



# Community Planning & Permitting

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## Staff Report for Docket DC-24-0003

### BOULDER COUNTY PLANNING COMMISSION PUBLIC HEARING

**March 19, 2025, 1:30 p.m.**

All Commissioners’ public hearings and meetings will be offered in a hybrid format where attendees can join through **Zoom** or **in-person** at the Boulder County Courthouse, 3<sup>rd</sup> Floor, 1325 Pearl Street, Boulder.

#### PUBLIC HEARING with PUBLIC TESTIMONY

Staff: Ethan Abner, Long Range Planner II

#### Docket DC-24-0003: Text Amendments to the Land Use Code related to Site Plan Review (Article 4-800)

Text amendments to the Boulder County Land Use Code related to Site Plan Review in Article 4-800, and any other related Articles and provisions necessary to integrate these changes.

*Action Requested: Approval*

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## INTRODUCTION

On September 17, 2024, the Board of County Commissioners (BOCC) authorized staff to pursue text amendments to Article 4-800 of the Boulder County Land Use Code (the Code) related to Site Plan Review (SPR).

The BOCC expressed concerns with increasing house sizes and the rate by which they are increasing in unincorporated Boulder County. Staff were directed to explore changes to the SPR regulations to better address neighborhood compatibility, sustainability, and affordability. Specifically, staff were authorized by the BOCC to explore changes to the regulations that are focused on the size presumed to be compatible with the defined neighborhood, changing the size presumption to a limitation, clarifying regulations, and creating additional certainty for applicants.

To achieve these objectives, staff are proposing text amendments to Articles 2, 4, 18, and 19 of the Code. Staff recommend that the Boulder County Planning Commission recommend approval of the proposed text amendments to the BOCC.

## BACKGROUND

Concerns about the size of residential structures in unincorporated Boulder County and its impact on neighborhood compatibility, sustainability, and affordability have been of interest to the county commissioners, staff, and public for decades.

Site Plan Review regulations were first published in May of 1993 for the mountainous regions of the county and extended to the plains in October of 1994. The regulations were created to respond to several growing concerns, including fewer level building sites in the mountains, encroachment on remaining environmental resources, and the threat of new development on the rural and mountainous character of many unique areas throughout the unincorporated county. In 1998, the regulations were modified to codify policies regarding specific impacts (i.e., environmental) of certain types of development and better address the concerns of adjacent property owners. This update also sought to address the impacts of “scrape-offs”—the removal of one home (often smaller) and its replacement with a new home—and larger additions.

In the staff report for the 1998 update, staff noted that scrape-offs can have a two-fold impact on neighborhood and rural character. First, they contribute to the reversing of the area’s character as they eliminate a home which would otherwise have served as a benchmark (in terms of height and size) to measure new development in the area. Second, newer (often larger) homes further raise this benchmark. The scraping-off of smaller homes and their replacement with larger homes is a continuing concern, and one that staffs’ proposed text amendments seek to address.

In the mid-2000s, the county adopted a Sustainability Element for the Boulder County Comprehensive Plan. The Sustainability Element includes policies focused on addressing the impacts of large-scale development on the rural character of the unincorporated county. It also

includes additional policies focused on sustaining a diversity of housing stock, preserving vacant parcels, encouraging smaller scale development and ensuring new development is built in a more sustainable manner. Around this time, work also began on a significant amendment to the SPR regulations. The purpose of this amendment was to address sustainability concerns and again respond to increasing structure sizes and it resulted in the current SPR regulations. The amendment included regulations that define the applicable neighborhood, establish a size presumed to be compatible with the neighborhood, and outline factors that applicants could use in limited circumstances to overcome the presumed compatible size. At the same time, staff were working on two other different (but related) programs—BuildSmart (the green building code) and an expanded Transfer of Development Rights. The BuildSmart program implemented policies promoting the use of green building principles and practices, while the Transferable Development Rights program created Transferable Development Credits (TDCs) and established a structure size threshold for single unit dwellings, above which TDCs must be obtained to help offset the impacts of larger scale homes.

Even with the current SPR regulations, home sizes have continued to increase in unincorporated Boulder County.

### PROJECT GOALS

On September 17, 2024, the BOCC authorized staff to explore modifications to the SPR regulations to help address concerns related to the increasing size of residential structures and their impacts to neighborhood character, sustainability, and affordability. The BOCC directed staff to focus on the following changes to the SPR regulations:

- Replacing the current presumed compatible size from 125% of the median of a defined neighborhood with a size limitation that is the median of a defined neighborhood;
- Changing what is currently a size presumption (that potentially could be overcome to get a larger size in certain circumstances) to a size limitation based on the median of a defined neighborhood; and
- Clarifying the regulations to improve processes, increase the public’s ability to navigate the regulations, and provide greater certainty regarding potential development to applicants and neighbors.

Site Plan Review is primarily a tool for mitigating land use impacts; however, the process has direct and indirect impacts on neighborhood character, sustainability, and affordability. When considering **neighborhood character**, staff primarily focused on the physical attributes of a proposed structure and how the proposal compares to existing structures in a neighborhood. The Boulder County Comprehensive Plan defines **sustainability** as “the use, development, and protection of all our resources in a manner that does not deplete them while enabling the residents of Boulder County to meet their current needs and maintain a fulfilling quality of life without compromising or foregoing the ability of and opportunity for, future residents to do the same.” The Boulder County Comprehensive Plan defines affordable housing as “housing for which occupant(s) is/are paying no more than 30 percent of their income for gross housing costs.” In the context of this update, affordability does not equate to affordable housing.

**Affordability** relates to the comparative ability for individuals living in a neighborhood to continue to afford the home they live in while tax valuations, insurance premiums, and other factors affecting home prices continue to rise, in part due to the development of larger homes.

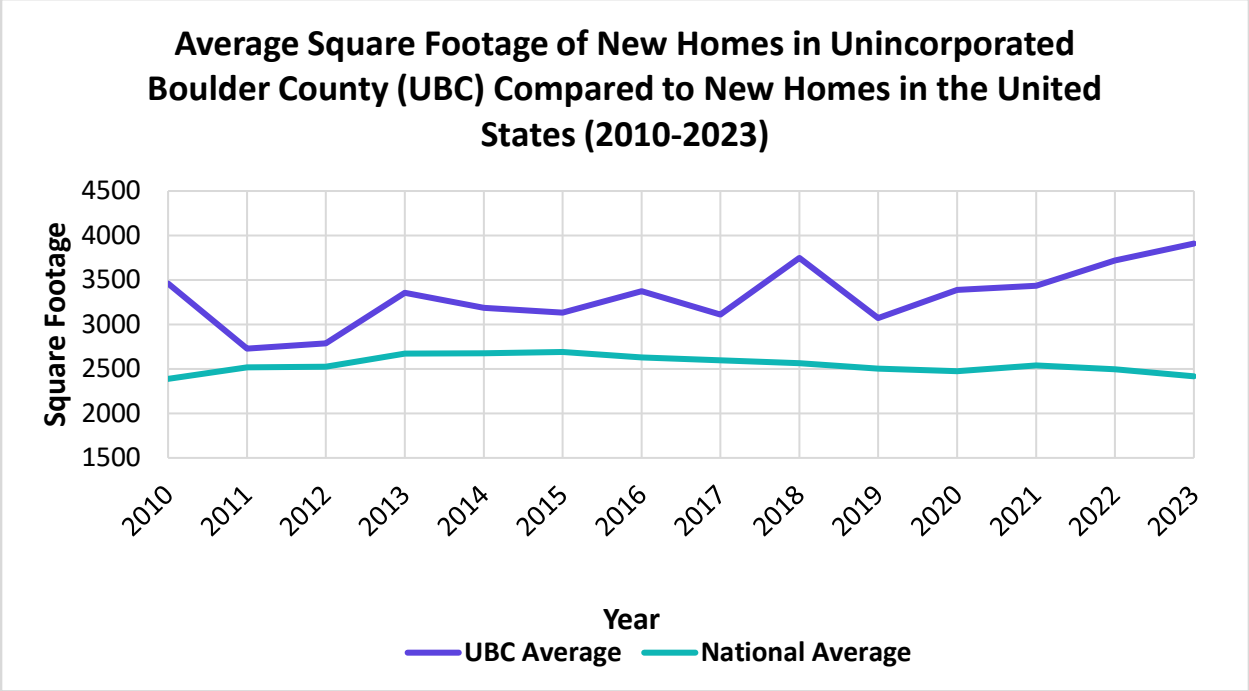
When drafting the proposed regulations staff considered the proposed changes through the lens of each of these specific issues and sought to achieve a balance. For example, staff consistently heard throughout this process from members of the community that basements (unfinished or finished) should be excluded from counting toward the structure size maximum because basements have less of an impact on visibility. Although that can be true (in some cases, on some lots), large basements can undermine sustainability goals—due to the carbon emissions associated with large volumes of concrete—and affordability (as finished basements play a central role in property valuation).

## RESEARCH AND DISCUSSION

Site Plan Review is primarily focused on reviewing proposed development and mitigating land use impacts. It influences structure size, height, massing, and location, which translates to direct impacts on neighborhood character. Its influence on size also impacts sustainability and affordability—larger structures tend to have greater environmental impacts due to the resources used and the emissions associated with them, and they tend to cost more. Throughout the process of drafting proposed regulations staff have reviewed county data related to building permits and SPR applications. We also considered research related to sustainability and feedback from members of the community who participated throughout the process. The following paragraphs outline staffs' findings and offer additional background for the proposed recommendations.

Through SPR staff work to mitigate the impact that homes can have on a parcel, surrounding properties, and land uses. Large additions to existing homes, the construction of new, larger homes, and the removal of smaller homes all contribute to physical changes in a neighborhood's character. The current size presumed to be compatible with the defined neighborhood (125% of the neighborhood median) may be enabling the size of homes and other residential structures in the unincorporated county to increase faster than intended. Staff reviewed data from the U.S. Census and county's building permit records to compare the average size of new homes being constructed in the unincorporated county to those being constructed nationwide. The purpose of this review was to provide a comparison of the trends observed in the unincorporated county with those taking place nationwide. To normalize the data, staff only counted floor area that aligned with the U.S. Census' definition of floor area for single-family residences. This includes all completely finished floor space in basements and attics. It does not include garages, carports, porches, unfinished attics or utility rooms, or any other unfinished area of the basement (U.S. Census). Staffs' review determined that on average, new homes in the unincorporated county (the purple line in the graph below) are larger than average new homes nationwide (the teal line in the graph below). Furthermore, the average size of new homes in the unincorporated county has been trending upward, with floor area in the unincorporated county just over 3,900 square feet in 2023 (whereas the national average was 2,417 square feet).





**Figure 1:** A line graph showing the change in average square footage of new homes in unincorporated Boulder County over time.

Additionally, staff reviewed the total Residential Floor Area (RFA) calculations for the same permit set. The averages are even higher (since RFA is a more inclusive definition) with an average of 4,733 square feet in 2023. The data reveal two trends—we are seeing permits requesting higher amounts of conditioned space (which typically means greater operating energy) and permits with higher totals of overall RFA (which can mean more material carbon emissions). Research related to sustainability, energy consumption, and construction suggests this is the case. Staff reviewed numerous academic papers (see **Attachment B** for citations) and identified the following insights related to building construction and energy use:

- It takes approximately 23 years for a typical home’s cumulative operational emissions (energy used over time) to equal the emissions associated with the materials used to build a home (National Renewable Energy Lab, 2023). The county’s Building Code includes energy efficiency requirements, but we only recently began trying to account for carbon emissions associated with materials used to build homes (and currently only for concrete used to construct homes over a certain size). Some have suggested that material carbon emissions are of greater concern because they contribute to emissions that are in the atmosphere now, whereas operating emissions contribute over time (Rocky Mountain Institute, 2023).
- Homes in colder climates tend to have larger quantities of embodied energy—the total energy consumed (materials, processing, transportation, etc.) to build the home—than similar sized homes in warmer climates (U.S. Department of Energy, 2023). Due to our climate zone, and common construction methods specific to homes in colder climates,

new homes constructed in the unincorporated county (and colder climates in general) require more materials to meet International Energy Conservation Code standards.

- In 2019 the BOCC signed a proclamation endorsing the declaration of a climate emergency and acknowledging the urgent need to combat climate change by signing the Paris Agreement and agreeing to its targets (Boulder County Board of County Commissioners, 2019). Goldstein et. al suggest that to meet the targets outlined in the Paris Agreement, the residential sector will require deep energy retrofits, a transition to low-carbon energy sources, as well as reducing per capita floor space and zoning denser settlement patterns (Goldstein et. al., 2020). Currently, the size of households in the unincorporated county has been decreasing (State Demographer’s Office) while the size of homes has been increasing (Boulder County permit data).
- Despite variations in climates, grid mixes, and building characteristics, income positively correlates with both per capita residential energy use and related GHG emissions. Goldstein et. al. note, “the tendency for affluence [wealth] and floor area per capita to increase together is a key emissions driver for wealthier households.” Boulder County is one of the wealthiest counties in Colorado with a per capita personal income of \$100,242 in 2023 (St. Louis Federal Reserve Economic Data, 2025).

Permit data confirm that the size of homes and associated residential structures has been increasing in unincorporated Boulder County. The research suggests that larger homes are generally less sustainable than smaller homes built to the same specifications, tend to require more energy to operate, and generally contain higher amounts of embodied carbon due to the volume of materials used to construct them. Furthermore, there are general trends related to location (i.e., climate zone) and affluence that suggest homes in unincorporated Boulder County have a higher potential to be more emission-intensive (whether it be operating or material carbon emissions). One option to achieve the county’s sustainability objectives, specifically as they relate to carbon emissions, is to reduce the overall size of homes in the unincorporated county and the resources consumed to construct or enlarge them.

Larger homes impact more than the physical character of the neighborhood—they also impact affordability. As much of our developed housing stock continues to age, and newer homes (which are often larger) replace smaller homes, costs continue to increase. This drives up the cost of housing and reduces the overall affordability of homes in the market. There are also tax assessment implications. By law, Boulder County is required to use a market approach when assessing and valuing residential property. This approach predicts the prices a property would bring on the open market. Building a new home, expanding a home, or tearing down a smaller, older home and replacing it with a new, larger home, impacts these valuations. Due to the way tax assessments and valuations work, the impacts are not just limited to the parcel where the work has occurred—the value of nearby or adjacent parcels can be affected as well, resulting in higher tax bills for property owners who may not have made any changes or improvements to their own property.

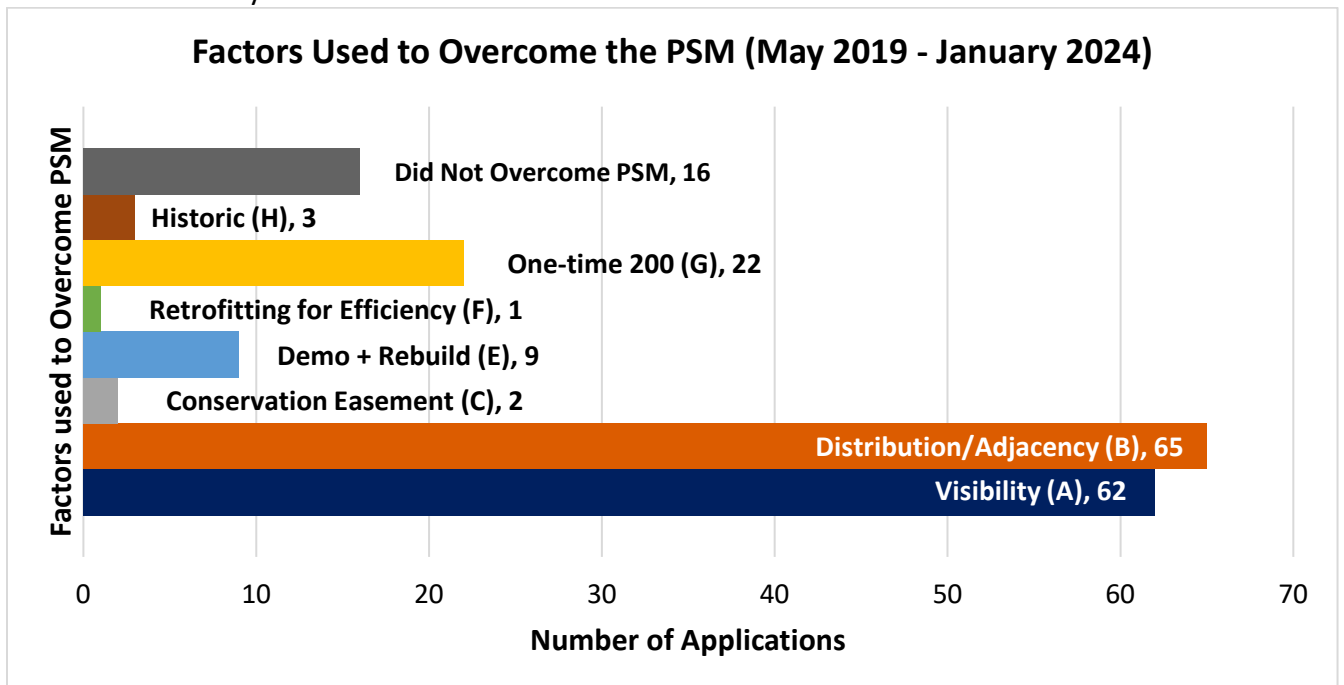
The current SPR regulations allow a development to exceed 125% of the neighborhood median (the presumed compatible size) in certain circumstances. Staff reviewed SPR applications to

better understand how often applicants were overcoming the presumed compatible size. Using Accela (the county’s permitting and record management software) staff reviewed 578 records between May 2019 and January 2024. Of those 578 records, 317 (or 54%) were related to changes in the RFA on a parcel. Of those 317 records, 180 were requests for RFA over the size presumed to be compatible with the defined neighborhood. Based on this data, slightly more than half (56%) of the requests related to modifications to the RFA were seeking RFA over the presumed compatible size.

We also reviewed those records where applicants requested RFA over the presumed compatible size to better understand which factors were being used, how often they were being used, and how they were being applied. Of the 180 requests for RFA over the presumed compatible size, 164 (91%) were approved. Most applicants used the distribution/adjacency and visibility factors to overcome the presumed compatible size.

- Distribution and adjacency consider a minimum of two parcels that are adjacent to the subject parcel and over the size presumption. The applicant may be allowed the median RFA of those adjacent parcels over the size presumption. Of the applications reviewed, this factor was used to overcome the size presumption 40% of the time.
- To use the visibility factor, an applicant must demonstrate that the proposed development is minimally visible. This is often achieved by using natural topography or underground construction. Of the applications reviewed, this factor was used to overcome the size presumption 38% of the time.
- Together, these two factors account for approximately 77% of applications that succeeded in overcoming the size presumption.

The bar graph below demonstrates which factors were used to overcome the size presumption and how often they were used.



**Figure 2:** A bar graph identifying how often a specific factor to overcome the size presumption was used by applicants.

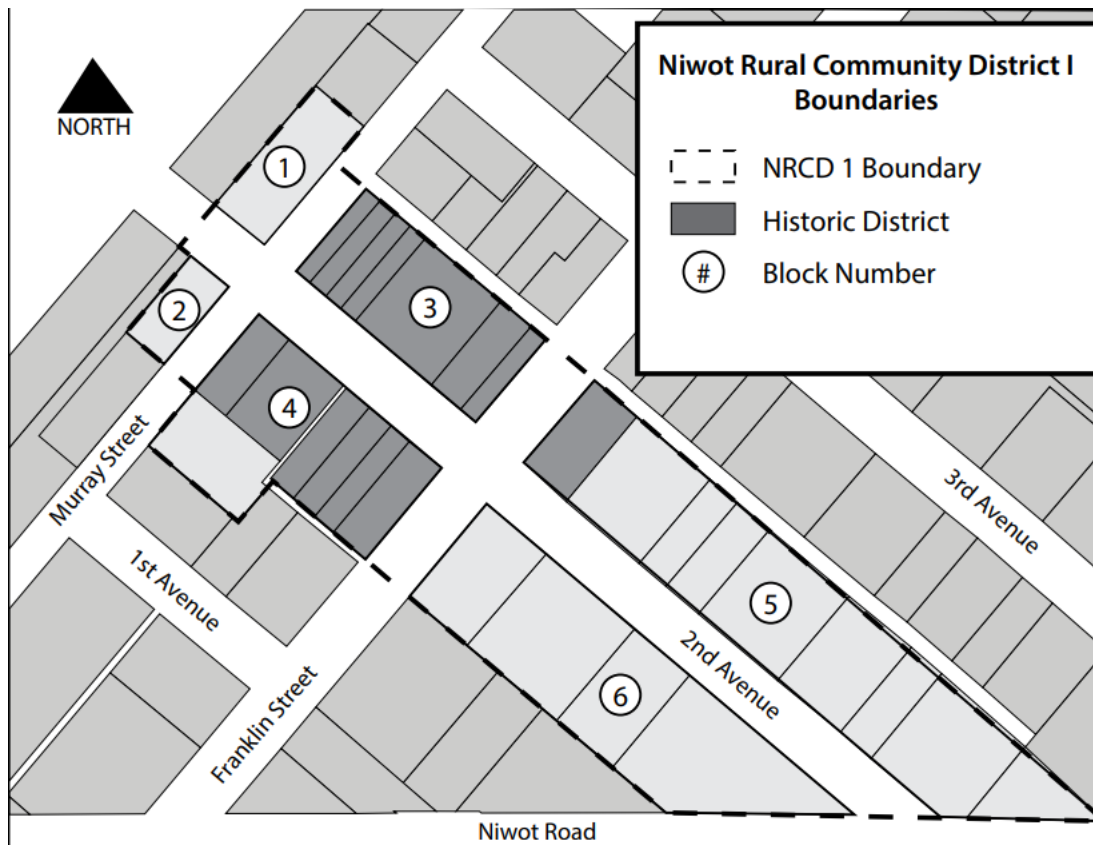
The factors that currently allow an applicant to overcome the size presumption—primarily the distribution/adjacency and visibility factors—are likely contributing to increasing home sizes in the unincorporated county, suggesting they may be targeted to better meet the intent of our regulations.

Since the removal and replacement of smaller homes has been of concern for many decades, staff also reviewed data related to the deconstruction of homes between 2010 and 2024. In almost all cases, when RFA is scraped—or completely removed from a parcel—it is replaced with more RFA, generally resulting in larger homes and/or accessory residential structures. Recall that scrape-offs can have a two-fold impact on neighborhood and rural character. First, they contribute to the reversing of the area’s character as they eliminate a home which would otherwise have served as a benchmark (in terms of height and size) to measure new development in the area. Second, newer (often larger) homes further increase this benchmark and replace a less expensive home with a more expensive home. Staff have included a chart showing deconstructed and total new approved RFA in **Attachment B**.

Throughout the process of drafting the proposed amendments, staff often heard from members of the community about alternatives to the current (and proposed) regulations, which define a neighborhood and establish a size limitation specific to that neighborhood. Staff considered but ultimately rejected alternative methods to impose size limitations. Instead, staff propose that the major elements of the current regulations be maintained and modified. For context, staff have provided additional information regarding the strategies other communities are using to address structure size and why are not proposing these options at this time.

*Size Maximums:* Some communities have considered size limitations that apply community-wide or to large geographic areas. Typically, the limit covers a large geographic area like the entire county, or regions within that county. For instance, Routt County recently established a maximum size of 7,500 square feet for dwelling units, but allows additional floor area for basements, garages, and other accessory structures. Some members of the community have shared their perspectives, suggesting that a specific size limitation that applies county-wide is more equitable as every parcel is subject to the same size limitation. However, a size limitation that is county-wide (or covers large regions) could lead to quicker changes neighborhood character since the structure size limitation would not be focused on smaller geographic regions like the defined neighborhood. It could also result in less diversity in the housing market over time if a majority of homes trend towards the established county-wide limit.

*Floor Area Ratios (FARs):* A ratio of total floor area compared to the total area of a parcel. Floor area ratios are most commonly used in cities where the patterns of development are similar, and lot sizes or shapes are fairly consistent. For reference, the only FAR in the unincorporated county is the Niwot Rural Community District (NRCD I).



**Figure 3:** Map of Niwot Rural Community District I

Broadly, the unincorporated county consists of lots that vary in size, shape, and development potential. We have a mix of mining claims (often less than 10 acres) that overlap and break other mining claims into pieces, large agricultural parcels greater than 35 acres, mountainous parcels that may consist of large amounts of acreage but are steep and challenging to develop, and smaller, more consistent parcels in the subdivisions. This type of size limitation would be easiest to implement in subdivisions with consistent lot sizes and development patterns. However, not all subdivisions are the same—there are some with relatively small lots (less than or equal to one acre) and others with large lots approaching 35 acres. Implementing this type of structure size limitation county-wide would require a detailed review of our zoning district regulations or consideration of the specific characteristics of various subdivisions or parcels throughout the unincorporated county. Furthermore, it may be difficult to establish an effective FAR throughout the county, as a single FAR calculation would not be feasible due to the variation in lot sizes. For instance, if an FAR of 0.1% was established it would allow for a total of 52,722 square feet on a 35-acre parcel, but only 1,089 square feet on a quarter-acre parcel.

**Linkage Fees:** These fees are commonly used by municipalities to raise funds for affordable housing. These programs can be implemented in a variety of different ways—fees may be a flat rate per square footage of development or a rate that increases as the size of the proposed development increases. For instance, the Denver requires an affordable housing fee be paid for multi-unit, commercial, and residential development (to include single unit dwellings). If the

gross floor area is 1,600 square feet or less per unit, then the fee is \$3.92 per square foot. If the development is over 1,600 square feet per unit, then the fee is \$6.17 per square foot (City and County of Denver, 2025). The City of Los Angeles also has an affordable housing fee that ranges from \$10.02 to \$22.53 per square foot, depending on market area (Los Angeles Housing Department, 2025). Some argue that these fees provide a flexible funding option for affordable housing, while others have raised concerns that these types of fees may lead to greater segregation between low-income neighborhoods and high-income neighborhoods due to land costs being lower in low-income areas.

#### *Racial Equity Impact Assessment Tool*

Staff hosted an internal discussion with members of the Community Planning & Permitting Department to consider the SPR regulations in the context of the Racial Equity Impact Assessment Tool (REIAT). The REIAT is an adaptation from the Government Alliance on Race and Equity Racial Equity Toolkit. It includes a set of questions that help staff engage in healthy racial dialogue and integrate explicit consideration of racial equity in decisions, including policies, programs, and budgets. Approximately 25 staff attended and participated in the discussion, representing different backgrounds, perspectives, and experiences. It is important to note that the REIAT is a tool to facilitate conversation—there are no right or wrong contributions—and reaching a conclusion isn't always achievable as this type of work is ongoing.

A large part of staffs' discussion centered on how changes to the SPR regulations could advance racial equity and how staff could define or envision racially equitable outcomes related to SPR. Staff struggled with the question of whether SPR itself was a tool that could be used to directly influence racial equity outcomes. We did not reach a conclusion, but staff highlighted potential opportunities to advance racial equity through reducing bias in the regulations (which could be achieved with more objective standards—though objective standards themselves can be biased), reducing permit costs for low-income members of the community, and improving communication materials related to SPR. Staff noted more broadly that the current SPR regulations seem to be self-reinforcing in that the rate of growth allowed may be raising the barrier of entry for people in the community. Alternatively, larger houses can potentially house more people, which might be desirable to some members of our community. Finally, staff discussed the connection between sustainability goals and how climate change disproportionately affects communities experiencing socioeconomic inequalities and noted that working to create a more sustainable future might reduce the burden on these communities.

#### SUMMARY OF PROPOSED TEXT AMENDMENTS

This summary explains how the regulations will work in practice and describes the key changes. Staff posted a draft of the proposed regulations on February 24, 2025. Staff made changes to this draft to clarify the regulations and incorporate additional feedback. Most of the changes were made to the proposed text in the zoning district regulations. The purpose and intent of the proposed Code text in the zoning district regulations remains the same, but staff reorganized this section and redrafted some provisions to provide additional clarity.

**Size Limitation:** The current SPR regulations dictate a presumed compatible size that is equal to 125% of the median Residential Floor Area (RFA) for the defined neighborhood. Staff propose to eliminate the size presumption (which can be overcome in certain circumstances) and replace it with a structure size limit that is equal to the median RFA of the defined neighborhood. The structure size limit will apply unless a development proposal significantly conflicts with the SPR standards. The structure size limitation will apply to all neighborhoods, unless they are exempt from compliance with these regulations. This includes subdivisions that were platted after 1994. Currently, these subdivisions are not subject to the Site Plan Review regulations or the presumed compatible size.

Some community members expressed concerns that the current methodology for determining the compatible structure size is unfair in that it disproportionately impacts residents with smaller homes, who live in neighborhoods with a smaller median RFA. To address these concerns staff propose a sliding-scale concept that would grant applicants an additional allotment of RFA if the RFA on their parcel approaches the structure size limit established in the zoning district standards. The amount of additional RFA allotted for a parcel decreases as the RFA on the parcel increases. Parcels in the mapped townships of Allenspark, Eldora, Eldorado Springs, Raymond, and Riverside would be limited to 1,500 square feet. The sliding-scale concept is proposed as follows:

- Parcels with existing RFA less than or equal to 1,500 square feet as of the effective date of the regulations would be limited to the greater of either the median of the defined neighborhood or an additional 1,000 square feet.
- Parcels with existing RFA between 1,501 square feet and 3,000 square feet as of the effective date of the regulations would be limited to the greater of either the median of the defined neighborhood or an additional 750 square feet.
- Parcels with existing RFA between 3,001 square feet and 4,500 square feet as of the effective date of the regulations would be limited to the greater of either the median for the defined neighborhood or an additional 675 square feet.
- Parcels with existing RFA greater than 4,501 square feet would be allowed up to the median but not be allotted any additional RFA over the median.

**Relocation of Size Limitation to Zoning District Regulations:** Bulk standards (height, setbacks) are currently located in the zoning district standards of the Land Use Code. Staff propose to relocate structure size to the zoning district standards to consolidate all bulk standards in the same area of the Code. Site Plan Review still occurs if the review thresholds are met and the Director can require mitigation of significant impacts through SPR. Appeals related to SPR would remain with the BOCC, and appeals of the interpretations made by the Director regarding the structure size maximum would also go to the BOCC. Beginning to utilize the zone district bulk standards rather than review processes to determine size creates consistency and predictability in the Code. This approach could be utilized if the BOCC are interested in pursuing more specific bulk standards in the future related to other structures in a specific zoning district (e.g., agricultural, forestry, etc.).

**Exemptions to the size limitation:** Staff propose some exemptions that could allow a proposal (in certain limited circumstances) to exceed the structure size limitation. The proposed exemptions include:

- Properties encumbered by a Boulder County Conservation Easement where the allowable house size (or amount of floor area) permitted by the conservation easement (or other recorded agreement, like a Subdivision Exemption) is greater than the median RFA. If the agreement establishes a smaller limit, that will be the structure size limit. Staff propose this exemption because legally binding agreements may require that additional floor area be granted to applicants.
- Deconstruction and rebuilding of existing RFA.
- Retrofitting for energy efficiency for the purposes of making demonstrated energy efficiency improvements and/or an additional allotment for the use of low-carbon building materials or design intended to achieve a higher energy efficiency. Staff propose this exemption to incentivize applicants to consider energy efficiency improvements or the use of low-carbon materials.
- Additional RFA may be granted for parcels with landmarked or protected historic structures. Staff propose this exemption to incentivize applicants to protect historic structures on their parcel.
- For parcels where existing RFA exceeds the structure size limitation and has not been limited through a prior county land use approval, up to a one-time maximum of 200 square feet may be allowed in excess of the size limitation. Staff propose this exemption to allow for small increases in floor area for applicants whose parcels may already be over the size limitation.

Staff propose to eliminate the ability to seek a larger size based on adjacent neighbors. Under the current regulations, applicants may be approved at a larger size if they have two or more immediately adjacent neighbors with RFA over the size presumed to be compatible with the defined neighborhood. Staff are also proposing to eliminate the ability to seek a larger size based on visibility. Under the current regulations, applicants may request additional RFA on their parcel by demonstrating mitigation of visibility impacts. In most instances, this is accomplished through below-grade development or screening with terrain. Staff is also not proposing to limit above-grade floor area at this time because the limit on overall RFA is being lowered.

Staff propose the following additional changes to Article 4-800, Site Plan Review (SPR):

- Minor grammatical edits and changes.
- Modifying Site Plan Review Waiver to Expedited Site Plan Review if the Director determines there is no potential conflict with the Site Plan Review standards. Calling it a waiver is confusing for the public as it implies a review may not be necessary. Staff are not proposing any changes to the process for these reviews.
- Sheds and other small structures that do not require a building permit under Article 17 will not cause the RFA threshold for SPR or Expedited SPR to be met.
- Updates to the thresholds that result (or don't result) in a full SPR.



- Site Plan Review will only be required for proposed development on a conservation easement if the conservation easement holder expresses a conflict with the proposed development or another SPR threshold is met. This is a change from the current practice which requires SPR on all conservation easements. It is also a modification from the draft regulations posted on February 24, which suggested allowing an Expedited Site Plan Review. This provision was changed based on feedback from Boulder County’s conservation easement team.
- Changing from one use to a Single Dwelling Unit use will no longer require Site Plan Review.
- Exemptions allowing additional RFA over the median for retrofitting for energy efficiency, using low-carbon building materials or design to achieve heightened energy efficiency, and for parcels with landmarked or protected historic structures will require an SPR.
- Expedited SPR will be allowed for projects that utilize the one-time 200 square foot maximum exceptions.
- Updates and clarifications to the application materials required for an SPR.
- Increasing the referral period for SPR applications from 18 to 21 days.
- Increasing the time period for review of an SPR from 28 days to 35 days to allow staff time to better manage concurrent reviews and implement new accessibility requirements.
- Clarifying in the SPR standards that non-county-maintained access roads and driveways shall meet the Boulder County Multimodal Transportation Standards.

Staff are also proposing the following additional changes through the Land Use Code:

- Article 4-1002, Nonconforming Structures: Including a provision that existing RFA over the new structure size limitation is not considered nonconforming for the purposes of this Code.
- Article 4-1202, Appeals to the Board of Adjustment: Noting that SPR appeals and appeals of the size limitation, will go to the BOCC.
- Article 2-800, Boulder County Board of Adjustment: Inclusion of clarifying language that the Board of Adjustment does not have the authority to grant a variance from the structure size limitations of any zoning district.
- Article 18, Definitions: Includes a definition for Neighborhood. This is not a new definition but rather a relocation of existing language from Article 4-806 to Article 18. Staff are also proposing minor changes to Article 18-189D Residential Floor Area to allow the existing RFA exemption (up to 400 square feet) to apply to breezeways and structures built without a permit in accordance with Article 17.
  - Staff initially proposed a definition for “Existing Residential Floor Area” in the February 24 draft. This definition has subsequently been removed, as staff found its inclusion to be redundant.

