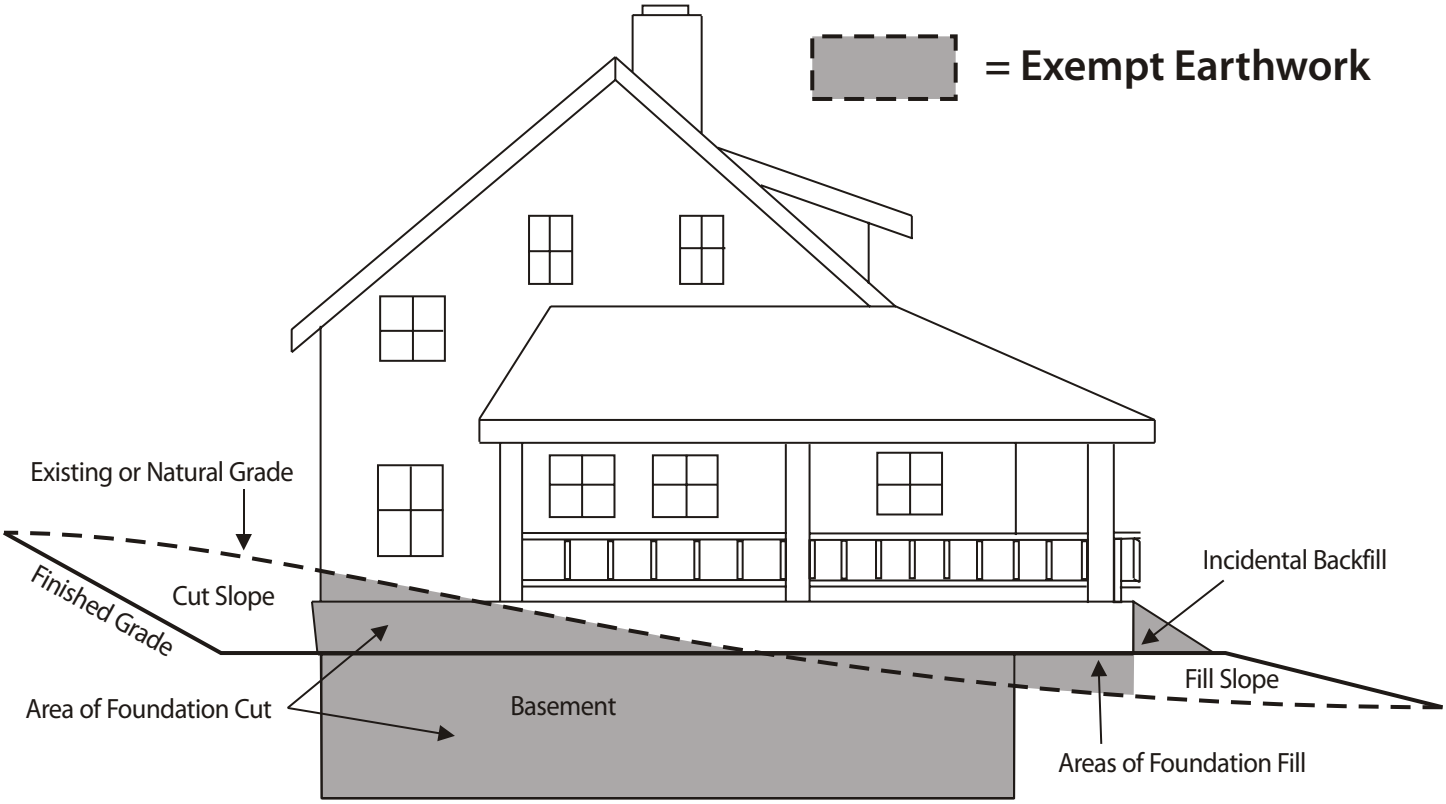

Figure1: The diagram above illustrates which portions of a typical building pad are exempt.