

# II. Amendment Procedures

*The Boulder Valley Comprehensive Plan* is a joint policy document that is adopted by the City of Boulder and Boulder County in their legislative capacities. Any amendment to the plan is also legislative in nature. The plan is updated periodically to respond to changed circumstances or community needs. Changes to the comprehensive plan fall into three categories:

- Changes that may be considered at any time
- Changes that may be considered during a mid-term review
- Changes that may only be considered during the five-year update

For changes to the plan:

- Where the “county” alone is referred to in the policy, the policy may be amended by the county, after referral to the city.
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- All other policies will be construed to be joint city and county statements of policy, and are to be amended by joint action.
- Where a particular “area” is not specified in the policy text, the policy will apply to all areas.

This section describes the different types of changes, the process for making changes, the criteria for determining which process to follow, and the procedures for approving proposed changes. The types of changes, when they may be considered, and whether they are subject to approval by the city (Planning Board and City Council), the county (County Planning Commission and County Commissioners), or the city and county (Planning Board, City Council, County Planning Commission, and County Commissioners) is summarized in the following table:

Type of Change	When	Process
Land Use Map	If related to rezoning or annexation, may be considered at any time All others, at Mid-term or 5 year update	City approval subject to county referral if meets criteria and related to annexation or rezoning, or in Area I  All others, city and county approval
Change from Area IIb to IIa	May be considered at any time if meets criteria	City approval subject to county referral
Changes to the Area II/III boundary	Mid-term (minor changes) 5 year	City and county approval
Policies	Mid-term (minor only) 5 year	Joint policies approved by city and county; city or county policies by relevant jurisdiction
<ul style="list-style-type: none"> <li>• Amendment Procedures</li> <li>• Referral Process</li> <li>• Land Use Map</li> <li>• Descriptions</li> </ul>	Mid-term 5 year	City and county approval
<ul style="list-style-type: none"> <li>• Plan and Program Summaries</li> <li>• Urban Service Criteria and Standards</li> </ul>	Any time	City approval

# 1. Changes that may be considered at any time

The following changes may be considered at any time and require approval by the city Planning Board and City Council.

## a. Types of changes that may be considered at any time if they meet the criteria in Subsection b below:

1. Land Use Map changes
2. Changes to the Master Plan and Program summaries
3. Changes to the Urban Service Criteria and Standards
4. Changes to the Subcommunity and Area Plan section
5. Changes in designation of land from Area IIB to Area IIA

## a. Criteria for eligibility for changes that may be considered at any time:

### (1) Land Use Map changes:

The [Land Use Map](#) is not intended to be a zoning map. It is intended to provide policy direction and definition for future land uses in the Boulder Valley. Thus, a change to the land use designations may be considered at any time if it is related to a proposed change in zoning or proposed annexation and meets all of the following criteria:

- (a) The proposed change is consistent with the policies and overall intent of the comprehensive plan.
- (b) The proposed change would not have significant cross-jurisdictional impacts that may affect residents, properties or facilities outside the city.
- (c) The proposed change would not materially affect the land use and growth projections that were the basis of the comprehensive plan.
- (d) The proposed change does not materially affect the adequacy or availability of urban facilities and services to the immediate area or to the overall service area of the City of Boulder.
- (e) The proposed change would not materially affect the adopted Capital Improvements Program of the City of Boulder.
- (f) The proposed change would not affect the Area II/Area III boundaries in the comprehensive plan.

### (2) Criteria for changes in designation of land from Area IIB to Area IIA:

- (a) The proposed change is compatible with the city's existing and planned urban facilities and service systems, as demonstrated by such factors as:
  - (i) The full range of urban facilities and services are available, or will be available within three years, as specified in the urban service standards to be provided through city capital improvements and private investment.
  - (ii) The timing, design and operation of required facility and service improvements are consistent with the city's Capital Improvements Program, master plans and urban service standards in the comprehensive plan.
  - (iii) Off-site improvements that are provided by developers ahead of scheduled capital improvements will not result in premature demand for additional city-provided improvements.
  - (iv) City off-site capital facility costs to serve the property can be recovered by development excise taxes and development exactions.
- (b) The proposed change would be consistent with the city's ability to annex within three years, as demonstrated by such factors as:
  - (i) The property is currently contiguous to the city or there is a reasonable expectation of contiguity within three years, based on expected development trends and patterns.
  - (ii) The public costs of annexation and development of Area IIA properties can be accommodated within the city's Capital Improvements Program and operating budget.

(c) The proposed change would be consistent with a logical expansion of city boundaries, as demonstrated by such factors as: encouraging a contiguous and compact development pattern; encouraging infill and redevelopment or a desired opening of a new growth area; enhancing neighborhood boundaries or edges.

