



Community Planning & Permitting

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Boulder County Planning Commission

Agenda Item #5.1

October 15, 2025, at 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, Third Floor Hearing Room, 1325 Pearl Street, Boulder.*

PUBLIC HEARING with PUBLIC TESTIMONY

STAFF: Cayley Byrne, Long Range Planner I

Docket DC-24-0004: Text Amendments to the Land Use Code Related to Residential Uses

Text amendments to the Land Use Code related to residential uses, specifically Article 4 Boarding House and Group Care or Foster Home use classifications, and other changes to the Code necessary to integrate these changes.

Action Requested by Planning Commission: Recommendation of Approval to BOCC

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STAFF RECOMMENDATION

BACKGROUND

The Housing Element of the Boulder County Comprehensive Plan (the Plan) was updated and adopted by Planning Commission on October 16, 2019. This update, along with changes in state law, has led to staff undertaking updates to the Land Use Code (the Code) related to housing to implement the goals of the Plan and directives from the State. Several policies from the Housing Element are directly relevant to this work:

HO 1.03 Definition of Family in County Regulations. The county takes an expansive view of what constitutes a ‘family’ and supports varied living arrangements that reflect the county’s inclusive and welcoming values while maintaining its commitment to public safety and welfare.

HO 1.05 Fair Housing and Equal Opportunity Laws. The county encourages and supports housing for all resident populations and adheres to all applicable local, state, and federal fair housing and equal opportunity laws and ordinances.

HO 1.06 Innovation and Evolution of Housing Solutions. The county allows for innovation and creativity in policies and regulations as demographic conditions, building typologies, and new housing strategies evolve over time.

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 3.08 Reasonable Accommodation for Disabilities. The county shall have a clear process for requesting reasonable accommodation.

HO 3.09 Utilization of Existing Housing. The county supports efficient utilization of existing housing stock that may accommodate as many people as the structure was intended to house, in accordance with health and safety considerations and water and wastewater capacities.

HO 3.12 Older Adult Housing. The county supports varied housing options for older adults to age in their community.

Staff’s recent Code update in this area of work addressed the definition of family in the Code. The Code previously defined family as follows:

- A. “An individual, or two or more individuals related by blood, marriage, or adoption, and not more than two roomers or boarders; or
- B. Two adults and any of their lineal descendants; or

- C. A group of not more than three unrelated individuals; and who are living together as a single housekeeping unit.”

This definition prescribed a relationship through blood, marriage or adoption, and otherwise prohibited more than three unrelated individuals from living together. Boarding House and Group Care or Foster Home use classifications were the only means available in the Code for more than three unrelated individuals to form a household.

The term “family” was used to limit occupancy in dwellings and define other uses. In addition to the Plan’s direction on this subject, state law passed in 2024 also prohibited local governments from limiting residential occupancy in a dwelling based on familial relationship (HB24-1007, the Harmonizing Occupancy Measures Equitably Act (HOME Act)). Staff completed a Code update in 2024 (DC-24-0002, Text Amendments to the Land Use Code Related to Residential Occupancy) that removed the family definition, added a new definition for Household, and created a method of determining maximum occupancy in Dwelling Units based on health and safety standards. This update implemented HO 1.03 Definition of Family in County Regulations and helped to advance HO 3.09 Utilization of Existing Housing from the Plan’s Housing Element.

The previous update had a narrow scope, focused only on updating the Code’s method of regulating residential occupancy to comply with the HOME Act. Revising other uses that relied upon the family definition was not included in that Code update; specifically, the Boarding House and Group Care or Foster Home use classifications.

Boarding Houses have been allowed in Boulder County since the 1950s, when they were listed in the Code as a use permitted in one residential zoning district, without a planning review requirement. The Group Care Home use was added to the Code in 1966 and was allowed in select zoning districts with a Special Use (SU) review requirement, alongside similar uses including “receiving homes,” nurseries, and day-care centers. Some amendments were made over the years to the permitted zoning districts for Group Care Homes.

Eventually, in 1994, both the Boarding House and Group Care Home uses were updated. The Group Care Home use was renamed “Group Care or Foster Home,” and definitions were added for both uses. These definitions have remained the same since then. The existing definitions are as follows:

Boarding House: “A building or portion thereof which is used to accommodate, for compensation, three or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such a building.”

Group Care or Foster Home: “A facility which provides 24-hour care or supervision of persons who are not related by blood, marriage, or adoption, to the owner, operator, or manager thereof, and who do not meet the definition of family under

this Code. A Group Care or Foster Home may be operated by a public, nonprofit, or private agency.”

The previous family definition was used to help define these as discrete uses in the Code. These use classifications were utilized to regulate these housing types differently than the occupancy of a dwelling by a family. They now require an update since the reference to family in these definitions, without a definition of family in the Code, is no longer meaningful.

Federal Fair Housing law requires that local governments treat all protected classes of individuals the same as all other individuals, prohibiting discrimination based on protected characteristics such as disability. Additionally, Colorado law (C.R.S. 30-28-115) directs local governments to treat group homes in a similar fashion to other residential uses. The referenced section of state law is included as Exhibit B in this packet. The law requires that local governments consider group homes for the exclusive use of persons with intellectual and developmental disabilities, group homes for the aged, group homes for the exclusive use of persons with behavioral or mental health disorders, and recovery residences as a “residential use of property for zoning purposes.” State law has declared it is the policy of the state to assist these populations to live in typical residential settings and established that this is a matter of statewide concern.

For these reasons, staff proposed to amend these uses and make revisions elsewhere in the Code if needed to integrate these changes. On October 29, 2024, staff received authorization from the Board of County Commissioners (BOCC) to pursue these text amendments. The text amendment authorization memo is included as Exhibit C in this packet.

PROJECT GOALS

The goals for this text amendment can be summarized as follows:

1. Consider how the removal of the Family definition from the Code impacts the purpose of Boarding House and Group Care or Foster Home uses and update to reflect the removal of the Family definition in the Code.
2. Ensure that the Code aligns with federal Fair Housing law and state regulations related to group homes.

DISCUSSION

The proposed draft text amendment language is included as Exhibit A in this packet for review by Planning Commission.

