



Community Planning and Permitting

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BOARD OF COUNTY COMMISSIONERS
Hybrid Public Hearing

June 29th, 2023 – 12:30 P.M.

All Board of County Commissioners public hearings and meetings will be offered in a hybrid format where attendees can join through Zoom or in-person at the Boulder County Courthouse, 3rd Floor, 1325 Pearl Street, Boulder

PUBLIC HEARING

STAFF PLANNER: Erica Bjelland

STAFF RECOMMENDATION REGARDING:

Docket LU-22-0034/SPR-22-0136: Juhl Woody Bopitiya Residence, Barn, and Historic ADU

- Proposal: Limited Impact Special Review for a Historic ADU and Site Plan Review for a 6,931 sq ft residence, and a 12,807 sq ft barn on a 40-acre parcel where the PSM is 4,654 sq ft at 5307 Independence Road.
- Location: 5307 Independence Road, Parcel No. 146321000001, approximately 0.6 miles east of the intersection of Independence Road and State Highway 119 in Section 21, Township 1N, Range 70
- Zoning: Rural Residential (RR) Zoning District
- Applicants: James Woody and Ranmali Bopitiya
- Owner: Robert and Earl Juhl (at time of application)

STAFF RECOMMENDATION: Staff recommends that the Board of County Commissioners conditionally approve docket LU-22-0034/SPR-22-0136: Juhl Woody Bopitiya Residence, Barn, and Historic ADU.

PACKET CONTENTS:

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○ Staff Recommendation	1 – 24
○ Application Materials (Attachment A)	A1 – A55
○ Referral Responses (Attachment B)	B1 – B22

SUMMARY AND RECOMMENDATION:

The applicant requests Limited Impact Special Review for a Historic Accessory Dwelling Unit per Article 4-516.G.2. of the Boulder County Land Use Code (the Code). The Site Plan Review request is for the proposed construction of a 6,931-square-foot residence and 12,807-square-foot arena. Site Plan Review is required for the proposed residence and arena because it is adding more residential floor area than 125% the size presumed to be compatible with the neighborhood and more than 1,000 square feet of floor area since September 8, 1998 (Art. 4-802.A.1). The proposed residence and arena are analyzed pursuant to the Site Plan Review standards outlined in Code Art. 4-806.

Staff recommends conditional approval of the proposal because, with the recommended conditions of approval, staff finds the Historic ADU and garage can meet the Limited Impact Special Review Criteria and the residential and arena construction can meet the Site Plan Review Standards in the Code.

DISCUSSION:

The subject parcel is approximately 40 acres in size, located at 5307 Independence Road, approximately 0.6 miles east of the intersection of Independence Road and State Highway 119 and North of the Boulder Municipal Airport as shown in Figure 1 below. Article 9-100.A.2 of the Code identifies that parcels 35 acres or more in size are legal building lots.



Figure 1: Vicinity Map showing location of the subject parcel

The following structures exist on the parcel according to the Assessor’s records: a residence that is 3,416 square feet, another residence that is 1,662 square feet, a 3,600-square-foot general purpose barn, a 1,040-square-foot garage, and a 2,368-square-foot farm utility building. The applicants plan to remove the 3,416 square foot residence and the 2,368 square foot farm utility building. There are also several small unpermitted shed-like structures that the applicant plans to demolish.

The three structures proposed to remain are the 1,662-square-foot residence, 1,040-square-foot garage, and 3,600-square-foot barn. The 1,662-square-foot residence is proposed to be designated as a Historic Accessory Dwelling Unit, and the 1,040-square-foot garage is proposed to remain as a historical structure at the recommendation of the Historic Preservation Advisory Board (HPAB).

The applicants are also proposing a new residence that is 6,931 square feet and a new driveway to the residence. A pool is also proposed near the residence location. Additionally, the applicants propose a 12,807 square foot horse arena. The site plan below in Figure 2 shows all the structures existing and proposed. If all floor area that the applicant is proposing on the parcel is approved, the total floor area on site will be 25,000 square feet.

Staff recommends conditional approval of the application because, as conditioned, staff finds the proposal can meet the Limited Impact Special Review Criteria (4-601) and Site Plan Review Criteria (4-806) in the Boulder County Land Use Code (the Code).

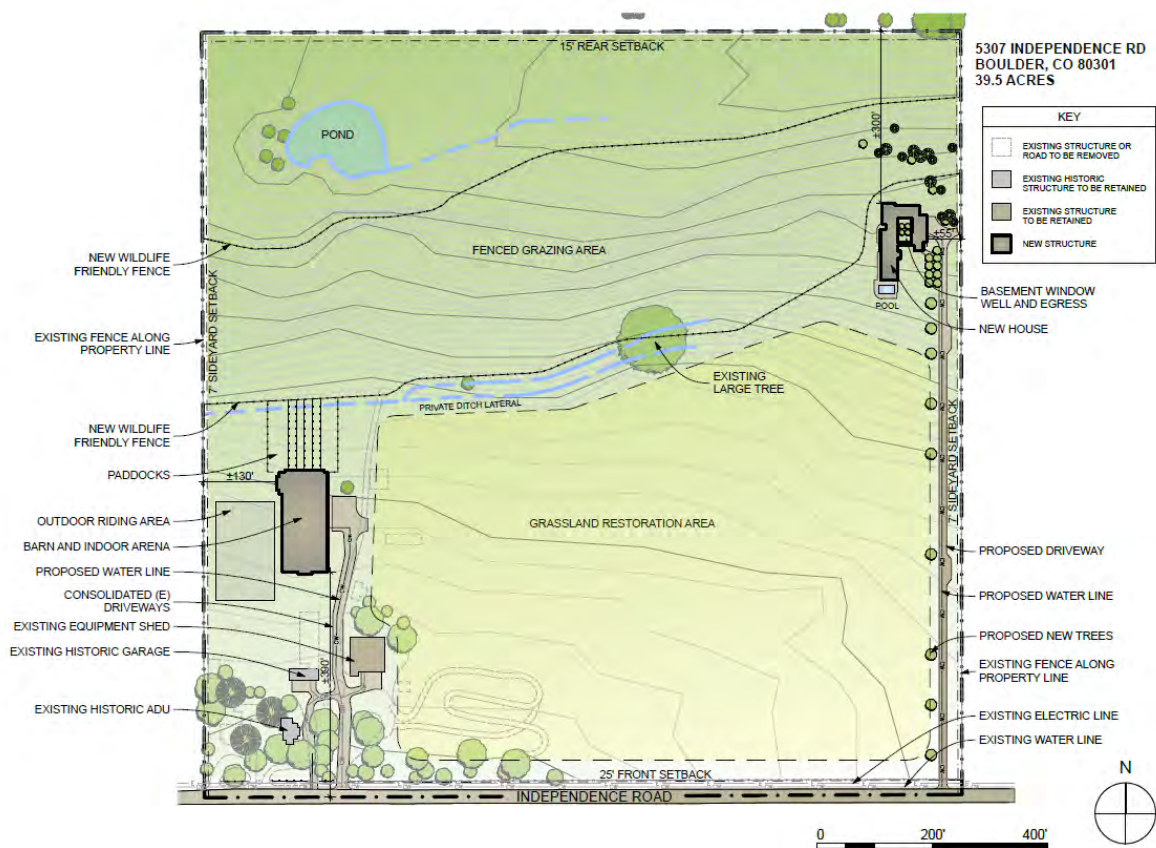


Figure 2: Site Plan of 5307 Independence Road

REFERRALS:

This application was referred to the typical agencies, departments, and adjacent property owners within 1,500 feet of the project area. All responses received are attached and summarized below.

Boulder County Building Safety and Inspection Services Team: Boulder County Building Safety and Inspection Services reviewed the proposal. The proposed residence will be required to meet the county’s BuildSmart requirements and must be constructed with ignition-resistant materials and defensible space for wildfire mitigation. It will also need to be pre-wired for an electric vehicle charging station. Additionally, the referral noted that floor area over 25,000 square feet will trigger the Green Code.

Boulder County Development Review Team – Access & Engineering: Boulder County Development Review Team – Access & Engineering (DRT A&E) reviewed the proposal. They recommend the applicants use the existing driveway instead of adding a new one. They also recommend erosion control measures and noted that a stormwater quality permit and a receipt of excess cut are required.

Boulder County Public Health Department: The Public Health Department reviewed the proposal and noted that an onsite wastewater treatment system (OWTS) permit must be applied for and issued prior to installation and before a building permit can be obtained. The OWTS must be installed, inspected, and approved before issuance of a Certificate of Occupancy. Boulder County Public Health must conduct an onsite investigation and review any design plans and specifications prior to OWTS permit issuance.

Boulder County Parks & Open Space (BCPOS): BCPOS reviewed the proposal and found several natural resource concerns including fragmenting of Agricultural Lands of Statewide Importance and excessive site disturbance. Recommended conditions include revegetation, weed control plan, removal of Russian Olive trees, pasture management, and an erosion control plan.

Xcel Energy: Xcel noted that a minimum 10-foot radial clearance must be maintained at all times from all overhead electric facilities.

Lefthand Water District: Lefthand Water noted that a ¾” water meter is required for the proposed Historic ADU.

Boulder Rural Fire: Noted that sprinklers and a cistern are needed. They also noted that the driveway would need to be wide and stable enough to handle a 35-foot-long and 25-ton fire engine.

Adjacent Property Owners: Application notices were mailed to nearby property owners, and Community Planning & Permitting (CPP) staff received two public comments from the same property owner regarding the Limited Impact Special Review and Site Plan Review process. The property owner noted concern for their view of the Flatirons with the proposed residence location and possible impacts of a new septic system. The view from the neighbor’s home is discussed in the Site Plan Review criteria along with other visibility concerns.

Agencies that sent a response indicating no conflicts include: City of Boulder Open Space and Mountain Parks (OSMP)

Agencies that did not respond include: Boulder County Long Range and Historic Teams, Northern Colorado Water Conservancy, White Rock Ditch, City of Boulder, and Boulder Municipal Airport

LIMITED IMPACT SPECIAL REVIEW SUMMARY:

Pursuant to Article 4-101.F.3.c of the Code, Limited Impact Special Review is required for Historic Accessory Dwelling Units in the Agricultural Zoning District. CPP staff reviewed the conditions and standards for approval of a Limited Impact Special Review as they apply the proposed Historic Accessory Dwelling Unit per Article 4-601 of the Code and finds the following:

- (1) ***Complies with the minimum zoning requirements of the zoning district in which the use is to be established, and will also comply with all other applicable requirements;***

The subject parcel is zoned Agricultural and is a legal building lot. The Boulder County Land Use Code allows for a second residence only in limited circumstances. Historic Accessory Dwelling Units (ADUs) can be permitted as an accessory use in the Agricultural zoning district (Article 4-516), if approved by a Limited Impact Special Review.

The applicant is proposing to renovate an existing structure into a Historic ADU. Landmarking for the ADU and garage has been requested through Historic Preservation docket of HP-23-0001 and any approval of the ADU through this review is dependent on the Historic Preservation docket approval.

Staff recommend a condition of approval requiring the necessary building permit be obtained for the proposed ADU and garage. With the required permits and as conditioned, staff finds that this criterion can be met.

Additional Provisions for Historic Units under Article 4-516.G.7 include the following:

- a. The accessory dwelling must occupy an existing historic structure that has been designated as a historic landmark by Boulder County.***

The existing 1,662 square foot historical structure and 1,040 square-foot garage is proposed to be designated as a historic landmark through HP-23-0001.

Provided the Historic Preservation docket is approved, staff finds this provision can be met. ***Before building permit***, staff recommends a condition of approval requiring that the structure be landmarked.

- b. The Boulder County Commissioners (BOCC), considering a recommendation from the Historic Preservation Advisory Board (HPAB), must determine that the proposed accessory dwelling is necessary for the preservation of the landmark.***

The Historic Preservation Advisory Board (HPAB) recommends approval of HP-23-0001 for the Historic ADU and historic garage.

Pursuant on the approval of HP-23-0001, staff finds that this provision can be met.

- c. The accessory dwelling is limited to the existing size of the landmarked structure except for minor additions that may be necessary for health and safety purposes and which are approved by the BOCC, considering a recommendation from the HPAB.***

The applicants are proposing exterior additions of skylights and new windows to the Historic ADU. HPAB noted that, "...alteration of any exterior feature of the landmarked structures will require review and approval of a Certificate of Appropriateness (CA) by Boulder County (note: applicable county review processes, including but not limited to Site Plan Review may be required)."

Therefore, staff recommends that ***before building permit for alteration of the Historic ADU***, a Certificate of Appropriateness be reviewed and approved.

As conditioned, staff finds that this provision can be met.

- d. Construction of new structures on the property cannot cause a significant negative impact on the landmark.***

The applicants are proposing to add skylights and new windows, which will not change the existing size of the structure. As noted in criteria c above, a Certificate of Appropriateness is needed before any alteration of the structure.

Therefore, staff finds that this provision can be met.

The unit may only be used as approved through the review. If unapproved changes occur the approval will be terminated and the unit must be removed or decommissioned. Rescission of the landmark designation will automatically rescind the approval of the unit.

Staff recommends a condition of approval requiring the property owner to submit an annual report to the Community Planning & Permitting Department indicating that the accessory dwelling continues to be used as a Historic ADU that is occupied in accordance with the approval of this docket.

As conditioned, staff finds this provision can be met.

f. A notice of these provisions will be recorded in the real property records of the Clerk and Recorder's Office.

The accessory dwelling unit shall only be used as a Historic ADU. Staff recommends a condition of approval requiring that alteration of any exterior feature of the landmarked structures will require review and approval of a Certificate of Appropriateness (CA) by Boulder County.

As conditioned, staff finds this provision can be met.

- (2) ***Will be compatible with the surrounding area. In determining compatibility, the Board should consider the location of structures and other improvements on the site; the size, height and massing of the structures; the number and arrangement of structures; the design of structures and other site features; the proposed removal or addition of vegetation; the extent of site disturbance, including, but not limited to, any grading and changes to natural topography; and the nature and intensity of the activities that will take place on the site. In determining the surrounding area, the Board should consider the unique location and environment of the proposed use; assess the relevant area that the use is expected to impact; and take note of important features in the area including, but not limited to, scenic vistas, historic townsites and rural communities, mountainous terrain, agricultural lands and activities, sensitive environmental areas, and the characteristics of nearby development and neighborhoods;***

The properties within 1,500 feet of the subject parcel is the defined neighborhood for this project and includes neighboring properties which contain residential structures. The defined neighborhood is a mix of agricultural parcels and smaller residential parcels. The subject detached structure is existing, but this review is to legally recognize it as an accessory dwelling use. No conflicts were found with the general neighborhood character or location of the detached structure on the subject parcel. Staff finds that the proposed Historic ADU is compatible with the surrounding area.

Therefore, staff finds that this criterion is met.

- (3) ***The use will be in accordance with the Comprehensive Plan;***

The Boulder County Comprehensive Plan Residential Goal D.1 states that “a diversity of housing types and densities should be encouraged in order to assure decent housing for all persons.” The proposed Historic Unit will provide housing that preserves historic structures and housing stock.

The Comprehensive Plan Cultural Resources Goal 1 states that, “*Boulder County identifies and protects cultural resources which meet national, state, or local criteria for historic designation from destruction or harmful alteration.*” The proposed Historic ADU and garage would preserve two historic structures on the parcel.

Additionally, the Comprehensive Plan identifies the area as being Agricultural Land of Statewide importance. However, the proposed Historic ADU is located within an existing detached accessory structure. Further impacts to the agricultural lands are mitigated, as the existing structure does not require any additional surface development. Additionally, the Boulder County Natural Resource planner did not find the Historic ADU to be impactful to significant agricultural lands.

Consequently, staff finds the proposal will be in accordance with the Comprehensive Plan and this criterion is met.

- (4) ***Will not result in an over-intensive use of land or excessive depletion of natural resources. In evaluating the intensity of the use, the Board should consider the extent of the proposed development in relation to parcel size and the natural landscape/topography; the area of impermeable surface; the amount of blasting, grading or other alteration of the natural topography; the elimination or disruption of agricultural lands; the effect on significant natural areas and environmental resources; the disturbance of plant and animal habitat, and wildlife migration corridors; the relationship of the proposed development to natural hazards; and available mitigation measures such as the preservation of open lands, the addition or restoration of natural features and screening, the reduction or arrangement of structures and land disturbance, and the use of sustainable construction techniques, resource use, and transportation management.***

Staff do not anticipate that the proposed Historic ADU and garage will result in an over-intensive use of land or an excessive depletion of natural resources. The structure in which the Historic ADU will be housed is existing and clustered with existing development on the parcel. There is no new development associated with this proposal.

Therefore, staff finds this criterion is met.

- (5) ***The use will not have a material adverse effect on community capital improvement programs***

There is no indication the proposal will have an adverse effect on community capital improvement programs, and no referral agency has responded with such a concern.

Therefore, staff finds this criterion is met.

- (6) ***The use will not require a level of community facilities and services greater than that which is available;***

Staff does not anticipate the proposal will have an adverse effect on community facilities and services. Left Hand Water District found that the proposed Historic ADU requires a 3/4” water meter and currently has a 5/8” water meter. Left Hand Water District will require the applicant submit a tap availability request to the District for water service to the Historic ADU.

Staff has not otherwise identified any impacts on community facilities and services.

Staff finds this criterion is met.

- (7) ***Will support a multimodal transportation system and not result in significant negative impacts to the transportation system or traffic hazards;***

The subject Historic ADU is accessed via Independence Road, a Boulder County owned and maintained right-of-way (ROW). Driveway concerns are noted in the Site Plan Review criteria but do not affect the current Historic ADU location.

As conditioned in criteria 10 below of the Site Plan Review standards, staff finds this criterion can be met.

- (8) ***Will not cause significant air, odor, water, or noise pollution;***

There is no indication that the proposal will cause significant air, odor, water, or noise pollution and no referral agency has responded with such a concern.

Therefore, staff finds this criterion is met.

- (9) ***Will be adequately buffered or screened to mitigate any undue visual impacts of the use;***

The existing structure in which the Historic ADU is proposed is minimally visible from the other residences in the defined neighborhood. It is visible from Independence Road; however, the accessory structure is existing and does not pose any additional visual impacts with the proposed use.

Therefore, staff finds this criterion is met.

- (10) ***The use will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County***

Staff has not identified any issues that would result in the project being detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County.

Therefore, staff finds this criterion is met.

- (11) ***The use will establish an appropriate balance between current and future economic, environmental, and societal needs by minimizing the consumption and inefficient use of energy, materials, minerals, water, land, and other finite resources.***

The applicant is not proposing any additional floor area to the proposed Historic ADU. Utilization of an existing structure is less impactful than building a new structure.

Therefore, staff find that this criterion can be met.

- (12) ***The use will not result in unreasonable risk of harm to people or property – both onsite and in the surrounding area – from natural hazards. Development or activity associated with the use must avoid natural hazards, including those on the subject property and those originating off-site with a reasonable likelihood of affecting the subject property. Natural hazards include, without limitation, expansive soils or claystone, subsiding soils, soil creep areas, or questionable soils where the safe-sustaining power of the soils is in doubt; landslides, mudslides, mudfalls, debris fans, unstable slopes, and rockfalls; flash flooding corridors, alluvial fans, floodways, floodplains, and flood-prone areas; and avalanche***

corridors; all as identified in the Comprehensive Plan Geologic Hazard and Constraint Areas Map or through the Special Review or Limited Impact Special Review process using the best available information. Best available information includes, without limitation, updated topographic or geologic data, Colorado Geologic Survey landslide or earth/debris flow data, interim floodplain mapping data, and creek planning studies.

The Boulder County Comprehensive Plan does not identify the structure to be in an area of geologic hazards.

Therefore, staff find that this criterion can be met.

- (13) *The proposed use shall not alter historic drainage patterns and/or flow rates unless the associated development includes acceptable mitigation measures to compensate for anticipated drainage impacts. The best available information should be used to evaluate these impacts, including without limitation the Boulder County Storm Drainage Criteria Manual, hydrologic evaluations to determine peak flows, floodplain mapping studies, updated topographic data, Colorado Geologic Survey landslide, earth/debris flow data, and creek planning studies, all as applicable given the context of the subject property and the application.*

The subject parcel is not located within any drainage areas and staff do not anticipate that the proposed Historical ADU will alter any historic drainage patterns since no new construction is proposed as a part of this application.

Therefore, staff find this criterion is met.

SITE PLAN REVIEW SUMMARY:

Article 4-806 of the Code states that no Site Plan Review can be approved without compliance with the following standards. All site plan review applications shall be reviewed in accordance with the following standards which the Director has determined to be applicable based on the nature and extent of the proposed development. Only those standards applicable to this project are included in this list. Staff has reviewed these standards as they apply to the proposed residence and finds the following:

- (1) *To provide a greater measure of certainty as to the applicable neighborhood relevant for comparison, the following definition of neighborhood shall be used to review proposed Site Plan Review applications:*
- c. For applications outside of platted subdivisions with seven or more developed lots or the townsites of Allenspark, Eldora, Eldorado Springs, Raymond and Riverside, the defined neighborhood is the area within 1,500 feet from the applicable parcel. The neighborhood shall not include any parcels inside municipal boundaries, platted subdivisions with seven or more developed lots or the townsites of Allenspark, Eldora, Eldorado Springs, Raymond and Riverside.*

The applicable neighborhood for the subject parcel is the area within 1,500 feet from the parcel, excluding parcels inside municipal boundaries, platted subdivisions with seven or more developed lots, and any mapped townsites.

- (2) *The size of the resulting development (residential or nonresidential) must be compatible with the general character of the defined neighborhood.*

- a. *In determining size compatibility of residential structures within the defined neighborhood, it is presumed that structures of a size within the **larger** of a total residential floor area of either (1) 125% of the median residential floor area for that defined neighborhood or (2) of a total residential floor area of 1,500 square feet in the mapped townsites of Allenspark, Eldora, Eldorado Springs, Raymond, and Riverside, or 2,500 square feet for all other areas of the County, are compatible with that neighborhood, subject also to a determination that the resulting size complies with the other Site Plan Review standards in this section 4-806.A.*

A. SIZE PRESUMPTION

The presumed compatible size of residential structures within the defined neighborhood (see Standard 1 above for the applicable neighborhood) is 4,654 square feet, which is 125% of the median residential floor area for the defined neighborhood of 1,500 square feet from the parcel.

Total Existing Floor Area	12,076 square feet (3,416 square-foot residence, 1,662 square-foot residence, 3,600 square-foot general purpose barn, 1,040 square-foot farm utility building, 2,358 farm utility building)
Total Floor Area Proposed to be Deconstructed	5,774 square feet (3,416 square-foot existing residence, 2,358 square-foot farm utility building)
Total Remaining Floor Area After Deconstruction	6,302 square-feet (1,662 square-foot proposed Historic ADU, 1,040 square-foot proposed historic garage 3,600 square-foot barn)

Median (total residential floor area) in the defined neighborhood*	3,723 square feet
125% of the median residential floor area in the defined neighborhood	4,654 square feet
Total existing residential floor area on the subject parcel*	0 square feet
Total proposed residential floor area	6,931-square foot-residence and attached garage

**Source: Boulder County Assessor's records, as verified by CPP staff for the subject parcel.*

B. PROPOSED APPROVED SIZE

RESIDENTIAL FLOOR AREA*	
Total existing residential floor area on the subject parcel to remain (if Historic ADU approved)	0 square feet
NEW residential floor area	Maximum 6,931 square feet (max. 4,654 square feet above grade)
TOTAL resulting residential floor area	Maximum 6,931 square feet (max. 4,654 square feet above grade)

**Residential Floor Area includes all attached and detached floor area on a parcel including principal and accessory structures used or customarily used for residential purposes, such as*

garages, studios, pool houses, home offices, and workshops, excluding covered deck. Floor area does not include the area of any covered porch. Gazebos, carports, detached greenhouses and hoopouses up to a total combined size of 400 square feet are also exempt.

NON-RESIDENTIAL FLOOR AREA	
Total existing non-residential floor area on the subject parcel to remain	3,600-square-foot farm utility building
NEW non-residential floor area	Maximum 12,807-square-foot riding arena
TOTAL resulting non-residential floor area	16,407 square feet

TOTAL resulting floor area on the parcel (residential and non-residential)	Maximum 23,338 square feet
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The following square footage is pursuant on the approval of HP-23-0001:

ADDITIONAL NON-RESIDENTIAL FLOOR AREA IF APPROVED THROUGH HP-23-0001	
Historic ADU	1,662 square-feet
Historic Garage	1,040 square-feet

The applicant proposes to construct a 6,931-square-foot residence consisting of a 2,077-square-foot subterranean basement, 3,746-square-foot first floor, 450-square-foot second floor, and a 658-square-foot garage. A 1,590-square-foot covered porch is also proposed; this floor area is exempt from the definition of residential floor area (Land Use Code Art. 18-162) and is not counted in the residential floor area totals.

4,854-square-feet of the residential floor area is proposed to be above grade with remaining being fully subterranean and not visible. The presumed compatible size on the parcel is 4,654 square feet of residential floor area. The applicant’s proposal would exceed the presumed compatible size by 2,277 square feet.

Article 4-806.A.2.b. of the Code provides that either the applicant or Director may demonstrate that the presumed compatible size does not adequately address the size compatibility of the proposed development within the defined neighborhood. Per Article 4-806.A.2.b.i.A.1.b, a proposed development may be able to overcome the size presumed to be compatible with the defined neighborhood if visibility from other private parcels is sufficiently mitigated by means of underground construction. Staff finds that the visible floor area compared to the defined neighborhood is mitigated by the 2,277 square feet of the residence that will be entirely subterranean and not visible.

The proposed above grade and visible square footage of 4,854 square feet is 200 square feet above the presumed compatible size with the neighborhood. Limiting the floor area to the size presumption of 4,654 square feet is compatible with the existing character of development within the defined neighborhood. Above-grade floor area totals within the defined neighborhood range from 987 square feet to 16,739 square feet, with a median size of 2,996 square feet. In order to ensure that the approved residence is compatible with

development within the defined neighborhood, the above-grade floor area must not exceed a maximum of 4,654 square feet.

Staff finds that the presumptive size maximum of 4,654 square feet can be overcome pursuant to Article 4-806.A.2.b.i.A, with a limitation to a maximum of 4,654 square feet above grade and a maximum total residential floor area of 6,931.

Additionally, the subterranean and not visible floor area proposed is dependent on the location of the residence. Staff has concerns with the location of the structure as noted in criteria 8,10, and 11, and recommends that the residence be moved. If a new location is proposed, staff will have to review and approve the subterranean floor area in a new location, and recommends a condition of approval to that effect.

Because the residence is proposed to be over 6,000 square-feet, Transferable Development Credits (TDCs) will be required if the residential floor area is approved. Boulder County's TDC program, effective August 8, 2008, requires that, in general, homeowners who wish to build residences with floor areas greater than 6,000 square feet in unincorporated Boulder County purchase TDC Certificates. It appears 2 development credits would be required if all square footage is approved. The actual number of development credits necessary will be determined during the building permit review, once the exact square footage is calculated.

SIZE OF NON-RESIDENTIAL FLOOR AREA

Staff finds that the 12,807-square-foot arena demonstrates the proposed agricultural use outlined in the plans received June 6, 2023, as outlined in Article 4-516.B.5.b of the Code. The proposed agricultural use on the parcel includes horse stables, tack room, wash room, bedding, and an indoor riding arena.

The arena will not be used for residential purposes (see use affidavit requirement in the Additional Requirements section below). Consequently, the barn does not constitute residential floor area that should be counted toward the compatible size presumption for the neighborhood. Total non-residential floor area in the neighborhood ranges from 252 square feet to 14,279 square feet.

Staff identified two other arenas in the defined neighborhood: one at 3883 N 57th Street that is 7,320 square-feet on a 26-acre parcel and another at 5137 Independence Road that is 18,424 square-feet on a 3.95 acre parcel. Staff found that the 12,807 square-foot arena fits the defined neighborhood and agricultural use proposed.

If the 1,040 square foot historic garage and 1,662 square-foot Historic ADU are approved, the total floor area on the parcel will equal 26,040 square feet. In the initial Historic Preservation docket the applicant did not propose to preserve the 1,040 square-foot garage; HPAB recommended this structure be historically preserved. Without the 1,040 square-feet of the garage structure, the total proposed floor area on the parcel is 25,000 square-feet and does not trigger a Special Use Review. If approved through HP-23-0001, the 1,040 square-foot garage structure would be a condition imposed by Boulder County.

As conditioned, staff does not find conflict with this standard.

- (3) ***The location of existing or proposed buildings, structures, equipment, grading, or uses shall not impose an undue burden on public services and infrastructure.***

The subject property is accessed from Independence Road, a paved Boulder County owned and maintained right-of-way (ROW) with a Functional Classification of Collector. Legal Access has been demonstrated via adjacency to this public ROW.

The Public Health Department reviewed the proposal and found that an onsite wastewater treatment system (OWTS) permit has not been issued for this property. Staff recommend a condition of approval requiring that an OWTS permit must be applied for and issued prior to installation and before a building permit can be obtained.

