

RESOLUTION 2022-068

A resolution conditionally approving Boulder County Community Planning & Permitting Docket LU-22-0015/SPR-22-0056: Dawson - ADU and Barn

Recitals

A. James Dawson (the “Applicant”), applied to Boulder County for Limited Impact Special Use Review under Article 4-601 of the Boulder County Land Use Code (the “Code”) to construct a 1,624-square-foot Agricultural Worker Accessory Dwelling Unit (“ADU”). The Applicant also applied for Site Plan Review under Article 4-806 of the Code to construct a 4,500-square-foot Agricultural Barn (“Barn”) on an approximately 35-acre parcel with a presumptive size maximum of 5,536-square -feet.

B. The subject property is located at 9203 Yellowstone Road, approximately 0.35 of a mile east of its intersection with North 95th Street, in Section 5, Township 3 North, Range 69 West, in an Agricultural zoning district in unincorporated Boulder County (the “Property”).

C. The Property has an existing 4,576-square-foot residence and a 720-square-foot agricultural barn. Located at the north end of the county and bordering the Highland No. 2 Reservoir, the Property is primarily made up of open grassy meadows.

D. The Applicant plans to raise livestock including cattle, goats and horses, plant a large vegetable garden, erect a small greenhouse (not requested in this review), and plant a fruit tree orchard. The Applicant also asserts that due to age and health issues, he needs full-time assistance, and has therefore proposed an ADU.

E. The above-described request was processed and reviewed as Boulder County Community Planning & Permitting (“CPP”) Docket LU-22-0015/SPR-22-0056 (the “Docket”), as further described in the memorandum and written recommendation to the Board of County Commissioners (the “Board”) by the CPP Department planning staff dated August 25, 2022, together with its attachments (the “Staff Recommendation”). The Staff Recommendation found that the Docket could meet the criteria for approval with recommended conditions, and therefore, recommended that the Board conditionally approve the Docket.

F. At an online public hearing on the Docket held on August 25, 2022 (the “Public Hearing”), as further reflected in the official record of the Public Hearing, the Board considered the Staff Recommendation as well as the documents and testimony presented by the CPP Department staff. The Board also heard testimony from Applicant James Dawson and his attorney, Ed Byrne. One member of the public spoke at the Public Hearing.

G. Based on the Public Hearing, the Board finds that the Docket meets the criteria in Article 4-601 of the Code for Limited Impact Special Use approval for the proposed agricultural ADU, subject to the conditions stated below.

H. The Board further finds that the Docket meets the criteria in Article 4-806 of the Code for Site Plan Review approval for the proposed Barn construction, subject to the conditions stated below.

I. Therefore, the Docket can be approved, subject to the conditions stated below.

Therefore, the Board resolves

Docket LU-22-0015/SPR-22-0056 is approved on the basis and terms set forth in this Resolution, above, and subject to the following conditions:

1. The Applicant shall comply with all applicable requirements of the Boulder County Building Safety and Inspection Services Team and adopted County Building Codes, as outlined in the referral comments, including, but not limited to, required sprinklering and the BuildSmart energy efficiency and sustainability requirements.

2. The ADU shall be limited to a maximum of 1,624-square-feet and the Barn limited to a maximum of 4,500-square-feet.

3. Plans submitted for the building permit must demonstrate the existing access and new access connections to the ADU and Barn comply with the Boulder County Multimodal Transportation Standards (“the Standards”), including without limitation:

- Table 5.5.1 – Parcel Access Design Standards (1-Lane Plains Access)
- Standard Drawing 11 – Private Access
- Standard Drawing 14 – Access with Roadside Ditch
- Standard Drawing 16 – Access Grade & Clearance
- Standard Drawing 17 – Access Pullouts
- Standard Drawing 18 – Access Turnaround
- Standard Drawing 19 – Typical Turnaround & Pullout Locations

The access drive must be between 10 and 16 feet in width, including at the gate, plus an additional 2 feet of horizontal clearance on each side of the main travelway; minimum horizontal clearance at the gate is 14 feet.