Boarding House

The removal of the family definition and update to the residential occupancy regulations, including a new Household definition, now allow for more flexible living arrangements,

such as instances where more than three unrelated individuals are living together. This impacts the purpose of Boarding House use in the Code. There are no approved Boarding Houses currently in Boulder County. However, since a Boarding House is defined in terms of family (related and unrelated people), it includes instances when more than three unrelated individuals live in a dwelling. Therefore, there are likely many households that met this definition and technically would have required SU approval to be permitted. This definition, as written, includes a bias in favor of a specific type of living arrangement (that of related individuals) without a legitimate land use impact purpose. A household of four related individuals does not create different land use impacts than one of four unrelated individuals, but the Code as it is written allows the first household by right and considers the second a Boarding House that requires SU approval.

Due to the changes made to the Code which removed the definition of family and now base the allowable occupancy of Dwelling Units on health and safety standards, as required by state law, staff recommend and propose to remove the Boarding House use as it is no longer necessary. Dwellings may now be occupied by any type of Household up to their residential occupancy capacity, resulting in a more equitable approach to the use of existing housing stock and the advancement of previously stated Housing policies.

Group Care or Foster Home

Foster Home

The Foster Home aspect of this recommendation comes from the changes to residential occupancy regulation and conversations staff had with the Boulder County 360 Foster Care Program to better understand how foster care and foster homes operate in the county. Foster homes are simply a living arrangement in a Dwelling Unit where an adult cares for a foster child (or children) who may or may not be related to them. As written, this type of living arrangement requires Special Review. However, these types of living arrangements also fall within the current definition of Household, creating conflict in the Code. Staff propose to remove reference to Foster Home in the code as it does not need to be discretely called out or regulated differently than any other Household. Staff would like to emphasize that the removal of language specific to foster home will not have an impact on the ability of foster families to live in Boulder County. The Code will now treat them as any other Household allowed by right in any Dwelling Unit. This change removes any barrier in the Code that was specific to this living arrangement and broadens the use of existing housing stock to more households, implementing the stated Housing goals.

Group Care Home

Under current regulations, related persons could employ 24-hour care in their home without Special Use approval, but unrelated groups could only do so if they received Special Use approval for a Group Care Home use on their property. Staff proposes text

amendments to the Code that remove discrimination and barriers in the form of heightened scrutiny and process for these Households. The proposed changes make it explicit that residential group homes are Households and thus will be treated in a similar manner to other Households. Group homes can, under these proposed regulations, operate within any dwelling and are subject to the same occupancy limits as any other dwelling.

The technical changes to the Code that implement this approach are to strike the Group Care Home use and pair that with the addition of the proposed language to the Household definition. These changes align the Code with federal Fair Housing law and state guidance regarding group homes being treated as a residential use, the same as any other use of a residential dwelling, as mentioned previously in this report. In addition, these changes help to implement the HO 1.05 Fair Housing and Equal Opportunity Laws and HO 3.12 Older Adult Housing PLAN policies.

Staff has proposed that group homes that are defined, licensed and/or certified by the state be included in the Household definition. Group homes that are defined, and licensed or certified by the state of Colorado include group homes for persons with intellectual and developmental disabilities, group homes for the aged, and group homes for persons with mental and behavioral health disorders. This could evolve over time as State law changes. Staff have included examples in the draft text to provide context to users of the Code, but it is not intended to be a complete list.

Group homes are regulated through the Colorado Department of Public Health and Environment (CDPHE) and the Colorado Behavioral Health Administration (BHA). The proposed Code changes will not impact the continuing needs of group homes to meet their required state obligations and regulations. For example, residential group homes regulated by CDPHE (Residential Care Facilities, Intellectual and Developmental Disability (IDD) Group Homes, Community Residential Homes, Group Homes) have a maximum occupancy of eight individuals per state regulations.

Twenty-four-hour care of individuals not meeting the definition of family is a crucial element of the current Group Care or Foster Home definition. This is a very broad definition that can include a wide variety of uses of various scales and levels of intensity. It is unclear from staff's review of past Code updates if this was intentional, and some applications of this use stretch the definition to a point where it begins to exceed what can reasonably be considered a Residential Use; one which is similar in nature and compatible in scale and intensity and impacts of a residential area. Facilities operating beyond the residential scale defined by the Code through limitations on allowed dwelling units per lot, Residential Floor Area limitations, and occupancy do not fit within this.

There are currently four uses approved under the existing definition operating in Boulder County. These Group Care or Foster Homes are:

- Rose House (SU-13-0008)
 - A home for adult women who are recovering from drug and/or alcohol addiction, accommodating up to 16 residents at a time in a Single Unit Dwelling.
- Ross Group Care Home (SU-18-0021)
 - A home for 7 unrelated residents (5 senior citizens and 2 caregivers) in a Single Unit Dwelling.
- Mountain States Children's Home (SU-89-0009, SU-96-0012, SU-04-0013, SU-21-0017)
 - A campus of 6 single unit dwellings (2 more have been approved but not constructed) and other structures, including a school and administrative buildings, to house and support up to 40 resident children in their goals of being reunited with their families or gaining independence.
- Sandstone Care Residential at The Alps (SU-22-0008)
 - A home for 24 adolescent residents experiencing mild to moderate mental health symptoms in a converted lodging structure, previously the Alps Boulder Canyon Inn.

Of these four, staff research has found that Rose House can be considered a Household meeting the occupancy limits within a Dwelling Unit. The records for Ross Group Home are not complete enough for staff to determine affirmatively that this home would also meet the definition of a Household and the residential occupancy requirements of the Dwelling Unit. However, staff presumes that it could, given the numbers of residents (7), the number of bedrooms (4), the available water service, and Onsite Wastewater Treatment System sizing.

With the proposed text amendment, Mountain States Children's Home (the campus facility providing treatment and support to children) and Sandstone Care Residential at The Alps (the mental health treatment center located in a converted lodging use) would become Nonconforming Uses and would be subject to the Nonconforming Use regulations in Article 4-1003 of the Code. These uses could continue to operate per the terms of their Special Use approval and complete normal or routine maintenance but would not be able to expand or be altered beyond what was already approved. Neither of these uses, due to the type of facility or number of occupants, fit within the parameters of what would be considered a Residential Use or fit within the occupancy limits of a Dwelling Unit.