Xcel reviewed the proposal and noted that there are existing gas and electric lines on site. Staff recommends that a condition of approval be that before building permit, existing utilities be mapped and during construction, a minimum 10-foot radial clearance must be maintained at all times from all overhead electric facilities.

As conditioned, staff find no conflicts with this standard.

- (4) ***The proposed development shall avoid natural hazards, including those on the subject property and those originating off-site with a reasonable likelihood of affecting the subject property. Natural hazards include, without limitation, expansive soils or claystone, subsiding soils, soil creep areas, or questionable soils where the safe-sustaining power of the soils is in doubt; landslides, mudslides, mudfalls, debris fans, unstable slopes, and rockfalls; flash flooding corridors, alluvial fans, floodways, floodplains, and flood-prone areas; and avalanche corridors. Natural hazards may be identified in the Comprehensive Plan Geologic Hazard and Constraint Areas Map or through the Site Plan Review process using the best available information. Best available information includes, without limitation, updated topographic or geologic data, Colorado Geologic Survey landslide or earth/debris flow data, interim floodplain mapping data, and creek planning studies. Development within or affecting such natural hazards may be approved, subject to acceptable measures that will satisfactorily mitigate all significant hazard risk posed by the proposed development to the subject property and surrounding area, only if there is no way to avoid one or more hazards, no other sites on the subject property can be reasonably developed, or if reasonably necessary to avoid significant adverse impacts based upon other applicable Site Plan Review criteria.***

The subject property is identified as containing moderate swelling soil potential in the area where the residence is proposed. Moving the residence to be more clustered with the rest of development on site would help mitigate the potential for swelling soils on the parcel. However, staff does not find that unreasonable risk of harm to people or property from natural hazards is present for the proposed residence.

Therefore, staff find no conflicts with this standard.

- (5) ***The site plan shall satisfactorily mitigate the risk of wildfire both to the subject property and those posed to neighboring properties in the surrounding area by the proposed development. In assessing the applicable wildfire risk and appropriate mitigation measures, the Director shall consider the referral comments of the County Wildfire Mitigation Coordinator and the applicable fire district, and may also consult accepted national standards as amended, such as the Urban-Wildland Interface Code; National Fire Protection Association (NFPA); International Fire Code; and the International Building Code.***

The proposed project is in Wildfire Zone 2 of the unincorporated portion of Boulder County. Ignition-resistant materials and construction, defensible space, emergency water supply, and emergency vehicle access are required.

As conditioned, staff does not find conflict with this standard.

- (6) ***The proposed development shall not alter historic drainage patterns and/or flow rates or shall include acceptable mitigation measures to compensate for anticipated drainage impacts. The best available information should be used to evaluate these impacts, including without limitation the Boulder County Storm Drainage Criteria Manual, hydrologic evaluations to determine peak flows, floodplain mapping studies, updated topographic data, Colorado Geologic Survey landslide, earth/debris flow data, and creek planning studies, all as applicable given the context of the subject property and the application.***

3,633 cubic yards of earthwork is proposed (3,378 cubic yards foundational, 255 cubic yards non-foundational). Appropriate erosion control measures such as erosion control logs shall be installed downslope and parallel to contours for all disturbed areas including staging areas. The location and types of erosion control shall be shown on site plans submitted for building permit approval.

As a part of Boulder County's water quality protection and municipal separate storm sewer system construction program (MS4), a stormwater quality permit (SWQP) is required when the area of disturbance on the subject property exceeds one acre in size.

Staff recommends a condition of approval requiring that at the time of building permit, the applicant submit plans identifying all areas of disturbance including construction areas, staging areas, temporary access areas, and parking areas. If the area of disturbance exceeds one acre in size, a SWQP application must be included with the plans.

NOTE: The SWQP must be issued prior to work beginning on the project.

The property is over 3 acres in size and meets the Boulder County Storm Drainage Criteria Manual exceptions for Permanent Water Quality and Detention as outlined in section 1203.1 and section 1204.1. No further action is needed by the applicant.

Therefore, as conditioned, staff finds no conflicts with this standard.

- (7) ***The development shall avoid significant natural ecosystems or environmental features, including but not necessarily limited to riparian corridors and wetland areas, plant communities, and wildlife habitat and migration corridors, as identified in the Comprehensive Plan or through the Site Plan Review process. Development within or affecting such areas may be approved, subject to acceptable mitigation measures and in the discretion of the Director, only if no other sites on the subject property can be reasonably developed, or only if reasonably necessary to avoid significant adverse impacts based upon other applicable Site Plan Review criteria.***

The Comprehensive Plan indicates that there is a riparian area on site. Staff finds that the proposal is unlikely to cause significant natural resource impacts on the wetland with the proposed locations as long as adequate erosion control is used during construction. Staff recommends erosion control measures as noted in criteria 6.

Several noxious weeds were identified on the parcel. Russian Olive Trees are a state listed noxious weed. Staff recommends a condition of approval be that All Russian Olive Trees

must be cut down and the stumps immediately treated with a systemic herbicide to prevent re-sprouting. A Weed Control Plan is also recommended as a condition that includes the mapping of county-listed, noxious weed species *on the entire parcel*, with their intended control techniques specified.

Therefore, as conditioned, staff finds no conflicts with this standard.

- (8) *The development shall avoid agricultural lands of local, state or national significance as identified in the Comprehensive Plan or through the site plan review process. Development within or affecting such lands may be approved, subject to acceptable mitigation measures and in the discretion of the Director, only if no other sites on the subject property can be reasonably developed, or only if reasonably necessary to avoid significant adverse impacts based upon other applicable site plan review criteria.*

The entire parcel is located within Agricultural Lands of Statewide Importance as shown in the figure below. The applicant is proposing an arena clustered with other development on the southwestern part of the parcel and a new residence and driveway on the eastern part of the parcel.

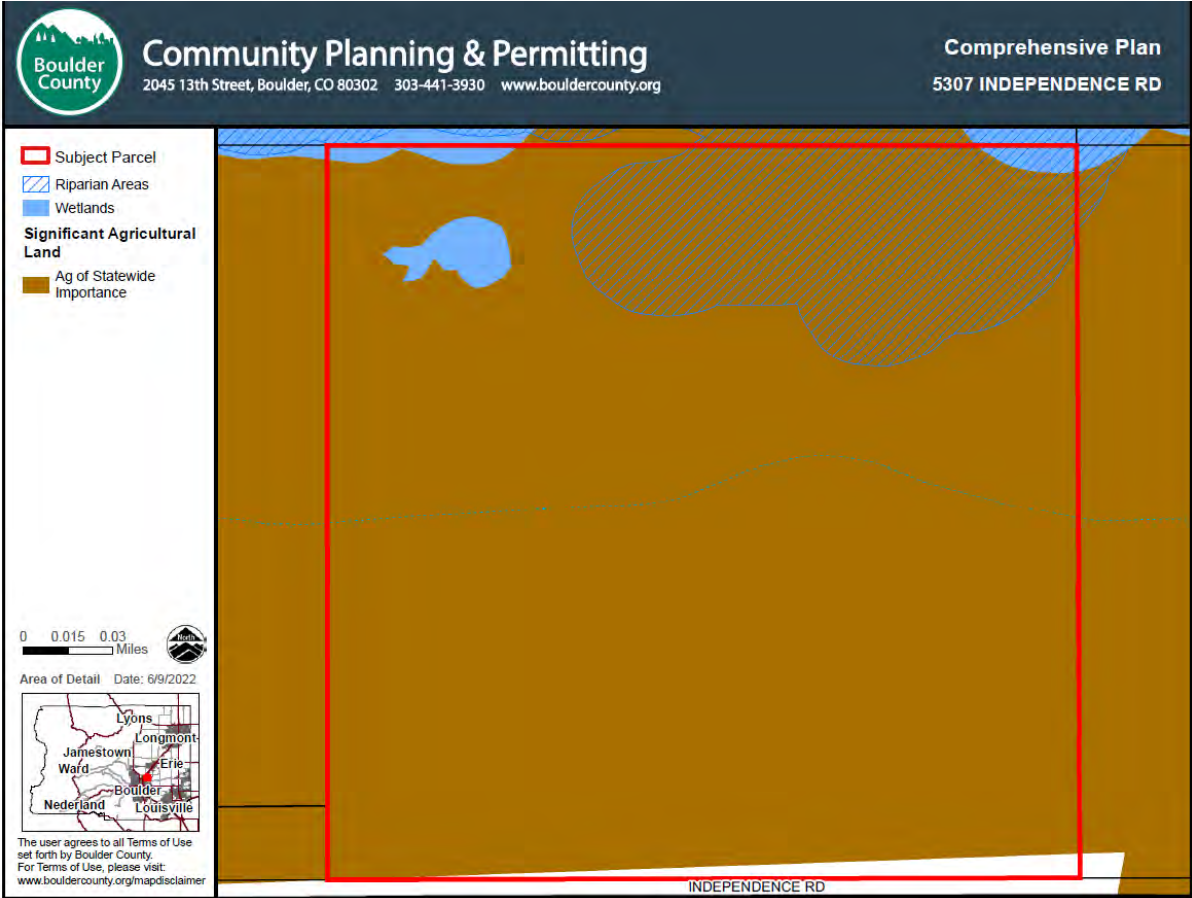


Figure 3: Comprehensive Plan map of 5307 Independence Road

The existing development within the defined neighborhood consists primarily of single-family residences and agricultural uses. The applicants are proposing an arena and residence for both agricultural and residential purposes.

In considering the location of the proposed arena, staff finds it is mostly consistent with other properties in the area. Generally, structures are relatively clustered on each parcel, which is consistent with agricultural areas of the county and is accordance with the Boulder County Comprehensive Plan. There are a few parcels in the defined neighborhood with longer driveways, but the driveways still lead to a singular cluster of development.

As shown in the site plans submitted by the applicants, staff finds that all of the proposed development is closely clustered on the subject parcel with the exception of the proposed residence and driveway. Staff finds that locating the residence so far from the rest of the structures on the subject property is not compatible with other properties in the area as it would result in the structures being spread out on the parcel. This would disrupt the Agricultural Lands of Statewide Importance and is not in line with the Comprehensive Plan’s goal of discouraging the fragmentation of agricultural land (I.C.AG1.12).

Staff finds that relocating the proposed residence closer to the other structures and development on the subject property would be more consistent with the general character of the area and in line with the Comprehensive Plan. Staff has identified two potential alternate locations for the proposed residence, both of which would be more clustered with other development but would not require major redesign of the site in general (see Figure 4 below). Clustering the residence with the other development on the parcel is also supported by the Comprehensive Plan, as discussed in Criterion 10 and 11 below.

As such, staff recommends as a condition of approval that the proposed residence be located in one of the proposed locations below. Before the issuance of a building permit, staff recommends that the site plan be updated to be more closely clustered with the rest of the development on the subject property.

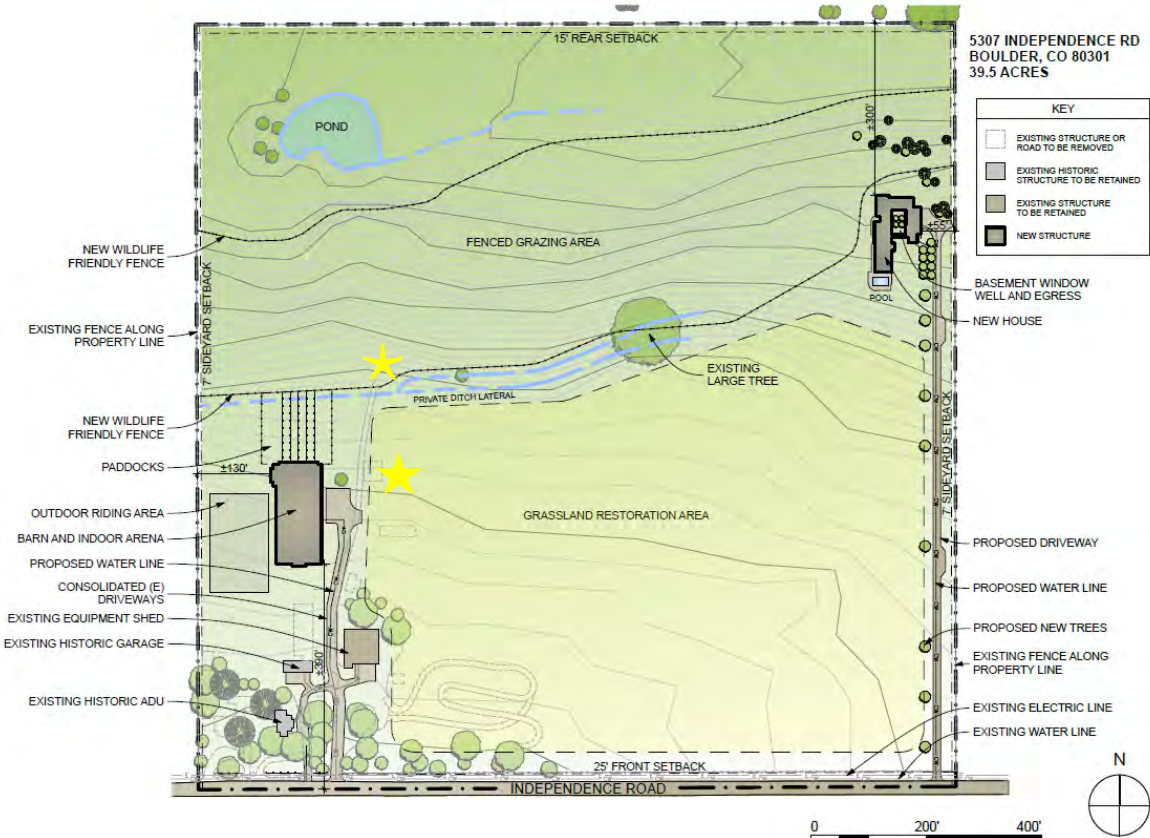


Figure 4: Site Plan with recommended new locations for residence

- (9) *The development shall avoid significant historic or archaeological resources as identified in the Comprehensive Plan or the Historic Sites Survey of Boulder County, or through the site plan review process. Development within or affecting such resources may be approved, subject to acceptable mitigation measures and in the discretion of the Director, only if no other sites on the subject property can be reasonably developed, or only if reasonably necessary to avoid significant adverse impacts based upon other applicable site plan review criteria.*

There are not any significant historic or archaeological resources identified on the subject property and no concerns were expressed through the referral agencies.

Therefore, staff find no conflicts with this standard.

- (10) *The development shall not have a significant negative visual impact on the natural features or neighborhood character of surrounding area. Development shall avoid prominent, steeply sloped, or visually exposed portions of the property. Particular consideration shall be given to protecting views from public lands and rights-of-way, although impacts on views of or from private properties shall also be considered. Development within or affecting features or areas of visual significance may be approved, subject to acceptable mitigation measures and in the discretion of the Director, only if no other sites on the subject property can be reasonably developed, or only if reasonably necessary to avoid significant adverse impacts based upon other applicable site plan review criteria.*

The proposed arena is located in a visible area in the southwest part of the parcel. However, the structure is proposed close to existing development on the parcel. Staff do not find conflict with the proposed location of the arena.

The proposed residence is located in the northeastern part of the parcel, while the rest of the development on site is located in the southwestern half of the parcel. The northern part of the parcel also slopes downward toward the north. Though locating the residence in this area may shield it from Independence Road, there is significant visual impact to neighbors' views in the proposed location. Additionally, development already exists and is visible from Independence Road. Staff noted the visual impact with a height pole study and the view impact from 3883 57th Street. The proposed location of the residence is also in the middle of an area without much tree or vegetation coverage.

As explained in Standard 8 above, staff recommends a condition of approval requiring that the residence be moved such that it is clustered with other development on the parcel.

b. For development anywhere in the unincorporated areas of the county, mitigation of visual impact may include changing structure location, reducing or relocating windows and glazing to minimize visibility, reducing structure height, changing structure orientation, requiring exterior color and materials that blend into the natural environment, and/or lighting requirements to reduce visibility at night.

Proposed and Recommended Approval of Location and Elevations

Location	Residence: The location proposed in the site plan dated 5/31/23 is not recommended for approval Arena: As shown in the site plan dated 5/31/23
Elevations	Residence: Not recommended for approval as shown on the elevations dated 5/31/23 until location and size with subterranean floor area finalized

	Arena: As shown on the elevations dated 5/31/23
Height	Residence: 29'6" from existing grade Arena: 30' from existing grade
Exterior Materials	Residence: stone and metal for siding and metal for roofing Arena: Metal
Exterior Colors	Residence: cream and brown for siding and brown roofing Arena: white siding not recommended for approval. Gray roofing

The application materials indicate that the proposed residence will be constructed of stone and metal siding and metal roofing. The arena will be constructed of metal.

Staff recommend conditions of approval requiring that the elevations and height for the residence, arena, and Historic ADU be reviewed before the issuance of building permit.

A. HEIGHT VERIFICATION

Because the proposed height of the residence is within two feet of the maximum allowed 30 feet above existing grade for residential floor area, a licensed Surveyor must complete a Height Survey Verification Form.

Please note that the height verification is a two-part process that requires a licensed Surveyor to establish existing grade (the grade before any site work) prior to construction, in addition to a follow-up survey once all roof framing is in place. The two-part form must sufficiently establish existing grade in accordance with standard surveying practice.

B. EXTERIOR COLORS AND MATERIALS

The application materials indicate that the proposed residence will be cream and brown with brown roofing. The proposed arena is proposed to be white, which is similar to the color of the existing 3,600 square foot barn on site. Staff recommend approving the materials and color of the siding and roof as proposed with more detailed color chip samples provided at building permit.

- (11) *The location of the development shall be compatible with the natural topography and existing vegetation and the development shall not cause unnecessary or excessive site disturbance. Such disturbance may include but is not limited to long driveways, over-sized parking areas, or severe alteration of a site's topography. Driveways or grading shall have a demonstrated associated principal use.*

C. LOCATION

The proposed residence and driveway are located on the eastern side of the parcel. The driveway and areas outside of 10 feet of the residence requires 244 cubic yards of non-foundational earthwork. The proposed 244 cubic yards of non-foundational earthwork proposed around the residence is shown in Figure 5 below. Additionally, 3,378 cubic yards of foundation earthwork is proposed on the parcel for a pool, the residence, and the arena.

The proposed secondary driveway that parallels the eastern boundary line is not consistent with the neighborhood character and is not in alignment with county policy to limit the number of access points onto Collector roads. Staff recommends a condition of approval be that the applicants utilize the existing access point on the western portion of the property to

access the new residence internally and recommends locating the residential structure closer to the other development on the subject property (also stated in criteria 8 and 10).

Staff also recommends a condition being that during construction, all vehicles, materials, machinery, dumpsters, and other items shall be staged on the subject property. No items may be stored on Independence Road.

D. EARTHWORK AND GRADING

The following earthwork is proposed by the applicant:

Foundational Earthwork (exempt from 500 cubic yards threshold)	3,378 cubic yards (2,639 cubic yards cut and 739 cubic yards fill)
Non-Foundational Earthwork	255 cubic yards (91 cubic yards cut and 164 cubic yards fill)

The application materials indicate that construction of the residence, arena, and pool will require 3,378 cubic yards of earthwork.

The applicants indicate excess cut will be removed from the property to a site to-be-determined by the project contractor. Staff recommends a condition of approval that prior to final inspection, a receipt specifying the amount and location of excess cut transported off-site must be submitted to Community Planning and Permitting staff. Staff also recommends a condition of approval to have a revegetation plan.

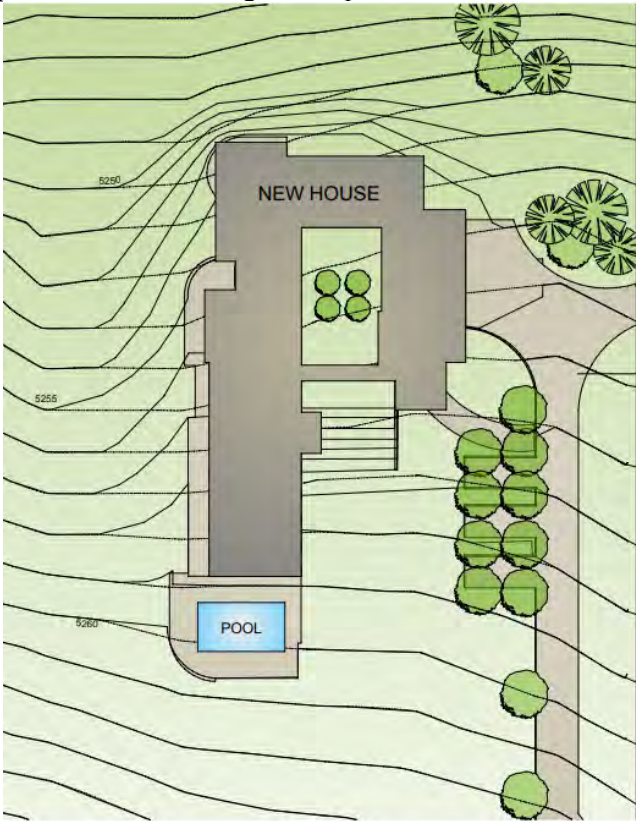


Figure 5: Image of grading proposed around residence.

E. UTILITIES

Xcel Energy noted that there are existing natural gas and overhead electric distribution services on the parcel and should be noted on the plans. Xcel requests that a 10-foot radial clearance be maintained from all electrical facilities.

Staff recommends a condition of approval that *at building permit*, existing utilities be shown on the plans. Additionally, when construction begins, a 10-foot radial clearance be maintained from all electrical facilities.

To minimize disturbances to the site, staff recommend a condition of approval requiring all new utility service lines be routed underground (see [Article 7-1200](#) of the Land Use Code) and located in areas already disturbed or proposed to be disturbed (e.g., along driveway).

(12) *Runoff, erosion, and/or sedimentation from the development shall not have a significant adverse impact on the surrounding area*

In order to limit the potential for runoff, erosion, or sedimentation to cause adverse impacts to the surrounding area, staff recommend appropriate erosion control measures such as erosion control logs shall be installed downslope and parallel to contours for all disturbed areas including staging areas as noted in criteria 6 above.

As conditioned, staff find no conflict with this standard.

(13) *The development shall avoid Natural Landmarks and Natural Areas as designated in the Goals, Policies & Maps Element of the Comprehensive Plan and shown on the Zoning District Maps of Boulder County. The protection of Natural Landmarks and Natural Areas shall also be extended to their associated buffer zones. Development within or affecting such Landmarks or Areas may be approved, subject to acceptable mitigation measures and in the discretion of the Director, only if no other sites on the subject property can be reasonably developed, or only if reasonably necessary to avoid significant adverse impacts based upon other applicable site plan review criteria.*

There are no Natural Landmarks, Natural Areas, or associated buffer zones on the subject property.

Therefore, staff find no conflicts with this standard.

(14) *Where an existing principal structure is proposed to be replaced by a new principal structure, construction or subsequent enlargement of the new structure shall not cause significantly greater impact (with regard to the standards set forth in this Section 4-806) than the original structure.*

The subject property currently has two existing residences on the parcel: one that is 3,416 square-feet and another that is 1,662 square-feet. The 1,662 square-foot residence is proposed to be converted into an Accessory Dwelling Unit. The 3,416 square-foot residence is proposed to be deconstructed and replaced with a new principal structure that is 6,931 square-feet.

As noted in criteria 11 above, the proposed residence would require 244 cubic yards of cut and fill in the proposed location that is located on a slope. This area, as shown in Figure 5 above, is additional earthwork to place the residence into the slope.

Additionally, 3,378 cubic yards of foundational earthwork is proposed. Some of the foundational earthwork is part of the foundational earthwork for the arena, though the applicant did not provide a breakdown of the cubic yards attributed to each. 237 cubic yards of the foundational earthwork is for the proposed pool.

Staff finds that the current residence has a greater impact than the existing 3,416 square-foot residence.

Staff recommends relocation of the residence to reduce the amount of earthwork proposed.

(15) *The proposal shall be consistent with the Comprehensive Plan, any applicable intergovernmental agreement affecting land use or development, and this Code.*

As conditioned, staff find no conflict with this standard.

RECOMMENDATION:

Staff has determined that, as conditioned, the proposal can meet all the applicable criteria of the Boulder County Land Use Code for Limited Impact Special Review and for Site Plan Review. Therefore, staff recommend that the Board of County Commissioners **CONDITIONALLY APPROVE** Docket LU-22-0034/SPR-22-0136: Juhl Woody Bopitiya Residence, and Arena, subject to the following conditions:

1. Before a building permit can be issued for the Historic ADU, landmarking status must be completed for the Historic ADU and historic garage through docket HP-23-0001.
2. Alteration of any exterior feature of the landmarked structures will require review and approval of a Certificate of Appropriateness (CA) by Boulder County (note: applicable county review processes, including but not limited to Site Plan Review, may be required)
3. Necessary building permits must be obtained for the proposed Historic ADU and garage.
4. The property owner must submit an annual report to the Community Planning & Permitting Department indicating that the accessory dwelling continues to be used as a Historic ADU that is occupied in accordance with the approval of this docket.
5. The applicant must submit a tap availability request to the District for water service to the Historic ADU before a certificate of occupancy is issued.
6. Above grade and visible floor area is limited to a maximum of 4,654 square feet and total residential floor area is limited to a maximum of 6,931. TDCs are required for the floor area above 6,000 square-feet of residential floor area.
7. The proposed residence must be moved to reduce earthwork, visibility concerns, and fragmentation of Agricultural Lands of Statewide Importance. Before building permit, the applicants must choose one of two proposed locations from staff and must submit revised elevations, grading calculations, site plan, and square footage calculations (including subterranean floor area) for county review and approval.
8. ***Prior to issuance of building and grading permits***, the applicant must submit to the Community Planning and Permitting Department for review and approval a plan depicting the routing of all utility services. The utility routing plan shall be included as part of the building plan set required at the time of permit application. To minimize disturbances to the site, all new utility service lines shall be routed underground (see Article 7-1200 of the Land

Use Code) and should be located in areas already disturbed or proposed to be disturbed (e.g., along driveway).

- a. ***At the time of building inspections***, full installation of the utilities per the approved plan must be inspected and confirmed by the Community Planning and Permitting Department.
9. During construction, a minimum 10-foot radial clearance must be maintained at all times from all overhead electric facilities.
10. Ignition-resistant materials and construction are required with defensible space, emergency water supply, and emergency vehicle access.
11. Appropriate erosion control measures such as erosion control logs shall be installed downslope and parallel to contours for all disturbed areas including staging areas. The location and types of erosion control shall be shown on site plans submitted for building permit approval.
12. ***At the time of building permit***, the applicant must submit plans identifying all areas of disturbance including construction areas, staging areas, temporary access areas, and parking areas. If the area of disturbance exceeds one acre in size, a SWQP application must be included with the plans.
13. The applicants must utilize the existing access point on the western portion of the property to access the new residence internally.
14. At the time of construction, all vehicles, materials, machinery, dumpsters, and other items shall be staged on the subject property. No items may be stored on Independence Road.
15. The elevations and height for the arena and Historic ADU be approved as proposed in the application materials.
16. ***Prior to final inspection***, a receipt specifying the amount and location of excess cut transported off-site must be submitted to Community Planning and Permitting staff.
17. The development is subject to the 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, ignition resistant materials and defensible space, and the BuildSmart energy efficiency and sustainability requirements.
18. The applicant must submit a Revegetation Plan that includes grass species to be used, an explanation of how topsoils will be stockpiled and reused, mapped delineation of all disturbance areas (these include construction staging areas, driveways, buried utility lines, and septic system), and locations of silt fence or erosion control logs down slope of all disturbed areas. New horticultural plantings should emphasize xeriscaping principles (Article 7-200-B-8, Land Use Code).
19. A Weed Control Plan is required that includes the mapping of county-listed, noxious weed species *on the entire parcel*, with their intended control techniques specified.

20. All Russian-olive trees -- a state-listed noxious weed – must be cut down and the stumps immediately treated with a systemic herbicide to prevent re-sprouting. *Ailanthus* trees (tree-of-heaven) must also be removed.
21. A Boulder County Hauler License is required for hauling of material off site, regardless of where the material is deposited. This applies to the prime contractor as well as any subcontractors that collect, transport or dispose of any materials (dirt, gravel, garbage, recyclables, or compostables, construction and demolition waste, or landscaping materials) anywhere except within the project site, including locations outside unincorporated Boulder County. Additional information can be found here:
<https://www.bouldercounty.org/environment/trash/hauler-license/>

Prior to issuance of a Certificate of Occupancy, the location and receipt for transport and dumping of excess cut must be submitted to the Community Planning & Permitting Department so that receipt of fill materials may be verified.

22. A height survey is required for the proposed residence. ***Prior to issuance of building or grading permits***, the [first part of the Height Survey Verification form](#) must be completed and submitted to the Community Planning & Permitting Department.

Prior to rough frame inspection, the [second part of the form](#) will be provided upon building permit application and must be submitted to the Community Planning & Permitting Department.

23. The proposed materials for the roofing and siding of the residence and arena are approved.

Prior to issuance of building permits, submit to the Community Planning & Permitting Department for review and approval, one set of exterior color samples (color chips, brochure, or catalog page) and material samples to be used including roof, siding and trim.

Samples should be included as part of the building plan set required at the time of permit application.

