

RESOLUTION 2023-011

A resolution conditionally approving Boulder County Community Planning & Permitting Docket SE-21-0008: Gebhardt Boundary Line Adjustment

Recitals

A. Brian and Emily Gebhardt (the “Applicants”) applied to Boulder County for Subdivision Exemption under Article 9-400 of the Boulder County Land Use Code (the “Code”) for a boundary line adjustment to merge two parcels—Boulder County Assessor Parcel Nos. 146122000004 and 14612200074—resulting in two newly-configured parcels of approximately 33.6, and 3.5 acres respectively.

B. The subject parcels are located at 3369 and 3561 Sunshine Canyon Drive (“SCD”), located approximately 800 feet north of the intersection of Leonards Road and Model T Road, in Sections 15 and 20, Township 1 North, Range 71 West, in a Forestry zoning district in unincorporated Boulder County.

C. The Applicants requested that the current configurations of Parcel No. 146122000004 (3369 SCD) and Parcel No. 14612200074 (3561 SCD), be merged, and that an approximately 3.5-acre parcel be created on the north-east section of the property. The 3.5-acre parcel would become the new configuration of 3561 SCD and will maintain the building lot associated with that parcel.

D. The current 35.1-acre parcel at 3561 SCD is steep and wooded. It roughly follows a prominent drainage that flows southwest into Four Mile Creek. It is a vacant lot that has been recognized as a legal building lot. It is also encumbered by a 60-foot-wide access and utility easement that connects SCD and Four Mile Canyon Drive for a future emergency access route.

E. The existing 2-acre parcel at 3369 SCD is located between the Seven Hills subdivision and SCD and shares a common border of approximately 50 feet in length with 3561 SCD. 3369 SCD is a legal building lot containing an existing residence.

F. The Applicants initially proposed a smaller boundary configuration that would have located a future residence between two drainages on the eastern-most point of 3561 SCD. During staff analysis, significant concerns were identified due to the prevailing wind patterns and natural drainage topography. In a wildfire event, these areas can act as a natural fire chimney and present the highest risk for extreme fire behavior and loss of life and property. As a result, the Applicants proposed an alternate boundary configuration adjacent to an existing access and utility easement and incorporating an area north of the prevailing drainage. The Applicants also proposed removing adjacent access to SCD along the eastern-most portion of the new lot to ensure that a future driveway access and residence would not be built within the prevailing drainages. With this change, staff found the revised proposal could best mitigate wildfire concerns and meet the Subdivision Exemption criteria. The proposed boundary configuration

would limit development to an area north of the drainage that is easily accessible to emergency services from the adjacent SCD, locate a residence outside of the fire chimney, and limit disturbance of the drainage corridor.

G. The above-described request was processed and reviewed as Boulder County Community Planning & Permitting Docket SE-21-0008 (the “Docket”), as further described in the memorandum and written recommendation to the Board of County Commissioners (the “Board”) by Boulder County Community Planning & Permitting Department planning staff dated January 12, 2023, together with its attachments (the “Staff Recommendation”). The Staff Recommendation found that the proposal could meet the criteria for approval, and therefore, recommended that the Board conditionally approve the Docket.

H. At an online public hearing on the Docket held on January 12, 2023 (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 Community Planning & Permitting Department planning staff and Maya Ward-Karet, agent on behalf of the Applicants. No members of the public spoke at the Public Hearing.

I. Based on the Public Hearing, the Board finds that with the recommended conditions of approval, the Docket meets the Subdivision Exemption criteria listed in Article 9-400 of the Code.

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

Therefore, the Board resolves:

Docket SE-21-0008 is approved on the basis and terms set forth in this Resolution, above, and subject to the following conditions:

1. The Applicants shall comply with all applicable post-approval requirements for a Subdivision Exemption, as listed in Article 3-206.C of the Code, within one year after the Docket’s approval date, unless an extension(s) of time is granted as allowed in Article 9-700 of the Code.
2. To allow for sufficient defensible space to be maintained by property owners, a wildfire mitigation easement or property access license is required upon sale or transfer of ownership of the newly configured Parcel No.14612200074 located at 3561 SCD. Due to high wildfire danger in this area, sufficient defensible space is defined as 200 feet from all structures.
3. Upon the sale or transfer of ownership of parcel No.14612200074 located at 3561 SCD, a maintenance access easement to the adjacent property is required to allow access for fire mitigation purposes.

4. The Applicants shall be subject to the terms, conditions, and commitments of record and in the file for SE-21-0008: Gebhardt Boundary Line Adjustment.

A motion to approve the Docket was made by Commissioner Ashley Stolzmann, seconded by Commissioner Marta Loachamin, and passed by a 3-0 vote.

ADOPTED as a final decision of the Board on this _____ day of February 2023.

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

Claire Levy, Chair

Ashley Stolzmann, Vice Chair

Marta Loachamin, Commissioner

ATTEST:

Clerk to the Board