The Plan directs development requiring urban level services and of an urban level of intensity to urban areas of the county (Countywide Goal, Design of the Region #1: Cluster Development). In alignment with the Plan, other uses that have a residential element to them such as nursing homes, residential care facilities, and hospitals have been removed from the Code due to the intensity of the uses and the requirement of significant urban

services that Boulder County is unable to provide in the unincorporated county. The proposed Code update aligns with the Plan as facilities of a significant scale are not ideally located in the unincorporated county due to the lack of services and facilities in unincorporated areas.

OUTREACH

Beyond research, draft text development, and internal discussions with other county staff, outreach was also completed by staff in the form of a virtual public meeting and one-on-one meetings. The virtual public meeting was held on January 16, 2025, to discuss the project, answer any questions, and take initial feedback on the project from attendees. There were 15 attendees at the meeting. One-on-one meetings were held with Pinkowski Law and Policy Group, a firm which advocates for senior housing and long-term care, and with Imagine Colorado, a non-profit which provides services to individuals with intellectual and developmental disabilities, including housing placement. These meetings served as information gathering sessions for staff to better understand the broader context of this project. Other organizations were also invited to one-on-one meetings with staff but did not respond to the request to schedule a meeting.

REFERRAL

This docket was sent out on referral twice, once on April 10, 2025, and then again on August 13, 2025, with revised draft text amendments. Referrals were sent out by staff to Boulder County Parks and Open Space, Public Works, Public Health, Attorney's Office, Sheriff's Office, and the Community Planning & Permitting's Access & Engineering, Building Safety & Inspection Services, Code Compliance, and Wildfire Mitigation teams. Referrals were also sent out to the Eldorado Springs LID Advisory Board, Niwot Design Review Committee, Niwot LID Advisory Board, community interest groups in Allenspark, Coal Creek Canyon, Eldora/Magnolia, Eldorado Springs, Gold Hill, and Niwot, all adjacent counties, the Colorado Department of Local Affairs (DOLA), CDPHE, all Boulder County fire protection agencies, all Boulder County homeowner and road associations and review committees, and all active, existing Group Care or Foster Homes in Boulder County. Responses to both referral requests are included as Exhibit D in this packet for review by Planning Commission.

Referral responses included comments from Boulder County Access & Engineering, Lyons Fire Protection District, and North Metro Fire Rescue District, on a previous draft text version that included an emergency preparedness plan requirement. This text is no longer included in the draft text amendment proposed to Planning Commission at this time.

The City and County of Broomfield, CDPHE, Goose Haven HOA, Jefferson County, Larimer County, and Sunshine Fire Protection District responded with no comments or concerns.

PUBLIC COMMENT

Staff received one public comment letter in response to this docket. Public comment is included in Exhibit D in this packet for review by Planning Commission.

CRITERIA REVIEW

Article 16-100.B contains criteria for amending the text of the Code. Staff find that these criteria are met in the context of this docket, as follows:

The existing text is in need of amendment:

The Boarding House and Group Care or Foster Home use classifications rely on the previous Family definition in the Code. The Family definition was removed by DC-24-0002 and therefore these use classifications are in need of amendment. The current regulations also do not conform to state or federal law on group homes and Fair Housing.

The amendment is not contrary to the intent and purpose of this Code:

The Code is enacted to protect and promote the health, safety, and general welfare of the present and future inhabitants of Boulder County. This text amendment seeks to facilitate the provision of housing for Boulder County residents and the BCCP recognizes that housing is a key social determinant of health, important to individual health and welfare. State law section 30-28-115, titled “Public welfare to be promoted,” also declares housing of this type to be a matter of statewide concern. Thus, this amendment is not contrary to the intent and purpose of this Code and in fact promotes the purposes of the Code.

The amendment is in accordance with the Boulder County Comprehensive Plan:

As proposed, the text amendment does not make changes to the Code that would negatively alter the current Code’s consistency with the goals and policies of the Plan. The proposed modifications advance and support the implementation of multiple goals and policies of the Plan, including:

Guiding Principles

1. Consider and weigh the interconnections among social, environmental, and economic areas in all decisions.
3. Create policies and make decisions that are responsive to issues of social equity, fairness, and access to community resources for all county residents.

Countywide Goals

Design of the Region #1: Cluster Development. Future urban development should be located within or adjacent to existing urban areas in order to eliminate sprawl and strip development, to assure the provision of adequate urban services, to

preserve agriculture, forestry and open space land uses, and to maximize the utility of funds invested in public facilities and services.

Housing Goal #1: Boulder County is an inclusive, culturally responsive community that values, respects, and seeks to support the housing needs of all individuals while adhering to the Guiding Principles of the Comprehensive Plan.

Housing Goal #3: Boulder County's housing-related regulations and decisions reflect the county's values and the Guiding Principles of the Comprehensive Plan.

Housing Element

HO 1.03 Definition of Family in County Regulations. The county takes an expansive view of what constitutes a 'family' and supports varied living arrangements that reflect the county's inclusive and welcoming values while maintaining its commitment to public safety and welfare.

HO 1.05 Fair Housing and Equal Opportunity Laws. The county encourages and supports housing for all resident populations and adheres to all applicable local, state, and federal fair housing and equal opportunity laws and ordinances.

HO 1.06 Innovation and Evolution of Housing Solutions. The county allows for innovation and creativity in policies and regulations as demographic conditions, building typologies, and new housing strategies evolve over time.

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 3.08 Reasonable Accommodation for Disabilities. The county shall have a clear process for requesting reasonable accommodation.

HO 3.09 Utilization of Existing Housing. The county supports efficient utilization of existing housing stock that may accommodate as many people as the structure was intended to house, in accordance with health and safety considerations and water and wastewater capacities.

HO 3.11 Remote Areas. The county recognizes developing housing in geographically isolated areas presents environmental, growth, and public safety challenges. Recognizing these challenges, the county will review programs and consider regulations to promote low impact development.

HO 3.12 Older Adult Housing. The county supports varied housing options for older adults to age in their community.

