

RESOLUTION 2023-072

A resolution conditionally approving Boulder County Community Planning and Permitting Docket LU-23-0020/SPR-22-0134: Seredinski Residence

Recitals

A. Johannes J. and Laura D. Seredinski (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”) for approximately 1,117 cubic yards of non-foundational driveway grading and drainage design earthwork. The Applicants also applied for Site Plan Review under Article 4-806 of the Code to construct a 2,836-square-foot residence where the presumptive size maximum is 3,000 square feet.

B. The subject property is currently vacant, approximately 54.1 acres in size, and is located at 19000 S. St. Vrain Drive, approximately 2,503 feet northwest of the intersection of State Highway 7 and State Highway 72, in Section 5, Township 2 North, Range 72 West, in a Forestry zoning district in unincorporated Boulder County (the “Property”).

C. The Applicants proposed to create a 12-foot-wide and 928-foot-long driveway connecting the proposed residence and attached garage to State Highway 7 and an emergency turnaround hammerhead to the northeast of the proposed residence.

D. The Property slopes down from the west to east. The higher elevation sections of the Property are located adjacent to State Highway 7 along the southwestern property line, and the Property slopes downwards to the lowest point near the northeast corner of the Property. The residence is proposed in a relatively flat area on an eastern facing slope.

E. The Boulder County Comprehensive Plan identifies the following resources on the Property: North St. Vrain Environmental Conservation Area; Wetlands; and Peak to Peak Scenic Corridor.

F. The above-described request was processed and reviewed as Boulder County Community Planning and Permitting Docket LU-23-0020/SPR-22-0134 (the “Docket”), as further described in the memorandum and written recommendation to the Board of County Commissioners (the “Board”) by Community Planning and Permitting Department planning staff dated August 17, 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.

G. At a public hearing on the Docket held on August 17, 2023 (the “Public Hearing”), as further reflected in the official record of the Public Hearing, the Board considered the Staff

Recommendation as well as the documents and testimony presented by Community Planning and Permitting Department staff. The Board also heard testimony from Johannes Seredinski. No members of the public spoke at the Public Hearing.

H. 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 non-foundational earthwork, subject to the conditions stated below.

I. The Board further finds that the Docket meets the criteria in Article 4-806 of the Code for Site Plan Review approval for the proposed residence, subject to the conditions stated below.

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

Therefore, the Board resolves

Docket LU-23-0020/SPR-22-0134 is approved on the basis and terms set forth in this Resolution, above, and subject to the following conditions:

1. 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.

2. At building or grading permit submittal, a Revegetation and Erosion Control Plan must be submitted for approval. This plan should include native grass species to be used, an explanation of how topsoils will be stockpiled and reused, mapped delineation of all disturbance areas (this includes construction staging areas, driveway, utility lines, and septic system), locations of catch fencing and silt fences downslope of disturbed areas, and matting requirements, if necessary. Silt fencing must be installed downslope of all construction areas.

Prior to issuance of a Certificate of Occupancy, the full installation of the approved Revegetation and Erosion Control plan must be inspected and approved by the Community Planning and 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 Applicant 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.

3. Prior to issuance of a Certificate of Occupancy, the Community Planning and Permitting Department must verify that the access and driveway has been constructed to comply with the approved plans as well as the Multimodal Transportation Standards for residential development in the mountains, including without limitation:

- a. Table 5.5.1 - Parcel Access Design Standards (One-Lane Mountains Access)
- b. Standard Drawings 11-13 - Private Access
- c. Standard Drawing 15 - Access Profiles Detail
- d. Standard Drawing 16 - Access & Grade Clearance
- e. Standard Drawing 18 - Access Turnaround
- f. Standard Drawing 19 - Typical Turnaround & Pullout Locations

4. During construction (i.e. during the day while work is being performed), all material and equipment staging must occur on the project site and all vehicles must be parked on the Property.

5. 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 feet from all wells, 25 feet from waterlines, 50 feet from waterways, and 10 feet from property lines.