- Article 19-500, Marshall Fire: Clarifies that the SPR regulations in effect at the time of the Marshall Fire will remain in effect for Marshall Fire rebuilds until Article 19-500 expires in March of 2027 (unless extended).

### SUMMARY OF PUBLIC ENGAGEMENT AND FEEDBACK

Community Planning & Permitting staff have engaged with members of the community multiple times since the beginning of the text amendment process. Staff used the following engagement strategies:

- Hosted a community open house on December 10, 2024, to provide interested members of the public an opportunity to learn more about the SPR process and provide their thoughts and feedback on changes to the Land Use Code regulations.
- Participated in two small group meetings at the request of members of the Niwot community and the design community (e.g., architects, builders) to discuss concerns about potential changes to the SPR regulations, receive feedback, and hear from the community about their ideas.
- Participated in the January Planning Commission meeting to provide Planning Commissioners and members of the community an overview of the current SPR regulations. This was an informational item, and no public testimony was taken.
- Sent a press release to various listservs informing members of the public how to view and comment on the draft regulations released at the end of February.
- Sent a referral to all homeowners' associations for which staff have contact information.
- Emailed information about how to view and comment on the draft to members of the community who had previously participated and for whom staff had contact information.

Throughout this process staff heard from architects, builders, SPR applicants, neighbors, realtors, and other members of the community representing different perspectives. Most public engagement included those who live in, or own a home in, Boulder County. Staff did not have racially diverse groups attending sessions and may not have heard from people whose time constraints do not allow them to attend or participate. A majority of the comments received expressed general opposition to the proposed regulations, while a few expressed support. Staff summarized specific recommendations and feedback from members of the community. Comments are available for review in **Attachment C**.

- Some members of the public expressed general support for limiting larger homes, but there was no consensus on an appropriate limit.
- Some members of the public expressed concerns that the proposed regulations would not achieve objectives related to neighborhood compatibility, sustainability, and affordability.
- Some commented that the proposed regulations were overly restrictive and that the value of certain properties would be disproportionately impacted (primarily smaller homes in smaller neighborhoods).
- Some expressed a desire to preserve flexibility during the review process, while others appreciated the additional certainty that the proposed regulations would provide.

- Some members of the public expressed support for the allotments proposed by staff that would allow smaller homes in smaller neighborhoods additional floor area. One commenter opposed the provisions granting an allotment of additional floor area and the ability to overcome the size limitation using the one-time-200 maximum.
- Some members of the public commented that the proposed size limitations are a one-size-fits-all solution and recommended alternatives to the proposed limitation (e.g., floor area ratios, a county-wide cap), or keeping the current regulations without change. Those suggesting a county-wide cap felt commented that the proposed system inequitably favors larger neighborhoods.
- Some recommended the county consider additional density or reducing restrictions on Accessory Dwelling Units (ADUs). Staff note that these proposed regulations would not impact density or ADUs and are not the subject of these proposed updates.
- Some recommended modifying specific aspects of the existing (and proposed) Site Plan Review regulations, to include:
  - Changing the way a neighborhood is defined. Some felt this definition was too restrictive, while others felt it was too broad.
  - Excluding certain development (e.g., basements, garages, etc.) from the limitation on Residential Floor Area.
  - Allowing for additional floor area for certain structures in certain areas of the county (i.e., an allotment for forestry sheds).
  - Clarifying the definition of carport and creating a definition for breezeway.
- A few recommended changes to the SPR application materials, submittal requirements, or informational materials associated with SPR.

### SUMMARY OF REFERRAL AGENCY FEEDBACK

Docket DC-24-0003 was referred to a wide range of agencies and departments, including all homeowners' associations in the unincorporated county for which staff have contact information. If agencies did not respond to the referral, staff regarded it as a response of "no conflict" per Land use Code Article 3-204.C.1.b. Responses received after March 11, 2025, will be shared with the Planning Commission and incorporated into the staff packet for the Board of County Commissioners hearing, should Planning Commission certify the docket to the BOCC.

**Historic Team, Community Planning & Permitting:** Responded with suggested edits to the proposed text amendments, specifically related to the exemption for historic structure. Staff worked with the Historic Team to draft updated language to clarify when and how the exemption applies.

**Boulder County Conservation Easement Team:** Responded with edits to the proposed text amendments. Suggested that SPR criteria applicable to conservation easement properties match the criteria for non-conservation easement properties so long as the holder of the conservation easement confirms in writing that the proposed structure(s) would not conflict with the terms of the easement. Staff implemented this change by removing language from 4-802.C. and modifying language in 4-802.A.5.

**Xcel Energy:** Noted no apparent conflict, contingent upon their ability to maintain all existing rights and that the proposed amendment would not hinder their ability for future expansion, including all present and any future accommodations for all natural gas and electric distribution and transmission related facilities and land rights, and that their current use/enjoyment of the area would continue to be an accepted use on the property and that it be “grandfathered” into these changes.

**Highland Ditch Company:** Responded with a list of Highland Ditch Company’s requirements.

**Magnolia Forest Group:** Expressed general support for the overall changes, with specific questions and comments focused on particular areas of the proposed regulations.

**Town of Erie:** Responded that the proposed regulations could cause property owners to seek additional size through annexation to the Town of Erie, resulting in less homes and residents being within unincorporated Boulder County. Noted that this may not meet the stated intent of preserving character, affordability, and sustainability.

**City of Boulder Open Space and Mountain Parks (OSMP):** Expressed general support for the Site Plan Review changes, noting they were consistent with the goals of the BVCP to maintain the rural character of the unincorporated county and better preserve the important irrigated land and protect important natural resources. Staff from OSMP offered specific comments about the exemption provisions in 4-102, the criteria in 4-806.10, and asked for confirmation regarding one unclear change.

**Agencies that responded with no concerns:** Louisville Fire, Goose Haven HOA, Little Thompson Water District, Longmont Fire, United Power, Lefthand Fire, Floodplain, Lumen, Niwot Sanitation, Timberline Fire.

## CRITERIA REVIEW & RECOMMENDATION

Article 16-100.B of the Boulder County Land Use Code contains criteria for amending the text of the Code. Staff reviewed the proposed text amendments against these criteria and find:

### ***1.) The existing text is in need of amendment.***

The Board of County Commissioners expressed concerns with the increase in house sizes and the rate by which larger houses are being proposed in unincorporated Boulder County. Such increases impact neighborhood character, sustainability, and affordability. Staffs’ review of county data (primarily building permit data and SPR application data) confirms that the size of new homes in the unincorporated county are increasing and that the current regulations may not be achieving our intent. The proposed text amendments also include changes intended to make the SPR process—and its outcomes—more certain for applicants and neighbors.

### ***2.) The amendment is not contrary to the intent and purpose of this Code.***

The Boulder County Land Use Code is enacted to protect and promote the health, safety, and general welfare of the present and future inhabitants of unincorporated Boulder County and to guide future growth, development, and distribution of land uses within unincorporated Boulder County. The proposed text amendments seek to better align SPR outcomes with the goals and policies promoted by the Boulder County Comprehensive Plan.

**3.) The amendment is in accordance with the Boulder County Comprehensive Plan.**

The Boulder County Comprehensive Plan (the “Comprehensive Plan”) reflects Boulder County’s tradition of serving as a leader in environmental and land stewardship, along with the county’s commitment to sustainability, climate resilience, and equity. Guiding principles in the Comprehensive Plan encourage and promote the respectful stewardship and preservation of our natural systems and environment by pursuing goals and policies that achieve significant reductions in our environmental footprint and seek to maintain the rural character and function of the unincorporated areas of Boulder County. The Sustainability Element also notes the impacts of increasing home sizes: increased energy use, increased natural resource use, impacts to the rural character of Boulder County, the replacement of smaller homes with larger homes, and pressures on some to develop larger homes. The Sustainability Element closes with the following:

“A set of policies that encourage smaller structure sizes, promotes the development of mitigation measures to offset the consumptive impact of larger homes, discourages the demolition of otherwise habitable dwellings, and promotes the preservation of rural communities with their typically smaller homes will enable the county to meet many sustainability objectives.”

In addition to the overarching goals and objectives of the Comprehensive Plan, staff also find the following specific policies and objectives relevant:

**HO 1.01 Diversity of Housing Types:** The county encourages a range of housing types and densities that serve the diverse needs of county residents.

**HO 1.02 Preservation of Existing Housing:** The county values preservation of existing housing stock while recognizing the challenges that can come with the need to rehabilitate and maintain structures. The county discourages demolition and redevelopment of existing homes into larger single-family homes that are generally more expensive and consume more resources.

**HO 2.01 County Regulations:** The county adopts and maintains housing-related regulations (e.g., Land Use Code and Building Code) that align with its values stated in this Comprehensive Plan.

**HO 3.01 Structure Rehabilitation:** In order to maintain existing housing stock, the county encourages feasible rehabilitation of existing residential structures to meet current health, safety, welfare, and energy standards and regulations...

**SU 1.11 Sustainable Development Options and Tools:** In accordance with the mission statement of the county’s Sustainability Initiative and definition of “sustainability” contained in this Element of the BCCP, the county should develop options and tools to promote more sustainable development. Sustainable development would include smaller scale development; development which includes the conservation of lands, materials, energy and other resources in its design, construction and infrastructure; and that preserves the rural character of the county as well as the distinctive character of the community in which development may be located.

**SU 1.12 Structure Size Limitation Analysis:** An analysis should be conducted to determine whether the regulation of structure size is appropriate to meet the stated goals of the Comprehensive Plan. As a part of this analysis the county may consider:

- the level of regulation that would be appropriate for different communities, regions or locations within the unincorporated areas relative to existing development patterns, established rural character, scenic/natural/resource values, visual impacts, presence of significant physical constraints or natural hazards, availability of services and facilities, proximity to adopted Municipal Influence Areas, and other factors;
- the appropriate mitigation methods or actions which could be taken by a property owner in order to mitigate any impacts associated with development; and
- the consumption of energy and materials associated with larger structures and what caps or requirements may be applied to offset, constrain or reduce that usage.

**SU 1.19 Renovation of Existing Structures:** Renovation of existing structures, as opposed to replacement of that structure with a new one, should be encouraged in order to limit use of new primary and secondary resources and to conserve, reuse and recycle materials otherwise destined for disposal. Remodeling and retrofitting otherwise structurally sound buildings with more sustainable materials, techniques, and systems should be promoted.

Staff find that the criteria for text amendments to the Land Use Code are met. Further, staff find that the proposed text amendments appropriately balance the goals and objectives of the Boulder County Comprehensive Plan and Boulder County Land Use Code.

Therefore, staff recommends that the Planning Commission recommend to the Board of County Commissioners ***approval of Docket DC-24-0003: Text Amendments to the Land Use Code related to Site Plan Review (Article 4-800) and certify the Docket for action to the Boulder of County Commissioners.***

## Site Plan Review Regulations Draft Text Amendments

### 4-102 Agricultural (A) District

#### E. Lot, Building, and Structure Requirements

1. Minimum lot size... 35 acres
2. Minimum setbacks
  - a. Front yard... 35 feet
  - b. Side yard... 7 feet
  - c. Rear yard... 15 feet
  - d. From an irrigation ditch... 50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may—with County concurrence—be reduced in accordance with a letter from the applicable ditch company establishing a different setback, but in any event shall not be less than 20 feet from the ditch centerline.
  - e. Supplementary requirements may apply, refer to Article 7-1400.
  - f. If significant adverse impacts are demonstrated through the process of a Site Plan Review, the Director may increase the setbacks to an amount greater than the minimum. Appeals of such determination shall be decided by the Board of County Commissioners.
3. Structure size
  - a. Maximum Residential Floor Area
    - (i) Unless otherwise specified in subsections (ii) through (vi), the maximum Residential Floor Area for a Parcel shall be the larger of either the median Residential Floor Area of the defined Neighborhood or:
      - (A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of [EFFECTIVE DATE], on a Parcel with 1,500 square feet or less of Residential Floor Area;
      - (B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of [EFFECTIVE DATE], on a Parcel with Residential Floor Area between 1,501 and 3,000 square feet; and
      - (C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of [EFFECTIVE DATE], on a Parcel with Residential Floor Area between 3,001 square feet and 4,500 square feet.
    - (ii) For a Parcel within the mapped Townsite of Eldorado Springs, the maximum Residential Floor Area shall be 1,500 square feet.\*
    - (iii) For a Parcel encumbered by a Boulder County conservation easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that conservation easement, recorded agreement with the County, or other approval shall be the maximum.
    - (iv) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in subsection (i), the maximum Residential Floor Area is the existing Residential Floor Area as of [EFFECTIVE DATE].

- (A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.
  - (B) Subsection (iv) will not apply if existing Residential Floor Area is removed and not rebuilt within one year.
  - (v) A Parcel with a historic structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement, may be granted additional Residential Floor Area over the maximum provided:
    - (A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and
    - (B) the additional Residential Floor Area granted is related to the preservation of the protected structures.
  - (vi) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase wall thickness due to the use of straw-bale construction, or similar, techniques.
  - b. Appeals to the Director’s interpretation of this subsection shall be decided by the Board of County Commissioners considering the provisions in 4-1202.A.
  - c. If significant adverse impacts are demonstrated through the process of a Site Plan Review, the Director may limit the Floor Area to an amount less than the maximum.
  - d. The Boulder County’s Assessor’s Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning & Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.
4. Maximum building height
- a. Residential structures:
    - (i) On subdivided land with a final plat approved by the County prior to August 29, 1994, 35 feet unless a lower height was approved through the platting process.
    - (ii) On any other land, 30 feet unless, through a subdivided land approval or Site Plan Review approval, a lower or higher height is permitted due to the unique characteristics of the particular site; in no event, however, shall any residential structure exceed 35 feet.
    - (iii) 50 feet for nonresidential structures.
    - (iv) If significant adverse impacts are demonstrated through the process of a Site Plan Review, the Director may reduce the height of a structure to an amount less than the maximum. Appeals of such determination shall be decided by the Board of County Commissioners.

\*This language will need to be modified for each zoning district where applicable:



- For the Estate Residential District, Eldorado Springs.
- For Forestry, Allenspark, Eldorado Springs, Eldora, Raymond, and Riverside.
- For Business, Allenspark, Eldorado Springs, Raymond, and Riverside.
- For Mountain Institutional, Allenspark.
- For Multifamily, Eldorado Springs.

## 4-800 Site Plan Review

### 4-801 Purpose

- A. 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.
- B. 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.

### 4-802 Applicability and Scope of the Site Plan Review Process for Development

- A. Site Plan Review shall be required for (unless not required or ~~waived~~ expedited pursuant to sections B and C below):
  1. Any development requiring a building permit on vacant parcels in unincorporated Boulder County, except for:
    - a. Season-Extending Agricultural Structures, if the dimensions of the Season-Extending Agricultural Structures on a property fall below the thresholds identified in 4-802.A.1516.
  - ~~2. Any increase in residential floor area which results in a total residential floor area greater than 125% of the median residential floor area for the defined neighborhood in which the subject parcel is located. In determining if the proposed development is greater than 125% of the residential median floor area, any demolition and rebuilding of any existing residential structure or any portions thereof, shall be counted toward the threshold.~~
  2. Any cumulative increase in Floor Area of more than 1,000 square feet on a parcel over that existing as of September 8, 1998.
    - a. In calculating this 1,000 square foot threshold, any demolition and rebuilding of any existing structure or any portions thereof, shall be counted toward the threshold.
    - b. Any Floor Area not ~~legally~~ existing as of September 8, 1998, shall be counted toward the threshold.
    - c. Calculation of this threshold includes ~~applies to~~ all principal and accessory structures, except for;
      - (i) Season-Extending Agricultural Structures, if the dimensions of the Season-Extending Agricultural Structures on a property fall below the thresholds identified in 4-802.A.156.
      - (ii) Agricultural Sales Structures less than 500 square feet.
      - (iii) Structures identified in 17-300.A.1. that fall below the thresholds for a building permit.

3. New structures of any size requiring a building permit when the site is located within a Natural Landmark or Natural Area as described in the Environmental Resources Element of the Comprehensive Plan and shown on the Zoning District Maps of Boulder County.
4. New structures 500 square feet or more in the 250' buffer associated with a Natural Landmark or Natural Area, as described in the Environmental Resources Element of the Comprehensive Plan and shown on the Zoning District Maps of Boulder County.
5. New structures or additions to existing structures of any size on property over which a conservation easement has been granted.
  - a. The Director may exempt a structure ~~Season-Extending Agricultural Structure(s)~~ from this provision if the holder of the conservation easement confirms in writing that, in the opinion of the easement holder, the proposed structure(s) would not conflict with the terms of the easement.
6. Development occurring in a Rural Community District as described in the regulations for that District.
7. Any development in the Floodplain Overlay District involving new structures, elevation of an existing building, or additions to existing buildings that expand the footprint of the structure.
8. Any grading permit for over 50 cubic yards of earthwork (including grading associated with an access permit).
9. A change of use of a parcel, except for a change in use to a Single Unit Dwelling or Vacation Rental.
10. A commercial telecommunications facility utilizing an existing structure and meeting the height requirements of the district in which the facility is located.
11. A small wind-powered energy system.
12. A ground-mounted or parking canopy solar energy system as a Principal Use or accessory use, as specified in Articles 4-514 and 4-516.
13. Any proposal which is eligible ~~to be waived from~~ for an Expedited Site Plan Review, but for which an approval waiver was not granted.
14. An Agricultural Sales Structure larger than 500 square feet, or greater than 12 feet in height.
15. Season-Extending Agricultural Structure(s) greater than 5,000 cumulative square feet located on Parcels 5 acres or larger, or greater than 3,000 cumulative square feet located on Parcels less than 5 acres, or Season-Extending Agricultural Structure(s) greater than 12 feet in height.
  - a. Season-Extending Agricultural Structures that do not go through a Site Plan Review process will go through an administrative review to ensure proposed structures are constructed within applicable setbacks and adhere to applicable Floodplain Overlay District provisions (4-400).
16. Any application proposing to utilize the retrofitting of an existing structure for the purpose of making a demonstrated energy efficiency improvement or the use of building materials or design intended to achieve heightened energy efficiency as an exemption from compliance with the zone district maximum Residential Floor Area.

17. Any application proposing to utilize a landmarked or otherwise protected historic structure(s) as an exemption from compliance with the zone district maximum Residential Floor Area.

B. Site Plan Review shall not be required for:

1. Earthwork that is part of normal agricultural or mining practices.
2. Accessory structures less than 1,000 square feet.
  - a. Except in those circumstances in which Site Plan Review is required because of cumulative threshold specified in this section A(2) ~~or A(3)~~.
  - b. Except in a Natural Landmark, a Natural Area, or in the associated 250' buffer as specified in this section A(3) and (4).
  - ~~c. Except on conservation easements held by Boulder County.~~
  - d. Except Agricultural Sales Structures as specified in 4-802.A.145.
3. Restoration of a structure or access that has been damaged or destroyed by causes outside the control of the property owner or their agent.
  - a. Restoration must involve the original location along the stream for stream spanning hydraulic structures, and in the case of a non-hydraulic structure, the original location, floor area, and height, if applicable. Such restoration must meet the other applicable provisions of this Code, including but not limited to the applicable zoning district setback and height requirements and the provisions of the Floodplain Overlay District (also see Nonconforming Structures & Uses, Article 4-1002(D) and 4-1003(F)).
  - b. Restoration must be commenced within one year after the date on which the structure or access was damaged or destroyed, or a latent defect discovered. This limitation may be extended in the case of extenuating circumstances as determined by the Director.
  - c. Restoration of bridges, box culverts, low-water crossings, or other hydraulic structures, either as a temporary or permanent hydraulic structure, and accesses are subject to review by the County Engineer for compliance with the Boulder County Storm Drainage Criteria Manual and the Multimodal Transportation Standards. The County Engineer may additionally impose conditions on the construction to assure basic safety.
  - d. The provisions of this Section 4-802(B)(3) shall not apply to Substantial Improvements to buildings in the Floodplain Overlay District as provided for in Section 4-400 of this Code.
4. Development on subdivided land with a final plat approved after February 22, 1994, unless the plat approval otherwise requires Site Plan Review for the lots.
5. Development in approved Neighborhood Conservation Overlay Districts to the extent that the approved Neighborhood Conservation plan covers the relevant Site Plan Review criteria detailed in this Article 4-806.
6. Any development or earthwork eligible for a General Floodplain Development Permit.
7. Any development or earthwork requiring an Individual Floodplain Development Permit, so long as the Community Planning & Permitting Director finds no conflicts with the standards listed in Article 4-806 of this Code.

- C. ~~Site Plan Review may be waived for the following circumstances~~ If the Community Planning & Permitting Director determines that there is no potential for any significant conflict with the ~~criteria~~ standards listed in Article 4-806 of this Code, an Expedited Site Plan Review may be allowed in the following circumstances:
1. Any increase in the total Residential Floor Area ~~to a size less than 125% of the median Residential Floor Area for the defined Neighborhood in which the subject parcel is located,~~ up to an increase of 2,000 square feet, provided the proposed structure size does not exceed the zone district maximum Residential Floor Area.
    - a. This provision includes instances in which Site Plan Review would be required because the floor area exceeds the cumulative threshold specified in this section A(2) and B(2)(a).
  2. In the plains, any nonresidential accessory structure less than 5,000 square feet, with the exception of Agricultural Sales Structures.
  3. In the mountainous areas, any nonresidential accessory structure less than 2,000 square feet, with the exception of Agricultural Sales Structures.
  4. Any application proposing to utilize the one-time maximum 200-square-foot exemption from compliance with the zone district maximum Residential Floor Area.
  5. Any grading permit involving under 500 cubic yards of earthwork.
  6. Any free-standing small wind-powered energy system that meets the height limitations for the zone district.
  7. Any roof-mounted small wind-powered energy system as described in that use classification description 4-516.
  8. A principal or accessory ground-mounted solar energy system less than 0.5 acre.
  9. A parking canopy solar energy system less than 0.5 acre or an Accessory Solar Energy System that does not satisfy the additional provisions described in Article 4-516.K.5.e.
- D. In considering an Expedited Site Plan Review ~~waiver~~ determination, the Director shall notify adjacent property owners. The Director shall not issue the determination for seven days following such notification and shall consider any comments received by the public. In ~~waiving any requirement for expediting~~ Site Plan Review as authorized under this section 4-802, the Director may impose written terms and conditions ~~on the waiver~~ as may be reasonably necessary to ensure that the regulatory basis for the ~~waiver~~ review is not contravened once the subject use or construction is commenced.
- E. If the proposed permit or development requires Special Review, Limited Impact Special Review, Development Plan Review, Historic District Review (Section 4-114), or Subdivision Regulations or PUD Review, Subdivision Exemption, or Exemption Plat Review, the applicable Review process shall substitute for the Site Plan Review process under this section. In any such combined review process, the standards in Section 4-806 shall be applied to the part of the proposal requiring Site Plan Review.

#### 4-803 Pre-application Conference

- A. A pre-application conference as defined in Section 3-201 shall be held prior to the submission of an application for Site Plan Review.

#### 4-804 Application and Submittal Requirements

- A. Within four days of the time application is made, all proposed access points, driveways, wells, leach fields, cisterns, turn-out, turn-arounds, and at least four corners of the proposed structures must be visibly marked on the property with clearly labeled stakes.
- B. For the purpose of referring the project to applicable agencies, the applicant shall submit a ~~minimum of three copies~~ of the following information:
  - 1. The application form available at the Community Planning & Permitting Department as specified in Article 3 of this Code.
  - ~~2. All applicable maps provided in the pre-application conference.~~
  - 2. Name of the proposed development or use and total number of acres.
  - 3. A site plan at a scale which best conveys the conceptual aspects of the plan and allows for effective public presentation. This site plan must have the following elements:
    - a. Date of preparation, revision box, written scale, graphic scale, and north arrow (designated as true north).
    - b. Clearly identified boundary lines, corner pins, dimensions of the subject property, and distance of structures from property lines.
    - c. Location, and dimension of all structures, existing and proposed.
    - d. Parking areas, driveways, emergency turn-outs, and emergency turn-arounds will be shown, with locations and dimensions including all proposed grading for the property.
    - e. All roads, railroad tracks, irrigation ditches, fences, existing and proposed utility lines, and easements on or adjacent to the parcel.
    - f. Significant on-site features including, but not limited to: natural and artificial drainage ways, wetland areas, ditches, hydrologic features (with flooding limits based on information available through the County), aquatic habitat, geologic features (including slopes, alluvial fans, areas of subsidence, rockfall areas, USDA soil classification and landslide areas), vegetative cover, dams, reservoirs, excavations, and mines.
    - g. Location and size of leach field, sewer service lines, treatment facilities, well(s) and/or water lines to serve the proposed development.
    - h. (For mountainous area properties only) Existing and proposed topographic contours at maximum intervals of five feet for at least 50 feet around all proposed disturbances. The remainder of the site may show greater contour intervals (e.g. 20-foot intervals) or obtain contours from the area's U.S.G.S. topographic map.
    - i. Any Floodplain, 100-year Floodplain or Floodway located on the property as indicated in Article 4-400 of this code.
    - j. Any Natural Landmark or Natural Area along with a 250-foot buffer zone surrounding the landmark or area as shown on the Zoning District Maps of Boulder County. Any Environmental Resources identified in the Comprehensive Plan must also be included on the site plan.
    - k. The location(s) and type(s) of proposed exterior lighting.

4. Four elevation drawings showing existing grade, finished grade, and height of the structure above existing grade. The location and dimensions of all windows must also be included on each of the elevations.
  5. Verification that the site is a legal building lot under this code and that legal access from a public road has been obtained.
- C. The following information may be required to be submitted with a site plan application if the Director determines that such information is necessary to allow the site plan standards of 4-806 to be adequately evaluated:
1. A detailed site plan of developed portions of the property presented at a larger scale than required in (B) above.
  2. Land survey data to identify the subject property including section corners and distance and bearing to these corners, quarter corners, township, range, etc.
  3. Documentation of legal access to the subject parcel and/or proposed development location.
  4. (For non-mountainous portions of the county) Existing and proposed topographic contours at maximum intervals of five feet for at least 50 feet around all proposed disturbances. The remainder of the site may show greater contour intervals (e.g. 20-foot intervals) or obtain contours from the area's U.S.G.S. topographic map.
  5. Location, width, and typical cross-section of all existing and proposed earthwork, including but not limited to: driveways, pedestrian paths, parking areas, and berms. This information may include earthwork calculations, grading plan, drainage plan, and/or geotechnical/soils reports. The Director may request that any or all of this information be certified by a Colorado registered Professional Engineer.
  6. Information regarding the use of ignition/fire resistant construction materials.
  7. Location of existing and proposed landscaping including a revegetation plan. The site plan shall illustrate the type, height, and/or caliper of the trunk of proposed plantings. All plantings will be specified by type and location.
  8. Location and results of soil percolation tests (Boulder County Public Health approval) where on-site wastewater systems or similar systems are proposed. This may include site approval and discharge permit, if required, as issued by the Colorado Department of Health.
  9. Erosion control and revegetation plan.
  10. The areas of all development and Disturbed Area in square feet and percentage of site, including total square feet of ~~developed~~ proposed driveways, parking, and buildings.
  11. A development report addressing the standards in 4-806.
  12. A letter of verification of a search of Inventory of Cultural Resources from the State Historical Society, a report defining the archaeological or historical resources on the site (based on information available from the State Historic Preservation Officer) or the appropriate archeological field survey report.
  13. A Wildfire Mitigation Plan demonstrating the appropriate site location of structures, construction design and the use of ignition resistant building material, defensible space and fuel reduction around the structures, driveway access for emergency vehicles, and an emergency water supply for fire fighting.
  14. A control plan for noxious weeds.

15. A topographic survey certified by a Colorado Registered Surveyor or Professional Engineer.
16. Information regarding the type of glass used on the structure as it relates to reflectivity of sunlight and their emission of internal lighting.
17. A wildlife impact report meeting the requirements of Section 7-1700 of this Code. The requirement for a wildlife impact report shall not be construed to import the substantive requirements of Article 7-1700 into the Site Plan Review process, but rather shall provide additional information for the County to apply the site plan review criteria to the facts of the application.
18. An outdoor lighting plan showing the location and type of proposed lighting, in compliance with Article 7-1600 Outdoor Lighting and Article 18 Fully Shielded Light Fixture.

#### 4-805 Review by the Director

- A. Once an application for Site Plan Review is filed, the Director shall promptly forward one copy of the application and supporting materials to the Access and Engineering Transportation, Public Health, Parks & Open Space Departments, local fire district, and any other potentially affected agencies or organizations. The Director shall also post a sign on the property stating the Site Plan Review number and the address and phone number of the Community Planning & Permitting Department. The Director may require that a notification sign be posted off-site when on-site posting would not allow for notification of those potentially impacted. Referrals shall be returned to the Director ~~18~~ 21 days from date the application is referred.
- B. Any determination by the Director to approve, conditionally approve, or deny a site plan application must be in writing and mailed or otherwise provided to the applicant no later than ~~28~~ 35 days after the date on which the Site Plan Review application is deemed complete. Once the determination is made, the Director shall also provide notice of the determination to all referral agencies and the adjacent property owners within 1500 feet of the property. If the Director fails to make a determination on the Site Plan Review application within this time period, the application as submitted shall be considered approved and the applicant's building permit shall be processed.
- C. The Director may suspend the ~~28~~ 35-day decision period required in Subsection 4-805.B., above, at any time during the ~~28~~ 35-day period under the following circumstances:
  1. At the request of the applicant, or;
  2. Whenever the Director or a referral agency determines that the application requires more information to conduct adequate review of the standards The Director shall promptly notify the applicant of the shortcomings.
- D. The decision period will resume when either the applicant indicates to the Director in writing that they are ready to proceed, or the Director notifies the applicant that the department has received sufficient information upon which to evaluate the application. If the new information submitted results in an application that is substantially different than the original, or requires additional review, a new ~~18~~ 21-day referral may be required prompting the ~~28~~ 35-day decision period to restart. When the decision period resumes and

a new referral is not required, the Director shall have ten days or the remainder of the original ~~28~~ 35-day decision period, whichever is greater, to issue a determination.

- E. ~~The Director may declare a Site Plan Review application withdrawn if the application is not completed within six months of the date of it either being deemed incomplete or suspended by the applicant or Director as permitted by this Code. The six-month withdrawal deadline may be extended should the Director determine that circumstances beyond the control of the applicant prevent timely completion of the application. If the application is withdrawn, a new application and new fee must be submitted to continue the project. If the application is not completed within 6 months of the date of being deemed incomplete or any subsequent suspension, the Director may declare the application withdrawn. The 6 month time frame may be extended should the Director determine that circumstances beyond the control of the applicant prevent a timely completion of the application.~~

#### 4-806 Site Plan Review Standards

- A. All Site Plan Review applications 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. When two or more of the standards listed below conflict, the Director shall evaluate the applicability and importance of each of the conflicting standards under the facts of the specific application and make a reasonable attempt to balance the conflicting standards in reaching a site plan decision.
- ~~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 Community Planning & Permitting staff for the subject parcel.~~

~~(ii) Median floor area will include the total residential floor area, as defined in Section 18-189D.~~

~~b. Either the applicant or the Director may demonstrate that this presumption limitation 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 limitation and whether a proposed development can be excepted 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 compatible 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 compatible 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.~~

1. The location of existing or proposed buildings, structures, equipment, grading, or uses shall not impose an undue burden on public services and infrastructure.
2. 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.
3. 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 Urban-Wildland Interface Code; National Fire Protection Association (NFPA); International Fire Code; and the International Building Code.
4. 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 without limitation the Boulder County Storm Drainage Criteria Manual, hydrologic evaluations to determine peak flows, floodplain mapping studies, updated topographic data, Colorado Geologic Survey landslide, earth/debris flow data, and creek planning studies, all as applicable given the context of the subject property and the application.
5. 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.

6. 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.
7. 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.
8. 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.
9. 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, oversized parking areas, or severe alteration of a site's topography. ~~Driveways or All~~ earthwork and grading shall have a demonstrated associated Principal Use.

10. Access, including non-county maintained roads and driveways, shall meet the Boulder County Multimodal Transportation Standards. All driveways shall have a demonstrated associated Principal Use.
11. Runoff, erosion, and/or sedimentation from the development shall not have a significant adverse impact on the surrounding area.
12. 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.
- ~~13. 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.~~
13. The proposal shall be consistent with the Comprehensive Plan, any applicable intergovernmental agreement affecting land use or development, and this Code.

#### 4-807 Community Planning & Permitting Department Director's Determination

- A. If the Director finds in reviewing a site plan application that the application meets the applicable standards set forth in Section 4-806, the Director shall approve the site plan and the applicant can continue to process the building permit.
- B. If the Director finds that the application does not meet an applicable standard or standards, and that a reasonable basis for mitigation measures has been demonstrated, the Director shall approve the application with reasonable conditions that will avoid or acceptably mitigate the significant adverse impacts of the development. These conditions may include, but are not necessarily limited to the relocation or modification of proposed structures, additional landscaping, buffering, screening, relocation of access, or any other measures necessary to mitigate any significant impact or reduce hazards. The Director shall specify when the conditions shall be met.
- C. If the Director finds that the application does not meet an applicable standard or standards and that a reasonable basis for mitigation measures has not been demonstrated, the Director shall deny the application as proposed. The Director's determination must specify the reasons for the denial based upon the Site Plan Review standards in Section 4-806.
- D. Once the Director issues a determination, the determination shall not be final, and no permit based upon the determination shall be issued, for 14 calendar days after the date of the determination, in order to allow time for the applicant to appeal, or for the Board of County Commissioners to call up the determination for further review, pursuant to Sections 4-808 and 4-809 of this Article. The Director's determination shall become final, and permits applied for in accordance with the determination may be issued, only after the expiration of

this 14-day period, and only if the determination is not reviewed and acted upon by the Board of County Commissioners at a subsequent appeal or call-up hearing.