These goals and policies are connected by the Plan’s cross-cutting theme of equity. The Plan states, “Equity is reached through the systemic implementation of policies, practices, attitudes and cultural messages that create and reinforce equitable outcomes for all people.” Revising our Household definition to clarify that individuals living in residential-scale group homes are treated the same as any other Household helps to reinforce equitable outcomes for all county residents.

RECOMMENDATION

Staff recommends that the Planning Commission recommend to the Board of County Commissioners *approval of Docket DC-24-0004: Text Amendments to the Land Use Code Related to Residential Uses* and certify the Docket for action to the Board of County Commissioners, which certification includes the approved text of the Docket, and the official record of the Docket before the Planning Commission including staff comments and materials, public testimony, and Planning Commission action/discussion.

Exhibit A: Draft Land Use Code Text Amendment

Article 4 Zoning

4-511 Residential Uses

~~A. Boarding House~~

~~1. Definition: A building or portion thereof which is used to accommodate, for compensation, three or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such a building.~~

~~2. Districts Permitted: By right in MF, T, B, C, and G1~~

~~3. Parking Requirements: One space per bedroom~~

~~4. Loading Requirements: None~~

~~5. Additional Provisions: None~~

~~B. Group Care or Foster Home~~

~~1. Definition: A facility which provides 24-hour care or supervision of persons who are not related by blood, marriage, or adoption, to the owner, operator, or manager thereof, and who do not meet the definition of family under this Code. A Group Care or Foster Home may be operated by a public, nonprofit, or private agency.~~

~~2. Districts Permitted: By Special Review F, A, RR, ER, SR, MF, MH, MI, T, and B~~

~~3. Parking Requirements: To be determined through Special Review~~

~~4. Loading Requirements: None~~

~~5. Additional Provisions:~~

~~a. This use shall also be granted and maintain all applicable local, state, and federal permits.~~

Article 18 Definitions

18-170A Household

A group of individuals who occupy a single Dwelling Unit and have established a cooperative living arrangement, where all members of the Household have free and unfettered physical access to the Dwelling Unit's kitchen, living areas, all utilities and mechanical equipment, and a bathroom which includes bathing facilities. A Household includes group homes that are defined, licensed and/or certified by the state such as group homes for individuals with intellectual or development disabilities or group homes for the aged. A Household does not include transitional living arrangements such as community corrections facilities or shelters.

Document: C.R.S. 30-28-115

C.R.S. 30-28-115

Copy Citation

Statutes current through all legislation from First Regular and Extraordinary Sessions, 75th General Assembly (2025).

Colorado Revised Statutes Annotated Title 30. Government - County (§§ 30-1-101 – 30-35-906) County Planning and Building Codes (Art. 28) Article 28. County Planning and Building Codes (Pts. 1 – 4) Part 1. County Planning (§§ 30-28-101 – 30-28-141)

30-28-115. Public welfare to be promoted - legislative declaration - construction - definitions.

(1) Such regulations shall be designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity, or welfare of the present and future inhabitants of the state, including lessening the congestion in the streets or roads or reducing the waste of excessive amounts of roads, promoting energy conservation, securing safety from fire, floodwaters, and other dangers, providing adequate light and air, classifying land uses and distributing land development and utilization, protecting the tax base, securing economy in governmental expenditures, fostering the state's agricultural and other industries, and protecting both urban and nonurban development.

(1.5)

(a) The general assembly finds and declares that access to outpatient clinical facilities providing reproductive health care, as defined in section 25-6-402 (4), is a matter of statewide concern and that, for purposes of zoning and other land use planning, such facilities fall within the meaning of a medical office use, a medical clinic use, a health-care use, and other facilities that provide outpatient health-care services.

(b) For the purposes of zoning and other land use planning, every local government that has adopted or adopts a zoning ordinance shall recognize the provision of outpatient reproductive health care, as defined in section 25-6-402 (4), as a permitted use in any zone in which the provision of general outpatient health care is recognized as a permitted use.

Exhibit B: Colorado Revised Statutes 30-28-115

(c) Nothing in this subsection (1.5) restricts or supersedes the authority of a local government to enact uniform zoning ordinances and other land use regulations that comply with this subsection (1.5).

(2)

(a) The general assembly hereby finds and declares that it is the policy of the state to assist persons who have an intellectual and developmental disability to live in typical residential surroundings. Further, the general assembly declares that the establishment of state-licensed group homes for the exclusive use of persons with intellectual and developmental disabilities, which are known as community residential homes as defined in section 25.5-10-202, C.R.S., is a matter of statewide concern and that a state-licensed group home for eight persons with intellectual and developmental disabilities is a residential use of property for zoning purposes. The phrase "residential use of property for zoning purposes", as used in this subsection (2), includes all forms of residential zoning and specifically, although not exclusively, single-family residential zoning. As used in this section, "person with a developmental disability" has the same meaning as "person with an intellectual and developmental disability" as set forth in section 25.5-10-202, C.R.S.

(b)

(I) (Deleted by amendment, L. 2001, p. 103, § 1, effective March 21, 2001.)

(II) The general assembly declares that the establishment of group homes for the aged for the exclusive use of not more than eight persons sixty years of age or older per home is a matter of statewide concern. The general assembly further finds and declares that it is the policy of this state to enable and assist persons sixty years of age or older who do not need nursing facilities and who so elect to live in normal residential surroundings, including single-family residential units. Group homes for the aged must be distinguished from nursing facilities, as defined in section 25.5-4-103, and institutions providing life care, as defined in section 11-49-101. Every county that adopts a zoning ordinance shall provide for the location of group homes for the aged. A group home for the aged established under this subsection (2)(b)(II) must not be located within seven hundred fifty feet of another group home, unless otherwise provided for by the county.