### **c. Procedures for changes that may be considered at any time:**

#### **(1) Requests for changes may be initiated by the city or the property owner:**

A request initiated by the property owner must be submitted in writing to the city's Planning Department and must address the criteria for processing the request separately from a mid-term or five-year review.

#### **(2) The city will make a referral with preliminary comments to the county Land Use Department for comment:**

For land use changes and changes from Area IIB to IIA, the county will have 30 days after receipt of the referral to provide written notice to the city as to whether the proposed change meets the criteria. If the county determines that the proposed change does not meet the criteria, then the requested change will be processed at the time of the next mid-term or five-year review and will require four body review and approval.

#### **(3) Requests for land use changes and changes from Area IIB to IIA will be considered based on the criteria in Section 1.b.(2) above at a public hearing of the city Planning Board.**

If there is an accompanying rezoning application or annexation petition, this review may be concurrent with consideration of those matters. Changes determined to meet the criteria in this section may still be deferred by the city Planning Board or City Council to the mid-term or five-year review upon a finding of good cause.

## **2. Mid-term review changes**

Changes to the comprehensive plan may be proposed in a mid-term review. A mid-term review may be initiated at some point between five-year major updates as needed. The purposes of the mid-term review are to address objectives identified in the last major update and progress made in meeting those objectives, provide an opportunity for the public to request changes to the plan that do not involve significant city and county resources to evaluate, make minor additions or clarifications to the policy section and to make minor adjustments to the service area boundary. The mid-term review is not intended to be a time to consider major policy changes.

### **a. Types of changes that may be considered as part of the mid-term review:**

The following changes to the Boulder Valley Comprehensive Plan may be considered at the midterm review:

#### **(1) Changes that require approval by the city Planning Board and City Council:**

- Land Use Map changes located in Area I subject to the criteria in Section 1.b.(1) above

- Changes to the Master Plan and Program summaries
- Changes to the Urban Service Criteria and Standards
- Changes to the Subcommunity and Area Plan section
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- Changes in designation of land from Area IIB to Area IIA subject to the criteria in Section 1.b.(2) above

## (2) Changes that require approval by the city Planning Board, City Council, County Planning Commission and County Commissioners.

- Changes to the Land Use Map (other than those allowed by city approval in Section 2.a.(1) above)
- Changes to the Plan Amendments section
- Changes to the Land Use Map Description section
- Minor additions or clarifications to the policy section
- Minor Service Area boundary changes subject to the criteria set forth below
- Boulder Valley Planning Area expansions and contractions, i.e., changes to the Area III outer boundary subject to the criteria set forth below.

## b. Criteria for minor service area boundary changes and Boulder Valley Planning Area expansions and contractions:

### (1) Minor adjustments to the service area boundary

Minor adjustments to the service area boundary are small, incremental service area expansions that create more logical service area boundaries. Changes in designation of land from Area III to Area II may be eligible to be approved as a minor service area boundary adjustment based on the following criteria:

- (a) Maximum size: The total size of the area must be no larger than ten acres.
- (b) Minimum contiguity: The area must have a minimum contiguity with the existing service area of at least 1/6 of the total perimeter of the area.
- (c) Logical Service Area boundary: The resulting Service Area boundary must provide a more logical Service Area boundary (Area III/II), as determined by factors such as more efficient service provision, a more identifiable edge to the urbanized area or neighborhood, a more functional boundary based on property ownership parcel lines or defining natural features.
- (d) Compatibility with the surrounding area and the comprehensive plan: The proposed change of Area III to II must be compatible with the surrounding area as well as the policies and overall intent of the comprehensive plan.
- (e) No major negative impacts: It must be demonstrated that no major negative impacts on transportation, environment, services, facilities, or budget will result from an expansion of the Service Area.
- (f) Minimal effect on land use and growth projections: The proposed change of Area III to II change does not materially affect the land use and growth projections that were the basis of the Comprehensive Plan.
- (g) Minimal effect on service provision: The proposed change of Area III to II does not materially affect the adequacy or availability of urban facilities and services to the immediate area or the overall Service Area of the City of Boulder.
- (h) Minimal effect on the city's Capital Improvements Program: The proposed Area III to II change does not materially affect the adopted Capital Improvements Program of the City of Boulder.
- (i) Appropriate timing: The proposed Area III to II change will not prematurely open up development potential for land that logically should be considered as part of a larger Service Area expansion.