6. After applying for, but prior to issuance of any permits, a Boulder County Wildfire Mitigation Specialist will contact the Applicants to schedule a Wildfire Partners or Regulatory Wildfire Mitigation assessment and defensible space marking. Based upon the compliance path selected, either a Wildfire Partners Assessment report or a Wildfire Mitigation Plan will be created to describe the wildfire mitigation requirements.

Before scheduling rough framing inspections, the plan's defensible space and water supply portion must be implemented and inspected by the Community Planning and Permitting Department. All trees marked for removal must be cut, and all slash, cuttings, and debris must be removed and/or properly disposed of. The Fire Sprinkler or Fire Cistern Approval Form must be submitted to Boulder County Building Safety & Inspection Services at ezbp@bouldercounty.org (or P.O. Box 471, Boulder, Colorado, 80306) after the fire protection district completes the applicable portion of the form. If an individual cistern was required, it must be located on-site in an appropriate location (subject to approval by the fire protection district), fitted with an appropriate dry hydrant connection, and be filled, and tested by the local fire protection district.

At the time of final inspection, all remaining required items in the Wildfire Partners Assessment report or the Wildfire Mitigation Plan must be fully implemented and inspected. Ground surfaces within three feet of both existing and new structures, and at least two feet beyond the driplines of decks, bay windows, and other eaves and overhangs, must be covered with an allowable non-combustible ground cover over a weed barrier material. The driveway vertical and horizontal vegetation clearance must be in place and conform to the Parcel Access Design Standards in the Boulder County Multimodal Transportation Standards.

Wildfire mitigation must take place as outlined in the conditions listed in the Boulder County Wildfire Mitigation team referral response (See Attachment B, pages B11-B14 of the Staff Recommendation).

7. The approved size for the development is approximately 2,836 square feet of residential floor area.
8. The locations of the residence and driveway shown on the site plan dated June 1, 2023, and staked in the field are approved as proposed.
9. The elevations dated December 13, 2022, are approved as proposed.
10. The approved height for the residence is a maximum of 24 feet above existing grade.
11. The proposed materials for the roofing (steel and composite) and siding (plank and stone) are approved as proposed.

The proposed roofing color (rust and grey) and proposed colors for the siding (brown and grey) are approved as proposed.

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

for review and approval. Due to COVID-19 distancing restrictions samples may be provided electronically. Samples should be included as part of the building plan set required at the time of permit application.

The Applicants must provide samples of the exterior colors and metallic materials to ensure visual impacts of the development are minimized and that the development blends in with the natural environment and neighborhood character of the surrounding area. Colors should have a matte finish.

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

12. Prior to issuance of building permits, one copy of a proposed lighting plan must be submitted to the Community Planning and Permitting Department for review and approval. Down lighting is required, meaning that all bulbs must be fully shielded to prevent light emissions above a horizontal plane drawn from the bottom of the fixture. The lighting plan must indicate the location of all exterior fixtures on the site and structure, and must include cut sheets (manufacturer's specifications with picture or diagram) of all proposed fixtures. The lighting plan shall be included as part of the building plan set required at the time of permit application.

Prior to issuance of a Certificate of Occupancy/At the final inspection, the full installation of the approved lighting plan must be inspected and approved by the Community Planning and Permitting Department.

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.

13. The following earthwork is approved:

- a. Non-Foundational Earthwork: 1,117 cubic yards (769 cubic yards of cut and 348 cubic yards of fill).
- b. Foundational Earthwork: 251 cubic yards (0 cubic yards of cut and 251 cubic yards of fill).

14. Prior to issuance of a Certificate of Occupancy, the Applicants must supply a receipt for transport of any excess non-foundational cut to an off-site location for review and approval by Community Planning and Permitting staff.

15. 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 and Permitting Department so that receipt of fill materials may be verified.

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 and 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 the 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.

17. The Applicants shall be subject to the terms, conditions, and commitments of record and in the file for Docket LU-23-0020/SPR-22-0134: Seredinski Residence.

[Signature Page to Follow]

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

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

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

Claire Levy, Chair

Excused August 17, 2023
Ashley Stolzmann, Vice Chair

Marta Loachamin, Commissioner

ATTEST:

Clerk to the Board