

RESOLUTION 2023-008

A resolution conditionally approving Boulder County Community Planning & Permitting Docket SU-21-0017: Mountain States Children’s Home Expansion

Recitals

A. Peter Stewart and Randy Schow of Mountain States Children’s Home (the “Applicants”) requested Special Review approval under Article 4-601 of the Boulder County Land Use Code (the “Code”), and Site-Specific Development Plan approval for a modification of SU-04-0013 to approve the construction of two new residential group homes, remodeling of six existing residential group homes, and additions to the administrative and school buildings to support an expansion in the number of children and house parent families housed on an approximately 153-acre parcel.

B. The subject property is located at 14780 North 107th Street (US 287) on the east side at its intersection with Yellowstone Road, in Section 10, Township 3 North, Range 69 West, in an Agricultural zoning district of unincorporated Boulder County (the “Property”).

C. The Property is developed with a mixture of residential, administrative, educational, and agricultural structures totaling approximately 78,200 square feet of enclosed floor area.

D. The Boulder County Comprehensive Plan indicates that the southern and eastern areas of the Property contain Agricultural Lands of National Significance, and also indicate View Protection Scores of 1.87 and 2.32 in this area of US 287.

E. Several adjacent and nearby parcels are encumbered by county-owned conservation easements. There are also county-owned open space parcels further to the southeast. However, no conservation easement is held over the Property.

F. The Applicants proposed a modification of the existing Special Use approval as a Group Care Home to permit the construction of two new 5,331-square-foot residential Group Care Homes, a 1,100-square-foot addition to the administrative office building, a 1,500-square-foot addition to the school building, and deconstruction of six existing residential Group Care Homes before reconstructing them using the same design proposed for the two newly proposed homes.

G. The Property has functioned as some form of Group Care Home since the early 1960s, as indicated by previous Special Use Review approvals (SU-89-9, SU-96-0012, and SU-04-0013) and application (SU-72-0632).

H. The Applicants now propose to add two new residential Group Care Homes to the Property. While plans submitted with previous applications make it clear that the Children's Home has anticipated development in the proposed locations, no previous approval has contemplated group homes in the proposed locations.

I. The Applicants propose that the two new homes be constructed in an almost identical style to those approved previously. The eventual deconstruction and replacement of the four previously existing group homes will also use the same design. Per the Applicants' narrative, this revised design will solve issues of design, structural stability, accessibility, and safety that currently exist in the four group homes constructed prior to 2013.

J. Staff note that, although the new and reconstructed Group Care Homes are also referred to as homes or residences, none of the proposed new development meets the definition for Residential Floor Area described in Article 18-189D of the Code. All residences on the Property are subsidiary to a Group Care Home use and are not reviewed as single-family residences; their floor area is therefore not limited by the presumptive size maximum and the residences are reviewed according to the Special Use Review criterion described in Article 4-601 rather than the Site Plan Review standards described in Article 4-806.

K. If the new residences are approved, the eight total Group Care Homes will each house a host family with children rotating through the houses such that only six homes are fully occupied (by the host family and up to 6 children in treatment) at any given time. Per discussion with the Applicants following the Planning Commission hearing, Group Care Homes that are not housing children in treatment will still house host families and their biological children, meaning that all eight houses will be occupied, but only six will house patients at any given time. While these improvements will increase the number of children in treatment currently being served at the Mountain States Children's Home, the total of 36 children in treatment proposed will not exceed the original 1989 approval that allowed a total of 40 children in treatment on site at any given time.

L. The Applicants also propose to add 1,100 square feet to the existing administrative office building and 1,500 square feet to the school building to accommodate the increased number of staff that will be on the site. Both of these additions will be constructed using colors and materials that match the façade of the existing structures to which they are added.

M. The Boulder County Planning Commission (the "Planning Commission") considered the application at an online public hearing on September 21, 2022. The Planning Commission unanimously recommended approval subject to the conditions of approval listed in the staff recommendation along with an amendment to condition 4 clarifying the limitation on the number of children applied to those in treatment, and the number allowed by State licensing. The Planning Commission certified the docket for action to the Board.

N. The above-described request was processed and reviewed as Boulder County Community Planning & Permitting Docket SU-21-0017 (the “Docket”), as further described in the memorandum and written recommendation to the Board by Boulder County Community Planning & Permitting Department planning staff dated January 5, 2023, together with its attachments (the “Staff Recommendation”). The Staff Recommendation found that the Docket could meet the criteria for approval, and therefore, recommended that the Board conditionally approve the Docket.

O. At an online public hearing on the Docket held on January 5, 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 staff. The Board also heard testimony from Randy Schow and Nick Mears of Mountain States Children’s Home. No members of the public spoke at the Public Hearing.

P. Based on the Public Hearing, the Board finds that the Docket meets the criteria for special use approval, as set forth in Articles 4-601 of the Code, subject to the conditions stated below.

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

Therefore, the Board resolves:

Docket SU-21-0017 is approved on the basis and terms set forth in this Resolution, above, and subject to the following conditions:

1. Within one year of approval, the Applicant shall provide a Development Agreement to the Community Planning & Permitting Department for review and approval prior to the issuance of any permits and prior to the recordation of said agreement.
2. Prior to the issuance of a Certificate of Occupancy for any structure, the Applicants shall submit evidence that they have obtained all applicable local, state, and federal permits for operation of the school.
3. The development must meet all requirements outlined in the Building Safety and Inspection Services Team referral response and the Building Code, including but not limited to:
 - a. Building Permits;
 - b. International Green Construction Code requirements;
 - c. Minimum Plumbing Fixtures;

- d. Accessibility;
- e. Design Wind and Snow Loads;
- f. Fire Department requirements;
- g. Ignition-Resistant Construction and Defensible Space, and
- h. Plan Review.