Samples of the exterior colors and metallic materials shall be provided to ensure visual impacts of the development are minimized and that the development blends in with the natural environment and neighborhood character of surrounding area. Colors should have a matte finish.

24. ***Prior to issuance of a Certificate of Occupancy/At the time of final inspection***, the Community Planning & Permitting Department must inspect and verify that the approved color samples are used on the new structure

25. No exterior lighting fixtures were not proposed. If any are proposed, they must meet the following conditions:

[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. All exterior light fixtures must be in conformance with [Article 7-1600](#) and [Article 18-162A](#) of the Boulder County Land Use Code.

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.

26. ***Prior to issuance of building permits***, an Onsite Wastewater Treatment System (OWTS) permit must be applied for and issued by Boulder County Public Health.

The OWTS must be installed, inspected, and approved before issuance of a Certificate of Occupancy. Boulder County Public Health must conduct an onsite investigation and review percolation rates, soil conditions and any design plans and specifications prior to OWTS permit issuance. The OWTS absorption field must be located a minimum distance of 100' from all wells, 25' from waterlines, 50' from waterways and 10' from property lines

27. The Applicants shall be subject to the terms, conditions, and commitments of record and in the file for Docket LU-22-0034/SPR-22-0136: Juhl Woody Bopitiya Residence, Arena, and Historic ADU.



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

MEMO TO: Agencies and Adjacent Property Owners
FROM: Erica Bjelland, Staff Planner
DATE: June 2, 2023
RE: Re-Referral for Docket LU-22-0034/SPR-22-0136/HP-23-0001

This proposal is being re-referred due to updated information, including updated proposal narrative, revised site plans, and general impact mitigation measures related to the proposal.

Docket LU-22-0034/SPR-22-0136/HP-23-0001: Juhl Woody Residence, Barn, Non-foundational earthwork, and Historic ADU

Request:	ORIGINAL: Limited Impact Special Review for 4,815 CY of nonfoundational earthwork and a Historic ADU and Site Plan Review for a 6,550 sq ft residence and a 13,900 sq ft barn on a 40-acre parcel where the PSM is 4,654 sq ft at 5307 Independence Road.
	REVISED: Limited Impact Special Review for a Historic ADU and Site Plan Review for a 6,931 sq ft residence, a 12,807 sq ft barn, and 492CY of non-foundational earthwork on a 40-acre parcel where the PSM is 4,654 sq ft at 5307 Independence Road.
Location:	5307 Independence Road, approximately 3,300 feet east of the intersection of Independence Road and State Highway 119, Section 21, Township 1N, Range 70W.
Zoning:	Rural Residential
Applicants:	Ranmali Bopitiyaand James Woody
Property Owners:	Robert and Earl Juhl
Agent:	Lauren Folkerts, AIA

Limited Impact Special Review is required of proposed uses that may have greater impacts on services, neighborhoods, or the environment than those allowed by right under the Boulder County Land Use Code. This process will review conformance of the proposed use with the Boulder County Comprehensive Plan and the Land Use Code.

Site Plan Review by the Boulder County Land Use Director is required for new building/grading/access or floodplain development permits in the plain and mountainous areas of unincorporated Boulder County. The Review considers potential significant impact to the ecosystem, surrounding land uses and infrastructure, and safety concerns due to natural hazards.

This process includes a public hearing before the Board of County Commissioners. Adjacent property owners and holders of liens, mortgages, easements or other rights in the subject property are notified of this hearing.

The Community Planning & Permitting staff and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department at P.O. Box 471, Boulder, Colorado 80306 or via email to planner@bouldercounty.org. All comments will be made part of the public record and given to the applicant. Only a portion of the submitted documents may have been enclosed; you are

Claire Levy County Commissioner Marta Loachamin County Commissioner Ashley Stolzmann County Commissioner

Attachment A

welcome to call the Community Planning & Permitting Department at 303-441-3930 or email planner@bouldercounty.org to request more information. If you have any questions regarding this application, please contact me at 303-441-1688 or ebjelland@bouldercounty.org .

IF YOU HAVE REPLIED TO THE ORIGINAL REFERRAL LETTER AND HAVE NO FURTHER COMMENTS, NO ACTION IS REQUIRED.

Please return responses by **June 20, 2023**.

_____ We have reviewed the proposal and have no conflicts.

_____ Letter is enclosed.

Signed _____ PRINTED Name _____

Agency or Address _____

Date _____

Attachment A



Boulder County Land Use Department

Courthouse Annex Building
 2045 13th Street • PO Box 471 • Boulder, Colorado 80302
 Phone: 303-441-3930
 Email: planner@bouldercounty.org
 Web: www.bouldercounty.org/lu
 Office Hours: Mon., Wed., Thurs., Fri. 8 a.m. to 4:30 p.m.
 Tuesday 10 a.m. to 4:30 p.m.

Shaded Areas for Staff Use Only
Intake Stamp

Planning Application Form

The Land Use Department maintains a submittal schedule for accepting applications. Planning applications are accepted on Mondays, by appointment only. Please call 303-441-3930 to schedule a submittal appointment.

Project Number		Project Name	
<input type="checkbox"/> Appeal <input type="checkbox"/> Correction Plat <input type="checkbox"/> Exemption Plat <input type="checkbox"/> Final Plat <input checked="" type="checkbox"/> Limited Impact Special Use <input type="checkbox"/> Limited Impact Special Use Waiver <input type="checkbox"/> Location and Extent	<input type="checkbox"/> Modification of Site Plan Review <input type="checkbox"/> Modification of Special Use <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Resubdivision (Replat) <input type="checkbox"/> Rezoning	<input type="checkbox"/> Road Name Change <input type="checkbox"/> Road/Easement Vacation <input checked="" type="checkbox"/> Site Plan Review <input type="checkbox"/> Site Plan Review Waiver <input type="checkbox"/> Sketch Plan <input type="checkbox"/> Special Use/SSDP	<input type="checkbox"/> Special Use (Oil & Gas development) <input type="checkbox"/> State Interest Review (1041) <input type="checkbox"/> Subdivision Exemption <input type="checkbox"/> Variance <input type="checkbox"/> Other:

Location(s)/Street Address(es) 5307 Independence Road			
Boulder CO 80301			
Subdivision Name TR, NBR 803-830 RURAL BO & LGT			
Lot(s)	Block(s)	Section(s) 21	Township(s) 1N
Area in Acres 39.5	Existing Zoning RR- Rural Residential	Existing Use of Property Residential Agricultural and Industrial	Range(s) 70
Proposed Water Supply Left Hand Water District		Proposed Sewage Disposal Method Septic System	
Number of Proposed Lots 1			

Applicants:

Applicant/Property Owner Owner - Earl Juhl			Email
Mailing Address 5165 INDEPENDENCE RD			
City Boulder	State CO	Zip Code 80301	Phone 303-817-7636
Applicant/Property Owner/Agent/Consultant Owner - Robert Juhl			Email
Mailing Address 5201 INDEPENDENCE RD			
City Boulder	State CO	Zip Code 80301	Phone 303-359-8284
Agent/Consultant Applicant/Agent - Lauren Folkerts AIA			Email lauren@hnhai.com
Mailing Address 1701 15th Street Unit B			
City Boulder	State CO	Zip Code 80302	Phone 541-359-9369

Certification (Please refer to the Regulations and Application Submittal Package for complete application requirements.)

I certify that I am signing this Application Form as an owner of record of the property included in the Application. I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. I understand that all materials required by Boulder County must be submitted prior to having this matter processed. I understand that public hearings or meetings may be required. I understand that I must sign an Agreement of Payment for Application processing fees, and that additional fees or materials may be required as a result of considerations which may arise in the processing of this docket. I understand that the road, school, and park dedications may be required as a condition of approval.

I understand that I am consenting to allow the County Staff involved in this application or their designees to enter onto and inspect the subject property at any reasonable time, without obtaining any prior consent.

All landowners are required to sign application. If additional space is needed, attach additional sheet signed and dated.

Signature of Property Owner 	Printed Name Earl Juhl	Date 12/15/22
Signature of Property Owner 	Printed Name Robert Juhl	Date 12-15-22

The Land Use Director may waive the landowner signature requirement for good cause, under the applicable provisions of the Land Use Code.






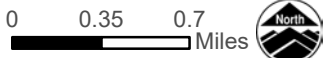
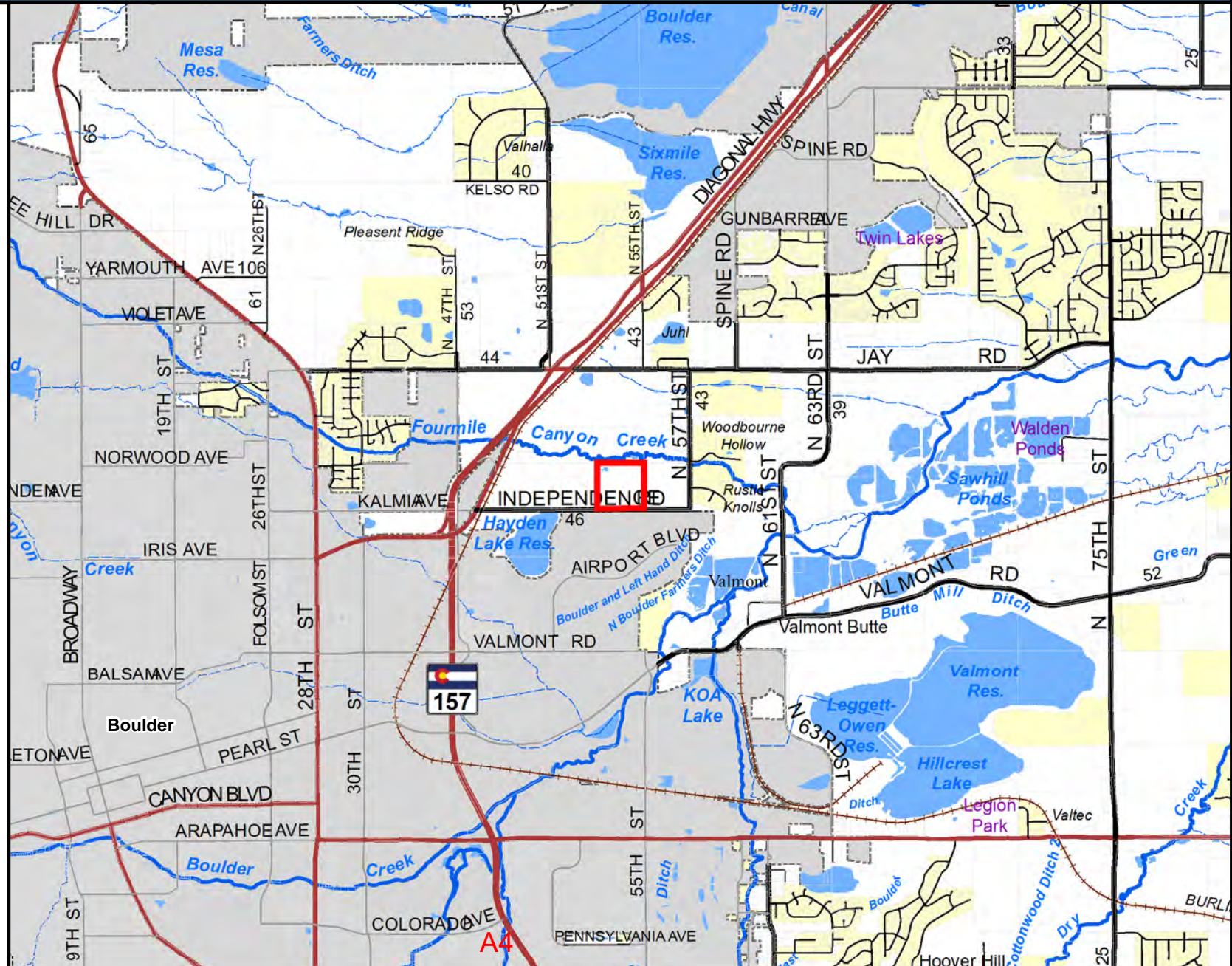
Community Planning & Permitting

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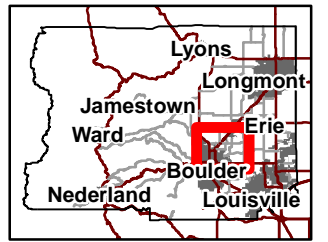
Vicinity

5307 INDEPENDENCE RD

-  Subject Parcel
-  Municipalities
- Subdivisions**
-  Subdivisions



Area of Detail Date: 6/9/2022



The user agrees to all Terms of Use set forth by Boulder County. For Terms of Use, please visit: www.bouldercounty.org/mapdisclaimer



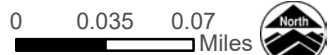
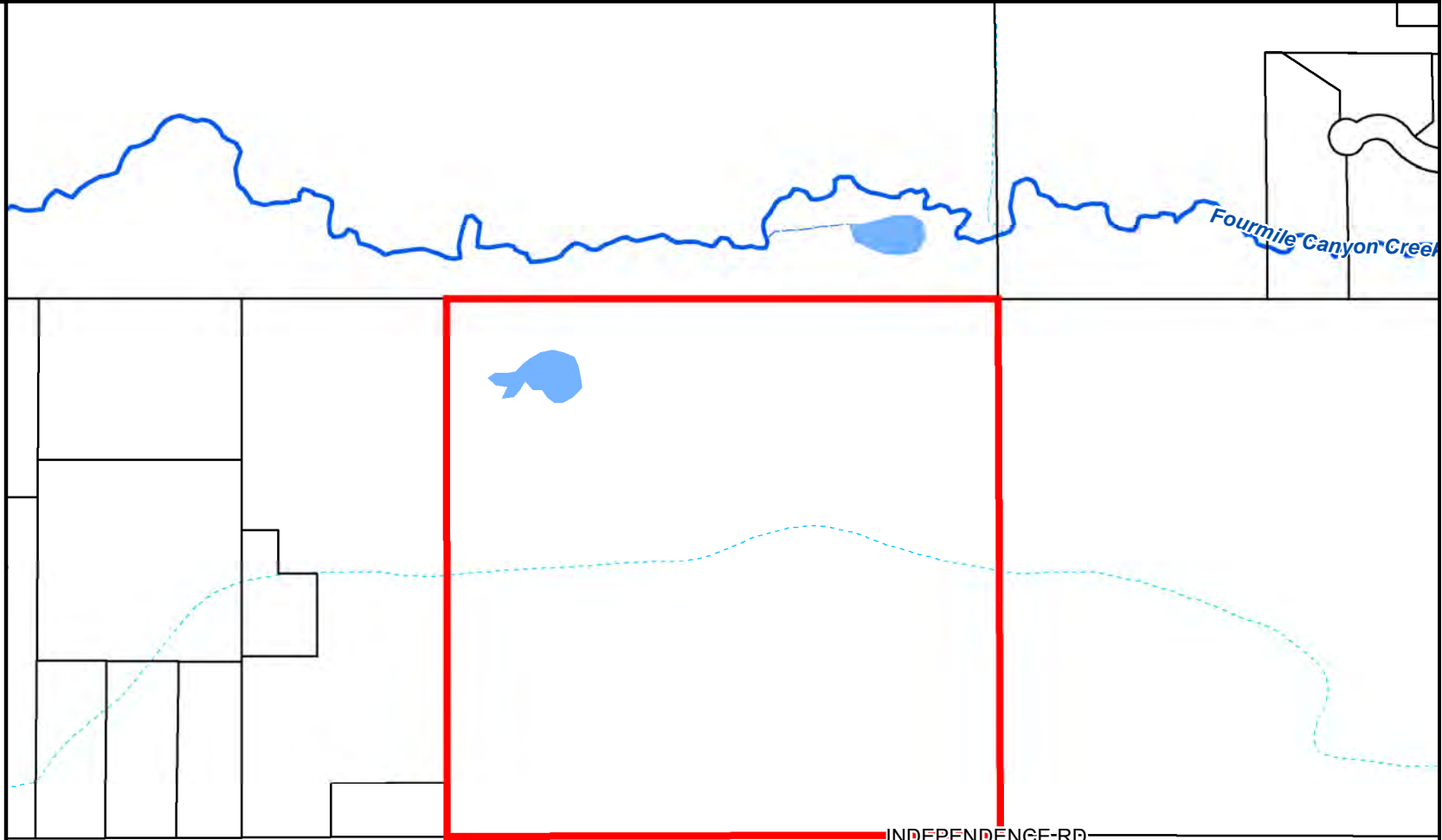
Community Planning & Permitting

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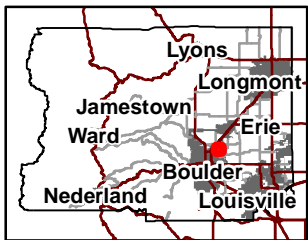
Location

5307 INDEPENDENCE RD

 Subject Parcel



Area of Detail Date: 6/9/2022



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Boulder

A5



Community Planning & Permitting

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Aerial

5307 INDEPENDENCE RD

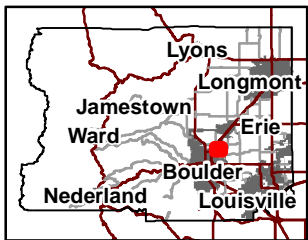
Subject Parcel



0 0.05 0.1 Miles



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Aerial

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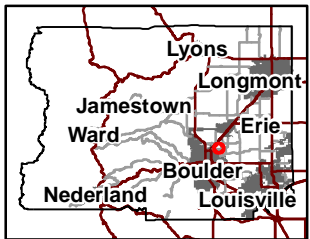
 Subject Parcel



0 0.015 0.03
Miles



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A7



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Comprehensive Plan

5307 INDEPENDENCE RD

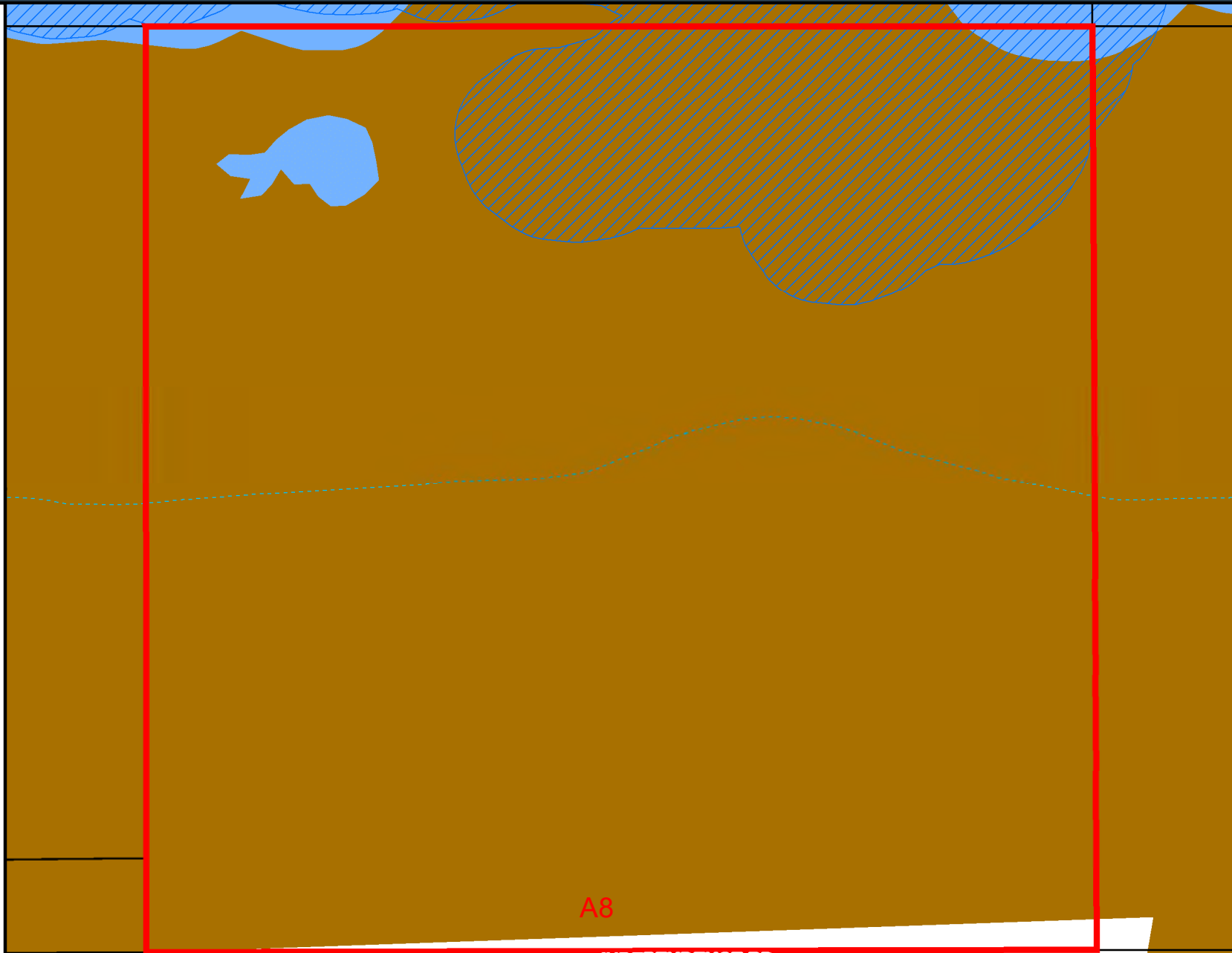
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Riparian Areas

Wetlands

Significant Agricultural Land

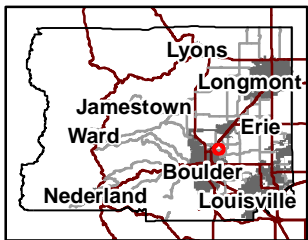
Ag of Statewide Importance



0 0.015 0.03 Miles



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A8

INDEPENDENCE RD

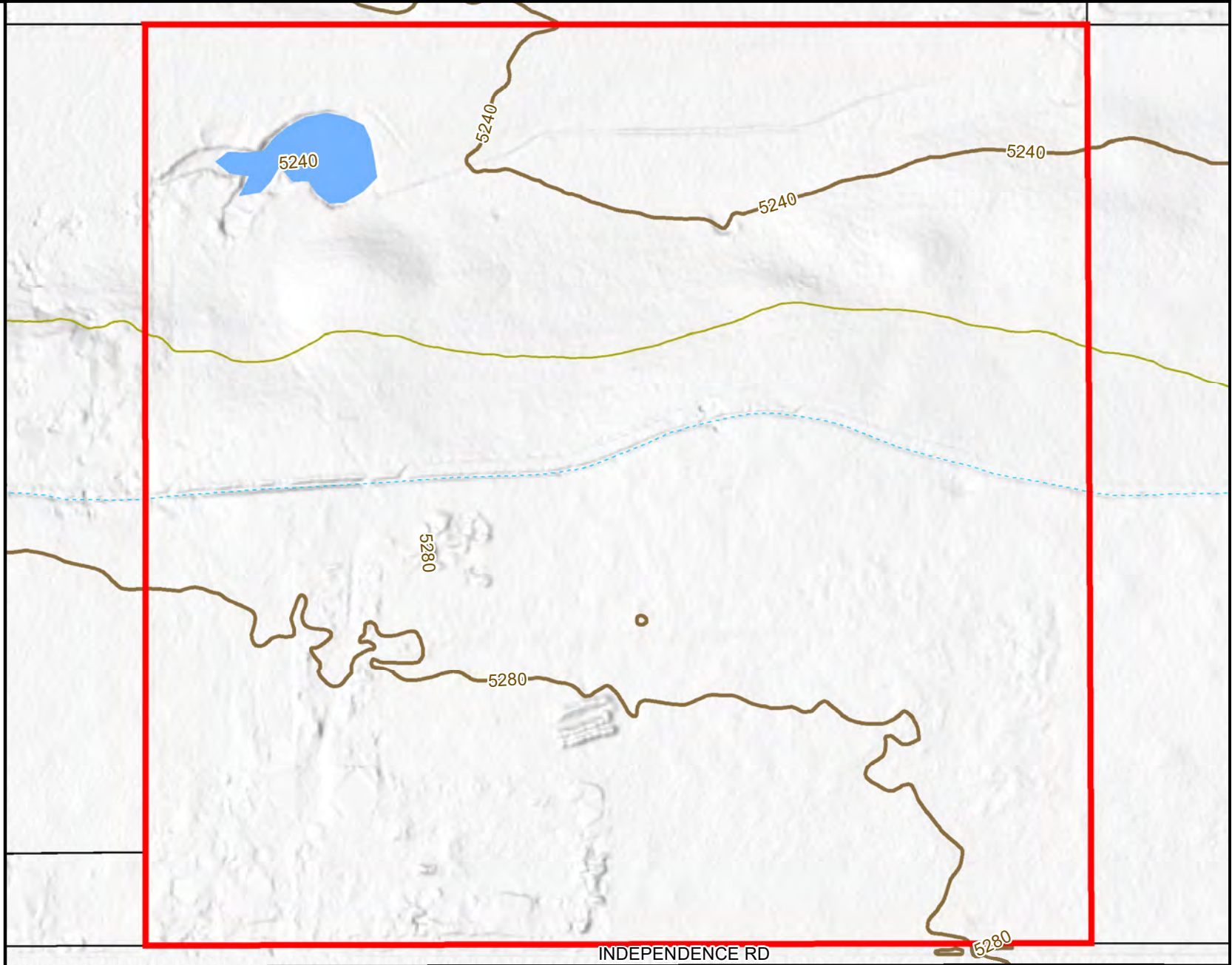


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Elevation Contours 5307 INDEPENDENCE RD

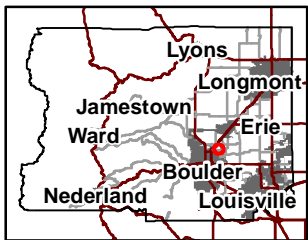
- Subject Parcel
- Contours 40'
- Contours 20'



0 0.015 0.03 Miles



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Floodplain

5307 INDEPENDENCE RD

Subject Parcel

Floodplain

100-Year Floodplain

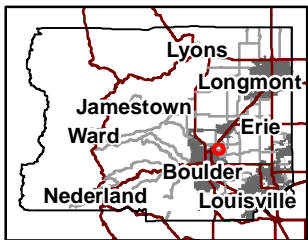
- Zones AE, A, AO and AH

500-Year Floodplain
- Zone X500

0 0.015 0.03 Miles



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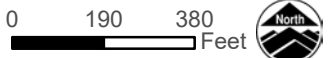
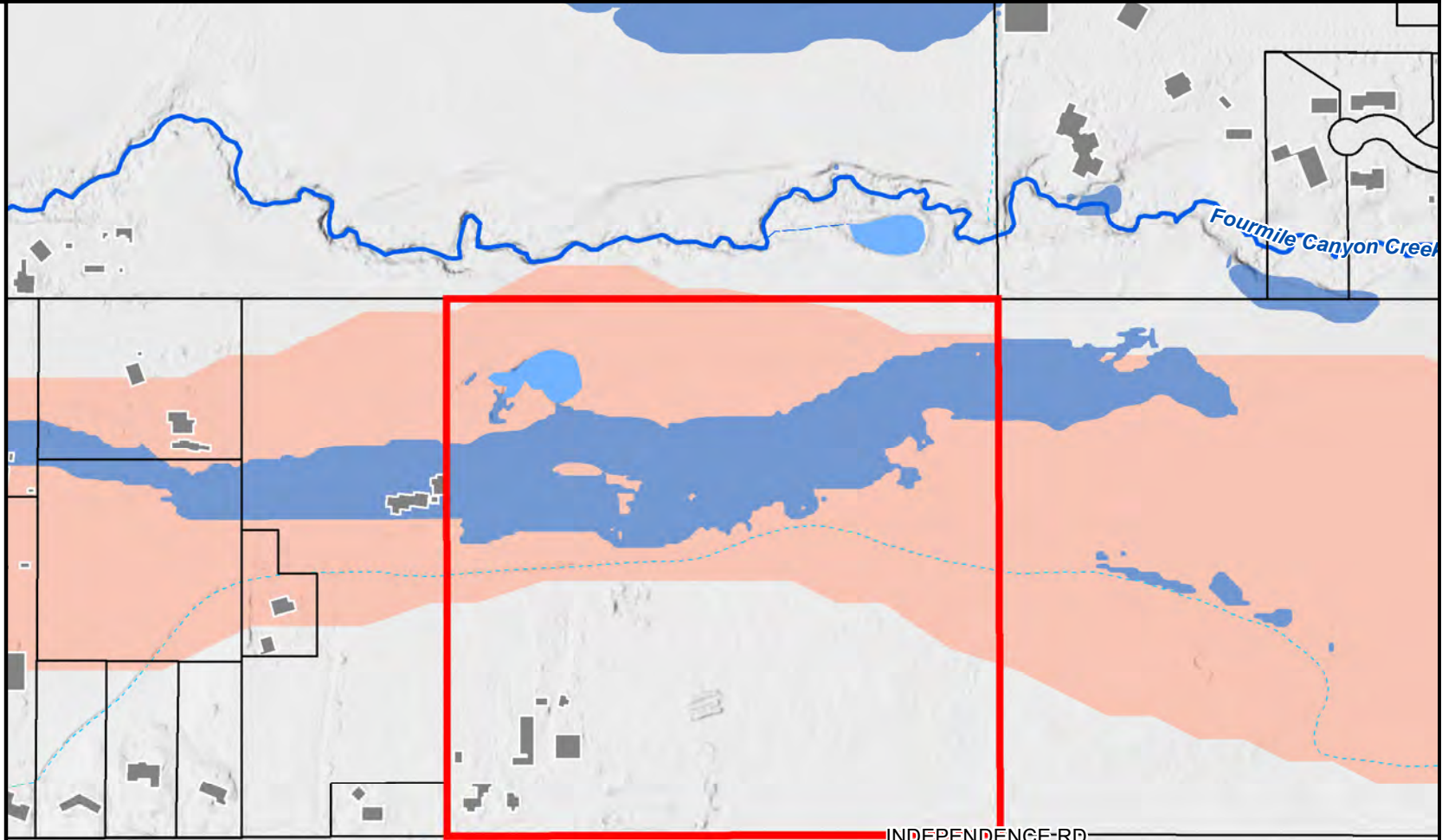


