



Community Planning & Permitting

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MEMO TO: Boulder County Commissioners
FROM: Wesley Jefferies – Development Review Planner
DATE: February 13, 2023
RE: SPR-22-0132: 530 Fountaintree LLC Residence - Decision to Call-Up

Item	Pages
○ Staff Memo	1 – 3
○ Determination Letter (Attachment A)	A1 – A142
○ Public Comments (Attachment B)	B1 – B48

On January 16, 2024, the Community Planning & Permitting Department conditionally approved docket *SPR-22-0132: 530 Fountaintree LLC Residence*, an application for a Site Plan Review to construct a 6,300 square-foot residence and 653 square-foot covered porch on a vacant 1.77-acre parcel feet at 530 Fountaintree Rd. where the presumed compatible size is 6,530 square feet (see Attachment A).

During the 14-day appeal and call up period following the Director’s Determination, the Community Planning & Permitting Department received 11 comments from adjacent property owners and members of the public regarding the project. On January 30, 2024 the Determination was called up by a commissioner; consequently, pursuant to Article 4-809 of the Land Use Code staff has scheduled this Business Meeting to determine if the call-up should be effective, if ratified by the Board. 13 additional comments have been received since the Determination was called up (see Attachment B). Of the total comments received, 13 members of the public expressed general support for the project and 11 expressed concerns.

A summary of concerns expressed in the comments are as follows:

- Impacts of construction on the adjacent property (570 Fountaintree)
- Size and location of the proposed structure
- Visual impact of new development
- The proposed access (compliance with the Multimodal Transportation Standards (MMTS) and conflicts with the easement)

Staff evaluated the application pursuant to the Site Plan Review Standards set forth in Article 4-806 of the Boulder County Land Use Code. See Figure 1 for the proposed Overall Site Plan, as well as a summary of Staff’s considerations and responses to public comments below.

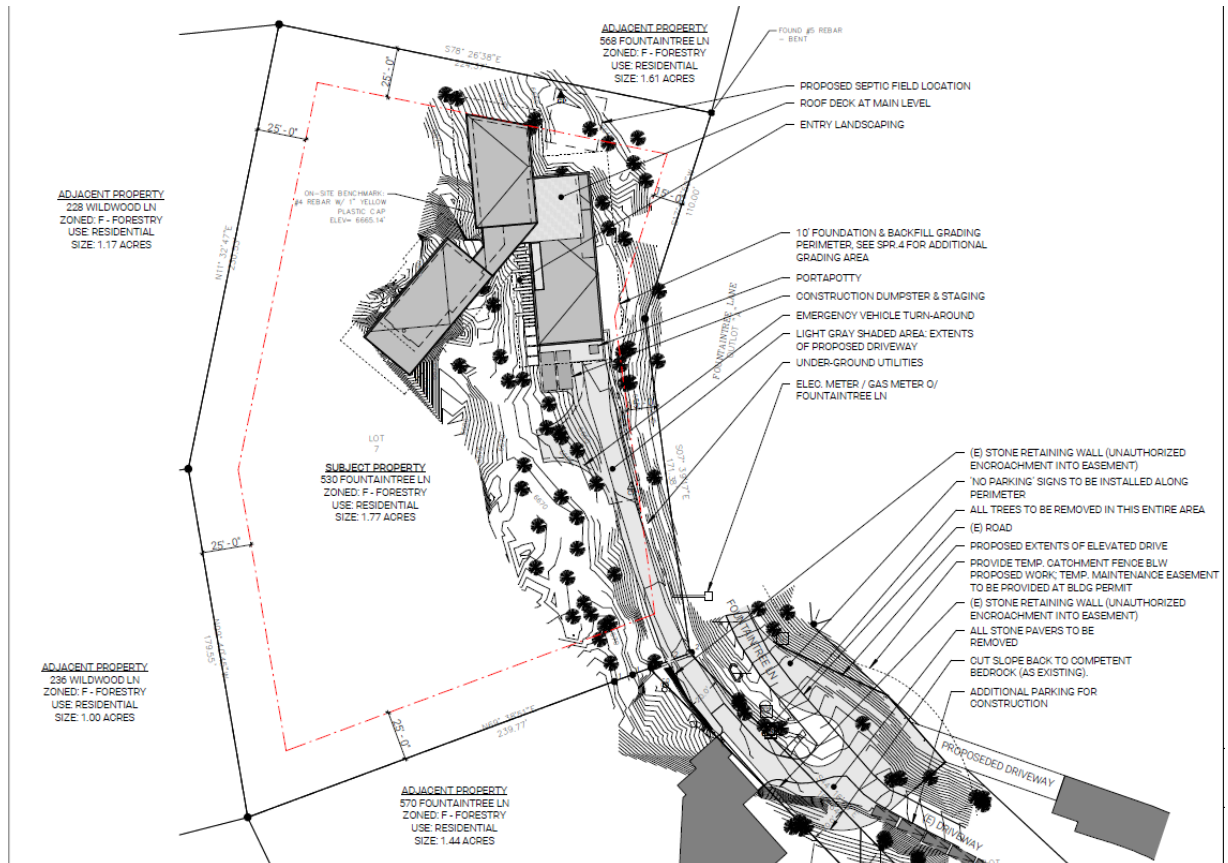


Figure 1 – Overall Site Plan (pg. A34)

The site is currently accessed from Fountaintree Lane via a 20-foot access easement that crosses the neighboring property, 570 Fountaintree. The existing driveway, which services the subject, vacant parcel (530 Fountaintree Lane), does not currently meet the Boulder County Multimodal Transportation Standards (MMTS). The applicant proposes to improve the driveway within the easement and a portion of Fountaintree Lane.

Staff evaluated the location, height, and size of the proposed residence along with the potential visibility impacts and site disturbance. Additionally, staff evaluated the potential for the proposed driveway to impose undue burden on public services and infrastructure and its compliance with the MMTS.

Staff approved a structure height of 28 feet 5 inches above existing grade in a location on the north end of the parcel. The comments received that opposed the chosen location of the residence expressed a concern that the top of this ridge is not an appropriate building site. Staff's analysis of the property did not reveal any alternative sites on this property that would be more appropriate for construction. The applicant has chosen the only area of flat ground on the property with enough space for the residence and the required emergency turnaround. Alternative locations likely would either increase the amount of site disturbance or the overall bulk and massing of the structure.

The neighboring property owners have also raised concerns about the proposed access due to it not meeting the strict language of the County's MMTS, the amount of site disturbance in the access easement across 570 Fountaintree required to expand the turning radius, and concerns that the terms of the access easement do not provide the applicant with the right to modify the adjacent property as proposed. The neighboring property owners have suggested that site be accessed directly from Fountaintree off the subject lot, given that the property has approximately 270 feet of contiguity with right of way. Given the narrowness of Fountaintree Lane and the steep slope of

the hillside, staff found that accessing 530 Fountaintree directly from the right-of-way would involve greater and more severe site disturbance. Moreover, the applicant does have a “non-exclusive easement for ingress and egress over and across the Easterly 20 feet of Lot 8...” (Reception Number #90900368). Based on conversations with the County Engineer and Boulder Mountain Fire Protection District, staff found the physical design of the proposed access could safely meet the needs of typical traffic and emergency responders. Given that much of the length of the driveway along 570 Fountaintree and onto 530 Fountaintree presently exists, staff finds that the best option would be to expand the access point as that was designated in the original plat of the Fountaintree Subdivision. The Determination letter had a condition of approval that requires “all construction activities and access improvements must occur within the boundaries of the existing access easement.”

Additionally, the access point in the Fountaintree right-of-way is required to be improved in order to meet MMTS, but the County Engineer granted a design exception to allow a 35-foot turning radius rather than the full 40-foot radius. However, to achieve the 35-foot radius, portions of the rock face that extends into the access easement will need to be removed.

Staff requests that the Commissioners determine whether to ratify the call up of the Director’s determination for *SPR-22-0132: 530 Fountaintree LLC Residence* for review at a public hearing before the Board.



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Claire Levy County Commissioner

Marta Loachamin County Commissioner

Ashley Stolzmann County Commissioner

1/16/2024

Colin Ostman
1212 Walnut Street
Loveland, CO 80537

Eric Miska
630 N Cedar Brook Road
Boulder, CO 80304

Dear Applicant(s):

This letter certifies that in accordance with section 4-800 of the Boulder County Land Use Code, the Boulder County CPP Director has Approved with Conditions the site plan for the following, effective January 16, 2024.

Docket: SPR-22-0132 530 Fountaintree LLC Residence

Request: Proposal: Request to construct a 6,300 square-foot residence with a 653 square foot covered porch where the PSM is 6,530 square-feet at 530 Fountaintree Lane.

Location: 530 FOUNTAINTREE LANE

Zoning: Forestry

Applicant: Colin Ostman

This is a Conditional Approval made by the CPP Director, and is not final until a 14-day referral period has transpired. During the next 14 days, the Board of County Commissioners (BOCC) may choose to call this docket up for a public hearing. If no hearing is required, this letter will serve as the final determination. Building, grading and access permits will be subject to any and all conditions of approval.

If the BOCC should decide to modify the CPP Director's approval, or determines that further review is necessary, a public hearing will be held. Upon completion of the public hearing and approval by the BOCC, if a building, grading or access permit has been applied for, it will continue in the process and permits may be issued subject to any and all conditions of approval.

In the event that you wish to appeal any conditions of the CPP Director's determination, you are entitled to appeal the determination to the BOCC. You must file an appeal for this purpose with the CPP Department in writing no later than 14 days after the date of this letter. If an appeal is requested, the BOCC will review the CPP Director's determination at a public meeting.

Please be aware that the attached Conditions of Approval become final if the docket is not called up by the BOCC at the end of the 14-day review period. There are no other administrative means to appeal. If you wish to resubmit information with regards to complying with any of the attached Conditions of Approval, and have this information reviewed for approval by staff prior to the end of the 14-day review period, your submissions must be received by the office no later than 10 days from the date of this letter.

Site Plan Review approval is valid for three years from the date of this letter although any changes in County regulations could affect the proposal prior to application for a building permit. In order to be issued a building permit, the project must comply with all policies and regulations in effect at the time of permit application.

A Building Permit cannot be issued for this project until the applicable conditions above have been met. Furthermore, a Certificate of Occupancy cannot be issued for this project until the applicable conditions above have been met. A SPR inspection will need to be scheduled with this department prior to the issuance of a Certificate of Occupancy. None of the conditions of approval will be waived or a Certificate of Occupancy issued for this project based upon the applicant's need to meet financial obligations (i.e., construction cost overruns or loan closing dates). Any future additions to the approved structure, regardless of size, will require SPR approval to amend this SPR.

The Public Notice sign must remain posted for 14 days after the date of this letter and then returned to the CPP Department in a timely manner after this date. Or, if your Site Plan Review application requires a public hearing, please return the sign after the final public hearing. We will begin processing a refund for the \$25 sign deposit when your sign is returned, and a check will be mailed to you within approximately 2 weeks.

Please carefully review the attached conditions of approval. Compliance with these conditions will be confirmed as is necessary throughout the process.

Sincerely,

A handwritten signature in black ink, appearing to read "Wesley Jefferies". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Wesley Jefferies

Planner I

APPLICATION #: SPR-22-0132
APPLICANT: Eric Miska (530 Fountaintree LLC)
PROJECT LOCATION: 530 Fountaintree Lane
PROJECT SUMMARY: Request to construct a 6,300-square-foot residence with a 653-square-foot covered porch on a vacant 1.77-acre parcel where the PSM is 6,530 square-feet.

CONDITIONS OF APPROVAL

Article 4-802 of the Boulder County Land Use Code (the Code) states that Site Plan Review shall be required for any development requiring a permit on vacant parcels or for any grading permit for over 50 cubic yards of earthwork in which the subject parcel is located. In this case, the applicant has proposed the construction of a new residence on a vacant parcel and 1,848 cubic yards of total earthwork.

Article 4-806 of the Code states that no Site Plan Review can be approved without compliance with the following standards. All site plan review applications shall be reviewed in accordance with the following standards which the Director has determined to be applicable based on the nature and extent of the proposed development. ***Only those standards applicable to this project are included in this list.***

1. ***To provide a greater measure of certainty as to the applicable neighborhood relevant for comparison, the following definition of neighborhood shall be used to review proposed Site Plan Review applications:***
 - a. ***For applications inside platted subdivisions, which have seven or more developed lots, the neighborhood is that platted subdivision.***

The applicable neighborhood for the subject parcel is the platted subdivision of Fountaintree.

2. ***The size of the resulting development (residential or nonresidential) must be compatible with the general character of the defined neighborhood.***
 - a. ***In determining size compatibility of residential structures within the defined neighborhood, it is presumed that structures of a size within the larger of a total residential floor area of either (1) 125% of the median residential floor area for that defined neighborhood or (2) of a total residential floor area of 1,500 square feet in the mapped townsites of Allenspark, Eldora, Eldorado Springs, Raymond, and Riverside, or 2,500 square feet for all other areas of the County, are compatible with that neighborhood, subject also to a determination that the resulting size complies with the other Site Plan Review standards in this section 4-806.A.***

A. SIZE PRESUMPTION

The presumed compatible size of residential structures within the defined neighborhood (see Standard 1 above for the applicable neighborhood) is 6,530 square feet .

Median (total residential floor area) in the defined neighborhood*	5,224 square feet
125% of the median residential floor area in the defined neighborhood	6,530 square feet
Total existing residential floor area on the subject parcel*	Vacant
Total proposed residential floor area	6,300 square feet

**Source: Boulder County Assessor’s records, as verified by CPP staff for the subject parcel.*

B. APPROVED SIZE

RESIDENTIAL FLOOR AREA*	
Approved NEW residential floor area	Approximately 6,300 square feet
TOTAL approved resulting residential floor area	Approximately 6,300 square feet

**Residential Floor Area includes all attached and detached floor area on a parcel including principal and accessory structures used or customarily used for residential purposes, such as garages, studios, pool houses, home offices, and workshops, excluding covered deck. Floor area does not include the area of any covered porch. Gazebos, carports, detached greenhouses and hoopouses up to a total combined size of 400 square feet are also exempt.*

The application materials indicate the size of the proposed new residence is as follows: 2,802-square-foot first story, and 2,736-square-foot second story, and 762-square-foot attached garage. The application materials also indicate a total of 653 square feet of covered porch area. Covered porch area does not contribute to total residential floor area. Staff supports the size as proposed as it is under the presumptive size limitation and since the resulting size of 6,300 square feet (all above grade and visible) is compatible the general character of the defined neighborhood.

- The location of existing or proposed buildings, structures, equipment, grading, or uses shall not impose an undue burden on public services and infrastructure.***

A. ACCESS TO PROPERTY

The subject property is accessed from Fountaintree Lane, a paved privately maintained right-of-way (ROW) as shown on the Fountaintree subdivision plat recorded July 26, 1968 at Reception No. 90885581, via a 20 foot wide access easement. Legal access to the subject property has been demonstrated via the attached easement document recorded December 13th, 1968 at Reception #900368.

An Access Improvement and Maintenance Agreement (AIMA), which is an agreement for future maintenance responsibility, will be issued for Fountaintree Lane during

building permit review. The AIMA will be prepared by the Access & Engineering staff, signed and notarized by the property owner, and approved as part of the building permit process.

Per Section 2.8.6.2.ii of the Boulder County Multimodal Transportation Standards (the Standards), staff finds the proposal as presented does not meet the requirements of the Standards due to a proposed turning radius of approximately 35 feet, however the proposal could meet the Standards with an approved Design Exception.

