



Community Planning & Permitting

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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
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.

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 The Boarding House and Group Care or Foster Home uses rely on the Family definition and these uses are now out of date and require an update.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 have taken 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 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:

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

- 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.

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

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

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 August 27, 2025**, so your comments can be incorporated.

_____ We have reviewed the proposal and have no comments.

_____ Letter is enclosed.

Signed: _____ Printed Name: _____

Agency or Address: _____

Date: _____

Draft Text Amendments

The proposed changes to Article 4 are shown below. Language proposed to be deleted from the Code is struck through and new language proposed to be added is underlined.

4-504 Community Uses

[Insert in and renumber Community Uses]

X. Residential Care Facility

1. Definition: A Facility which provides care, treatment, or supervision for a group of residents with specific identified needs. A Residential Care Facility does not include transitional living arrangements such as community corrections facilities or shelters.
2. Districts Permitted:
 - a. By Special Review in RR, ER, SR, MF, MI, T, and B.
 - b. By Special Review in MF, MI, T, B, and C when care, supervision, or treatment is also provided to individuals who are not residents of the facility.
3. Parking Requirements: To be determined through Special Review
4. Loading Requirements: To be determined through Special Review
5. Additional Provisions:
 - a. An emergency preparedness plan must 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 should be filed with the local fire district.
Emergency preparedness plans should include:
 - i. Evacuation route(s) and evacuation location(s), including a plan for the transport of resident(s) who may be unable to egress without assistance;
 - ii. A shelter-in-place plan; and
 - iii. At least one emergency contact, including name, address and phone number.
 - b. Access shall meet the Transportation Standards.
 - c. Maximum occupancy to be determined through Special Review.
 - d. This use shall obtain and maintain applicable local, state, and federal permits, licenses, and/or certifications.

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.