Community Planning & Permitting

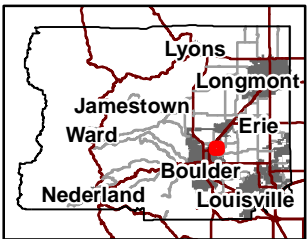
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Geologic Hazards 5307 INDEPENDENCE RD

- Subject Parcel
- High Swelling Soil Potential



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Planning Areas

5307 INDEPENDENCE RD

Subject Parcel

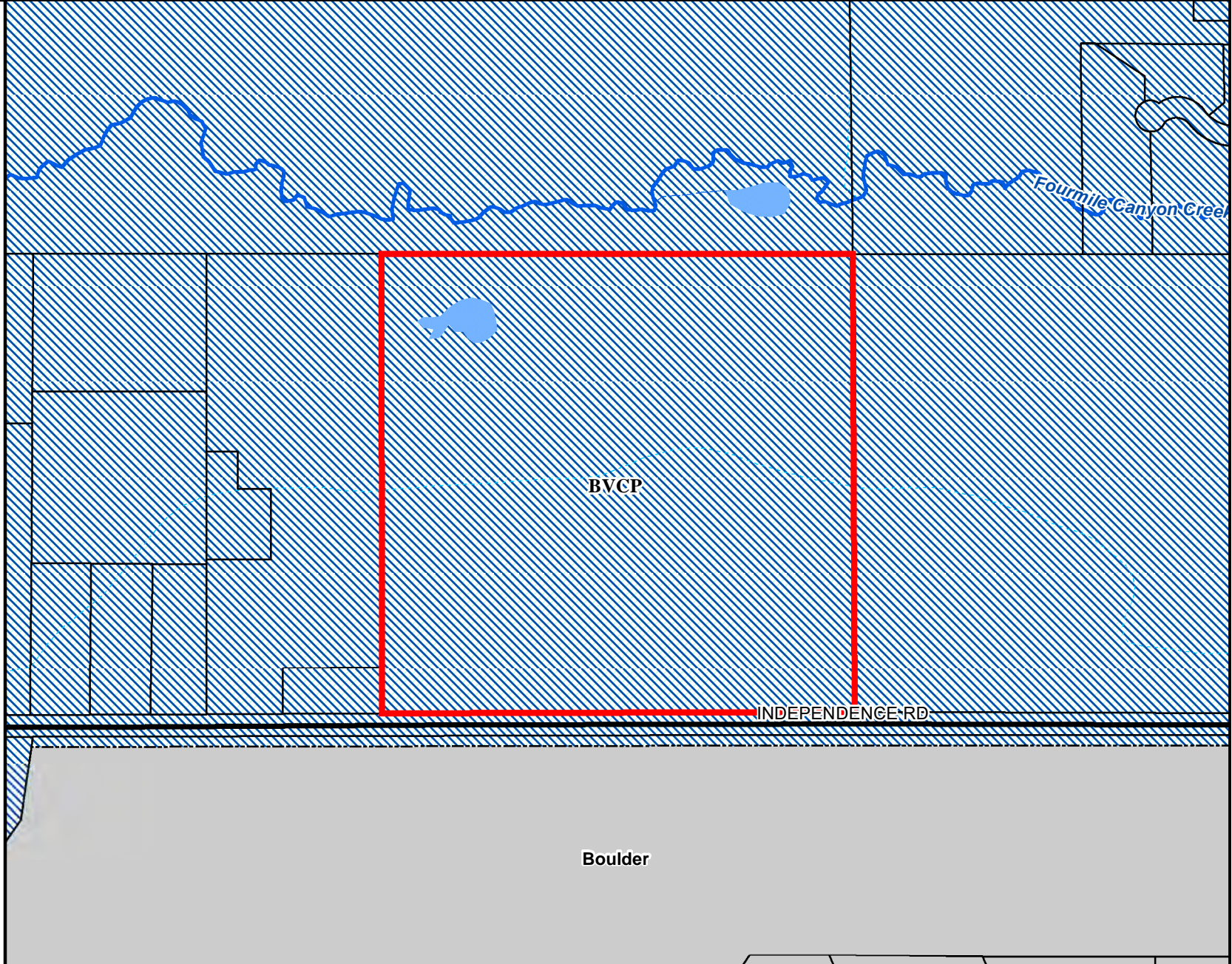
Airport Influence

Airport Influence

Active IGA Boundary

Active IGA Designation

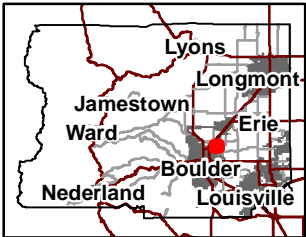
BVCP



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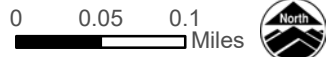
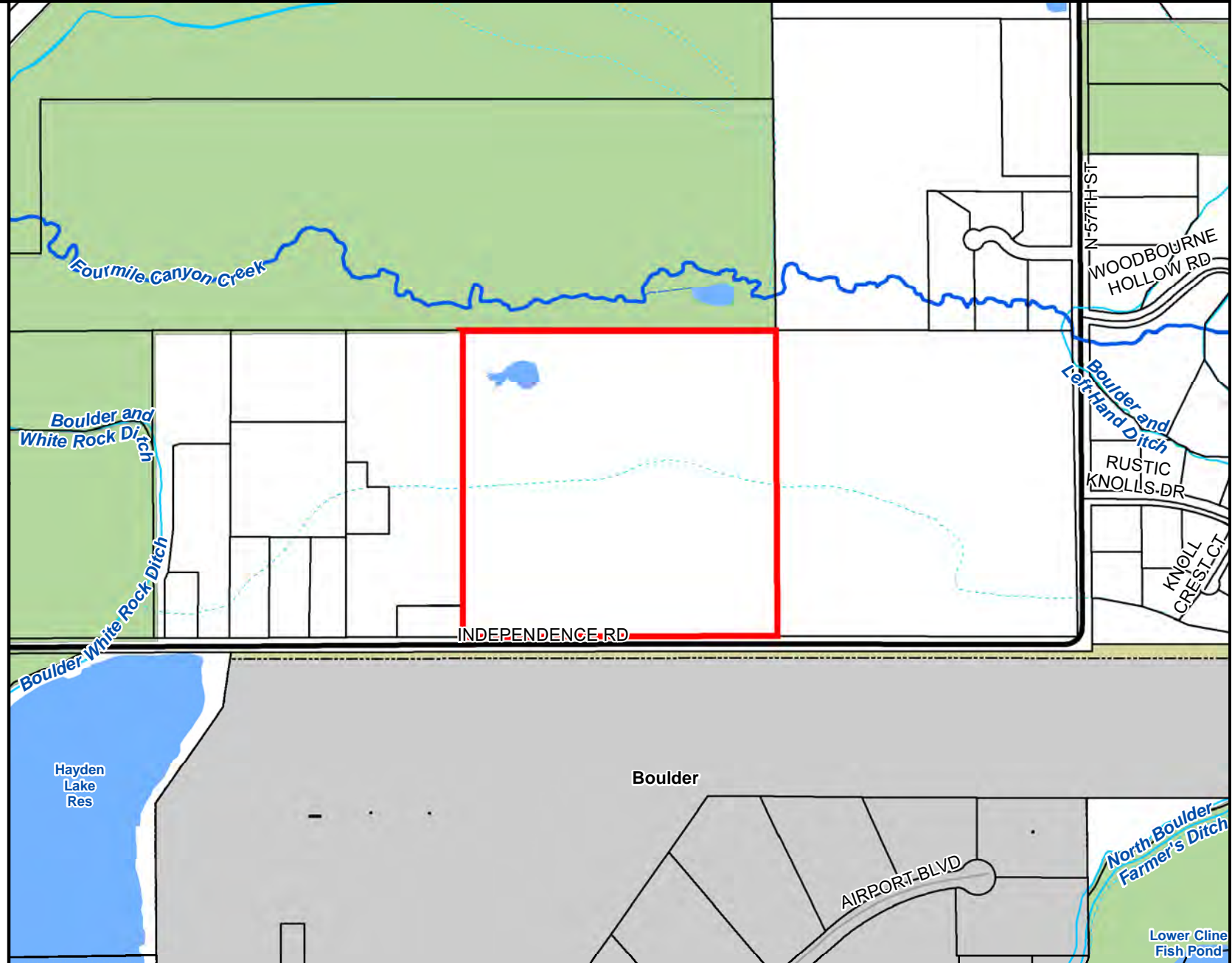


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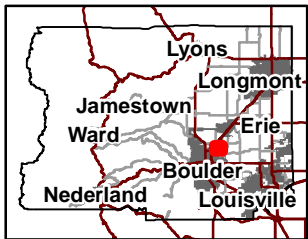
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Public Lands & CEs
5307 INDEPENDENCE RD

- Subject Parcel
- OSMP Properties
- Other Open Space



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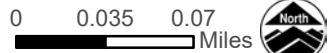
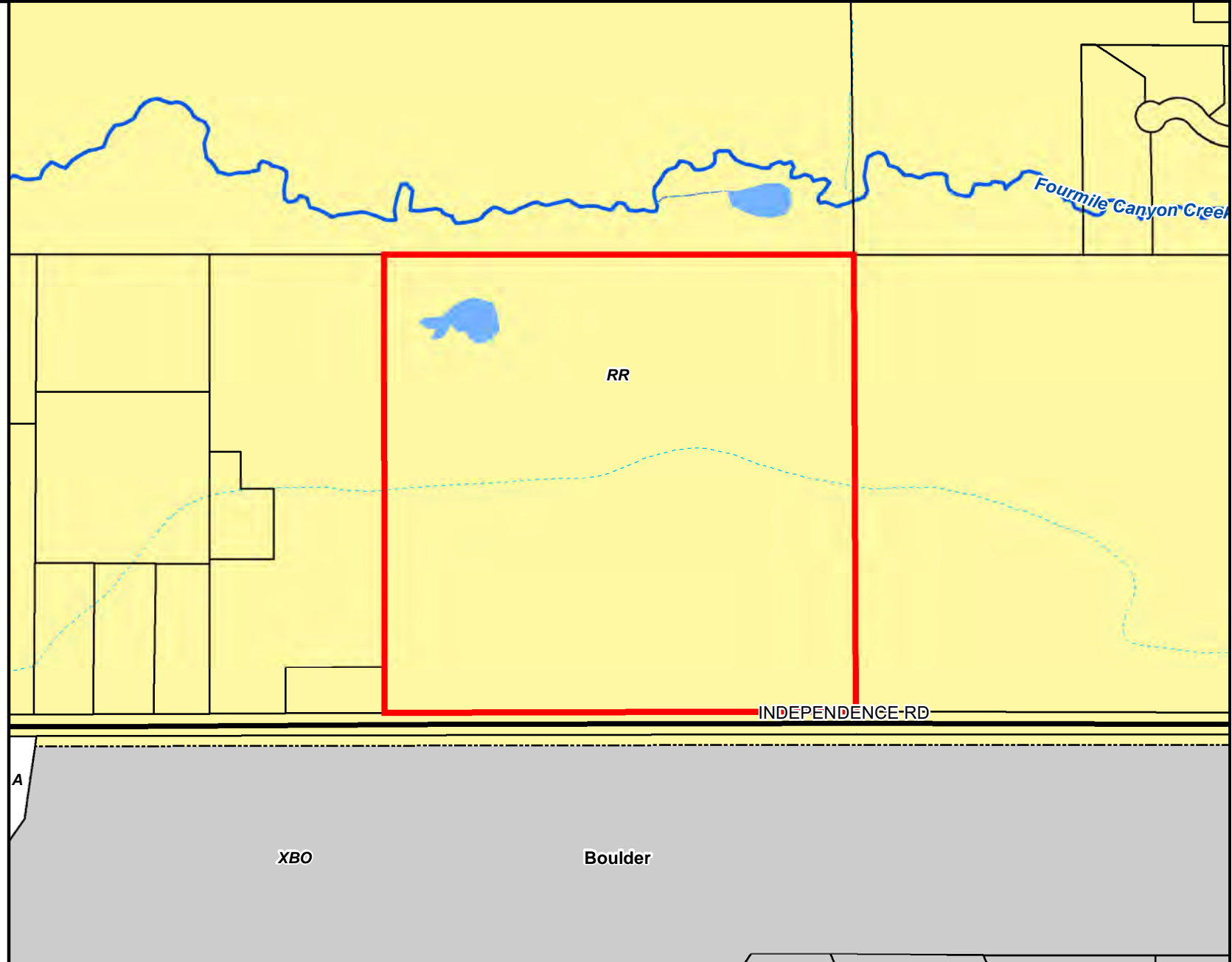
Zoning

5307 INDEPENDENCE RD

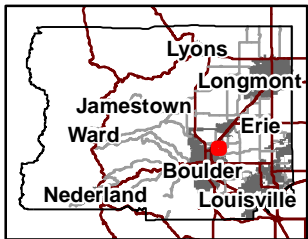
Subject Parcel

Zoning Districts

- Agricultural
- Rural Residential



Area of Detail Date: 6/9/2022



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Limited Impact Special Use Review Fact Sheet

Project Identification

Project Name: 5307 Historic ADU
Property Address/Location: 5307 Independence
Current Owner: Juhl
Size of Property in Acres: 40 acres

The applicant(s) is/are required to complete each section of this Limited Impact Special Use Review Fact Sheet even if the information is duplicated elsewhere in the application. Completed Fact Sheets reduce the application review time which helps expediate the Director's Determination. Please make duplicates of this Limited Impact Special Use Review Fact Sheet if the project involves more than two structures.

Determining Floor Area

If an existing wall(s) and/or roof(s) are removed and a new wall(s)/roof(s) are constructed, the associated floor area due to the new wall(s)/roof(s) are considered new construction and must be included in the calculation of floor area for the Limited Impact Special Use Review and shown on this Fact Sheet.

Structure #1 Information

Type of Structure: (e.g. residence, studio, barn, etc.)		New Home	
Total Existing Floor Area: (Finished + Unfinished square feet including garage if attached.)		0 sq. ft.	Deconstruction: 0 sq. ft.
Are new floor areas being proposed where demolition will occur? <input type="checkbox"/> Yes (include the new floor area square footage in the table below) <input checked="" type="checkbox"/> No			
Proposed Floor Area (New Construction Only)			
	Finished	Unfinished	Total
Basement:	1,653 sq. ft.	424 sq. ft.	2,077 sq. ft.
First Floor:	3,746 sq. ft.	0 sq. ft.	3,746 sq. ft.
Second Floor:	450 sq. ft.	0 sq. ft.	450 sq. ft.
Garage: <input type="checkbox"/> Detached <input checked="" type="checkbox"/> Attached	658 sq. ft.	0 sq. ft.	658 sq. ft.
Covered Deck:	1,590 sq. ft.	0 sq. ft.	1,590 sq. ft.
Total:	6,507 sq. ft.	424 sq. ft.	6,931 sq. ft.
			Height (above existing grade): 29'-6"
			Exterior Wall Material: Stone & Metal
			Exterior Wall Color: Cream & Brown
			Roofing Material: Metal
			Roofing Color: Brown
			Total Bedrooms: 4

Structure #2 Information

Type of Structure: (e.g. residence, studio, barn, etc.)		New Barn and Arena	
Total Existing Floor Area: (Finished + Unfinished square feet including garage if attached.)		0 sq. ft.	Deconstruction: 0 sq. ft.
Are new floor areas being proposed where demolition will occur? <input type="checkbox"/> Yes (include the new floor area square footage in the table below) <input checked="" type="checkbox"/> No			
Proposed Floor Area (New Construction Only)			
	Finished	Unfinished	Total
Basement:	0 sq. ft.	0 sq. ft.	0 sq. ft.
First Floor:	12,807 sq. ft.	0 sq. ft.	12,807 sq. ft.
Second Floor:	0 sq. ft.	0 sq. ft.	0 sq. ft.
Garage: <input type="checkbox"/> Detached <input type="checkbox"/> Attached	0 sq. ft.	0 sq. ft.	0 sq. ft.
Covered Deck:	0 sq. ft.	0 sq. ft.	0 sq. ft.
Total:	12,807 sq. ft.	0 sq. ft.	12,807 sq. ft.
			Height (above existing grade): 30'
			Exterior Wall Material: Metal
			Exterior Wall Color: White
			Roofing Material: Metal
			Roofing Color: Gray
			Total Bedrooms: 0

Limited Impact Special Use Review Fact Sheet

Project Identification

Project Name: 5307 Historic ADU
Property Address/Location: 5307 Independence
Current Owner: Juhl
Size of Property in Acres: 40 acres

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Determining Floor Area

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Structure #3 Information

Type of Structure: (e.g. residence, studio, barn, etc.)		Historic ADU Residence from 1925	
Total Existing Floor Area: (Finished + Unfinished square feet including garage if attached.)		1,662 sq. ft.	Deconstruction: 0 sq. ft.
Are new floor areas being proposed where demolition will occur? <input type="checkbox"/> Yes (include the new floor area square footage in the table below) <input checked="" type="checkbox"/> No			
Proposed Floor Area (New Construction Only)			
	Finished	Unfinished	Total
Basement:	132 sq. ft.	699 sq. ft.	831 sq. ft.
First Floor:	831 sq. ft.	0 sq. ft.	831 sq. ft.
Second Floor:	0 sq. ft.	0 sq. ft.	0 sq. ft.
Garage: <input type="checkbox"/> Detached <input checked="" type="checkbox"/> Attached	0 sq. ft.	0 sq. ft.	0 sq. ft.
Covered Deck:	0 sq. ft.	88 sq. ft.	88 sq. ft.
Total:	963 sq. ft.	699 sq. ft.	1,662 sq. ft.
			Height (above existing grade) 1 Story
			Exterior Wall Material Lap Siding
			Exterior Wall Color Beige
			Roofing Material Shingles
			Roofing Color Gray
			Total Bedrooms 3

Structure #4 Information

Type of Structure: (e.g. residence, studio, barn, etc.)		Existing Equipment Shed	
Total Existing Floor Area: (Finished + Unfinished square feet including garage if attached.)		3,600 sq. ft.	Deconstruction: 0 sq. ft.
Are new floor areas being proposed where demolition will occur? <input type="checkbox"/> Yes (include the new floor area square footage in the table below) <input checked="" type="checkbox"/> No			
Proposed Floor Area (New Construction Only)			
	Finished	Unfinished	Total
Basement:	sq. ft.	sq. ft.	sq. ft.
First Floor:	3,600 sq. ft.	sq. ft.	3,600 sq. ft.
Second Floor:	sq. ft.	sq. ft.	sq. ft.
Garage: <input type="checkbox"/> Detached <input checked="" type="checkbox"/> Attached	sq. ft.	sq. ft.	sq. ft.
Covered Deck:	sq. ft.	sq. ft.	sq. ft.
Total:	3,600 sq. ft.	sq. ft.	3,600 sq. ft.
			Height (above existing grade) 1 Story
			Exterior Wall Material Metal
			Exterior Wall Color White
			Roofing Material Metal
			Roofing Color White
			Total Bedrooms 0

Limited Impact Special Use Review Fact Sheet

Project Identification

Project Name: 5307 Historic ADU
Property Address/Location: 5307 Independence
Current Owner: Juhl
Size of Property in Acres: 40 acres

The applicant(s) is/are required to complete each section of this Limited Impact Special Use Review Fact Sheet even if the information is duplicated elsewhere in the application. Completed Fact Sheets reduce the application review time which helps expediate the Director's Determination. Please make duplicates of this Limited Impact Special Use Review Fact Sheet if the project involves more than two structures.

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Structure #5 Information

Type of Structure: (e.g. residence, studio, barn, etc.)		1935 Historic Shed	
Total Existing Floor Area: (Finished + Unfinished square feet including garage if attached.)		1,040 sq. ft.	Deconstruction: 0 sq. ft.
Are new floor areas being proposed where demolition will occur? <input type="checkbox"/> Yes (include the new floor area square footage in the table below) <input checked="" type="checkbox"/> No			
Proposed Floor Area (New Construction Only)			
	Finished	Unfinished	Total
Basement:	132 sq. ft.	699 sq. ft.	831 sq. ft.
First Floor:	831 sq. ft.	0 sq. ft.	831 sq. ft.
Second Floor:	0 sq. ft.	0 sq. ft.	0 sq. ft.
Garage: <input type="checkbox"/> Detached <input checked="" type="checkbox"/> Attached	0 sq. ft.	0 sq. ft.	0 sq. ft.
Covered Deck:	0 sq. ft.	88 sq. ft.	88 sq. ft.
Total:	963 sq. ft.	699 sq. ft.	1,662 sq. ft.
			Height (above existing grade): 1 Story
			Exterior Wall Material: Brick
			Exterior Wall Color: Red & Beige
			Roofing Material: Shingles
			Roofing Color: Gray
			Total Bedrooms: 0

Type of Structure: (e.g. residence, studio, barn, etc.)			
Total Existing Floor Area: (Finished + Unfinished square feet including garage if attached.)		sq. ft.	Deconstruction: sq. ft.
Are new floor areas being proposed where demolition will occur? <input type="checkbox"/> Yes (include the new floor area square footage in the table below) <input type="checkbox"/> No			
Proposed Floor Area (New Construction Only)			
	Finished	Unfinished	Total
Basement:	sq. ft.	sq. ft.	sq. ft.
First Floor:	sq. ft.	sq. ft.	sq. ft.
Second Floor:	sq. ft.	sq. ft.	sq. ft.
Garage: <input type="checkbox"/> Detached <input checked="" type="checkbox"/> Attached	sq. ft.	sq. ft.	sq. ft.
Covered Deck:	sq. ft.	sq. ft.	sq. ft.
Total:	sq. ft.	sq. ft.	sq. ft.
			Height (above existing grade)
			Exterior Wall Material
			Exterior Wall Color
			Roofing Material
			Roofing Color
			Total Bedrooms

Grading Calculation

Cut and fill calculations are necessary to evaluate the disturbance of a project and to verify whether or not a Limited Impact Special Use Review (LISR) is required. A Limited Impact Special Use Review is required when grading for a project involves more than 500 cubic yards (minus normal cut/fill and backfill contained within the foundation footprint).

If grading totals are close to the 500 yard trigger, additional information may be required, such as a grading plan stamped by a Colorado Registered Professional Engineer.

Earth Work and Grading

This worksheet is to help you accurately determine the amount of grading for the property in accordance with the Boulder County Land Use Code. Please fill in all applicable boxes.

Note: Applicant(s) must fill in the shaded boxes even though foundation work does not contribute toward the 500 cubic yard trigger requiring Limited Impact Special Use Review. Also, all areas of earthwork must be represented on the site plan.

Earth Work and Grading Worksheet:

	Cut	Fill	Subtotal
Driveway and Parking Areas	8 CY	3 CY	11 CY
Berm(s) Around House	83 CY	161 CY	244 CY
Other Grading Pool	237 CY	0	237 CY
Subtotal	328 CY	164 CY	492 CY <small>Box 1</small>

* If the total in Box 1 is greater than 500 cubic yards, then a Limited Impact Special Review is required.

	Cut	Fill	Total
Foundation	2,402 CY	739 CY	3141 CY
Material cut from foundation excavation that will be removed from the property			1,663 CY

Excess Material will be Transported to the Following Location:

Excess Materials Transport Location:
Any fill that needs to be disposed of will be properly disposed of at a waste facility

Is Your Property Gated and Locked?

Note: If county personnel cannot access the property, it could cause delays in reviewing your application.

Certification

I certify that the information submitted is complete and correct. I agree to clearly identify the property (if not already addressed) and stake the location of the improvements on the site within four days of submitting this application. I understand that the intent of the Site Plan Review process is to address the impacts of location and type of structures, and that modifications may be required. Site work will not be done prior to issuance of a Grading or Building Permit.

Signature <i>Lauren Folkerts</i>	Date 5/30/23
----------------------------------	--------------

SPR/LU revisions from the Bopitiya Woody Family

Summary and goals

This document describes our application for SPR and LU, highlighting revisions based on input from response letters and subsequent outreach and research.

Goals:

1. Enhance the rural character of the neighborhood:
A primary goal of the Comprehensive Plan is to enhance the rural character of the County. Our proposal will improve the rural character of the neighborhood and will help foster a harmonious coexistence between residential space and agricultural landscapes.

2. Enhance long-term soil integrity and agricultural viability:
We are committed to supporting and promoting agricultural viability through regeneration and proper pasture management. Agriculture and the corresponding preservation of soils play a vital role in the fabric of the community.

3. Minimize visual impact and align with neighborhood patterns:
We understand the importance of preserving scenic vistas and minimizing visual disruptions, particularly as our property can be an important visual buffer against the municipal airport and potential future housing/annexation. Our proposal truly minimizes public visual impact and balances the needs of our neighbors on all sides. Careful study of neighborhood patterns guided our home siting decision.

Responsiveness to feedback

We value the insight and input from the agencies and individuals who have commented on our original proposal. Our hope is to be fully responsive to any questions or concerns, and we believe we have integrated those thoughts into these revisions. A number of topics, we realized, required a bit more context, nuance, and planning, and this document addresses these in the following sections:

- | | |
|--|---|
| A. Revision highlights | H. Rural/pastoral character |
| B. Geographical context | I. Neighborhood character |
| C. Consultations and outreach | J. Zoning and Compliance |
| D. The Bopitiya Woody Family Farm | K. Children's health and home siting |
| E. History of the property | L. Conclusion |
| F. Soil integrity and agricultural viability | M. Corrections from referral packet responses |
| G. Visual impact | |

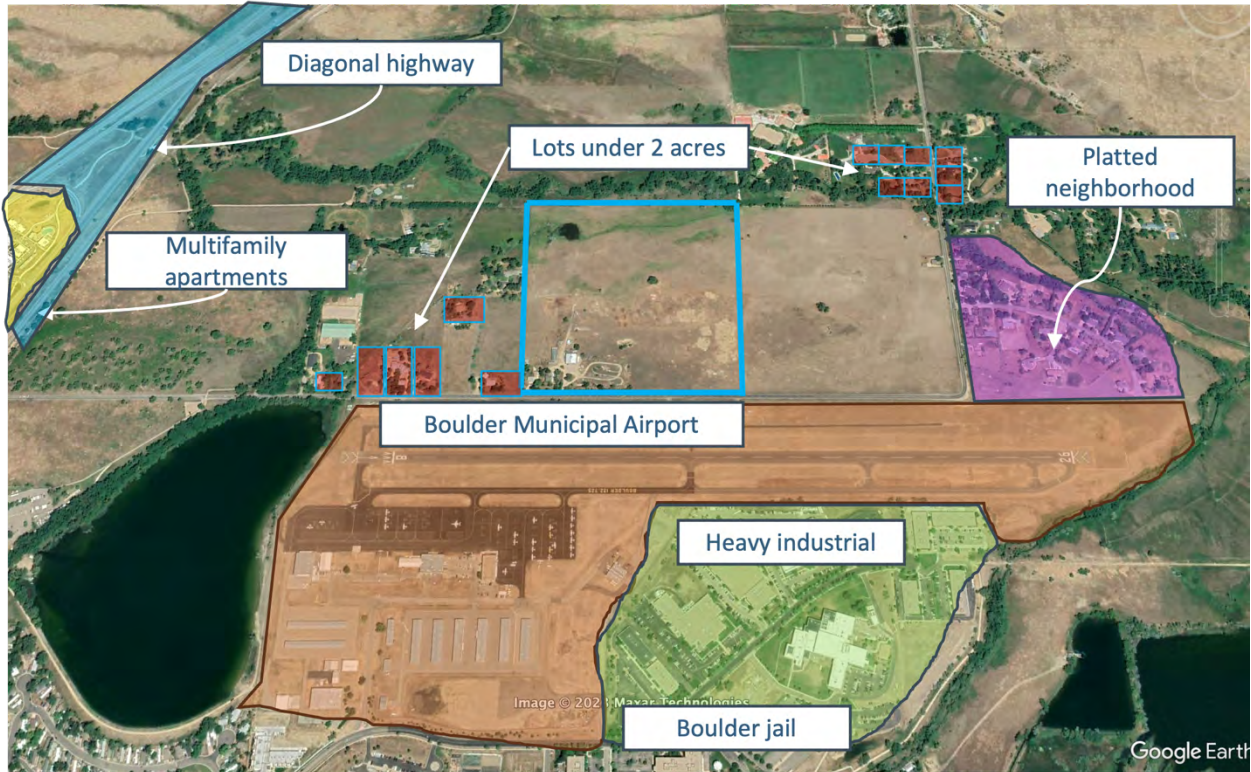
A. Revision highlights

Our full revisions are shown in attached plans. Highlights include:

- 1) Moved proposed home location: Based on goals outlined above, advice from experts, and guidance from the Comprehensive Plan, we shifted the home site location to the eastern edge of the property. Fragmentation seemed to be the primary issue raised in our meeting and correspondence with Planning staff, and they noted specifically that a location toward the edge of the property was preferred.
- 2) Decreased house size and reduced glazing: Above-grade residential square footage was decreased to under the presumed limit. Glazing has decreased as well. We also changed the color of the home to natural stone to blend with the land.
- 3) Updated pasture management and wildlife support plan: This project includes a thoughtful regenerative program for the grassland. We updated details to pasture/acreage design, cross-species grazing plans, and support for wildlife.
- 4) Removed interior track: We removed the use of the “interior track” noted in the earlier version of our proposal.
- 5) Offering historical landmark status to old farmhouse (remaining in proposal): It is important to note that we remain committed to fostering the rural character of the area and have offered to grant historical landmark status to the original farmhouse and garage.