Plans submitted by the applicant indicate a turnaround of approximately 52 feet from the front of the structure and 180 feet from the rear of the structure. To meet the Standards, the emergency access turnaround must be located a minimum of 50 feet from the front of the residence and no greater than 150 feet from the rear of the residence. Per Standard Drawing 18, the 50-foot distance shall be met if both distances cannot be simultaneously achieved due to the shape of the structure. Staff finds the turnaround meets this requirement.

The revised application materials indicate 305 cubic yards of earthwork is required for the proposed driveway improvements. The improved driveway must comply with the Standards for residential development in the mountains, including without limitation:

- a. Table 5.5.1 – Parcel Access Design Standards
- b. Standard Drawing 11 – 12 Private Access
- c. Standard Drawing 14 – Access with a Roadside Ditch
- d. Standard Drawing 15 – Access Profiles Detail
- e. Standard Drawing 16 – Access Grade & Clearance
- f. Standard Drawing 18 – Access Turnaround
- g. Standard Drawing 19 – Typical Turnaround

Prior to building permit, a boundary field survey must be completed to clearly identify the location of all easements, outlot, and property boundaries within the proposed project area. In addition, the applicant must demonstrate the legal right to use Fountaintree Lane for all construction staging. If applicant cannot demonstrate the legal right to use Fountaintree Lane for all construction staging, applicant must submit a new staging plan demonstrating how all construction materials will be staged on the subject property for approval by Community Planning & Permitting.

At time of Building Permit, plans submitted must align with the findings and recommendations of the geotechnical reports submitted by the applicants dated Nov. 22, 2023, and Jan. 5, 2023

During construction, all vehicles, materials, machinery, dumpsters, and other items shall be staged on the subject property or to one side of Fountaintree Lane to preserve the travelway. Construction staging and sufficient parking areas must be shown on plans submitted at building permit. Emergency access must be maintained throughout construction.

During construction, all construction activities and access improvements must occur within the boundaries of the existing access easement. In addition, during construction, applicant must comply with the construction staging plan approved by Community Planning & Permitting. . If applicant cannot demonstrate the legal right of use Fountaintree Lane for all construction staging,

4. ***The proposed development shall avoid natural hazards, including those on the subject property and those originating off-site with a reasonable likelihood of affecting the subject property. Natural hazards include, without limitation, expansive soils or claystone, subsiding soils, soil creep areas, or questionable soils where the safe-sustaining power of the soils is in doubt; landslides, mudslides, mudfalls, debris fans, unstable slopes, and rockfalls; flash flooding corridors, alluvial fans, floodways, floodplains, and flood-prone areas; and avalanche corridors. Natural hazards may be identified in the Comprehensive Plan Geologic Hazard and Constraint Areas Map or through the Site Plan Review process using the best available information. Best available information includes, without limitation, updated topographic or geologic data, Colorado Geologic Survey landslide or earth/debris flow data, interim floodplain mapping data, and creek planning studies. Development within or affecting such natural hazards may be approved, subject to acceptable measures that will satisfactorily mitigate all significant hazard risk posed by the proposed development to the subject property and surrounding area, only if there is no way to avoid one or more hazards, no other sites on the subject property can be reasonably developed, or if reasonably necessary to avoid significant adverse impacts based upon other applicable Site Plan Review criteria.***

A. GEOLOGICAL HAZARDS

This property lies within a [Major Geologic Hazard Area](#) as identified by the [Boulder County Comprehensive Plan](#), specifically Rockfall and Landslide Susceptibility. During site visits, staff noted steeply sloping rocky outcroppings.

The applicant has provided a site specific geotechnical report, dated November 22, 2023, and January 5, 2024.

At the time of building or grading permit application, submit the site-specific geotechnical report as part of the building permit for review by the Building Safety & Inspection Services Team. The plans must align with the findings and recommendations of the geotechnical reports submitted by the applicants dated November 22, 2023, and January 5, 2024.

5. ***The site plan shall satisfactorily mitigate the risk of wildfire both to the subject property and those posed to neighboring properties in the surrounding area by the proposed development. In assessing the applicable wildfire risk and appropriate mitigation measures, the Director shall consider the referral comments of the County Wildfire Mitigation Coordinator and the applicable fire district, and may also consult accepted national standards as amended, such as the Urban-Wildland Interface Code; National Fire Protection Association (NFPA); International Fire Code; and the International Building Code.***

A. WILDFIRE MITIGATION

Wildfire Mitigation is required; the proposed project is in Wildfire Zone 1 (the foothills or mountains—approximately west of highways 7, 36, or 93) of the unincorporated portion of Boulder County. The Boulder County Wildfire Mitigation requirements are composed of site location, ignition-resistant materials and construction, defensible space, emergency water supply, and emergency vehicle access.

Site Location

A Boulder County Wildfire Mitigation Specialist has reviewed the site location as part of the Site Plan Review process. Ideally, all structures should be located as far from property lines as possible to maximize full defensible space – at least 100 feet. An increased level of ignition resistant materials is required because there is not enough distance within the property line to create and maintain full defensible space.

Ignition Resistant Materials and Construction

As the proposed development is located within a potentially hazardous area, all exterior building materials (including any proposed decking) must be ignition-resistant construction or better. Because of the wildfire mitigation risks associated with the site location, the following more restrictive increased ignition-resistant exterior materials are required:

- Double pane tempered glass is required within at least 50 feet of property lines.
- Wood and fire-retardant-treated wood are not allowed.
- Heavy timber (IBC Section 602.4) and log wall construction (see definition in R327) are allowed.
- Deck surface must be an ASTM E84 (UL 723) flame-spread index no greater than 75.

For additional ignition-resistant construction information, please contact the Building Safety & Inspection Services Team at 303-441-3926. Refer to the Boulder County publication: [Building with Ignition Resistant Materials](#) for specific requirements. All exterior materials must be clearly noted on the building plans and must be reviewed and approved as “ignition resistant” by the Building Safety & Inspection Services Team.

Defensible Space

Adequate defensible space is required to prevent the spread of fire to and from the structure. This requires limbing and/or removal of trees and shrubs to provide necessary vertical and horizontal fuel separation within a minimum of 100 feet. from the home and within 30 feet. along both sides of a driveway. More information can be found by referring to the Colorado State Forest Service publication [Protecting Your Home from Wildfire: Creating Wildfire-Defensible Zones – 2012 Quick Guide](#).

Because of the proximity of the residence to the property line, it is unlikely that the conifers within at least 30 feet of the residence, including any attachments, will be able to stay.

Follow the [Colorado State University FireWise Plant Materials – 6.305](#), [Fire-Resistant Landscaping – 6.303](#), and Colorado State Forest Service [Protecting Your Home from Wildfire: Creating Wildfire-Defensible Zones – 2012 Quick Guide](#) publications when choosing plants and designing revegetation and landscaping.

Emergency Water Supply

An emergency water supply is required to aid in the defense of the structure from a wildfire and assist in firefighting efforts. This may include, but is not limited to, a hydrant on a public water system, a dry hydrant in a local water source, a community cistern, or an individual cistern. Contact Chief John Benson of the Boulder Mountain Fire Protection District for their requirements at 303-440-0235, bouldermountainfire@gmail.com, and chief@bouldermountainfire.org. If installing an individual cistern and the Fire Protection District does not have its own installation requirements follow the Boulder County publication: [Emergency Water Supply for Firefighting](#).

Emergency Vehicle Clearance

Emergency vehicle clearance is required to allow for safe ingress and egress of emergency vehicles. Emergency personnel try their best to respond to calls in a timely manner, often while negotiating difficult terrain. Planning for access by emergency vehicles improves safety for homeowners and their families by providing for a more efficient response by firefighters and other emergency personnel arriving on the scene. This is especially important in rural and mountainous areas where response times may be considerably longer than in cities, where emergency services are closer by. Refer to the Boulder County publication: [Driveway Access for Emergency Vehicles](#) for specific clearance-related requirements.

Timeline

After applying for, but prior to issuance of any permits, a Boulder County Wildfire Mitigation Specialist will contact you 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 & 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 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 are to be fully implemented and inspected. Ground surfaces within three feet of both existing and new structures, and at least 2 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.

6. *The proposed development shall not alter historic drainage patterns and/or flow rates or shall include acceptable mitigation measures to compensate for anticipated drainage impacts. The best available information should be used to evaluate these impacts, including but not limited to hydrologic evaluations to determine peak flows, floodplain mapping studies, updated topographic data, Colorado Geologic Survey landslide, earth/debris flow data, and creek planning studies.*

A. DRAINAGE PATTERNS

Plans submitted by the applicant dated 11/29/2023 do not indicate how drainage will be handled around the proposed development. Plans submitted for permitting must demonstrate that the proposed earthwork will not alter or increase the historic drainage patterns from the site to adjacent properties.

At building permit, submit a drainage plan that clearly shows drainage details including flow lines and how drainage will be handled from the proposed development.

9. *The development shall avoid significant historic or archaeological resources as identified in the Comprehensive Plan or the Historic Sites Survey of Boulder County, or through the site plan review process. Development within or affecting such resources may be approved, subject to acceptable mitigation measures and in the discretion of the Director, only if no other sites on the subject property can be reasonably developed, or only if reasonably necessary to avoid significant adverse impacts based upon other applicable site plan review criteria.*

A. ARCHEOLOGICALLY SENSITIVE AREA

An Archeologically Sensitive Area is present on the subject parcel, as identified by the [Boulder County Comprehensive Plan](#). However, the Colorado Historical Society Office of Archaeology and Historic Preservation has conducted a search of the Colorado Inventory of Cultural Resources and did not find any site located in the designated area.

10. *The development shall not have a significant negative visual impact on the natural features or neighborhood character of surrounding area. Development shall avoid prominent, steeply sloped, or visually exposed portions of the property. Particular consideration shall be given to protecting views from public lands and rights-of-way, although impacts on views of or from private properties shall also be considered. Development within or affecting features or areas of visual significance may be approved, subject to acceptable mitigation measures and in the discretion of the Director, only if no other sites on the subject property can be reasonably developed, or*

only if reasonably necessary to avoid significant adverse impacts based upon other applicable site plan review criteria.

b. For development anywhere in the unincorporated areas of the county, mitigation of visual impact may include changing structure location, reducing or relocating windows and glazing to minimize visibility, reducing structure height, changing structure orientation, requiring exterior color and materials that blend into the natural environment, and/or lighting requirements to reduce visibility at night.

	APPROVED
Location:	As shown on the site plan dated 11/29/2023 and staked in the field
Elevations:	As shown in the application materials dated 12/12/2022
Height:	Approximately 28' 5" from existing grade
Exterior Materials:	Metal siding and membrane/planted roof
Exterior Colors:	Black siding and black roof

A. TREE PRESERVATION

The preservation of existing trees and ground vegetation will provide visual screening from nearby areas, reduce soil erosion, and deter weed infestation. Only those trees necessary to clear the building site, provide access, install the individual sewage disposal system, and provide for defensible space/forest management may be removed.

Prior to issuance of building or grading permits, submit to the Community Planning & Permitting Department, for review and approval, a Tree Preservation Plan that indicates which trees will be preserved. The Tree Preservation 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, the full installation of the approved Tree Preservation Plan must be inspected and approved by the Community Planning & Permitting Department.

B. EXTERIOR COLORS AND MATERIALS

The application materials indicate black will be used for the roofing, although, no color samples were provided. Metal is proposed to be used for siding. Due to the structure's visible position in the landscape, samples of the exterior colors and metallic materials shall be provided to ensure visual impacts of the development are minimized and that the development blends in with the natural environment and character of the surrounding area. Colors should be carefully selected from the dark to medium brown, gray, or green color range and materials should have a matte finish. This ensures that they are compatible with the policies and goals established by the Comprehensive Plan and provisions of the Land Use Code and will not result in an adverse impact on surrounding properties.

Prior to issuance of building permits, submit to the Community Planning & Permitting Department for review and approval, three sets of exterior color samples (color chips, brochure, or catalog page) and material samples to be used including roof, siding and trim. Please note that all samples need to be small enough to fit into a file and will be kept for the record. 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.

C. EXTERIOR LIGHTING

The locations and types of exterior lighting fixtures were not provided in the application. Given the visible position in the landscape and rural character of the area, lighting has the potential to cause negative visual impacts. In order to minimize adverse visual impacts, exterior lighting fixtures shall be limited to:

- a. Only one ceiling or wall mounted fixture is permitted for each exterior entrance.
- b. No landscape lighting is permitted.
- c. No driveway lighting is permitted.

Prior to issuance of building permits, one copy of a proposed lighting plan must be submitted to the Community Planning & Permitting Department for review and approval. [Down lighting](#) is required, and 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, the full installation of the approved lighting plan must be inspected and approved by the Community Planning & Permitting Department.

D. GLAZING MITIGATION

The eastern façade of the proposed residence will be highly visible to houses to the east and from the plains. The proposed glazing has the potential for adverse visual impacts. These impacts could be mitigated by reduction in total area of glazing, architectural details, and/or low-light-emittance glass. Window treatments are not adequate. The elevations, dated December 12, 2022, indicate low reflective glazing is to be used, but do not specify the materials to be used.

Prior to issuance of building permits, submit to the documentation regarding the low reflective glazing material to this office for review and approval.

11. ***The location of the development shall be compatible with the natural topography and existing vegetation and the development shall not cause unnecessary or excessive site***

disturbance. Such disturbance may include but is not limited to long driveways, over-sized parking areas, or severe alteration of a site's topography. Driveways or grading shall have a demonstrated associated principal use.

A. LOCATION

The locations shown on the site plan dated 11/29/2023 and staked in the field are approved as proposed.

B. EARTHWORK AND GRADING

The following earthwork and grading requirements are approved.

Driveway Earthwork:	325 cubic yards cut and 88 cubic yards fill
Foundational Earthwork: (exempt from 500 cubic yards threshold)	1,500 cubic yards cut and 65 cubic yards backfill 1,435 cubic yards excess foundation cut to be transported to Erie Landfill

C. GRADING NARRATIVE

The application materials indicate that construction of the residence will require 1,400 cubic yards of foundation cut and 65 cubic yards of backfill. The excess cut, approximately 1,698 cubic yards, is proposed to be transported to Erie Landfill.

At building permit, submit a Haul Plan that shows the anticipated haul route along with an estimate of the capacity and number of haul vehicles that will be running at any one time. The Haul Plan must be submitted with the building permit application.

Prior to issuance of a Certificate of Occupancy, the location and receipt for transport and dumping must be submitted to the Community Planning & Permitting Department so that receipt of fill materials may be verified.

Plans dated 11/29/2023 do not indicate proposed grades around the proposed development.

Plans submitted by the applicant indicate that there will be excavation to competent bedrock at the sheer wall east of the structure at 570 Fountaintree Lane. The soil layer at the top of the cut must be laid back to reduce erosion. **Note: all work must stay within the access easement.**

At building permit, submit a grading plan that clearly shows the following information: existing and proposed contours, stationing along the driveway, driveway profile, dimensions for the parking areas, wall locations and details. Per Section 5.10.5 and Section 2.8.3 of the Standards, designs submitted at building permit for retaining walls or series of retaining walls over four feet tall, as measured from the bottom of the footing to the top of the wall, must be stamped by a qualified Colorado-licensed Professional Engineer. Calculations shall be submitted for any retaining walls over six feet in height.

Plans must include updated grading calculations and be stamped by a qualified Colorado-licensed Professional Engineer. ***NOTE: if the total non-foundational earthwork exceeds 500 cubic yards, a Limited Impact Special Use Review is required. plans submitted at building permit must be stamped by a Colorado-licensed qualified Engineer and include updated grading calculations.***

D. UTILITIES

To minimize disturbances to the site, all utility service lines shall be routed underground (see [Article 7-1200](#) of the Land Use Code) and should be located in areas already disturbed or proposed to be disturbed (e.g., along driveway).