#### 4-808 Applicant's Right of Appeal of a Conditional Approval or Denial

- A. If the Director denies a site plan or conditionally approves it with conditions to which the applicant objects, the applicant shall be entitled to appeal the Director's determination to the County Commissioners.
- B. The applicant must file an appeal for this purpose with the Community Planning & Permitting Department in writing received no later than 14 calendar days after the date of the Director's determination.
- C. The Board shall review the Director's determination at a public hearing held as soon as practical after the appeal has been filed. Prior written notice of this hearing shall be provided to the applicant and to property owners within 1,500 feet, and shall be published as part of the Board's agenda in a newspaper of general circulation in Boulder County.
- D. At the public hearing, the Board shall consider evidence related to the Director's determination which may be presented by the Director, the applicant, or interested members of the public. The Board shall not be limited in their review to the subject of the appeal, but may review any aspect of the site plan application. Based upon this evidence the Board may affirm the Director's decision, alter conditions, add new conditions, or reverse the Director's determination on any aspect of the Site Plan Review application. In the case of denial of a site plan, the Board shall state its reasons for its decision based upon the Site Plan Review standards in Section 4-806. No permit shall be issued until and unless the Board acts on the Director's determination at the public hearing, and approves the site plan.
- E. Any site plan application submitted by a public utility or a power authority providing electric or natural gas service, which relates to the location, construction, or improvement of a major electrical or natural gas facility as contemplated by Section 29-20-108, C.R.S., as amended, shall be considered to be a "final application" under Section 29-20-108 on which final County action in the event of an appeal shall be required to be taken within 90 days after submission of the application, or the application under Section 29-20-108 is deemed approved. For purposes of this Subsection 4-808.E., "submission" shall be considered to be the submission of a complete application as required by this Article 4, including but not limited with respect to compliance with any applicable notice requirements to the mineral estate owners and lessees constituting less than full fee title in the subject property as required by Article 65.5 of Title 24, C.R.S.

#### 4-809 Board of County Commissioner's Review ("Call-up") of a Conditional Approval or Denial

- A. No permit may be issued for 14 calendar days after the date of the Director's approval.
- B. At the same time written approval of the site plan is provided to the applicant, the Director shall forward to the Board a written statement including:
  - 1. the location of the affected property,
  - 2. a description of the proposed development under the permit, and

3. the basis for the Director's determination. The Director's determination can be either that there is no significant adverse impact, that the significant adverse impacts can be avoided or acceptably mitigated through the conditions imposed as specified in the statement, or that the application be denied for reasons specified in the statement.
- C. Upon receiving the Director's statement, and no later than 14 calendar days after the date of the approval, the Board may call the Director's determination up for review before the Board. The call-up generally shall be made by the Board at a public meeting convened within this 14-day period. However, if it is not practical for the Board to convene a public meeting for this purpose within the 14-day period, any member of the Board may authorize a call-up within the 14-day period, which call-up shall be effective provided that the Board subsequently ratifies the call-up at a public meeting held within a reasonable period of time after the 14-day period expires.
    1. The Board shall review the Director's determination at a public hearing held as soon as practical after the Director's determination. Prior written notice of this hearing shall be provided to the applicant and to property owners within 1,500 feet and shall be published as part of the Board's agenda in a newspaper of general circulation in Boulder County.
  - D. At the public hearing, the Board shall consider evidence related to the Director's determination which may be presented by the Director, the applicant, or interested members of the public. The Board shall not be limited in their review to the subject of the call-up, but may review any aspect of the site plan application. Based upon this evidence, the Board may affirm the Director's decision, alter conditions, add new conditions, or reverse the Director's determination on any aspect of the Site Plan Review application. In the case of denial of a site plan, the Board shall state its reasons for its decision based upon the Site Plan Review standards in Section 4-806. No permit shall be issued until and unless the Board acts on the Director's determination at the public hearing and approves the site plan.
  - E. Any site plan application submitted by a public utility or a power authority providing electric or natural gas service, which relates to the location, construction, or improvement of a major electrical or natural gas facility as contemplated by Section 29-20-108, C.R.S., as amended, shall be considered to be a "final application" and Section 29-20-108 on which final County action in the event of a call-up shall be required to be taken within 90 days after submission of the application, or the application under Section 29-20-108 is deemed approved. For purposes of this Subsection 4-808.E., "submission" shall be considered to be the submission of a complete application as required by this Article 4, including but not limited with respect to compliance with any applicable notice requirements to the mineral estate owners and lessees constituting less than full fee title in the subject property as required by Article 65.5 of Title 24, C.R.S.

#### 4-810 The Effect of an Approved Site Plan

- A. A Site Plan Review determination or determination to waive Site Plan Review shall expire ~~3~~ three years from the date the application was approved.
- B. The approval of a site plan by the Director does not result in the vesting of development rights, nor does it permit the violation of any county or state regulations to preclude the Building Official from refusing to issue a permit if the plans and specifications do not comply with applicable regulations, or that the work described in the application for the permit does not conform to the requirement of the Uniform Building Code as adopted by Boulder County.

#### 4-811 Amendments to an Approved Site Plan

- A. Any proposal to change a site plan approved under this Article shall require a request to the Community Planning & Permitting Department to determine whether the proposed change constitutes a substantial modification to the approved plan. If the Director determines that the change constitutes a substantial modification, no such change shall be allowed to proceed until an application to amend the approved site plan is filed with the Director and approval granted in accordance with this Article. The applicant or its successor may appeal the Director's decision to require an amended site plan to the Board of County Commissioners, provided that any such appeal shall be in writing and shall be filed with the Community Planning & Permitting Director no later than 30 days following the date of the Director's decision to require a site plan amendment.

#### 4-1002 Nonconforming Structures

- A. A nonconforming structure is any existing structure which does not conform to the structure regulations of this Code for the zoning district in which such nonconforming structure is located, as a result of either (1) the adoption or amendment of this Code, or (2) a final county administrative or judicial decision precluding Boulder County from enforcing this Code specific to a structure on the basis of estoppel, laches, or waiver.
  - 1. For the purposes of these regulations, structure(s) with Existing Floor Area as of [EFFECTIVE DATE] that exceeds the zoning district Residential Floor Area maximum shall not be considered Nonconforming Structures.

#### 4-1201 Appeals to the Board of Adjustment

- A. Appeals to the Board of Adjustment may be taken by any person aggrieved by any decision of the Community Planning & Permitting Director or County Engineer made in the course of the administration or enforcement of Article 4 or any related provision of this Code, unless the Code provides that the decision will be appealed to the Board of County Commissioners.
- B. An application for an appeal must be made within 30 days after the Director or County Engineer makes a written decision on the matter being appealed. The 30 days shall start to

run on the third day after the date of mailing of the decision to the last known address of the person concerning whom the decision is made. If not appealed to the Board of Adjustment the decision shall be final.

- C. The process for filing an appeal and specifics regarding the public hearing before the Board of Adjustment are outlined in Article 3 of this Code.
- D. Appeals to the Board of Adjustment related to any matters under Article 12, Special Review for Oil and Gas Operations, must be specifically permitted under Article 12.
- E. Any party to a proceeding before the Board of Adjustment may appeal the Board of Adjustment's final decision under C.R.C.P. 106(a)(4).

## 2-800 Boulder County Board of Adjustment

### A. Short Title

- 1. The Boulder County Board of Adjustment may also be referred to as the 'Board of Adjustment.'

### B. Membership, Selection, and Term

- 1. The Board of County Commissioners appoints five regular Board of Adjustment members. Members of the Planning Commission may take the place of a regular Board of Adjustment member in the event of a temporary absence or vacancy; however, not more than two members of the Board of Adjustment may concurrently be members of the Planning Commission.
- 2. All members must be residents of the County.
- 3. The term of regular members is three years.

### C. Duties and Responsibilities

- 1. The Board of Adjustment holds regular meetings to hear appeals of any order, requirement, decision, or determination made by the Land Use Director or County Engineer in administering or enforcing Article 4 related provisions (e.g. definitions in Article 18) of this Code, to hear appeals of the Director specified provisions of Article 12, and to consider certain variances from the requirements of Article 4 of this Code.
- 2. The Board of Adjustment does not have the authority to grant any variance:
  - a. from uses permitted in the zoning district;
  - b. from the minimum lot size required, maximum gross density, or structure size maximum of any zoning district;
  - c. from any definition;
  - d. from the height or yard requirements which may be obtained, or have been denied, through the approval of a special use;
  - e. which authorizes a substantial modification of a planned unit development or special use approved by the Board of County Commissioners; or
  - f. which will cause an increase in the base flood to occur;
  - g. from any provision of Article 12.



## Article 18 Definitions

### 18-179C Neighborhood

- A. For ~~applications~~ Parcels inside platted subdivisions, which have seven or more developed lots, the neighborhood is that platted subdivision.
- B. For ~~applications~~ Parcels within the mapped historic Townsites of Allenspark, Eldora, Eldorado Springs, Raymond, and Riverside, the neighborhood is the mapped historic Townsite.
- C. For ~~applications~~ Parcels outside of platted subdivisions with seven or more developed lots or the Townsites of Allenspark, Eldora, Eldorado Springs, Raymond, and Riverside, the 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.

### 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~~ and the application of zone district Floor Area regulations 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, storage sheds, home offices, and workshops. (Exemptions: Gazebos, carports, solar parking canopies, detached greenhouses, renewable energy storage facilities, breezeways, structures that do not require a building permit in accordance with Article 17-300, and hoop houses up to a total combined size of 400 square feet.)

## Article 19-500 Marshall Fire (December 2021)

- C. Fire-Damaged/Destroyed Structures Eligible for Expedited Rebuilding
  - 3. Proposed construction that is outside the scope of the defined parameters outlined in Section 19-500.F may be undertaken if approved under the applicable provisions of the other articles of this Code, such as Site Plan Review.
    - a. Projects outside of the scope of the defined parameters outlined in Section 19-500.F shall be reviewed according to the Site Plan Review and Zone District regulations in effect at the time of the Fire.

## Additional Materials and Background

Boulder County Board of County Commissioners. 2019. "A Proclamation Endorsing the Declaration of a Climate Emergency." [climate-emergency-proclamation-july-2019.pdf](#)

City and County of Denver. 2025. "Expanding Housing Affordability Ordinance and Affordable Housing Fee." [Expanding Housing Affordability Ordinance and Affordable Housing Fee - City and County of Denver](#)

Colorado State Demographer's Office. 2025. "SDO County Data Resource Page." [SDO County Data Resource Page](#)

Department of Energy. 2023. "Carbon Emissions in a Typical New Production Home: A Case Study." <https://www.nrel.gov/docs/fy23osti/84227.pdf>

Goldstein, B., Gounaridis, D., Newell, J.P. 2020. "The carbon footprint of household energy use in the United States." <https://doi.org/10.1073/pnas.1922205117>

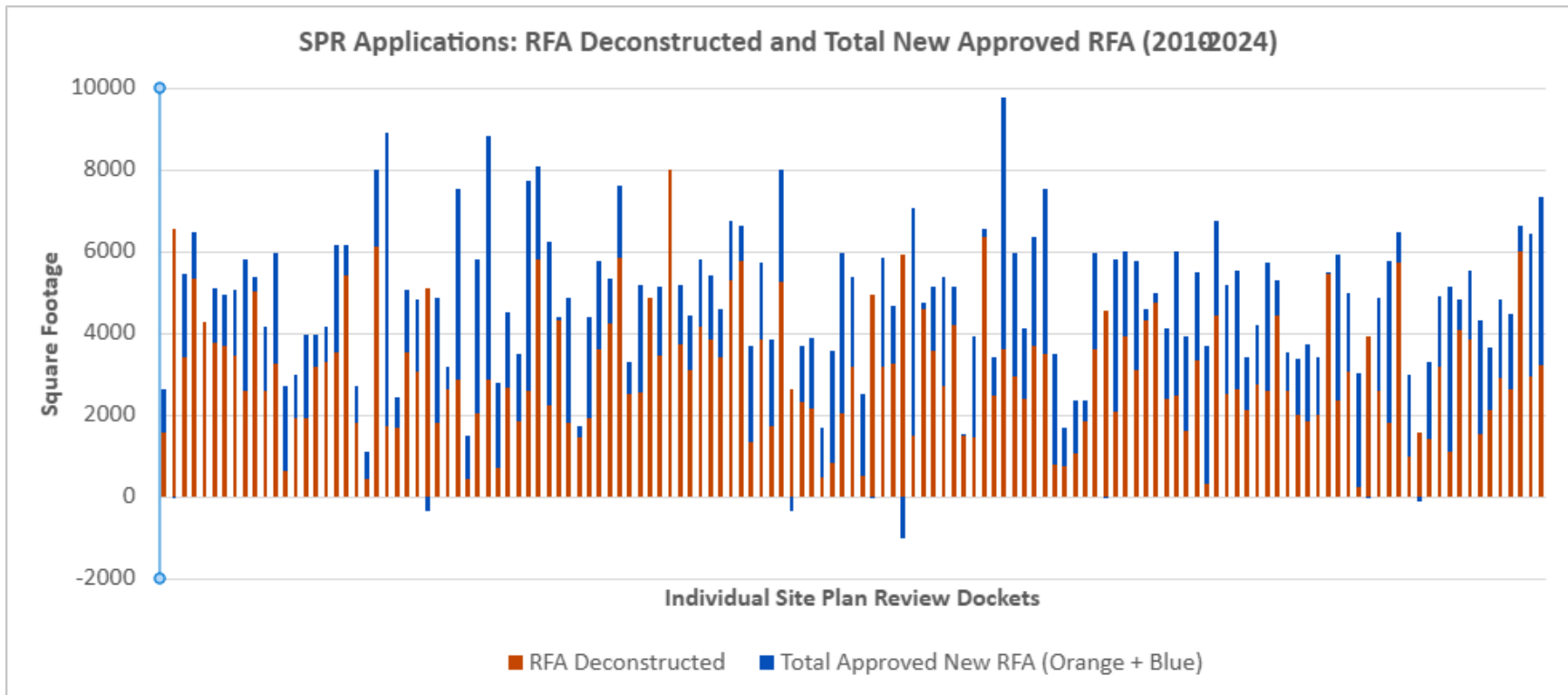
Los Angeles Housing Department. 2025. "Affordable Housing Linkage Fee Background." [Affordable Housing Linkage Fee Background – LAHD](#)

Magwood, C., Huynh, T. 2023. "The Hidden Climate Impact of Residential Construction." RMI. <https://rmi.org/insight/hidden-climate-impact-of-residential-construction/>

National Renewable Energy Lab. 2023. "New Residential Construction Carbon Emissions." <https://www.nrel.gov/docs/fy23osti/83049.pdf>

St. Louis FRED. 2025. "Per Capita Personal Income by County, Annual." [2023, Per Capita Personal Income by County, Annual: Colorado | FRED | St. Louis Fed.](#)

Data for charts and graphs are a combination of information available from [data.census.gov](https://data.census.gov), [fred.stlouis.org](https://fred.stlouis.org), and Boulder County permitting data, available at [accelapublic.bouldercounty.org](https://accelapublic.bouldercounty.org).



This graph shows Site Plan Review proposals for the deconstruction and reconstruction of Residential Floor Area between 2010 and 2023 in unincorporated Boulder County. The orange bars represent the RFA proposed to be deconstructed, and the blue bars represent the RFA proposed to be built. In most cases, when RFA is deconstructed, it is proposed to be replaced with more RFA.

I am writing to oppose the proposed changes to land use regulations that would limit the size of homes to 100% of the median for a given area, a significant reduction from the previous allowable size of 125% of the PSM. As a property owner who has owned land in Boulder County for 50 years, and lived, farmed and stewarded land at and around this location for 35 years, I have witnessed the erosion of property rights over time. The newest proposed changes are excessively restrictive and limiting. 35 years of working the land and paying taxes and all one gets is more of their rights taken away. When we purchased our property, we had the right and the freedom to develop our land in a reasonable manner that was aligned with our needs, without the extreme limitations imposed by the current proposal. Landowners should be grandfathered the ability to build to the County regulations that were in existence when they purchased their land.

The new restriction of limiting home sizes to 100% of the median is not only a tremendous reduction in building potential, but it also unfairly penalizes landowners, particularly in areas with smaller homes and more acreage. The sliding scale does absolutely nothing to alleviate this limitation.

Boulder County believes that drawing a small circle around our house and calling that our neighborhood, while not including many homes to the north or east as well the subdivision behind us, should define our neighborhood. That is anything but reality. The subdivision on our south and east property line has absolutely changed the character of our neighborhood more than anything else and has an effect on our daily living. In reality, our neighborhood extends well over 1500 ft. Drawing a circle and picking and choosing what is in it to define a neighborhood is ridiculous. The entire concept of neighborhood in a 1500 ft circle needs to be thrown out.

We should have the right to build the same size house as anyone in unincorporated Boulder County. At a minimum, I believe that every property owner in unincorporated Boulder County should be allowed to build to the average house size within the unincorporated County, rather than adhering to a strict 100% of the median of a specified area and a ridiculous definition of a neighborhood. This would ensure that landowners have an equitable opportunity to develop their land. Anything less would be a disservice to those of us who have invested in this land and community over the decades.

The goal of sustainability can be met in better ways other than taking away land owners property rights. The Commissioners want land owners to build small yet thousands of people drive to our neighborhood on a weekly basis and park at Tom Watson Park, the Reservoir, or Beech Open Space to exercise. Tens of thousands more travel for a couple hours up the highways, sit in traffic jams, just to ski for the day. Should these people stop doing these things in the name of sustainability? The Commissioners should declare that Boulder County citizens stop driving for recreation rather than forcing landowners to build smaller. There needs to be a balance and asking people to reduce their home size to below what they actually need is wrong.

People live very differently now. Many of us work from home and do not commute to an office. We exercise from home and do not drive to a gym. We don't go out too much, we are homebodies and enjoy our land and being at home. We have multigenerational family situations,

disability and circulation area needs that must be addressed within our home. Asking us to build smaller homes does not reflect or allow for those realities. This is neither just, equitable, nor fair.

As landowners, we do our part to contribute to sustainability. We work hard to build the healthiest soil possible on our 150-acres of pastures at and around our home, sequestering hundreds of metric tons of carbon each year. Healthy soils play a vital role in slowing the effects of climate change by storing and sequestering carbon dioxide. Yet, despite our efforts to make a positive environmental impact, it seems that according to the County Commissioners, this is not enough. Imposing your ideologies of climate change by taking away people's property rights, but only in the unincorporated County, is so very wrong. It's interesting that none of the Commissioners and I believe only two of the Planning Commission live in the unincorporated County. Unincorporated County residents are the only ones being penalized and asked to make changes. If we plant silvopastures, can we get more square footage? There are many better ways to be more sustainable rather than limiting someone's home. Currently Boulder County has some of the strictest building codes in the nation. We are already ahead of the curve. Limiting someone's property rights is stealing, especially when they have been an "investor" for years.

I am opposed to the revised land use and site plan review revisions. Please listen to the people you are supposed to be representing.

Thank you for time and consideration,

Joel Schaap

**From:** [Lisa Robertson](#)  
**To:** [!LongRange](#)  
**Subject:** [EXTERNAL] Proposed house size limitation in unincorporated Boulder County  
**Date:** Tuesday, March 11, 2025 9:52:47 AM

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*"Staff were directed to explore changes to the SPR regulations to better address neighborhood character, sustainability, and affordability."*

This is government overreach at its best. It comes off as arbitrary and capricious, so I wonder, Que Bono?

Lisa Robertson  
Crestview Estates

**From:** [Adrienne Peterson](#)  
**To:** [!LongRange](#)  
**Subject:** [EXTERNAL] SPR Regulations  
**Date:** Tuesday, March 11, 2025 10:42:30 AM

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Hello,

I would like to voice my concerns AGAINST this proposal. I do not approve of this and would like to make my stance known.

Sincerely,  
Adrienne Peterson

**From:** [Megan Monroe](#)  
**To:** [!LongRange](#)  
**Cc:** [Levy, Claire](#); [Stolzmann, Ashley](#); [Loachamin, Marta](#)  
**Subject:** [EXTERNAL] Public comment, DC-24-0003  
**Date:** Tuesday, March 11, 2025 10:40:01 AM

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The press release didn't have a deadline for comment - so if it's not too late, please see below:

Boulder County - I strongly oppose the proposed changes to size limits: (1) This proposal will not stop large homes; large homes will still be built in more expensive neighborhoods - so please, stop saying this is for environmental reasons- if large homes are "bad" then you should limit large homes, do it across the board, evenly – don't make more modest properties carry the burden of your regulations and pass it off as environmental. (2) This proposal impacts property values disproportionately, negatively impacting those that have the least and will directly impact those who are not in more expensive PUD/neighborhoods the most; this is outrageously inequitable and it is shocking Boulder County is considering this.

Further, this proposal not only treats neighborhoods differently, it now treats neighbors differently in a "let them eat cake" sort of way: if you have 1,500 sf – you "get" an "extra" 325 sf to add on! (Ignore the fact that your neighbor can have 5,175 sf while you're now limited to 2,500 sf - *let them eat cake!*) If Boulder County wants to limit those who have the least – and take property value disproportionately away from those with the smallest properties in Boulder County, then they'll pass this – but if they truly want to be progressive, you would limit house size evenly across the board.

County Staff have said they are doing this "o that one day they too could afford to live in the County – this is failing to see the perspective of those who might have also scrapped everything together to buy a small house (or inherited it from family) – failing to see peoples' dreams that, one day, the small house might be able to serve their growing family needs – or one day might be sold on a level playing field, offering the same value of their neighbors' properties. Under this proposal, adjacent properties will have drastically different building allowances, significantly different property rights and therefore, considerably varied property value. ***The negative impact this proposal will have on generational wealth will be felt most distinctly by those that have the least right now.*** (It must be noted that tax assessment does NOT take into account the restrictions based on individual homes so this will not even result in reduced taxes based on specific property limitations.)

If the Commissioners feel this is a fair, equitable proposal, I challenge them to deed restrict their own homes too. Typically, when affordable units are created, this is subsidized and there is compensation for it (and it is typically VOTED on by the public). In fact, in more expensive neighborhoods in Boulder County (i.e. neighborhoods most often with larger homes) – if a property owner CHOOSES not to build a large home, they can sell their "development rights" in transfer development credits (TDCs) – now the County would like to further take those rights away from those that have the least *without any compensation*. If the County wants to support affordable units, then do so like the City and charge new or large homes a fee – don't force properties to become affordable *without compensation* so that the next homeowner can benefit off the lost property value the County took from current owners.

Before doing this the County Commissioners should be sure to ask:

- 1- How is this equitable?
- 2- Have we done a demographic study to evaluate who this will impact the most? Does this impact those not in more expensive neighborhoods the most?
- 3- How will more restricted properties be compensated? Will we tax them at a different rate than their neighbors who are less restricted or have larger homes?

Truly disappointed,

Megan Monroe



**From:** [Karen Mandery](#)  
**To:** [!LongRange](#)  
**Subject:** [EXTERNAL] Docket DC-24-0003  
**Date:** Tuesday, March 11, 2025 4:28:20 PM

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In these regulations, using the "defined neighborhood" idea to figure out how much residential square footage is allowed is going to have very different results for different homes across the County. According to the code, the defined neighborhood is "the area within 1,500 feet from the applicable parcel." But it doesn't include parcels within city limits or subdivisions with 7 or more houses [Article 18 Definitions, 18-179C]. I think this idea of a defined neighborhood is too limiting and unfair, and it's going to create problems all over the County.

What happens when there are no houses within 1500 feet?

For example, a group of smaller, older farmhouses built in the 1950s in one area would be restricted from expanding to meet more modern needs just because they're not within 1500 feet of bigger homes. Even if they're right next to a subdivision with 5000 sq ft homes, they wouldn't be able to expand because those houses don't count in the definition of the neighborhood. Meanwhile, just down the road, there could be much bigger homes, just because they're close to other large homes.

To make matters worse, the owners of those old farmhouses might have trouble selling their modest homes in the future to families who want to continue farming traditions in Boulder County. This could lead to a loss of working farms and ranches in the County. I think a better definition of "neighborhood" should take into account the average house size over a larger area—maybe even the whole unincorporated County. This would help fix the problems with the 1500-foot rule, which is way too narrow, especially in rural areas.

Karen Mandery  
7019 N 63rd Street  
Longmont, CO 80503

**From:** [Roger Grow](#)  
**To:** [LongRange; Abner, Ethan](#)  
**Subject:** [EXTERNAL] SPR Regulations Update Community Response  
**Date:** Tuesday, March 11, 2025 1:29:46 PM  
**Attachments:** [Screenshot 2025-03-11 at 12.55.35 PM.png](#)

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Hello Ethan,

I would writing to share my feedback on the proposed SPR Regulation Changes. As a longtime resident of unincorporated Boulder County with decades of experience navigating local building regulations through various construction projects, I am deeply familiar with the existing regulations.

I find the proposed new Floor Area limitations overly restrictive, with consequences that will do more harm than good. These limitations will negatively impact property values and place undue burdens on families who need to expand their homes to accommodate growing needs. Personally, I have spent years saving and planning to expand my home to support my growing family, yet under these proposed changes, I would no longer be able to add any additional square footage.

From my perspective, the current system is already restrictive in some cases, and I see no pressing need for sweeping changes that will impact thousands of properties simply to address concerns about a handful of oversized homes. Today, our homes serve more functions than ever—people work remotely, exercise at home, and require space for children, guests, and multiple hobbies. This shift in lifestyle naturally demands more square footage, not less.

Rather than imposing broad limitations that will negatively affect so many homeowners, I urge the county to explore alternative regulations that specifically target the "monster homes" of concern. In most cases, the existing size presumption and SPR process work well. I encourage a more balanced approach that preserves flexibility for homeowners while addressing the county's specific concerns.

If these proposed changes move forward, I strongly recommend greater leniency for basements. The City of Boulder has developed a thoughtful approach to basement floor area regulations, and I believe Boulder County could benefit from adopting a similar framework. For your reference, I have attached a snapshot of that code language to this letter.

At a minimum, Boulder County could implement a policy that "discounts" subterranean floor area by a certain percentage in floor area calculations. For example, if a neighborhood's median home size is 3,000 square feet, a homeowner could build 2,500 square feet above grade and 1,000 square feet below grade, with the basement counted at a reduced rate (e.g., 50% of its actual size).

Encouraging basement development is both a more efficient construction approach and a more sustainable energy solution. It also reduces the bulk and massing of above-grade structures while still allowing homeowners to meet their space needs. By allowing more basement floor area, Boulder County can provide a reasonable alternative for homeowners who require additional living space while maintaining the character of existing neighborhoods. I urge you to consider this adjustment as a balanced and practical solution within the proposed regulations.

Boulder Revised Code: 9.8.2 (D)(i)

(D) Floor Area Counted: The maximum floor area allowed includes the floor area of all levels.

(i) The amount of contributing floor area of the lowest level shall be calculated as follows:

(Length of the perimeter of the wall that is exposed more than 3 feet above adjacent finished grade) ÷ (Total length of the perimeter of the wall) = (the percentage of the floor area that is counted on lowest level). See Figure 8-1.

Window wells or door wells shall not be considered an exposed wall if the following standards are met: distance of the opening of the well is no more than four feet, measured perpendicular to the wall; the well does not exceed five feet in length measured parallel to the wall; and the cumulative length of all wells along any front, rear, or side yard does not exceed twenty feet in length for each such yard.

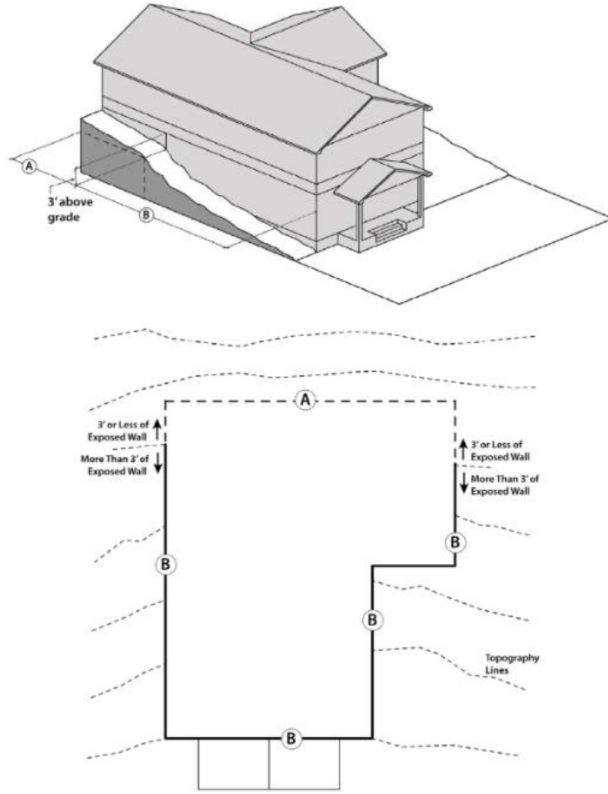


Figure 8-1: Floor Area Ratio Calculation for Lowest Level Floor with Totally or Partially Exposed Walls

Wall area A is partially exposed above grade by three feet or less. Wall area B is exposed above grade by more than three feet. For example:

$(\text{Length of wall B}) / (\text{Length of wall A} + \text{B}) = \text{The percent of floor area calculated towards FAR.}$

Thanks,

Roger Grow, President  
AGR Building Inc.  
1035 Pearl St #205  
Boulder, CO 80302  
Direct line: 303.359.4869

**From:** [Bruce Faul](#)  
**To:** [!LongRange](#)  
**Subject:** [EXTERNAL] square footage median  
**Date:** Tuesday, March 11, 2025 8:44:25 AM

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Boulder County Commissions,

I am not sure you gave you the right to limit the size of my home. I have invested into my asset and should be able to control what happens to it.

there are rules with setback off property lines and other considerations. We do NOT need to be control by another rule. It is time to allow the home owner to decide what happens with their home.

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Thanks

*Bruce Faul*

**From:** [Sara](#)  
**To:** [!LongRange](#)  
**Subject:** [EXTERNAL] Land Use Code related to Article 4-800 Site Plan Review  
**Date:** Tuesday, March 11, 2025 8:08:23 AM

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Hello,

I am writing in opposition to the proposed land use code change. As a resident of unincorporated county, I believe that this change would negatively impact our ability to make improvements to our home over time. I understand the intentions might be to discourage oversized dwellings and hinder developer ambitions, but it may also impact average residents living in homes that are not excessively large. I believe that each project should be assessed individually and be allowed to make cases for exceptions rather than be bound to rigid rules that may not allow for nuance.

Thank you,  
Sara Watts Eisele  
Crestview Neighborhood

Dale, Ethan, Planning Commission and County Commissioners,

I have read the proposed revisions to land use and site plan review, DC-24-0003, and I am opposed to the revisions as written.

After reviewing the changes, I believe the revisions are too restrictive and continue to be inequitable and discriminate against smaller homes and neighborhoods with smaller homes. The Planning Department has recommended removing the 125% PSM and imposing a limit of 100% of the median of a defined neighborhood, a significant reduction to what was previously allowed, even with the sliding scale. It appears that nothing was considered as far as parcel size in relation to home size, and nothing was considered to change the 'definition of a neighborhood'. The "definition of neighborhood" as a 1500 ft circle is outdated, very restrictive in certain areas and does not reflect the current state of our community.

I'll give you my personal example. Not too long before we purchased our home, Niwot Road was a dirt road. Now it is a paved road and a very busy driving, cycling and running corridor. A large subdivision was built on our south property line and the access road is on our east property line. Since the subdivision was built, the complexion and character of our neighborhood has changed substantially.

Hundreds of cars and trucks drive in and out of the subdivision on a daily basis and the only homes that we can see from our home are the 5500 to 8500 square foot homes on our south property line. Yet Boulder County does not consider this subdivision part of our "neighborhood". We certainly do – there is no way we cannot – we hear and see that subdivision on a daily basis and we are mailed planning department notices for that subdivision, such as the very recent approval notice for a basement renovation in the subdivision to bring a home up to 9500 square feet.

When we are irrigating or harvesting on our fields, neighbors stop and ask us questions, curious about our farming operations. Should we not think of them as neighbors? Should we think of them as "those people from the subdivision"? No, we consider them neighbors and Boulder County should too. When the strong winds come in the winter and someone from the subdivision gets stuck on or slides off their road, we use our equipment and help them out. If their road becomes impassible because of blowing snow, we have plowed it for them. Like it or not, the subdivision is absolutely part of our neighborhood, as we are part of theirs. It feels as though Boulder County is asking us to ignore the realities of our immediate surroundings.

The subdivision presence has a significant impact on our daily lives and the SPR proposed revisions fail to acknowledge or address the larger, more interconnected community we now find ourselves a part of. Boulder County needs to change how it looks at "defined neighborhood" because a neighborhood is much more than an arbitrary circle around a few homes, with specified exclusions, especially in more rural neighborhoods.

There are much larger homes less than half a mile down Niwot Rd that do not fall into our 1500 ft circle, yet I also consider that my neighborhood. Down the street, homes can be built to much larger sizes, yet on our corner of Niwot Road, where for instance our neighbor owns 160 acres, we own more land than some and there is OSMP pasture land across the street, homes will be forced to stay smaller. On the other side of Boulder County, a farmer is unable to sell his land and home in order to retire because people shopping for land do not want to be limited to a 3000 square foot home. That too has real consequences. It's a challenge on all sides of the County and the regulations are too restrictive, not flexible and discriminate against smaller homes. A true neighborhood does not exist in a 1500 foot circle with unrealistic exclusions.

- The “defined neighborhood” circle size, and what is included and not included, does not make sense and is not realistic. The circle needs to either go away or be updated to reflect reality; increasing in size for rural areas and including all surrounding properties, even subdivisions.

Affordability begins with the price of land and that will not change in Boulder County with these new regulations. If large homes are the concern, it would seem more appropriate to limit or restrict those homes rather than penalizing those with smaller homes who need space for family and accessibility. Sustainability can be better achieved by promoting healthy soils and sequestering carbon on a MUCH larger scale rather than severely limiting property owners needs, hopes and dreams. Boulder County has very strict building codes, much stricter than the rest of the country and land owners don't need or want more limitations.

I oppose these proposed regulations, they are too restrictive and continue to discriminate against the neighborhoods with smaller homes. Areas with large homes will still be able to build large. These regulations can be made so much better and more equitable. I urge you to reconsider the current approach and ask for a different viewpoint. There are many professionals and landowners that would be happy to collaborate with the County to come up with a better balance of regulations for all. Neighborhoods are not static and it is important to consider both the historical and current context when determining building regulations. Landowners should be able to build a reasonable home in order to meet their genuine familial and accessibility needs without being restricted by an exclusionary circle that supposedly defines what constitutes a “neighborhood”.

