

## RESOLUTION 2023-014

### **A resolution conditionally approving Boulder County Community Planning & Permitting Docket SU-22-0008: Alps Inn Special Use Modification**

#### Recitals

A. On behalf of Vanderhart Real Estate, LLC and Sandstone Care Colorado, LLC, John R. Vanderhart and Michael Hunter, respectively, (the “Applicants”) requested Special Review approval under Article 4-600 of the Boulder County Land Use Code (the “Code”), and Site-Specific Development Plan approval to modify SU-90-0004 to convert a Resort Lodge/Bed and Breakfast use to a Group Care Home use.

B. The subject property is located at 38619 Boulder Canyon Drive (Colorado state highway 119), parcel number 146134000022, approximately 2.5 miles up the canyon from the western edge of the City of Boulder and 0.3 mile west of its intersection with Fourmile Canyon Drive, in Section 34, Township 1 North, Range 71 West, in a Forestry zoning district of unincorporated Boulder County (the “Property”).

C. The Property is approximately 12.4-acres, with approximately 7 acres located on the west side of Boulder Canyon Drive and the remainder located east of Boulder Canyon Drive and Boulder Creek. All of the existing development on the Property is located on its western portion.

D. The existing structure has operated as a lodge since circa 1907, originally as the Hadley Cottages and then later as the Alps Lodge and then the Moose Lodge, and currently as the Alps Boulder Canyon Inn. It was approved by the Board of County Commissioners (the “Board”) as a Resort Lodge/Bed and Breakfast in 1990. At that time, it was approved to operate a 12-room bed and breakfast. The overnight occupancy of the Inn was limited by SU-90-0004 to 24 people, in 12 guestrooms, plus one additional owner/employee occupied residence. As part of the same approval, construction of an on-site sewage treatment facility was permitted.

E. The Applicants now propose to use the existing structure and facilities as a Group Care Home for adolescents experiencing mild to moderate mental health symptoms. Occupancy of the structure would remain at 24 individuals, using the existing 12 bedrooms. Full time, on-site staff would be provided to monitor the resident adolescents and to provide them treatment. These employees would work 12-hour shifts (7:00 AM to 7:00 PM and 7:00 PM to 7:00 AM). The staffing levels would be designed to allow for full time monitoring of the residents, and residents would be accompanied by staff as they move throughout the facility. Residents would not have use of any of the front entrances, and any outdoor activities would take place to the rear of the property, away from Boulder Canyon Drive. The cooking facilities would provide meals to residents, and the Property would not be open to the public.

F. The Applicants submitted a traffic analysis report, comparing the traffic impacts of the current approved use as a bed and breakfast with the proposed use as a Group Care Home. This report found that the existing lodging use would generate an Average Daily Trip (“ADT”) count of 40 vehicles per day; whereas the proposed use would result in an ADT of 27. Additionally, the number of vehicles per hour during morning and evening peak hours would be significantly reduced.

G. While there are a number of identified Boulder County Comprehensive Plan designations on the Property, there is no new development proposed as part of this application, and the change of use is not expected to have any negative impacts on the identified resources.

H. Portions of the Property are located within the Floodplain. As such, any future development which might be located within the Floodplain would be required to obtain the appropriate Floodplain Development Permit(s).

I. The Boulder County Planning Commission (the “Planning Commission”) considered the application at a public hearing on November 16, 2022. The Planning Commission unanimously recommended approval subject to the conditions of approval listed in the staff recommendation along with amending the condition related to the eradication of the Japanese knotweed. The Planning Commission certified the docket for action to the Board.

J. The above-described request was processed and reviewed as Boulder County Community Planning & Permitting Docket SU-22-0008 (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 26, 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.

K. At a public hearing on the Docket held on January 26, 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 Michael Hunter, Halcy Driskell, Edwin Alvarado, and Harmon Zuckerman, attorney, all on behalf of Applicant Sandstone Care. Two members of the public spoke at the Public Hearing.

L. 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.

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

Therefore, the Board resolves:

Docket SU-22-0008 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 Applicants shall provide a Development Agreement to the Community Planning & Permitting Department for review and approval prior to the issuance of a license or any permits and prior to the recordation of said agreement.
2. At the time of building or grading permit application, the Applicants shall submit a revised parking plan for review and approval that shows delineated parking spaces, compliant with ADA parking requirements and the Boulder County Multimodal Transportation Standards. The Applicants shall show any grading required for installation of parking on the revised parking plans.
3. Prior to issuance of building or grading permit application, the Applicants shall submit a Weed Control Plan for review and approval by the Boulder County Community Planning & Permitting Department and the Parks and Open Space Department. The Weed Control Plan should identify what county-listed noxious weeds are known to be on the Property, their location, and the proposed method(s) of weed control. For assistance in the development of this plan the Applicants should contact the county's weed management coordinator at 303-678-6110 or the Colorado State University (CSU) Weed Extension Agent at 303-776-4865.
4. Prior to operation of the facility, the Applicants shall install bear-proof garbage receptacles to prevent scavenging of garbage by wildlife.
5. The operator of the facility shall acquire and maintain all applicable local, state, and federal permits necessary for the operation of a Group Care Home.
6. If this Group Care Home is required to be licensed by the Colorado Department of Human Services, a Boulder County Child Care Plan review by Boulder County Child Health Promotion will be required prior to the operation of the facility. Information on the Child Care Plan review can be found online at <https://assets.bouldercounty.gov/wp-content/uploads/2017/12/child-care-plan-reviewapplication.pdf>.
7. At the time of building permit application, the Applicants shall submit a copy of a Colorado Department of Transportation (CDOT) access permit (or other documentation of access permission) for the exit access.

8. At the time of building permit application, the Applicants shall submit a revised site plan to Boulder County Community Planning and Permitting for review and approval showing the location(s) and type(s) of bicycle parking to be provided on site.

9. Prior to operation of the facility, all required and approved bicycle parking shall be installed.

10. Prior to operation of the facility, the basketball hoop currently in the parking lot adjacent to the public right-of-way must be removed or relocated to an area at the rear of the structure.

11. The Applicants shall be subject to the terms, conditions, and commitments of record and in the file for Docket SU-22-0008: Alps Inn Special Use Modification.

**[Signature Page to Follow]**

A motion to approve the Docket was made by Commissioner Ashley Stolzmann, seconded by Commissioner Claire Levy, and passed by a 2-0 vote. Commissioner Marta Loachamin was excused.

**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 26, 2023  
\_\_\_\_\_  
Marta Loachamin, Commissioner

ATTEST:

\_\_\_\_\_  
Clerk to the Board