

RESOLUTION 2023-077

A resolution conditionally approving Boulder County Community Planning & Permitting Docket LU-22-0020/SPR-22-0068: Gayl-Logan Residence and Historic ADUs

Recitals

A. Mike Daley (architect), Ilse Gayl (owner) and James Logan (owner) (the “Applicants”), applied to Boulder County for Limited Impact Special Use Review under Article 4-516.G.2 of the Boulder County Land Use Code (the “Code”) for approval of 1,824 square feet of Historic Accessory Dwelling Units (“Historic ADUs”) and 1,266 cubic yards of non-foundational earthwork. The Applicants also applied for Site Plan Review under Article 4-806 of the Code to construct a 4,900-square-foot residential addition on an approximately 229-acre parcel.

B. The subject property is located at 1256 Riverside Drive, approximately 2.05 miles east of its intersection with Peak to Peak Highway in Section 3, Township 2 North, Range 72 West, in a Forestry zoning district in unincorporated Boulder County (the “Property”).

C. The Property includes 2,680 square feet of existing residential floor area and 14,585 square feet of existing non-residential floor area. The Property is bisected by both the Middle St. Vrain Creek and Riverside Drive, travelling diagonally across the Property from southwest to northeast. The Property is primarily characterized by two separated areas: the northern side of Riverside Drive where development is located is primarily open meadows and a flatter topography, and the southern side of Riverside Drive is forested and mountainous.

D. The Boulder County Comprehensive Plan identifies the following resources in the project area:

- a. Archeologically Sensitive Travel Routes;
- b. Environmental Conservation Areas;
- c. Riparian Areas; and
- d. Peak to Peak Scenic Corridor.

E. The Property is overlaid with a private conservation easement which stipulates that no new residential structures are permitted, only additions to the existing structures on site. The Applicants requested and received Historic Landmark designation for the three cabins on the Property to preserve their historic integrity to the community. The Applicants propose to construct a residential addition to one of the existing cabins on the site and request that the other two cabins be approved as Historic ADUs. Additionally, the Applicants propose non-foundational grading totaling 1,266 cubic yards associated with the development of the driveway and parking areas and restoration to areas of the Property that

were impacted by the 2013 floods. The Applicants propose to use the excess foundation cut associated with the proposed residential addition as the non-foundational fill.

F. The above-described request was processed and reviewed as Boulder County Community Planning and Permitting Docket LU-22-0020/SPR-22-0068 (the “Docket”), as further described in the memorandum and written recommendation to the Board of County Commissioners (the “Board”) by Boulder County Community Planning and Permitting Department planning staff dated August 24, 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 24, 2023 (the “Public Hearing”), as further reflected on the official record of the Public Hearing, the Board considered the Staff Recommendation as well as the documents and testimony presented by Boulder County Community Planning and Permitting Department staff. The Board also heard testimony from the Applicants. 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 and Historic ADUs.

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 residential addition, 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-22-0020/SPR-22-0068 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. If unapproved changes occur to the designated Historic ADUs, the approval will be terminated and the unit(s) must be removed or decommissioned. Rescission of the landmark designation will automatically rescind the approval of the units. These restrictions must be included in the signed affidavit recognizing the conditions of approval for this docket.

3. The approved size of the Historic ADUs is a total of 1,824 square feet. The approved individual sizes of the designated Historic ADUs are the 1,368-square-foot cabin and the 456-square-foot cabin.

4. Prior to the issuance of any building permits, the Applicants must sign and record an affidavit that recognizes the conditions of approval for all aspects of the development proposed in this docket.

5. The Applicants must submit a Revegetation and Erosion Control Plan to be included with materials submitted for the separate non-foundational grading permit. The plan submitted must 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), and locations of silt fence or erosion control logs down slope of all disturbed areas.

Prior to issuance of a Certificate of Occupancy/At the time of final inspection, all areas of exposed soil must be revegetated. 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 must be provided to assure completion of revegetation. What is considered “adequate revegetation” is influenced by the amount of site disturbance, potential for significant erosion (steep slopes), and visibility. In all cases some level of germination and growth is required. Areas of disturbance not included on the revegetation plan are still subject to reseeding and matting. No species on List A, B or C in the county’s Noxious Weed Management Plan may be used to meet revegetation requirements.

Site disturbance must be minimized, and final grading and seeding must be conducted prior to the issuance of a Certificate of Occupancy. Incomplete revegetation is the leading cause for delays in obtaining Occupancy.

6. The Applicants must submit a separate grading plan for the proposed non-foundational grading completed by a Professional Engineer, Licensed Architect, or Landscape Architect registered in the State of Colorado as deemed appropriate by county staff. The grading plan must include drainage information and area of disturbance. The Applicants must submit a stormwater quality permit if the total disturbed area exceeds one acre.