Prior to issuance of building and grading permits, submit to the Community Planning & Permitting Department for review and approval a plan depicting the routing of all utility services. The utility routing plan shall be included as part of the building plan set required at the time of permit application.

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.

E. RETAINING WALLS

Any retaining wall that retains in excess of two feet of unbalanced fill will require engineered plans. Retaining walls over four feet in height, as measured from the bottom of the foundation to the top of the wall must either be included on the building permit for the residence or have a separate building permit. Resolve details for the engineering of the retaining walls with the Building Safety & Inspection Services Team. The location of all proposed retaining walls, including the size and height must be detailed on the Revegetation Plan.

Prior to the issuance of building or grading permits, submit for review and approval by the Community Planning & Permitting Department information on the proposed construction materials and color for all required retaining walls. Keep in mind that any retaining walls must blend with the natural environment as much as possible.

Prior to issuance of a Certificate of Occupancy, the installation of the approved retaining walls must be completed and approved by the Community Planning & Permitting Department.

12. ***Runoff, erosion, and/or sedimentation from the development shall not have a significant adverse impact on the surrounding area.***

A. REVEGETATION PLAN

No information was provided regarding the proposed method of revegetation for site disturbances associated with construction.

Prior to issuance of building or grading permits, submit to the Community Planning & Permitting Department for review and approval one copy of the proposed Revegetation Plan that conforms to the requirements as described on the materials located on our [Revegetation Page](#).

Because the building site will require significant earth movement, creating site disturbance on slopes steeper than 3:1, the use of mulching and matting will be necessary. The plan must also show the location of all erosion control devices such as silt fence, straw bales, riprap and retaining walls. Cut and fill slopes are not to exceed a slope of 2:1 (slopes of 1.5:1 may be allowed in areas with soils and exposures conducive to good revegetation or if the plan takes steps to improve the revegetative properties of the site.) The grade of all cut and fill slopes must be included on the revegetation plan. The plan must include details regarding the reclamation of existing and proposed cut and fill slopes.

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. You should consider the following well in advance of your 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. Keep in mind that 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.

Incomplete revegetation is the leading cause for delays in obtaining a Certificate of Occupancy.

B. Erosion Control

Appropriate erosion control measures such as erosion control logs shall be installed downslope and parallel to contours for all disturbed areas including staging areas. The location and types of erosion control shall be shown on site plans submitted for building permit approval.

Prior to issuance of building or grading permits, details regarding the placement and construction of the erosion control measures must be submitted to and approved by the Community Planning & Permitting Department. The placement and profile of the erosion control measures may be shown on the Revegetation Plan. The erosion control measures 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 erosion control measures' 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 & Permitting Department must confirm the erosion control measures' location and materials have been installed as required per the approved plans. Any other areas on site are subject to installation of erosion control measures, if needed..

C. CATCH FENCE

The subject property is located on a ridge with rock outcrops and shallow bedrock. Due to the potential for rockfall on both sides of the ridge, a catch fence must be installed downhill of all construction areas both within the subject property and in offsite areas. A This must be installed upslope of any silt fencing.

Plans submitted by the applicant indicate a portion of catch fence will be located on an adjacent property. The temporary construction easement must be provided ***prior to issuance of a building permit*** and include all areas required for the installation and reclamation.

At building permit, provide updated plans clearly indicating the location of a catch fence below all construction areas. The catch fence must be designed and certified by a Colorado-licensed qualified engineer and include calculations demonstrating the ability to adequately mitigate risks of rockfall from construction activities.

Prior to any grading or site disturbance, the catch fence must be installed as required per the approved plans.

At the time of the footing foundation inspection and all subsequent inspections, the Community Planning & Permitting Department must confirm the catch fence has been installed as required per the approved plans.

D. STORMWATER QUALITY

The proposed disturbance appears to be one acre or greater and will require a Boulder County Stormwater Quality Permit (SWQP). Please visit Boulder County's stormwater website at <https://bouldercounty.gov/transportation/permits/stormwater-quality-permit/> or contact tdstormwater@bouldercounty.org for more information.

At building permit, submit a complete SWQP application, SWQP checklist, Stormwater Management Plan and Control Measure Details to ezbp@bouldercounty.gov. The SWQP must be issued prior to any work beginning on this project.

The subject parcel has been evaluated for compliance with Section 1200 of the Boulder County Storm Drainage Criteria Manual (SDCM). Exceptions to the full-spectrum detention and permanent water quality requirements may be granted for small single-family residential parcels provided Low-Impact Development (LID) principles are included in the design. Drainage impacts to the adjacent access road must be mitigated.

At building permit, provide updated plans demonstrating compliance with SDCM Section 1202 Low Impact Development such that at least 20 percent of the total impervious area of all new development and redevelopment sites drain to a pervious area equal to at least 10 percent of the total impervious surface area of the development site, prior to discharging from the site.

15. *The proposal shall be consistent with the Comprehensive Plan, any applicable intergovernmental agreement affecting land use or development, and this Code.*

A. LOCATION: SETBACK SURVEY REQUIREMENT

The site plan submitted with the application materials indicates that the footprint of the proposed residence is within 20 percent of the minimum required 25-foot side and 15-foot front (north and east) yard setback for the Forestry Zoning District. Therefore, a [Setback Survey Verification Form](#) is required. This form will be provided at the time a building permit is processed.

Given the physical constraints on site and the narrow nature of the legal access, a boundary field survey is required.

Prior to building permit, a boundary field survey must be completed to clearly identify the location of all easements, outlet, and property boundaries within the proposed project area.

Prior to the foundation form inspection, the [Setback Survey Verification Form](#) must be completed by a licensed surveyor and submitted to the Community Planning & Permitting Department.

As conditioned this proposal will be consistent with the Comprehensive Plan, intergovernmental agreements, and this Code.

ADDITIONAL REQUIREMENTS AND INFORMATION:

BUILDING PERMIT: A building permit, plan review, inspection approvals, and a Certificate of Occupancy (“C.O.”) are required for the proposed residence.

Please refer to the county’s adopted 2015 editions of the International Codes and code amendments, which can be found via the internet under the link:
<https://assets.bouldercounty.org/wp-content/uploads/2017/03/building-code-2015.pdf>

BOULDER COUNTY BUILDSMART REQUIREMENTS: Please refer to the county’s adoption and amendments to Chapter 11 of the IRC, the county’s “BuildSmart” program, for the applicable requirements for energy conservation and sustainability for residential additions and new residential buildings. Please be aware that there are energy related requirements of this code that may require the use of renewable energy systems (such as rooftop solar systems) that will also need to be approved by your electric utility provider. In some cases, there may be limitations on the size of on-site systems allowed by your utility provider that could constrain the project

design. We strongly encourage discussions between the design team and the utility company as early in the process as possible in order to identify these constraints.

SPRINKLER REQUIREMENTS: Under the 2015 International Residential Code (“IRC”) as adopted by Boulder County, all new one- and two-family dwellings and townhouses are required to be equipped with an automatic fire sprinkler system that is designed and installed in accordance with NFPA 13D or IRC Section P2904.

DESIGN WIND AND SNOW LOADS: The design wind and ground snow loads for the property are 165 mph (Vult) and 50 psf, respectively.

TRANSFERABLE DEVELOPMENT CREDITS (TDC) REQUIREMENTS: Boulder County’s TDC program, effective August 8, 2008, requires that, in general, homeowners who wish to build residences with floor areas greater than 6,000 square feet in unincorporated Boulder County purchase TDC Certificates. Please be aware that it appears 1 development credit would be required for this proposed project. The actual number of development credits necessary will be determined during the building permit review, once the exact square footage of your project is calculated. The number of development credits you need to purchase will be based on the total residential floor area on your parcel, including the proposed project and all other existing residential floor area. The TDC Clearinghouse will provide you with information on Boulder County’s new TDC program, help you to obtain TDC Certificates for sale or purchase, and facilitate the market for TDCs. See <https://www.bouldercounty.org/property-and-land/land-use/planning/transferable-development-credits-tdc/marketplace/> for more information.

IGNITION-RESISTANT CONSTRUCTION AND DEFENSIBLE SPACE: Please refer to Section R327 of the Boulder County Building Code for wildfire hazard mitigation requirements, including ignition-resistant construction and defensible space.

ELECTRIC VEHICLE CHARGING: In addition to the one 125-volt receptacle outlet required for each car space by NEC Section 210.52(G)(1), every new garage or carport that is accessory to a one- or two-family dwelling or townhouse shall include at least one of the following, installed in accordance with the requirements of Article 625 of the Electrical Code: 1) A Level 2 (240-volt) electric vehicle charging receptacle outlet, or 2) Upgraded wiring to accommodate the future installation of a Level 2 (240-volt) electric vehicle charging receptacle outlet, or 3) Electrical conduit to allow ease of future installation of a Level 2 (240-volt) electric vehicle charging receptacle outlet.

PUBLIC HEALTH ONSITE WASTEWATER TREATMENT SYSTEM

REQUIREMENTS: An onsite wastewater treatment system (OWTS) permit has not been issued by Boulder County Public Health for this property. The owner or their agent (e.g., contractor) must apply for an OWTS permit, and the OWTS permit must be issued prior to installation and before a building permit can be obtained. The OWTS components must be installed, inspected and approved before a Certificate of Occupancy or Final Building Inspection approval will be issued by Community Planning and Permitting (CP&P).

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

BLASTING PLAN: From site observations, staff has noted that blasting may be required for initial excavation. The applicant provided geotechnical reports, dated November 22, 2023 and January 5, 2024 do not indicate that blasting will be necessary. If blasting is determined to be required, then all work must stop until a blasting plan, generated by a licensed explosive expert or blasting contractor, is submitted to the Community Planning & Permitting Department. The Community Planning & Permitting Department must be notified a minimum of 48 hours prior to blasting. In addition, all adjoining property owners within 1,500 feet of the site shall be notified 24 hours prior to blasting. This notification may consist of a phone call, door posting on respective premises, or any other means deemed acceptable to the Community Planning & Permitting Department.

JOBSITE WASTE REDUCTION & RECYCLING: All construction jobsite wood, scrap metal, cardboard, and concrete must be recycled. There are several means by which the existing residence may be removed, reused, and/or the building materials recycled. Please contact the [Resource Yard](#) at 303-419-5418 and the Building Safety & Inspection Services Team @ 303-441-3926 for more information on deconstruction, local deconstruction contractors, and reuse/recycling of building materials.

WATER QUALITY: A permit may be required from the Boulder County Health Department with regard to the Colorado Water Quality Act. Contact the CDPHE water quality Division to determine the applicable requirements at 303-441-1190. Verification of permit issuance must be provided to the Community Planning & Permitting Department prior to the issuance of any building or grading permits.

WELL CUTTINGS: The material that is generated from the construction of a water well may have an adverse impact on the local aesthetics and vegetation. This material should be contained in some manner, properly disposed in a landfill, or used as backfill for the foundation or in access drive construction.

SANITARY FACILITIES: Sanitary facilities must be provided during construction and shall consist of a portable chemical toilet fabricated from steel, fiberglass or wood. Each facility must be well ventilated, must conform to State law, and must have a vented chemical tank and a separate urinal.

FOUNTAINTREE HOMEOWNERS ASSOCIATION: Community Planning & Permitting staff are aware of that the Fountaintree HOA has purview over the subject parcel and the Fountaintree roadway, otherwise known as "Outlot A." It is the responsibility of the applicant to secure approval for the proposed development in accordance with the restrictive covenants of this HOA.



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306
303-441-3930 • www.BoulderCounty.gov

MEMO TO: County Health, and Parks Departments, FPD
FROM: Wesley Jefferies, Planner I
DATE: December 19, 2023
RE: Re-referral for Site Plan Review application SPR-22-0132

This proposal is being re-referred due to updated information, including updated access plans.

Docket SPR-22-0132: 530 Fountaintree LLC Residence

Request: Request to construct a 6,300 square-foot residence with a 653 square foot covered porch where the PSM is 6,530 square-feet at 530 Fountaintree Lane.
Location: 530 Fountaintree Lane, Section 14, Township 1N, Range 71W
Zoning: Forestry (F) Zoning District
Applicant: Eric Miska, Colorado View Properties, LLC
Owners: 530 Fountaintree LLC
Agent: Colin Ostman, Amble Architecture

Site Plan Review by the Boulder County Community Planning & Permitting Director is required for new building/grading/access or floodplain development permits in the plains and mountainous areas of unincorporated Boulder County. The subject review process considers potential significant impact to the ecosystem, surrounding land uses and infrastructure, and safety concerns due to natural hazards.

The Community Planning & Permitting staff values comments from individuals and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department at P.O. Box 471, Boulder, Colorado 80306 or via email to planner@bouldercounty.org. All comments will be made part of the public record and given to the applicant. Only a portion of the submitted documents may have been enclosed; you are welcome to call the Community Planning & Permitting Department at 303-441-3930 or email planner@bouldercounty.org to request more information.

IF YOU HAVE REPLIED TO THE ORIGINAL REFERRAL LETTER AND HAVE NO FURTHER COMMENTS, NO ACTION IS REQUIRED.

Please return responses to the above address by **January 8, 2024.**

We have reviewed the proposal and have no conflicts.
 Letter is enclosed.

Signed Name _____ Printed Name _____

Agency or Address _____

Date _____



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Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.BoulderCounty.org

MEMO TO: County Health and Parks Departments, FPD
FROM: Wesley Jefferies, Planner I
DATE: December 14, 2022
RE: Site Plan Review application SPR-22-0132

Docket SPR-22-0132: 530 Fountaintree Residence

Request: Request to construct a 6,300 square-foot residence with a 653 square foot covered porch where the PSM is 6,530 square-feet at 530 Fountaintree Lane.
Location: 530 Fountaintree Lane, Lot 7 Fountaintree, Section 14, Township 1N, Range 71W
Zoning: Forestry (F) Zoning District
Applicant: Eric Miska, Colorado View Properties, LLC
Property Owner: 530 Fountaintree LLC
Agent: Colin Ostman, Amble Architecture

Site Plan Review by the Boulder County Community Planning & Permitting Director is required for new building/grading/access or floodplain development permits in the plains and mountainous areas of unincorporated Boulder County. The subject review process considers potential significant impact to the ecosystem, surrounding land uses and infrastructure, and safety concerns due to natural hazards.

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Please return responses by **January 3, 2023**
(Please note that due to circumstances surrounding COVID-19, application timelines and deadlines may need to be modified as explained in the CPP Notice of Emergency Actions issued March 23, 2020 (see <https://boco.org/covid-19-cpp-notice-20200323>)).

We have reviewed the proposal and have no conflicts.
 Letter is enclosed.

Signed _____ PRINTED Name _____

Agency or Address _____



Boulder County Land Use Department

Courthouse Annex Building
 2045 13th Street • PO Box 471 • Boulder, Colorado 80302
 Phone: 303-441-3930
 Email: planner@bouldercounty.org
 Web: www.bouldercounty.org/lu
 Office Hours: Mon., Wed., Thurs., Fri. 8 a.m. to 4:30 p.m.
 Tuesday 10 a.m. to 4:30 p.m.

<i>Shaded Areas for Staff Use Only</i>
Intake Stamp

Planning Application Form

The Land Use Department maintains a submittal schedule for accepting applications. Planning applications are accepted on Mondays, by appointment only. Please call 303-441-3930 to schedule a submittal appointment.

