

## RESOLUTION 2023-018

### **A resolution conditionally approving Boulder County Community Planning and Permitting Docket LU-23-0026/SPR-23-0057: Lafortune Ruppel Non-foundational Earthwork and Residence**

#### Recitals

A. Douglas Ruppel and Christine Lafortune (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 1,078 cubic yards of non-foundational driveway earthwork. The Applicants also applied for Site Plan Review under Article 4-806 of the Code to construct a 3,182-square-foot residence on an approximately 35-acre vacant parcel where the presumptive size maximum is 3,184 square feet.

B. The subject property is located at 3129 Stone Canyon Road, approximately 2.5 miles north of its intersection with U.S. Highway 36, in Section 5, Township 3 North, Range 70, in an Agricultural zoning district in unincorporated Boulder County (the “Property”).

C. The Applicants propose creating a driveway connecting the proposed residence and detached garage to Stone Canyon Road.

D. The Property slopes down from west to east. The lower elevation sections of the Property are adjacent to Stone Canyon Road along the eastern property line. The residence is proposed in a relatively flat area facing east toward the road. The Western portion of the Property has been disturbed by past quarrying operations. The Department of Natural Resources Division of Reclamation, Mining, and Safety noted that the two permits on the Property have been revoked and released, and a reclamation plan is being worked on.

E. The Boulder County Comprehensive Plan identifies the following resources on the Property:

- Natural Landmark Indian Mountain Buffer;
- Natural Area Rabbit Mountain Buffer;
- Archaeologically Sensitive Area;
- Agricultural Land of Local Importance; and
- Overland Habitat Connector

F. The above-described request was processed and reviewed as Boulder County Community Planning and Permitting Docket LU-23-0026/SPR-23-0057 (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 October 26, 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 October 26, 2023 (the “Public Hearing”), as further reflected in the official record of the Public Hearing, the Board considered the Staff Recommendation as well as the documents and testimony presented by Community Planning and Permitting Department staff. The Board also heard testimony from Nathan Kinley, agent on behalf of 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, 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-23-0026/SPR-23-0057 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. The Revegetation and Erosion Control Plan 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), locations of silt fence or erosion control logs down slope of disturbed areas, and matting requirements if necessary.

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 the 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 that are not included on the revegetation plan are still subject to reseeding and matting.
- 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 (“MMTS”) for residential development in the mountains, including without limitation:

- a. Table 5.5.1 – Parcel Access Design Standards
- 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

4. At the time of Building Permit review, the access approach must be revised to meet MMTS Standard Drawing 14 and 15 guidelines.

5. At the time of Building Permit review, the Applicants must provide a drainage letter with analyzed velocities and volume captured by the borrow ditch for both the access drive and road for review and approval by county staff. The Drainage Letter shall include, but not be limited to, peak flow rates to determine the sizing of drainage infrastructure, including, but not limited to, swales, inlets, storm drains, culverts, and any other infrastructure affected by the site development. If the drainage will be altered with the proposed development, then the Applicants must provide mitigation measures. The Applicants must install an 18 inch culvert to meet MMTS.

6. Appropriate erosion control measures such as erosion control logs must 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 site plans submitted for building permit approval.

7. During construction (i.e. during the day while work is being performed), all materials, machinery, dumpsters, and other items must be staged on the Property or to one side of Stone Canyon Road so as to not impede the travel way.

8. During construction (i.e. during the day while work is being performed), all vehicles must be parked on-site or to one side of Stone Canyon Road so as to not impede the travel way.

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

10. Before building permit, the property owners must sign an Access Improvement and Maintenance Agreement (“AIMA”), which is an agreement for future maintenance responsibility for the shared road. The AIMA will be prepared by the Access & Engineering staff, signed by the property owners and notarized, and approved as part of the building permit process.

11. The OWTS must be installed, inspected, and approved before issuance of a Certificate of Occupancy. Boulder County Public Health must conduct an on-site 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.

12. 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.

13. Before scheduling rough framing inspections, the plan’s defensible space and water supply portion must be implemented and inspected by the Community Planning & 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](mailto: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, and be filled, and tested by the local fire protection district.

14. 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 MMTS.

15. Before applying for building permit, updated plans for the carport structure must be submitted to Community Planning and Permitting staff for review and approval.

16. The approved size for the development is approximately 3,182 square feet of residential floor area.

17. The locations of the residence and driveway shown on the site plan dated July 17, 2023, and staked in the field are approved.

18. The elevations dated June 26, 2023, are approved.

19. The approved height for the residence is approximately 25 feet above existing grade.

20. 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. 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 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.

21. 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.

22. The following earthwork is approved:

- a. Non-Foundational Earthwork: 1,078.58 cubic yards (713.31 cubic yards of cut and 365.27 cubic yards of fill).
- b. Foundational Earthwork: 382.19 cubic yards (47.32 cubic yards of cut and 334.87 cubic yards of fill).

23. 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.

24. Prior to building permit, a stormwater quality permit is required.

25. 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/>.

26. 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 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.

27. A building permit, plan review, inspection approvals, and a Certificate of Occupancy are required for the proposed residence. A separate building permit is required for the retaining walls if over four feet.

28. The Applicants shall be subject to the terms, conditions, and commitments of record and in the file for Docket LU-23-0026/SPR-23-0057: Lafortune Ruppel Non-foundational Earthwork and Residence.

**[Signature Page to Follow]**

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

**ADOPTED** as a final decision of the Board on this \_\_\_\_\_ day of December 2023.

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

*Excused October 26, 2023*

\_\_\_\_\_  
Claire Levy, Chair

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Ashley Stolzmann, Vice Chair

\_\_\_\_\_  
Marta Loachamin, Commissioner

ATTEST:

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