(b.5) The general assembly declares that the establishment of state-licensed group homes for the exclusive use of persons with behavioral or mental health disorders, as defined in section 27-65-102, is a matter of statewide concern and that a state-licensed group home for eight persons with behavioral or mental health disorders is a residential use of property for zoning purposes, as defined in section 31-23-301 (4). A group home for persons with behavioral or mental health disorders established pursuant to this subsection (2)(b.5) must not be located within seven hundred fifty feet of another such group home or of another group home as described in subsections (2)(a) and (2)(b) of this section, unless otherwise provided for by the county. A person must not be placed in a group home without being screened by either a professional person, as defined in section 27-65-102 (27), or any other mental health professional designated by the director of a facility, which facility is approved by the commissioner of the behavioral health administration. Persons determined to be not guilty by reason of insanity to a violent offense must not be placed in such group homes, and any person who has been convicted of a felony involving a violent offense is not eligible for placement in such group homes. This subsection (2)(b.5)

Exhibit B: Colorado Revised Statutes 30-28-115

must be implemented, where appropriate, by the rules of the department of public health and environment concerning residential treatment facilities for persons with behavioral or mental health disorders. Nothing in this subsection (2)(b.5) exempts such group homes from compliance with any state, county, or municipal health, safety, and fire codes.

(b.7) The general assembly finds and declares that it is the policy of the state to encourage, promote, and assist persons who are in recovery from substance use disorders to live in residential neighborhoods. Further, the general assembly declares that the use of recovery residences, as defined in section 27-80-129 (1)(b), by persons in recovery from substance use disorders is a matter of statewide concern and that recovery residences are a residential use of property for zoning purposes and subject only to the regulations of like dwellings in the same zone.

(c) Nothing in this subsection (2) shall be construed to supersede the authority of municipalities and counties to regulate such homes appropriately through local zoning ordinances or resolutions, except insofar as such regulation would be tantamount to prohibition of such homes from any residential district. This section is specifically not to be construed to permit violation of the provisions of any zoning ordinance or resolution with respect to height, setbacks, area, lot coverage, or external signage or to permit architectural designs substantially inconsistent with the character of the surrounding neighborhood. This section is also not to be construed to permit conducting of the ministerial activities of any private or public organization or agency or to permit types of treatment activities or the rendering of services in a manner substantially inconsistent with the activities otherwise permitted in the particular zoning district. If reasonably related to the requirements of a particular home, a local zoning or other development regulation may, without violating the provisions of this section, also attach specific location requirements to the approval of the group home, including the availability of such services and facilities as convenience stores, commercial services, transportation, and public recreation facilities.

(2.5) In connection with an application for development approval of the siting of a new facility to be used exclusively as a group home for the aged or for at-risk adults under the county's subdivision, zoning, platting, planned unit development, or other similar land development regulations, in addition to any other information required to be submitted, the county may request the applicant to submit a transportation plan showing how the operators of the facility intend to meet the transportation needs of the residents of the facility. The sufficiency of the transportation plan submitted pursuant to this subsection (2.5) may be considered by the county in reviewing the application but may not, by itself, constitute grounds for denying the application.



Exhibit C: Text Amendment Authorization Memo
Community Planning & Permitting

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Authorization Memo

**BOULDER COUNTY
BOARD OF COUNTY COMMISSIONERS
BUSINESS MEETING**

October 29, 2024 at 9:30 a.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 3rd Floor, 1325 Pearl Street, Boulder.

Authorization under Article 16-100.A of the Boulder County Land Use Code for Text Amendments to the Land Use Code related to residential uses, specifically Article 4 Boarding House and Group Care or Foster Home use classifications, and other changes to the Code necessary to integrate these changes.

STAFF: Cayley Byrne, Long Range Planner I

Public testimony will not be taken — action requested.

SUMMARY

Staff request authorization to pursue a text amendment to the Boulder County Land Use Code (the Code) related to residential uses, specifically Article 4 Boarding House and Group Care or Foster Home use classifications, and any other related Articles and provisions necessary to integrate these changes.

Community Planning & Permitting staff are proposing amendments to existing regulations in the Code to update the Boarding House and Group Care or Foster Home use classifications. The existing definitions for Boarding House and Group Care or Foster Home will benefit from updated and more precise language. For example, the definitions for these uses rely on the familial relationship of the individuals in the residence and the recent Code change related to residential occupancy makes these definitions obsolete. Group Care or Foster Homes are also currently only permitted through Special Review in certain districts. Staff plan to reevaluate the scope and purpose of the Boarding House and Group Care or Foster Home uses to ensure that they are effective and appropriate. Staff also seek to ensure the Code updates comply with Federal Fair Housing law which prohibits discrimination in housing, including in land use

Exhibit C: Text Amendment Authorization Memo

regulations which impact housing. The Code update will also incorporate State housing laws related to recovery residences, group homes for the aged, group homes for people with intellectual or developmental disabilities, and group homes for persons with behavioral and mental health disorders.

In addition to revising the definitions of each use, staff will consider amendments to the planning review requirements and the zoning districts in which each use is allowed. Ideas that are being considered in this update are reclassifying the Group Care or Foster Home use into two uses, one with a lower intensity (Ex: Group Care “Home”) and one with a higher intensity (Ex: Group Care “Facility”), and adding a “communal living” use classification, which could encompass residential living situations where residents might exceed the occupancy limits of a Dwelling Unit.

Staff are also ensuring that racial equity is centered throughout the process for this amendment. In preparation for this potential Code update, staff held an internal discussion on the Boarding House and Group Care or Foster Home uses utilizing the Boulder County Racial Equity Impact Assessment Tool (REIAT). Resulting feedback from this REIAT included comments on how improving accessibility to housing and clarity in our use classifications can reduce housing inequities. It also raised questions on the role our Land Use Code can play as a tool to create more diverse housing opportunities and benefit more individuals. Staff plan to schedule a second internal discussion using the REIAT once draft text has been developed and will bring the proposed amendments to a REIAT Panel for review at a later stage in the process.

Staff intend to update content in Article 4 of the Code and will revise other parts of the Code to integrate these changes as necessary. Some organizational changes and updates to existing language may also be necessary to make the Code easier to navigate and utilize.

The tentative timeline for this code update is as follows:

1. Authorization: October 29, 2024
2. Code development and outreach: October-November 2024
3. Finalize draft and publish staff report: December 2024
4. Planning Commission Public Hearing: December 18, 2024
 - a. Written public comment December 2-16, 2024.
 - b. Public comment at Planning Commission public hearing on December 18, 2024.
5. Board of County Commissioners Public Hearing: January 2025
 - a. Written public comment January 2-January BOCC Hearing date, 2025.
 - b. Public comment at January BOCC public hearing, date to be determined.

