

White Paper on Zoning Administrator To facilitate discussion at the Planning Meeting

August 10, 2022

Issues have been raised regarding the zoning administrator not being physically in Boulder, and regarding response times to citizen inquiries.

Reviewing the Boulder ordinances, I find that all Zoning Administrator duties are related to examining submitted documents, determining whether those documents indicate that the project will comply with the ordinances, and issuing permits and written findings. No ZA duties explicitly require physical presence at the project site. The one reference to "setbacks" refers to application review.

The Zoning Administrator has extensive responsibilities that involve making determinations of fact, and has the authority to approve building permits and temporary use permits. On-the-job experience and suitable work or educational training are needed to carry out the duties. The essential skills are the ability to understand and apply detailed rules and ordinances, maintain documentation, and communicate findings in writing. Having an inexperienced or unqualified person act as zoning administrator could put the town at risk of both approval of improper projects and litigation over denial of uses by right.

Under the town ordinances the County Building Inspector has been delegated the authority to do on-site inspections, which generally includes inspection of the building footings prior to pouring concrete. I believe the existing ordinance wording includes the delegation to inspect for compliance with Boulder ordinances, but this could be clarified if needed.

April O'Neal, like all Boulder town officers and staff, works part time. Even large cities with multiple full time planning staff allow a reasonable time to respond to inquiries. For example, the Salt Lake City website states: "*We strive to respond to all inquiries within 24 hours; however, due to the high amount of email and phone calls we have been receiving, it may take longer. We apologize if you do not receive a response within 24 hours and will respond as quickly as we can.*" Salt Lake requires making an appointment for pre-submittal meetings with planning staff and schedules these sessions only one day a week.

Expectations that phone messages and emails will be answered within 2-3 days and that at least a week will be required to examine any application are reasonable given the realities of a small town with part-time support.

Below is a table with relevant excerpts from the ordinances.

Summary of Zoning Administrator Duties

Zoning Administrator Duties	
Ensure all procedures and provisions of the town’s land use ordinances, including this chapter, are consistently and equitably applied	153.044
Administrative Interpretations of Zoning	
To promote day-to-day efficiencies in the administration and implementation of this chapter, and where ambiguity, conflicting provisions or confusion may exist in any standard or requirement of this chapter, this section is provided to allow the Zoning Administrator to make interpretations of this chapter, on an as-required basis, guided by the purposes of this chapter and the Act, applied to the specific circumstance. Render interpretations of the text of this chapter	153.026 153.044
After making a decision, the Zoning Administrator shall provide written notice of the administrative interpretation to the applicant	
Carry out all other functions, duties and actions as may be necessary to administer this chapter and as may be identified herein.	153.044
Approvals	
Building permits	153.137
Approve All permitted use applications	153.044
Approve Temporary Use Permits	153.044
Long-term temporary uses (120 day max)	153.011
Determine if requested temporary use meets all requirements of 152,172	
Permitted Uses: The Zoning Administrator shall review the permitted use request and determine if the request: <ul style="list-style-type: none"> (1) Is a permitted use within the zoning district; (2) Complies with the requirements applicable to the zoning district, including minimum area, yard setbacks, height and all other requirements applicable in the zoning district; (3) Does not propose any construction on any critical lands as defined by this chapter; and <ul style="list-style-type: none"> (4) Complies with all applicable dedication requirements of the town and provides the necessary infrastructure, as required. 	153.137 Note: setbacks compliance refers to review of the application (office work) not building inspection. Chart figure 4 the Building Official

	reviews for Building Code compliance
<p>Impose requirements on Temporary use:</p> <p>(A) Submission and approval of a parking plan that shows how adequate parking for the proposed temporary use will be provided using existing parking areas and/or temporary parking areas that have safe access from a public road and will be properly managed to avoid creating traffic congestion, dust, and other nuisances; and/or</p> <p>(B) Submission and approval of a solid waste management plan showing in detail how solid waste generated by the proposed temporary use will be collected, stored, and removed; and/or</p> <p>(C) Submission of a sanitation plan showing in detail how any need for restroom facilities generated by the proposed temporary use will be met; and/or</p> <p>(D) Submission and approval of a plan that clearly shows how any signs associated with the temporary use will comply with the requirements of §§ 153.185 et seq.</p> <p>(E) The Zoning Administrator may refer any application for a temporary use permit to the Planning Commission at any regular meeting. The power to approve the permit will remain with the Zoning Administrator. The purpose of such a referral will be to seek informal comments and recommendations.</p>	
In the event of the need to determine the boundary of a zoning district, the Zoning Administrator shall have the authority and jurisdiction to render a written determination of the boundary of a zoning district.	
Approve signs	153.202
Approve project plan prior to county issuing a building permit.	153.216
Determine when a project is exempt from building permit requirements.	153.216
Determine amount of bond or financial security associated with building permit.	
Certificate of occupancy certificate of occupancy shall be required before any structure or premises, or part thereof, may be used or occupied, unless waived by the Zoning Administrator as part of a completed project permit.	
Issuing notice regarding unsafe structures.	
Appeals: Coordinate with appeal authority re schedule.	
Determine a land use application submitted and complete on the date when the application is provided in a form that complies with the requirements of this chapter	153.051
If the Zoning Administrator determines that the application is incomplete, the Zoning Administrator shall notify the applicant in writing, identifying the deficiencies of the application and advising the applicant that no action will be taken by the town until the deficiencies have been corrected.	153.096

Determinations made by ZA	
Natural waterways	153.011
Completeness of Applications	
Compliance of building permit application with ordinances	153.137
Building Inspector Duties	
<p>(B) To order all work to be stopped on the construction, remodeling or structural alteration of any building, when such work is being done in violation of any of the provisions of this subchapter, and any applicable law or regulation. Work shall not proceed on such premises, after the issuance of a stop order, without the prior written consent of the County Building Inspector;</p> <p>(C) To inspect all buildings being constructed, remodeled or structurally altered, to determine compliance with all applicable building construction and safety codes, and to enforce the provisions of the same; and</p> <p>(D) To examine all applications for building permits, to determine their compliance with applicable law, and to review the same.</p>	151.06