Emergency access turnarounds are required for the new ADU and Barn; the turnaround must be located a minimum of 50 feet from the front and no greater than 150 feet from the rear of the structure it serves.

Emergency access pullouts are required at 400-foot intervals along the driveway. The length of the entire shared access must be identified and the locations of the required pullouts must be shown on the plans.

The access connections to the ADU and Barn must be surfaced with 4” ABC (Class 6) or other suitable material as approved by the County Engineer.

Locations of all non-foundational earthwork must be identified on plans submitted for permitting and areas of cut and fill must be clearly delineated using contrasting shading.

4. Prior to issuance of building or grading permits, the Applicant shall submit to the CPP Department for review and approval one copy of the proposed Revegetation Plan that conforms to the requirements as described on the materials located on our Revegetation Page.

5. Prior to issuance of building or grading permits, the Applicant shall submit to the CPP Department for review and approval revised site plans, including an updated grading fact sheet. Locations of all non-foundational earthwork must be identified on plans submitted for permitting and areas of cut and fill must be clearly delineated using contrasting shading.

6. Prior to issuance of building permits, the Applicant shall submit to the CPP Department for review and approval, three sets of samples (color chips, brochure, or catalog page) of all exterior colors to be used including roof, siding and trim. Please note that all color samples need to be small enough to fit into a file and will be kept for the record. Alternatively, exterior colors may be included as part of the building plan set required at the time of permit application.

7. Prior to issuance of a Certificate of Occupancy and/or at the time of final inspection, the full installation of the approved revegetation plan must be inspected and approved by the CPP Department. If weather is not conducive to seeding or if adequate revegetation efforts have not occurred and vegetation is not adequately established at the time of the final inspection request, an irrevocable letter of credit or monies deposited into a County Treasurer account will be required to assure the success of revegetation. The Applicant should consider the following well in advance of the revegetation inspection.

- a. The Applicant shall show some level of germination and growth of grass seed whether applying for a Certificate of Occupancy, final inspection, or the return of funds held in escrow for completion of revegetation.
- b. The steeper the slopes and dryer the soil, the greater the attention is required to establish a level of germination adequate to obtain revegetation approval.
- c. Areas of disturbance found at inspection not included on the revegetation plan are subject to reseeding and matting.

Incomplete revegetation is the leading cause for delays in obtaining a Certificate of Occupancy.

8. Prior to issuance of a building permit for the ADU, the Applicant shall submit one copy of a proposed lighting plan to the CPP Department for review and approval. Down lighting is required, and all bulbs must be fully shielded to prevent light emissions above a horizontal plane drawn from the bottom of the fixture. The lighting plan must indicate the location of all exterior fixtures on the site and structure, and must include cut sheets (manufacturer's specifications with picture or diagram) of all proposed fixtures. The lighting plan shall be included as part of the building plan set required at the time of permit application.

a. Prior to issuance of a Certificate of Occupancy, the full installation of the approved lighting plan must be inspected and approved by the CPP Department.

9. The Applicant shall submit an annual report to CPP indicating that the inhabitant of the ADU continues to live on-site and that the unit continues to be occupied in accordance with this Docket.

10. The ADU shall only be used as an Agricultural Worker Unit. Any changes to this use shall be considered a substantial modification of this approval and will require that the unit be decommissioned.

11. Prior to the issuance of a building permit for the ADU, the Applicant shall sign and have recorded an affidavit that recognizes the conditions of approval for this Docket.

12. Prior to the issuance of a building permit, the Applicant shall submit a revised set of drawings, including carport dimensions, to be approved by CPP staff.

13. The Applicant shall be subject to the terms, conditions, and commitments of record and in the file for Docket LU-22-0015/SPR-22-0056 Dawson ADU and Barn.

[Signature Page to Follow]

A motion to approve the Docket was made by Commissioner Claire Levy, seconded by Commissioner Matt Jones, and passed by a 3-0 vote.

ADOPTED as a final decision of the Board on this _____ day of October 2022.

**BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY:**

Marta Loachamin, Chair

Claire Levy, Vice Chair

Matt Jones, Commissioner

ATTEST:

Clerk to the Board