ACTION REQUESTED

Staff request authorization from the Board of County Commissioners to pursue the amendment to the Boulder County Land Use Code as described herein.

Exhibit D: Referral Responses and Public Comment

From: [Eric Moutz](#)
To: [Byrne, Cayley](#)
Subject: [EXTERNAL] FW: DC-24-0004 Draft Text Amendments Public Comment Period
Date: Friday, April 11, 2025 6:03:28 PM

I am writing to provide comment on DC-24-0004. If I understand this amendment correctly, it would allow “group homes” to operate in basically any Dwelling Unit. I do not believe this is appropriate. Boulder County residents do not purchase homes, particularly in single family or rural areas, with the understanding that a commercial “group home” could be put in next door. These kinds of operations impose undue burdens in terms of traffic, noise, and safety – to say nothing of the often-undesirable residents of some types of “group homes.” There are undoubtedly appropriate places for this type of use, but it’s not in any “dwelling.” It is in high density urban areas comprised of mixed uses. We should not be having “group homes” shoved into our neighborhoods and quiet mountain communities. A “group home” is not a “household” – it is a commercial operation that imposes unique burdens and stresses on the environment and neighborhoods around it. Please respect what the residents of Boulder County have built, invested in, and relied upon in buying property in this County.

Eric

Referral Memo: Proposed Updates to Boarding House and Group Care or Foster Home Uses

MEMO TO: Referral Agencies, Stakeholders, and Interested Parties
FROM: Cayley Byrne, Long Range Planner I
DATE: April 10, 2025
RE: Docket DC-24-0004: Text Amendments to the Land Use Code related to residential uses, specifically Article 4 Boarding House and Group Care or Foster Home use classifications, and other changes to the Code necessary to integrate these changes.

Dear Referral Agency, Stakeholder, or Interested Party,

On October 29, 2024, the Board of County Commissioners authorized Community Planning & Permitting staff to pursue a text amendment to Article 4-511 of the Boulder County Land Use Code (“the Code”) related to residential uses, specifically the Boarding House and Group Care or Foster Home uses.

In 2024, Community Planning & Permitting staff completed DC-24-0002 Text Amendments to the Land Use Code Related to Residential Occupancy. As part of this update the county removed the Family definition from the Land Use Code (Code). The Boarding House and Group Care or Foster Home uses rely on the Family definition and these uses are now out of date and require an update. Staff are also taking this opportunity to reevaluate the scope and purpose of these uses in unincorporated Boulder County, ensuring that the uses comply with Federal Fair Housing law and state regulations related to group homes.

The full draft Text Amendment, included here, is being referred to agencies and stakeholders so that feedback can be provided to staff and aid in the development of this update. The draft proposes to:

- Remove the Boarding House Use.
- Remove the Group Care or Foster Home Use.
- Define and add a new Group Home Facility Use.
- Define a Group Home and amend the Household definition to clarify that a Group Home is considered a Household and thus may operate within a Dwelling Unit as a by right use.

You may also view the proposed Text Amendment and future revisions online at:

<https://www.boco.org/dc-24-0004>.

Exhibit D: Referral Responses and Public Comment

The docket review process for the proposed Text Amendment to Article 4 of the Land Use Code will include a public hearing before the Boulder County Planning Commission and before 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 individuals 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 cbyrne@bouldercounty.gov.

All comments will be made part of the public record and shared with Planning Commission and the Board of County Commissioners. You are welcome to call the Community Planning & Permitting Department at 303-441-3930 or email cbyrne@bouldercounty.gov if you have any questions.

Your responses will help staff develop the draft further. Please return them **no later than April 24, 2024**, so your comments can be incorporated.

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

Signed: Anita Riley, Principal Planner Printed Name: _____

Agency or Address: Community Planning & Permitting, Development Review Team, Access & Engineering

Date: April 24, 2025

Referral Memo: Proposed Updates to Boarding House and Group Care or Foster Home Uses

MEMO TO: Referral Agencies, Stakeholders, and Interested Parties
FROM: Cayley Byrne, Long Range Planner I
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Exhibit D: Referral Responses and Public Comment


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

Signed:  Printed Name: Liz Northrup, CE Program Supervisor

Agency or Address: Conservation Easement Program at Boulder County Parks & Open Space

Date: 4/24/2025

Exhibit D: Referral Responses and Public Comment

August 26, 2025

TO: Cayley Byrne, Long Range Planner I; Community Planning & Permitting

FROM: Anita Riley, Principal Planner; Community Planning & Permitting,
Development Review Team – Access & Engineering

SUBJECT: Docket # DC-24-0004: Text Amendments to the Land Use Code Related
to Residential Uses, Boarding House, and Group Care or Foster Home

The Development Review Team – Access & Engineering has reviewed the above referenced docket and has the following comment:

1. The Long Range Planning staff may wish to clarify the scope of the evacuation routes described in Section 5.a.i. Is the intent to reference evacuation routes within a building, throughout a community, or across a broader geographic area?

This concludes our comments at this time.



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 Boarding House and Group Care or Foster Home Uses

MEMO TO: Referral Agencies, Stakeholders, and Interested Parties
FROM: Cayley Byrne, Long Range Planner I
DATE: August 13, 2025
RE: Docket DC-24-0004: Text Amendments to the Land Use Code Related to Residential Uses, Boarding House, and Group Care or Foster Home

Dear Referral Agency, Stakeholder, or Interested Party,

On October 29, 2024, the Board of County Commissioners authorized Community Planning & Permitting staff to pursue a text amendment to Article 4-511 of the Boulder County Land Use Code (“the Code”) related to residential uses, specifically Article 4 Boarding House and Group Care or Foster Home use classifications, and other changes to the Code necessary to integrate those changes.

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The draft text for this update was first sent out on referral on April 10, 2025. Since then, staff has completed more background research and has further developed the draft text for this update. The draft text amendment is now being sent out on referral again for your review.

The full draft text amendment, included here, is being referred to agencies and stakeholders so that feedback can be provided to staff and aid in the development of this update. The draft proposes to:

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- Remove the Group Care or Foster Home Use.
- Define and add a new Residential Care Facility use in the Community Uses category.