Project Number		Project Name		
<input type="checkbox"/> Appeal <input type="checkbox"/> Correction Plat <input type="checkbox"/> Exemption Plat <input type="checkbox"/> Final Plat <input type="checkbox"/> Limited Impact Special Use <input type="checkbox"/> Limited Impact Special Use Waiver <input type="checkbox"/> Location and Extent		<input type="checkbox"/> Modification of Site Plan Review <input type="checkbox"/> Modification of Special Use <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Resubdivision (Replat) <input type="checkbox"/> Rezoning	<input type="checkbox"/> Road Name Change <input type="checkbox"/> Road/Easement Vacation <input checked="" type="checkbox"/> Site Plan Review <input type="checkbox"/> Site Plan Review Waiver <input type="checkbox"/> Sketch Plan <input type="checkbox"/> Special Use/SSDP	<input type="checkbox"/> Special Use (Oil & Gas development) <input type="checkbox"/> State Interest Review (1041) <input type="checkbox"/> Subdivision Exemption <input type="checkbox"/> Variance <input type="checkbox"/> Other:
Location(s)/Street Address(es) 530 Fountaintree Lane				
Subdivision Name Fountaintree - BOV				
Lot(s) Lot 7	Block(s)	Section(s) 14	Township(s) 1N	Range(s) 71
Area in Acres 1.77	Existing Zoning F-Forestry	Existing Use of Property Vacant		Number of Proposed Lots 1
Proposed Water Supply		Proposed Sewage Disposal Method Septic		

Applicants:

Applicant/Property Owner Colorado View Properties, LLC		Email erikmiska@yahoo.com		
Mailing Address 630 N Cedar Brook Rd				
City Boulder	State CO	Zip Code 80304	Phone 305-319-1121	
Applicant/Property Owner/Agent/Consultant Amble Architecture		Email info@amblearchitecture.com		
Mailing Address 1212 Walnut Street				
City Loveland	State CO	Zip Code 80537	Phone 720-443-1459	
Agent/Consultant		Email		
Mailing Address				
City	State	Zip Code	Phone	

Certification (Please refer to the Regulations and Application Submittal Package for complete application requirements.)

I certify that I am signing this Application Form as an owner of record of the property included in the Application. I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. I understand that all materials required by Boulder County must be submitted prior to having this matter processed. I understand that public hearings or meetings may be required. I understand that I must sign an Agreement of Payment for Application processing fees, and that additional fees or materials may be required as a result of considerations which may arise in the processing of this docket. I understand that the road, school, and park dedications may be required as a condition of approval.

I understand that I am consenting to allow the County Staff involved in this application or their designees to enter onto and inspect the subject property at any reasonable time, without obtaining any prior consent.

All landowners are required to sign application. If additional space is needed, attach additional sheet signed and dated.

Signature of Property Owner 	Printed Name Ron Claman	Date 12-09-22
Signature of Property Owner	Printed Name	Date

The Land Use Director may waive the landowner signature requirement for good cause, under the applicable provisions of the Land Use Code.



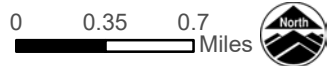
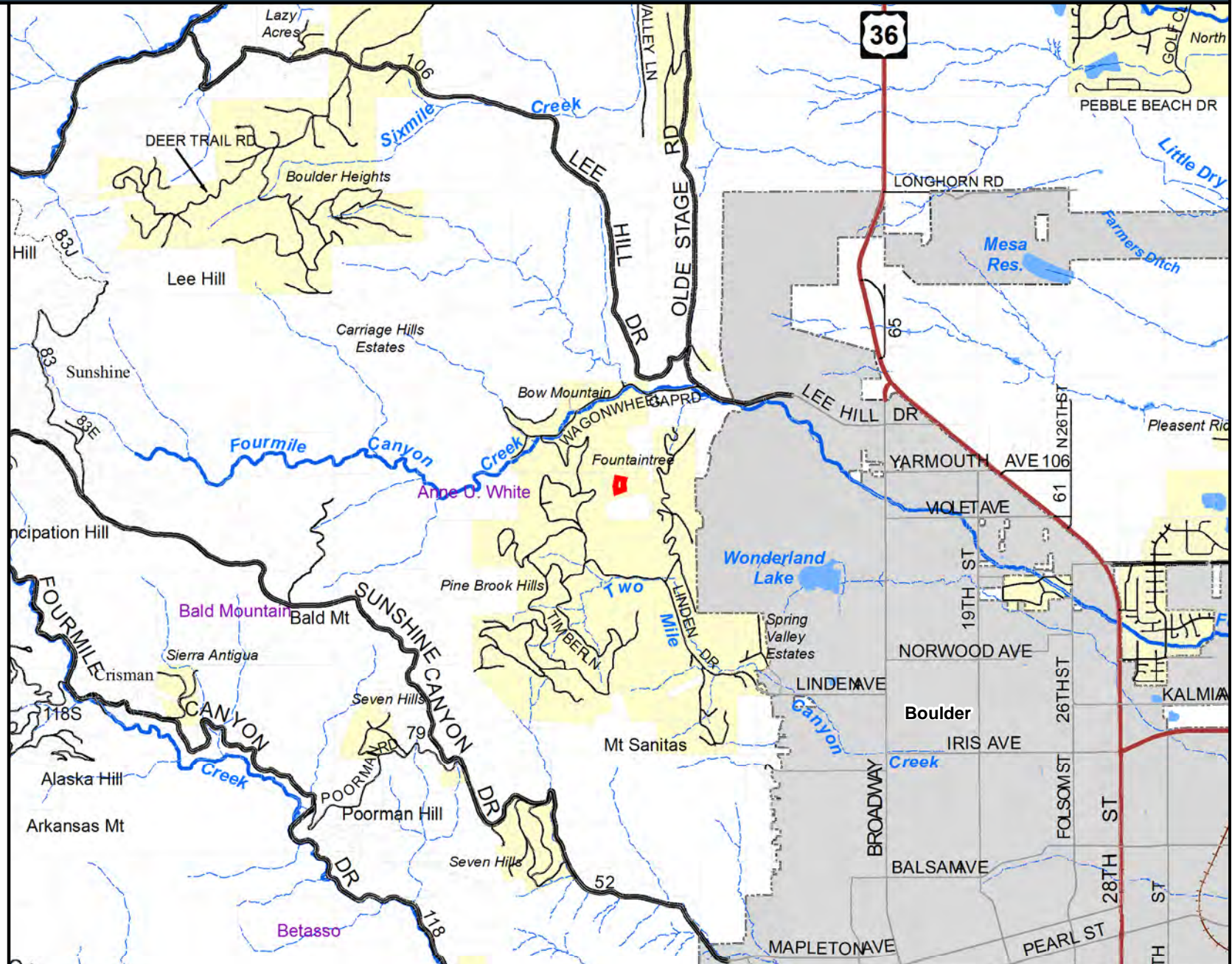
Community Planning & Permitting

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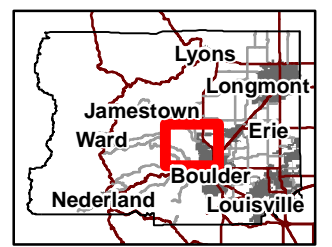
Vicinity

530 FOUNTAINTREE LN

- Subject Parcel
- Municipalities
- Subdivisions**
- Subdivisions



Area of Detail Date: 4/14/2022



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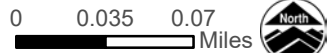
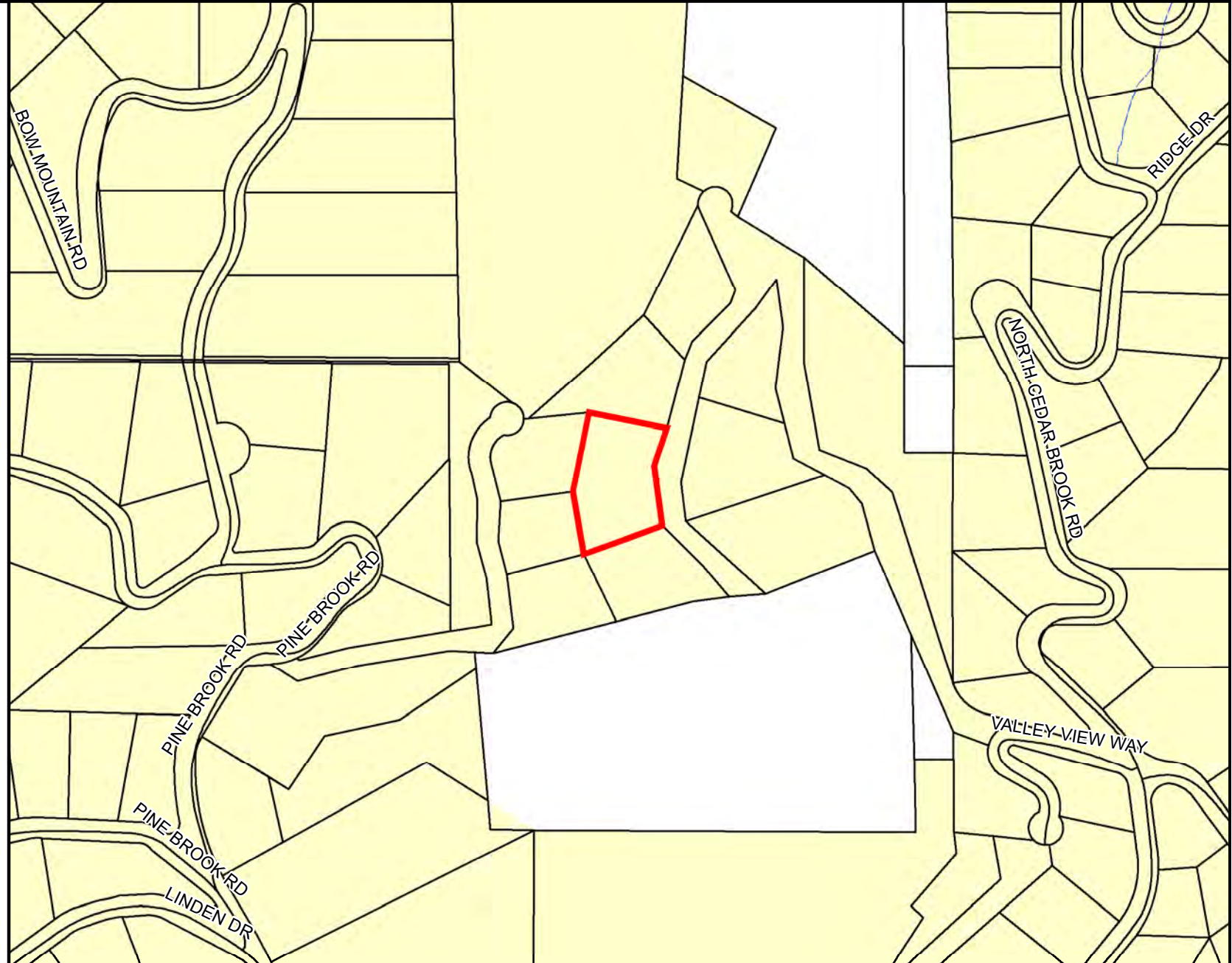
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530 FOUNTAINTREE LN

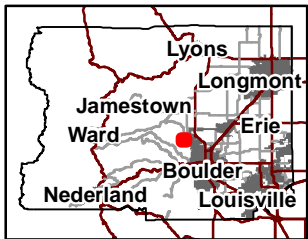
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Subdivisions

Subdivisions



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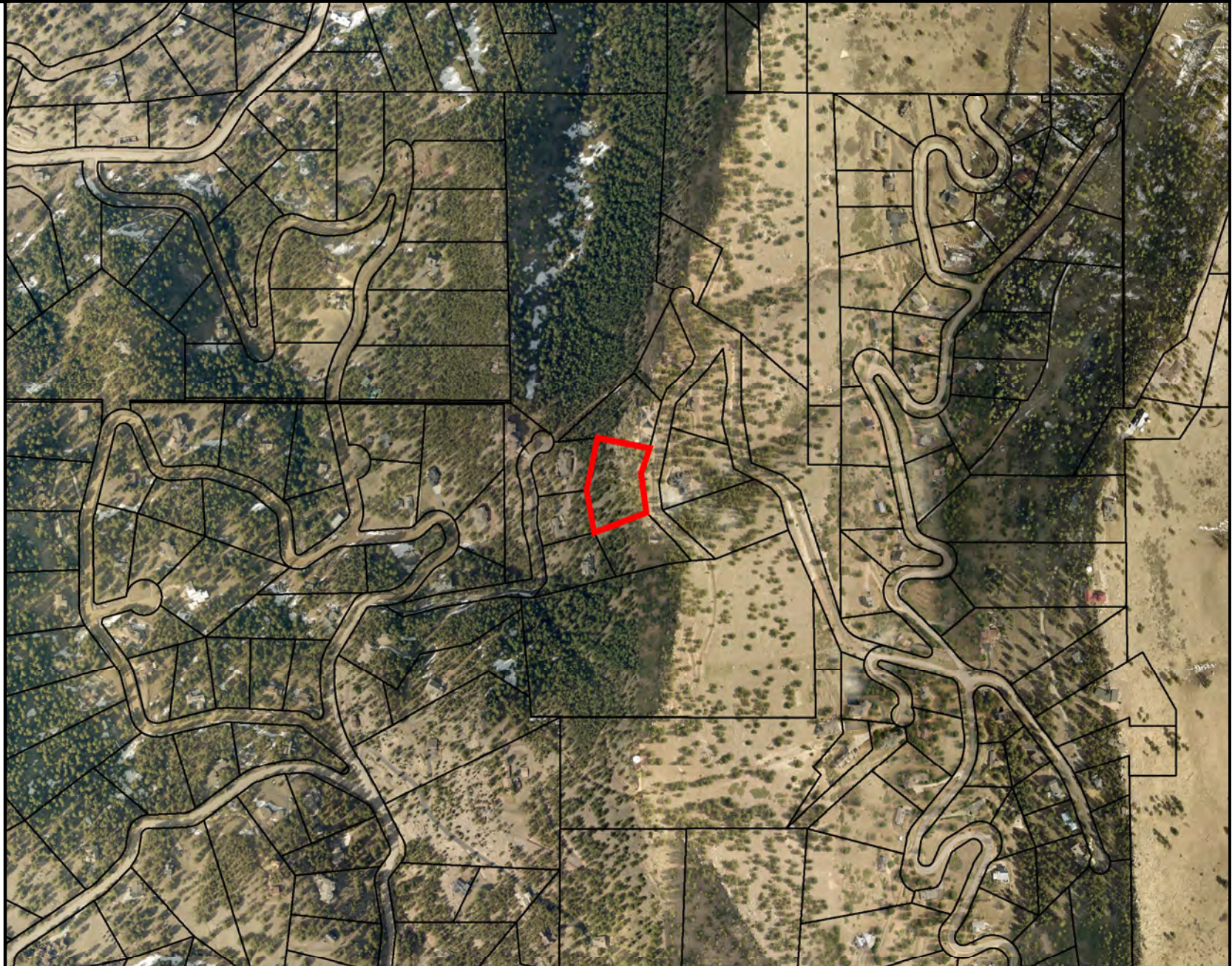
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Aerial