Respectfully Submitted,

Paula Shuler

**From:** [REDACTED]  
**To:** [LongRange](#)  
**Subject:** [EXTERNAL] Comments on Boulder SPR Proposed Amendments  
**Date:** Monday, March 10, 2025 4:32:48 PM

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Hello - these comments are for Ethan Abner -

Ethan, please find my husband and my comments on the proposed Amendments.

While we understand these may be added to the public record along with our name, we request that this email address not be published as part of our comments. Please confirm that is that case. Thank you.

We support in large part the proposed Text Amendments to the Land Use Code related to Site Plan Review.

We **welcome and support** the change in compatible size from 125% of the median of a defined neighborhood, to the median of a defined neighborhood. The allowance for 125% creates an ever-increasing size to homes in unincorporated Boulder County, forever altering its character and at odds with the County's sustainability goals.

We **welcome and support** the change from a current size presumption to a size limitation.

We **welcome and support** the clarifications of the regulations.

While we are sympathetic to the challenges of residents with smaller homes, we do not support all the elements of the proposed sliding scale. In particular, we **oppose** the fourth of the five scale items, namely the allotment of 675 s.f. additional floor area, above the median of a defined neighborhood, for parcels with legally existing Residential Floor Area between 3,001s.f. and 4,500s.f. This completely undermines the intent of the proposed amendments designed to prevent ever-increasing home sizes. Per the media coverage in September 2024, *"the median square footage of homes in unincorporated Boulder County was 3,379 in 2019 and 4,589 in 2023 — a 36% increase"*. Given the likely size of a defined neighborhood, a home in the 3,001-4,500s.f range would be able to build to the median without requiring additional allotments. The existing problem would simply continue.

Alternatively, we propose the County amend the definition of a 'neighborhood, first to encompass an area with a radius greater than the existing 1,500 linear feet, to better capture the character of a 'neighborhood' by including more than one or two Adjacent Property Owners.

Also alternatively, we propose the County amend the definition of 'neighborhood' to reflect nearby subdivisions that may in fact constitute the 'neighborhood' for an Adjacent Property Owner, but which are not included in median size determinations. Thus, one might live next to Boulder Hills, or Lake Valley, or annexed areas of municipalities, which in fact do define the character of adjacent areas but are not figured into the median size.

Likewise, we **oppose** the last of the Exemptions to the size limitation, namely the final one



which provides an additional allotment of 200s.f. to a parcel where the existing RFA exceeds the structure size limitation.

Thank you for your continuing work to steward the character and sustainability of rural unincorporated Boulder County.

\*\*\*\*\*

Julia Kashkashian  
4994 Oxford Rd

**From:** [Joshua Forman](#)  
**To:** [LU Land Use Planner](#); [!LongRange](#)  
**Subject:** [EXTERNAL] docket DC-24-0003  
**Date:** Monday, March 10, 2025 12:52:05 PM

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Hello,

I live in unincorporated Boulder County and I oppose the proposed Site Plan Review changes that change the current compatible size when reviewing plans that increase the square footage of a house in unincorporated Boulder County.

Please consider my opposition in your decision about this.

Sincerely,  
Joshua Forman  
6226 Misty Way, Longmont, CO 80503

Joshua Forman  
<https://www.leadershipcoach.io/>  
Book time with me using [Josh's Calendly](#)  
303.588.9941

To the Board of County Commissioners (BOCC), the Boulder County Planning Division, the general public of Boulder County, and to others this may concern:

In regards to the letter circulated on 1/26/2025— Referral Packet for Docket DC-24-0003. Text Amendments of the Land Use Code related to the Site Plan Review (Article 4-800). Long range planners state aims of combatting house size increases and an accelerated rate of change within the county on behalf of the BOCC. It is stated that in the interest of preserving neighborhood character, sustainability, and affordability that the Land Use Code amendments are being considered. Reading through the changes, the Presumptive Size Maximum (PSM) is the county's primary vehicle to accomplish these aims, which, while good at preserving neighborhood character and a beneficial launching off point; **can also be ineffective in a broader context and in several key ways:**

**The PSM ignores site conditions.** A house's design is influenced by conditions, such as, but not limited to, slope/ grade, lot size, homes with limited on-road access or conditions such as vegetation or water. I have over 10 years of experience in the field of architectural design and have seen firsthand issues that impact square footage within Boulder County. Recently, I worked on a home with a main floor and a walk out basement that matches the site topography. The site's slope led to awkward ceiling heights, protruding ductwork hanging beneath the already low ceiling and an unnecessarily large basement/ mechanical space that exists to provide below-grade structure for the above-grade floor. In the case of this house, it directly limits the amount of liveable space because of structural considerations. The Boulder County Planning Division should be less stringent about counting square footage, i.e. large mechanical spaces with structural considerations should not count towards square footage (especially below grade areas).

**The PSM is a force for inequality.** The PSM focuses on neighborhoods as isolated cases, not focusing on the surrounding context of neighborhoods, subdivisions or towns. For example: the Morton Heights Subdivision in Niwot is bordered by larger neighborhoods like Somerset and is downslope (and within sight) from sprawling homes built in the Niwot Hills Subdivision. The PSM limits between such neighborhoods are markedly different despite being within close proximity of each other. Homes within older and smaller subdivisions (like Morton Heights) are held to stringent square footage limitations, while larger neighborhoods are held to their own (and separate) standards. This influences property prices, and from a real estate perspective favors lots within specific neighborhoods/ subdivisions at the expense of others. I think it would be beneficial for larger PSM limits to be given to smaller subdivisions rather than allowing a county-wide "one size fits all" solution of 100% or 125%. To use the popular saying, we shouldn't "miss the forest for the trees."

**The PSM is not consistent.** To use the prior example of the Morton Heights Subdivision in Niwot, there is a portion of the neighborhood ('The Cove') that is full of larger houses that would push the median square footage of the neighborhood higher. The only access to the 'neighborhood within a neighborhood' is off of Walker Rd. and requires traversing the subdivision, despite this, the Cove is not counted to Morton Heights' PSM. I am aware that there

are complex and necessary legalistic arrangements that lead to such formations of 'neighborhoods within neighborhoods'. However, the county should meet with individual subdivision HOA's and discuss homes like the Cove that should be added to the spreadsheet's data for the purpose of the PSM.

**The PSM 100% limit can stifle building.** Remodels are beneficial for the local economy, both in terms of the building trades and architectural firms. By lowering the PSM from 125% to 100% it may discourage homeowners from building additions, stagnating both local industries. From the standpoint of environmental sustainability, previous homes were built with inefficient building practices (thin insulation), low R-value windows and no considerations to alternative/ green energy solutions (solar panels or geothermal wells). Encouraging homeowners to add additions also requires that drafty older houses with poor windows and insulation are brought to modern standards, thereby increasing long-term sustainability. We are building for the future after all, not just the here and now. It is my opinion that the limit should remain at higher than 100% so that more homeowners than just half of a neighborhood are incentivized to remodel their houses. While I am aware that 4.102.3-c outlines specific cases in which more square footage can be added, I don't think that 100% is the right number for all subdivisions.

Despite the planner's admirable aims of preserving neighborhood character, sustainability, and affordability, I am unconvinced that the PSM is a "one size fits all" solution. I am concerned that neighborhoods such as Niwot Hills are examples of *"house sizes increasing, [and] the rate of change by which they are increasing"* that is outlined in the proposal. However, by making the Niwot Hills subdivision a separate entity and not contingent on the neighboring smaller subdivisions (like Morton Heights) downslope, it only increases inequality between subdivisions.

In conclusion, I'd like to see some considerations added. [1] Large below grade unfinished mechanical areas should not count in square footage calculations. [2] Considerations should be granted to older and smaller neighborhoods that border larger and newer neighborhoods. [3] the Boulder County Planning Division should meet with all subdivision HOA's to discuss fringe examples such as aforementioned cases like those of the Cove. [4] In the interest of incentivizing building, 100% is too low a number for the PSM. I'd like to see a higher number granted.

Best Regards,



Matthew Farrar



**From:** [Chris Ennis](#)  
**To:** [!LongRange](#); [LU Land Use Planner](#)  
**Subject:** [EXTERNAL] comments on DC-24-0003, SPR code changes  
**Date:** Sunday, March 9, 2025 11:27:03 PM

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Dear Boulder County Planners, Planning Commission, and Board of County Commissioners,

Thank you for the opportunity to comment on these proposed changes to the SPR rules.

Although I believe these proposed changes are well intended, I disagree with the fundamental way in which they are structured.

In these regulations, the use of the "defined neighborhood" concept to determine allowable residential square footage will have results that are very different for different homes in the County.

According to the code, the defined neighborhood is "the area within 1,500 feet from the applicable parcel". The defined neighborhood area does not include any parcels that are within municipal boundaries, or any parcels in subdivisions of 7 or more houses [Article 18 Definitions, 18-179C].

I believe this concept of the defined neighborhood is too restrictive, too inflexible, and will inherently lead to inequities throughout the County.

For example, a cluster of smaller, legacy farmhouses built in the 1950s in one area would be restricted from expanding to more realistic modern expectations simply because these houses are not within 1500 ft of any larger homes. Even if they are right next to a subdivision having 5000 sq ft homes, they'd be unable to expand because the subdivision houses "don't count" in the definition of the neighborhood. Yet just a half-mile down the road, there might be much larger homes, by virtue of their proximity to other larger homes.

This does not make sense.

Further compounding the problem, the homeowners of those legacy farmhouses might have a hard time selling their modest-sized homes in the future to families that want to consider continuing the farming traditions in Boulder County. This could lead to a loss of working farms and ranches in the County.

A much more fair definition of "neighborhood," in my view, should take into account the median house size of a much larger area (perhaps even the entire County). This would even out the inequities of the 1500-foot definition of a neighborhood, which in rural areas is way too "microscopic."

I appreciate your consideration of my comments.

Sincerely,

Chris Ennis  
6372 Niwot Road, Longmont CO 80503

[this comment has also been submitted via the website for this docket;  
please excuse duplication]

**From:** [Philip Greenberg](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** [EXTERNAL] Building Moratorium  
**Date:** Saturday, March 8, 2025 4:56:05 AM

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It seems as though the building moratorium was done without a lot of foresight and planning. I am a Niwot resident and many of the houses in Niwot are significantly larger than mine. However, since I am in an older neighborhood, we were just told we cannot add-on to our house (8993 Audubon Court). Do you not feel as though individual property rights hold value? Why are basements included in the square footage here, but not under standard real estate practices? Why can houses in the 3 bordering neighborhoods exceed 6000 (and some at 10,000) square feet, yet our neighborhood is maximized at 4100? There does not seem to be any logic behind the moratorium, except to curb all development. Development is good for the economy and the environment, as it modernizes houses and makes them more efficient. The size rule seems arbitrary, as it does not effect affordable housing, does nothing for the environment and only restricts personal property rights that did not exist when I purchased my home. I look forward to your response, as this moratorium shows very little logic.

Sincerely,  
Philip Greenberg



## Better Boulder input to Boulder County on site plan review updates

March 7, 2025

Dear Boulder County Commissioners and Staff:

Better Boulder would like to offer the following feedback on the proposed new rules.

Overall we continue to feel that the proposed reduction to the median is an un-necessarily large reduction to homeowners current property rights.

We do applaud the County's awareness that an accommodation should be made to allow thicker walled homes as they enable energy-efficiency while utilizing lower embodied energy or Global Warming Potential wall systems.

While we understand that ADU's are not specifically on the agenda for this round of rules changes, we believe that allowing them everywhere more effectively addresses the Commissioner's stated concerns about affordability, sustainability, and neighborhood character and the visual impact of homes. We strongly believe that allowing ADU's would quickly:

- Reduce the median size of dwelling units in the county.
- Reduce the visual impact of a typical dwelling unit.
- Reduce the average cost of a dwelling unit in Boulder County.
- Reduce the amount of both embodied energy and operational energy in an average dwelling unit.
- Addresses the equity issue between different sized neighborhoods as every property would be entitled to the same right to create an ADU.
- Lastly, we believe that ADU's provide a unique and important benefit in that they provide for flexible living arrangements for a wider diversity of family and socio-economic demographics.

In order to make ADU's viable, we recommend the following:

1. Allow at least up to 1200 sf. (as smaller sized ADU's don't accommodate families).
2. Exempt the ADU square footage from the Presumptive Size Limit (PSL).
3. Similar to the main residence, do not count covered porches against the square footage, as overhangs and porches are necessary for proper Passive Solar design.
4. Allow the ADU to have up to a 400 sf. carport (exempt from the PSL).
5. Do not require ADU's to go through LISR. They should be able to follow the SPR application process.

We strongly encourage the County to fast-track this effort.

Thank you for your consideration,  
Better Boulder



Community Planning & Permitting Staff.  
P.O. Box 471  
Boulder, Colorado 80306

March 4, 2025

Staff,

In response to you Comments solicitation for Docket DC-24-0003 text amendments to Site Plan Article 4-800.

To claim that affordability will be impacted makes no sense to me.

There is a thing called supply and demand.

Limiting an owner's ability to improve their financial status by limiting their home sizes further, does just the opposite for all existing owners.

It appears that Planning is happy mico-managing areas of Boulder County by allowing different regulations for different areas.

ALL county properties must be under the same set of regulations! To impose different areas with different square foot requirements is nonsense.

It appears Planning wants certain areas to be "cute" (with smaller homes) or not so cute (with larger homes).

For me the only equitable solution to control building sizes is to control it by tying home sizes to lot/property sizes. End of story.

Regards,



John Ingold  
347 County Rd. 69  
Lyons CO 80540  
Enclosure

The draft text amendments are being referred to agencies and members of the public so that feedback can be provided to staff. Staff will make necessary changes to the drafts before they are recommended for adoption through the public hearing process.

You may also view the proposed text amendments and future revisions online at:

The docket review process for the proposed text amendments to Article 4 of the land Use Code will include a public hearing before the Boulder County Planning Commission and the Board of County Commissioners. Public comment will be taken at both hearings. Confirmation of hearing dates and times will be published online at the link above and in local newspapers.

Community Planning & Permitting staff, Planning Commission, and the Board of County Commissioners value comments from members of the public and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department at P.O. Box 471, Boulder, Colorado, 80306 or via email to [communityplanning@boulderco.gov](mailto:communityplanning@boulderco.gov). **All comments will be made part of the public record. You are welcome to call the Community Planning & Permitting Department at 303-441-3930 or email [communityplanning@boulderco.gov](mailto:communityplanning@boulderco.gov) to request more information. If you have any questions regarding these drafts, please contact us.**

If you would like your responses considered and included in the staff packet for Planning Commission, please return them **no later than Tuesday, March 11, 2025**. Responses received after this deadline will be shared with the Planning Commission and incorporated into the staff packet for the BOCC hearing.

We have reviewed the proposal and have no conflicts.

Letter is enclosed.

Signed  Printed Name: John Ingold

Agency or Address 347 County Rd 69, Lyons, CO 80540

Date MARCH 4, 2025

**From:** [Edward Anderson](#)  
**To:** [!LongRange](#)  
**Subject:** [EXTERNAL] Re: Draft Site Plan Review Regulations  
**Date:** Thursday, March 6, 2025 12:19:39 PM  
**Attachments:** [Screenshot 2024-09-08 at 1.07.15 PM.png](#)

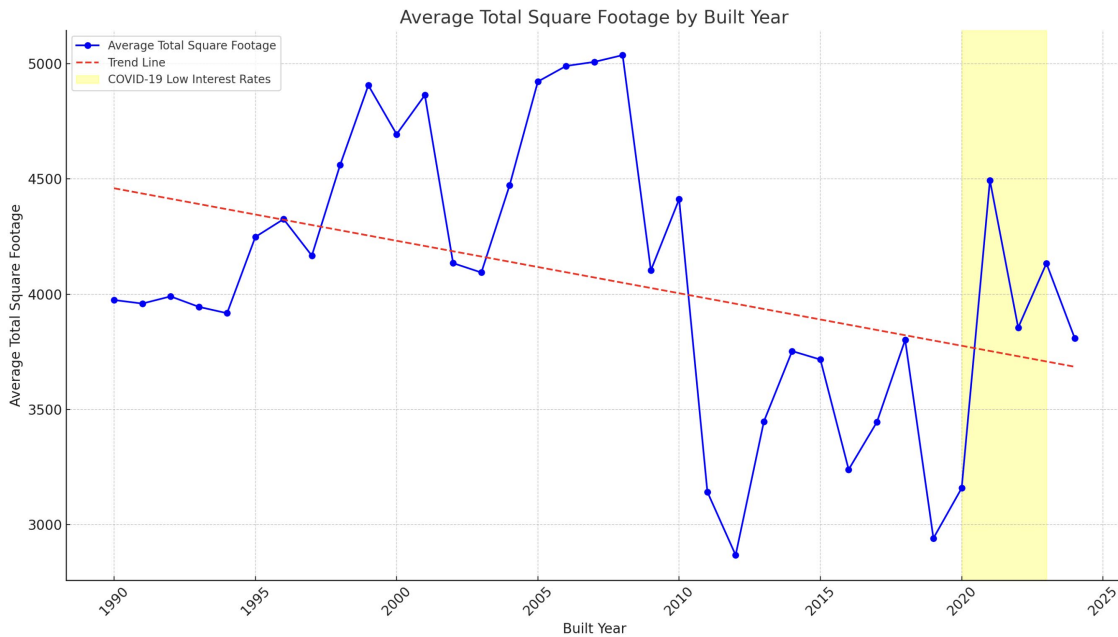
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Send along these comments

**1. Environmental Solar offsets** - One justification for limiting home size is reducing carbon emissions. However, Boulder County already requires homes over 5,000 sq/ft to be net zero, and restricting size may push new homes toward lower energy standards. Instead of limiting growth, we should embrace innovation by updating energy requirements to mandate negative HERS scores, ensuring homes generate more energy than they consume. Large lots in unincorporated Boulder County offer untapped solar potential, allowing homeowners to offset embodied energy. A simple 10kW solar array can generate 20 megawatt-hours per year, rapidly compensating for construction emissions. Rather than restrictive policies, Boulder County has the opportunity to lead in progressive energy solutions that prioritize innovation over degrowth.

**2. Limiting family sizes** - Boulder Valley Schools are already losing enrollment due to a declining number of children in Boulder County. As a new father, the size of our home is a key factor in how many children we can have. We chose to build on our lot because the current 125% size limit allows us to create a home that fits a growing family. Further restricting home sizes will discourage future families from having more children. Policies should support, not hinder, families—because children are our future.

**3. Disingenuous characterization of building size trends** - Boulder County Long-Term Planning, led by Ethan Abner, has misrepresented housing size trends in its reports. The existing 125% rule, implemented in 2008, successfully reduced home sizes. However, Abner's analysis only starts in 2008, creating a misleading impression of continuous growth. Prior to the COVID-19 era's low interest rates, home sizes remained stable. The recent perception of larger homes is driven by recency bias from pandemic-related trends. With rising interest rates, home sizes are likely to return to their pre-pandemic steady-state levels. See the attached data from Boulder County's GIS for a more accurate picture.



**4. Ballot Measure Limiting County Commissioners Power** - Residents of unincorporated Boulder County overwhelmingly oppose the proposed Land Use Code changes, yet the County Commissioners continue to misrepresent their constituents. Given this disconnect, a targeted ballot measure is warranted to amend the code—keeping the current 125% rule and removing the Commissioners' power to alter it. While I generally support flexibility for future amendments that align with residents' interests, the Commissioners' current misalignment makes this measure necessary to restore the will of the people.

On Tue, Feb 25, 2025 at 11:27 AM !LongRange <[longrange@bouldercounty.gov](mailto:longrange@bouldercounty.gov)> wrote:  
 Good morning—I hope this e-mail finds you well. Since you have participated in past events regarding updates to the Site Plan Review regulations, or have submitted your thoughts or comments regarding updates to those regulations, I wanted to let you know that [a draft of the proposed regulations](#) and a [summary of those regulations](#) has been posted on the docket webpage. If you have any thoughts or comments regarding the proposed regulations, please feel free to send them to this e-mail. Written comments received before March 11, 2025, will be included in the staff packet for the Planning Commission hearing which will occur on March 19, 2025. This will be a public hearing where members of the public are invited to comment on the regulations. Additional information will be available [on the docket webpage](#) when we get closer to the date of the hearing. Please let me know if you have any questions.

Best,

**Ethan Abner | Long Range Planner**  
 Boulder County Community Planning & Permitting  
 Mailing Address: P.O. Box 471, Boulder, CO 80306  
 Main: 303-441-3930 | Direct: 303-682-6892  
[eabner@bouldercounty.gov](mailto:eabner@bouldercounty.gov)  
[www.BoulderCounty.gov](http://www.BoulderCounty.gov)

*My typical hours are Monday – Thursday 7:30am to 5pm and Friday 7:30am to 12pm.*

**From:** [Bart Manchester](#)  
**To:** [!LongRange](#); [Abner, Ethan](#)  
**Subject:** [EXTERNAL] comments/concerns on SPR changes (and the original ones)  
**Date:** Wednesday, March 5, 2025 9:19:33 AM

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I continue to feel unsure about aspects of the changes proposed. I do feel the goal of providing clear guidance and less grey interpretation and also providing more even results as opposed to the rich somehow continue to get large projects approved is a good idea - if I understand it right having the guaranteed amount to grow is a good step -- however:

Where can I find the rules about what sq ft count towards the limit on today's structure? I forget for instance the garage, and other unconditioned but roofed areas like our "breeze way" and our covered porch/patio space. I have this feeling perhaps those are counted in our reported 'sq ft' for the tax part of the county site even though they are not living area - does that sound right? And thus if those are the sq ft of SPR then a covered porch also counts against people and can or will be disallowed if not covered by the allowance of the future rules?

some of my concerns/feedback :

1. It now feels that regular people are penalized by not doing their renovations in the past decade when there was a bit of a free for all despite the talk of tight restrictions
2. It feels the county continues to push those of us near the cities to join the cities so that we can develop our private property in ways which we want instead of being overly restricted in the county, ultimately removing the influence the county has over these properties
3. It feels wrong to me that on 8 acres I have such tight restrictions on the size of my house and buildings - I can't make my house more than 2700 sq ft? but I could sell my 8 acres and have a developer put what maybe 40 homes here? probably all bigger than 2500 sq ft - how is this a good move on the county's part? Why not have some aspect of the rules associated with the plot size - surely a 10 acre plot can accommodate a 5000sq ft home in a much more reasonable and appealing way than a 6000sq ft plot - why would the rules be the same for these two?
4. why sooo much restriction on ADUs - and why should the fire people get huge leeway in not meeting building rules and code and also making ADUs while the rest of us are stuck?
5. Why do restrictions have anything to do with pure sq ft of inside space? Especially why count at all below grade sq ft - this has no impact on neighbors or people driving by or anything - why shouldn't anyone be able to add a basement regardless of average nearby sq ft?
6. your rules are increasingly restricting people like me where neighbors who tend to have or build larger homes are joining Erie - this has the affect of my 'neighborhood' is gradually having larger homes - but instead of this slowly allowing me to add a tiny bit more sq ft over the years to match the growing area - it penalizes me and reduces the sq ft I can add because they are not counted once they go into the city - even if they remain 1 or 2 houses away and build a 6000 sq ft home - this feels very unfair. - also what happens as the sample size gets so small / few homes...

earl manchester  
12110 jasper rd

**From:** [Biff Warren](#)  
**To:** [!LongRange](#)  
**Subject:** [EXTERNAL] Site Plan Review Changes  
**Date:** Saturday, March 1, 2025 11:08:46 PM

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I am unable to attend the March 19 Planning Commission hearing, but I want to comment on the proposed changes. I served on the Boulder County Planning Commission from 1993 to 2000, and appreciate your work. I am hopeful that the Planning Commission will recommend against these changes, which seem ill-advised with unintended consequences, that don't address the real problem we face with housing costs.

1. Homes in the unincorporated areas of Boulder County, chiefly the Niwot and Gunbarrel areas, are most affected by these proposed changes. Boulder County and the City of Boulder have adopted housing policies which have had the unintended consequence of contributing to the rising cost of housing in Boulder County. While there have been numerous benefits to these policies, such as preventing urban sprawl and preserving agricultural lands, business development in the cities has far outpaced the housing supply, and as a result, we have more and more people who work in Boulder or Longmont, but live in Erie, or Dacono, or Frederick or Firestone, or Fort Lupton, or Berthoud, or Loveland --- all of which contributes to more traffic, more pollution, and more time on the road as well as wear and tear on the road. The county should be exploring ways of expanding affordable housing options, workplace housing and attainable housing, to mitigate these effects. While there have been some efforts, they are woefully inadequate, and are playing "catch-up." Instead, we are faced with these well-intentioned proposals which actually have the opposite effect of allowing more housing. We have seen at the state level that the legislature has essentially told counties and municipalities that their "not in my backyard" responses to increased density and ADUs will no longer be tolerated.
2. Now, homeowners in the county are limited to sizes that are within 125% of the median home size in their defined neighborhood. By reducing that to 100%, you will prevent people who own a slightly larger than average sized home from ever building an addition, even when it would allow seniors to age in place by providing additional living space for caregivers. I am 75 years old, and have lived in my home for 40 years. Our neighborhood consists of homes approximately 2500 to 3000 square feet. I don't know if my home is over or under the median size, but if I were to add any additional living space to my 2-story home, to allow us to live on the first level, I might find that I am slightly over the median size already. In addition, tax-wise, there are many families that would face a significant tax burden if they had to sell their home because they couldn't modify it. Home prices have increased so much that someone who bought a home 40 years ago for \$130,000, which is now worth \$1,000,000 or more, could only exclude \$500,000 from capital gain tax upon sale. That means that in this example, owners who

are forced to sell due to caregiver needs or a need for lower level living would pay capital gain tax on \$370,000 of gain. If they were able to live out their lives at that location, they would avoid any tax due to the step-up in basis upon death. Another unintended consequence of poorly imagined restrictions on properties.

3. There are other reasons that this is a bad idea, and others, such as architect Anne Postle, can tell you more about them.

I urge you to recommend against making these restrictive changes to the Land Use Code, and instead, tell the County Commissioners and land use staff to focus on finding more ways to add enough affordable housing to existing developments that would allow local workers to live in the community. We did it before with Transferable Development Rights - we ought to be able to craft another program to "catch up" to the need for affordable housing in Boulder County.

Thank you for your consideration.

Bruce Warren

**Bruce (Biff) Warren**

MANAGING EDITOR

303-652-2433

lefthandsports@hotmail.com





**From:** [Mike Keffeler](#)  
**To:** [!LongRange](#)  
**Subject:** Re: [EXTERNAL] Re: Draft Site Plan Review Regulations  
**Date:** Friday, February 28, 2025 11:16:34 AM

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Hi Ethan,

Thanks for your message and for providing more background. I have some idea (though I am sure not a complete idea) of the challenge you and your team are tasked with. At the core, I think the fundamental issue is trying to come up with a 'single' standard. The county and all of the permutations of circumstance is at the root of the difficulty. 'One rule' is conceptually clean, but practically onerous as the spectrum of situations and motives across all of the neighborhoods, properties and geographies of Boulder County are not conducive to a 'single solution'. My unfiltered opinion is that the system previously in place was working. It was clunky, but it was working. It was forcing conversations and justifications, while taking into account circumstance and neighboring properties.

The system you are being asked to deliver seems rooted in limitation, with mild acknowledgment of circumstance. The County Commissioners seem exceedingly motivated by metrics (i.e. - carbon emissions) that are *related* to house size, but not tied directly to it. With that, while the goals may be admirable, the implementation and effectiveness are being truncated because of the measurement method. It's like trying to gage how fast you're going in a car by measuring wind noise vs looking at the speedometer.

Instead of limiting size, a more open approach would heavily involve efficiency metrics and let the size be more open to circumstance. High performance / high efficiency buildings do not need to be small. For example, LEED Platinum buildings are not small (nor inexpensive), but they're exceedingly efficient. Given the property values in and around Boulder, it's not difficult to imagine folks who want more space are able to create solutions (or have solutions created) that do not increase the carbon footprint of the property. Simply limiting size is a poor way to achieve high efficiency and, I would argue, a way to keep carbon emissions flat over time. Much fewer people will gut their home for the sole purpose of making it more efficient with zero ability to increase the size vs making a modestly larger home more efficient.

I appreciate your time and the opportunity to give feedback, and I strongly encourage a more flexible approach vs what is being proposed.

Thanks again, I hope you have a great weekend as well! Best Regards, Mike Keffeler (303-847-5699)

On Friday, February 28, 2025 at 10:51:11 AM MST, !LongRange <[longrange@bouldercounty.gov](mailto:longrange@bouldercounty.gov)> wrote:

Good morning Mike—thank you for taking the time to share your thoughts regarding the proposed regulations. I will be sure to share these with my colleagues and Planning Commission. Staff proposed the sliding-scale approach based on feedback we received from members of the public about limiting development to the median (and how that could impact smaller neighborhoods). We have also done our best to try and achieve a balance—if you think we've missed the mark please let me know what you think we could change in order to do better.

Again, thank you for taking the time to share your comments and participate in this process. I hope you have a good weekend.

Best,

Ethan

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**From:** Mike Keffeler <mike\_keffeler@yahoo.com>  
**Sent:** Tuesday, February 25, 2025 11:59 AM  
**To:** !LongRange <longrange@bouldercounty.gov>  
**Subject:** [EXTERNAL] Re: Draft Site Plan Review Regulations

Hi Ethan,

Thank you for all of your work and for sending this along. I really appreciate that you sent both a link to the full regulations as well as a summary - thank you!

In the conversations I have had with many of my fellow Boulder County neighbors, not a single one has been in favor of a reduction that is proposed. Not one. This was also clear in the meeting that I attended with you and Dale in Niwot several weeks ago. However, it's as if the overwhelming, and consistent, feedback has been ignored in favor of effectively rubber stamping what the Commissioners initially proposed. From my initial read, there seems little variance from what the Commissioners asked you to put together before you solicited community feedback.

Put simply, limiting the size of homes to the median RFA while *simultaneously* eliminating the adjacency provisions is an overreach. Effective Planning should take into account, and attempt to *balance* overriding objectives and community wants & needs. The proposal as currently written is simply not balanced.

While I recognize and can appreciate the challenge you and Dale have with regard to coming up with a set of rules that apply county wide, you are painting with an overly broad brush while simultaneously limiting community residents options and ignoring community feedback. I urge you to give the (from what I have experienced to be overwhelming) community feedback you have solicited a stronger voice in your proposal to the Commissioners.

Thank you again for your energy and for soliciting feedback - I very much appreciate it!

Thanks and Best Regards, Mike Keffeler

On Tuesday, February 25, 2025 at 11:27:50 AM MST, !LongRange <[longrange@bouldercounty.gov](mailto:longrange@bouldercounty.gov)> wrote:

Good morning—I hope this e-mail finds you well. Since you have participated in past events regarding updates to the Site Plan Review regulations, or have submitted your thoughts or comments regarding updates to those regulations, I wanted to let you know that [a draft of the proposed regulations](#) and a [summary of those regulations](#) has been posted on the docket webpage. If you have any thoughts or comments regarding the proposed regulations, please feel free to send them to this e-mail. Written comments received before March 11, 2025, will be included in the staff packet for the Planning Commission hearing which will occur on March 19, 2025. This will be a public hearing where members of the public are invited to comment on the regulations. Additional information will be available [on the docket webpage](#) when we get closer to the date of the hearing.

Please let me know if you have any questions.

Best,

**Ethan Abner | Long Range Planner**

Boulder County Community Planning & Permitting

Mailing Address: P.O. Box 471, Boulder, CO 80306

Main: 303-441-3930 | Direct: 303-682-6892

[eabner@bouldercounty.gov](mailto:eabner@bouldercounty.gov)

[www.BoulderCounty.gov](http://www.BoulderCounty.gov)

*My typical hours are Monday – Thursday 7:30am to 5pm and Friday 7:30am to 12pm.*

**From:** [Mark Chanlynn](#)  
**To:** [!LongRange](#)  
**Subject:** [EXTERNAL] Building  
**Date:** Thursday, February 27, 2025 9:21:21 AM

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There should be size restrictions on new homes. There is no consideration for energy needed to heat and cool these big houses, but we are supposed to drive electric cars to save the air quality. Doesn't make sense.

Mark Chanlynn

**From:** [Dtcabailey](#)  
**To:** [!LongRange](#)  
**Subject:** [EXTERNAL] Site Plan Review  
**Date:** Thursday, February 27, 2025 1:03:31 PM

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David and Cheryl Bailey approve of the proposed changes. Bigger homes use more water, often have absentee owners unavailable for volunteer fire departments, push up property taxes, and change the culture of rural subdivisions.

David and Cheryl Bailey (owners)  
328 Overlook Ln  
Boulder, CO 80302

Sent from my iPhone

**From:** [Rick Sullivan](#)  
**To:** [!LongRange](#)  
**Subject:** [EXTERNAL] Comment on proposed land use changes  
**Date:** Wednesday, February 26, 2025 10:18:31 PM

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To whom it may concern.

Your efforts to revise the land use code present a unique opportunity to allow us to move into more sustainable lifestyles. I urge you to take that opportunity. There are many of us who want to live differently and proactively adapt to climate change but cannot due to arbitrary code limits.

One area that could make an immediate impact is to incentivize home gardening and farming. Every person should have a right and the ability to grow as much food as they can on their land. To do that, season extension structures are a must for mountain communities. Mountainous areas are in different USDA hardiness zones. We need to accommodate widely varying conditions. With that, I have some questions and suggestions.

1. Why does current code limit season extension structures to 400SF? If a family wants to achieve food independence and has the space, why place an artificial limit on that?
2. Why does it make sense to count season extension structures against our total allowable SF for living space if we attach them to our homes? An attached greenhouse: uses the home's energy that would normally be lost to the outside and helps insulate the actual living space making existing homes more energy efficient. Separate structures require their own heat, power, and twice the materials.

For example, an existing south-facing front porch could make an ideal greenhouse. However, if it has a door from the home then it's counted as additional "living space" instead of "growing space". The alternative is to seal off the door, which is ridiculous and wasteful, but then it's subject to the 400sf rule rather than the natural construction of the existing structure-- which is the porch. It's about adapting our homes, no different than mounting solar panels or installing electric car chargers. That is the kind of overly-broad rigidity we need to jettison as we adapt to climate change.