## **(2) Boulder Valley Planning Area expansions or contractions:**

An Area III outer boundary change may be initiated by the city or the county and will be approved only if it is demonstrated that either expansion or contraction of the planning area is needed due to changed circumstances or past error in determining the boundary.

### **c. Procedures for changes that may be considered as part of the mid-term review:**

(1) Prior to the beginning of the mid-term review, the city Planning Department and county Land Use Department will establish a process and schedule for the update. This will include an opportunity for landowners and the general public to submit request for changes to the plan. The schedule and process will be revised as needed during the review process.

(2) For those changes eligible for approval by the city Planning Board and City Council, the city Planning Department will make a referral to the county Land Use Department for comment. For changes to the Land Use Map located in Area I, and changes from Area IIB to Area IIA, the county will have 30 days from the date of receipt of the city's referral to provide written notice to the city if the county finds that the proposed change does not meet the applicable criteria for eligibility. Such finding on the part of the county will require that the requested change be subject to approval by each of the four bodies.

(3) All four approval bodies will hold initial meetings with their staffs to identify changes they wish to be considered as part of the mid-term review. Public attendance is welcomed, but review of public applications will not occur at this time.

(4) Proposed changes from the public, staff and approval bodies will be reviewed by the city Planning Department, which will prepare a recommendation in consultation with the county Land Use Department on whether to include each proposed change in the mid-term review. Determination of whether to include a proposed change will be made based upon:

- (a) consistency with the purposes of the midterm review as described in 3. above,
- (b) available resources to evaluate the proposed change (city and county staffing and budget priorities),
- (c) consistency with current BVCP policies and
- (d) compatibility with adjacent land uses and neighborhood context.

(5) The city Planning Board will consider all requests for changes together with the staff recommendations at a public hearing and will compile a list of proposed changes to be considered during the mid-term review.

(6) Requests for changes to the comprehensive plan that affect an area designated Open Space will be reviewed by the city Open Space Board of Trustees and the county Parks and Open Space Advisory Committee. The board of trustees will make a recommendation prior to any action on that change.

(7) After a list of proposed changes to be considered during that year's review has been determined, the city Planning Department and county Land Use Department will study, seek appropriate public input, and make recommendations concerning proposed changes. The city Planning Board will then initiate the hearings on whether to approve, modify or deny any of the proposed changes.

## **3. The five-year review**

The comprehensive plan will be reviewed at least every five years for possible amendments to reflect changes in circumstances and community desires.

### **a. Types of changes that may be considered at the five-year review:**

Any change to the comprehensive plan may be considered at the five-year review including those that may be considered at other times pursuant to the provisions set forth above. However, certain kinds of changes will be considered only at the five-year review and must be approved by each of the four signatory bodies:

the city Planning Board, City Council, County Planning Commission and County Commissioners. Those include:

- Service area expansions or contractions (changes in the Area II/III boundary) that do not satisfy the criteria for consideration as part of a mid-term review
- Area III-Rural Preservation Area expansions or contractions
- Major changes to policy sections

## **b. Criteria for approval for Service Area and Area III expansions or contractions:**

### **(1) Service Area expansions (Area III-Planning Reserve to Area II changes)**

Following preparation of a service area expansion plan (see Sections 3.c.3 below), the city and county must determine that the proposed change from Area III - Planning Reserve to Area II meets the following criteria:

- (a) Provision of a community need: Taking into consideration an identified range of desired community needs, the proposed change must provide for a priority need that cannot be met within the existing service area.
- (b) Minimum size: In order to cohesively plan and eventually annex by neighborhoods and to build logical increments for infrastructure, it is encouraged that the minimum size of the parcel or combined parcels for Service Area expansion be at least forty acres.
- (c) Minimum contiguity: The parcel or combined parcels for Service Area expansion must have a minimum contiguity with the existing service area of at least 1/6 of the total perimeter of the area.
- (d) Logical extension of the service area: The resulting service area boundary must be a logical extension of the service area. Factors used in making this determination include but are not limited to an efficient increment for extending urban services; a desirable community edge and neighborhood boundary; and a location that contributes to the desired compact urban form.
- (e) Compatibility with the surrounding area and comprehensive plan: The proposed Area III-Planning Reserve area to Area II change must be compatible with the surrounding area and the policies and overall intent of the comprehensive plan.
- (f) No major negative impacts: The Service Area Expansion Plan must demonstrate that community benefits outweigh development costs and negative impacts from new development and that negative impacts are avoided or adequately mitigated. To this end, the Service Area Expansion Plan will set conditions for new development, and it will specify the respective roles of the city and the private sector in adequately dealing with development impacts.
- (g) Appropriate timing for annexation and development: A reasonable time frame for annexation is projected within the planning period after Area III-Planning Reserve area land is brought into the service area.

