

RESOLUTION 2023-064

A resolution conditionally approving Boulder County Community Planning & Permitting Docket LU-22-0006: Moore-Hobart Ag Worker Accessory Dwelling Unit (ADU)

Recitals

A. Jonathan Moore and Katherine Hobart (the “Applicants”), applied to Boulder County for Limited Impact Special Use Review under Article 4-601 of the Boulder County Land Use Code (the “Code”) to construct an Agricultural Worker Accessory Dwelling Unit (“ADU”) on an approximately 31-acre parcel.

B. The subject property is located at 5740 Prospect Road, approximately 0.3 mile east of its intersection with N. 55th Street, west of the City of Longmont and east of Table Mountain, in Section 15, Township 2 North, Range 70 West, in an Agricultural zoning district in unincorporated Boulder County (the “Property”).

C. The Property is a legal building lot with legal access adjacent to both Prospect Road and Plateau Road, although the main physical access (for most of the existing development and the proposed ADU) is a private road that extends south from Prospect Road.

D. The Property has 2,775 square feet of existing residential floor area (including a 2,599-square-foot residence and a 176-square-foot detached studio) as well as several agricultural buildings totaling 3,427 square feet. No permits exist for many of the agricultural buildings, however historic aerial photography indicates that all of them existed in 1963 and therefore predate permitting requirements.

E. Historic aerial photography indicates that the Property has remained largely unchanged since at least 1963. Currently the property owners keep horses on the Property, hay most of the fields, and partner with local livestock producers to graze sheep on their pastures.

F. Since purchasing the Property in 2014, the Applicants have repaired or remodeled many of the structures on site, but the northeastern most structure on the Property has remained in disrepair. The Applicants propose to remove this structure so that a 908-square-foot ADU can be installed in the same location and support an expanded agricultural operation on their farm.

G. The Boulder County Comprehensive Plan indicates that the entirety of the Property is located within Agricultural Lands of Statewide Importance.

H. Because of the existing and planned expansion of agricultural uses on the Property, the property owners assert that they require the assistance of an additional household on-site.

I. The above-described request was processed and reviewed as Boulder County Community Planning & Permitting Docket LU-22-0006 (the “Docket”), as further described in the memorandum and written recommendation to the Board of County Commissioners (the “Board”) by the Community Planning & Permitting Department planning staff dated July 11, 2023, together with its attachments (the “Staff Recommendation”). The Staff Recommendation found that the Docket could meet the criteria for approval with recommended conditions, and therefore, recommended that the Board conditionally approve the Docket.

J. At a public hearing on the Docket held on July 11, 2023 (the “Public Hearing”), as further reflected in the official record of the Public Hearing, the Board considered the Staff Recommendation as well as the documents and testimony presented by the Community Planning & Permitting Department staff. The Board also heard testimony from the Applicants. No members of the public spoke at the Public Hearing.

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

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

Therefore, the Board resolves

Docket LU-22-0006 is approved on the basis and terms set forth in this Resolution, above, and subject to the following conditions:

1. The Applicant must comply with all applicable requirements of the Boulder County Building Safety and Inspection Services Team and adopted County Building Codes, as outlined in the referral comments, including, but not limited to, required fire suppression, ignition resistant materials and defensible space, and the BuildSmart energy efficiency and sustainability requirements.

2. The property owners must submit an annual report to Community Planning & Permitting indicating that the inhabitant of the ADU continues to live on-site and that the unit continues to be occupied in accordance with this docket.

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

4. Prior to the issuance of a building permit for the Agricultural Worker Unit, a signed affidavit must be recorded with the Boulder County Clerk and Recorder that recognizes the conditions of approval for this docket.

5. The ADU shall be limited to approximately 908 square feet of enclosed floor area.

6. Appropriate erosion control measures such as silt fences shall be installed downslope and parallel to contours for all disturbed areas including staging areas. The Applicants must show the location and types of erosion control on the site plans submitted for building permit approval.

7. At building or grading permit submittal, the Applicants must submit a Revegetation Plan for Community Planning & Permitting Department approval. This plan should include native grass species to be used, an explanation of how topsoils will be stockpiled, mapped delineation of all disturbance areas (this includes construction staging areas, driveway, utility lines, and septic system), locations of all erosion control measures, and matting requirements, if necessary.

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

- a. Whether applying for a Certificate of Occupancy, final inspection, or the return of funds held in escrow for completion of revegetation, some level of germination and growth of grass seed is required;
- b. The steeper the slopes and dryer the soil, the greater the attention needed to establish a level of germination adequate to obtain revegetation approval;
- c. Areas of disturbance found at inspection not included on the revegetation plan are still subject to reseeding and matting; and
- d. Incomplete revegetation is the leading cause for delays in obtaining a Certificate of Occupancy.

8. Prior to the issuance of a building permit, the Applicants must complete a tap availability request with the Left Hand Water District. The Applicants must include with the permit application evidence of an adequate water supply for the existing residence and proposed ADU.

9. At building permit submittal, the Applicants must indicate on the plans that the new driveway will be constructed to meet the Multimodal Transportation Standards, including but not limited to:

- a. Table 5.5.1 - Parcel Access Design Standards (One-Lane Plains Access)
- b. Standard Drawing 11 - Private Access
- c. Standard Drawing 14 - Access with Roadside Ditch
- d. Standard Drawing 15 - Access Profiles Detail
- e. Standard Drawing 16 - Access Grade & Clearance

Prior to the issuance of a Certificate of Occupancy for the ADU, the Community Planning & Permitting Department must verify that the new driveway has been constructed according to the approved plan.

10. During construction, all materials, machinery, dumpsters, vehicles and other items associated with the installation of the ADU must be staged on the subject Property and to one side of the private drive. No items or vehicles shall be stored, staged, or parked on Prospect Road.

11. The elevations included with the application materials dated December 19, 2022, are approved as proposed.

12. Prior to issuance of building permits, the Applicants must 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 for the structure. Community Planning & Permitting Department shall keep all samples for the record. All materials should have a matte, non-reflective finish. Samples should be included as part of the building plan set required at the time of permit application.

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

13. Prior to the issuance of building permits, the Applicants must submit a lighting plan that includes the placement of all exterior lighting fixtures and cut sheets for each fixture to the Community Planning & Permitting Department for review and approval.

NOTE: [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 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.

14. The locations shown on the site plan dated December 19, 2022, are approved as proposed.

15. Prior to the issuance of any building permits, the submitted plans must demonstrate that the proposed driveway earthwork will not alter or increase historic drainage patterns from the site to adjacent properties.

16. Prior to issuance of building and grading permits, the Applicants must submit a plan

depicting the routing of all utility services to the Community Planning & Permitting Department for review and approval. The utility routing plan must be included as part of the building plan set required at the time of permit application. To minimize disturbances to the site, all utility service lines must be routed underground (see Article 7-1200 of the 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 & Permitting Department.

17. Prior to issuance of building permits, any Onsite Water Treatment System repairs or alterations must be permitted, installed, inspected, and approved.

18. The Applicants shall be subject to the terms, conditions, and commitments of record and in the file for Docket LU-22-0006 Moore-Hobart Ag Worker Accessory Dwelling Unit (ADU).

[Signature Page to Follow]

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

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

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

Claire Levy, Chair

Ashley Stolzmann, Vice Chair

Excused July 11, 2023

Marta Loachamin, Commissioner

ATTEST:

Clerk to the Board