3. Realize that you have three different types of land you're trying to regulate with this code. Rural plains, urban, and mountain. Why does the county not make exceptions for communities in different climates with different needs, like shorter growing seasons and different weather? While farmers are planting tomatoes in Boulder, mountain communities are still digging out of snow but have the exact same limits placed on them.

- For example: A neighbor of ours was forced to build a woodshed out of pallets because had he built one with three regular walls (not four), it would count against his square footage. Wood heat is a must for many in mountain communities but the rigidity of county living space definitions prevents regulators from recognizing the longer winters, or even the difference between a wood shed and living space.
- Same question applies to work sheds. We are often forced to store equipment outside because the county counts shed space against our total SF.

I simply ask that, as you consider your updates, you also consider that we will need to change the way we live. Climate change is no longer in the distant future. Our communities are

burning now. Let us do what we need to do. Let us become more resilient. Let us adapt. At the very least, give yourselves the flexibility you need to make sound judgments about creative solutions so that we aren't sacrificing our future for the sake of a checklist that was never able to predict the future or account for every scenario in the first place.

Thank you for what you're doing and for considering my suggestions. It's not an easy job.

Rick Sullivan  
Allenspark, CO

**From:** [Josh Ritzer](#)  
**To:** [!LongRange](#)  
**Subject:** [EXTERNAL] Re: Draft Site Plan Review Regulations  
**Date:** Tuesday, February 25, 2025 1:12:22 PM

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Hi Ethan,

Thank you for your work on this and for the opportunity to provide feedback.

I have two main points to offer:

- **Basement Exclusion:** I think basements should be excluded from the Residential Floor Area (RFA) calculation. This would allow families to increase their usable square footage without significantly impacting the above-ground footprint and neighborhood character.
- **Acreage Consideration:** I believe it's important to provide some flexibility for larger lots to have increased square footage allowances. If garages and detached structures are included in the RFA, it seems equitable to allow properties with higher acreage to have some level of increased (non-agricultural) square footage. The restrictions feel overly limiting for larger properties.

Essentially, my concern is balancing the goal of managing growth with the practical needs of families and the inherent differences between lot types and sizes.

Sincerely,

Josh Ritzer

On Tue, Feb 25, 2025 at 11:27 AM !LongRange <[longrange@bouldercounty.gov](mailto:longrange@bouldercounty.gov)> wrote:

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Best,

**Ethan Abner | Long Range Planner**



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**From:** [Nicholas Fiore](#)  
**To:** [!LongRange](#)  
**Subject:** [EXTERNAL] Re: Draft Site Plan Review Regulations  
**Date:** Tuesday, February 25, 2025 12:00:52 PM

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Solutions in search of a problem. Looks great? What are you solving for is the question.

We have an affordability problem, and you're all out here making livable square footage more scarce. Why do we get up in the morning?

Nick

Nicholas Fiore  
Studio 720 515 7749  
Mobile 434 531 6837  
[nick@flowerarchitecture.com](mailto:nick@flowerarchitecture.com)

FLOWER  
1401 Walnut St. 4th Floor  
Boulder, CO 80302  
[flowerarchitecture.com](http://flowerarchitecture.com)  
@flowerarchitecture

On Feb 25, 2025, at 11:27 AM, !LongRange <[longrange@bouldercounty.gov](mailto:longrange@bouldercounty.gov)> wrote:

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Best,

**Ethan Abner | Long Range Planner**

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**From:** [Kim Cattau](#)  
**To:** [!LongRange](#)  
**Subject:** [EXTERNAL] RE: Draft Site Plan Review Regulations  
**Date:** Tuesday, February 25, 2025 12:07:14 PM

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Good morning,

Some initial feedback:

1. Consider including a Definition of “Breezeway” since it is now referenced in the RFA definition. Include how to measure area in regards to 18-189D exception since there are limitations.
2. Consider defining how to measure area of a carport in regards to 18-189D exception; I’ve heard varied applications of this measuring to face of structure vs. edge of roof eave and consistency would be preferred.
3. I’m finding the language in the definition of Existing Floor Area hard to understand, specifically the second half – “Floor area constructed without a County building permit.... That was exempt from applicable building permit requirements.” If it was exempt from building permit requirements, why would it count as square footage? How is the exempt status determined? What about existing floor area that was not exempt from building permit requirements?
4. Should the Code clarify expectations if it’s determined there are structures or portions of structures that were built without a permit but did require one? I.e. can retroactive permitting / deconstruction take place in parallel with SPR? Does this expectation change if the BWOP area is directly relevant to the current project or not (i.e. a detached shed over the size limitations or with power is determined to be BWOP, but the proposed application has to do with the principal residence)?
5. 18-189D – I feel that perhaps the 400 SF limitation of the exemptions should be increased if it now includes “structures that do not require a building permit” such as sheds as well as breezeways.
6. 4-1002. How will the information be found / documented to determine whether a structure had existing floor area exceeding the RFA max at the effective date?
7. I presume the SPR application forms will also be updated accordingly; please consider eliminating the 11x17 sheet size requirement (or increasing to a standard architectural sheet size like 24x36) found on the application form. This is not an appropriate sheet size for much of what we’re trying to communicate, and with digital applications sheet size is much less relevant than it once was.
8. Please consider reformatting the SPR fact sheet to put Covered Porch below the total line since it doesn’t count toward RFA.

General commentary - I don’t personally agree with the limitation to the median, and still believe it should be higher than that. However, I think that the inclusion of a one-time addition does help to “cushion” the restrictions from the homeowners perspectives.

Thanks,

**Kim Cattau, AIA, NCARB**  
Principal  
Slope Architecture, LLC

303.223.4295

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**From:** !LongRange <longrange@bouldercounty.gov>  
**Sent:** Tuesday, February 25, 2025 11:28 AM  
**Subject:** Draft Site Plan Review Regulations

Good morning—I hope this e-mail finds you well. Since you have participated in past events regarding updates to the Site Plan Review regulations, or have submitted your thoughts or comments regarding updates to those regulations, I wanted to let you know that [a draft of the proposed regulations](#) and a [summary of those regulations](#) has been posted on the docket webpage. If you have any thoughts or comments regarding the proposed regulations, please feel free to send them to this e-mail. Written comments received before March 11, 2025, will be included in the staff packet for the Planning Commission hearing which will occur on March 19, 2025. This will be a public hearing where members of the public are invited to comment on the regulations. Additional information will be available [on the docket webpage](#) when we get closer to the date of the hearing. Please let me know if you have any questions.

Best,

**Ethan Abner | Long Range Planner**

Boulder County Community Planning & Permitting

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*My typical hours are Monday – Thursday 7:30am to 5pm and Friday 7:30am to 12pm.*

**From:** [Ray Bagley](#)  
**To:** [!LongRange](#)  
**Subject:** [EXTERNAL] Re: Draft Site Plan Review Regulations  
**Date:** Tuesday, February 25, 2025 7:47:41 PM

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Hello,

Thank you for the notification.

In reading both the summary and the draft, it appears that exactly zero of my objections were addressed. Does the commission plan to release any summary of the community feedback gathered in this process? From my limited perspective, it seems like this change is being driven solely by the commissioners and not by the broader community they are meant to represent.

To recap, I have two primary objections to the proposed ordinance:

- 1) the definition of Residential Square Feet is overly broad. It should only include conditioned living space, not unconditioned outbuildings, garages, etc.
- 2) the use of platted subdivision to define neighborhood is, at least in my case, VERY overly broad. The plats for Boulder Heights span several miles of parcels varying from ~1 to 15 acres, and homes from 60-70 years old to new. "Neighborhood character" is a farcical concept here where in many places you cannot even see two houses in the same view.

The proposed changes will, in my opinion, devalue all our properties and should NOT be adopted.

Thank you,  
Ray Bagley

On Tue, Feb 25, 2025 at 11:27 AM !LongRange <[longrange@bouldercounty.gov](mailto:longrange@bouldercounty.gov)> wrote:

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Best,

**Ethan Abner | Long Range Planner**

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**From:** [Paula Shuler](#)  
**To:** [Abner, Ethan](#)  
**Cc:** [Case, Dale](#); [Boulder County Board of Commissioners](#); [James Ruger](#)  
**Subject:** Re: [EXTERNAL] SPR Input  
**Date:** Friday, February 7, 2025 11:07:48 AM

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Hi Ethan,

To answer your question regarding equity:

- Property Size should be a consideration when determining allowable square footage.
- Impact to neighbors should be a consideration when determining allowable square footage.
- Buying Land in Boulder County has always been a large investment, landowners should have more rights.

If there must be an arbitrary formula:

- Increase the size of the PSA to 3500 ft radius (My “neighborhood” is much larger than a 1500 ft radius and in my neighborhood 2500 ft doesn’t change anything from the 1500 ft radius)
- Include everything in that 3500 ft radius, even subdivisions, into what defines a “neighborhood”, because those homes truly are part of the neighborhood.
- Allow unincorporated Boulder County property owners to build to at least 3500 sq ft minimum floor, since the average home size in unincorporated Boulder County is approx. 3500 sq ft.
- Garages, Sheds & Decks should not be calculated as part of the residential floor area of a home.

Placing even more regulations and restrictions in the Land Use Code and SPR process will disproportionately impact the neighborhoods with smaller homes while the neighborhoods with giant homes will keep on building giant. Relaxing the Code and SPR regulations, not tightening the screws, will make things more equitable.

The definition of a neighborhood is not defined by some random sized circle. Neighborhoods are different throughout the County and our neighborhood happens to have a lot of open land. Because of that, does the Planning Department think we need to stay small? That is not at all fair and is very deflating after working with a goal to build for many years. What is wrong with medium? The challenge is the gigantic homes not the 3500/4000 square foot homes. The Planning Department is discriminating against certain neighborhoods. As I said in my earlier email - Boulder County is no longer affordable, that ship has sailed and making property owners build small will not reverse that.

Per Resolution 2024-070, The Planning Department is concerned about the significant growth in home sizes and the Director is concerned that existing regulations do not adequately promote smaller scale homes. What does that even mean? Does that mean that my neighbor who owns 160 acres must stay small and not build medium? How crazy is that when small parcels are being approved for very large homes. The Planning Department wants to “promote” a smaller scale home in our neighborhood when there are 8000+ square foot homes



just behind us, many 6200++ square foot homes to the north and many large homes just to the east. But none of those homes count in our random “neighborhood” circle. I truly consider all of those people my neighbors and I truly consider the formula and the new direction of the regulations inequitable. Has the Planning Department ever considered getting rid of the neighborhood circle and formula?

To be truly equitable the Planning Department would listen to the citizens that live in the unincorporated County as well as the professionals in the community and take input and suggestions seriously BEFORE creating a proposal for the PC and BOCC. I am just one person, there should be organized group input. Someone said to me at the December Open House, “It doesn’t matter what you say, they’ve already decided what they are going to do”. I must agree - I have a strong feeling that the Planning Department already knows what proposal they are going to put forward. I would hope that the new Land Use Code and SPR regulations will not be like the moratorium - something that so many citizens strongly objected to yet the outcome appeared to be predetermined even before public comment at BOCC and it was pushed through without any regard for overwhelming public disapproval. That’s injustice. Why doesn’t Boulder County remove the moratorium for now and start over by truly taking into account feedback from the community. It’s critically important that the Planning Department makes every effort to create new code and regulations that the entire community can support.

Let me know if you have additional questions, always happy to talk.

Paula Shuler

On Feb 6, 2025, at 9:01 AM, Abner, Ethan <eabner@bouldercounty.gov> wrote:

Good morning Paula--sorry it has taken me a bit of time to respond, but I read your e-mail earlier this week and have been taking time to digest it. You mention that you think the regulations are inequitable. In your opinion, how can we make them more equitable? I can get a sense from some things that you point out in your letter, but I don't want to make any assumptions.

As always, I will include this in the staff packet for the Planning Commissioners and Board of County Commissioners when we reach that point in the process.

Best,  
Ethan

-----Original Message-----

From: Paula Shuler <pshuler@mac.com>

Sent: Monday, February 3, 2025 7:19 AM

To: Abner, Ethan <eabner@bouldercounty.gov>; Case, Dale <dcase@bouldercounty.gov>; Boulder County Board of Commissioners <commissioners@bouldercounty.gov>

Cc: James Ruger <james@rugerlaw.com>

Subject: [EXTERNAL] SPR Input

Good Morning Ethan, Dale & Commissioners,

I wanted to continue the conversation regarding potential SPR regulations. I have additional thoughts but my email was already too long (again)...

Best Regards,  
Paula Shuler

**From:** [Laura King](#)  
**To:** [!LongRange](#)  
**Subject:** [EXTERNAL] Building moratorium  
**Date:** Thursday, February 6, 2025 9:53:43 AM

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Good morning,

I hope you are well. I wanted to comment on the building moratorium. My understanding is that it's meant to promote sustainability and affordability. As we test the waters with it, I wanted to give my feedback.

1. Limiting square foot size by neighborhood favors the affluent. For instance, if you have a 1 acre lot in a neighborhood of 7,000 square foot houses, the county is enhancing the value of that land. Conversely, if you have a 1 acre lot in a neighborhood of 1,800 square foot houses the county is depressing the value of that land.
2. The neighborhoods with the smallest houses have the strictest limits. This means a family in a neighborhood of small houses may not be able to add an extra bedroom to take in elderly parents or for a new baby while those in affluent neighborhoods are free of this issue and may be permitted to have a house that is bigger by an order of magnitude on the same sized lot.
3. Limiting square footage at this time impacts affordability in a really significant way. As Colorado has recently decided to allow Accessory Dwelling Units statewide, this strict square footage limit prevents many homeowners from creating ADUs that could be used to create long-term rentals. ADUs provide such an opportunity to create prosperity for homeowners and create extra rental housing, all without investment by the county. The current direction of the federal government makes it more important than ever to support both current homeowners and renters to achieve stability.
4. Concerns about sustainability can be addressed directly through code. The size of a house is a proxy. A bigger house could be net zero while a smaller one could be an energy guzzler- not well insulated and run off natural gas.

I believe the county can better achieve its goals by allowing a more generous square footage limit. This will positively impact affordability. Addressing sustainability issues directly removes the consequences felt here by people living in neighborhoods with smaller houses and those with buildable lots in neighborhoods with smaller houses.

Thank you for your thoughtful consideration.

Warm regards,  
Laura

--  
**Laura King**

Realtor®, RENE

The Pedal Group  
1470 Walnut St., Suite 201  
Boulder, CO 80302

m: 720.352.2937



**From:** [Bruce Gray](#)  
**To:** [!LongRange](#)  
**Subject:** [EXTERNAL] Temporary Moratorium  
**Date:** Thursday, February 6, 2025 2:48:15 PM

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Hi Ethan,

Thank you for speaking with me on Tuesday about my family home at 335 Wild Horse Circle in Pine Brook Hills and making me aware of the temporary moratorium and pending Land Use Code changes.

55 years ago, my family bought an acre lot in Pine Brook where my parents built their mountain dream home — a simple home with plywood siding. My parents were in their 30s at the time and both worked at the National Bureau of Standards. My sister and I grew up there. Working on the design of that house with my mom as a teenager directly led to my becoming an architect a decade later.

The County lists our house at 3,706 square feet, although roughly 40% of that is frigid unfinished basement or garage. My parents have wanted to upgrade and modernize the home for decades but postponed those plans when my dad was diagnosed with Parkinson's. He recently passed away.

Our family home is today objectively well below the size and quality of other homes in the area, even of the many older homes. My sister and I would like to upgrade and modernize the house to finally fulfill our dad's decades old vision. Doing so would add 1,000 to 1,500 square feet to meet modern standards and extend the useful life of the home for another 50 years — yet it would still be smaller than most of the homes nearby and a fraction the size of the largest. Without adding some square footage the house will be permanently obsolete and continue to fall further behind the neighborhood norm. The reality is that the economics of bringing it up to the neighborhood median requires adding slightly more square footage to correct what's inherently substandard. We're not interested in adding rooms or turning our home into a giant like so many new homes in Pine Brook; we merely want to bring it up to par for the benefit and long-term health and stability of the entire neighborhood.

We fully understand the sensitivity and alarm so many feel about the enormous mansions being constructed around the County in recent years and the desire to rein in that trend. But 50-year residents should not be penalized by the desire of newcomers to build oversized homes out of character with well-established neighborhoods. I know it's a tricky issue to solve numerically. Our concern is that trying to rein in ridiculously large homes has the unintended consequence of heavily penalizing the poorest longtime residents aspiring to do very

reasonable things to improve their property for the benefit of the entire neighborhood.

While not perfect, the "125% of median rule" has a certain logic and would likely work for most longtime residents going forward. It would work for us. However, I do think 125% is arbitrarily low and an invitation to costly legal challenges in the future by others. Making it 133% or even 150%, perhaps with a second test such as "not to exceed" the largest home in the immediate area, or perhaps 80% of the largest home, would still eliminate the out-of-place giants while eliminating expensive court battles. It would certainly make the rules more defensible in court for the County down the road. And as an architect that has done work all over the Western U.S. and helped write land use codes in other cities, I strongly suggest excluding fully subterranean basement areas (defined as anything 8 feet or more below grade) in a new home's area calculation given that below grade square footage has almost nothing to do with the visual bulk of a building. It strikes me as unnecessarily arbitrary, punitive and hard to defend in court. Making it crawlspace instead benefits no one.

Are more public hearings scheduled? If so, I would like to speak. Please let me know. Thanks again for your assistance and good luck sorting out a very difficult issue.

Bruce Gray

Ethan, Dale & Commissioners,

Ethan, thank you for taking time out of your day a couple weeks ago to have a conversation with my husband and myself. While I realize that it is not always possible, I truly feel that a better understanding can be achieved with a real conversation and I am trying hard to keep the lines of communication open with the Planning Department.

I hope you understood and considered our point of view when we finished our call but I want to continue the discussion regarding a few items. The first item is about a document we just received from the Boulder CP&P Department regarding a home renovation in our "neighborhood". This renovation is a basement addition that will bring the total square footage of the home to 9,514 sq. feet. We received mailings regarding this home and have no problem with the homeowner doing something to their property, especially to a basement. However, I find it absolutely inconsistent that this home is just behind our south property line and we are sent these mailings yet this home, and all the other 5500, 6000 and 8000+ square foot homes behind us, do not factor into the County's neighborhood mathematical calculation for our "acceptable home size". How is that possible? How does this begin to approach fair and equitable? It doesn't, the system is flawed. This is a prime example of what we discussed on the telephone. These 'subdivision' homes are the only homes we can see from our house, are contiguous to our property, yet we do not get to use their square footage in our 'neighborhood circle' because this house, according to the County, is not part of our "defined neighborhood". The property owner from the mailing is getting 9500 square feet. We do not want anything close to that but the County wants to limit our house to very small and we live on nearly 18 acres. We receive these mailings because this house is near us but we aren't allowed to build a house even one third of this size because it is not what the County feels is our "defined neighborhood"? This is SO out of balance. The County's mathematical formula as well as definition of "neighborhood" for deciding home sizes is neither logical nor fair, especially to the homeowners who live in older neighborhoods with more open land around them, such as us.

We have lived at our property 35 years and when we moved in, we could have built any size home we wanted. Through the years the County has whittled away our property rights and now we are completely restricted because of the Planning Department's definition of a neighborhood. Shouldn't we be grandfathered to those original standards when we purchased our property? I honestly believe we should. Is restricting a landowner's home size to very small and discriminating against certain neighborhoods truly what the Planning Department and the County Commissioners should be doing? We will build as green as we possibly can but that doesn't seem to be enough for the Planning Department.

Instead of restricting homes in certain areas of the County to stay small, the County needs to place more scrutiny on the truly gigantic residential applications and place more restrictions on those homes (in certain circumstances, I think there are reasons those homes should be allowed also). Homeowners have differing circumstances and differing needs – disabled family members, multi- generational families, etc. Limiting certain neighborhoods to small homes is unjust, inequitable and does not always allow landowners to meet their needs. Is limiting older neighborhoods to small homes what the landowners of unincorporated Boulder County want? No, it is not. How is it that the Planning Department and Commissioner’s ideology can overrule what the unincorporated residents want?

My husband and I have worked hard for many many years and are now ready to invest in an updated larger home on our land but we will be completely and absolutely restricted by County regulations. The reality that Boulder County has become so controlling is absolutely devastating. What we want is completely realistic and what we will be allowed is unrealistic. What if we need and want more because of a familial circumstance? It is very hard to watch your hopes and dreams be completely taken away by government personnel and policies – especially when the policy makers will not be affected by these new regulations because they do not live in the unincorporated County. It is disheartening to know that the couple (yes, two people) who live three houses north of our property just had a 6200 square house approved but that our property will not be approved for a 3000 square foot home. I feel defeated and discriminated against by the regulations that Boulder County personnel feel they need to impose on unincorporated County landowners. Why is there a formula to decide what property rights a landowner has? If the County thinks that is equitable, as a property owner, I am telling you that it is not equitable - it is discriminatory. The Planning Department needs to end this discrimination and better serve the property owners. I would like to be part of that conversation and solution.

Secondly, Concrete. The Planning Department stated that Boulder County would like to see people use less concrete in the building of basements and houses. The Boulder County Commissioners have approved two gigantic concrete projects – a 9 mile, 12 foot wide, (at least 6” thick?) bike path between Boulder and Longmont costing \$165 million dollars and an 11 mile, 12 foot wide, (at least 6 “thick?) bike path between Boulder and Lyons slated to cost \$96 million dollars. What is the embodied carbon in a 20 mile X 12 ft wide X 6” deep slab of concrete? I really have a hard time with the Planning Department and the Commissioners asking only the residents of unincorporated Boulder County not to use concrete when Boulder County is investing \$255 million dollars into a massive amount of concrete, not to mention the huge amount of GHGs that will be expended by all the equipment during the construction of



these bike paths. Will the bike path be made with carbon neutral concrete? It seems that concrete is very acceptable in certain applications but Boulder County wants to tell landowners in unincorporated Boulder County not to use it?

Concrete is both durable and fire resistant. In light of what is happening in California, discouraging the use of concrete in residential construction, in my opinion, is extreme hypocrisy. I just read an article about a 'fire resistant' home and it was mostly concrete. Fire is a very real threat in our community and we have been asked to evacuate three different times. Is this really the correct directive for property owners in an area prone to fires? Building in Boulder County is already prohibitively expensive and asking unincorporated residents to find an alternative to concrete will make it even more so. Until geopolymers concrete, bio concrete or another carbon neutral concrete is widely available and more affordable, the Planning Department should not be discouraging the use of concrete for residential construction in unincorporated Boulder County.

Finally, I would like to point out what I see as another negative outcome to County decisions and restricting certain neighborhoods to small homes. I want to present the absolute inequity this poses by presenting two different examples. There is a large house and "barn" being constructed on 61<sup>st</sup> street. I looked at the documents for this 4 acre parcel and not only was a very large house, water feature and pool plus a large "agricultural barn" approved but the homeowners were also allowed to tear down a perfectly good 5700 square foot house that was just built in the 1990s. These homeowners are building a lovely, very large 6400 sq ft house with 3700 sq ft of covered porch and I hope it satisfies all of their dreams. (I dream about a 3700 square foot house that BC says I cannot have, but they are getting that much covered porch – completely separate example of inequity!!!)

Contrast that with a family who has been farming in Boulder County their entire lives and their dream is to retire, sell their home and move on. They live on 29 acres with water rights and had a contract on their 1400 square foot home and property. When the potential buyers found out they could only build a 3000 square foot home, the buyers backed out of the sales contract. This was completely deflating to this family. How is this even close to being equitable? Should the lifelong farmers have hired a team of lawyers and agents and fought for something more realistic? The cancellation of this purchase contract was a direct result of the County's "neighborhood circle" calculation. Again, the formula that the County is currently using is anything but fair and equitable. How can a 4000 or 4500 square foot house on 29 acres be a bad thing? I think tearing down a perfectly good very nice 5700 sq. foot 30 year old house to build a 6400 square foot new house with 3700 ft of covered porch on a 4 acre parcel plus a 2000++square foot "barn", plus a "water feature" plus a pool and spa, plus two other

existing buildings creates MUCH more of a negative impact. Yet THAT transaction was approved. For the record, I am not against these private homeowners getting what they want, but my point is that your policies and decisions are incredibly biased, inequitable and unfair. Not only is the County unfairly limiting house sizes in certain areas because of a faulty formula, the County is also negatively and unfairly affecting property values and jeopardizing property sales, which for some property owners is their only asset. It is discriminatory to penalize certain neighborhoods and residents of unincorporated Boulder County and affect their livelihood and their dreams. How does one small parcel get every consideration and one larger parcel get nothing? Is that a successful formula? The County planning decisions need to be fair and equitable so that all property owners have more freedom to do what they want.

Nothing about the SPR regulations is equitable. Will that improve with more restrictions and regulations? No, it will not. I live in a small house with a decent amount of property. The lands surrounding our property are large parcels. There are many older, smaller homes around us and our neighborhood circle only allows for a small increase in our home size yet residents in other areas on much smaller parcels are able to have gigantic homes. Is that because they have more money or have hired more people to fight their fight? Perhaps, but I also think it is because Boulder County does not have a fair or equitable system in place. Instead of making policies more restrictive, the Planning Department needs to make things more equal. That does not involve making small homes stay small. County planning policies are negatively affecting certain property owners. The neighborhood circle should be MUCH larger, especially in a neighborhood such as ours, it should be something closer to 3500 feet. Perhaps one size circle does not fit all? Additionally, if the average house size in unincorporated Boulder County is 3500 square feet, anyone in the unincorporated County should be able to build to that minimum size, without question. Is a 4500 square foot home on 29 acres truly what the County is concerned about? No, but it is not allowed on the farmer's parcel that wants to retire and is not able to sell. The County's true challenge is the gigantic 12,000, 9,000 and 7,000 square foot homes so scrutinize those more closely. Is the Planning Department actively asking residents of unincorporated Boulder County for input BEFORE they formulate the new SPR proposal? Is the Planning Department involving any of the knowledgeable and informed professionals from the community in a realistic formulation of a new SPR proposal? Government should not operate on ideals and against its own citizens.

Once again, a very long email, but this is acutely important to me and my family as well as thousands of other property owners. My sense is that no one is truly listening to the citizens and professionals of Boulder County and the Planning Department is steamrolling ahead with their pre-conceived plan without considering critical input. I hope we can continue the conversation. Respectfully Submitted, Paula Shuler

**From:** [Mike Keffeler](#)  
**To:** [Ahnne Ethan](#)  
**Cc:** [Case Dale](#)  
**Subject:** [EXTERNAL] Follow Up on Community Meeting - Local Housing Price Data  
**Date:** Wednesday, January 29, 2025 9:33:14 AM  
**Attachments:** [BoCo Prices vs. State and USA 2009-2024.pdf](#)  
[BoCo Prices vs. State and USA 2009-2024.xlsx](#)

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Hi Ethan,

I'm following up on your request regarding sharing the Boulder County house price data that I brought up at the meeting. I'll paste a link below to the local agent's website where I got the initial data that I shared with you (and Dale) at the meeting last Friday (at Pat Murphy's house in Morton Heights). If you click on any of the 'Check Out the Data' hyperlinks, you will get all sorts of data and graphs.

I noticed that what was missing from their data was any sort of comparison to national (or even state) averages. With that, I did a little poking and came across Zillow data (link below as well) which allows for anyone to download all sorts of local or national data. I downloaded some data from Zillow and plotted some summary graphs in Excel and came up with the .pdf attached. I have also attached the Excel file and data that was used to create the graphs in the pdf file.

When you look at the data, and plot out the trendlines, one thing that is indisputable is that prices, and more importantly, the rate of appreciation, in Boulder County outpaces nearly everywhere else in the country. The price, and rate of appreciation, also outpaces the rest of Colorado. The data shown in the .pdf file attached (and the Excel file attached) is taken from 2009-2024 - which is after the 125% size restriction in Boulder County was implemented. To what extent macro-trends played a role vs local policy is difficult to determine - but again, what is clear is that the rate of appreciation in Boulder County since 2009 has outpaced both the Colorado and National Averages.

When considering this data, it is impossible to conclude that size restrictions make homes more affordable. In fact, the data indicates it does the opposite.

Let me know if you have any questions. Thanks again for your time, energy and consideration on this topic.

Best Regards, Mike Keffeler (303-847-5699)

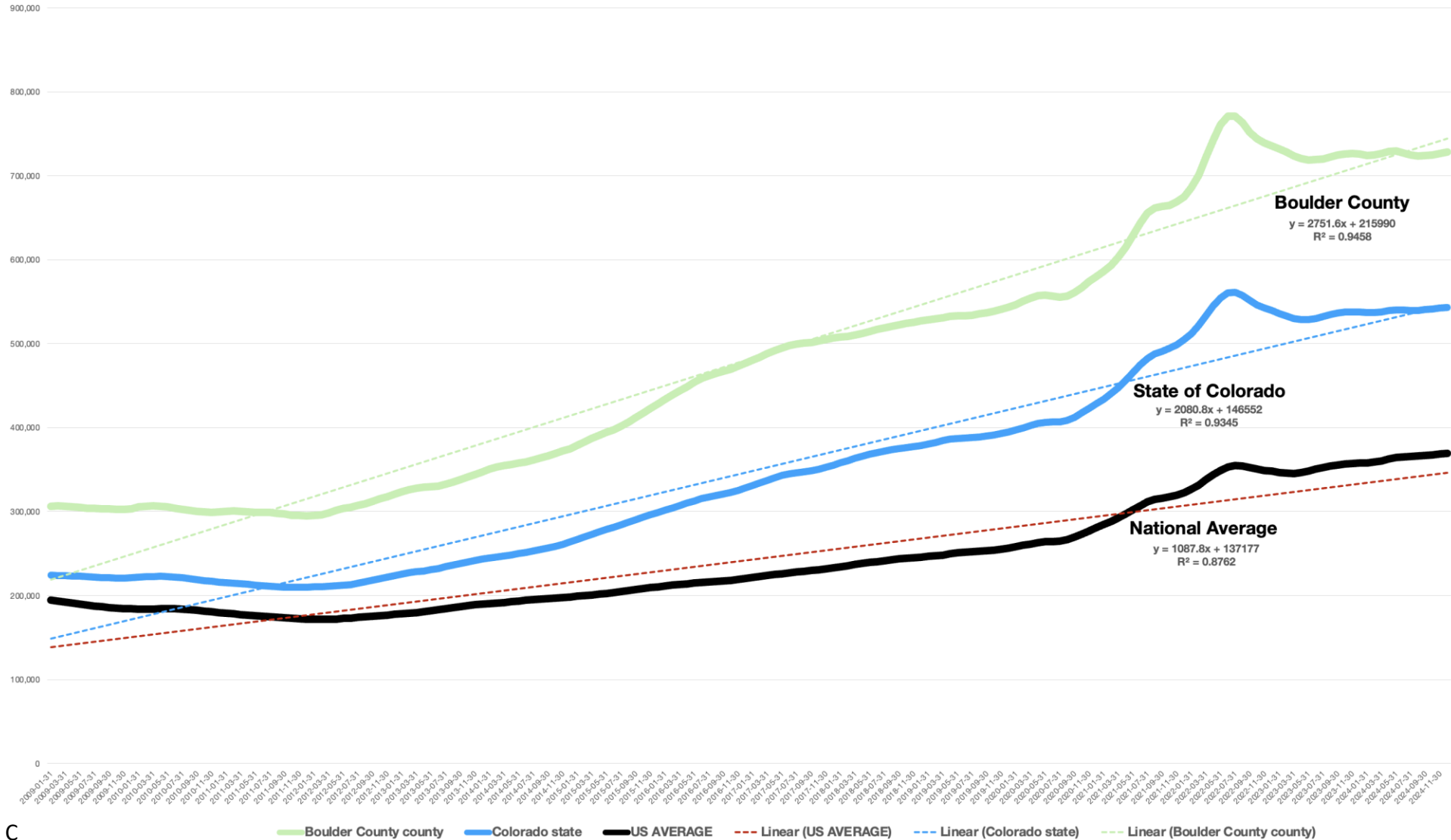
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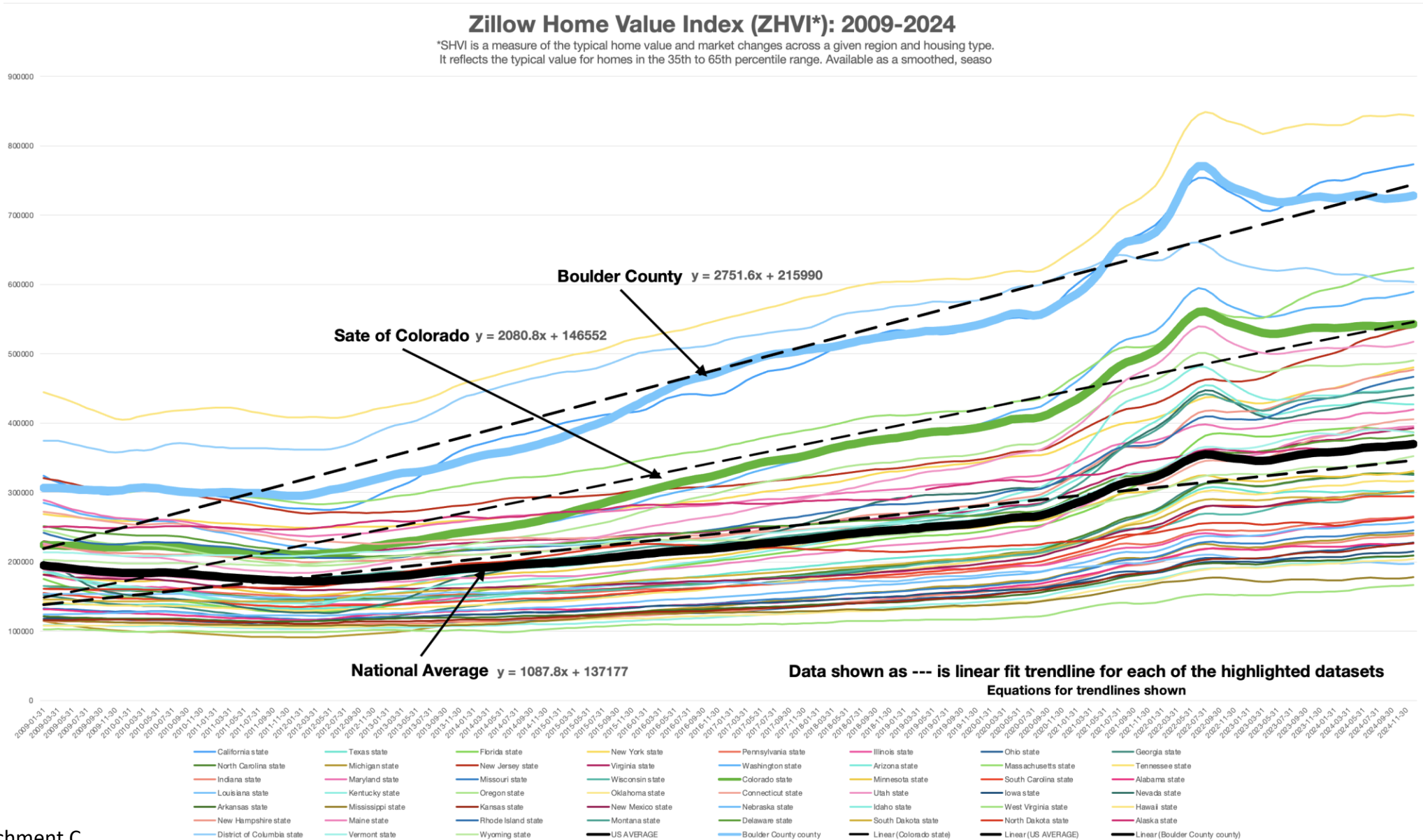
# Boulder County Home Price Appreciation since 2009 vs Rest of USA

## Zillow Home Value Index (ZHVI\*): 2009-2024

\*SHVI is a measure of the typical home value and market changes across a given region and housing type. It reflects the typical value for homes in the 35th to 65th percentile range. Available as a smoothed, seasonal average.



