

RESOLUTION 2023-101

A resolution conditionally approving Boulder County Community Planning & Permitting Docket LU-23-0023: City of Boulder Sawhill Ponds Improvements

Recitals

A. City of Boulder Open Space and Mountain Parks (the “Applicant”) applied to Boulder County for Limited Impact Special Use Review under Article 4-601 of the Boulder County Land Use Code (the “Code”) for grading in excess of 500 cubic yards for work related to the construction of access and recreation improvements to the Sawhill Ponds open space. Sawhill Ponds is a recreation area jointly owned and operated by City of Boulder Open Space and Mountain Parks (OSMP) and Colorado Parks and Wildlife (CPW).

B. The Applicant’s proposal includes three (3) parcels, 0 Valmont Road, Parcel #146324000047, 3651 North 75th Street, Parcel #146324000011, and 3653 North 75th Street, Parcel #146324000009, located approximately 0.5-mile north of the intersection of 75th Street and Valmont Road in Section 24, Township 1 North, Range 70 West, in an Agricultural zoning district in unincorporated Boulder County (the “Property”).

C. The Applicant’s proposal includes the following improvements:

- Access road upgrades;
- New picnic tables and benches;
- Trailhead redesign, trail repair, and resurfacing;
- Fishing pier replacement;
- Restroom replacement; and
- New nature discovery area.

D. The project is located within the following areas as identified in the Boulder County Comprehensive Plan: Critical Wildlife Habitats; Riparian Areas; Wetlands; and Biodiversity Areas. Additionally, the Boulder Creek and the Walden Ditch are located in the northwest portion of 0 Valmont Road and there is a Preble’s Zone 4, Potential Restoration area along the creek and ditch. However, the creek, ditch, and the associated Preble’s Zone 4 area, are located well away from the project and are not expected to be impacted.

E. The Property is located within the Floodplain Overlay District. The project is located within the 100-year and 500-year floodplain areas. Boulder Creek is within the designated floodway; however, as the project is not located near the creek, it is not anticipated to impact the floodway.

F. The project will require a significant amount of non-foundational earthwork and grading. Per the application materials, the project will require approximately 2,688 cubic yards of cut and 2,220 cubic yards of fill, for a total of approximately 4,918 cubic yards of earthwork.

G. The above-described request was processed and reviewed as Boulder County Community Planning & Permitting Docket LU-23-0023 (the “Docket”), as further described in the memorandum and written recommendation to the Board of County Commissioners (the “Board”) by Community Planning & Permitting Department planning staff dated October 12, 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.

H. At a public hearing on the Docket held on October 19, 2023 (the “Public Hearing”), as further reflected in the official record of the Public Hearing, the Board considered the Staff Recommendation, as well as documents and testimony presented by Community Planning & Permitting Department planning staff. The Board also heard testimony from Adam Gaylord and Ilene Flax on behalf of the Applicant. No members of the public spoke at the Public Hearing.

I. Based on the Public Hearing, the Board finds that the Docket meets the criteria for Limited Impact Special Use approval for grading in excess of 500 cubic yards as set forth in Article 4-601.

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

Therefore, the Board resolves:

Docket LU-23-0023 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 dated September 18, 2023, including but not limited to, building and grading permits, plan review, and an observation report.

2. At building permit or grading permit submittal, plans must demonstrate all work occurring within the Property and include documentation from the adjacent property owner allowing the proposed reclamation work. Such documentation may include, but is not limited to, an easement from the owners of 3651 North 75th Street, or a signed agreement specifying work required to remove and remediate the area of the existing encroachment.

3. The access point at North 75th Street must be reduced to 70 feet in width in accordance with the Boulder County Multimodal Transportation Standards.

At building permit or grading permit submittal, the Applicant must provide revised drawings demonstrating an access point compliant with the Standards.

4. Hours of construction traffic will be limited to 8:00 AM to 3:30 PM, Monday through Friday.

5. Clear limits to areas of disturbance during construction must be installed. The proposed limits to areas of disturbance must be included on the Revegetation and Erosion Control Plan submitted to the Community Planning & Permitting department for review and approval.

6. At building or grading permit submittal, a Revegetation and Erosion Control Plan must be submitted for approval. This plan must include 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 erosion control measures around 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 you are 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.

7. At building or grading permit submittal, the Applicant must apply for a Stormwater Quality Permit and an Individual Floodplain Development Permit.

8. At building or grading permit submittal, the Applicant must verify the fueling practices that will be used during construction. If employing temporary above-ground

storage tanks, a spill containment plan will be required at building permit and plans must identify sizes and locations of the tanks. If refueling from mobile trucks, spill kits must be kept in vehicles or on site.

9. Biodegradable hydraulic fluids must be used in all equipment and machinery operating in surface waters.

10. Before entering the construction site, all equipment must be cleaned and disinfected in accordance with state Division of Parks and Wildlife protocols to prevent aquatic invasive species and noxious weeds.

11. The Applicant must work with the Boulder Rural Fire Protection District to ensure the parking area is in compliance with their access requirements.

12. The Applicant shall be subject to the terms, conditions, and commitments of record and in the file for Docket LU-23-0023: City of Boulder Sawhill Ponds Improvements.

[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 December 2023.

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

Claire Levy, Chair

Excused October 19, 2023

Ashley Stolzmann, Vice Chair

Marta Loachamin, Commissioner

ATTEST:

Clerk to the Board