7. The approved size of the proposed residential addition is a maximum of 5,172 square feet of residential floor area.

8. The approved above-grade residential floor area must not exceed a maximum of 2,772 square feet.

9. The approved size of the proposed non-residential floor area is approximately 16,993 square feet.

10. Prior to the issuance of any building permits, the Applicants must sign and submit a zoning affidavit to Community Planning and Permitting staff stating that the farm operations office will not be used for a residential use.

11. Prior to issuance of a Certificate of Occupancy, the Community Planning and Permitting Department must verify that the new driveway for the residential addition has been constructed to comply with the approved plans as well as the Multimodal Transportation Standards for residential development in the plains, 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

12. At building permit, the Applicants must submit a site plan detailing access and other site improvements that comply with the Multimodal Transportation Standards.

13. Prior to issuance of building permits, the Applicants must complete the Property Transfer Inspection requirement or proceed with permitting for the installation of a new Onsite Wastewater Treatment System (“OWTS”) associated with the proposed residential addition.

The owner or their agent (e.g., contractor) must apply for the OWTS permits to serve all structures. The OWTS permits must be issued prior to installation and before building permits can be obtained. The OWTS must be installed, inspected, and approved before a Certificate of Occupancy or Final Building Inspection approval will be issued by Community Permitting and Planning.

14. 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 the 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 is 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, 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 are to 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 shall take place as outlined in the conditions listed in the Boulder County Wildfire Mitigation team referral response (See Attachment B, pages B16-B20 of the Staff Recommendation).

15. The Applicants must obtain a Floodplain Development Permit for any work that occurs within the regulatory floodplain and absolutely no construction, including grading or other earthwork, staging, or stockpiling, may occur in the Floodplain Overlay District without a Floodplain Development Permit.

16. The Applicants must submit a grading and drainage plan to Community Planning and Permitting staff for review and approval at permitting informing the total area of disturbance and how drainage will be mitigated surrounding the foundations of the existing cabin and its proposed addition.

17. Prior to issuance of a building permit, the Applicants must provide a copy of a letter of verification of a file search of the Inventory of Cultural Resources (Archeological/Historical) to the Community Planning and Permitting Department.

18. The height for the residential addition is approved as proposed in the plan set submitted on June 28, 2022.

19. 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 and Permitting Department for review and approval.

Prior to rough frame inspection, the Applicants must submit the second part of the form (provided upon building permit application) to the Community Planning and Permitting Department for review and approval.

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. The Applicants must also remove all Ailanthus trees (aka tree-of-heaven).

21. The exterior materials and colors for the proposed residential addition are approved as proposed on the materials submitted on 6/28/2022.

Prior to issuance of building permits, the Applicants must submit to the Community Planning and 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 residential addition. 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 must 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.

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

22. 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. The lighting plan must 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.

23. The Applicants must submit updated elevations along with materials submitted for

permitting for review and approval by Community Planning and Permitting staff. The visibility of glazing must be mitigated through a reduction in the clerestory windows as proposed on the plans submitted on June 28, 2022, or other measures that similarly reduce the beacon effect.

24. The location of the residential addition is approved as proposed on the site plan submitted on June 28, 2022.

25. The following earthwork is approved as proposed:

- a. Non-Foundational Earthwork (180 cubic yards of cut and 1,086 cubic yards of backfill).
- b. Foundational Earthwork (954 cubic yards of cut and 948 cubic yards of backfill).

26. 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 Applicants must submit the location and receipt for transport and dumping of excess cut to the Community Planning and Permitting Department so that receipt of fill materials may be verified.

27. Prior to issuance of building and grading permits, the Applicants 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 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 and Permitting Department.

28. The Applicants must submit a Revegetation and Erosion Control Plan included with the materials submitted for the residential addition permit that includes 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), and locations of silt fence or erosion control logs down slope of disturbed areas.

29. Prior to issuance of building or grading permits, the Applicants must submit details regarding the placement and construction of the silt fence to the Community Planning and Permitting Department for approval. The placement and profile of the silt fence may be shown on the Revegetation Plan. The silt fence must be installed before construction commences and remain in place until vegetation is sufficiently established on the disturbed soil.

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

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

30. The Applicants shall be subject to the terms, conditions, and commitments of record and in the file for Docket LU-22-0020/SPR-22-0068: Gayl-Logan Residence and Historic ADUs.

[Signature Page to Follow]

A motion to approve the Docket was made by Commissioner Ashley Stolzmann, seconded by Commissioner Marta Loachamin, and passed by a 3-0 vote.

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

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

Claire Levy, Chair

Ashley Stolzmann, Vice Chair

Marta Loachamin, Commissioner

ATTEST:

Clerk to the Board