# Boulder County Home Price Appreciation since 2009 vs Rest of USA – All States Included



**From:** [David Biek](#)  
**To:** [Sanchez, Kimberly](#); [Case, Dale](#); [Abner, Ethan](#)  
**Subject:** [EXTERNAL] SPR changes and moratorium  
**Date:** Saturday, January 11, 2025 10:33:27 PM  
**Attachments:** [image001.png](#)

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Kim, Dale, and Ethan,

Thank you for inviting me to your Community Open House last month and requesting my feedback on proposed changes to SPR.

First, let me say that I am wholly on board with the overall goals of reducing home sizes, reducing embodied and life cycle energy use, and making homes more affordable in the County. I am not personally a fan of large homes.

With that said, I have decided to essentially close my office and lay off my staff of 6, largely because of this moratorium, which has already had an impact and I predict will eliminate half of my work. There is an alchemy to a firm like mine and I cannot make it work with half the income, even if I downsize. For each of their jobs we can assume there are about 15 jobs downstream of them that would depend on their work. While your concern for the equity of people not being able to afford homes in the County is admirable, these people are already rich by definition. Those 15 jobs lost are among people who probably could only dream of owning such a home.

This is a very drastic measure that doesn't seem justified by the data.

One of the charts that you showed in the Open House presentation showed an increase in the last several months, but since 2009 the increase is still quite small as an overall percentage. Two other charts you showed indicate that home sizes have remained relatively level. One of the members of the public pulled an analysis from the Assessor's data online that actually show a decrease recently. I recall reading an early press release that used data from 2008 to justify this change, which was incredibly misleading given the changes that happened the next year. I went into the Commissioners hearing prepared to address that only to find the data set had been updated. Still, I get the impression that this is a politically motivated change, and data are being used to justify it, rather than it being a thoroughly studied and vetted approach.

The fact that nothing was mentioned by Staff or the Commissioners about the likely impact on people's livelihoods, nor any case studies to show what the impact of these changes might be on neighborhoods or the economy, further reinforces that appearance.

As I wrote in my email to the Commissioners, if I were to take my 1900 sf, 3 BR home and build it in the rural county, I'd build it on one level instead of 3 (largely to comply with SPR criteria, but also for practical reasons), I'd need a basement (because it would likely be built on a sloping lot) and a 2 car garage (or maybe 3 car if we needed a snowplow). That makes it at least a 4400 sf home, which will now be illegal in a large percentage of the county. If I had a larger family, had two parents working

from home, needed a home gym to keep from having to drive 30 minutes to the nearest fitness center, and had an elderly parent we were caring for, what would I do then? What if I purchased land under the previous rules and now I can no longer build the home I intended? What if my land was my retirement nest egg and now it's worth 25% less?

Like it or not, lifestyles have changed a lot since the 1970s when a lot of the homes that make up the neighborhoods were built. Trying to revert to those home sizes will inconvenience a lot of people and put a lot of people out of work who depend on construction in the county for their living. A lot of the reason home sizes have increased since 2020 is due to the work from home phenomenon. This is not reason to declare martial law and install emergency rules that will make illegal 79% of the building permits applied for in the past few years.

That seems drastic and unnecessary. There are better and fairer ways to accomplish those goals laid out at the beginning.

SPR is already painful for many of my clients, but it's a tolerable level of pain and does accomplish good things in general. Going from 125% to 100% is just inflicting an unnecessary level of pain, especially when the need for that has not been demonstrated at all.

Making the median the maximum will steadily decrease home sizes over time and make Boulder County an undesirable place to live because it will be so much more restrictive than surrounding areas.

Political extremism of this type on one side of the divide just fuels extremism on the other side. Placing a moratorium is like taking the patient off life support while trying to assess what's wrong with him.

I recommend that you take a more nuanced and logical approach to making the SPR process more predictable.

**Specific suggestions:**

It appears to me the definition of 'below grade' floor area in 18-162 was legislated specifically to address the concern of visibility and should not be replaced by Staff's own definition that any visible below ground space renders the entire level to be 'visible and above ground.' This definition in 18-162 is way to difficult to calculate, however, and should be replaced with the method the City uses, instead, which is about 10 times easier and the results are almost identical.

Leave the PSM at 125% of the neighborhood median for above grade floor area according to this definition and try to reduce the subjective nature of SPR. Maybe consider reducing it to 120%. Leave the Adjacency exception, because it's fair and sensible. Expand it to the median of any two or more that are larger regardless of the PSM. Make the base level 3500 sf of above ground space instead of 2500 sf.

Make the energy compliance criteria harder for larger homes as a way to offset embodied energy impacts.

Leave some flexibility for large families or people with extenuating circumstances.

Thanks in advance for your consideration.

David

David Biek  
Principal Architect





Boulder County Planning Department & Boulder County Commissioners,

In December I attended the County's Open House regarding proposed changes to the SPR regulations. I am disturbed by the Boulder County Planning Department's martial law-esk proposed restrictions for residents of unincorporated Boulder County. The new regulations seem to be an implementation of ideologies by government personnel who do not live in the unincorporated County. It appeared that all the citizens in attendance at the meeting were opposed to these changes except for one individual who lives in a 5500 square foot home. That individual actually made a very good suggestion regarding the circle size of one's "neighborhood" and suggested increasing it to a 2500 ft radius to make this process more equitable. That same attendee listened to the feedback and comments of other citizens and was willing to collaborate and come up with a compromise. I believe County officials have an obligation to do that as well.

The character of our neighborhood has changed, but I maintain it has changed in a way that is different than the County believes. People used to move to rural areas because they wanted to work the land or have livestock. My wife and I moved from Boulder over 35 years ago to do just that. The people that move here now are not as 'hands on' agriculturally focused yet they appreciate the land and open spaces. Is that the most horrible thing in the world? No. The fact is, this a great place to live. Anyone who moves here now typically pays a premium for their property and very often pays people to do farming, ranching or even simple outdoor work for them. Boulder County is trying to preserve the character of a neighborhood when that "character", in my opinion, is changing in a whole different way and there is no stopping it. There is much more to character than the size of a house.

Land is no longer affordable in unincorporated Boulder County but that's never going to change. If the County thinks it can address affordability in unincorporated Boulder County by forcing people to build smaller, that is completely unrealistic. Is three million dollars more affordable than five million dollars? Not to 99.5% of America, but we don't live in mainstream America. OSMF and BCPOS have purchased a lot of Open Space and there is very little private land inventory. This is one of the main contributors to high land prices. If Boulder County wants to address affordability in the unincorporated County, then incentivize ADUs.

The County implies that the residents of Boulder County do not care about sustainability and that is completely false. Citizens in this County are very green and build green, ESPECIALLY compared to the rest of the nation. The County is talking about restricting citizen's principal residence sizes to meet sustainability goals, even though we probably build a greener house than the rest of the nation. Is this really the right answer? Where do you draw the line? There are so many things that contribute to the definition of climate change and GHG emissions. Why don't we shut down I-70 on the weekends so that thousands of people cannot drive and go skiing for 6 hours and then drive back? Or should we ban skiing altogether? There are many ways to reduce GHGs. I think it is wrong to take away a person's property rights.

The vast majority of residents of unincorporated Boulder County are against the moratorium as well as these new regulations and restrictions yet the County pushes on. Public input does not appear to make any difference. Like the school yard bully, County officials will impose their ideals and will on the people and take away their property rights without considering feedback. This is true because the BCC approved the moratorium even though there was strong opposition. Is this how government is supposed to work? Absolutely Not.

In summary,

- The 1500 ft radius should be increased to 2500 ft or 3000 ft so as not to discriminate against neighborhoods that have older, smaller homes.
- The County should include houses adjacent to a property, regardless if it is a subdivision, in the neighborhood circle.
- I am completely against reducing the compatible size from 125% of the median to the median. By doing that, you are penalizing the citizens in certain areas of unincorporated Boulder County for living in areas with older smaller homes. This is discrimination. The County's definition of sustainability speaks of enabling the residents of Boulder County to meet their current needs and maintain *a fulfilling quality of life without compromising* or foregoing the ability of, and the opportunity for future residents to do the same. What you are proposing is that because of where we live, we might be only able to build a 2000 square foot home so that we can carry the sustainability load for the remainder of the entire County. Anyone who lives in a city will not be affected by these restrictions and limitations. City dwellers can live their best life without compromise; just unincorporated County residents need to compromise.
- The median house size in unincorporated Boulder County is approximately 3500 sq feet. The maximum floor size currently in unincorporated Boulder County is 2500 square feet unless the median floor size of the neighborhood is larger. County government want to decrease it to 2000 square feet. This is an inequitable proposition. I believe a citizen should have the right to build a house that is at least the average size of other houses in unincorporated Boulder County or 3500 square feet. That should be the minimum floor size in unincorporated Boulder County, regardless of neighborhood. If the County is concerned about increasing home sizes and gigantic houses, then put a ceiling on those. Most citizens would go along with more restrictions on gigantic homes.
- The citizens of unincorporated Boulder County are speaking and providing feedback. We do not want more limitation and restrictions of our property rights. The planning department and decision makers have a duty and obligation to listen.

Respectfully Submitted,

Joel Schaap



## RODWIN ARCHITECTURE

1.8.25

### **Boulder County Proposed Size Reductions**

Dear Ethan, Kim, Dale & Boulder County Commissioners,

Thank you for hearing the overwhelming community opposition to the September 17<sup>th</sup> Moratorium. Pushing the start date back to January 17<sup>th</sup>, while simultaneously working on the proposed rule changes has mitigated the harm to homeowners that were in progress and hundreds of local architects, builders, realtors, trades-people and material vendors that would have been catastrophically impacted by the sudden stoppage of all projects. While it will still have significant negative repercussions on many homeowners and businesses, it is far less than it would have been.

Rodwin Architecture/Skycastle Construction has worked collaboratively and closely with the County for 25 years. I have been asked by the Boulder/Longmont Boulder Area Realtors Association (BOLO), The American Institute of Architects (AIA) of Colorado, Chamber, the Colorado Green Building Guild (CGBG) and Better Boulder to coordinate a conversation with the County about the proposed new rules. We would like to have a pro-active, serious, expert-level discussion about the County's concerns and proposed rule changes. We represent the collective experience of over 10,000 members who love, live, understand and work here. Many of those people are national level experts in sustainability, green building, planning, affordable housing and real-estate policy. Many of them are extremely experienced in working on residential projects in the County. We have some thoughts.

We understand that you are considering rule changes to reduce the average size of new and expanded homes, because of "neighborhood impact, sustainability and affordability" concerns. All values that these groups and its members are in broad alignment with; however, we disagree with the County's initial assessment about the nature of the problems and how to most effectively and fairly deal with them. If you are open, we would like to collaborate with you and see if we can come to consensus about the best way to address them. Here is a synopsis of our thoughts:

#### **House Size:**

Let's talk about size first as this is the elephant in the room. The County's well-vetted and nuanced metric for establishing the PSM is already more restrictive and comprehensive than any other municipality in the Front Range. And while it is often frustrating to both professionals and property owners due to its legendary rigor, it is understood and accepted as the law-of-the-land by property-owners and local home-building professionals. Some people think that the 125% PSM is much too restrictive. Others think it's too generous. In no case though have we heard a vocal consensus that it is one way or another, so let's please start by admitting that that there is no broad political mandate from the community to reduce houses size. Consider the

possibility that the Commissioners and staff generally only hear from “the community” when a disgruntled neighbor objects to someone is proposing to build a new or expanded house next door; so you are probably hearing from a very selective and anti-growth-biased portion of the population. Personally, I think the current system does a good job balancing individual homeowner rights, and the values Boulder County seeks to protect.

The question around, “What is an appropriate size?” is a reasonable conversation to periodically have. However, I and the organizations I represent wonder if your proposed solution of “the median” is potentially so deeply and broadly impactful, that it should be a public referendum.

Let's talk about housing and land-use in a larger context for a moment. The BVCP generally directs density and housing to the incorporated towns and cities. However, as you know, most of those have placed such strict constraints on growth (through land use policy and NIMBYism), that there are likely to be too few new dwelling units created in the area to satisfy the demand. The more intensely that the supply is constrained, the faster prices will continue to increase. This is the expert opinion of the Boulder/Longmont realtors Association, Better Boulder, Chamber and the American Institute of Architects of Colorado; four groups that collectively know more about the market dynamics of local housing policy than anyone. If the Commissioners are interested in improving affordability, then it would be logical to find every method possible to increase the number of dwelling units in the County.

Reducing the size of homes in BC won't measurably improve that situation at all, but surprisingly these same groups believe that it could potentially make it worse, for two reasons. One, larger homes have the capability to rent rooms, accommodate multi-generational households, host a care-giver, and absorb some small measure of the overwhelming need for less-expensive housing options. And with the state's removal of the '3 un-related persons' limitation, larger houses now for the first time ever, have the ability to actually house as many people as they can functionally hold. The market and need for attainable housing will naturally trend us towards making a lower “carbon footprint per capita” choice (ie. more people in each house).

Now back to the average price of housing....will reducing a current hypothetical 4,000sf. PSM to 3,000sf. on a 35 acre property that's worth \$2M (just for the dirt) make any dent in the average BC housing affordability? No. As a matter of fact, we believe that any new rule to further reduce size may have the OPPOSITE EFFECT. Why? Because while you will reduce the average price of a few dozen new or expanded homes each year, according to BOLO, the thousands of existing large homes will all immediately INCREASE in price. Why? Because there won't ever be any more of them. You will make size a prized feature. The average price of homes in BC will RISE in response.

Who determines what a reasonable size home is for another person? We understand, if you bought a house in BC in the last 20 years, you knew it came with certain limitations. But this will drastically change those rules without the property-owner's consent unless you send this to a referendum. We have designed 600 sf. houses and 6,000 sf. houses. In both cases, the family we designed it for felt that it was appropriate for them. People

can have very diverse opinions of what is necessary, and one thing that I learned years ago is that it would be arrogant and disrespectful for me to impose my views on what is "appropriate" for someone else.

We have a client in BC who just deconstructed their 6,100 sf. 1960's home, in order to build a new one. They have 5 children, a live-in nanny and two robust home offices. After subtracting the garage, that leaves them with 5,300sf. for 8 people (plus visiting grandmas, etc.). That's just over 400 sf. per person. (Do any of you use more than that?) Collectively it might sound like a lot to you, but they are feeling very pinched. Do we really want to effectively discriminate against certain religions, cultures or family-types by saying that homes suitable for large families aren't welcome here?

We had another client whose 1970 home includes 1200 sf. of above-ground living space, 1200 sf. of ~7ft tall basement, a two-car garage and a large storage shed. All totalled they supposedly had over 3300 sf. In reality they have a 1.5 bedroom house. They wanted to add 500 sf. – enough for two bedrooms and a bathroom for their kids. But their PSM was just 3100 sf.. so there was no possibility to add the space they needed. Their extremely modest looking 13ft tall house is on 35 acres. Their house is currently a HERS 176 (\$800/mo. energy bills) and is near the end of its useful life. But because they couldn't add the necessary bedrooms, they weren't willing to invest in energy improvements in the house. They sold it. These are just a couple of examples that hopefully illustrate that the way the County counts square footage, can sometimes make it seem like the houses are "too big", but in reality, sometimes they're not.

Perhaps this would be an ideal time (since we're in the midst of the BVCP update) to talk more broadly about affordability and housing availability, as the two go hand-in-hand. The County did something brilliant and deeply appreciated by the community when it allowed Marshall Fire victims to build ADU's. Farms are allowed to create them for Ag workers. And while the state's new "ADU's everywhere" law doesn't officially apply to Unincorporated Boulder County, the rationale of its value, and the need behind it definitely do. The most beneficial, easiest, fairest and least controversial way to instantly allow more attainable housing in the area is to allow ADU's on all properties. If you are really looking for a way to reduce average housing costs, and the average size & embodied carbon-footprint of a dwelling unit in BC, here's a low-hanging fruit we can ALL agree on. Let's do it now.

### **Visual impact and neighborhood character:**

Why do new or expanded houses automatically seem to be considered by the County to be considered a visual blight with negative impact? If you have travelled to Tuscany, do you look up at the hills and think "That sure would be nicer looking if there weren't any houses." No. So why do we think that here?

Has there been a recent epidemic of complaints by neighbors that a new or expanded home nearby is obscenely large (despite that it could not be more than 25% larger than the other homes in the neighborhood, which means that the complaining neighbors' homes are almost the same size). I haven't seen anything in the newspaper about that. I would have figured that a crisis that rose to the level that it required a moratorium and

a major downsizing would have been all over the news. I read the Camera every day. I haven't seen any such wave of public outcry.

Through the SPR process, we recently replaced an ugly, energy-hog of a non-code-compliant house, with a beautiful, ignition-resistant house of larger size, that, per Planning Staff's recommendation, we located farther away from public sightlines. The neighbors came out in force to endorse our SPR application because they felt it improved the neighborhood on all levels. The SPR process works. I can't believe I'm lauding the SPR process, but as much of a pain in the butt as it is, it robustly ensures that all new or expanded homes the County prioritize the values and criteria the County has set forth as important. That project also benefited the County in that it was an abandoned historic farm. The new owners are regenerating the soil, renovating the historic barn and are actively making it into a demonstration model of sustainable farming. Oh, and the house is a HERS negative 51, making it one of the most energy-regenerative homes in the entire country. The owners felt very constrained by the size limitations and we had to use all our design skill to get the house to meet their minimum space needs. If the County had restricted the PSM to significantly less than 125% of the median, they would not have bought the property and the County and the world would be a little bit poorer for it.

#### **Land size:**

During staff's Sept. 17<sup>th</sup>, presentation it was noted that Boulder County houses are larger than the national average. What was conspicuously omitted in that comparison was land size. The national average size data is drawn primarily from production housing, where the average lot size is about 5,000sf.. The average lot size in Boulder County is somewhere around 1.5 MILLION square feet. So if we are talking about visual, ecosystem and carbon impact per square foot of natural land, Boulder houses are **99% less impactful** than the "typical sized American house".

#### **Sustainability:**

As I imagine you know, BC has some of the strictest green building standards in the Country and the standards are tied to size. The bigger the house, the stricter the standard. For a house over 5000 sf. (conditioned), a house needs to not only be Net-Zero energy, it also has to be HERS 50 or better before solar (extremely difficult on large homes with lots of west-facing glass), and it needs to be either LEED Platinum, Passive Haus, DOE Net Zero Energy or Living Building Challenge (which are the most aggressive levels of sustainability in the Country. LEED Platinum is actually impossible at that size, and no one has ever managed to create an LBC house in Colorado. So if you're thinking that we need to level up the sustainability requirement, I will tell you as one of the top experts in the County, we are already at the highest level that is physically buildable. And please be aware that these sustainability requirements absolutely increase costs substantially). Again, this is important in that these homes provide a special benefit to national and even international sustainable design efforts. They provide beautiful, ultra-green, compelling examples of how architects can accomplish their client's goals, create positive contributions to the existing community fabric, and do so at the same time that we are showcasing the best sustainable design in the world. This is not theoretical.

These “larger” homes have a major positive impact internationally that you might not be aware of. A few years ago, I gave an “Extreme Green Building” lecture at the American Institute of Architect’s National Conference. I used the projects we have done here in BC as the subjects. Thousands of other architects from around the world have seen that presentation and have upleveled their project’s sustainability because these houses in BC exist. Many other architects’ and builder’s work in BC has similarly been published and helped advance the world’s expertise in and the market demand for green building.

CGBG (in conjunction with the County, Xcel and the state) has facilitated a massive electrification education effort in the rebuilding of BC homes destroyed in the Marshall Fire. Most of those Spanish Hills homes fall into that “large” category. Larger, more expensive homes are often the ones that break trail for others. Those projects train engineers, energy auditors, HVAC and electrical contractors, and become great examples.

It has been mentioned therefore, that what the County is really concerned about is that larger houses use have more “embodied carbon” than smaller ones. That may be true. Although we should remember that at least 80% of the embodied carbon of the materials of the old house were deconstructed, not landfilled. So that would need to be deducted from the embodied carbon attributed to the new house.

The single largest source of embodied carbon in any house is the reinforced concrete of the foundations, slab and basement. We are fully in support of a requirement to use low-carbon concrete as soon as it can be reliably locally sourced and approved by a structural engineer. Let’s focus on the things we know will help.

If we look at total carbon impacts over the life-cycle of a house, a new Net-Zero-energy home, designed to last for 150 years, is far more environmentally preferable than keeping a leaky 1970’s house that was only designed to last for 50 years. That example is not hyperbole – it’s our typical project. If the restrictions become too onerous, people will be less interested in building or remodeling/expanding. We will get stuck with lousy and aging building stock.

There was a comment at the last public discussion at the County that a larger Net-Zero energy house uses more energy than a smaller Net-Zero energy house. I just wanted to clarify that that is not true. Net-Zero Energy is defined by having an annual energy bill that nets out to zero. Small or large use the same amount of energy. Zero.

**Equity:**

As Brian Fuentes, architect and Marshall Fire survivor, brought up during the Sept. 17<sup>th</sup> hearing, the current system for determining PSM has an inherent and serious inequity. Property owners in subdivisions of 8,000 sf. homes will still be allowed to build giant houses, while owners in Allenspark and Marshall Rd., where the houses and cabins are much, much smaller will only be allowed to build very small homes. We do believe that there needs to be some accommodation in the new rules to address this inequity.

### **Rate of change:**

It seems like the foundation for this whole exercise is that some people think that Boulder County is changing too fast. The idea of saying that homes cannot grow is freezing it in amber. Given that human systems and civilizations ALL grow, it seems illogical and artificial to constrain them to zero growth. We know from experience that that leads to stagnation. In this case that may look like homes not getting renovated (and therefore fighting our Climate Change goals), the real-estate market grinding to a halt, a knee-capping of our world-class green building industry, a tax-base being forced to flatten while County expenses are increasing, and in general the County giving a stiff-arm to those people who bring fresh energy & capital to our community. While we can have a discussion about whether allowing a 10% size increase or 50% size increase is appropriate, I think the idea of simply defaulting to "No Increase ever again" is a massive philosophical change that has not been vetted or approved by the broader community. While many people like to throw stones at "larger" houses, many don't understand that:

- Their own house falls into that same egregious category, per the particular way the County counts square footage.
- The County's green building rules mean that new larger houses may have smaller carbon footprints than their smaller older house.
- All houses have a shelf-life and will eventually be deconstructed and rebuilt.
- Land prices will continue to rise. Banks will ONLY lend on projects within certain ratios of land to house. Typically it's 1/3<sup>rd</sup> land and 2/3<sup>rd</sup>s house. Because Boulder is special, lenders have allowed that to go to 50/50. But that's it. Land prices will continue to rise. If houses are constrained, then banks will not lend on them, which means that ONLY people who have millions in the bank will be able to build here. Ironic, how our concern for affordability will inadvertently drive out everyone, but the multi-millionaires.

### **Subdivisions?:**

If we're really looking to increase the availability of attainable housing, is it possible to have a real conversation about allowing subdivisions to be created in the County? Why is it taboo to suggest that a parcel of county land that has access to close-by city services could not be allowed to be a Net-Zero Energy, 100% Habitat for Humanity pocket neighborhood? I understand that there's an IGA that directs such properties to apply for Annexation, but that makes the development process too onerous, expensive and uncertain that it stops most in its tracks. What if it didn't need city services? Is there any room to discuss creative possibilities here?

### **Specific recommendations:**

- Conclude the Moratorium no later than March 31<sup>st</sup>.
- New PSM - We prefer not to modify it at all, but if you must, try this:
  - 115% of median for all properties that are less than 35 acres; however, in order to address the equity issue, all properties shall be allowed to build up to at least 2800sf.
  - 120% of median for all properties that are 35 acres + an additional 5% for properties that are larger than 40 acres (max 125%).



- Change the '2 adjacent properties method' of overcoming the PSM to put a cap on the new average of 8,000sf.. This is likely to quickly remove to outliers extra-large houses.
- Allow ADU's on all properties use by right:
  - 1200sf. max. – square footage is exempt from the PSM.
  - Like on the main house, porches and overhangs do not count toward the sf.
  - Allow the ADU to have an exempt 400 sf. carport.

Respectfully submitted,



Scott Rodwin, LEED AP  
President, AIA Colorado  
Board Member, Better Boulder

**PS - Cleaning up the SPR process:**

We have been honored over the years to have been asked by the County for suggestions as to how to improve the SPR process; to make it more clear, sensible and predictable. We're interested to hear how you are thinking to improve the process as part of this current effort. We still have a few: ideas

1. Please don't start with the assumption that houses are evil. When you read typical SPR Conditions of Approval, the implicit statement is, "houses are automatically bad and shouldn't be here, which is why 'they aren't allowed if you can see them from any public land". That doesn't seem like fair and equal treatment under the law – there are thousands of houses currently scattered through the county that are highly visible from Open Space. But new ones are held to a dramatically higher standard.
2. Don't count dirt twice. We completed a project at the top of Flagstaff a few years ago. We wanted to keep all the dirt on site (as we had designed the project to perfectly balance cut and fill). But the County's method of double counting if you do that forced us (in order to avoid LISR) to haul it all down the hill and to another County. This has happened on countless projects. Please just let us keep it on site without penalty.
3. Negotiate height, glass and other visibility issues before design. We have designed numerous houses that have gotten shot down after being mostly designed, because Ron West subjectively decided that it was too tall or had too much glass. We can work with almost any parameters, but height and to a lesser extent glass are ones that we really need to know ahead of time.



**From:** [Bill Howland](#)  
**To:** [Abner, Ethan](#)  
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**Subject:** [EXTERNAL] Upcoming Revisions to Land Use Code  
**Date:** Friday, January 3, 2025 9:38:21 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image005.png](#)

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Ethan:

Darren Beck suggested I contact you with regards to upcoming revisions to the County Land Use Code. I am currently the President of several Boulder County irrigation ditch companies including the South Boulder Cañon Ditch Company, the Davidson Ditch and Reservoir Company, and the Davidson High Line Lateral Ditch Company.

I've also copied Tom "Whitey" O'Malley, the President of the District 6 Water Users. The District 6 Water Users represent a consortium of Irrigation Ditch Companies and their Water Users. The latter include the Municipalities themselves, Municipal and County Open Space Departments, and end water users such as my self, who continue to farm in the Valley. The County has a significant ownership presence in nearly every ditch company, and bears a large share of the not-so-insignificant expenses related to the continued operations and legal expenses of these companies.

Several issues related to current Boulder County Land Use Code have proven problematic for Ditch Company operations, as well as for property owners who have a ditch running through their property. The most vexing issue is fencing. I am hopeful that the upcoming revision of the Boulder County Land Use Code can address four areas which I believe could be improved.

1. When is Permission to Build Required? Most property owners probably do not look any further than the flyer "[When do I need a building permit](#)" There is no mention of irrigation ditches and no mention of the more restrictive land use codes that apply near ditches, so no further research is normally undertaken by a property owner who wishes to install fencing, small sheds, retaining walls, playground equipment and other impediments to ditch company operations as near as right on the edge of the ditch channel itself. This flyer should be updated to note that a Boulder County Land Use Planner should be consulted if any installations, especially those that include fencing, are planned within 50 feet of the nearest edge of a ditch.

2. When are Structures not Considered Structures? Current Land Use Code also allows property owners to install (without a building permit, advance notification, or the consent of the Ditch Company) impediments to Ditch Company's access and use of our prescriptive easements to clean, maintain and operate the ditch. This has arisen due to what I would call a loophole in the regulations whereby actual structures (and fencing) are excluded and therefore not defined as structures (see code paragraph "18-203 Structure", below). Unfortunately, the installation of such impediments -- let's call these "*Waived Structures*" -- often results in a loss of access to the ditch and ditch bank, resulting in unnecessary conflict between the property owner and the ditch company. As noted above, the most egregious are long runs of fencing that prevent access to the ditch channel and often prevent travel up and down the ditch easement as well.

Following the installation and discovery of "*Waived Structures*", the ditch company has to contest such installations, and now both parties have to incur significant additional expenses as the result of arguing over and demolishing or moving the "*Waived Structures*". It should also be noted that these "*Waived Structures*" almost always violate State Law (see Section 3 -- Compliance with State Law, below).

#### 18-203 Structure

- A. A combination of materials forming an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, but excluding the following:
  - 1. retaining walls;
  - 2. fences not over 6 feet high;
  - 3. platforms or decks not more than 30 inches above grade and not over any basement or story below;
  - 4. utility mains, lines, and underground facilities; and
  - 5. yard and play equipment.
- B. A permanent structure is built of materials in a manner which would commonly be expected to remain useful for a substantial period of time.

18-16

Boulder County Land Use Code - October 12, 2023

3. Compliance with State Law: Many of the above "*Waived Structures*", including fencing, are in conflict with State Law as they prevent access to the ditch channel and ditch bank. Because the width of a ditch channel varies with its carrying capacity and topography may significantly complicate access, it is impossible to define an easement based on a single numeric measurement from the centerline. The State Legislature recognized these issues, and defined ditch easements very loosely, but as best they could. The ditch easement includes the ditch channel itself, as well as sufficient land on both sides of the ditch to allow for proper maintenance, the deposition of any spoils of cleaning, and the overall operation of the ditch.

(As noted above in section 2, "*Waived Structures*" are almost always in violation of State Law. Many, if not most ditches, include areas where ditch banks are completely inaccessible for long distances primarily due to permitted fencing that has been installed right on the edge of the ditch channel, resulting in an increased risk of flooding should the ditch channel become blocked.)

Current State Law is as follows (thick blue underline added for emphasis):

## C.R.S. 37-86-103

Statutes current through all legislation from the 2024 Regular Session and the Second Extraordinary Session (2024)

[Colorado Revised Statutes Annotated](#) > [Title 37. Water and Irrigation \(§§ 37-1-101 – 37-99-103\)](#) > [Water Rights and Irrigation \(§ 37-80-101\)](#) > [Reservoirs and Waterways \(Arts. 86 – 89\)](#) > [Article 86. Rights-Of-Way and Ditches \(§§ 37-86-101 – 37-86-113\)](#)

### 37-86-103. Extent of right-of-way.

Such right-of-way shall extend only to a ditch, dike, cutting, pipeline, or other structure sufficient for the purpose required. Unless inconsistent with the terms upon which the right-of-way was created, and not to be construed as a limit on any other rights in a ditch or ditch right-of-way that have been created or arisen by law, a ditch right-of-way includes the right to construct, operate, clean, maintain, repair, and replace the ditch and appurtenant structures, to improve the efficiency of the ditch, including by lining or piping the ditch, and to enter onto the burdened property for such purposes, with access to the ditch and ditch banks, as the exigencies then existing may require, for all reasonable and necessary purposes related to the ditch.

4. **Setback Distance:** There are issues with Boulder County's usual and customary setback definition (see 4-103 Rural Residential (RR) District; subsection E.2.d. , below). We experience difficulty with the County's 50 ft setback from centerline "rule" in areas where the ditch is deep and wide, or the ditch bank is steep and unforgiving. In these locations the entire setback may fall within the ditch channel itself, or the terrain may be impassible . On the other hand, a 50 ft setback from the centerline of a narrow 2 ft wide irrigation ditch channel seems excessive. Our current standard, (assuming the terrain is level and unobstructed), is to specify a minimum 40 ft setback from the point where the edge of the ditch first begins to fall into the ditch channel (on both sides of the ditch), which gives us a uniform and normally sufficient working area along the ditch bank for maintenance activities, including the deposition of spoils. We also note that should spoils accumulate and begin to reduce our working area, such debris will be moved further from the ditch channel, and the minimum setback distance will therefore expand. Our current policy is to partner with property owners by offering to load vegetative spoils from ditch cleaning and maintenance, when reasonably possible, into dumpsters so long as the property owner pays the dumpster rental and disposal costs. Although the ditch company does not own land or the vegetation that may grow along the ditch, in the aftermath of the Marshall fire we are attempting to significantly reduce the density of trees and shrubs that tend to sprout and quickly grow alongside our ditches.

Article 4 • 4-103 Rural Residential (RR) District

#### 4-103 Rural Residential (RR) District

- E. Lot, Building, and Structure Requirements
  - 1. Minimum lot size
    - a. In a community service area on subdivided land with connection to public water and sewer facilities...One acre
    - b. On other land...35 acres
  - 2. Minimum setbacks
    - a. Front yard...25 feet
    - b. Side yard...7 feet
    - c. Rear Yard...15 feet
    - d. From an irrigation ditch...50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may -with County concurrence- be reduced in accordance with a letter from the applicable ditch company establishing a different setback, but in any event shall not be less than 20 feet from the ditch centerline.
    - e. Supplementary requirements may apply, refer to Article 7-1400.

Thank you in advance for your consideration. Please let me know if additional input or clarification is needed. Also happy to meet with the County Commissioners if this would be helpful.