B. Geographical context

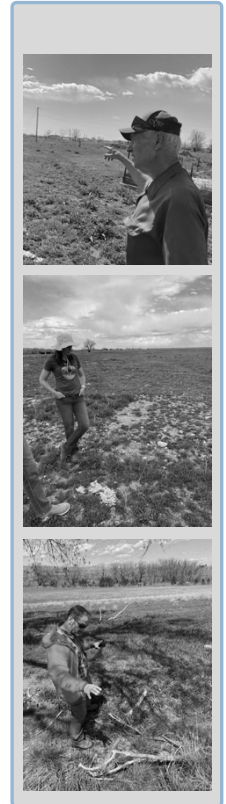
The geographical frame for our property is shown below. Land use with greater intensity surrounds much of the property. The Boulder Municipal Airport borders the length of the property. Other uses nearby include the Diagonal Highway, multifamily apartments, heavy industrial and the Boulder jail, platted neighborhoods and single-family residences on lots under two acres.



C. Consultations, Interviews, and Outreach

We based our revisions on insight from experts and local practitioners with relevant experience in Boulder County. As well, it was important to us that we reach out to neighbors that have shared their perspectives on the project. We met with:

- 1) Vanessa McCracken. District Manager, Boulder County Soils Conservation District (Onsite)
- 2) Jerry Powell. Wildlife Specialties, L.L.C., Certified Ecologist (Onsite)
- 3) Dr. Lanas Smith. PhD. Expert in Ruminant Nutrition and Animal Sciences (Onsite)
- 4) Julie Smith. Owner and director, Lookout Ridge Farm, Boulder, CO (Onsite)
- 5) Bruce Schardt. Environmental Site Assessments (Onsite)
- 6) Robert Juhl. Prior owner. Family lived on the property for over 100 years (Onsite)
- 7) Earl Juhl. Prior owner. Family lived on the property for over 100 years (Onsite)
- 8) Denny Clyncke, Boulder County rancher. Current manager of livestock on this and neighboring properties. (Onsite)
- 9) Rosi Dennett. Certified Public Planner, formerly of Boulder County Land Use Department. (Onsite)
- 10) Mark and Oceanna Crossen. Neighbors at 5833 57th St. (Onsite)



D. The Bopitiya Woody Family Farm: Our vision

Our family has carefully considered our hopes for what we intend to be our lifelong family farm. When we began this process and subsequently purchased the property, we considered this to be a large reclamation project of land that needs a loving touch, and a vision for enhancements that align with the neighborhood character. Our goals are tightly linked to the goals of the County in being good stewards of the land and its resources.

Enhancing the pastoral setting: A view of our proposal from the southwest.



Ranmali, a lifelong horse lover, has decades of experience that inform how we live with, and among horses. We consider our vision to be very light-touch development. While zoning would allow for up to 80 horses on our almost-40 acres, our proposal is for a 6-stall barn. Ranmali believes in allowing horses to be in a more natural environment, which means a small herd turned out over large pasture. This is reflected in our site plan.

The house siting was carefully considered and is informed by a number of factors. Locating on the east minimizes the number of properties that will be able to see our new home and minimizes fragmentation of the pasture land.

Attachment A

The site is tucked into the hillside, minimizing visibility from the public road and we have considered our neighbors' views on all sides. The house design hugs the slope of the land, and links with the rocky soil and terrain through the use of stone and natural colors.

The house is located a distance from the airport for health reasons (see the research related to lead exposure referenced in Section K). The location sits at a distance from the pond, preserving that ecological zone. The house is sited to allow us to have line of sight over the horses in the pasture and the paddocks for good farm management.

We also want the public-facing area of our property to be something we are proud of, that promotes a sense of calm on this City/County edge and preserves the rural heritage. We have offered to designate the 1920s original farmhouse and garage as historical landmarks, further enhancing the sense of place in this pastoral landscape. In addition, we plan to remove a number of the existing outbuildings, including the old smokestack and oil tanks to improve the look and pastoral feel of the property.

E. A history of intensive use and disturbance

We felt it was important to provide some historical context of the property, as the usage pattern informs our proposed siting in a number of ways. The overarching theme is that the site has a history of highly intensive use and disturbance across most, if not all, of the property, including the southern half, the hillside and the lowland zones.

Hog farming and trash burning

The property began as an intensive hog farm. Infrastructure was built completely to the eastern edge of the property. Pig pens, driveways, tracks, outbuildings, manure disposal areas, and birthing buildings covered most, if not all, of the southern part of the property.



Boiler, smokestack and buildings are to be removed

Attachment A

The property owners had a contract with the City of Boulder to take the City's trash. Trash was burned down (it seems for decades) and used as feed for hogs. The boiler that did that work is still on site, as is the smokestack and associated building. It seems clear that this left residue both in the form of unknown elements in the soil, as well as other debris. For example, one can find bricks, kitchen utensils, plastics, and other things strewn in the soil.



Aerial view of hog farming infrastructure

A second noteworthy element is that the topsoil has suffered as hogs would root up the soil and it would then be blown easterly across to neighboring acreage. This note, told to us by the Juhl family, can be seen over time through aerial photography.

Chemical dipping north of the ditch

We asked the prior owners about man-made rectangles and straight lines visible in aerial photography and they noted that chemical livestock dipping occurred near the proposed home site.

Pumping and trenching

Prior owners created 3 pumphouses and pump zones in the northernmost area of the property. A concrete pad for pumping was created near the eastern part of the outflow stream of the pond. The land was excavated and pipes were run up the hillside to the flatter land above.



Livestock dipping

Livestock (likely pigs and sheep) dipping occurred north of the ditch lateral, close to the proposed home site

There are remaining concrete elements of pumping activity near the pond. A pumphouse was located just upstream of the pond as well, near the western edge of the property.

Attachment A

Lastly, a trench was dug across the hillside for drainage purposes (this is noted in the disturbance diagram below.) To our knowledge, all pumping was unpermitted. The permitted water consists of 3 ditch shares, which is only sufficient to water the central tree in the field.

Existing debris

We noted above some of the smaller, widespread debris, but a few other items on the property are worthy of note.



Shooting range:

A number of berms built out of tires and other industrial elements are present for use as a shooting range. Shells and bullets, etc. can be found in these areas.

Stockpiling industrial debris and unknown dumping:

A number of stockpiles exist near the ditch lateral. Piles of asphalt, concrete block, concrete slab, amongst other items are in areas that have been excavated heavily. In addition, there are a number of areas where unknown elements (likely manure, farm waste, yard waste, etc.) have been dumped and spread.



Sub-terranean tanks

The phase I Environmental Site Assessment shows that there were sub-terranean gas/oil tanks. The exact location of these tanks, and the environmental safeguards associated with them are unknown. There are a number of above-ground tanks on the property, (both actively used and trashed) which will be cleaned appropriately.

Attachment A

Over-grazing

In our meetings with the prior owners and the current rancher utilizing the land we found that the property has historically been over-grazed. The majority of the pasture consists now of weeds and invasive species, and the grass is struggling in many areas of the property.

What is the net result? Soil scarring:

These notes comprise some of the activities that have taken place on the property. We are certain there are other disturbances that we are unaware of.



Hillside scarring, northern side of the property, 2021.

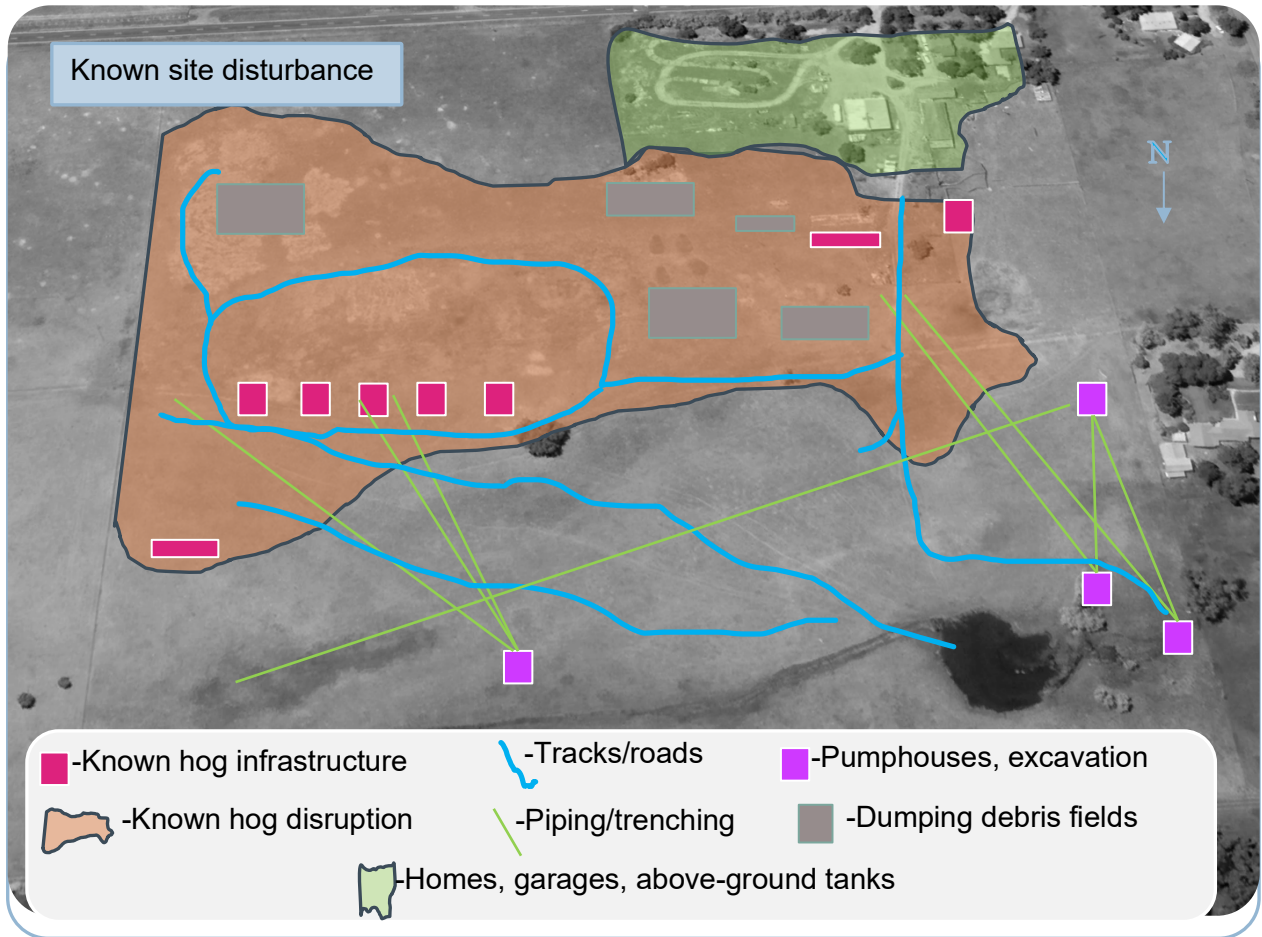
Note the numerous straight lines and rectangles that suggest direct soil disturbance.

It is important to note that while the active hog farming is no longer present, the associated damage remains. One way of viewing this is the scarring that has occurred on the hillside area. The image above shows clear human impact on the terrain.

Aggregate known disturbance

We have highlighted areas of known disturbance below. This does not include scarring visible for which we do not know the source of the disturbance.

Attachment A



F. Soil reclamation and agricultural viability: A discussion

I. Overview

Our regenerative approach will increase the supply of viable agricultural land and improve the long-term integrity of the soil. On the southern sections of the property this is largely a reclamation project, wherein potentially 15-20 acres of Statewide Land will be returned to (non-irrigated) viability.

II. What is the current state?

Expert opinions:

We met onsite with the District Manager of Boulder County Soils Conservation District Vanessa McCracken to assess the current state of the property and to begin engaging on regeneration work. She confirmed that this is not “prime agricultural land.” She also noted that significant care, investment, and management will be required to return the parcel to viability. We plan to

Attachment A

follow up with this group, as well as with Sharon Bokan, CSU Forage Specialist, to further detail regeneration plans.

Certified ecologist Jerry Powell had similar comments stemming from our site visit. He noted that where there is growth, it is dominated as weeds and non-native brome.

Dr. Lanas Smith, an Expert in ruminant nutrition and animal sciences had similar guidance on how this whole property should be managed. He noted the presence of rocks and how that largely eliminates the ability to farm hay. He also noted that the native grasses have been virtually eradicated from the majority of the property and would need a slow program to rehabilitate.

Rocky soil, particularly at proposed home site:

All of our consultations confirmed that the severely rocky soil would make agricultural use difficult. Bob and Earl Juhl said that their family had attempted to till the soil, but gave up as it was deemed too difficult.



Soils survey: "Grazing and gravel pits":

Our property encompasses a variety of soils as described in the soils survey completed by the United States Department of Agriculture Soil Conservation Service.

Attachment A

The prevailing soil type is the *Nederland very cobbly sandy loam*, which exhibits a unique composition of sandy loam with abundant cobblestones. This soil is particularly well-suited for grazing purposes and is predominantly utilized for range or pasture activities. However, it is worth noting that numerous areas adjacent to Boulder have also been designated as homesites.

A second soil character on the property is described in the soils survey as being best “suited for use as pasture or meadow. These soils are also suitable as a site for gravel pits. In some places a few small areas are used for irrigated crops.”



Hillside siting uses a sub-optimal soil zone

It is a standard in agricultural development that hillside slopes are sub-optimal for agricultural purposes. The property can logically be divided into three zones: the southern zone, the hillside, and the lowlands. Our proposed siting is on the downhill slope of the hillside. The visual impact benefits are noted later. The soil value in this area is sub-optimal.

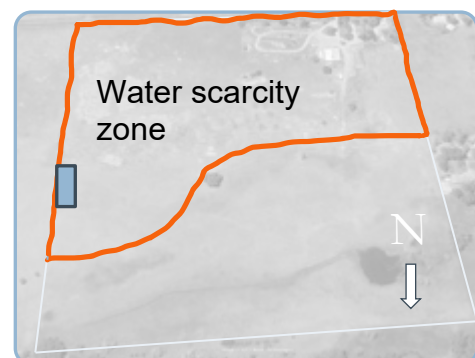
III. What has been tried in the past?

Growing has failed

The Juhl family has attempted to grow crops on this land but these attempts have failed. Bob and Earl Juhl described how they attempted to pull surface water up to the higher areas and the hillside, but this was unsuccessful.

Irrigability is very limited

The ability to adequately irrigate is one of the primary elements in the agricultural significance designation process. The property has only 3 shares of ditch rights. The current owners have not utilized this recently as it is not enough to be significantly useful for any agricultural purpose, and they have used the water they do receive only to keep the large tree in the center of the property alive. They said that the irrigation does not typically flow past that central tree. We have drawn the resulting water scarcity zone here:



Grazing history

Attachment A

The site is currently grazed seasonally, though the prior owners noted that the site has been heavily over-grazed in the past. As a result, the productivity is degraded and the number of cattle per acre that are grazed here seasonally is significantly below average for the area.

IV. Our proposal's impact

Our proposal will include a small 6-horse barn. We may seasonally graze cattle on the pastures where appropriate. It is important that the soil, particularly in the southern zone, be given the time and treatment to regenerate. This will include appropriate periods of fallow and timed grazing to, for example, limit cheat grass.

Having met with experts, the prior owners, and the current ranch manager, we anticipate the following impacts from our proposal:

Minimizing fragmentation

Both the POS and the Planning Departments recommended that we shift our home site towards an edge of the property in order to minimize fragmentation. We followed that guidance directly and moved to the eastern edge of the property.

Minimal immediate impact to grazing productivity

We asked the ranchers we met with what they thought the impact would be to grazing operations and productivity in the short term. They said that there would be no detrimental effects.

Returning 15 acres to viability in the long-term, and enhancing soil integrity through active pasture management

It is clear that while the entire parcel has the Statewide Significance designation, the compromised soil is not currently viable on much of the property. Through active management, revegetation, and weed control, we anticipate a net increase in the inventory of land suitable for this designation.

It was noted through our consultations that the smaller number of horses along with cross-species grazing would give the property the best chance at regeneration. A map describing the high-level plan is attached. Allowing areas to fallow and actively managing weed species will be essential to reverse the decades of overuse.

Wildlife support

Attachment A

Having met with Certified Ecologist Jerry Powell, our proposal supports wildlife sustainability by 1) increasing the distance to the pond, 2) supporting wildlife through native tree planting in the lowland zone, 3) improving movement corridors by replacing wildlife-restrictive fencing, 4) avoiding existing trees (near Independence Rd) with active birdlife, and 5) siting residential space closer to existing disruptions, specifically the neighborhood on the 57th St. cul-de-sac with more comparable residences.

Certified Ecologist Jerry Powell has detailed his opinions in the attached letter. A germane note relative to wildlife status says:

“There is no habitat, in either the southern pig farming center, the hillside or the lowland area, on which any sensitive species is dependent. The southern half is dominated by invasive weed species. There is no riparian habitat within the project boundary.”

V. Aligning with Goals of the Comprehensive Plan, Land Use Code and Agency Responses

We understand the Land Use Code Section 4-806-8 which says:

The development shall avoid agricultural lands of local, state or national significance as identified in the Comprehensive Plan or through the site plan review process... Development within or affecting such lands may be approved, subject to acceptable mitigation measures... if reasonably necessary to avoid significant adverse impacts based upon other applicable site plan review criteria.

Having met with planning experts, our understanding is that with regard to these designated areas, the original purpose was to designate areas which might have the elements necessary to produce high-quality agricultural land. Further research was then to be done on an ad-hoc basis to confirm, for example, the soil quality and irrigability.

It is important to note that the entire property is in this statewide significance designation. Similar approved proposals have noted that *“Impacts to some Agricultural Lands are unavoidable”* (POS Response language) as the entire property is under this designation. Resultingly, we presume that other factors such as visual impact, rural character and neighborhood development patterns should take precedence when considering home siting.

VI. How does this compare to similar approved proposals?

It should be noted that SPR’s both in the immediate neighborhood and on similar parcels with the same designations have been approved, specifically noting limited impact on agricultural lands of significance.

Attachment A

One approved SPR on 57th St. (nine properties away) with over 10 acres had language from POS, stating:

"[Regenerative agricultural efforts] should enhance the ability of these Agricultural Lands of Statewide Importance to remain in production."

Our neighbor just three properties to the east (the most recent SPR in the neighborhood) was granted an approval which relied on a POS response that stated:

"Most Agricultural Lands of Statewide Importance have already been compromised."

We suggest that the same is largely true of this property.

G. Visual impact: An enhanced public view corridor

Comprehensive Plan: 2.05 Design of Community Edges & Entryways:

Well-defined edges and entryways for the city are important because they support an understanding and appreciation of the city's image, emphasize and preserve its natural setting and create a clear sense of arrival and departure. Natural features are most effective as edges, but public open land, major roadways, gathering spaces, public art or heavy tree planting can also function as community edges. As new areas are developed, a defined community edge will be a design priority.

Land Use Code Section 4-806-10:

The development shall not have a significant negative visual impact on the natural features or neighborhood character of surrounding area.

As the public drives, cycles, or runs westward along Independence Rd. (the community edge between the City of Boulder and Boulder County), they see a largely pastoral landscape with the mountains in the background. (This is true on the northern edge. Again, the southern side of the road is the municipal airport.) This is currently interrupted on our property by a smokestack, industrial debris, deferred maintenance, two streetside residences, and a number of abandoned buildings.

Our proposal will dramatically enhance this view corridor.

We want to protect this southern section of the property (visible from Independence Rd.) from further residential building. We will be removing the 1950s residence, thereby decreasing the residential square footage visible from the public road. The southern view corridor will now be home to an agricultural, pastoral landscape uninterrupted by a new residence.

Many neighbors have expressed their support, and have said that they are looking forward to a refurbished viewscape from Independence Rd.

Topographic screening:

Attachment A

We carefully considered potential home sites for this 39-acre parcel, and reviewed other properties in the area with similar topography. Our site is beyond the crest of the hill, sited on the downward slope of the hillside. The siting screens most of the home, and given the distance from the roadside, it's visual impact will be exceptionally small.

It is also worth noting that our revised design is effectively a single-story home (with the exception of a ~400 sqft office area).

The following images demonstrate what the house will look like in the landscape:

Attachment A



Attachment A

As we have studied other similar properties, we have noted a number of similar proposals approved where the topographic screening was a critical element of the proposal. This includes a number of homes on Jay Rd. with the same agricultural designations as our property. The most relevant comparable property is at 6712 Jay Rd.

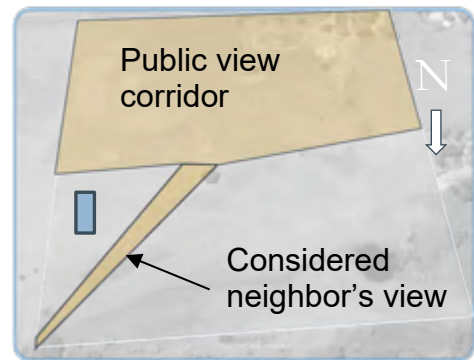
Natural screening

We plan to include natural screening (the planting of trees and shrubs) on all sides of our home to further minimize visual impact.

Considering neighbors' views

There was one letter with from our neighborhood with concerns about our initial proposal. We met with these neighbors, Mark and Oceanna Crossen, to discuss their concerns. They told us that their primary concern was disturbing their view.

We did a view analysis from their home, drawing in lines to either end of the flatirons to the southwest, and considered this view in our home siting.



They proposed planting a stand of trees on the north side of our house to shield our home from their view, and we expressed our willingness to do so in the spirit of being good neighbors. In addition, they noted that there would be access from this location to a main sewer line, which would eliminate the need for a septic system. We agreed that we would pursue securing an easement to access to the sewer line as it would be preferable.

H. Rural character

Comprehensive Plan Guiding Principle 5:

"Maintain the rural character and function of the unincorporated area of Boulder County by protecting environmental resources, agricultural uses, open spaces, vistas, and the distinction between urban and rural areas of the county."

As we read this Guiding Principle and associated language, it indicates that agricultural viability is prioritized, at least in part, in the service of preserving the rural, historical character of the County.

This project is, above all else, an homage to the historical character of the County. This land has a long history, but it needs a refreshed approach to fully claim that historical character.

Attachment A

Grouping the agricultural buildings, along with the historically designated landmarks (the old farmhouse and garage) creates a public-facing vignette of history and agriculture that is not interrupted by a new home. Demolishing and cleaning the five or so structures in that region will support bringing this rural character back to life.

The view from the public road will be radically improved wherein the mature trees will support revegetated acreage alongside architecturally-aligned agriculture buildings.

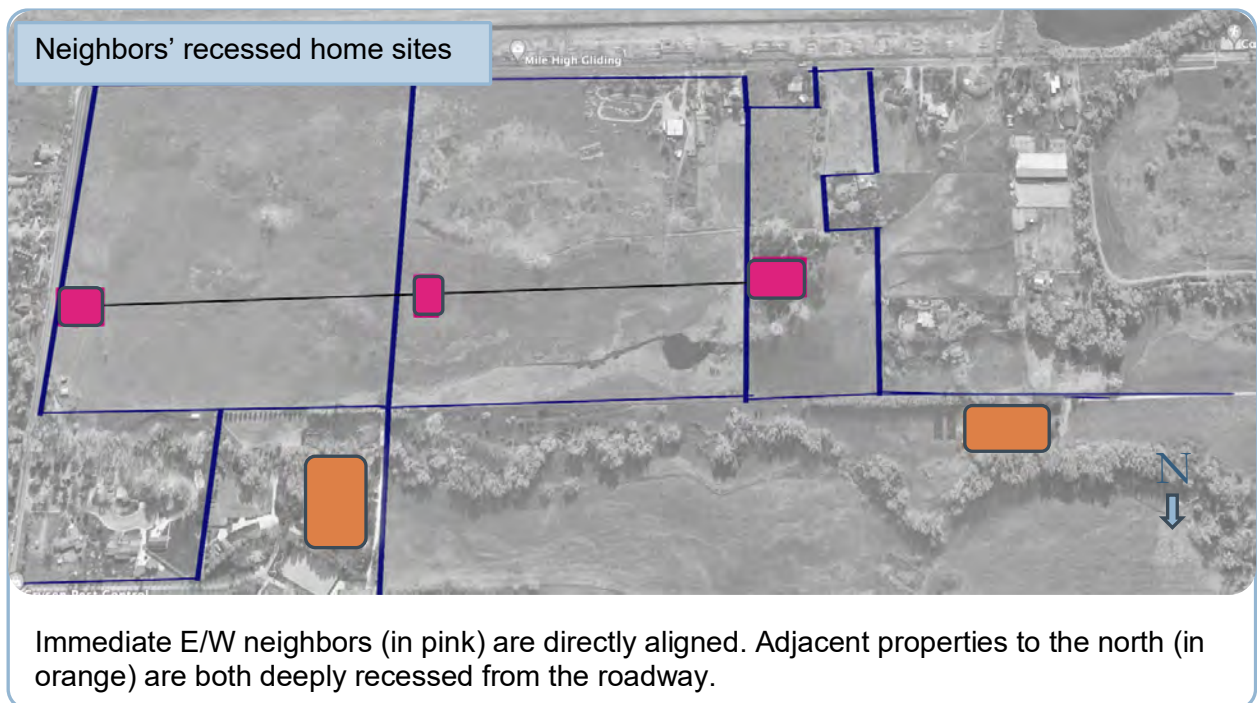
I. Neighborhood compatibility

Development pattern

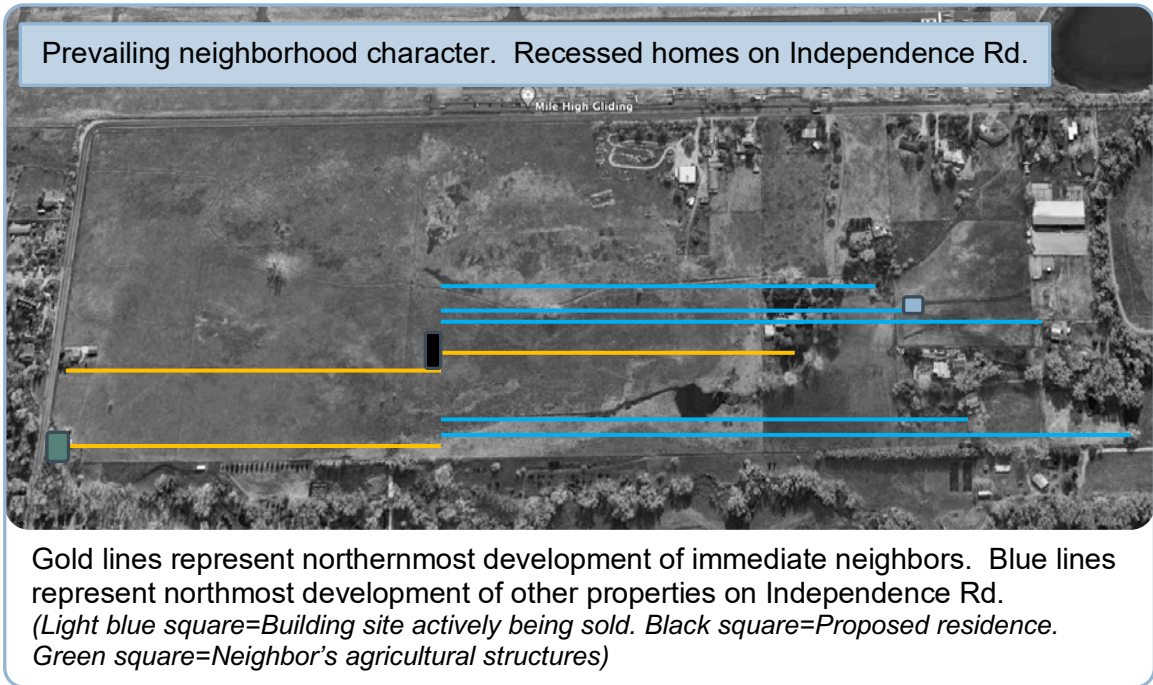
In looking at potential residence sites, we observed the development pattern of the neighborhood. One of the issues raised from our initial application was the prevailing character of the neighborhood. The development in the area, particularly after the airport was constructed in the 1940s, is different than the older homes sited close to Independence Rd.