4. The total number of children in treatment on the Property shall not exceed 40 at any given time.

5. The total number of approved residences on the Property is 10, including the existing staff residence, existing farm manager residence, six existing Group Care Homes, and two new Group Care Homes. No Group Care Home on the Property may exceed 5,331 square feet in size.

6. The 1,100-square-foot administrative office addition and the 1,500-square-foot multipurpose building addition are approved as proposed.

7. At building permit submittal, the Applicants must include a revised site plan that does not include the proposed landscaped berm.

8. Prior to the issuance of any permits, the Applicants shall submit written confirmation from the Little Thompson Water District that development may proceed and will not overdraw the water tap on the Property.

9. Prior to the issuance of any permits, the Applicants shall submit written confirmation from the Highland Ditch Company indicating that all of the requirements described in the Ditch Company's referral response have been met.

10. At building permit submittal, the Applicants shall include a copy of a Colorado Department of Transportation (CDOT) access permit (or other documentation of access permission) for each point of access to US 287.

11. At building permit submittal, a Landscaped Screening and Revegetation plan is required. The plan must indicate the placement of no less than 5 trees between each of the new Group Care Homes and the US 287 right-of-way. The intent is not to completely hide the residence, but to break up the mass of the façade and soften the structure's hard lines.

The plan must conform to the requirements as described on the materials located on the Boulder County Revegetation Page (<https://bouldercounty.gov/property-and-land/land-use/planning/revegetation/>) and must show the location of all erosion control devices such as silt fence, straw bales, riprap and retaining walls. Cut and fill slopes are not to exceed a slope of 2:1 (slopes of 1.5:1 may be allowed in areas with soils and exposures conducive to good revegetation

or if the plan takes steps to improve the revegetative properties of the site.) The grade of all cut and fill slopes must be included on the revegetation plan. The plan must include details regarding the reclamation of existing and proposed cut and fill slopes.

The plan must also include grass species to be used, an explanation of how topsoils will be stockpiled and reused, mapped delineation of all disturbance areas (including construction staging and soil stockpiling areas, driveway, utility lines, and septic system), and locations of erosion control measures. New horticultural plantings should emphasize xeriscaping principles.

Prior to issuance of a Certificate of Occupancy, the full installation of the approved plan must be inspected and approved by the Community Planning & Permitting Department. If the 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. Applicants should consider the following well in advance of the revegetation inspection:

- a. Whether applying for a Certificate of Occupancy, final inspection, or the return of funds held in escrow for completion of revegetation, some level of germination and growth of grass seed is required.
- b. Keep in mind that the steeper the slopes and dryer the soil, the greater the attention needed 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 still subject to reseeding and matting.
- d. Incomplete revegetation is the leading cause for delays in obtaining a Certificate of Occupancy.

Prior to the issuance of a Certificate of Occupancy for either structure, the full installation of the approved Landscaped Screening and Revegetation Plan must be inspected and approved by the Community Planning & Permitting Department.

12. Prior to issuance of building permits, one copy of a proposed Lighting Plan must be submitted to the Community Planning & Permitting Department for review and approval. Down lighting is required, meaning that 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 structures, 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.

Prior to issuance of a Certificate of Occupancy, the full installation of the approved Lighting Plan must be inspected and approved by the Community Planning & Permitting Department.

13. The exterior colors, materials, and trim of any new or reconstructed group care home must match the exterior of the Group Care Home permitted under BP-13-1134.

Prior to issuance of building permits, Applicants shall submit to the Community Planning & Permitting Department for review and approval, one set of digital samples of all exterior colors to be used including roof, siding and trim. 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.

At the final inspection, the Community Planning & Permitting Department must inspect and verify that the approved color samples are used on the new structure.

14. The Group Care Home, administrative office building, and multipurpose building elevations dated June 6, 2022 are approved as proposed.

15. The locations for the new Group Care Homes, Office addition, and School addition shown on the detail site plan dated June 6, 2022 are approved as proposed. The four reconstructed Group Care Homes (labeled Cottage 1, Cottage 2, Cottage 3, and Cottage 4 on the site plan) must reuse the building footprints shown on this site plan.

16. Prior to issuance of building or grading permits, details regarding the placement and construction of the silt fencing or other appropriate erosion control measures must be submitted to and approved by the Community Planning & Permitting Department. Erosion control plans may be incorporated into the required Landscaped Screening and Revegetation Plan. Erosion control must be installed before construction commences and remain in place until vegetation is sufficiently established on the disturbed soil.

Prior to any grading or site disturbance, the silt barrier location and materials must be installed as required per the approved plans.

At the time of footing foundation inspection and all subsequent inspections, the Community Planning & Permitting Department must confirm the silt barrier location and materials have been installed as required per the approved plans. Any other areas on-site are subject to installation of silt fences, if needed.

17. The Applicants shall be subject to the terms, conditions, and commitments of record and in the file for Docket SU-21-0017: Mountain States Children's Home Expansion.

[Signature Page to Follow]

A motion to approve the Docket was made by Commissioner Matt Jones, seconded by Commissioner Claire Levy, and passed by a 2-0 vote. Commissioner Marta Loachamin was excused from the Public Hearing.

This Resolution adopts the approval of Docket SU-21-0017: Mountain States Children’s Home Expansion in substantially the same form and subject to the same terms and conditions as voted by the Board at the Public Hearing. Due to the expiration of his term of Office on January 10, 2023, Matt Jones is not a signatory to this Resolution. The Resolution is approved by the signatories below as the current sitting Board

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

Excused January 5, 2023

Marta Loachamin, Commissioner

ATTEST:

Clerk to the Board