William Howland  
President Davidson Ditch and Reservoir Company  
President, Davidson Highline Lateral Ditch Company  
President, South Boulder Cañon Ditch Company

**From:** [Kim Cattau](#)  
**To:** [Abner, Ethan](#); [LU Land Use Planner](#); [!LongRange](#)  
**Subject:** [EXTERNAL] SPR updates input  
**Date:** Friday, January 3, 2025 9:15:56 AM

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Hi –

I wanted to take the time to provide some input and items for consideration regarding the proposed changes to the SPR regulations. I've been practicing architecture in Boulder for 20 years, primarily in the residential sector, and as the owner of my own business for the last 5 years. I've had dozens of projects of various sizes including new construction built in unincorporated Boulder County over that time, and these thoughts are based on that experience. I also own a home in unincorporated Boulder County myself, and spend a lot of time interpreting regulations for my clients and helping them to find the best solutions and uses for their properties.

1. In the public input meeting prior to the moratorium being instated, there was a lot of input about how the PSM type metric is fairly inequitable. It's quite difficult for homeowners to understand, and can come as a surprise to them when they want to start a project, especially if they live on a large property with a low PSM. Is the County considering any type of metric other than PSM? I recognize that a FAR type measurement would need to be properly scaled due to the large rural properties in the jurisdiction, but it seems like it could be worth considering something other than PSM, even if it'd be a more significant adjustment.
2. The subjectivity inherent in the SPR system currently makes things difficult for homeowners and their architects. Not knowing how much square footage you may be allowed to build for many months is costly and problematic for property owners. There was mention of "limitation" vs. "presumption" at the public open house – consider how to make the code less subjective and easier to understand early for design professionals.
3. Since below grade square footage has been considered preferable from a visibility / massing perspective, consider recognizing this in the code (i.e. exempting portions of below-grade square footage from floor area calculations like the City of Boulder does) to help encourage it in a regulated manner, rather than subjectively. If a homeowner is only allowed to build 2500 SF, they aren't likely to put much of it below ground even if that's more cost effective and visually less obtrusive, since it's less desirable living space.
4. Radius – consider studying how many properties are compared with less than 10 (or some other small number) other properties based on the current subdivision / radius measurement, and determine a way to help protect these outlier properties. I've experienced many situations where properties are at the periphery of either subdivisions or City properties, and the radius only captures a few other properties, creating what feels like an unfair limitation on buildable square footage.
5. If continuing with PSM, consider making this data publicly available. I appreciate the quick turnaround that we generally get from planners when requesting info, but could this be provided in some sort of publicly accessible database as well?
6. ADU – I realize this is not directly part of the current conversation, but it sounds like some of the intent is to minimize environmental impact of construction on our community. Allowing

more smaller homes would have many positive benefits. Consider offering ADU square footage as a “bonus” to RFA, especially as this may help offset the impact of any changes being made to allowable floor area that may be negatively impacting property owners.

7. Assessor vs building department floor area discrepancies – I’ve seen on many projects significant discrepancies between Assessor square footage and actual square footage or building department records. What efforts are being made to make assessor data more accurate and current, if they are continuing to be relied upon for planning remodels / additions, etc?
8. Consider whether there could be exemptions for floor area used for business (not counted as RFA, similar to agricultural uses). More and more people are working from home, which has partially led to the desire for larger homes. This could also be an opportunity to support small and local businesses.
9. BWOP / Built without a permit – We’ve seen projects where during our due diligence, it’s determined that some RFA on the site was built without a permit by a prior owner. I understand the need for reconciling that and ensuring the structures are safe and permitted. However, during the moratorium, I could see this being problematic for homeowners, as the County has been requiring BWOP structures to be addressed prior to any other permits (even if completely unrelated) moving forward. Sometimes these already existing BWOP structures require SPR / SPRW to be made legal. Please consider allowing building permits that are not requesting additional square footage (i.e. interior remodels) to move forward during the moratorium period without being held up by the BWOP reconciliation, which would need to be addressed post-moratorium.

Thanks,

**Kim Cattau, AIA, NCARB**  
Principal  
Slope Architecture, LLC

303.223.4295

**From:** [Paula Shuler](#)  
**To:** [Abner, Ethan](#); [Case, Dale](#); [Boulder County Board of Commissioners](#)  
**Cc:** [James Ruger](#)  
**Subject:** [EXTERNAL] Proposed changes to SPR regulations -OPPOSED  
**Date:** Sunday, December 22, 2024 4:33:17 PM

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Dale, Ethan, Commissioners and Planners,

This is a very long email but the proposed changes to the SPR are very disturbing to me and have caused me many sleepless nights. I hope you can take the time to read my email and take it under consideration.

After very recently learning about potential changes to the SPR process, I attended the Planning Department's Open House on December 10. Since then I have watched much of the Commissioners hearing from September 17. I am OPPOSED to the changes to the SPR regulations, changes to the Land Use code and the limitations proposed for the residents of unincorporated Boulder County. I must remark that after reviewing both of those public meetings, I find it unbelievable that this process continues to move forward at a rapid pace. At both the September 17 hearing and the December 10 Open House there was a resounding majority strongly against both the moratorium as well as the changes the County is proposing to SPR regulations and LU code. Yet fast forward ahead the County goes. It is unbelievable to me that no one truly listened to what the public, including knowledgeable professionals such as Scott Rodwin, Brian Fuentes, Jeff Hindman and others had to say at the hearing and it was echoed again at the Open House. I am appalled that the Commissioners never really considered NOT having a moratorium. The final hearing discussion was never about should we do this or not, it was only about how and when should the moratorium be enacted. One of the commissioners noted that with regard to neighborhoods, this is about "creating a fabric that the entire community can support". Unfortunately, that appears to be just a narrative. The public doesn't want this, they are in strong opposition. There are better ways to solve the large home issue without putting so many limitations on all residents, yet full speed ahead the County goes.

It is very clear to me that there is a definite agenda and a definite plan. After attending the Open House, it is absolutely apparent that there is strong confirmation bias in play by the County Planning Department and perhaps the County Commissioners. I felt patronized at the Open House and I feel that this is clearly just an exercise. In my opinion, what the professionals as well as residents of unincorporated Boulder County try to contribute will not make one bit of difference. If it did, there would be NO moratorium and the discussion would be about forming a collaborative group with professionals and community members to work on the real issues and try to come up with solutions that will work better for a much larger number of people. It is truly disappointing. This was an opportunity to work with professionals and community members to try to make this better, to try to get it right, but that is not happening. It feels very much like the Planning Department has formulated a plan, they will ask for feedback but it will have no influence on this new policy and the Planning Department, the PC and the Commissioners will push it through - even though there are perhaps only two individuals in that large group that live in unincorporated Boulder County or could possibly be affected by these new regulations. As one speaker said at the commissioners hearing, officials are supposed to "serve the people", but it is apparent that no one is listening to the people and the government thinks it knows better.

What I find really wrong about much of this plan is that it will penalize so many residents of unincorporated Boulder County, especially residents who live in a more modest neighborhood. If you live in a neighborhood with larger homes, you will NOT be affected. If you live in a small house in a neighborhood that has larger homes, you will NOT be affected. But if you live in an area where the tracts of land are larger - 10, 40, 160 acre tracts and there are older farmhouses in your area and there are not a lot of larger homes in your 1500 ft circle (even though they are out there, they are just outside the 1500 feet because there is a lot more land around you), you will be penalized, restricted and not be able to build a little bit bigger house as the regulations now allow. The proposed new regulations absolutely discriminate against certain neighborhoods. Regulations and rules need to be fair and apply to all landowners the same way and

these proposed regulations do not do that. Boulder County will be penalizing the neighborhoods with smaller homes and what is being proposed is not equitable. After working all of my life and living in the same house for 35 years, I would like to build a new, somewhat larger house but that will absolutely be restricted by these new regulations. There is no “pressure” to build larger homes as stated in the BC Planning Department & Attorneys Memo. Many families find it necessary or want more room than a “dwelling”. Our 1890s house is a thermal sieve. It was also damaged in the flood. We are aging and the time is right for us to build. We know that we can build an energy efficient, much more sustainable 3500+ square foot home but we will not be allowed to do that. Our plans include a lot of circulation area and an ADA bedroom and bathroom for my brother who uses a power wheelchair. Shall we take that out of our plans? He also travels with an aide. Should I tell the aide to sleep on the couch because we cannot have a third bedroom and bathroom because of Boulder County regulations? People’s needs and circumstances differ. The new regulations will impact and limit too many people in the wrong way and it is not clear that the County will truly be accomplishing their stated goals. The County needs to stop and re-assess what they are doing to landowners and how they are doing it. One size does not fit all. It is not always bad or wrong to build beyond the median - in many cases it is necessary for the landowner and can be built very well and very green. The County just approved a new build in our ‘extended’ area that is over 6000 square feet, 1500 square feet above the 125% PSM of their neighborhood. How does that even begin to approach equitable when the County wants to now tell us that we are only able to build to our rather low median and will not be able to build to 125%? This is absolute discrimination. If the true problem is very large houses then scrutinize the applications above and beyond the 125% size and beyond 6000 sq feet more closely before approving them. Don’t restrict every single landowner in unincorporated Boulder County from building what they truly need and have been waiting to build for quite a long time.

Neighborhood Character: What exactly is neighborhood character and who gets to make that determination? Again, not the people that live in the neighborhood. As I said before, we live in a 1400 square foot house built in 1890. We are farmers and steward over 150 acres of land at and around our home. Several of our neighbors also farm and care for their land. Most of the homes in our area are modest sizes but there are a few larger homes. My neighbors have from 10 to 160 acres of land; the parcels of land are larger and houses are fewer. One of my neighbors lives in a 1000 square foot army barrack that was brought to their farm after WW2. Yes, it is small but it is neither energy efficient or environmentally sustainable. Is this how BC thinks we should all be living? On the other hand, our entire south property line is 5500, 6500 and 8000 square foot homes. Those are the only homes we can see from our house but that is a “subdivision” that does not count in our 1500 ft circle - yet those homes are adjacent to our property line and that is our view. Those subdivision houses did not exist when we purchased our property but they absolutely influence our "neighborhood character". It is very curious and erroneous how the County chooses to determine neighborhood character. Our 1500 foot circle does not include very many homes. **To be equitable, our neighborhood circle should be increased to 2500 feet, as someone wisely suggested at the Open House.** How is it the County’s responsibility to determine neighborhood character and what size home is acceptable? Shouldn’t the neighborhood, the people who live here, be allowed to decide for themselves what is acceptable and what is not? My neighbors would not object to a 3500 or even 4000 square foot home on our land, but the Planning Department will. We both work out of the house - do we get any credit or extra square footage for not getting in a car every day? Of course not. Do we get credit for sequestering a couple hundred metric tons of carbon dioxide in our healthy pastures each year? Oh why no, you do not - just build small because Boulder County thinks that is what you should do and they know better. Decreasing the size of homes allowed in a neighborhood as the County is proposing is discriminatory and inequitable proposal and will penalize certain neighborhoods much more than others. Large home neighborhoods will not be affected, large homes will continue to be built. This change in policy absolutely discriminates against certain neighborhoods and would be a severe limitation to our area. **I am OPPOSED to reducing the current compatible size from 125% of the median of a defined neighborhood to the median of a defined neighborhood. I am OPPOSED to changing what is currently a size presumption (that potentially could be overcome to get a larger size in certain circumstances) to a size limitation based on the median of a defined neighborhood.**

The presentation at the Open House compared the average new home size in unincorporated Boulder



County to the average new home size nationwide. That is not an apples to apples comparison. That is apples to grapefruit. Basements, garages and sheds are not typically calculated into the residential living space of a home in most areas of the nation. It is a bogus comparison. How does the nationwide new home size average have anything to do with Boulder County? The Open House comparison of new home sizes neglected to compare national average building standards to Boulder County building standards. Boulder County has some of the greenest, strictest building standards in the nation, meaning all new 2500 square foot homes are not created equal. But that fact doesn't fit the narrative that is being presented by the Planning Department. If Boulder County wants to be more like the national average, then they need to make some adjustments. **Basements, Garages, Sheds & Decks should not be calculated as part of residential floor area of a home.** Is the County aware of a large number of individuals that reside in unheated sheds, garages and decks in unincorporated Boulder County? Seriously, why is any of that considered residential floor space? According to County staff, the median home size in unincorporated Boulder County is approximately 3500 square feet. If that is the case, **the compatible floor size for any neighborhood should not be less than the average house size in unincorporated Boulder County or not less than 3500 square feet.** If the average size of house is 3500 square feet, telling someone they can only build a 2500 square foot floor is not realistic or fair, reducing it to 2000 square feet is even less fair.

Affordability: The County will never fix the affordability issue in unincorporated Boulder County by decreasing the floor size of houses. Affordability in unincorporated Boulder County is a ship that has sailed and it will not be reversed and returning to port. Land and homes are expensive because of a lack of inventory and prices in the unincorporated County will not decline. BCPOS and OSMP have contributed to the inflated prices because they have purchased huge amounts of land at prices higher than most individuals can afford or are willing to pay. A 1400 square foot home on a five acre parcel with no irrigation water down the street from us recently sold for over 2 million dollars. 1,400 square feet is what I consider a small house. Limiting floor size will not make the unincorporated County more affordable and Boulder County cannot snap their fingers, instill size regulations and make the unincorporated County the center of small affordable houses. That is not going to happen. Land is too valuable. Right now people move here because they can afford to and it is a great place to live. Affluent people are willing to pay a premium price. Boulder County should be incentivizing ADUs, that is absolutely one way to provide more affordable housing, not ownership, in the County but Boulder County has not taken any steps to move that option forward. Why not? Perhaps the Planning Department should work on that versus restricting landowners primary residence size. Right now, the best option for affordability is in the cities where regulations and subsidies can promote truly affordable housing.

Sustainability: Boulder County has some of the greenest, strictest building codes in the nation. This is a fact that is excluded from any of the Planning Department's narrative. Why doesn't Boulder County choose to embrace this fact and be proud that there are incredibly knowledgeable professionals in our community, strong codes and that people will build wisely. Perhaps the larger houses, those over 6000 square feet, need to be examined and more carefully scrutinized before they are approved. Imposing more restrictions on ALL homes is not the correct way to create sustainability. There is a better way than what the Planning Department is proposing. Consulting and collaborating with design professionals, builders, organizations and the community could enlighten the Planning Department and give them a new way to look at the world and come up with better, creative solutions. One size does not fit all. One blanket restriction and limitation that truly discriminates against certain neighborhoods is not the correct or equitable answer. Very large houses will continue to be built in Boulder, Longmont, Louisville, Lyons, and Lafayette. Regulations and limitations are not changing for those areas. Large homes will continue to be built in areas of unincorporated BC. Are the other unincorporated County residents responsible to neutralize and carry the climate burden for the large builds throughout the County by being regulated to build small? Has Boulder County ever looked at how many second and third homes are in unincorporated Boulder County? Many homes sit empty much of the year but continue to consume resources. If Boulder County is truly concerned about climate, perhaps evaluating and regulating those users would be a better use of your time than creating restrictions for landowners on their primary residence. Boulder County could easily plant thousands of trees to create silvopastures as well as regenerate additional irrigated pastures of BCPOS to sequester more carbon. Both

of those options could sequester thousands of tons of carbon each year. There are many ways to meet climate goals.

I have lived in unincorporated Boulder County a long time. When we first moved from Boulder to unincorporated Boulder County, we could have built almost anything we wanted - a 5000 or 6000 square foot house would have easily been approved. In 2008 the regulations became more restrictive and now there is the potential to limit and restrict again. Should have, could have, would have. He who hesitates has to build small...who would have thought that would be the case. It is so deflating and discouraging that government, people who do not live in unincorporated Boulder County and who are not listening to the landowners think they know better...and unfortunately, ultimately it is their decision not the citizens and the landowners. What Boulder County is proposing is not a good solution and is not the answer to what the County has expressed as concerns. There is a better solution and I believe it begins with TRULY involving and engaging the community. We have waited a very long time to build our forever home - this process should not be pushed through, landowners aspirations and dreams rest in the balance. I would be happy to continue the conversation.

As a side note - do enough unincorporated landowners know about these proposed changes? The County is taking away people's property rights but have they all been notified? How has the County notified residents? I know that we did not get a mail notification and if one is not signed up for County emails, how would they find out? Thankfully, a neighbor told me a few weeks ago.

Paula Shuler

**From:** [Amy Westfeldt](#)  
**To:** [Boulder County Board of Commissioners](#); [LU Land Use Planner](#); [LandUse Building Official](#)  
**Cc:** [Wallace Westfeldt](#)  
**Subject:** [EXTERNAL] Reconsider blanket building restrictions  
**Date:** Friday, December 13, 2024 11:13:36 AM

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To Boulder County Commissioners, Site Planners, and Building Officials:

**Please reconsider the current proposal to impose blanket restrictions and allow for a more flexible, site specific, review and decision making process for incorporated Boulder County mountain lots. As well, we never received a notification that building restrictions were being considered for incorporated mountain lots in Boulder County. The majority of homeowners in this area have been diligent in fire mitigation efforts, have seen our home owners insurance been non renewed by insurance companies, insurance rates increase dramatically, and are desperately trying to keep our property values from dropping. Imposing unreasonable building restrictions seems frivolous.**

We are owners of a 1.5 acre property in unincorporated Boulder County (83 Crooked Spur, Boulder 80302) and have heard that there may be plans to impose new restrictions with respect to the total square footage of buildings per building lot based on the median square footage of existing homes in the area, and that these restrictions are independent of lot size.

While we understand and support the overall thrust of limiting the development of new mega mansions, we are seriously concerned that the proposed regulations (if we understand them correctly) will unduly and unnecessarily prevent landowners from making appropriate use of their property. We are also concerned that the new regulations will negatively affect our property value.

We therefore urge planners and county commissioners to **consider a more flexible approach**. Perhaps consider directional limits in relation to the size of each lot and its possible uses, and which are subject to a specific site review rather than blanket restrictions based on the median square footage of existing homes.

While we have no immediate plans to extend our home's square footage we may contemplate rebuilding our detached garage at some point in the future. A future homeowner might be interested in other improvements to the property. There are many potential uses that would be automatically ruled out by uniformly applied blanket restrictions.

**Please reconsider the current proposal to impose blanket restrictions and allow for a more flexible, site specific, review and decision making.**

Sincerely,

Amy and Wallace Westfeldt  
homeowners  
83 Crooked Spur  
Boulder 80302

Amy C. Westfeldt  
[amyw@mudbugco.com](mailto:amyw@mudbugco.com)  
303-242-1964



**From:** [Katherine Fassett](#)  
**To:** [Boulder County Board of Commissioners](#); [LandUse Building Official](#); [LU Land Use Planner](#)  
**Subject:** [EXTERNAL] Opposition to Proposal for Building Restrictions  
**Date:** Friday, December 13, 2024 12:26:24 PM

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To Boulder County Commissioners, Site Planners, and Building Officials:

**Please abandon the current proposal to impose blanket restrictions on property owners' ability to improve their homes.**

I am the owner of a 6+ acre property in unincorporated Boulder County (668 Sky Trail Road, 80302 Boulder) and have heard that there may be plans to impose new restrictions with respect to the total square footage of buildings per building lot based on the median square footage of existing homes in the area, and that these restrictions are independent of lot size.

These new regulations will negatively affect my property value and ability to make improvements. I therefore urge planners and county commissioners to **consider abandoning this overreaching and unreasonable encroachment on my property rights.**

Sincerely,

Katy Fassett  
homeowner  
668 Sky Trail Road  
Boulder 80302

**From:** [LU Land Use Planner](#)  
**To:** [!LongRange](#)  
**Subject:** FW: [EXTERNAL] Proposed Site Plan Review Regulations  
**Date:** Friday, December 13, 2024 10:26:04 AM

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Please see below.

Clara Wagh

*On-Call Planner I*

Boulder County Community Planning and Permitting

Website: [www.bouldercounty.gov](http://www.bouldercounty.gov)

2045 13<sup>th</sup> St Boulder, Colorado 80302

Email: [cwagh@bouldercounty.gov](mailto:cwagh@bouldercounty.gov)

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**From:** Clemens Ceipek <clemens.ceipek@gmail.com>

**Sent:** Friday, December 13, 2024 10:21 AM

**To:** LandUse Building Official <Building\_Official@bouldercounty.gov>; LU Land Use Planner <planner@bouldercounty.gov>; Boulder County Board of Commissioners <commissioners@bouldercounty.gov>

**Subject:** [EXTERNAL] Proposed Site Plan Review Regulations

To Boulder County Commissioners, Site Planners, and Building Officials:

**Please reconsider the current proposal to impose blanket restrictions and allow for a more flexible, site specific, review and decision making.**

We are owners of a 4+ acre property in unincorporated Boulder County (387 Deer Trail Road, 80302 Boulder) and have heard that there may be plans to impose new restrictions with respect to the total square footage of buildings per building lot based on the median square footage of existing homes in the area, and that these restrictions are independent of lot size.

While we understand and support the overall thrust of limiting the development of new mega mansions, we are seriously concerned that the proposed regulations (if we understand them correctly) will unduly and unnecessarily prevent landowners from making appropriate use of their property. We are also concerned that the new regulations will negatively affect our property value.

We therefore urge planners and county commissioners to **consider a more flexible approach**. Perhaps consider directional limits in relation to the size of each lot and its possible uses, and which are subject to a specific site review rather than blanket restrictions based on the median square footage of existing homes.

While we have no immediate plans to extend our home's square footage we may contemplate extending the length of the detached garage at some point in the future. A future homeowner might be interested in building a woodworking shed or a small barn to keep one or two horses on the property. (E.g., the previous owners of our property kept horses here.)

Our property's size of more than 4 acres would also make it perfectly suitable for a second detached residential structure which would help to alleviate the shortage of residential living space in Boulder County. In short, there are many potential uses that would be automatically ruled out by uniformly applied blanket restrictions.

**Please reconsider the current proposal to impose blanket restrictions and allow for a more flexible, site specific, review and decision making.**

Sincerely,

Clemens and Gudrun Ceipek  
homeowners  
387 Deer Trail Road  
Boulder 80302

**From:** [Ray Bagley](#)  
**To:** [LU Land Use Planner](#); [Boulder County Board of Commissioners](#)  
**Subject:** [EXTERNAL] Objection to DC-24-0003: Text Amendments to the Land Use Code related to Site Plan Review (Article 4-800)  
**Date:** Thursday, December 12, 2024 1:57:07 PM

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Hello,

I would like to register, as a voter and property owner, my vehement objection to the proposed PSM/SPR changes in the referenced amendment.

The applied definition of "neighborhood" is absurdly broad - for my own property, there are included homes more than 3 miles away.

The complete disregard for property size and density is also absurd. "Neighborhood character" is a garbage concept if you're using it to block the addition of a few hundred square feet on a 10 acre property.

And the failure to distinguish between heated/condition space and unconditioned space flies in the face of the supposed goals of energy consumption. - unconditioned spaces (unheated garages, workshops, sheds, carports) have zero or near-zero ongoing energy consumption, yet the regulations treat them the same. That leads me to believe that those driving these restrictions are **not** actually just concerned about the carbon generation, but **are** actually just happy to exercise undue influence and control to prevent others from making autonomous decisions that have zero impact on those making the rules or their neighbors.

I urge you to reject this over-reaching and devaluing change to the regulations.

sincerely,  
Ray Bagley  
501 Peakview Rd.



**From:** [Chris Olson](#)  
**To:** [!LongRange](#); [Boulder County Board of Commissioners](#)  
**Subject:** [EXTERNAL] Feedback on SPR changes  
**Date:** Tuesday, December 10, 2024 6:37:01 PM

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Hi, my name is Chris Olson, and I am writing to express my disappointment in the county's proposed changes to the SPR updates. They are unfair to residents needing space while managing budgets by staying in their current home, rather than having to move.

The proposed regulations ensure that 1/2 of the neighbors in the area have the luxury of larger homes, and permanently restricts the ability of everyone else to grow. In what world is that a fair housing practice?

We are a 3-generation family of 5 living in a modest 3 bedroom home in Boulder Heights. In addition to childcare/elder care support in our living arrangement, the older generation of our family simply could not afford to live near us on the front range, much less in Boulder County. With current housing prices, ever increasing insurance and property taxes, many families are having to do the same.

We've explored options with Boulder County simply to build a garage on our property, giving us some additional storage - and even under current codes have been told it's unlikely it would be approved. We've explored and been shot down on the site plan review for a garage or addition, and also on a family care ADU due to well water rights constraints.

Thank you for listening to our concerns.

**From:** [Ronald Hostetler](#)  
**To:** [!LongRange](#)  
**Subject:** Re: [EXTERNAL] Dec. 10 Community Open House on Changes to Site Plan Review Regulations  
**Date:** Tuesday, December 10, 2024 5:32:15 PM

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Good Evening Ethan,

I sincerely appreciate you reaching out and making me aware of this open house. I really wish I could have attended but unfortunately I am out of town for a work commitment. I understand the need to have proper health and safety protocols as well as reasonable environmental assessments considered when developing is proposed.

That being said, I am still very much opposed to limiting future building approvals to the median square footage requirements. My list is long on why this is a flawed measure to restrict development. Based on my personal experience, I can give numerous examples of unintended negative consequences that result in an approval for an inferior project.

I appreciate the county trying to get the word out and seek community feedback on these proposed changes. I'm confident if the majority of land owners in unincorporated county areas understood the impact of these proposed changes, they would be opposed to the median sf limitations as an absolute measure.

Is there a county news letter or other communication I can sign up for to keep aware of proposed changes and future open house opportunities.

Thank you again for the proactive reach out, I sincerely do appreciate it.

Ron Hostetler

Sent from my iPhone

On Dec 5, 2024, at 10:49 AM, !LongRange <[longrange@bouldercounty.gov](mailto:longrange@bouldercounty.gov)> wrote:

Good afternoon—since you have expressed interested in this issue in the past, I wanted to make sure that you saw this press release for an Open House we're holding regarding the SPR regulations update the evening of December 10<sup>th</sup>. Please feel free to let me know if you have any questions.

Best,

**Ethan Abner | Long Range Planner**  
Boulder County Community Planning & Permitting  
Mailing Address: P.O. Box 471, Boulder, CO 80306  
Main: 303-441-3930 | Direct: 303-682-6892  
[eabner@bouldercounty.gov](mailto:eabner@bouldercounty.gov)  
[www.BoulderCounty.gov](http://www.BoulderCounty.gov)

My typical hours are Monday – Thursday 7:30am to 5pm and Friday 7:30am to 12pm.

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**From:** Boulder County Community Planning & Permitting  
<bouldercounty@public.govdelivery.com>

**Sent:** Monday, November 25, 2024 2:27 PM

**To:** Abner, Ethan <eabner@bouldercounty.gov>

**Subject:** [EXTERNAL] Dec. 10 Community Open House on Changes to Site Plan Review Regulations

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boulder county news and information banner



Nov. 25, 2024

**Media Contact**  
[Richard Hackett](#), 720-564-2605

## Dec. 10 Community Open House on Changes to Site Plan Review Regulations

*[Learn about the proposed changes, engage with staff, and provide input at an in-person event](#)*

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**Boulder County, Colo.** - Boulder County Community Planning & Permitting is updating the county's [Site Plan Review](#) regulations as part of [Docket DC-24-0003](#). Site Plan Review (SPR) is a process used to evaluate the impacts of proposed development on a parcel, surrounding neighborhoods and land uses, ecosystems, and agricultural lands. Members of the public who are interested in learning more about SPR and providing their thoughts on changes to the Land Use Code regulations are encouraged to attend this open house.

**What:** Open house for members of the public to learn more about SPR, engage with staff, and provide their thoughts on changes to the regulations. Staff will provide a brief presentation during the open house.

**When:** 5–7 p.m., Tuesday, Dec. 10, 2024

**Where:** Community Planning & Permitting Department, [2045 13th Street, Boulder CO, 80302](#)

**The proposed changes for the SPR regulations are for the unincorporated areas of Boulder County, not in cities and towns like Boulder or Longmont.** Boulder County's

unincorporated areas comprise the rural, mountainous, and plains communities that are not part of any incorporated municipality.

If you are planning to attend and require interpretation or translation services, or have questions about the event, please contact us at 303-441-3930 or [longrange@bouldercounty.gov](mailto:longrange@bouldercounty.gov).

## Background

The Board of County Commissioners has expressed concerns with the increase in house sizes and the rate by which larger houses are being proposed in unincorporated Boulder County. [Staff were directed](#) to explore changes to the SPR regulations to better address neighborhood character, sustainability, and affordability. Specifically, staff were directed by the Board of County Commissioners to explore the following changes to the SPR regulations:

- Reducing the current compatible size from 125% of the median of a defined neighborhood to the median of a defined neighborhood;
- Changing what is currently a size presumption (that potentially could be overcome to get a larger size in certain circumstances) to a size limitation based on the median of a defined neighborhood;
- Clarifying the regulations to improve processes, increase the public's ability to better navigate the regulations, and provide greater certainty of outcomes for applicants.

Learn more about the [Boulder County Land Use Code](#).

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*Boulder County wants to ensure that everyone has equal access to our programs, activities, and services. To request an Americans with Disability Act (ADA) accommodation, please email [ada@bouldercounty.gov](mailto:ada@bouldercounty.gov), or call 303-441-1386. If you need help in another language, please email [cppfrontdesk@bouldercounty.gov](mailto:cppfrontdesk@bouldercounty.gov) or call 303-441-3930.*



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This email was sent to [eabner@bouldercounty.org](mailto:eabner@bouldercounty.org) using GovDelivery Communications Cloud on behalf of: Boulder County Colorado · 1325 Pearl Street, Boulder, CO 80302



build a big home. They also include

**Please write any questions you have in the space provided below:**

multi-generational households & farmsteads that need more square footage and easy low cost way to incentivize them to permit improvements.

- Please base the new floor area on FAR
- Allow for some growth. An inability to improve or grow & add value to a property leads to stagnation & disrepair of

**Provide your name and e-mail address so that staff may follow-up regarding your question(s):**

Name: Laura Marion

E-mail: LMarion@flightarchitecture.com

Please write any comments you have in the space provided below:

As an architect, my observation is that the PSM & Categorical Review process already hurts the population they are intended to help, as follows:

- Makes modest additions, improvements remodels on rural properties very expensive for some. ~~Even~~ in fees for a laborious SPR or SPRW process, and because county lots often include inherited unpermitted "floor area" outbuildings that hamper the process
- County owners aren't all rich people looking to



Please write any questions you have in the space provided below:

- Please ~~provide~~ <sup>demonstrate</sup> documentation that county residents find that larger homes are diminishing the character of their communities:
- Please remove garage, basement & other unconditioned barn space from the size max calculation. ~~As~~ Driving residents <sup>not</sup> to build garages ~~represents~~ <sup>devalues</sup> the quality of the neighborhood.

Provide your name and e-mail address so that staff may follow-up regarding your question(s):

Name: Laura Marion

E-mail: LMarion@flightarchitecture.com



Please write any comments you have in the space provided below:

- I would support a size max of 7,000 SF conditional area regardless of lot size or Median PSD.

Please write any questions you have in the space provided below:

"WHY DOES STAFF BELIEVE THEY ARE ABLE TO DICTATE THIS MEASURE OVER THE RESIDENTS WHO WISH TO HAVE WHAT THEY DESIRE, DO YOU HONESTLY BELIEVE YOU KNOW WHAT IS BEST FOR EVERYONE ELSE?"

Provide your name and e-mail address so that staff may follow-up regarding your question(s):

Name: ETHAN HAMPTON

E-mail: ethan@champton.com

Please write any comments you have in the space provided below:

I BELIEVE THIS IS AN OVER REACH OF AUTHORITY AND REGULATION WHICH IMPACTS THE COUNTY RESIDENTS. IF FREE MARKET FACTORS ARE LIMITED BY STAFF'S BELIEFS OF WHAT THEY THINK IS BEST FOR OTHERS - YOU WILL DRIVE THE ELEMENTS OF THIS COMMUNITY WHICH AFFORD THE TAX AND IMPROVEMENTS TO OUR ENVIRONMENT THAT ARE ALSO DESIREABLE. ECONOMIC GROWTH AND COMMUNITY LEADERS WILL GO ELSEWHERE.



Please write any questions you have in the space provided below:

\* How does the County consider & weigh input from neighbors who don't command the power (money, access to decision-makers, attorneys) that building applicants command?

\* How does the County weigh factors other than size, which can be harder to quantify (natural systems, public safety, open space continuity, dark skies, carbon footprint)?

Provide your name and e-mail address so that staff may follow-up regarding your question(s):

Name: Julia Kashkashian

E-mail: [REDACTED]

Please write any comments you have in the space provided below:

- Current Code must be changed, as the current 125% of median size is resulting in ever larger homes
- it is not sustainable as currently written & applied.
- In the past several years in the area around Haystack Mtn every Permit Application is for a size in significant excess of Presumptive Size.
- The impact on natural features & systems, when the County has invested in Open Space, is negative.



Please write any questions you have in the space provided below:

THE GRAPH YOU SHOWED WHERE  
THE NATIONAL AVERAGE HOUSE SIZE IS  
2500  $\Phi$  AND THE BOULDER COUNTY TRENDING  
AVERAGE IS 3500 - 4000  $\Phi$  IS MISLEADING.  
THE NATIONAL AVERAGE HOUSE RFA DOES NOT INCLUDE  
THE GARAGE SPACE AND THEY DON'T INCLUDE COUNTING  
THE STAIR WELL TWICE AS BOULDER COUNTY DOES.  
THIS COULD EASILY EQUAL 3000  $\Phi$  (GARAGE 576, STAIRWELL  
220  $\Phi$  +/-) IF YOU ADD THIS TO 2500  $\rightarrow$  3300 IS CLOSE

Provide your name and e-mail address so that staff may follow-up regarding  
your question(s): TO THE BOULDER COUNTY HOUSE SIZE

Name: JOHN HOFFMANN

E-mail: jdh@hoffmannassociates.com

Please write any questions you have in the space provided below:

- PLEASE CAREFULLY CONSIDER PROPERTY THAT FALL INTO "EDGE" BOUNDARY BETWEEN CITY/COUNTY.

- HOME OCCUPATION NEEDS

- MEDIAN HOMES SIZE IN DEFINED NEIGHBORHOOD.

Provide your name and e-mail address so that staff may follow-up regarding your question(s):

Name: SCOTT SIMKUS

E-mail: SCOTTSIMKUS@MAE.COM

Please write any comments you have in the space provided below:

- PLEASE CONSIDER AGING POP.  
FOR SENIORS LIVING WITH CHILDREN
- IMPACT OF A.I. COUNTER BALANCING  
OPERATIONAL EFFICIENCIES TO OPTIMIZE  
ENERGY EFFICIENCY EVEN WITH  
LARGER CONDITIONED SPACE.