It is important to note that:

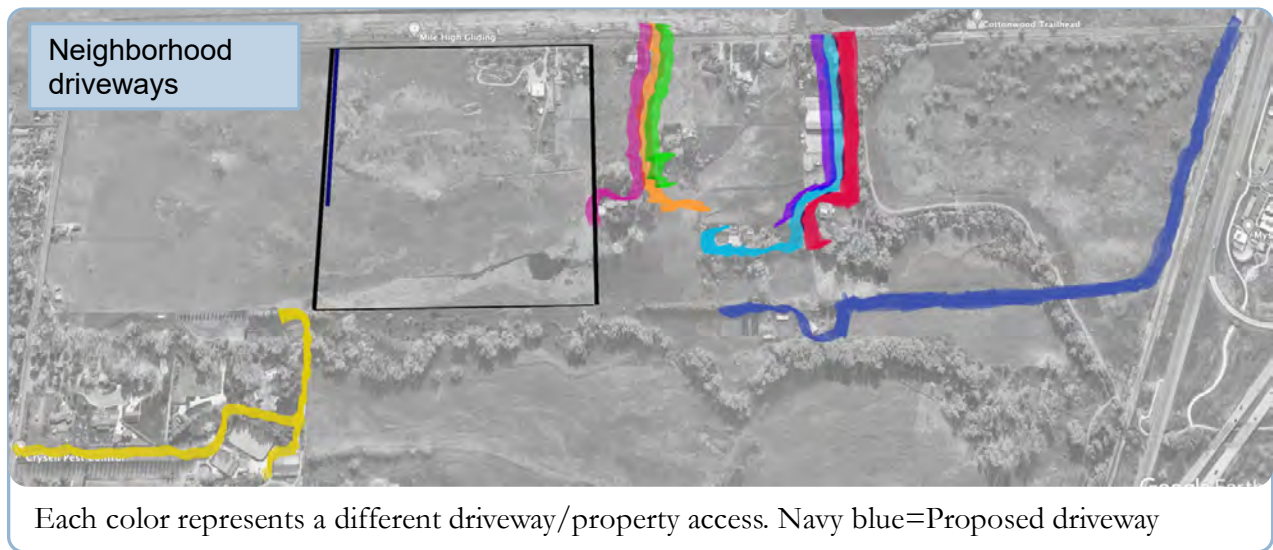
1. Both of our immediate neighbors have home sites 1) on the downward slope of hillside and 2) on the eastern edge of their acreage. Our updated siting mirrors this pattern directly.



2. **All of the properties over four acres on Independence Rd. have home sites recessed from Independence Rd.** Moreover, more than half of all of the residence sites on the road are significantly recessed from the road. The newer homes with acreage are typically sited away from the road, protecting the public view corridors.

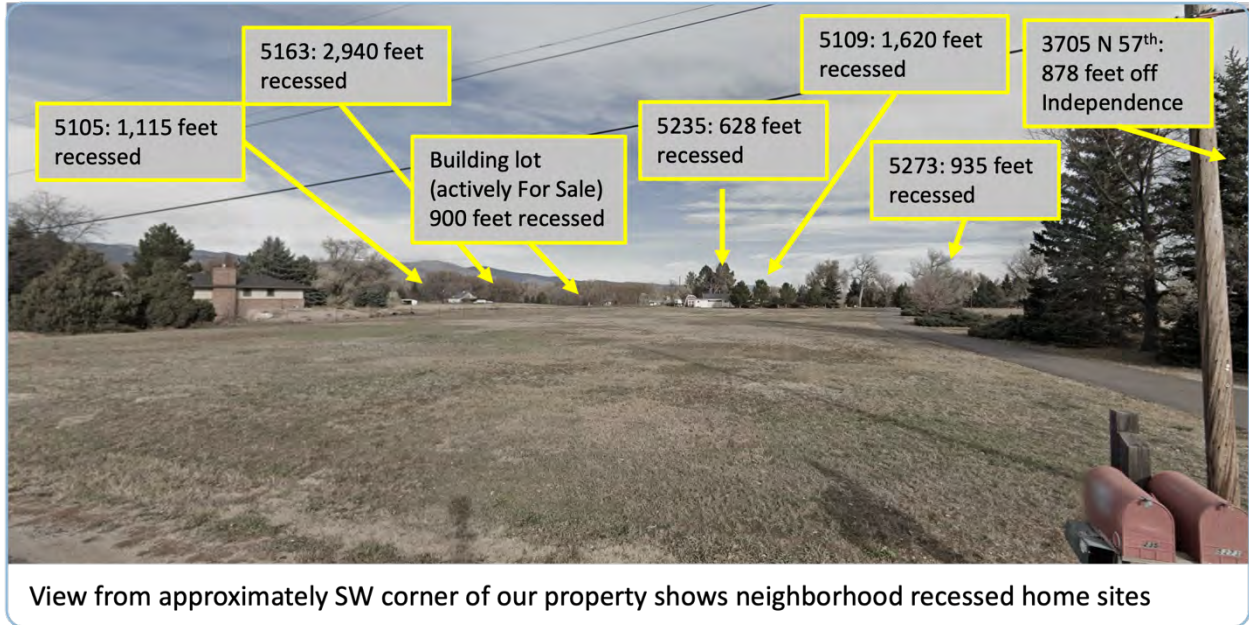


3. There are seven driveways/access roads that are recessed from the road on Independence Rd. Six of these are likely longer than the proposed driveway.



Attachment A

4. The view from the southwestern corner of our property shows the prevalence of recessed home sites.



Linking to existing disturbance

Shifting the location to the eastern edge allows for linking to the neighborhood off of 57th St. The northeastern edge of our property adjoins the larger, newer homes in the neighborhood.



J. Zoning and compliance

It is important to note that this proposal will remove over 5 buildings. This includes the residence at 5307 Independence. It will also eliminate the large smokestack, a remnant of the trash burning onsite. Currently the property is out of zoning compliance. In concert with the historical designations, this proposal shifts the property into zoning compliance. The property's two residences will be replaced with a single up-to-date residence and a designated historical ADU.

K. Children's health and home siting

We (Ranmali and James) will be raising our two young children here, and we want to minimize any potential health issues related to the neighboring airport.

Research suggests that living close to an airport (particularly civil aviation airports where piston airplanes are most common) can be a serious health concern for lead exposure in children, and that risk decreases exponentially with distance from the runway. From the National Institutes of Health (NIH):

“Even more worrisome is a large body of recent research that demonstrates negative health effects, including learning disabilities and behavioral disorders, associated with lead exposure levels well below the CDC action level... A study by Miranda et al. (2007, 2009, 2010) suggests that early childhood blood lead levels as low as 2 µg/dL can have significant impacts on academic performance as measured by end-of-grade test scores. In response to this body of research, the CDC has stated that there is no safe level for blood lead in children (CDC 2005)...”

Our results suggest that children living within 500 m of an airport at which planes use leaded avgas have higher blood lead levels than other children... Lead emitted from aircraft using leaded aviation gasoline (avgas) is currently the largest source of lead in air in the United States, constituting about 50% of lead emissions...

Previous research indicates that lead levels in air near airports where planes use avgas are significantly higher than background levels. A study at the Santa Monica airport in California found that the highest lead levels occur close to airport runways and decrease exponentially with distance from an airport, dropping to background levels at about 1 km (U.S. EPA 2010).”

Our proposed home site is 387 meters from the runway. Siting closer to Independence Rd. would exponentially increase this risk.

L. Conclusion

We have, along with our architects, consultants, and expert practitioners, duly evaluated this site. The proposal addresses all the topics raised by staff after our original submission. We thoughtfully revised our proposal to align with the Comprehensive Plan, Land Use Code, and guidance from staff. We are so excited to make our home and raise our family in this special location. We respectfully ask for your support.

M. Corrections from referral responses

Given the importance of the information provided by staff and referral agencies, we thought it was important to clear up any misconceptions or errors that arose from referral responses.

1. *“The entire 40-acre parcel is currently in agriculture, with the exception of a wetland/pond in the northwest corner.” (POS response)*

This is addressed in-depth above. It is important, again, to note that the property currently has two residences, 5 full garage/buildings and debris spread across a number of acres of the property. It has been used to burn trash, house industrial equipment, and most recently been home to an excavation company. It has been used for modest grazing in the spring season in some areas.

2. *“The most important resource on the parcel is its Significant Agricultural Land, which essentially covers all of the parcel. Agricultural lands of Statewide Importance include some of the best soils in the county, as defined by the Natural Resources Conservation Service.” (POS response)*

This is addressed in-depth above. The entire parcel is designated under the Significant Agricultural Land. A review of the current state of the property would show that these are, in fact, not some of the best soils in the county. This was confirmed by Vanessa McCracken, the District Manager of Boulder County Soils Conservation District. It was also confirmed by other experts mentioned above.

3. *“Over at least the past two decades, it is evident from aerial photographs that the southern half has received significant amounts of “dumped” material...This has not occurred on the northern half, and it is apparent that the northern half can and has been irrigated...The northern half is therefore the best area for agricultural production.” (POS response)*

This is incorrect.

The POS response states as a matter of fact that material has not been dumped on the northern half. This is not correct.

Additionally, describing the property as a property of two halves lacks some nuance. There has indeed been material dumped on the northern area, in both the hillside zone and the lowland zone. Again, intensive use and scarring has occurred in all three zones.

We addressed the limited irrigation resources above, as we have only three shares of ditch water. Water has not reached eastward past the central tree in recent history.

4. *Staff disagrees that there is “...a secondary line of development that occurs across all neighboring properties” as stated in the application. There is a single neighboring property on such a “secondary line.” (POS response)*

This is incorrect.

This is addressed above, but both the immediate eastern and western neighbors’ homes are directly aligned with our proposal. Additional detail on other properties in similar locations is addressed in detail above as well.

5. *“The clearly dominant character of the neighborhood is for residences to be fronted on Independence Road.” (POS response)*

Portraying the character of the neighborhood based on a minority of homes on Independence Rd. road is flawed.

This is addressed in detail above. Again, the majority of building sites on Independence Rd. and **all of the properties over four acres have building sites that are significantly recessed from the public road.**

Attachment A

- Staff estimates that the proposal -- with a very large house/garage, septic system, pool, terraforming, landscaping, and an unnecessary circle drive -- would eliminate about 0.5 acres of these lands... These figures do not include any of the rather large, existing "barnyard" complex in the southwest, some of which is to remain.

This is addressed in detail above. Our proposal will have the net effect of restoring, rather than eliminating these lands. POS calculations also did not include revegetation of areas that are to be deconstructed, including a full residence.

- "The application states that there is an "existing track" where the connection drive would be, yet this is nonexistent or rudimentary at best." (POS response)*

Most notably we have removed the use of this track from the proposal. However, for clarity it should be noted that the track is quite well-defined, particularly in recent aerial photography:



- "The size of the new arena/barn would be one of the largest in the county; staff estimates that it would be in the top-ten largest arenas/barns." (POS response)*

This is incorrect.





While we were surprised to see Parks and Open Space opine on the size of the horse keeping area (an activity allowed by right in Rural Residential zoning areas), this information is flawed. Based on the County Assessor's building database, there are at least 64 permitted arenas in the County. The vast majority of these are larger than the proposal, most of which are larger by a significant amount. (The proposed arena can fit only a small-sized dressage arena, a great many of the indoor arenas in the county can fit a full-sized dressage court or can accommodate jumping, which requires an even larger space.) This does not include the myriad of properties with barns in the County. A number of those barn complexes with arenas may be labeled under a different name in the Assessor's database.

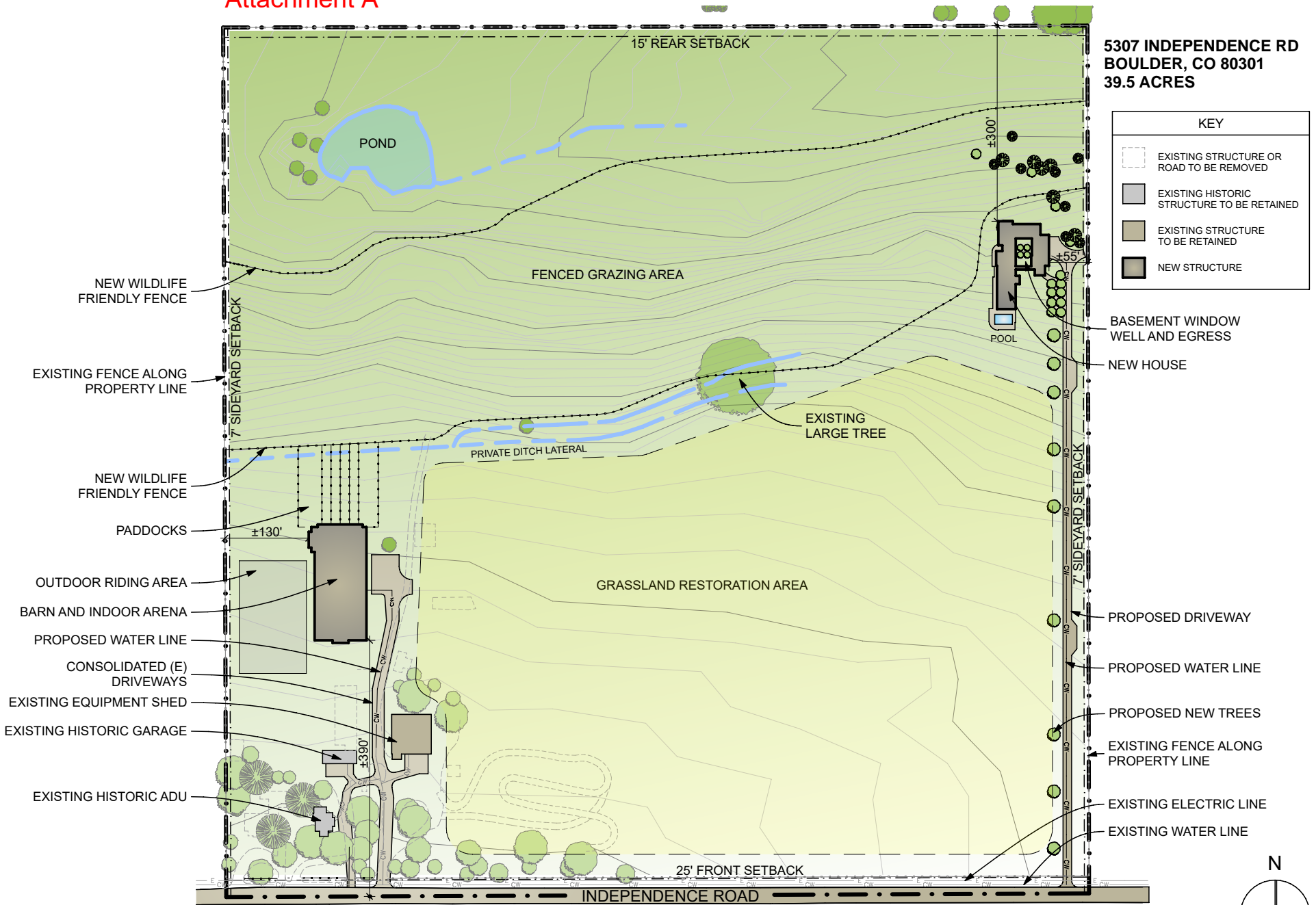
It should be noted as well here that both of the two barn complexes in our defined neighborhood are larger than our proposal.

- Curb cuts/access points:**

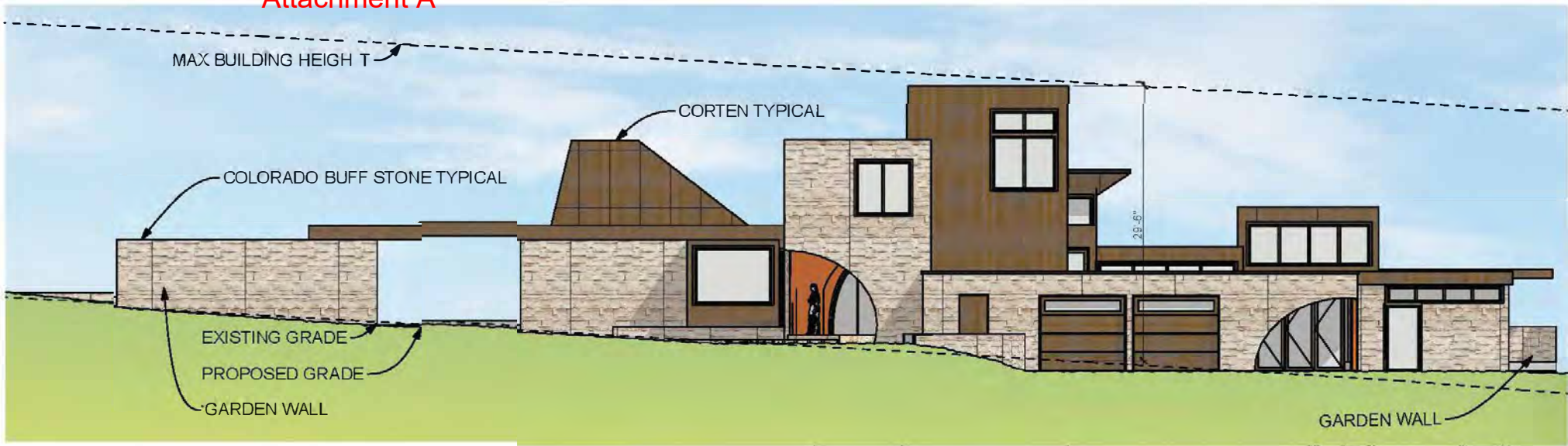
We will indeed be reducing the curb cuts/access points from 5 to 3. We will be eliminating two from the 1950s home. That area will be revegetated. We will be eliminating one other curb cut as well.

5307 INDEPENDENCE RD
BOULDER, CO 80301
39.5 ACRES

KEY	
	EXISTING STRUCTURE OR ROAD TO BE REMOVED
	EXISTING HISTORIC STRUCTURE TO BE RETAINED
	EXISTING STRUCTURE TO BE RETAINED
	NEW STRUCTURE



Attachment A

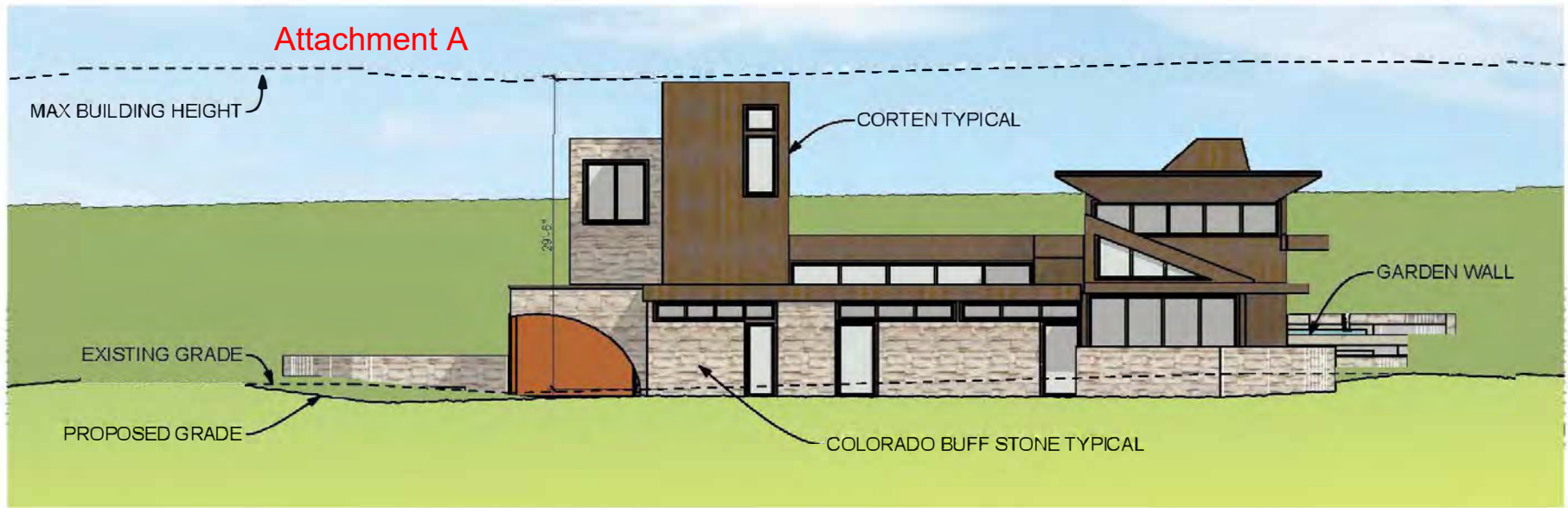


EAST ELEVATION - PRESENTATION
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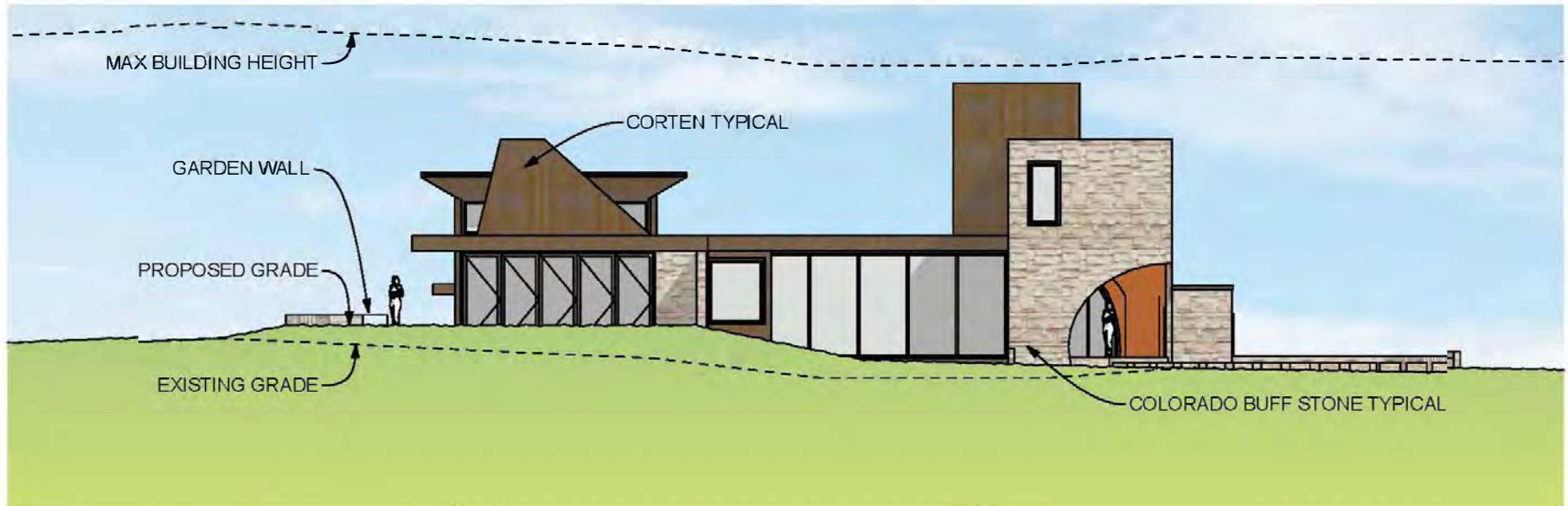


WEST ELEVATION - PRESENTATION
SCALE: 1/16" = 1'-0"

Attachment A



NORTH ELEVATION - PRESENTATION
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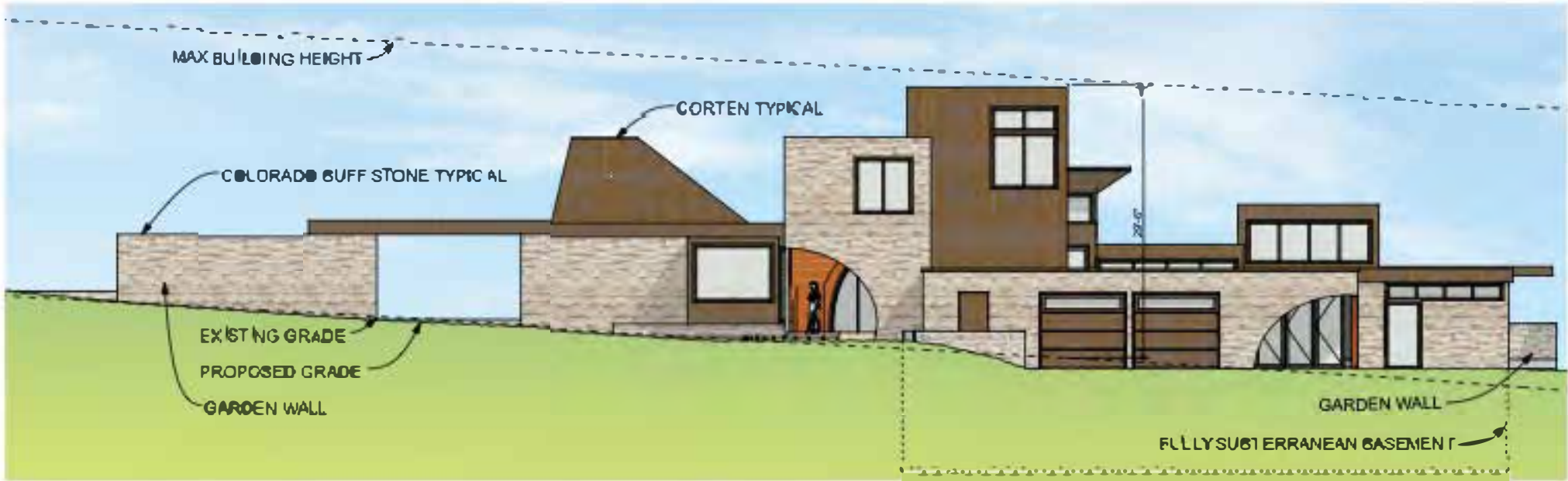


SOUTH ELEVATION - PRESENTATION
SCALE: 1/16" = 1'-0"

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5307 INDEPENDENCE
5/31/23 DATE:
NORTH AND SOUTH ELEVATIONS





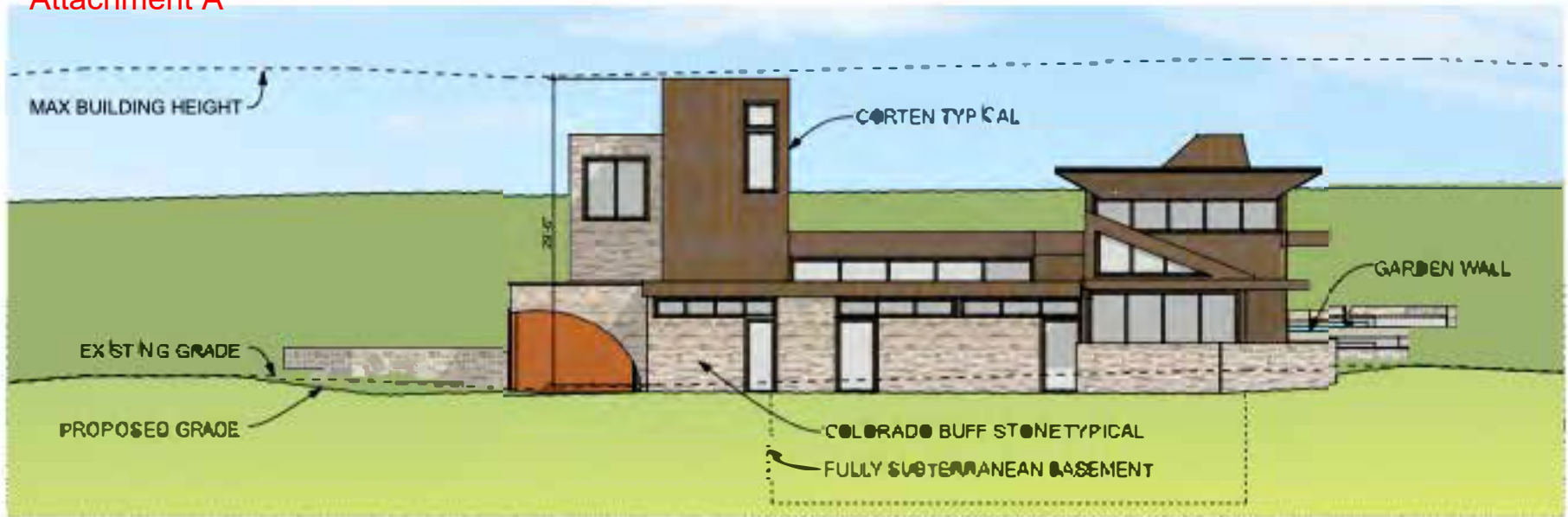
EAST ELEVATION - PRESENTATION
SCALE: 1/16" = 1'-0"