### **(2) Service Area contractions (changes from Area II to Area III-Rural Preservation Area)**

Proposed changes from Area II to Area III-Rural Preservation Area must meet the following criteria:

- (a) Changed circumstances indicate either that the development of the area is no longer in the public interest, the land has or will be purchased for open space, or, for utility-related reasons, the City of Boulder can no longer expect to extend adequate urban facilities and services to the area within 15 years;

- (b) Any changes in proposed land use are compatible with the surrounding area and the policies and overall intent of the comprehensive plan.

### **(3) Area III-Rural Preservation Area expansions: Expansion of the Area III-Rural Preservation Area must meet the following criteria:**

- (a) There is a desire and demonstrated need for expansion of the Area III-Rural Preservation Area due to changed circumstances, community needs, or new information on land use suitability (e.g., environmental resource or hazard constraints, feasibility of efficient extension of urban services, and compact and efficient urban form).

### **(4) Area III-Rural Preservation Area to Area III – Planning Reserve**

Changes of land from the Area III-Rural Preservation Area to the Area III-Planning Reserve Area must meet the following criteria: There is a demonstrated need for contraction of the Area III-Rural Preservation Area due to changed circumstances, community needs, or new information on land use suitability (e.g., environmental resource or hazard constraints, feasibility of efficient extension of urban services, and compact and efficient urban form); and land to be considered for a change from Area III-Rural Preservation Area to Area III-Planning Reserve must have a minimum contiguity with the Area III-Planning Reserve area or the existing service area (Area I or Area II) of at least 1/6 of the total perimeter of the area.

## **c. Procedures for the five-year review:**

### **(1) Process and schedule**

Prior to the beginning of the five-year review, the city Planning Department and the county Land Use Department will establish a process and schedule for the update. The schedule and process will be revised as needed during the review process. The process will include an opportunity for landowners and the general public to submit requests for changes to the plan. All submittals for proposed changes will be reviewed at initial public hearings. Staff will provide recommendations and the approval bodies will provide direction on which proposals should go forward and which proposals should receive no further consideration. During each five-year review, the city and the county will assess whether or not the service area or the Area III-Rural Preservation Area should be expanded or contracted.

### **(2) Expansions or contractions of Area III – Rural Preservation Area**

Prior to consideration of an expansion of the Area III– Rural Preservation Area or a change from Area III-Rural Preservation Area to Area III Planning Reserve Area, a study will be completed by the city and county demonstrating compliance with the criteria applicable to the proposed change. The city or the county will decide whether to authorize a study of the proposed change after a public hearing is held.

### **(3) Changes from Area III-Planning Reserve to Area II**

During each five-year review, the city and county may assess whether or not sufficient merit exists to authorize a service area expansion plan. The determination of sufficient merit will be based on demonstration that a desired community need cannot be met within the existing service area. If the city and county find that sufficient merit exists, the city and county may authorize a planning effort to develop a joint city county service area expansion plan for the area proposed to be brought into the service area in consultation with Area III property owners and the public. The Service Area Expansion Plan must address the following:

- (a) the types of development needed to meet long term community needs;
- (b) key requirements to ensure compliance with community goals and policies, and to ensure compatibility with the existing development context and surrounding area;
- (c) conceptual land use and infrastructure plan components;

(d) requirements for development impact mitigation and offsets (both on-site and off-site); and

(e) development phasing.

#### **(4) Reinstatement of Area III – Rural Preservation Area back to Area II – Service Area**

A property owner that has been moved from Area II to Area III may request that the change be reevaluated under the same procedures and criteria that were used to make such a change for a period ten years after the change was made. Thereafter, such properties will be subject to all of the procedural requirements of this section.

### **4. Notification**

a. Any property owner whose property would be affected by a proposed change in land use designation or by service area expansions, contractions or boundary changes will receive timely written notice that such change or changes will be considered. Planning staff will exert its best efforts to provide such notice within 30 days of receiving a request that is to be considered. However, no hearing to approve or deny any such proposal will be held unless the affected property owner was provided with this written notice at least 30 days prior to the date set for the hearing on the proposed change.

b. General public notice of all proposed changes will be provided in the following manner. The city Planning Department will publish a Comprehensive Plan map indicating where the proposed changes are located and a description of each change in the newspaper at least ten days prior to the first public hearing to consider the proposed changes.

### **5. Errors**

If a discrepancy is found to exist within the Boulder Valley Comprehensive Plan that is clearly a drafting error or a clerical mistake, either the city or the county, after a referral request to the other agency, may correct such error.