530 FOUNTAINTREE LN

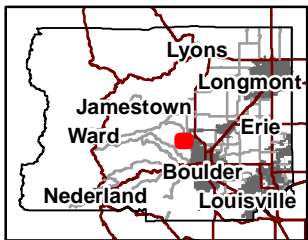
 Subject Parcel



0 0.05 0.1 Miles



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Aerial

530 FOUNTAINTREE LN

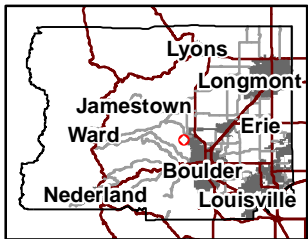
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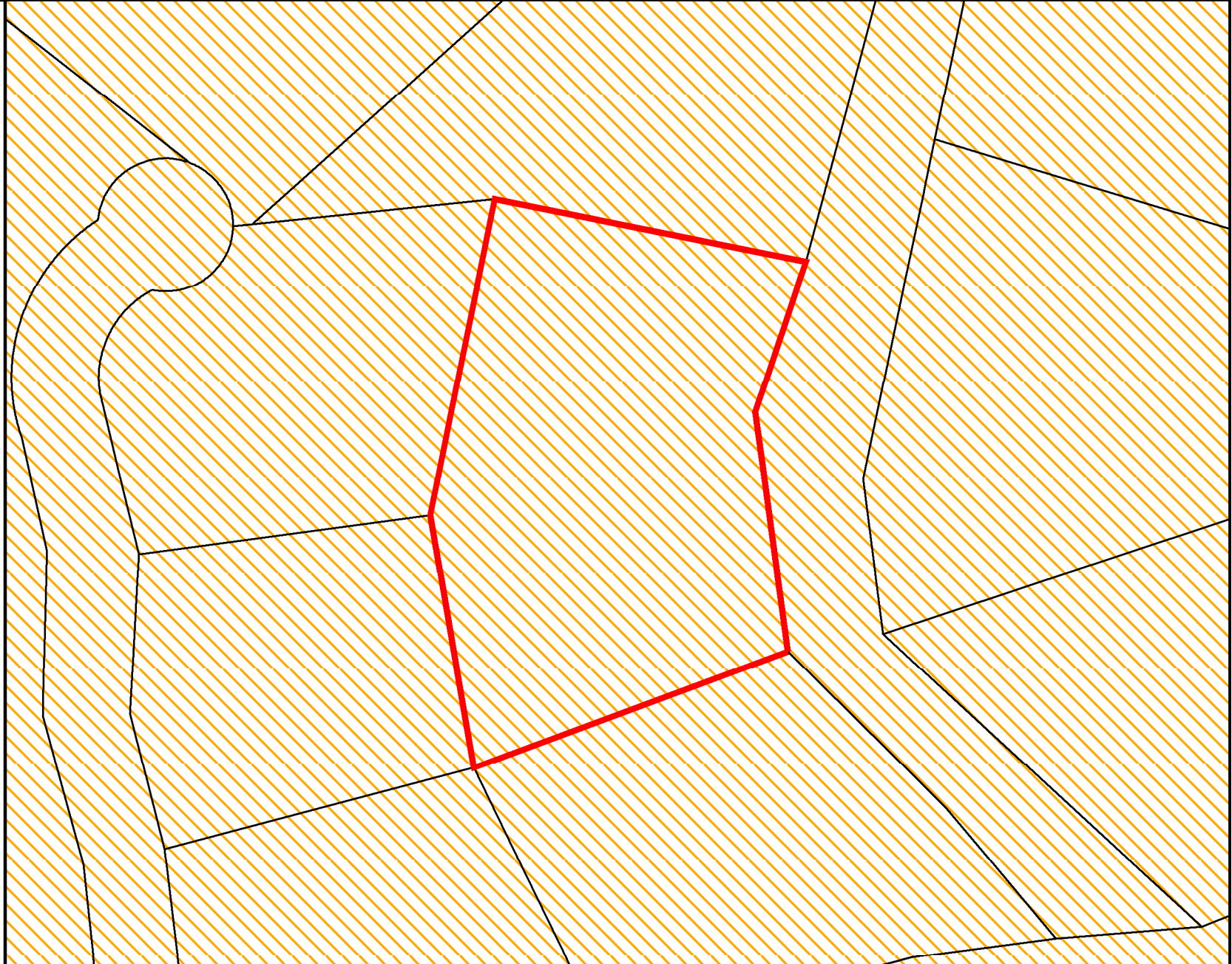
Comprehensive Plan

530 FOUNTAINTREE LN

 Subject Parcel

Archaeologically Sensitive Areas

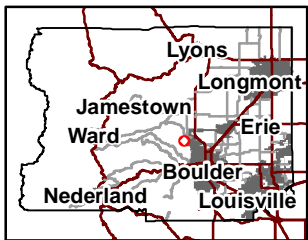
 Archeologically Sensitive Areas



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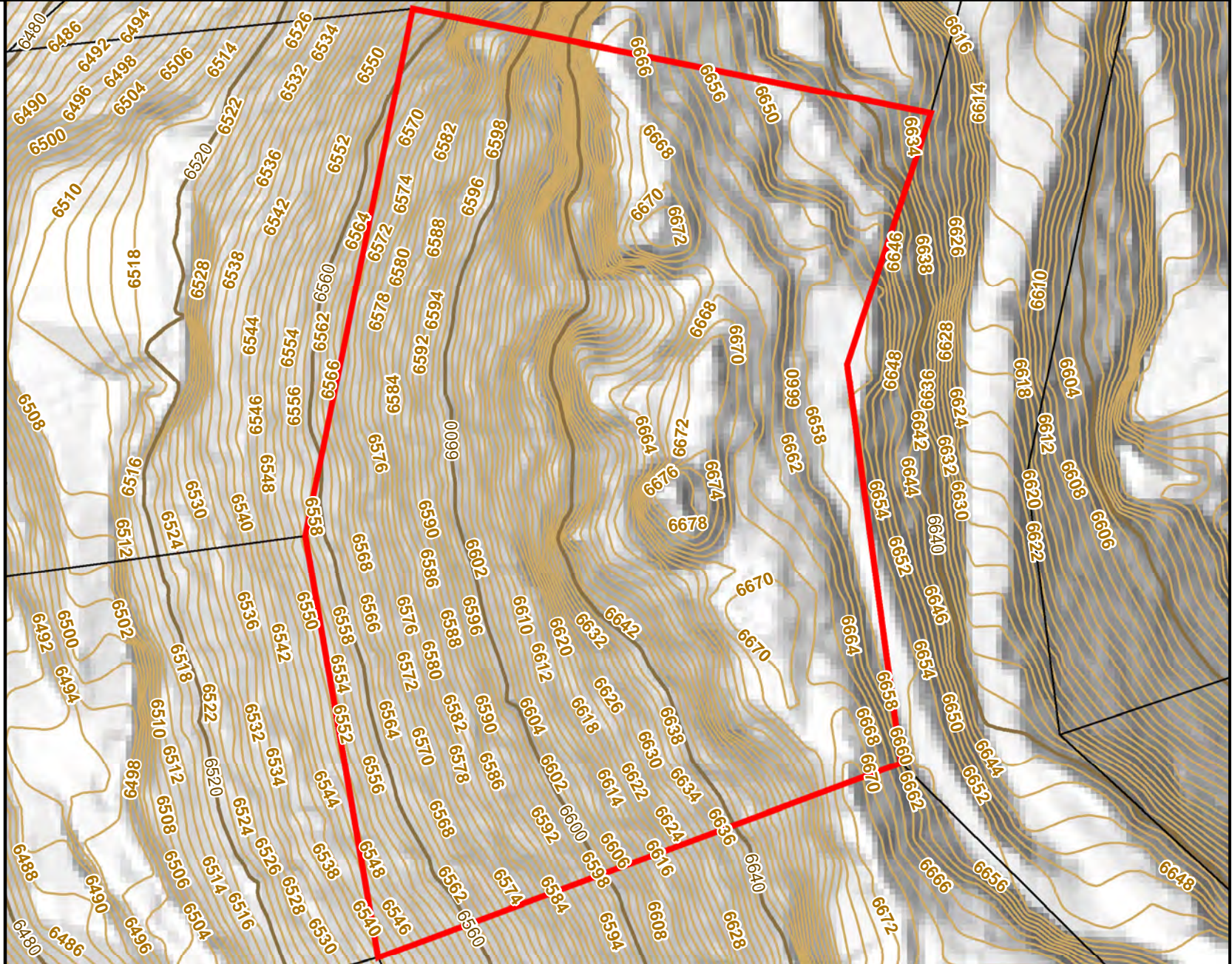
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Elevation Contours

530 FOUNTAINTREE LN

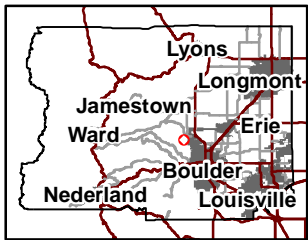
- Subject Parcel
- Contours 40'
- Contours 2'



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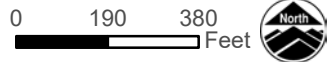
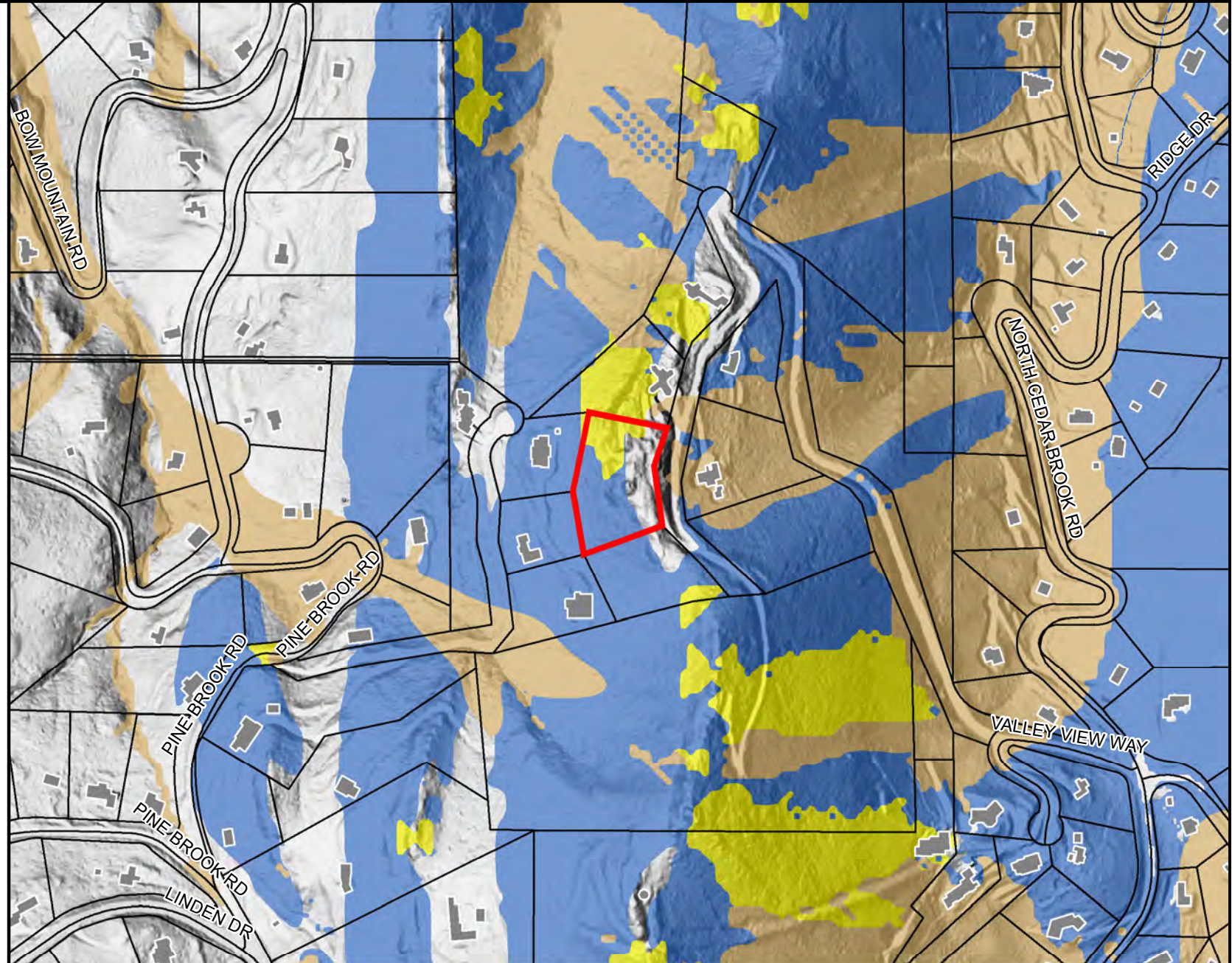
Community Planning & Permitting

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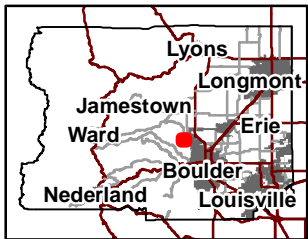
Geologic Hazards

530 FOUNTAINTREE LN

 Subject Parcel



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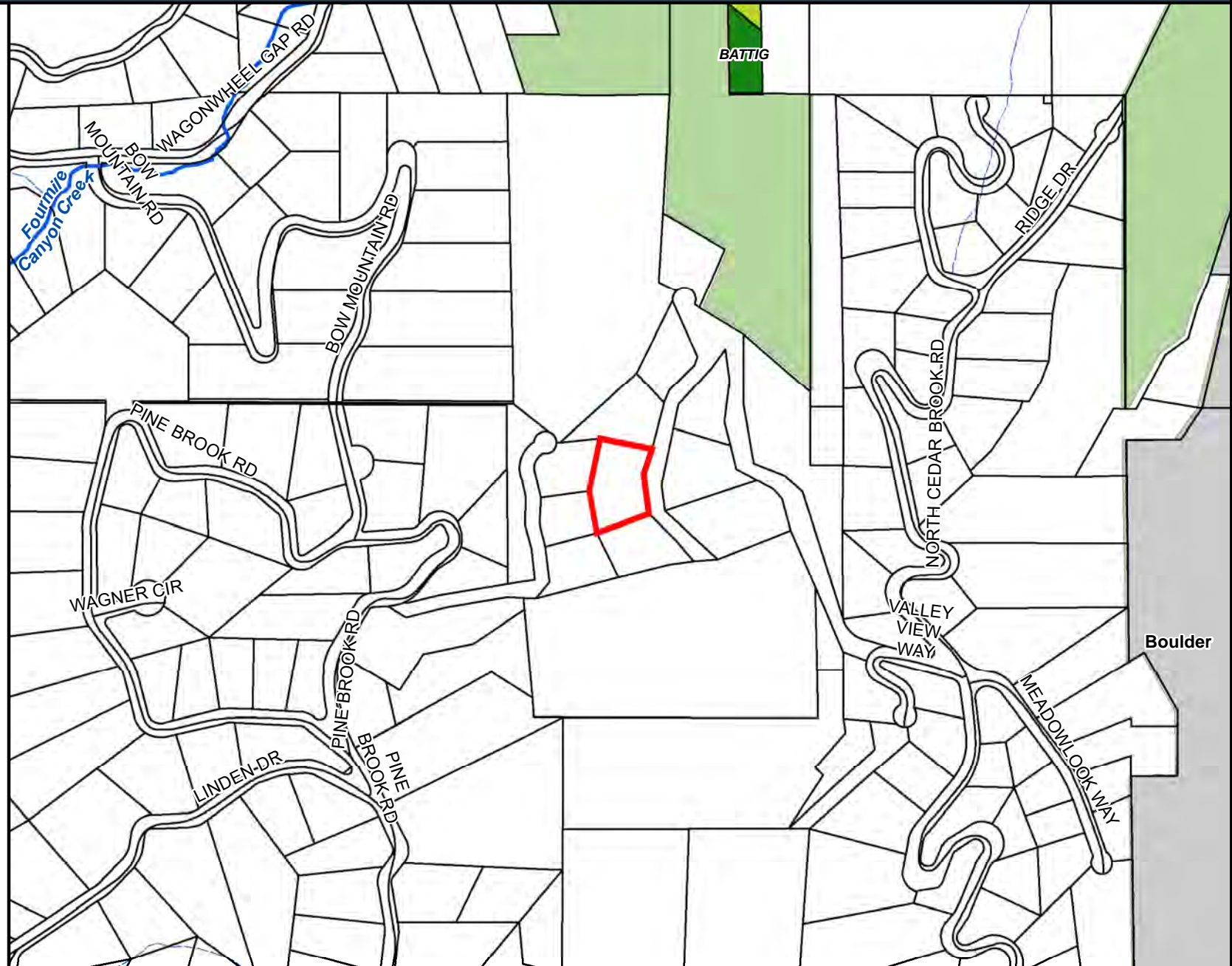
Public Lands & CEs