WEST ELEVATION - PRESENTATION
SCALE: 1/16" = 1'-0"

5307 INDEPENDENCE
6/12/23 DATE:
EAST AND WEST ELEVATIONS





NORTH ELEVATION - PRESENTATION
SCALE: 1/16" = 1'-0"

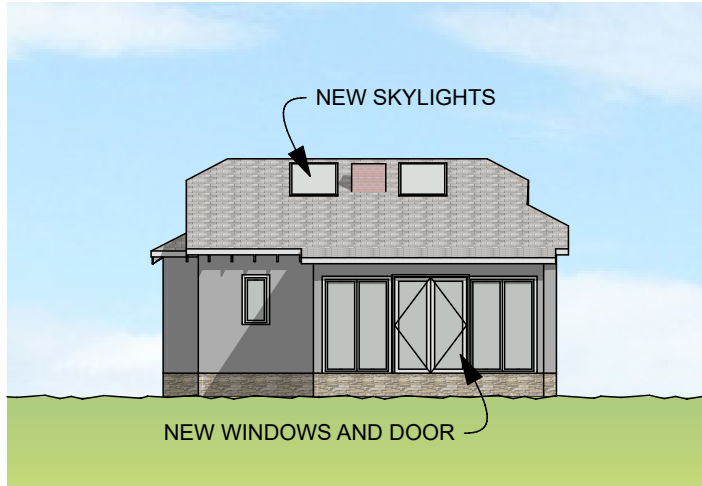


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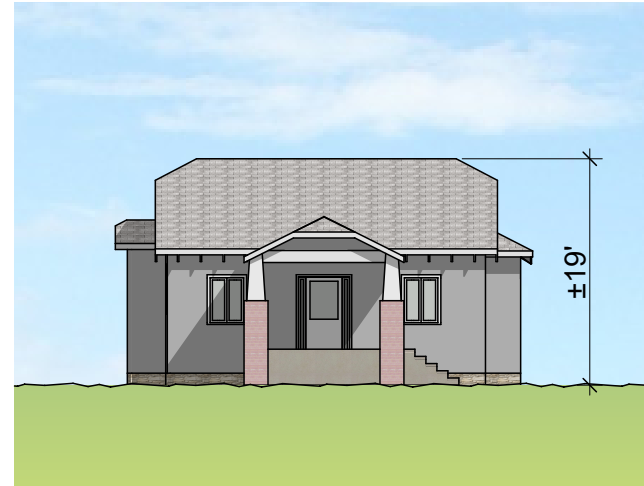
5307 INDEPENDENCE
6/12/23 DATE:
NORTH AND SOUTH ELEVATIONS



Attachment A



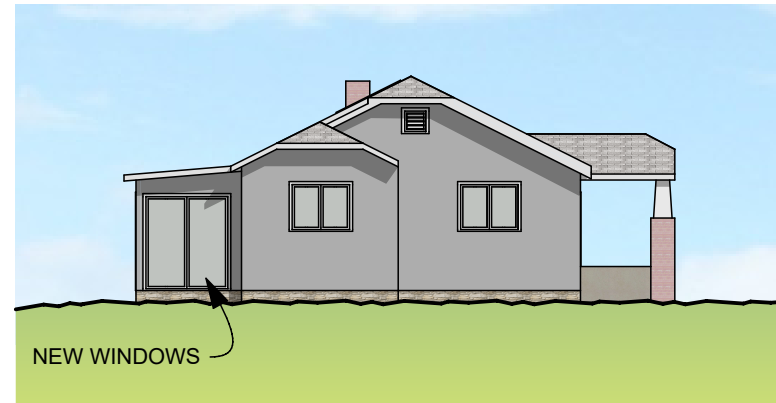
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SOUTH ADU ELEVATION
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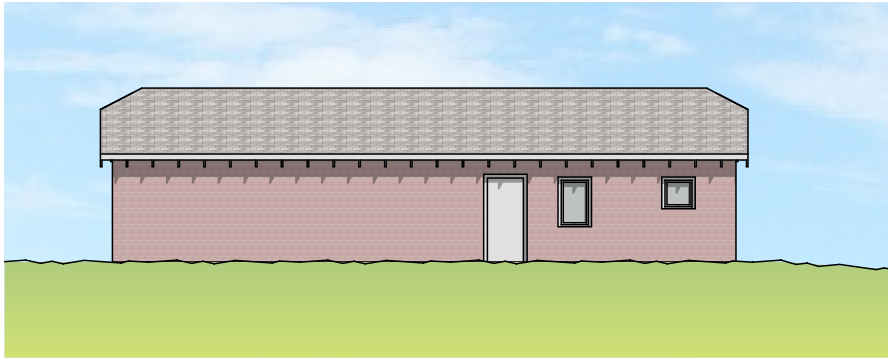


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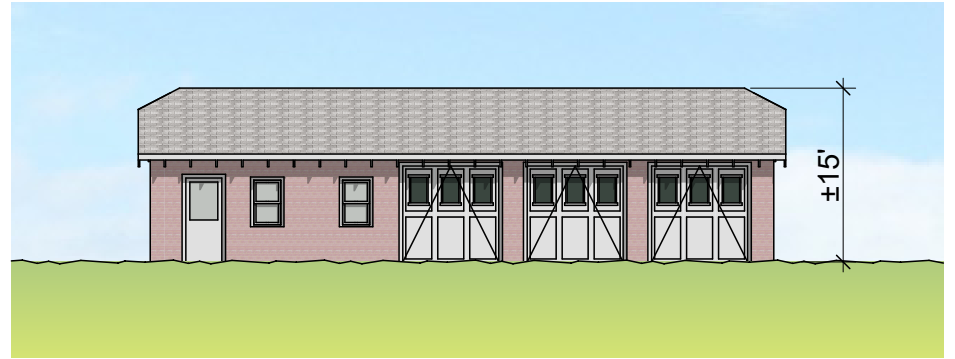


WEST ADU ELEVATION
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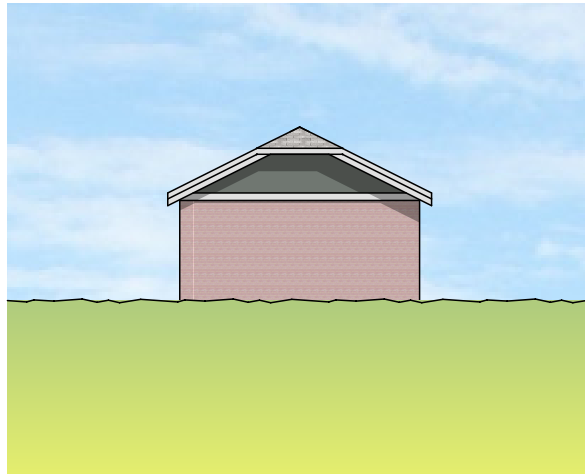
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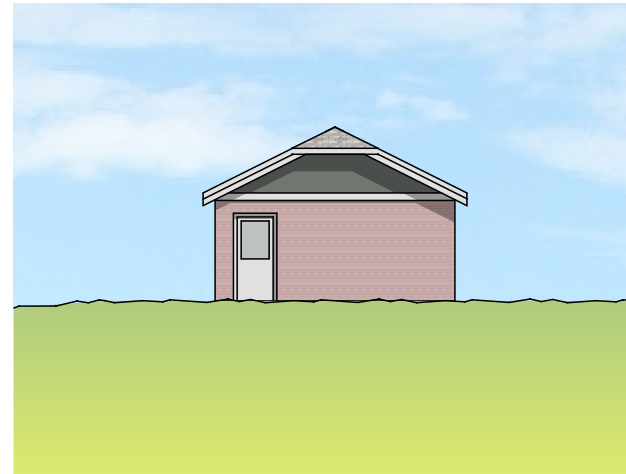
NORTH HISTORIC SHED ELEVATION
SCALE: 1/16" = 1'-0"



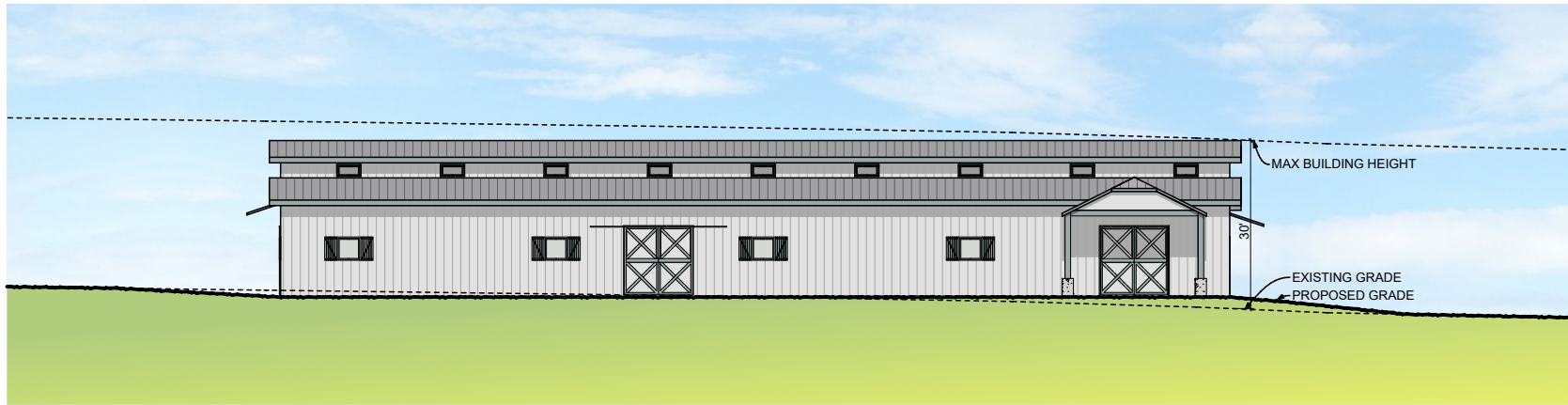
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SCALE: 1/16" = 1'-0"



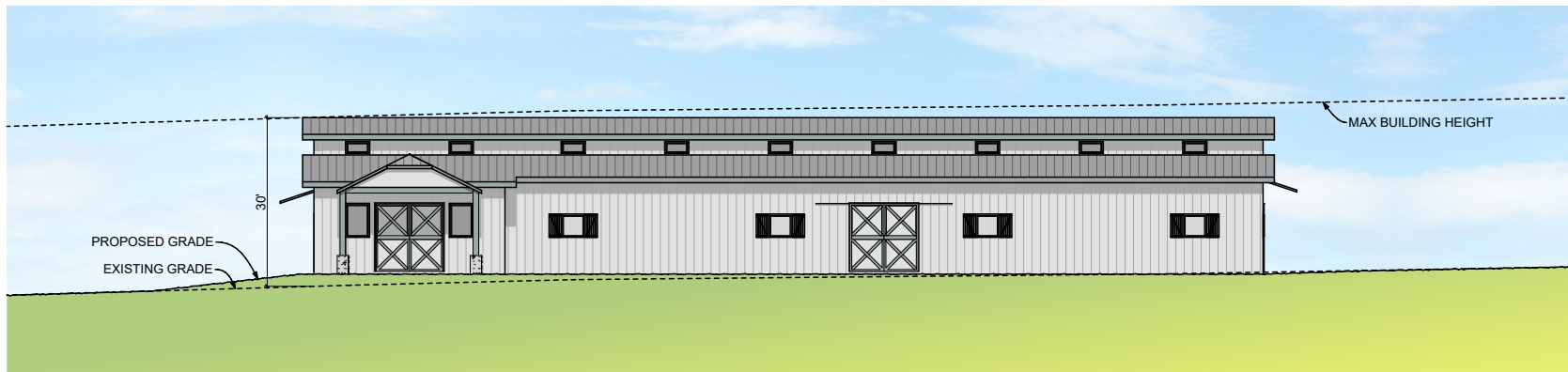
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SCALE: 1/16" = 1'-0"



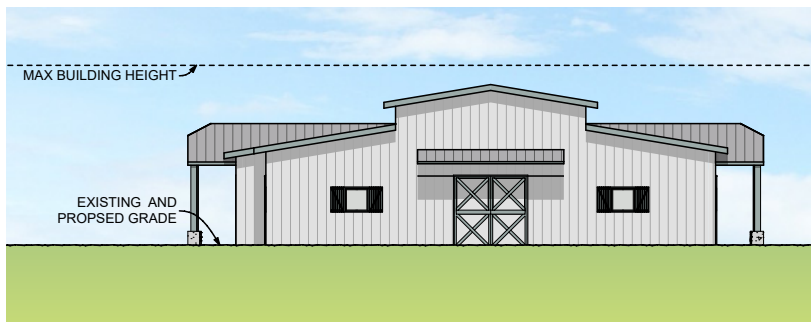
WEST HISTORIC SHED ELEVATION
SCALE: 1/16" = 1'-0"



EAST BARN ELEVATION
SCALE: 1/32" = 1'-0"



WEST BARN ELEVATION
SCALE: 1/32" = 1'-0"

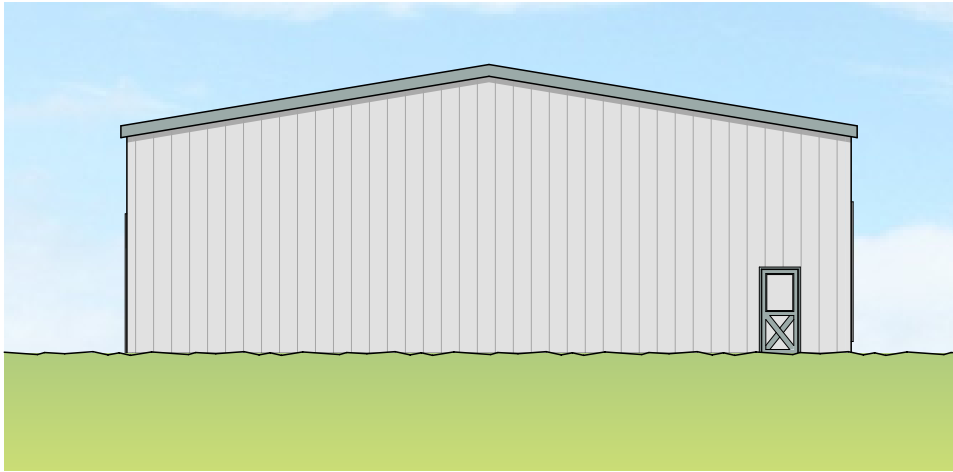


SOUTH BARN ELEVATION
SCALE: 1/32" = 1'-0"

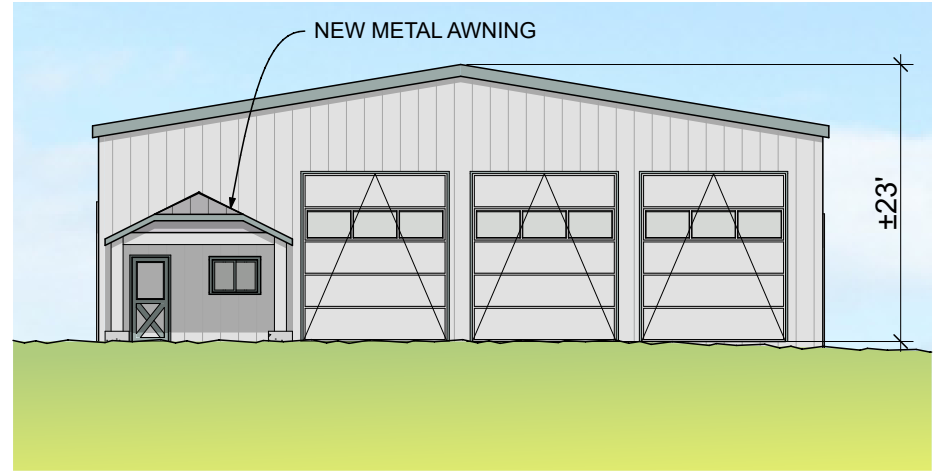


NORTH BARN ELEVATION
SCALE: 1/32" = 1'-0"

Attachment A



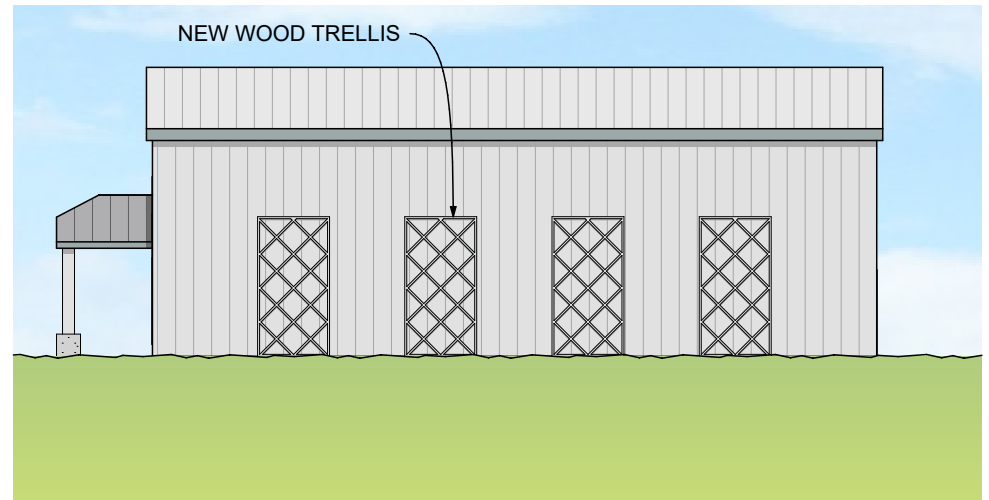
NORTH EQUIPMENT SHED ELEVATION
SCALE: 1/16" = 1'-0"



SOUTH EQUIPMENT SHED ELEVATION
SCALE: 1/16" = 1'-0"

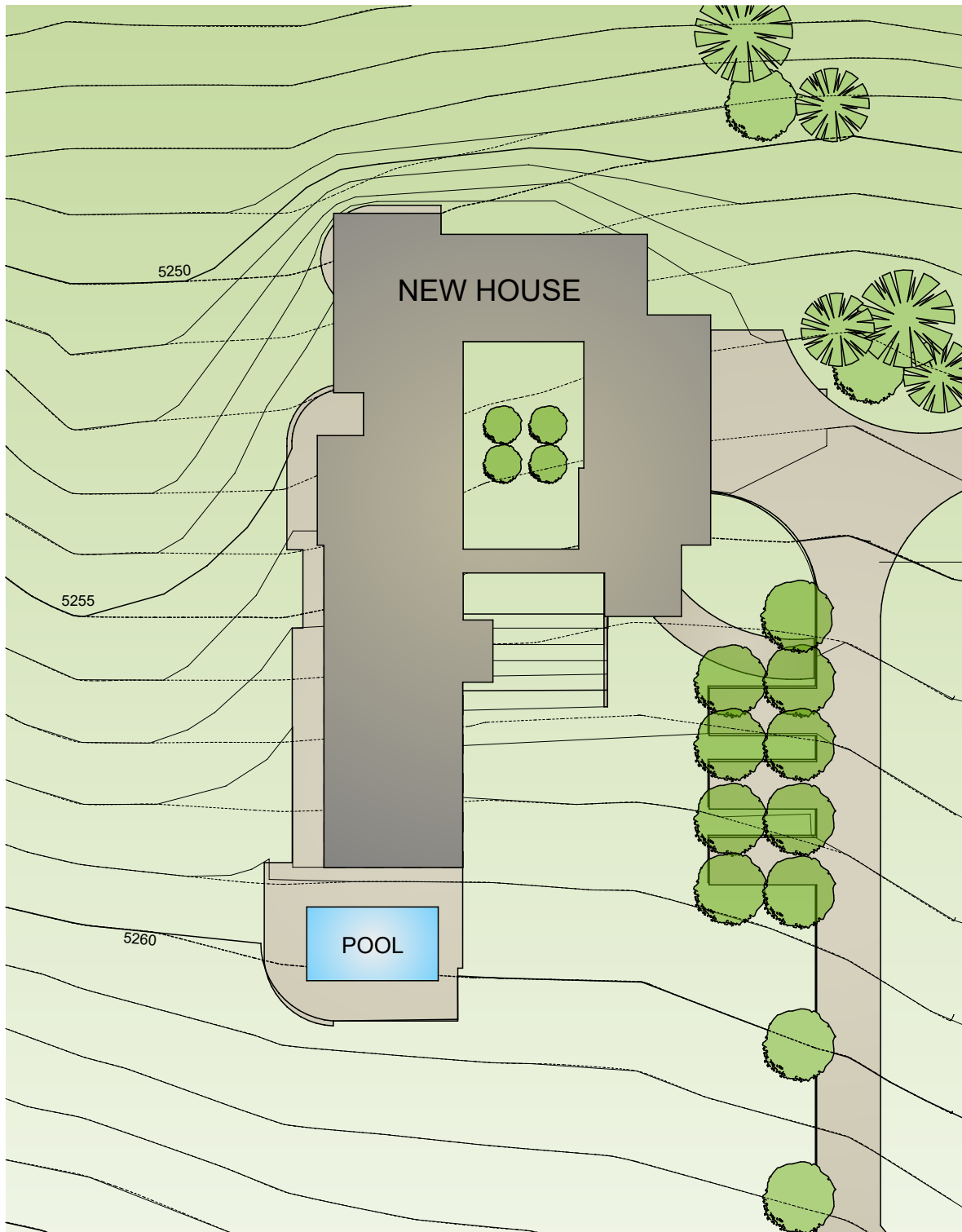


WEST EQUIPMENT SHED ELEVATION
SCALE: 1/16" = 1'-0"



EAST EQUIPMENT SHED ELEVATION
SCALE: 1/16" = 1'-0"





A53

5307 INDEPENDENCE
6/12/23 DATE:
SITE PLAN HOUSE



Wildlife Specialties LLC

“Practical, science-based applications for wildlife and ecological studies benefiting all clients”



May 9, 2023

James T. Woody
3649 Paonia Street
Boulder, CO
80301

Via Email

Subject: Wildlife Habitat Assessment, 5307 Independence Road, Boulder, Colorado

Dear James:

Thanks for the opportunity to review your property at 5307 Independence Road. As discussed in the field, the property currently is comprised of heavily impacted, weedy areas where the pig farm was located and open areas which are a monoculture of smooth brome (*Bromus inermis*). Smooth brome is an introduced species native to Asia and Europe which becomes very well established and precludes the growth of other species. Smooth brome is excellent for soil retention and livestock grazing, but offers very little usable habitat for wildlife.

There is no habitat, in either the southern pig farming center, the hillside or the lowland area, on which any sensitive species is dependent. The southern half is dominated by invasive weed species. There is no riparian habitat with the project boundary. Riparian habitat is present north of the property along Fourmile Canyon Creek (approximately 20-30 yards beyond the property boundary), but it is heavily impacted with multiple homes, roads, maintained lawn, etc. immediately to the east of the property. All this infrastructure significantly impacts this area in its capacity to provide habitat to wildlife and is an impediment to this area to function as a wildlife movement corridor. In my opinion, siting the residence on the eastern edge of your property near this infrastructure and residential disruptions is reasonable.

The location that you identified as your preferred home site is not within the flood plain, and in no way would it impact riparian habitat since it is at least 150 yards from riparian habitat associated with Fourmile Canyon Creek. The pond and its associated outflow channel both offer very little value to wildlife. Currently the pond has small areas with cattails (*Typha* spp.) and open areas with no vegetation (excluding smooth brome). The outflow channel is dominated by brome and no other plant species were present. There is no woody structure within this area which could be used for nesting by neotropical migrants.

In summary, no habitat associated with any federally listed species or migratory birds of conservation concern is present at 5307 Independence Road.

Please contact me if you have questions.

Sincerely,

A handwritten signature in blue ink that reads "Jerry Powell, M.S.".

Jerry Powell, M.S.
Certified Ecologist

A54



Parks & Open Space

5201 St. Vrain Road • Longmont, CO 80503
 303-678-6200 • POSinfo@bouldercounty.org
 www.BoulderCountyOpenSpace.org

TO: Erica Bjelland, Community Planning & Permitting Department
FROM: Ron West, Natural Resource Planner
DATE: February 4, 2023
SUBJECT: Docket LU-22-0034/SPR-22-0136, Juhl Woody, 5307 Independence Road

Site Conditions

Staff has reviewed the submitted materials, and has visited the locale many times in the past. The entire 40-acre parcel is currently in agriculture, with the exception of a wetland/pond in the northwest corner. Irrigation laterals bisect the middle of the site, from west to east. The county-listed noxious weed, musk thistle, is on-site, as well as the state-listed noxious weeds, Russian-olive, mullein, and *Ailanthus*.

County Comprehensive Plan Designations

The parcel has the following designations in the Boulder County Comprehensive Plan, and from other resource inventories.

- Significant Agricultural Lands of Statewide Importance
- Riparian Areas
- Wetlands

Discussion

Significant Agricultural Lands of Statewide Importance

Staff cannot support the proposal. The most important resource on the parcel is its Significant Agricultural Land, which essentially covers all of the parcel. Agricultural lands of Statewide Importance include some of the best soils in the county, as defined by the Natural Resources Conservation Service (SCS (NRCS) 1975).

If the parcel can be irrigated (e.g., has water rights from the Boulder and Whiterock Ditch, from the pond, or from other sources), these soils are even more important to the county. The severe loss of such soils to development continues to be a regional issue across the Front Range, however Boulder County has been countering this trend for decades. The county's success is largely the result of site-by-site analyses of impacts to agricultural soils, from each incremental development.

One of the main pillars of the Boulder County Comprehensive Plan is the protection of agricultural viability and soils. Since 1978, the Comprehensive Plan has recognized that, "...agricultural lands [are] an important *nonrenewable* resource..." (emphasis added). Development on, and fragmentation of, such lands constitutes a permanent loss of this critical resource.

Attachment B

The first policy statement in the Agricultural Element of the Comprehensive Plan is to, "...promote and support the preservation of agricultural lands..." (AG 1.01). Policy AG 1.03 continues, that the county should, "...encourage the preservation and utilization of [the] lands identified in the Agricultural Element as Agricultural Lands of National, Statewide, or Local Importance..." Staff therefore cannot support, and the county should not support, the location of the new development in the middle of the largest agricultural field on the parcel.

The lateral from the Boulder and Whiterock Ditch divides the parcel into a northern half and a southern half. Over at least the past two decades, it is evident from aerial photographs that the southern half has received significant amounts of "dumped" material. The nature of this material is unknown, however it is likely both agricultural and non-agricultural.

This has not occurred on the northern half, and it is apparent that the northern half can and has been irrigated. The northern half may also benefit from natural sub-irrigation from the pond and its drainage area, as well as the proximity of Fourmile Canyon Creek and its groundwaters. The northern half is therefore the best area for agricultural production. Yet this is the location of the proposed house.

Staff disagrees with the application's statement that, "Sitting in the middle of thirty nine acres the house has a very quiet relationship with the land." From the standpoint of the Boulder County Comprehensive Plan, the proposed location is one of the poorest on the parcel for a new, large house.

Anywhere on the poorer (non-irrigated) agricultural lands on the southern half would likely be superior. Any new house should be clustered with the existing developed area in the southwest corner. Staff disagrees that there is "...a secondary line of development that occurs across all neighboring properties" as stated in the application. There is a single neighboring property on such a "secondary line." The clearly dominant character of the neighborhood is for residences to be fronted on Independence Road.

Staff estimates that the proposal -- with a very large house/garage, septic system, pool, terraforming, landscaping, and an unnecessary circle drive -- would eliminate about 0.5 acres of these lands. The terraforming is clearing unnecessary site disturbance.

Additionally, the new driveway and the "connection" drive to the arena area would remove about another 0.75 acres, for a total loss of about 1.25 acres of Significant Agricultural Lands of Statewide Importance. (The application states that there is an "existing track" where the connection drive would be, yet this is nonexistent or rudimentary at best.)

These figures do not include any of the rather large, existing "barnyard" complex in the southwest, some of which is to remain.

Because of this loss of Significant Agricultural Land, staff concludes that the proposal does not meet SPR Standard 8 of the Boulder County Land Use Code.

Attachment B

Other Considerations

The house would be about 500 linear feet from the existing pond. This pond represents almost the only significant wildlife habitat of note on the parcel. It is likely that many county wildlife species of concern use this isolated and therefore important habitat, including great blue heron, mink, northern harrier, great egret, wood duck, belted kingfisher, and several species of bats (Hallock and Jones 2010, Wickersham 2016, BCPOS 2014).

On visibility, staff disagrees with the application's statement that visibility concerns are "minimal." The new house – presenting at about 18-feet tall on the southern façade -- would be readily visible from Independence Road, at about 700 feet distant. The new house would also be readily visible to the existing neighboring house to the west, at about 800 feet distant.

On the expansive west façade, it is predominately covered in glazing and would result in a "beacon" effect to the northwest. Staff estimates that this façade is about 50 percent glazing. Public open space lands are about 1700 linear feet to the northwest. Finally, the expansive eastern façade may be visible from 57th Street to the east, at about 1700 feet distant. A height pole analysis should be completed to better consider these aspects.