Please write any comments you have in the space provided below:

Median sq footage data - is that  
determined by the assessor?  
How is the info updated &  
confirmed?



Please write any comments you have in the space provided below:

In unincorporated boulder county - some new residents that have bought rural residential properties claim they are doing agriculture + build over 2,000 sq foot barns. "no ag is happening - how can this be checked?"



Please write any comments you have in the space provided below:

The 1,500 ft. for  
applications is too broad  
The ~~very~~ size of the houses  
directly affected by the new  
home should be considered  
first & foremost.  
should be median size.





# Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302  
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306  
303-441-3930 • www.BoulderCounty.gov

## Referral Memo: Proposed Updates to the Site Plan Review Regulations

MEMO TO: Referral Agencies, Stakeholders, and Interested Parties  
FROM: Ethan Abner, Long Range Planner II  
DATE: February 24, 2025  
RE: Docket DC-24-0003: Text Amendments to the Land Use Code related to Site Plan Review

Dear Referral Agency, Stakeholder, or Interested Party,

On September 17, 2024, the Board of County Commissioners (BOCC) authorized Community Planning & Permitting staff to pursue text amendments to the Site Plan Review regulations in Article 4-800 of the Boulder County Land Use Code.

The Board of County Commissioners expressed concerns with house sizes increasing, the rate of change by which they are increasing in unincorporated Boulder County, and how these increases impact neighborhood character, sustainability, and affordability. The changes proposed by staff seek to implement the direction provided by the Board of County Commissioners (BOCC) at the authorization hearing, as well as feedback provided from the members of the public throughout the process. The Commissioners directed staff to explore the following changes:

- Reduce the current compatible size from 125% of the median of a defined neighborhood to the median of a defined neighborhood;
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- Clarify the regulations to improve processes, increase the public's ability to better navigate the regulations, and provide greater certainty of outcomes for applicants.

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<https://www.boco.org/dc-24-0003>.

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Community Planning & Permitting staff, Planning Commission, and the Board of County Commissioners value comments from members of the public and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department at P.O. Box 471, Boulder, Colorado, 80306 or via email to [longrange@bouldercounty.gov](mailto:longrange@bouldercounty.gov). All comments will be made part of the public record. You are welcome to call the Community Planning & Permitting Department at 303-441-3930 or email [longrange@bouldercounty.gov](mailto:longrange@bouldercounty.gov) to request more information. If you have any questions regarding these drafts, please contact us.

If you would like your responses considered and included in the staff packet for Planning Commission, please return them **no later than Tuesday, March 11, 2025**. Responses received after this deadline will be shared with the Planning Commission and incorporated into the staff packet for the BOCC hearing.

\_\_\_\_\_ We have reviewed the proposal and have no conflicts.

\_\_\_\_\_ Letter is enclosed.

Signed \_\_\_\_\_ Printed Name: \_\_\_\_\_

Agency or Address \_\_\_\_\_

Date \_\_\_\_\_



# Town of Erie Planning & Development

March 11, 2025

Ethan Abner, Long Range Planner II  
Community Planning & Permitting  
Boulder County

Ethan,

Thank you for providing the Town of Erie with an opportunity to review **Docket DC-24-0003: Text Amendments to the Land Use Code Related to Site Plan Review**. Town staff want to acknowledge and recognize the concerns of the Board of County Commissioners (BOCC) and the purpose behind these changes.

With the proposed changes for reducing the compatible house sizes, we have seen and expect to continue to see property owners in unincorporated Boulder County pursuing other avenues to increase the sizes of their homes, such as annexation into Erie.

While the process of annexation would require certain items to be met before its approval, we want to point out that an approved annexation would result in less homes and residents being within unincorporated Boulder County, and might not meet the stated intent of preserving character, affordability and sustainability.

Again, thank you for providing the Town with an opportunity to review. Should you have any questions or comments, please feel free to reach out at any time.

All the best,

*Josh Campbell* | Senior Strategic Planner  
*Planning & Development*



Town of Erie  
645 Holbrook Street | P.O. Box 750 | Erie, CO 80516  
Phone: 720-955-2566  
[www.erieco.gov](http://www.erieco.gov) | [Facebook](#) | [Twitter](#) | [LinkedIn](#)

Dear Boulder County,

The Magnolia Forest Group is supportive of the overall changes Boulder County is seeking to make with regards to the amendments to the Land Use Code pertaining to site plan review.

There are still a number of undeveloped plots (usually mining claims) in the forestry district of Boulder County. Being allowed to put larger and larger structures on these properties in particular can cause an outsized ecological impact on the surrounding locale given that these properties are generally bordered by undeveloped public lands on at least 2 sides.

Some developments have also gotten so big that they can not complete defensible space work while staying within the bounds of their property. This is less of a problem when they boarder USFS land and can request a permit to extend defensible space work onto USFS property. It is a different matter when the adjoining property is privately held. This does not serve either the land owner or their neighbors well in the event of a wildfire.

Limiting the size of additions and new construction to 100% of the neighborhood median would help to address both of these concerns.

Below is a list of specific questions or comments tied to specific lines in the texts amendments for Docket # DC-24-0003:

- Page 3-4, bullet points 2-4: Is our understanding from this wording correct in so far as it prevents a property owner from making one addition to put themselves in the next residential floor area bracket, and then making another addition? For example a property owner with a residential floor area equal to 1,500 sq ft would not be able to add on 1,000 sq ft, and then later add on 750 sq ft in the next category?
- Page 4, top bullet point: 3,001 sq ft - 4,500 sq ft is already a substantial amount of residential floor area. This category should also be capped at the median (as in the following bullet point), which still allows a property owner to built up to the neighborhood median, which may indeed be larger.
- Page 7, “4-102 Agricultural (A) District” - shouldn’t the following text amendments be applied to ALL districts in the County (forestry, etc.)? This is certainly our understanding from the summary pages, and the concept that we support.
- Page 11, C. - “waived” should be struck through.
- Page 11, C (3) - a 2,000 sq ft nonresidential accessory structure is big! A SPR should be required at a lower sq ft, perhaps for said structures over 1,000 sq ft.
- Page 11, C (4) - Shouldn’t this determination (which is mentioned various times throughout the text) be made by CPP, not the holder of the conservation easement, who may have a conflict of interest in this declaration?
- Page 14, 4-805 A. “Access and Engineering the Transportation” - this is confusing, please correct/clarify.

- Page 14, 4-805 A. “ 18 21 Days” - we believe this should be a strike through 18 with a change to 21 days?
- Page 16-17, #3 - Can there be included in this a minimum required number of feet from the structure for defensible space that must be completed on the property (without running across the property line) for new construction?
- Page 18, #13 - We see no reason to strike this, and rather see its value in ensuring new construction, and additions **do not** cause a significantly greater impact than the original structure. This in particular is critical to reducing outsized ecological impacts on the environment.
- Page 20, D. E. - Is this intended to be an exact duplicate of 4-808 D. and E. Above?
- Page 20, 4-810 “waive expedite” - “waive” needs to be struck.

Thank you for the consideration of our comments! We are pleased to see the County making an effort to maintain the size of new construction and additions at the neighborhood median.

Sincerely,  
Teagen Blakey  
President  
Magnolia Forest Group





## Parks & Open Space

5201 St. Vrain Road • Longmont, CO 80503  
303-678-6200 • [POSinfo@bouldercounty.gov](mailto:POSinfo@bouldercounty.gov)  
[www.BoulderCountyOpenSpace.org](http://www.BoulderCountyOpenSpace.org)

March 11, 2025

*Delivery by Email*

Ethan Abner, Long Range Planner  
Community Planning & Permitting Department  
2045 13<sup>th</sup> St.  
Boulder, CO 80302  
[eabner@bouldercounty.gov](mailto:eabner@bouldercounty.gov)

RE: DC-24-0003 Land Use Code Text Amendments related to Site Plan Review (Article 4-800)

Dear Ethan,

Thank you for the opportunity to review the docket described above. The Conservation Easement Program recommends changes to the proposed text amendments to the Site Plan Review (SPR) process relating to conservation easements. Included with this letter is a copy of the proposed code language with our comments and suggested changes.

Current code language requires SPR for any structure on a conservation easement property. We request that SPR criteria applicable to conservation easement properties match the criteria for non-conservation easement properties so long as the holder of the conservation easement confirms in writing that the proposed structure(s) would not conflict with the terms of the easement.

Our intent in proposing these changes is to maintain consistent criteria for exempting structures from SPR county-wide so that conservation easement properties can also maintain some flexibility in the review process, as landowners without conservation easements can. Requiring written permission for those exemptions maintains the conservation easement holder's ability to enforce the terms of each easement by approving or denying requests.

Initially we had concerns about the impact on increasing the allowable residential floor area on conservation easement properties that are also designated as Historical Landmarks. This language has already been updated and addresses our concern.

Please reach out if you have any questions about these suggestions and thank you for considering our input.

Sincerely,

Liz Northrup  
Conservation Easement Program Supervisor  
303-678-6253  
[enorthrup@bouldercounty.gov](mailto:enorthrup@bouldercounty.gov)



# Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302  
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306  
303-441-3930 • www.BoulderCounty.gov

## Referral Memo: Proposed Updates to the Site Plan Review Regulations

MEMO TO: Referral Agencies, Stakeholders, and Interested Parties  
FROM: Ethan Abner, Long Range Planner II  
DATE: February 24, 2025  
RE: Docket DC-24-0003: Text Amendments to the Land Use Code related to Site Plan Review

Dear Referral Agency, Stakeholder, or Interested Party,

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We have reviewed the proposal and have no conflicts.

Letter is enclosed.

Signed Marc Pedrucci Printed Name: Marc Pedrucci

Agency or Address City of Boulder Open Space & Mountain Parks and Planning & Development Services

Date March 11, 2025



**CITY OF BOULDER**



**Referral Docket DC-24-0003  
Proposed Updates to the Site Plan Review Regulations  
Date: March 11, 2025**

To: Ethan Abner, Long Ranger Planner II, Boulder County Community Planning & Permitting

Re: Docket DC-24-0003: Text Amendments to the Land Use Code related to Site Plan Review

From: Bethany Collins, Open Space Real Estate Services Senior Manager, Open Space and Mountain Parks and Kristofer Johnson, Comprehensive Planning Senior Manager, Planning and Development Services

---

Thank you for the opportunity to comment on the referral of this application. As a partner under the Boulder Valley Comprehensive Plan (BVCP), jointly adopted by the city and county, and owner of thousands of acres of open space within the unincorporated areas of Boulder County, City staff are supportive of the proposed site plan review changes. We believe the changes and proposed limitations on development are consistent with the goals of the BVCP to maintain the rural character of the unincorporated areas of Boulder County and better preserve the important irrigated land and protect important natural resources.

OSMP staff did identify some specific areas for comment:

- At 4-102.E.3.c.(iii) where parcels encumbered by Boulder County conservation easements are called out. The City holds dozens of conservation easements over parcels within Boulder County (where Boulder County has land use jurisdiction) and would like this section (and any revisions/amendments thereto) to apply to conservation easements held by the City within the unincorporated areas of the county as well. Perhaps general language similar to what is currently found in 4-802.A.5
- The proposed language of 4-806.10 does not account for situations where driveways/site access may be within access easements over the land of others where meeting the multi-modal standards may be overly impactful of a protected property or open space or not included in the legal rights granted within an access easement. OSMP staff would suggest a waiver possibility here.
- Please confirm that the proposed opening sentence of 4-802 is to replace “waived” with “expedited.”

Please contact us with any questions.



# Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302

Mailing Address: P.O. Box 471 • Boulder, Colorado 80306

303-441-3930 • [www.BoulderCounty.gov](http://www.BoulderCounty.gov)

## Referral Memo: Proposed Updates to the Site Plan Review Regulations

MEMO TO: Referral Agencies, Stakeholders, and Interested Parties  
FROM: Ethan Abner, Long Range Planner II  
DATE: February 24, 2025  
RE: Docket DC-24-0003: Text Amendments to the Land Use Code related to Site Plan Review

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We have reviewed the proposal and have no conflicts.

Letter is enclosed.

Signed  Printed Name: Jennifer Henderson

Agency or Address Louisville Fire Protection District

Date 3/7/2025



# Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302  
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306  
303-441-3930 • www.BoulderCounty.gov

Goose Haven HOA  
Attn: Douglas W. Porrey, Secretary/Treasurer 10425 Goose Haven Drive  
Lafayette, CO 80026

## Referral Memo: Proposed Updates to the Site Plan Review Regulations

MEMO TO: Referral Agencies, Stakeholders, and Interested Parties  
FROM: Ethan Abner, Long Range Planner II  
DATE: February 25, 2025  
RE: Docket DC-24-0003: Text Amendments to the Land Use Code related to Site Plan Review

Dear Referral Agency, Stakeholder, or Interested Party,

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Claire Levy *County Commissioner*    Marta Loachamin *County Commissioner*    Ashley Stolzmann *County Commissioner*

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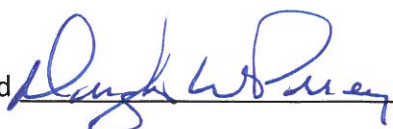
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We have reviewed the proposal and have no conflicts.  
 Letter is enclosed.

Signed  Printed Name: DOUGLAS W. PORREY  
Agency or Address GOOSE HAVEN HOMEOWNERS' ASSN.  
10425 GOOSE HAVEN DR.  
LAFAYETTE, CO 80026  
Date 3/6/2025



**From:** [Ryan Redd](#)  
**To:** [Abner, Ethan](#)  
**Subject:** [EXTERNAL] RE: Referral Packet for SPR Regulations Update  
**Date:** Wednesday, March 5, 2025 7:48:42 AM

---

Good day,

LTWD does not have any comments currently.

Thank you,

*Ryan R. Redd, EIT*  
*Civil Engineer*



**Little Thompson Water District**  
835 E. State Highway 56, Berthoud, CO 80513  
Direct: 970-344-6386 | Mobile: 720-883-8030  
[rredd@ltwd.org](mailto:rredd@ltwd.org) | [www.ltwd.org](http://www.ltwd.org)

---

**From:** Duchi, Trevor <tduchi@bouldercounty.gov>  
**Sent:** Monday, February 24, 2025 2:01 PM  
**To:** Duchi, Trevor <tduchi@bouldercounty.gov>  
**Cc:** Abner, Ethan <eabner@bouldercounty.gov>  
**Subject:** Referral Packet for SPR Regulations Update

Good afternoon,

Please find attached the referral packet for Docket **DC-24-0003: Text Amendments to the Land Use Code related to Site Plan Review (Article 4-800)**.

Please return responses and direct any questions to [Ethan Abner](#) by **March 11, 2025**.

Thank you,

**Trevor Duchi (he/him/his) | Administrative Technician**  
**Planning Division | Boulder County Community Planning & Permitting**  
P.O. Box 471, Boulder, CO 80306 | Courthouse Annex – 2045 13<sup>th</sup> St., Boulder, CO 80302  
[tduchi@bouldercounty.gov](mailto:tduchi@bouldercounty.gov) | (720) 564-2693 | [www.boco.org/cpp](http://www.boco.org/cpp)  
*My usual working hours are Monday – Friday, 8:00am – 4:30pm*



**Right of Way & Permits**

1123 West 3<sup>rd</sup> Avenue  
Denver, Colorado 80223  
Telephone: **303.571.3306**  
Facsimile: 303.571.3284  
donna.l.george@xcelenergy.com

March 3, 2025

Boulder County Community Planning and Permitting  
PO Box 471  
Boulder, CO 80306

Attn: Ethan Abner

**Re: Text Amendments to Land Use Code Related to Site Plan Review  
Case # DC-24-0003**

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the **Text Amendments to Land Use Code Related to Site Plan Review**. Please be aware PSCo owns and operates existing natural gas and electric distribution facilities throughout Boulder County.

PSC has no apparent conflict, contingent upon PSCo's ability to maintain all existing rights and this amendment should not hinder our ability for future expansion, including all present and any future accommodations for all natural gas and electric distribution and transmission related facilities and land rights, and that our current use/enjoyment of the area would continue to be an accepted use on the property and that it be "grandfathered" into these changes.

Donna George  
Right of Way and Permits  
Public Service Company of Colorado dba Xcel Energy  
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com



March 3, 2025

Boulder County Community Planning & Permitting  
2045 13th St.  
Boulder, CO 80302

Re: DC-24-0003: Text Amendments to the Land Use Code Related to the Site Plan Review

Dear Ethan:

On behalf of United Power, Inc., thank you for inviting us to review and comment on the update to the Text Amendments to the Land Use Code Related to the Site Plan Review. After review, United Power does not have any conflict or comments with these updates.

We look forward to safely and efficiently providing reliable electric power and outstanding service.

Thank you,

Emily Fore  
United Power, Inc.  
Right of Way Agent  
O: 720-685-5605 | Email: [platreferral@unitedpower.com](mailto:platreferral@unitedpower.com)

**From:** [Michele Goldman](#)  
**To:** [Abner, Ethan](#)  
**Subject:** [EXTERNAL] FW: [External] Referral Packet for SPR Regulations Update  
**Date:** Monday, March 3, 2025 8:30:01 AM  
**Attachments:** [cpp-spr-regulations-consolidated-referral-packet.pdf](#)

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Longmont Fire has no comment or concern.

Thanks,

**Michele Goldman, Asst Chief**

**Fire Marshal**

Fire Codes & Planning | Public Safety Department | City of Longmont

–

**OFFICE** 303-651-8426

**E-MAIL** <mailto:michele.goldman@longmontcolorado.gov>

225 Kimbark Street | Longmont, Colorado 80501

[longmontcolorado.gov](http://longmontcolorado.gov)

---

**From:** Duchi, Trevor <tduchi@bouldercounty.gov>  
**Sent:** Monday, February 24, 2025 2:01 PM  
**To:** Duchi, Trevor <tduchi@bouldercounty.gov>  
**Cc:** Abner, Ethan <eabner@bouldercounty.gov>  
**Subject:** [External] Referral Packet for SPR Regulations Update

Good afternoon,

Please find attached the referral packet for Docket **DC-24-0003: Text Amendments to the Land Use Code related to Site Plan Review (Article 4-800)**.

Please return responses and direct any questions to [Ethan Abner](#) by **March 11, 2025**.

Thank you,

**Trevor Duchi (he/him/his) | Administrative Technician**  
**Planning Division | Boulder County Community Planning & Permitting**

P.O. Box 471, Boulder, CO 80306 | Courthouse Annex – 2045 13<sup>th</sup> St., Boulder, CO 80302

[tduchi@bouldercounty.gov](mailto:tduchi@bouldercounty.gov) | (720) 564-2693 | [www.boco.org/cpp](http://www.boco.org/cpp)

*My usual working hours are Monday – Friday, 8:00am – 4:30pm*

The draft text amendments are being referred to agencies and members of the public so that feedback can be provided to staff. Staff will make necessary changes to the drafts before they are recommended for adoption through the public hearing process.

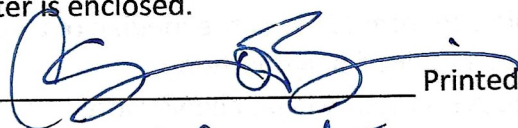
You may also view the proposed text amendments and future revisions online at:  
<https://www.boco.org/dc-24-0003>.

The docket review process for the proposed text amendments to Article 4 of the land Use Code will include a public hearing before the Boulder County Planning Commission and the Board of County Commissioners. Public comment will be taken at both hearings. Confirmation of hearing dates and times will be published online at the link above and in local newspapers.

Community Planning & Permitting staff, Planning Commission, and the Board of County Commissioners value comments from members of the public and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department at P.O. Box 471, Boulder, Colorado, 80306 or via email to [longrange@bouldercounty.gov](mailto:longrange@bouldercounty.gov). All comments will be made part of the public record. You are welcome to call the Community Planning & Permitting Department at 303-441-3930 or email [longrange@bouldercounty.gov](mailto:longrange@bouldercounty.gov) to request more information. If you have any questions regarding these drafts, please contact us.

If you would like your responses considered and included in the staff packet for Planning Commission, please return them **no later than Tuesday, March 11, 2025**. Responses received after this deadline will be shared with the Planning Commission and incorporated into the staff packet for the BOCC hearing.

We have reviewed the proposal and have no conflicts.  
 Letter is enclosed.

Signed  Printed Name: CHRIS O'BRIEN

Agency or Address Leftward FPD

Date 2/26/2025



# Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302  
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306  
303-441-3930 • www.BoulderCounty.gov

## Referral Memo: Proposed Updates to the Site Plan Review Regulations

MEMO TO: Referral Agencies, Stakeholders, and Interested Parties  
FROM: Ethan Abner, Long Range Planner II  
DATE: February 24, 2025  
RE: Docket DC-24-0003: Text Amendments to the Land Use Code related to Site Plan Review

Dear Referral Agency, Stakeholder, or Interested Party,

On September 17, 2024, the Board of County Commissioners (BOCC) authorized Community Planning & Permitting staff to pursue text amendments to the Site Plan Review regulations in Article 4-800 of the Boulder County Land Use Code.

The Board of County Commissioners expressed concerns with house sizes increasing, the rate of change by which they are increasing in unincorporated Boulder County, and how these increases impact neighborhood character, sustainability, and affordability. The changes proposed by staff seek to implement the direction provided by the Board of County Commissioners (BOCC) at the authorization hearing, as well as feedback provided from the members of the public throughout the process. The Commissioners directed staff to explore the following changes:

- Reduce the current compatible size from 125% of the median of a defined neighborhood to the median of a defined neighborhood;
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Electronic Attachments:

- Summary of Proposed Changes
- Draft Land Use Code Text Amendments

The draft text amendments are being referred to agencies and members of the public so that feedback can be provided to staff. Staff will make necessary changes to the drafts before they are recommended for adoption through the public hearing process.

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We have reviewed the proposal and have no conflicts.  
 Letter is enclosed.

Signed *Kelly Watson* Printed Name: Kelly Watson

Agency or Address Floodplain Management, Community Planning & Permitting

Date 2/27/2025

**From:** [Hester, Renee](#)  
**To:** [Abner, Ethan](#); [Duchi, Trevor](#)  
**Subject:** [EXTERNAL] RE: Referral Packet for SPR Regulations Update  
**Date:** Wednesday, February 26, 2025 2:00:46 PM

---

Hello,

Lumen has no objections to the changes made in the Site Plan Review Regulations.

Thanks...

**Renee Hester**  
Network Implementation Engineer  
5325 Zuni St.  
Denver, CO 80221  
O: 720-738-2778//C: 720-980-2141  
[renee.hester@lumen.com](mailto:renee.hester@lumen.com)

---

**From:** Abner, Ethan <[eabner@bouldercounty.gov](mailto:eabner@bouldercounty.gov)>  
**Sent:** Tuesday, February 25, 2025 8:27 AM  
**To:** Hester, Renee <[Renee.Hester@lumen.com](mailto:Renee.Hester@lumen.com)>; PlatReview <[PlatReview@lumen.com](mailto:PlatReview@lumen.com)>  
**Subject:** RE: Referral Packet for SPR Regulations Update

Good morning Renee—these are proposed updates to our Site Plan Review regulations, which are the regulations we use to review site specific development (for things like new homes). We referred these regulations to you because you may sometimes get specific referrals for Site Plan Review. If there's any comments you have about our regulations, how we conduct Site Plan Review, this is an opportunity for you all to provide input. If not, then no worries!

Best,  
Ethan

---

**From:** Hester, Renee <[Renee.Hester@lumen.com](mailto:Renee.Hester@lumen.com)>  
**Sent:** Tuesday, February 25, 2025 7:38 AM  
**To:** Duchi, Trevor <[tduchi@bouldercounty.gov](mailto:tduchi@bouldercounty.gov)>; PlatReview <[PlatReview@lumen.com](mailto:PlatReview@lumen.com)>  
**Cc:** Abner, Ethan <[eabner@bouldercounty.gov](mailto:eabner@bouldercounty.gov)>  
**Subject:** [EXTERNAL] FW: Referral Packet for SPR Regulations Update

Hello,

If this is a plat/site review only, please submit to [platreview@lumen.com](mailto:platreview@lumen.com).

If this is a request to relocate Lumen facilities, Lumen has created a new tool for external agencies to submit their project notifications. Please encourage our external partners to use the Relocation Request Portal for future project notifications. Access the portal at [RelocationIntakeWebPublic..](#) This tool provides a step-by-step guide and confirms your project entry via email. It helps us track and monitor progress for conflict analysis and further actions. Please do not re-enter any current request



already submitted as this may delay the overall process.

Thanks...

**Renee Hester**

Network Implementation Engineer

5325 Zuni St.

Denver, CO 80221

O: 720-738-2778//C: 720-980-2141

[renee.hester@lumen.com](mailto:renee.hester@lumen.com)

---

**From:** Duchi, Trevor <[tduchi@bouldercounty.gov](mailto:tduchi@bouldercounty.gov)>

**Sent:** Monday, February 24, 2025 2:01 PM

**To:** Duchi, Trevor <[tduchi@bouldercounty.gov](mailto:tduchi@bouldercounty.gov)>

**Cc:** Abner, Ethan <[eabner@bouldercounty.gov](mailto:eabner@bouldercounty.gov)>

**Subject:** Referral Packet for SPR Regulations Update

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Thank you,

**Trevor Duchi (he/him/his) | Administrative Technician**  
**Planning Division | Boulder County Community Planning & Permitting**

P.O. Box 471, Boulder, CO 80306 | Courthouse Annex – 2045 13<sup>th</sup> St., Boulder, CO 80302

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We have reviewed the proposal and have no conflicts.

Letter is enclosed.

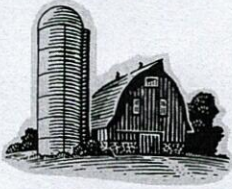
Signed *Will A. Baly* Printed Name: *Will A. Baly, Board Secretary*

Agency or Address *Highland Ditch Company*

Date *02.26.2025*

*Highland Ditch Company  
PO Box 649  
Mead CO 80542-0649*





## HIGHLAND DITCH COMPANY

## Referral – Application(s)

P. O. Box 649, Mead CO 80542-0649  
970.535.4531-e-mail [Highlandditch@aol.com](mailto:Highlandditch@aol.com)

*RE: Application(s) and or Referral(s)*

Highland Ditch Company reserves its rights as a mutual ditch company organized under C.R.S. §§ 7-42-101 *et seq.* to maintain its ditches, reservoirs, and appurtenant structures for all reasonable and necessary purposes related to the ditch. *See* C.R.S. § 37-86-103 (2019).

Listed below are some of Highland Ditch Company's requirements:

- 1) Reimbursement Letter agreeing to cover expenses of review including engineering, legal, and administrative although there are no assurances that project will ultimately be approved
- 2) Easement protection
- 3) Drainage plans
- 4) Engineering Plans and Specifications, no agreements will be executed until final plans are submitted and approved
- 5) License Agreement
- 6) Review of all referrals submitted
- 7) Access specification including location, extent, timing, and purpose
- 8) Access without interference on both sides of the ditch
- 9) Protection from increased storm flow(s)
- 10) Private, local, state and federal permits and requirements
- 11) Agreement(s) with other pertinent parties
- 12) Debris removal, erosion protection, prevention of increased ditch loss
- 13) Vegetation, trees and extra
- 14) Safety, security, liability, indemnification
- 15) Utility locations
- 16) Locates
- 17) 811
- 18) Maintenance
- 19) Identify adjacent landowners, ditch companies, and lateral owners/companies that may be affected (additional agreements with affected entities may be required before Highland approves projects)
- 20) Specific requirements per area do apply!

Highland Ditch Company has a sixty-foot historical prescriptive easement on either side of the ditch and from the edge of the ditch bank; *however*, more than sixty-foot maybe needed to maintain, operate, repair, and replace the ditch for any reason.

Thank you,  
*Jill A. Baty*  
Office Manager and Secretary of the Board

*02.26.2025*



dbeck@bouldercounty.gov; ibrighton@bouldercounty.gov; ianbrighton@gmail.com; michael.grace@gmail.com;  
 glenn@farmersres.com; allardd@bouldercolorado.gov; andersonbiella@comcast.net;  
 johnathonoppermann@gmail.com; jon.file@comcast.net; angie@dangrantbookkeeping.com;  
 shawnlowerboulder@gmail.com; reggieg@dgmlc.com; pineviewllc@comcast.net; allardd@bouldercolorado.gov;  
 boblj21@aol.com; bmiddleton@broomfield.org; agricare@qwestoffice.net; ggorman22@gmail.com;  
 kevin.boden@longmontcolorado.gov; grinard@rinardcorp.com; tomalley@saddlebackgolf.com;  
 gwrsns@skybeam.com; stuartpribble@gmail.com; erik.nelson1651@gmail.com;  
 angie@dangrantbookkeeping.com; shawnlowerboulder@gmail.com; djhindman1229@q.com;  
 tlongseth@msn.com; stevenmeyrich@mac.com; zimfam1@gmail.com; kyle.rovnak@gmail.com;  
 kevin.boden@longmontcolorado.gov; robine@dgmlc.com; lisohorse@aol.com; boblj21@aol.com;  
 allardd@bouldercolorado.gov; dbeck@bouldercounty.gov; bisonlarry@gmail.com;  
 angie@dangrantbookkeeping.com; theboss@cushmancattle.com; kevin.boden@longmontcolorado.gov;  
 angie@dangrantbookkeeping.com; kevin.boden@longmontcolorado.gov; dbeck@bouldercounty.gov;  
 angie@dangrantbookkeeping.com; ahoussney@gmail.com; talentedd@yahoo.com; ben\_urban@trimble.com;  
 angie@dangrantbookkeeping.com; kevin.boden@longmontcolorado.gov; squeez8@yahoo.com;  
 kevin.boden@longmontcolorado.gov; enab@comcast.net; reggieg@dgmlc.com;  
 kevin.boden@longmontcolorado.gov; angie@dangrantbookkeeping.com; kevin.boden@longmontcolorado.gov;  
 angie@dangrantbookkeeping.com; frontrangewater@gmail.com; coljwilliams@gmail.com;  
 angie@dangrantbookkeeping.com; paul@schlagelfarms.com; mzweck@comcast.net;  
 angie@dangrantbookkeeping.com; johngold@yahoo.com; kevin.boden@longmontcolorado.gov;  
 angie@dangrantbookkeeping.com; marylamy38@msn.com; cdryden@bouldercolorado.gov;  
 angie@dangrantbookkeeping.com; rray@ccwcd.org; angie@dangrantbookkeeping.com; rhoffman@ccwcd.org;  
 allardd@bouldercolorado.gov; jlsnow519@gmail.com; catherine@silverlakeditch.org; bethaliz10@hotmail.com;  
 ralexander@bouldercounty.gov; info@tpcolorado.com; angie@dangrantbookkeeping.com;  
 jonathan.akins@colorado.edu; heiland@colorado.edu; matt@farmbearcreek.com;  
 melanie.asquith@lafayetteco.gov; bill.howland@earthlink.net; angie@dangrantbookkeeping.com;  
 rjkelsey2012@gmail.com; jonathonoppermann@gmail.com; kenshupe@aol.com;  
 angie@dangrantbookkeeping.com; kevin.boden@longmontcolorado.gov; robine@dgmlc.com;  
 wes.lowrie@longmontcolorado.gov; vzounek@msn.com; cdryden@bouldercolorado.gov;  
 rockymtdoug@comcast.net; edzmail1@gmail.com; angie@dangrantbookkeeping.com; christyorris@gmail.com;  
 theboss@cushmancattlecompany.com; edzmail1@gmail.com; angie@dangrantbookkeeping.com;  
 frontrangewater@gmail.com; frontrangewater@gmail.com; dbeck@bouldercounty.gov;  
 leslieweibelduke@gmail.com; angie@dangrantbookkeeping.com; ralexander@bouldercounty.org;  
 boblj21@aol.com; ken.huson@longmontcolorado.gov; ditchoffice@unionreservoir.com;  
 chris.davis@longmontcolorado.gov; hardersaudra@gmail.com; hardersgary@gmail.com;  
 richard.l.belt@xcelenergy.com; niwotfarms@aol.com

Cc: eabner@bouldercounty.gov; hmorgan@bouldercounty.gov

Date: Wednesday, February 26, 2025 at 09:11 AM MST

Please find attached the referral packet for Docket **DC-24-0003: Text Amendments to the Land Use Code related to Site Plan Review (Article 4-800)**.

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Thank you,

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# Community Planning & Permitting

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Mailing Address: P.O. Box 471 • Boulder, Colorado 80306  
303-441-3930 • [www.BoulderCounty.gov](http://www.BoulderCounty.gov)

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**MEMO TO:** Referral Agencies, Stakeholders, and Interested Parties  
**FROM:** Ethan Abner, Long Range Planner II  
**DATE:** February 24, 2025  
**RE:** Docket DC-24-0003: Text Amendments to the Land Use Code related to Site Plan Review

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- Summary of Proposed Changes
- Draft Land Use Code Text Amendments

Claire Levy County Commissioner    Marta Loachamln County Commissioner    Ashley Stolzmann County Commissioner

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Signed \_\_\_\_\_ Printed Name: Paul Onda

Agency or Address Timberline Fire

Date 2/25/25



## Community Planning & Permitting

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<https://www.boco.org/dc-24-0003>.

The docket review process for the proposed text amendments to Article 4 of the land Use Code will include a public hearing before the Boulder County Planning Commission and the Board of County Commissioners. Public comment will be taken at both hearings. Confirmation of hearing dates and times will be published online at the link above and in local newspapers.

Community Planning & Permitting staff, Planning Commission, and the Board of County Commissioners value comments from members of the public and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department at P.O. Box 471, Boulder, Colorado, 80306 or via email to [longrange@bouldercounty.gov](mailto:longrange@bouldercounty.gov). All comments will be made part of the public record. You are welcome to call the Community Planning & Permitting Department at 303-441-3930 or email [longrange@bouldercounty.gov](mailto:longrange@bouldercounty.gov) to request more information. If you have any questions regarding these drafts, please contact us.

If you would like your responses considered and included in the staff packet for Planning Commission, please return them **no later than Tuesday, March 11, 2025**. Responses received after this deadline will be shared with the Planning Commission and incorporated into the staff packet for the BOCC hearing.

We have reviewed the proposal and have no conflicts.  
 Letter is enclosed.

Signed Michele Funk Printed Name: Michele Funk

Agency or Address Niwot Sanitation District

Date 2/25/2025