530 FOUNTAINTREE LN

 Subject Parcel

Boulder County Open Space

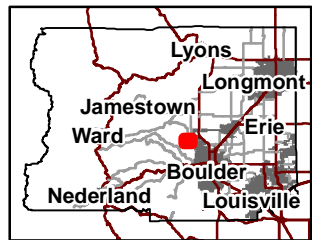
-  County Open Space
-  County Conservation Easement
-  OSMP Properties



0 0.05 0.1 Miles



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Community Planning & Permitting

2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

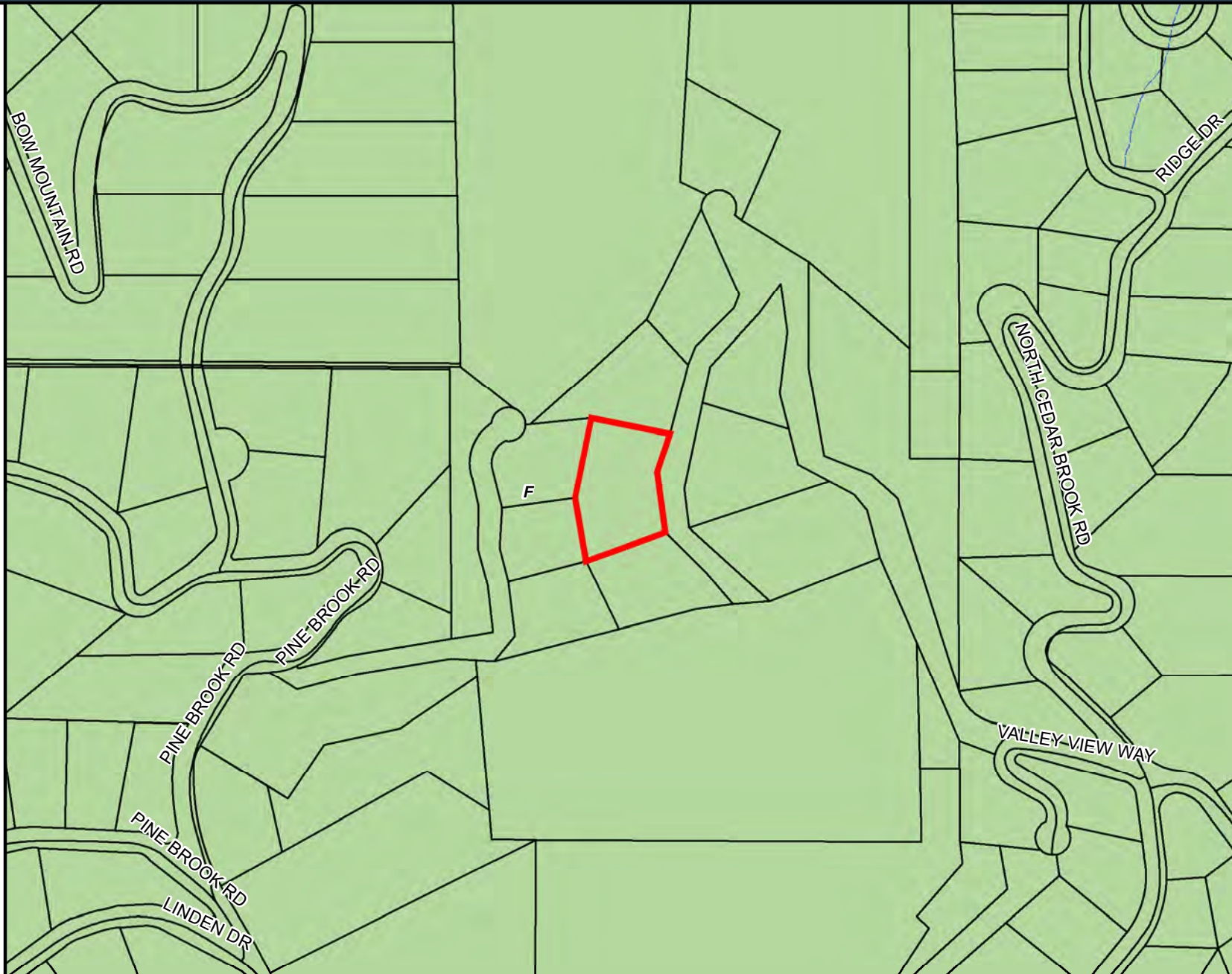
Zoning

530 FOUNTAINTREE LN

Subject Parcel

Zoning Districts

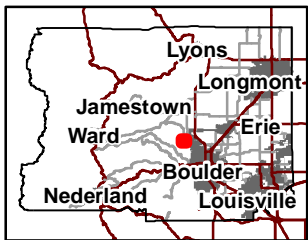
Forestry



0 0.035 0.07 Miles



Area of Detail Date: 4/14/2022



The user agrees to all Terms of Use set forth by Boulder County. For Terms of Use, please visit: www.bouldercounty.org/mapdisclaimer

Site Plan Review Fact Sheet

The applicant(s) is/are required to complete each section of this Site Plan Review (SPR) Fact Sheet even if the information is duplicated elsewhere in the SPR application. Completed Fact Sheets reduce the application review time which helps expedite the Director's Determination. Please make duplicates of this SPR Fact Sheet if the project involves more than two structures.

Structure #1 Information

Type of Structure: (e.g. residence, studio, barn, etc.)		Single-Family Residence			
Total Existing Floor Area: (Finished + Unfinished square feet including garage if attached.)		0	Deconstruction:		0
		sq. ft.			sq. ft.
Are new floor areas being proposed where demolition will occur? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (include the new floor area square footage in the table below)					
Proposed Floor Area (New Construction Only)				<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Non-Residential	
	Finished	Unfinished	Total	Height (above existing grade)	
Basement:	0	0	0	28' - 5"	
(Driveway level, walk-out basement) First Floor:	2,802	0	2,802	Exterior Wall Material	Metal
Second Floor:	2,736	0	2,736	Exterior Wall Color	Black
Garage: <input type="checkbox"/> Detached <input checked="" type="checkbox"/> Attached	762	0	762	Roofing Material	Membrane / Planted
*Covered Porch:	653	0	653	Roofing Color	Black
Total:	6,953	0	6,953	Total Bedrooms	5
	sq. ft.	sq. ft.	sq. ft.		

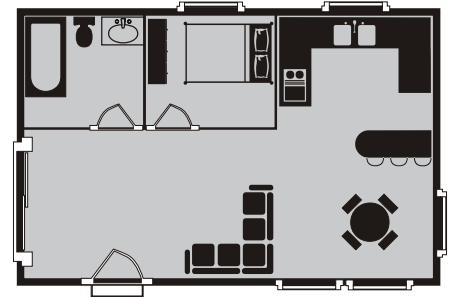
Structure #2 Information

Type of Structure: (e.g. residence, studio, barn, etc.)		N/A			
Total Existing Floor Area: (Finished + Unfinished square feet including garage if attached.)			Deconstruction:		
		sq. ft.			sq. ft.
Are new floor areas being proposed where demolition will occur? <input type="checkbox"/> No <input type="checkbox"/> Yes (include the new floor area square footage in the table below)					
Proposed Floor Area (New Construction Only)				<input type="checkbox"/> Residential <input type="checkbox"/> Non-Residential	
	Finished	Unfinished	Total	Height (above existing grade)	
Basement:	sq. ft.	sq. ft.	sq. ft.		
First Floor:	sq. ft.	sq. ft.	sq. ft.	Exterior Wall Material	
Second Floor:	sq. ft.	sq. ft.	sq. ft.	Exterior Wall Color	
Garage: <input type="checkbox"/> Detached <input type="checkbox"/> Attached	sq. ft.	sq. ft.	sq. ft.	Roofing Material	
*Covered Porch:	sq. ft.	sq. ft.	sq. ft.	Roofing Color	
Total:	sq. ft.	sq. ft.	sq. ft.	Total Bedrooms	

Project Identification:	
Project Name:	530 Fountaintree
Property Address/Location:	530 Fountaintree Ln, Boulder, 80304
Current Owner:	Ron Claman
Size of Property in Acres:	1.77 AC

Determining Floor Area

Floor Area is measured in terms of square feet. The total square footage is as everything within the exterior face of the exterior walls including garages and basements. **Covered porch area that is attached to the principal structure is not included (see Article 18-131A).** The shaded area on the diagram indicates the area counted as square feet.



Residential vs. Non-Residential Floor Area

Residential Floor Area includes all attached and detached floor area (as defined in Article 18-162) on a parcel, including principal and accessory structures used or customarily used for residential purposes, such as garages, studios, pool houses, home offices and workshops. Gazebos and carports up to a total combined size of 400 square feet are exempt. Barns used for agricultural purposes are not considered residential floor area.

Note: If an existing wall(s) and/or roof(s) are removed and a new wall(s)/roof(s) are constructed, the associated floor area due to the new wall(s)/roof(s) are considered new construction and must be included in the calculation of floor area for the Site Plan Review and shown on this Fact Sheet.

If a Limited Impact Special Review is required, then call 303-441-3930 and ask for a new Pre-Application conference for the Limited Impact Special Review.

*See Article 18-131A for definition of covered porch.

Grading Calculation

Cut and fill calculations are necessary to evaluate the disturbance of a project and to verify whether or not a Limited Impact Special Review is required. Limited Impact Special Review is required when grading for a project involves more than 500 cubic yards (minus normal cut/fill and backfill contained within the foundation footprint).

If grading totals are close to the 500 yard trigger, additional information may be required, such as a grading plan stamped by a Colorado Registered Professional Engineer.

Earth Work and Grading

This worksheet is to help you accurately determine the amount of grading for the property in accordance with the Boulder County Land Use Code. Please fill in all applicable boxes.

Note: Applicant(s) must fill in the shaded boxes even though foundation work does not contribute toward the 500 cubic yard trigger requiring Limited Impact Special Use Review. Also, all areas of earthwork must be represented on the site plan.

Earth Work and Grading Worksheet:

	Cut	Fill	Subtotal
Driveway and Parking Areas	325.25 cu yd	88.31 cu yd	413.56 cu yd
Berm(s)	0	0	0
Other Grading	0	0	0
Subtotal	325.25 cu yd	88.31 cu yd	413.56 cu yd <small>Box 1</small>

* If the total in Box 1 is greater than 500 cubic yards, then a Limited Impact Special Review is required.

	Cut	Fill	Total
Foundation	1,500 cu yd	65 cu yd	1,565 cu yd
Material cut from foundation excavation to be removed from the property			1,435 cu yd

Excess Material will be Transported to the Following Location:

Excess Materials Transport Location:	Erie Landfill

Narrative

Use this space to describe any special circumstances that you feel the Land Use Office should be aware of when reviewing your application, including discussion regarding any factors (listed in Article 4-806.2.b.i) used to demonstrate that the presumptive size limitation does not adequately address the size compatibility of the proposed development with the defined neighborhood. If more room is needed, feel free to attach a separate sheet.

This new single-family home has been designed to integrate into the landscape with minimal site disturbance and utilize an existing rough driveway. The home wraps around and weaves through existing rock outcroppings to preserve the ridge-line, and its low profile blends into the landscape instead of projecting high above the ridge as the height limit allows. A large part of the roof system is a green living roof garden, and exterior materials consist of dark and earth tone colors, to further blend the home into the natural surroundings."

Is Your Property Gated and Locked?

Note: If county personnel cannot access the property, then it could cause delays in reviewing your application.

Certification

I certify that the information submitted is complete and correct. I agree to clearly identify the property (if not already addressed) and stake the location of the improvements on the site within four days of submitting this application. I understand that the intent of the Site Plan Review process is to address the impacts of location and type of structures, and that modifications may be required. Site work will not be done prior to issuance of a Grading or Building Permit.

Signature <i>Colin Ostman</i>	Print Name Colin Ostman	Date 12/12/2022
-------------------------------	-------------------------	-----------------



FOUNTAINTREE
530 FOUNTAINTREE LN
BOULDER, CO 80304

SPR.2

EXISTING SITE PLAN

ISSUED: 12/12/2022

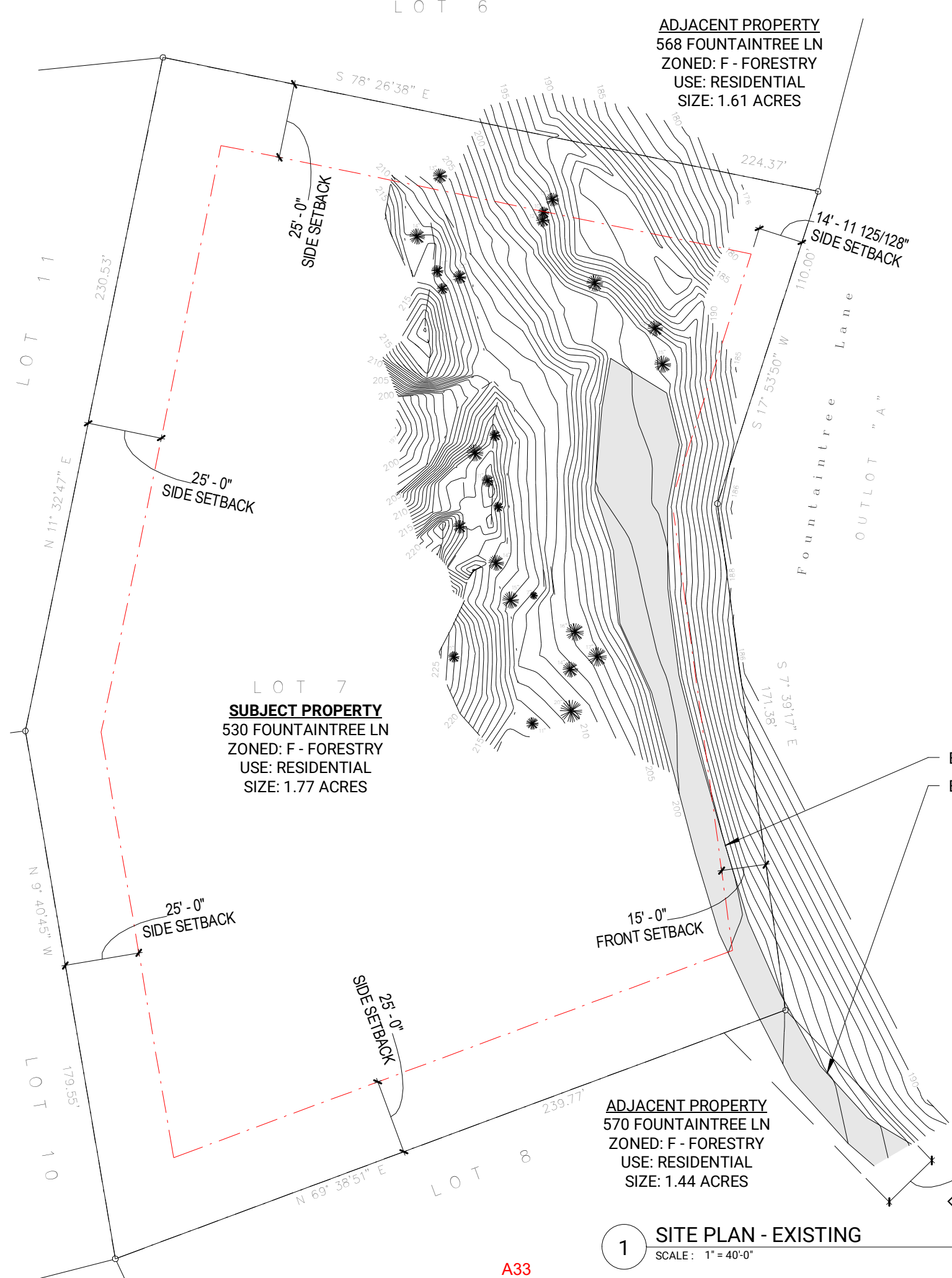
ADJACENT PROPERTY
228 WILDWOOD LN
ZONED: F - FORESTRY
USE: RESIDENTIAL
SIZE: 1.17 ACRES