In the Boulder County climate, staff does not consider swimming pools to be a sustainable use of potable water. This area receives about 13 inches of precipitation annually, and often sees 90 to 100-degree summer days. Water surfaces evaporate at an incredible rate. Evaporation is so significant that the State Engineer's Office requires even small agricultural storage pond users to calculate, and compensate other water right holders, for evaporation rates from their ponds. Ground-mounted solar arrays will likely be necessary to offset the energy use of the swimming pool. Where would these be located? They should be part of this review.

The size of the new arena/barn would be one of the largest in the county; staff estimates that it would be in the top-ten largest arenas/barns.

The grading calculation sheet shows that 2585 cubic yards of fill is needed for the driveway(s). Why is this necessary on what is largely a flat site? It also shows a 793-cubic-yard berm, but does not show where this berm is located.

The calculation sheet math is unclear, but it appears that a total of about 2700 cubic yards of fill will need to be imported. With a standard 10-yard dump truck, this is about 270 loads of material trucked to the site (or over 500 one-way "trips"). If permitted, where would this material be sourced, and how would the importation of noxious weed seeds be prevented?

Overall, based on these discussions, staff concludes that the proposal does not meet SPR Standard 15 of the Land Use Code; it *is not* consistent with the Comprehensive Plan.

Recommendations

- The proposal should not be approved.
- Wherever new development does occur, a Revegetation Plan is required that includes grass species to be used, an explanation of how topsoils will be stockpiled and reused,

Attachment B

mapped delineation of all disturbance areas (these include construction staging areas, driveways, buried utility lines, and septic system), and locations of silt fence or erosion control logs down slope of all disturbed areas. New horticultural plantings should emphasize xeriscaping principles (Article 7-200-B-8, Land Use Code).

- A Weed Control Plan is required that includes the mapping of county-listed, noxious weed species *on the entire parcel*, with their intended control techniques specified. At the least, the county-listed noxious weed, musk thistle, is on-site; there are almost certainly others.
- What appears to be a paved “taxiing” area, probably related to past airplane repair work, should be removed and the site revegetated; revegetation also is necessary anywhere old structures are to be removed.
- It is strongly recommended that all Russian-olive trees -- a state-listed noxious weed - - be cut down and the stumps immediately treated with a systemic herbicide to prevent re-sprouting. *Ailanthus* trees (tree-of-heaven) should also be removed.
- It is recommended that the applicant seek advice on pasture management from the CSU Extension Service. Staff includes experts on small-acreage management. For a nominal fee, the Extension Service can make a site visit and suggest grazing recommendations. The pond and its wetlands should be fenced to prevent livestock from destroying vegetation on the shorelines and in wetlands. Horses, with iron hooves, can quickly destroy wetland soils.
- If any new perimeter or pasture fencing is proposed, this should be of a wildlife friendly design.
- Details of what agricultural materials are to be stored in the existing and proposed barn/arena structures should be submitted.

Literature Cited

Boulder County Parks and Open Space (BCPOS), 2014, Wildlife Species of Special Concern in Boulder County, 3 pp., as incorporated into the county Comprehensive Plan.

Hallock, Dave and Stephen Jones, 2010, Boulder County Avian Species of Special Concern, Boulder County Nature Association, 31 pp.

Soil Conservation Service (SCS; NRCS), 1975, Soil Survey of Boulder County Area, Colorado, US Department of Agriculture, 86 pp.

Wickersham, Lynn E., Editor, 2016, The Second Colorado Breeding Bird Atlas, Colorado Bird Atlas Partnership, 727 pp.



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302
 Mailing Address: P.O. Box 471 • Boulder, Colorado 80306
 303-441-3930 • www.BoulderCounty.gov

June 21, 2023

TO: Erica Bjelland, Staff Planner; Community Planning & Permitting, Development Review

FROM: Ian Brighton, Planner II; Community Planning & Permitting, Access & Engineering

SUBJECT: Docket # LU-22-0034/SPR-22-0136/HP-23-0001
 5307 Independence Road

The Development Review Team – Access & Engineering staff has reviewed the above re-referenced docket and has the following comments in addition to comments provided on the letter dated February 3, 2023:

1. Revised plans continue to indicate a proposed secondary access that parallels the eastern boundary line, which is not consistent with the neighborhood character and is not in alignment with County policy to limit the number of access points onto Collector roads. Access and Engineering staff recommends the applicants utilize the existing access point on the western portion of the property to access the new residence internally and continues to recommend locating the residential structure closer to the other development on the subject property.
2. As a part of Boulder County's water quality protection and municipal separate storm sewer system construction program (MS4), a stormwater quality permit (SWQP) is required when the area of disturbance on the subject property exceeds one acre in size.

At the time of building permit, submit plans identifying all areas of disturbance including construction areas, staging areas, temporary access areas, and parking areas. If the area of disturbance exceeds one acre in size, a SWQP application must be included with the plans.

NOTE: The SWQP must be issued prior to work beginning on the project.

3. The property is over 3 acres in size and meets the Boulder County Storm Drainage Criteria Manual exceptions for Permanent Water Quality and Detention as outlined in section 1203.1 and section 1204.1. No further action is needed by the applicant.
4. Appropriate erosion control measures such as erosion control logs shall be installed downslope and parallel to contours for all disturbed areas including staging areas. The location and types of erosion control shall be shown on site plans submitted for building permit approval.
5. During construction, all vehicles, materials, machinery, dumpsters, and other items shall be staged on the subject property. No items may be stored on Independence Road.
6. Applicants indicate excess cut will be removed from the property to a site to-be-determined by the project contractor.

Prior to final inspection, a receipt specifying the amount and location of excess cut transported off-site must be submitted to Community Planning and Permitting staff.

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Attachment B

Note: transporting fill in excess of 50 cubic yards to a separate parcel within Boulder County may require additional County review including Site Plan Review or Limited Impact Special Use review.

This concludes our comments at this time.

B6



Public Health
Environmental Health Division

January 31, 2023

TO: Staff Planner, Land Use Department

FROM: Jessica Epstein, Environmental Health Specialist

SUBJECT: LU-22-0034/SPR-22-0136: Juhl Woody Residence, Barn, Non-foundational earthwork, and Historic ADU project

OWNER: JUHL

PROPERTY ADDRESS: 5307 Independence Road

SEC-TOWN-RANGE: 21 -1N -70

The Boulder County Public Health – Environmental Health division has reviewed the submittals for the above referenced docket and has the following comments.

OWTS Application Needed:

1. An onsite wastewater treatment system (OWTS) permit has not been issued by Boulder County Public Health for this property. The owner or their agent (e.g., contractor) must apply for an OWTS permit, and the OWTS permit must be issued prior to installation and before a building permit can be obtained. The OWTS components must be installed, inspected and approved before a Certificate of Occupancy or Final Building Inspection approval will be issued by Community Planning and Permitting (CP&P).
2. Boulder County Public Health must conduct an onsite investigation and review percolation rates, soil conditions and any design plans and specifications prior to OWTS permit issuance. The OWTS absorption field must be located a minimum distance of 100' from all wells, 25' from waterlines, 50' from waterways and 10' from property lines.

This concludes comments from the Public Health - Environmental Health division at this time. For additional information on the OWTS application process and regulations, refer to the following website: www.SepticSmart.org. If you have additional questions about OWTS, please do not hesitate to contact Jessica Epstein at (303) 441-1138.

Cc: OWTS file, owner, Community Planning and Permitting

B7



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930 • Fax: 303.441.4856
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

Building Safety & Inspection Services Team

MEMO

TO: Erica Bjelland, Staff Planner
FROM: Michelle Huebner, Plans Examiner Supervisor
DATE: January 19, 2023

RE: Referral Response, LU-22-0034/SPR-22-0136: Juhl Woody Residence, Barn, Nonfoundational earthwork, and Historic ADU. Limited Impact Special Review for 4,815 CY of nonfoundational earthwork and a Historic ADU and Site Plan Review for a 6,550 sq ft residence and a 13,900 sq ft barn on a 40-acre parcel where the PSM is 4,654 sq ft at 5307 Independence Road.

Location: 5307 Independence Road

Thank you for the referral. We have the following comments for the applicants:

1. **Building Permit.** A building permit, plan review, inspection approvals, and a Certificate of Occupancy (“C.O.”) are required for the proposed residence. Separate building permits are required for; the barn / arena and for the deconstruction of the existing buildings.

Please refer to the county’s adopted 2015 editions of the International Codes and code amendments, which can be found via the internet under the link:

2015 Building Code Adoption & Amendments, at the following URL:

<https://assets.bouldercounty.org/wp-content/uploads/2017/03/building-code-2015.pdf>

2. **Ignition-Resistant Construction and Defensible Space.** Please refer to Section R327 of the Boulder County Building Code for wildfire hazard mitigation requirements, including ignition-resistant construction and defensible space.
3. **BuildSmart.** Please refer to the county’s adoption and amendments to Chapter 11 of the IRC, the county’s “BuildSmart” program, for the applicable requirements for energy conservation and sustainability for residential additions and new residential buildings. Please be aware that there are energy related requirements of this code that may require the use of renewable energy systems (such as rooftop solar systems) that will also need to be approved by your electric utility provider. In some cases, there may be limitations on the size of on-site systems allowed by your utility provider that could constrain the project design. We strongly encourage discussions

Attachment B

between the design team and the utility company as early in the process as possible in order to identify these constraints.

4. **Design Wind and Snow Loads.** The design wind and ground snow loads for the property are 160 mph (Vult) and 40 psf, respectively.
5. **Electric vehicle charging outlet.** Boulder County Building Code requires:
 - a. R329.1 Electric vehicle charging pre-wire option. In addition to the one 125-volt receptacle outlet required for each car space by NEC Section 210.52(G)(1.), every new garage or carport that is accessory to a one- or two-family dwelling or townhouse shall include at least one of the following, installed in accordance with the requirements of Article 625 of the Electrical Code:
 - i. A Level 2 (240-volt) electric vehicle charging receptacle outlet, or
 - ii. Upgraded wiring to accommodate the future installation of a Level 2 (240-volt) electric vehicle charging receptacle outlet, or
 - iii. Electrical conduit to allow ease of future installation of a Level 2 (240-volt) electric vehicle charging receptacle outlet.
6. **2015 International Green Construction Code (“IGCC”).** Boulder County’s adoptions of the 2015 editions of the International Codes include the IGCC as applying to buildings or complexes of buildings on the same property with 25,000 sq. ft. or more of floor area. Thus, the provisions of the IGCC may apply to all new construction involved in the proposal.
7. **Plan Review.** The items listed above are a general summary of some of the county’s building code requirements. A much more detailed plan review will be performed at the time of building permit application, when full details are available for review, to assure that all applicable minimum building codes requirements are to be met. Our Commercial Plan Submittal Checklist and other Building Safety publications can be found at: <https://www.bouldercounty.org/property-and-land/land-use/building/building-publications/>

If the applicants should have questions or need additional information, we’d be happy to work with them toward solutions that meet minimum building code requirements. Please call (720) 564-2640 or contact us via e-mail at building@bouldercounty.org



Community Planning & Permitting

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Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

MEMO TO: Agencies and Adjacent Property Owners
FROM: Erica Bjelland, Staff Planner
DATE: January 19, 2023
RE: Docket LU-22-0034/SPR-22-0136

Docket LU-22-0034/SPR-22-0136: Juhl Woody Residence, Barn, Non-foundational earthwork, and Historic ADU

Request: Limited Impact Special Review for 4,815 CY of nonfoundational earthwork and a Historic ADU and Site Plan Review for a 6,550 sq ft residence and a 13,900 sq ft barn on a 40-acre parcel where the PSM is 4,654 sq ft at 5307 Independence Road.
Location: 5307 Independence Road, approximately 3,300 feet east of the intersection of Independence Road and State Highway 119, Section 21, Township 1N, Range 70W.
Zoning: Rural Residential
Applicants: Ranmali and James Woody
Property Owners: Robert and Earl Juhl
Agent: Lauren Folkerts, AIA

Limited Impact Special Review is required of proposed uses that may have greater impacts on services, neighborhoods, or the environment than those allowed by right under the Boulder County Land Use Code. This process will review conformance of the proposed use with the Boulder County Comprehensive Plan and the Land Use Code.

Site Plan Review by the Boulder County Land Use Director is required for new building/grading/access or floodplain development permits in the plain and mountainous areas of unincorporated Boulder County. The Review considers potential significant impact to the ecosystem, surrounding land uses and infrastructure, and safety concerns due to natural hazards.

This process includes a public hearing before the Board of County Commissioners. Adjacent property owners and holders of liens, mortgages, easements or other rights in the subject property are notified of this hearing.

The Community Planning & Permitting staff and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department at P.O. Box 471, Boulder, Colorado 80306 or via email to planner@bouldercounty.org. All comments will be made part of the public record and given to the applicant. Only a portion of the submitted documents may have been enclosed; you are welcome to call the Community Planning & Permitting Department at 303-441-3930 or email planner@bouldercounty.org to request more information. If you have any questions regarding this application, please contact me at 303-441-1688 or ebjelland@bouldercounty.org.

Please return responses by **February 3, 2023**.
(Please note that due to circumstances surrounding COVID-19, application timelines and deadlines may need to be modified as explained in the CPP Notice of Emergency Actions issued March 23, 2020 (see <https://boco.org/covid-19-cpp-notice-20200323>).

Attachment B

We have reviewed the proposal and have no conflicts.

Letter is enclosed.

Signed Martin Harders PRINTED Name Martin Harders

Agency or Address Left Hand Water District

Date 1/26/2023



Left Hand Water District

January 26, 2023

Erica Bjelland
Boulder County Community Planning and Permitting
P.O. Box 471
Boulder, CO 80306
RE: LU-22-0034/SPR-22-0136: Juhl Woody Residence, Barn, Nonfoundational
earthwork, and Historic ADU

Ms. Bjelland:

The existing residence and ADU at 5307 Independence Road require a 3/4" water meter where there is currently only a 5/8" water meter. The current ADU is in violation of District policy 25.2.I.B.3.c which states:

Accessory Dwelling: In limited cases, and at the sole discretion of the District's Board, tap service may be provided to two separate dwellings on the same parcel of property through the upgrade of the existing single residential 5/8 inch tap to a residential 3/4 inch tap. In order to qualify for this upgrade, there may be no more than one additional dwelling and the secondary dwelling must be under the common ownership of the person holding the primary residential tap; AND the property on which the two dwellings lie cannot be divided nor the dwellings separately sold.

The fee for the upgrade to a 3/4 inch residential tap will be the total of: (1) the difference between the current costs of all non-water components for a 3/4 inch tap and a 5/8 inch tap, PLUS (2) a raw water requirement equal to the current 3/4 inch tap raw water requirement for the lot or parcel in question less the raw water requirement that was in effect at the time the original tap was purchased.

Please require the applicant to submit a tap availability request to the District, receive approval from our Board of Directors, and pay for the upgraded tap in order to serve the existing ADU as a condition of any Boulder County approval. The application can be found on our website at: <http://lefthandwater.org>

Feel free to contact me if you have any questions or require further information.

Sincerely,

Martin Harders

Martin Harders
Civil Engineer II
Left Hand Water District
(303) 530-4200



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

MEMO TO: Agencies and Adjacent Property Owners
FROM: Erica Bjelland, Staff Planner
DATE: January 19, 2023
RE: Docket LU-22-0034/SPR-22-0136

Docket LU-22-0034/SPR-22-0136: Juhl Woody Residence, Barn, Non-foundational earthwork, and Historic ADU

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Signed Martin Harders PRINTED Name Martin Harders

Agency or Address Left Hand Water District

Date 1/26/2023



Community Planning & Permitting

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Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

MEMO TO: Agencies and Adjacent Property Owners
FROM: Erica Bjelland, Staff Planner
DATE: June 2, 2023
RE: Re-Referral for Docket LU-22-0034/SPR-22-0136/HP-23-0001

This proposal is being re-referred due to updated information, including updated proposal narrative, revised site plans, and general impact mitigation measures related to the proposal.

Docket LU-22-0034/SPR-22-0136/HP-23-0001: Juhl Woody Residence, Barn, Non-foundational earthwork, and Historic ADU

Request: ORIGINAL: Limited Impact Special Review for 4,815 CY of nonfoundational earthwork and a Historic ADU and Site Plan Review for a 6,550 sq ft residence and a 13,900 sq ft barn on a 40-acre parcel where the PSM is 4,654 sq ft at 5307 Independence Road.
 REVISED: Limited Impact Special Review for a Historic ADU and Site Plan Review for a 6,931 sq ft residence, a 12,807 sq ft barn, and 492CY of non-foundational earthwork on a 40-acre parcel where the PSM is 4,654 sq ft at 5307 Independence Road.

Location: 5307 Independence Road, approximately 3,300 feet east of the intersection of Independence Road and State Highway 119, Section 21, Township 1N, Range 70W.

Zoning: Rural Residential

Applicants: Ranmali Bopitiyaand James Woody

Property Owners: Robert and Earl Juhl

Agent: Lauren Folkerts, AIA

Limited Impact Special Review is required of proposed uses that may have greater impacts on services, neighborhoods, or the environment than those allowed by right under the Boulder County Land Use Code. This process will review conformance of the proposed use with the Boulder County Comprehensive Plan and the Land Use Code.

Site Plan Review by the Boulder County Land Use Director is required for new building/grading/access or floodplain development permits in the plain and mountainous areas of unincorporated Boulder County. The Review considers potential significant impact to the ecosystem, surrounding land uses and infrastructure, and safety concerns due to natural hazards.

This process includes a public hearing before the Board of County Commissioners. Adjacent property owners and holders of liens, mortgages, easements or other rights in the subject property are notified of this hearing.

The Community Planning & Permitting staff and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department at P.O. Box 471, Boulder, Colorado 80306 or via email to planner@bouldercounty.org. All comments will be made part of the public record and given to the applicant. Only a portion of the submitted documents may have been enclosed; you are

Claire Levy County Commissioner Marta Loachamin County Commissioner Ashley Stolzmann County Commissioner

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welcome to call the Community Planning & Permitting Department at 303-441-3930 or email planner@bouldercounty.org to request more information. If you have any questions regarding this application, please contact me at 303-441-1688 or ebjelland@bouldercounty.org .

IF YOU HAVE REPLIED TO THE ORIGINAL REFERRAL LETTER AND HAVE NO FURTHER COMMENTS, NO ACTION IS REQUIRED.

Please return responses by **June 20, 2023**.

We have reviewed the proposal and have no conflicts.
 Letter is enclosed.

Signed Jacob Cassidy PRINTED Name Jacob Cassidy
Agency or Address City of Boulder Open Space and Mountain Parks
Date 6/21/2023

Attachment B

[EXTERNAL] LU-22-0034/SPR-22-0136-HP23-0001

Dean Rogers <drogers@brfr.org>

Wed 6/21/2023 2:44 PM

To: Bjelland, Erica <ebjelland@bouldercounty.org>

Erica,

Boulder Rural has the following recommendations regarding LU-22-0034/SPR-22-0136?HP-23-0001, the Juhl/Woody residence, barn, non-foundational earthwork and historical ADU project at 5307 Independence Road.

1. The new home will need to be sprinklered, this is per Boulder County Building Code and the Boulder Rural adopted fire code.
2. A cistern will be needed as the proposed home is over 1000 feet away from the nearest hydrant at the intersection of 57th St. and Rustic Knolls Drive. The size of the cistern can be determined in future talks with the owner.
3. Access to the home and the surrounding neighbors homes will need to be maintained throughout the demolition and building processes.
4. Overhead access will need to be maintained.
5. The driveway will need to be wide and stable enough to handle our fire engine (35 feet long and 25 tons). There are other stipulations/requirements as well depending upon the length of the driveway.
6. If there is a change in use regarding the original farmhouse/historical ADU, it will also need to be sprinklered.

If I missed anything, or if there are any questions, please let me know.

Thanks,

Dean Rogers, Engineer

Boulder Rural Fire Rescue

6230 Lookout Road, Boulder, CO 80301

303-530-9065 | drogers@brfr.org | www.brfr.org





Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571. 3284
donna.l.george@xcelenergy.com

June 19, 2023

Boulder County Community Planning and Permitting
PO Box 471
Boulder, CO 80306

Attn: Erica Bjelland

**Re: Juhl Woody Residence, Barn, Non-foundational Earthwork, and
Historic ADU – 2nd referral
Case #s LU-22-0034 / SPR-22-0136 / HP-23-0001**

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the plan for the above captioned project. Please be aware PSCo owns and operates existing natural gas service and overhead electric distribution facilities within the subject property, including within the area of building destruction. PSCo requests that these utilities are shown on the plan, particularly in relation to the planned barn and indoor arena. Bear in mind that per the National Electric Safety Code, a minimum 10-foot radial clearance must be maintained at all times from all overhead electric facilities including, but not limited to, *construction activities* and permanent structures.

As a safety precaution, PSCo would like to remind the developer to contact Colorado 811 for utility locates prior to construction.

For any new natural gas or electric service or modification to existing facilities including relocation and/or removal, the property owner/developer/contractor must complete the application process via [xcelenergy.com/InstallAndConnect](https://www.xcelenergy.com/InstallAndConnect).

If additional easements need to be acquired by separate PSCo document, a Right-of-Way Agent will need to be contacted.

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com

Attachment B

Mark and Oceanne Crossen
3883 57th Street
Boulder, Colorado 80301
303-527-9999

February 22, 2023

Erica Bjelland
Community Planning & Permitting Department
PO Box 471
Boulder, CO 80306
RE: Docket LU-22-0034/SPR-22-0136, Juhl Woody, 5307 Independence Road

Dear Erica,

Following is our response to the proposed development at 5307 Independence Road. Please accept our apology for the late reply as we were traveling out of country and did not receive the Site Plan Review Notification until recently.

Overview:

Our 25-acre property is located in the land area to the northeast of the subject property that abuts to the Juhl-Woody property. We have lived at 3883 57th Street for 25 years, built our home, raised our family here and expect to continue living here for the rest of our lives. We have carefully reviewed the Boulder County Permit Records and Planning Application and Docket records for the 5307 Independence Rd development and are dismayed by lack of consideration regarding Boulder County's Site Plan Review Standards, BCLUC §4-806, not to mention the negative impact the Juhl/Woody project will have on our property. BCLUC §4-806(A)(6), (8), (10), (11), (12) and (14). We have several issues and concerns we would like to bring to your attention and request the Community Planning and Permitting department take our concerns into consideration in their recommendations and final decision-making.

Visual Impact, Excessive Site Disturbance and Avoidance of Agricultural Lands of State Significance:

The location of our home is 150' to 175' below the grade level of Independence Rd. This is because we are situated in a little valley created by Four Mile Creek water flow over many millenniums. Due to this topography our view is upward toward the Front Range, in particular the Boulder Flatirons. For the most part, we cannot see any homes or other structures in that direction and, although we are only a few miles from downtown Boulder, the view to the south looks like we are in rural Colorado. Thus, the proposed location of the large new house will be located on a visually exposed and very prominent spot, see BCLUC §4-806(A)(10), impacting our field of vision and directly in line with our only view of the Flatirons and Front Range. For this reason, "Visibility" concerns are not minimal as stated in the HMM presentation. From our vantage point it will be a prominent structure breaking what appears to us to be a ridgeline and, with its 18' high façade, it will partially block our view of the Front Range and detract

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from the enjoyment of our property. We would propose that the applicants locate the house on the Independence Rd frontage like many of the homes in that neighborhood and along that road, clustered with the existing buildings. BCLUC §4-806(A)(8) (avoid agricultural lands of State significance); see also Comments from Ron West, Parks and Open Space, dated February 4, 2023; BCLUC §4-806(A)(10)(b) (mitigate visual impact by changing structure location); BCLUC §4-806(A)(11)(locate development compatibly with natural topography and prevent unnecessary or excessive site disturbance); and BCLUC §4-806(A)(14) (replacement of an existing principal structure with a new structure shall not cause significantly greater impact).

Color of House:

Granted, the color choice for a home is aesthetically subjective but the colors of the surrounding environment may dictate otherwise if compatibility is a design goal. BCLUC §4-806(A)(10)(b) (exterior colors and materials shall blend into the natural environment). Frankly, we are surprised by the bright “purple-maroon” color selected because the hue is almost literally on the opposite end of the color wheel - accentuating the visibility of the house as opposed to “blending in” to the green fields, reducing the home’s visibility. We think this garish color choice is in stark contrast to the colors of the natural environment which are purportedly a design goal. Referring to Bent’s Fort, HMM states in their presentation, “The earth tone adobe structure fits beautifully in the grasslands. Round corners, while used for defense, gave the structure a more *natural appearance*. We used this precedent in designing 5307 Independence Road.” We certainly disagree. What is natural about the use of a purple-maroon color?

The applicant states further that, “Sitting in the middle of thirty-nine acres the house has a very quiet relationship with the land.” How can a new house have a “quiet relationship with the land” when the exterior visual of the house screams out loud? Again, from HMM, “The colors we are proposing are from nature.” and “This depicts the depth of color found in our mountains, vegetation and sky.” We fail to see where this color is found in the natural environment of Colorado, let alone our rural surroundings. We propose a color choice that is more aligned with the basis of the design proposition stated by HMM.

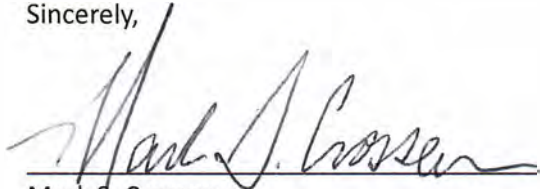
Drainage and Septic System:

For 25 years we have had to contend with problems caused by significant, above and below ground drainage from the Juhl’s property all year round, and especially in the spring. Not only does unmitigated water flow from the Juhl’s pond drain into our southwest acreage but the entire hillside in Juhl’s northeast pasture is often soaked with water that flows down the northern half of the parcel and drains into our property. The excess water has killed our trees and bushes, which we have had to replace with more water-resistant plants that can withstand heavy groundwater. Standing water in the affected acreage is 4” to 6” deep. We are concerned that the location of the septic system proposed will necessarily locate the leaching fields in the porous underground drainage areas on the hillside and potentially cause additional damage to our property by generating subgrade sewage flows. The grading proposed by the Applicant will alter historic drainage patterns and flow rates in violation of BCLUC §4-806(A)(6). Moreover, the new septic system could exacerbate the existing drainage issues by increased underground water flow, while adding wastewater to the mix. We hope the Planning Department takes this significant drainage issue into account in the design of the septic system and will consider drainage mitigation requirements. From our standpoint, this issue can be resolved by moving the location of the new house, as stated before, to a frontage location on Independence Rd or to the western portion of the parcel.

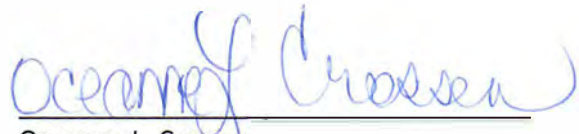
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We appreciate your consideration of our concerns and objections and hope the entirety of your final determination aligns with your planning policy goals and ultimately enhances rather than detracts from our beautiful neighborhood.

Sincerely,



Mark S. Crossen



Oceanne L. Crossen

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[EXTERNAL] After Due Consideration, Docket LU-22-0034/SPR-22-0136, RE 5307 Independence Rd

Mark Crossen <mark@raynemark.com>

Wed 6/7/2023 3:43 PM

To:James Woody <jamestwoody@gmail.com>

Cc:Bjelland, Erica <ebjelland@bouldercounty.org>;edbyrne@smartlanduse.com <edbyrne@smartlanduse.com>;Oceana Crossen <oceana@raynemark.com>;Kathy Squires <kathy@raynemark.com>

James and Ranmali,

Thank you visiting us at our home recently to discuss your project. After reflecting on your new proposed site for the 5307 Independence Rd house we have concluded it is not a reasonable or appropriate site location when you have several alternative site locations on your large parcel that would not present a long-term imposition to us. Although we contemplated an accommodation of a tree line buffer, we now realize it is a poor, one-sided and impractical compromise because the trees would require many years of growth to have any visual effect. Unfortunately, the site you have selected blocks our only view in our backyard of the beautiful flatirons in our southwestern field of vision.

The origin point of the vector lines James drew on his aerial photos (also in your revised submission) is from one room in our residence, the limited viewpoint perspective is so narrow as to be unrealistic. It does not consider the visual obstruction your house would represent from multiple points in our backyard (and home) where we spend time every day on our family walks enjoying the mountain views. From our lower topo vantage point your house would be a prominent obstruction on the hillside against the mountain backdrop.

A comment Ranmali's made while here really struck us. When I expressed my dissatisfaction with your proposed site location during your visit, I asked why you chose that site location. She said, "We like the view of the mountains best from there and we don't want to see the airport" [why buy a property next to an airport and not expect to see it?]. So, in essence, *you decided to sacrifice our view for your view*. The point is you have multiple sites on your property that would be more suitable, even optimal, but we don't. Obviously, we can't move our house to suit your desires. One of your stated goals in your revised submission is to "Minimize visual impact and align with neighborhood patterns". The new site location does neither.

Frankly, we are equally unhappy with that fact that you seemed to have ignore the objections we presented in our first comment letter to the County Planning Department.

For the reasons stated and others we are not supportive of your revised submission and ask you to reconsider based on our comments.

Sincerely,

Mark and Oceana Crossen

Mark S. Crossen
Executive Director and Founder
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Phone: 303-527-9999
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