Exhibit D: Referral Responses and Public Comment

- Amend the Household definition to clarify that group homes defined, licensed, and/or certified by the state are considered a Household and thus may operate within a Dwelling Unit as a by right use.

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Your responses will help staff develop the draft further. Please return them **no later than August 27, 2025**, so your comments can be incorporated.

We have reviewed the proposal and have no comments.

Letter is enclosed.

Signed:  Printed Name: Theodore Harberg

Agency or Address: 1 DesCombes Drive

Date: 8/21/2025

Exhibit D: Referral Responses and Public Comment

From: [Cicione - CDPHE, Brendan](#)
To: [Byrne, Cayley](#)
Subject: [EXTERNAL] Re: Re-Referral Packet for DC-24-0004: Text Amendments to the Land Use Code Related to Residential Uses, Boarding House, and Group Care or Foster Home
Date: Tuesday, August 26, 2025 8:11:32 AM

Hi Cayley

Thank you for your email. There are no comments from the Air Pollution Control Division. Please do not hesitate to contact me with any questions.

Thanks,
Brendan Cicione (*he/him*)
Air Quality and Transportation Planner



4300 Cherry Creek Drive S. | Denver, CO 80246-1530 brendan.cicione@state.co.us
| <https://cdphe.colorado.gov/>



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302
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Referral Memo: Proposed Updates to Boarding House and Group Care or Foster Home Uses

MEMO TO: Referral Agencies, Stakeholders, and Interested Parties
FROM: Cayley Byrne, Long Range Planner I
DATE: August 13, 2025
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Claire Levy *County Commissioner* Marta Loachamin *County Commissioner* Ashley Stolzmann *County Commissioner*

Exhibit D: Referral Responses and Public Comment

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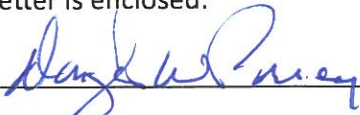
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All comments will be made part of the public record and shared with Planning Commission and the Board of County Commissioners. You are welcome to call the Community Planning & Permitting Department at 303-441-3930 or email cbyrne@bouldercounty.gov if you have any questions.

Your responses will help staff develop the draft further. Please return them **no later than August 27, 2025**, so your comments can be incorporated.

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

Signed:  Printed Name: DOUGLAS W. PORREY

Agency or Address: GOOSE HAVEN HOA

Date: 8/18/25

PLANNING & ZONING REVIEW MEMO

Date: August 21, 2025

To: Cayley Byrne, Long Range Planner I

From: Benjamin Johnson, Civil Planning Engineer

Re: Outside Agency Referral for Docket DC-24-0004

Case no.: 25-118966OA

Thank you for sending this information to Jefferson County Planning & Zoning. We have sent this referral to Open Space, Development Review Planning, and Long Range Planning. The following is a summary of all comments received.

- Open Space: No Comment.
- Development Review Planning: Text amendment to come in line with State definitions of family for different uses. No impact to Jefferson County.
- Long Range Planning: No comment or revisions to the proposed text changes.

No additional referrals are requested for this case.

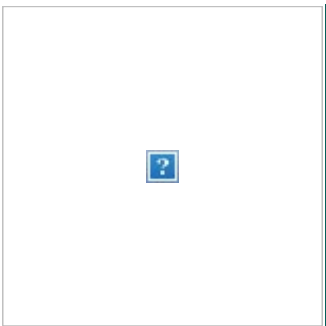
Exhibit D: Referral Responses and Public Comment

From: On Call Planner <planning@larimer.org>
Sent: Tuesday, August 19, 2025 2:26 PM
To: Morgan, Heather <hmorgan@bouldercounty.gov>
Subject: [EXTERNAL] Re: Re-Referral Packet for DC-24-0004: Text Amendments to the Land Use Code Related to Residential Uses, Boarding House, and Group Care or Foster Home

Hello Heather,

Larimer County Planning has no comments on this proposal.

Thank you,



Jacy McNulty
On Call Planner

Community Development Department
200 W Oak St, Fort Collins, 80521 | 3rd Floor
Planning@larimer.org
www.larimer.gov

Please [click here](#) to view the most current version of the **Land Use Code**.

Pre-application meetings are required before applying, [click here](#) to submit a request through our online portal (apply --> plans --> planning pre-application). You will be required to make an account prior to submitting the request. Please visit our [webpage](#) if you would like more information on the pre-application meeting process.

****NEW*** Use the Assessor's [Property Search Tool](#) to locate your zoning. (Hint: After selecting a property, click 'View on GIS Map'. Under the Layer List menu, click on the checkbox for Zoning Districts.)*

Please visit our [Online Portal](#) to view Community Development Records - If you are having trouble logging in try these [helpful hints](#).

Exhibit D: Referral Responses and Public Comment

From: Steve Pischke <spischke@lyonsfire.org>

Sent: Friday, August 15, 2025 11:47 AM

To: Morgan, Heather <hmorgan@bouldercounty.gov>

Subject: [EXTERNAL] Re: Re-Referral Packet for DC-24-0004: Text Amendments to the Land Use Code Related to Residential Uses, Boarding House, and Group Care or Foster Home

Good morning Heather - I have gone through the proposed amendments to DC-24-0004 and after reading the proposed changes to this document submitted by Chief Steve Gosselin (North Metro Fire), I am in support of the recommendations by Chief Gosselin!

Steven J. Pischke

Fire Marshal

spischke@lyonsfire.org

303-823-6611 Office

303-434-3918 Cell

Exhibit D: Referral Responses and Public Comment

From: [Gosselin, Steve](#)
To: [Byrne, Cayley](#)
Cc: [Lowrey, D](#); travis.homyak@hygienefire.org; roger.parker@lafayetteco.gov; [O'Brien, Chris](#); [Henderson, Jennifer](#); spischke@lyonsfire.org; prevention@mvfpd.org; firemarshal@nederlandfire.org; [Johnson, Michael](#); [Hinderman, Jennifer](#)
Subject: [EXTERNAL] RE: Re-Referral Packet for DC-24-0004: Text Amendments to the Land Use Code Related to Residential Uses, Boarding House, and Group Care or Foster Home
Date: Wednesday, August 13, 2025 1:23:03 PM
Attachments: [dc-24-0004-re-referral-packet.pdf](#)

Good afternoon, Cayley.