ADJACENT PROPERTY
236 WILDWOOD LN
ZONED: F - FORESTRY
USE: RESIDENTIAL
SIZE: 1.00 ACRES

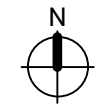
ADJACENT PROPERTY
568 FOUNTAINTREE LN
ZONED: F - FORESTRY
USE: RESIDENTIAL
SIZE: 1.61 ACRES

ADJACENT PROPERTY
570 FOUNTAINTREE LN
ZONED: F - FORESTRY
USE: RESIDENTIAL
SIZE: 1.44 ACRES

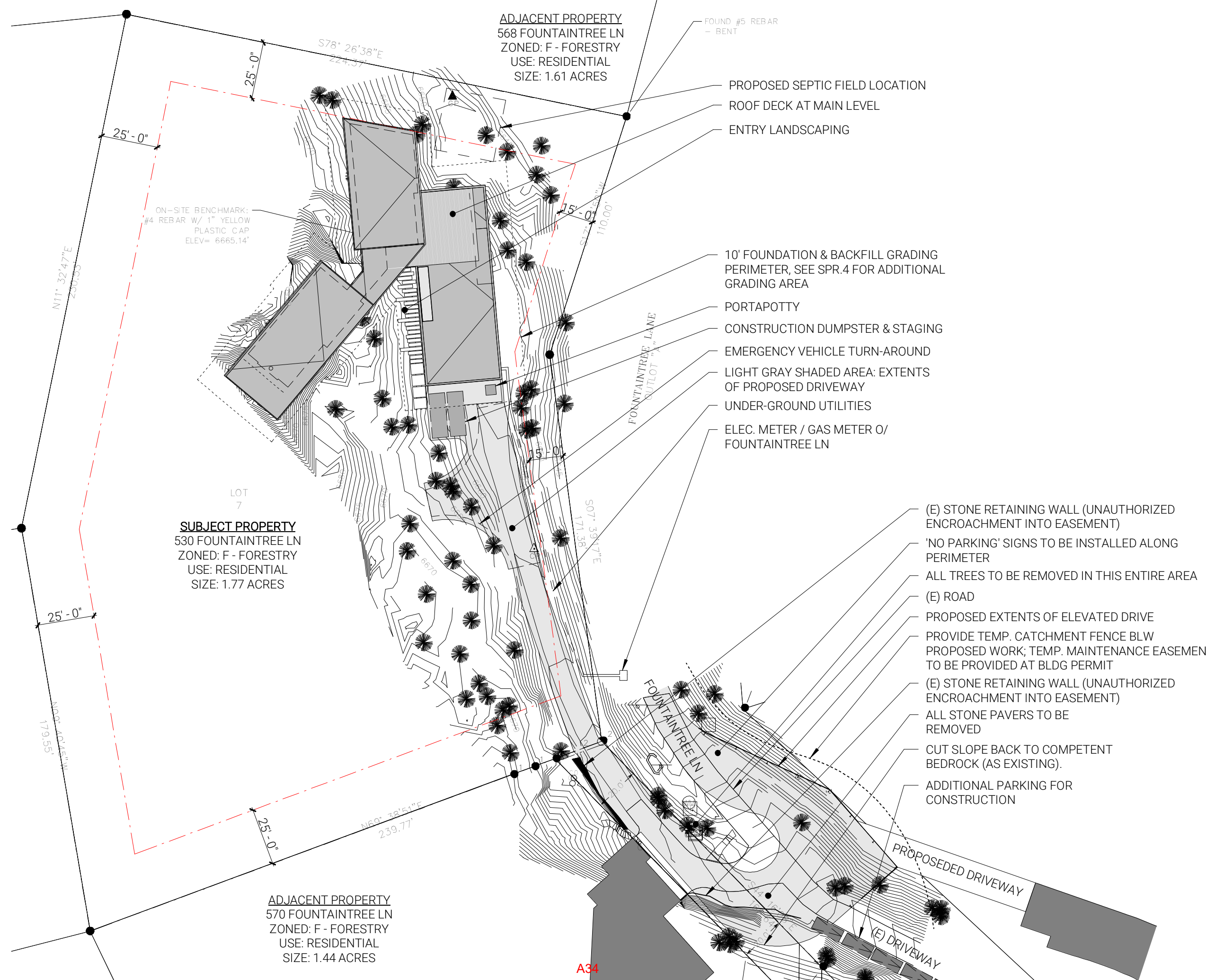
LOT 7
SUBJECT PROPERTY
530 FOUNTAINTREE LN
ZONED: F - FORESTRY
USE: RESIDENTIAL
SIZE: 1.77 ACRES



1 SITE PLAN - EXISTING
SCALE: 1" = 40'-0"



A33



ADJACENT PROPERTY
228 WILDWOOD LN
ZONED: F - FORESTRY
USE: RESIDENTIAL
SIZE: 1.17 ACRES

ON-SITE BENCHMARK:
#4 REBAR W/ 1" YELLOW
PLASTIC CAP
ELEV= 6665.14'

LOT 7
SUBJECT PROPERTY
530 FOUNTAINTREE LN
ZONED: F - FORESTRY
USE: RESIDENTIAL
SIZE: 1.77 ACRES

ADJACENT PROPERTY
236 WILDWOOD LN
ZONED: F - FORESTRY
USE: RESIDENTIAL
SIZE: 1.00 ACRES

ADJACENT PROPERTY
570 FOUNTAINTREE LN
ZONED: F - FORESTRY
USE: RESIDENTIAL
SIZE: 1.44 ACRES

ADJACENT PROPERTY
568 FOUNTAINTREE LN
ZONED: F - FORESTRY
USE: RESIDENTIAL
SIZE: 1.61 ACRES

- FOUND #5 REBAR - BENT
- PROPOSED SEPTIC FIELD LOCATION
- ROOF DECK AT MAIN LEVEL
- ENTRY LANDSCAPING

- 10' FOUNDATION & BACKFILL GRADING PERIMETER, SEE SPR.4 FOR ADDITIONAL GRADING AREA
- PORTAPOTTY
- CONSTRUCTION DUMPSTER & STAGING
- EMERGENCY VEHICLE TURN-AROUND
- LIGHT GRAY SHADED AREA: EXTENTS OF PROPOSED DRIVEWAY
- UNDER-GROUND UTILITIES
- ELEC. METER / GAS METER O/ FOUNTAINTREE LN

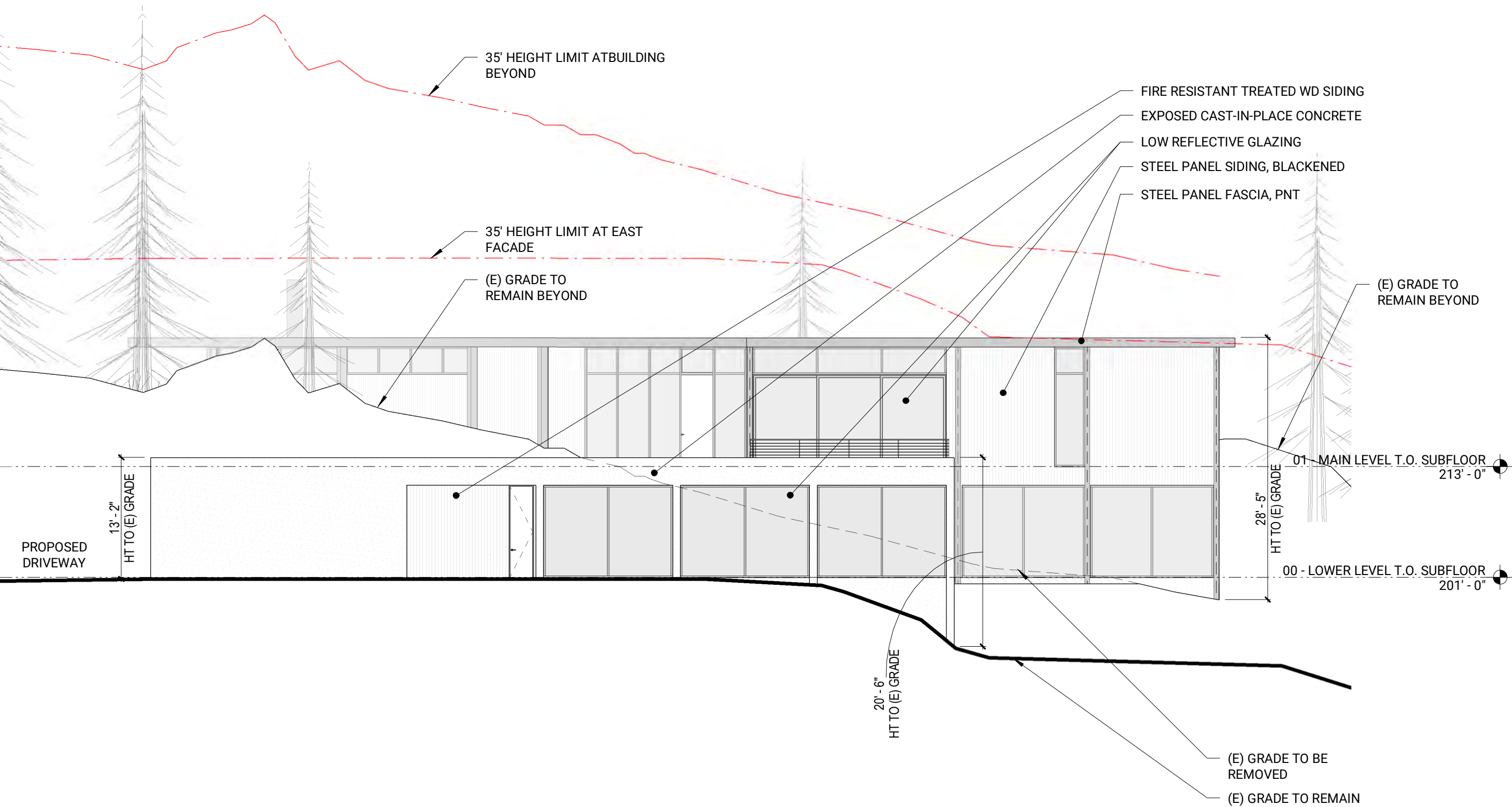
- (E) STONE RETAINING WALL (UNAUTHORIZED ENCROACHMENT INTO EASEMENT)
- 'NO PARKING' SIGNS TO BE INSTALLED ALONG PERIMETER
- ALL TREES TO BE REMOVED IN THIS ENTIRE AREA
- (E) ROAD
- PROPOSED EXTENTS OF ELEVATED DRIVE
- PROVIDE TEMP. CATCHMENT FENCE BLW PROPOSED WORK; TEMP. MAINTENANCE EASEMENT TO BE PROVIDED AT BLDG PERMIT
- (E) STONE RETAINING WALL (UNAUTHORIZED ENCROACHMENT INTO EASEMENT)
- ALL STONE PAVERS TO BE REMOVED
- CUT SLOPE BACK TO COMPETENT BEDROCK (AS EXISTING).
- ADDITIONAL PARKING FOR CONSTRUCTION