Thank you for granting the Fire District the opportunity to comment. The only comment that the Fire District has is as follows:

If the requirement under X.5.a. persists to have the applicant “develop and file an emergency preparedness plan with the local fire district prior to the recordation of the development agreement”, the Fire District recommends strengthening the content of that requirement and making it more clear (i.e., changing the “shoulds” to “shalls”). Additionally, the 2024 International Fire Code contains applicable and quite comprehensive details of what need to be factored into the development of such an emergency preparedness plan. For example, essential emergency preparedness plan components include a fire safety plan, a fire evacuation plan, and a lockdown plan or what could be considered a shelter-in-place plan using the terminology included in the proposed draft text amendments. Though admittedly much more verbose, the example language below would provide much more guidance to the applicant on how to development a proper emergency preparedness plan:

5. Additional Provisions:

a. An emergency preparedness plan shall be filed with the local fire district prior to the recordation of the development agreement. If the emergency preparedness plan is updated, the updated plan shall be filed with the local fire district. Emergency preparedness plans shall include:

- i. A fire safety plan, to include
 1. Emergency egress or escape routes and whether evacuation of the building is to be complete by selected floors or areas only or with a *defend-in-place* response.
 2. Procedures for employees who must remain to operate critical equipment before evacuating.
 3. Procedures for the use of elevators to evacuate the building where occupant evacuation elevators are provided.
 4. Procedures for assisted rescue for persons unable to use the general *means of egress* unassisted.
 5. Procedures for accounting for employees and occupants after evacuation has been completed.
 6. Identification and assignment of personnel responsible for rescue or

Exhibit D: Referral Responses and Public Comment

emergency medical aid.

7. The preferred and any alternative means of notifying occupants of a fire or emergency.

8. The preferred and any alternative means of reporting fires and other emergencies to the fire department or designated emergency response organization.

9. Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan.

10. A description of the emergency voice/alarm communication system alert tone and preprogrammed voice messages, where provided.

ii. An evacuation plan, to include

1. The procedure for reporting a fire or other emergency.

2. The life safety strategy including the following:

2.1. Procedures for notifying occupants, including areas with a private mode alarm system.

2.2. Procedures for occupants under a *defend-in-place* response.

2.3. Procedures for evacuating occupants, including those who need evacuation assistance.

3. Site plans indicating the following:

3.1. The occupancy assembly point.

3.2. The locations of fire hydrants.

3.3. The normal routes of fire department vehicle access.

4. Floor plans identifying the locations of the following:

4.1. *Exits*.

4.2. Primary evacuation routes.

4.3. Secondary evacuation routes.

4.4. Accessible egress routes.

4.4.1. Areas of refuge.

4.4.2. Exterior areas for assisted rescue.

4.5. Refuge areas associated with *smoke barriers* and *horizontal exits*.

4.6. Manual fire alarm boxes.

4.7. Portable fire extinguishers.

4.8. Occupant-use hose stations.

4.9. Fire alarm annunciators and controls.

5. A list of major fire hazards associated with the normal use and occupancy of the premises, including maintenance and housekeeping procedures.

6. Identification and assignment of personnel responsible for maintenance of systems and equipment installed to prevent or control fires.

Exhibit D: Referral Responses and Public Comment

7. Identification and assignment of personnel responsible for maintenance, housekeeping and controlling fuel hazard sources.

iii. A shelter-in-place plan, to include

1. Identification of individuals authorized to issue a shelter-in-place order or lockdown.

2. Security measures used during normal operations, when the building is occupied, that could adversely affect egress or fire department operations.

3. A description of identified emergency and security threats addressed by the plan, including specific shelter-in-place and/or lockdown procedures to be implemented for each threat condition.

4. Means and methods of initiating a shelter-in-place plan for each hazard or threat, including:

4.1. The means of notifying occupants of a shelter-in-place event, which shall be distinct from the fire alarm signal.

4.2. Identification of each door or other access point that will be secured.

4.3. A description of the means or methods used to secure doors and other access points.

4.4. A description of how locking means and methods are in compliance with the requirements of the building and fire codes for egress and accessibility.

5. Procedures for reporting to the fire department any shelter-in-place or lockdown condition affecting egress or fire department operations.

6. Procedures for determining and reporting the presence or absence of occupants to emergency response agencies during a shelter-in-place order or lockdown.

7. Means for providing two-way communication between a central location and each area subject to being secured during a shelter-in-place order or lockdown.

8. Identification of the prearranged signal for terminating the shelter-in-place order or lockdown.

9. Identification of individuals authorized to issue a shelter-in-place or lockdown termination order.

10. Procedures for unlocking doors and verifying that the *means of egress* has been returned to normal operations upon termination of the shelter-in-place or lockdown.

11. Training procedures and frequency of shelter-in-place and lockdown plan drills.

Thank you again for the opportunity to comment. Should you have any questions, please feel free to reach out to me

Have a great day!

Steven Gosselin

**Division Chief - Fire Prevention
North Metro Fire Rescue District**

101 Spader Way

Broomfield, CO 80020

Phone: (303) 252-3540

Fax: (720) 887-8336

E-mail: sgosselin@northmetrofire.org

Website: www.northmetrofire.org



"Excellence Through Each Individual Act."



Be safe. Stay healthy. Stay happy!

Exhibit D: Referral Responses and Public Comment

From: [Paul Hourihan](#)
To: [Byrne, Cayley](#)
Cc: [Johnson, Michael](#)
Subject: [EXTERNAL] Fwd: Re-Referral Packet for DC-24-0004: Text Amendments to the Land Use Code Related to Residential Uses, Boarding House, and Group Care or Foster Home
Date: Tuesday, August 26, 2025 8:13:34 PM
Attachments: [dc-24-0004-re-referral-packet.pdf](#)

Dear Cayley -

Please find attached a signed response from Sunshine FPD, indicating we have no comments on the proposed amendments. Please let me know if you need anything else.

Regards,

Paul Hourihan

Deputy Fire Marshal
Sunshine Fire Protection District