FOUNTAINTREE
530 Fountaintree Ln
Boulder, CO 80304

SPR.3

PROPOSED SITE PLAN

ISSUED: 11/29/2023



FOUNTAIN TREE
 530 FOUNTAIN TREE LN
 BOULDER, CO 80304

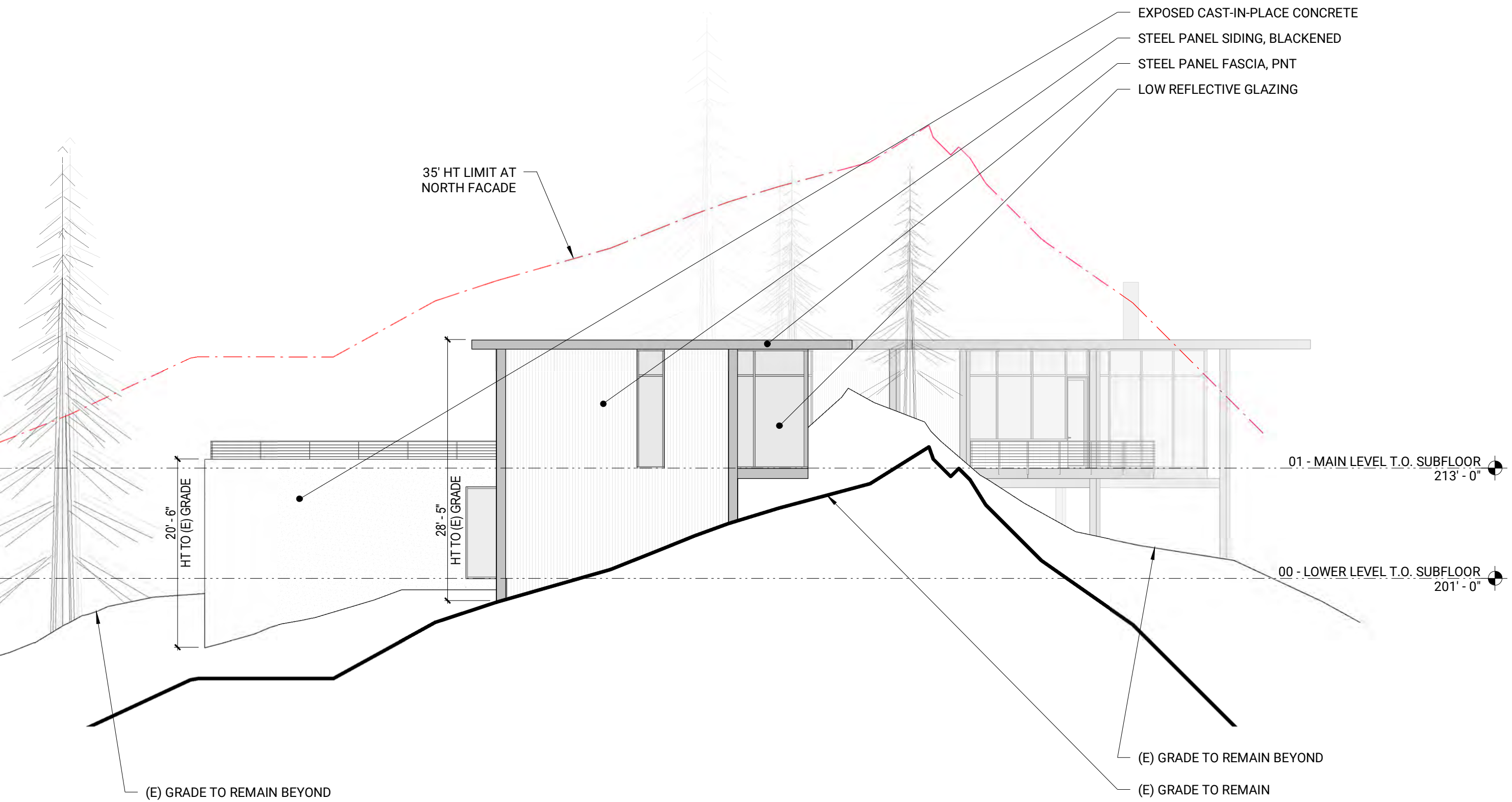
SPR.5

ELEVATIONS

ISSUED: 12/12/2022

1 EAST ELEVATION
 SCALE: 3/32" = 1'-0"

A35



FOUNTAINTREE
 530 FOUNTAINTREE LN
 BOULDER, CO 80304

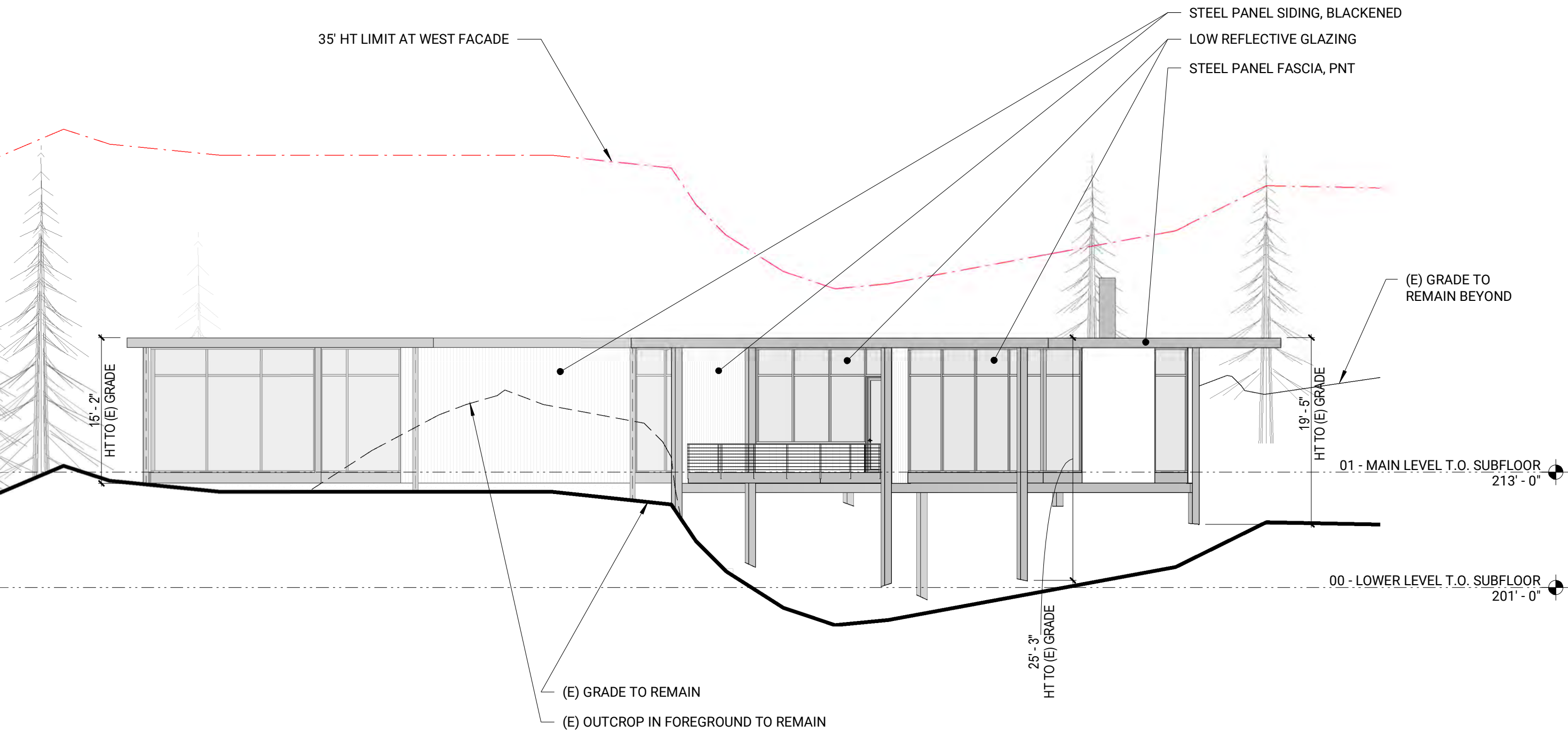
SPR.6

ELEVATIONS

ISSUED: 12/12/2022

1 NORTH ELEVATION
 SCALE: 3/32" = 1'-0"

A36



FOUNTAIN TREE
 530 FOUNTAIN TREE LN
 BOULDER, CO 80304

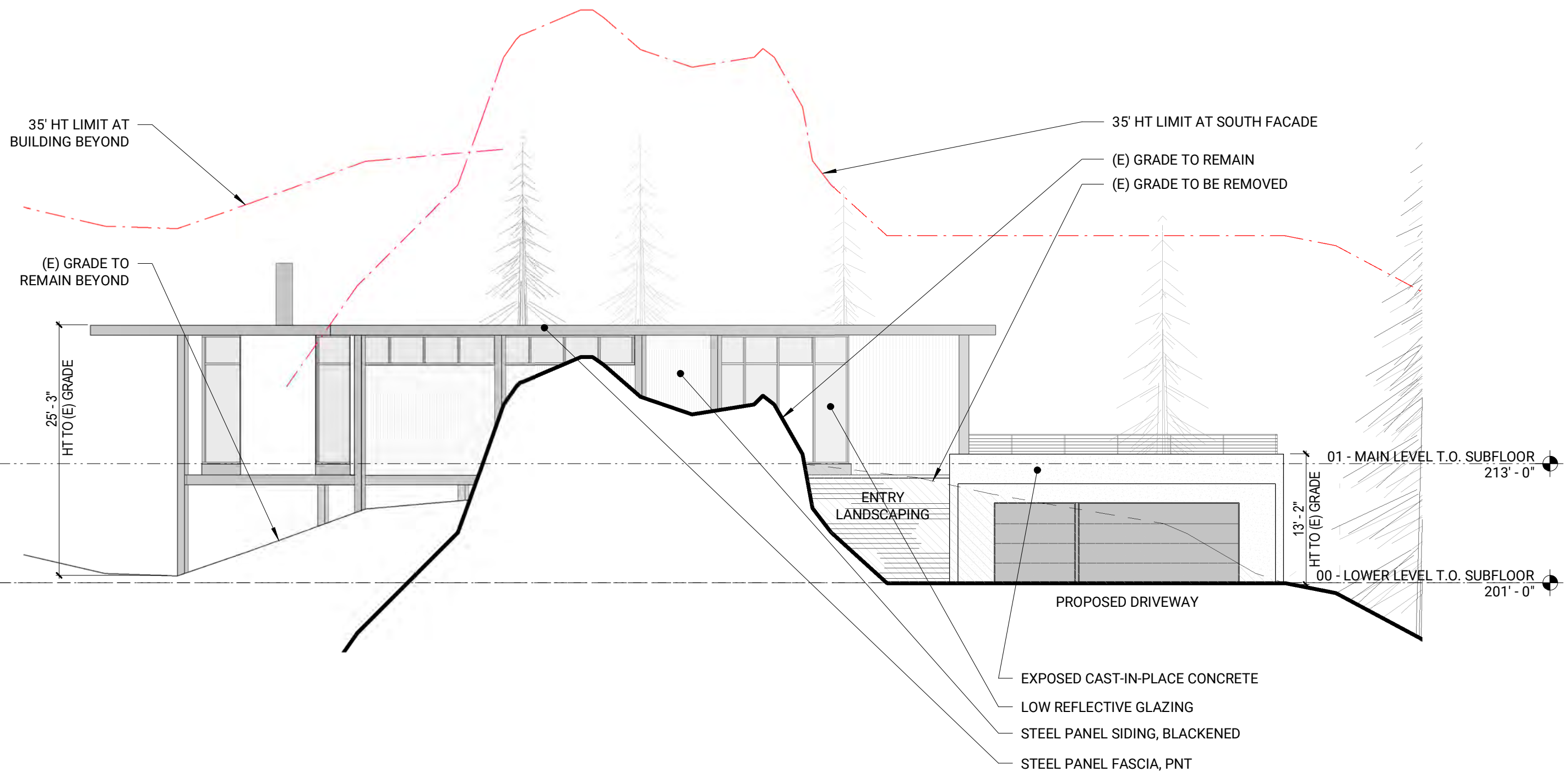
SPR.7

ELEVATIONS

ISSUED: 12/12/2022

1 WEST ELEVATION
 SCALE: 3/32" = 1'-0"

A37



FOUNTAIN TREE
 530 FOUNTAIN TREE LN
 BOULDER, CO 80304

SPR.8

ELEVATIONS

ISSUED: 12/12/2022

1 SOUTH ELEVATION - SPR
 SCALE: 3/32" = 1'-0"



November 22, 2023

Silver Lining Builder

Attn: Isaac Savitz

Via email only: isaac@silverliningbuilders.com

Project: 23253

Dear Isaac Savitz:

On September 20, 2023, a representative of GeoMet Engineering, Inc. observed the digging of one (1) test pit that was completed for the proposed new residence to replace the existing residence at 530 Fountaintree Lane in Boulder County, Colorado.

The test pit revealed a relatively thin layer of topsoil, approximately ½ foot thick. Brown sandy clay to clayey sand with gravel was encountered beneath the topsoil and extended to an approximate depth of 4 feet. Decomposing granite bedrock consisting of light brown to brown silty granitic sand with gravel and cobbles was encountered beneath the surficial soils and extended to a depth of approximately 4 feet. The test pit was terminated at about 5 feet due to digging refusal on competent granite bedrock.

Decomposed granitic soils and granite bedrock are very stable and have excellent bearing capacity. Therefore, it is our opinion that the new residence can be supported on footings, either continuous spread footings or isolated pad footings, founded on the decomposing granitic soils or weathered granite bedrock, utilizing a uniform soil bearing pressure not to exceed 2,500 psf (pounds per square foot). The loadings should be based on the dead load plus 100% of the maximum anticipated live load. It is possible, but not probable, that blasting will be required to complete the excavation, in some areas, if the excavation is deep. Please note that we do not recommend that any footings be placed on over-blasted, displaced materials. Any over-blasted, displaced materials should be removed, down to the native, undisturbed bedrock prior to placing any footings. Also, note that we do not recommend that any footings be placed on topsoil or any areas where root masses may be present.

The footing lines should be carefully inspected by an engineer from our office prior to placement of the footings. All footings should be placed below any fill, topsoil, or clayey soils (as discussed above). The footings should also be placed deep enough for frost protection. Any areas of soft or loose soil, which are present at the proposed footing level,

should be removed down to acceptable undisturbed soils. Footings can then be placed directly upon the acceptable soils, or the excavation can be backfilled to the desired footing elevation with compacted, select granular fill placed in lifts not to exceed 9 inches in thickness and compacted to a minimum of 100% of maximum density as determined by the moisture/density relationship ASTM D698.

Foundation walls supported by footings should be designed as grade beams capable of spanning a minimum distance of 12 feet. The amount of reinforcing steel used should not be less than #5 bars, both top and bottom of the foundation wall. Reinforcement should be continuous around corners. Differential settlement will be minimized by proper reinforcement of foundation walls.

The soils anticipated to be beneath any slabs-on-grade are anticipated to be very stable and we have no recommendations for any special considerations. Any topsoil or root masses and any clayey soil should be stripped out, as these are the only materials that we identified that could have stability problems.

Prior to pouring any slab it is essential that all debris, topsoil, and organic materials be removed and all loose fill either removed or compacted to 95% of maximum density as determined by the standard moisture/density relationship test ASTM D698. If any fill is required beneath the proposed slab, we recommend using a granular fill compacted in 12" maximum lifts to the standard referenced above.

If below grade space (such as a crawl space or walkout basement) is utilized, it is our opinion that the foundation system and the below grade space should be protected by the installation of a perimeter drainage system. The perimeter drainage system should consist of 4-inch rigid perforated pipe surrounded by $\frac{3}{4}$ to 1 $\frac{1}{2}$ inch washed rock. The drains should be placed a minimum of 12 inches below the surface of the adjacent concrete slab or the crawlspace level and should drain to a positive gravity discharge or to a sump from which water can be pumped. An illustration detailing a recommended perimeter drainage system is attached to this letter. If below grade space is not utilized, a perimeter drainage system is not required.

Walls, which are to retain soil, must be designed as retaining walls to resist lateral earth pressures. This applies to basement walls, garden level walls or freestanding walls. On this site we recommend that the walls be designed using a lateral earth pressure equivalent to that developed by a fluid weighing 50 pcf (pounds per cubic foot).

Use of the above value assumes that on-site soils are utilized as backfill and that the soil behind the wall will not be allowed to become saturated at any time during the life of the wall. Proper site grading and drainage and the installation of appropriate drainage systems will help to prevent saturation. These recommendations are valid for walls up to 10 feet in height.

Groundwater was not noted during our inspection and is not anticipated to be a design or construction consideration. However, please note that this area is known for water retention in the upper soils during the spring runoff, due to the shallow bedrock, which can lead to some water infiltration problems unless the site grading and drainage is properly handled. Please carefully observe the recommendations contained in the following section...

Satisfactory long-term performance of any foundation system depends on prevention of infiltration of water into the foundation system. Therefore, the following recommendations are given to prevent the wetting of foundation soils.

1. Mechanically compact all fill around the building, including the backfill. Compaction by ponding or saturation must not be permitted. The backfill should be compacted to not less than 85% of maximum density as determined by the standard moisture/density relationship ASTM D698-78. Note that some moisture may need to be added to the soils in order to obtain the proper compaction. Improper backfill compaction can cause settlement of exterior slabs such as walks, patios and driveways.
2. Provide an adequate grade for rapid runoff of surface water away from the structure (10 percent minimum for the first 10 feet away from the structure is recommended or 2 percent if paved).
3. A well-constructed, leak-resistant series of gutters, or other roof drainage system, is recommended.
4. Discharge roof downspouts and all other water collection systems well beyond the limits of the backfill.
5. Avoid heavy watering of any foundation plantings.
6. Observe and comply with any other precautions that may be indicated during design and construction.

Please note that the bedrock in this area is granitic but has some variability in the mineral constituents in the rock, with varying feldspar and quartz content. This results in some differential weathering with the areas of higher feldspar content weathering more deeply than those areas with higher quartz content. In fact, this can result in harder, less weathered layers, which are underlain by softer, more deeply weathered layers. This can be observed in some of the road cuts near this area.

It should be noted that the test pit is believed to represent the soils that will be exposed by the excavation for the new residence. However, it is possible that unanticipated changes in the soils may be encountered. It will be very important that a representative of this office be contacted to observe the finished excavation. At that time, we will make any necessary additional recommendations or confirm that the preliminary recommendations contained in this report are valid.

Due to the changing nature of geotechnical engineering practices, the information and recommendations provided in this letter shall only be valid for two (2) years following the date of issue. After that time, our office should be contacted to review the information presented in this letter and provide updated recommendations and design criteria appropriate for the engineering methodologies used in standard practice at that time.

Thank you for consulting with us on this phase of the project. If you have any questions concerning this report, please do not hesitate to contact us.



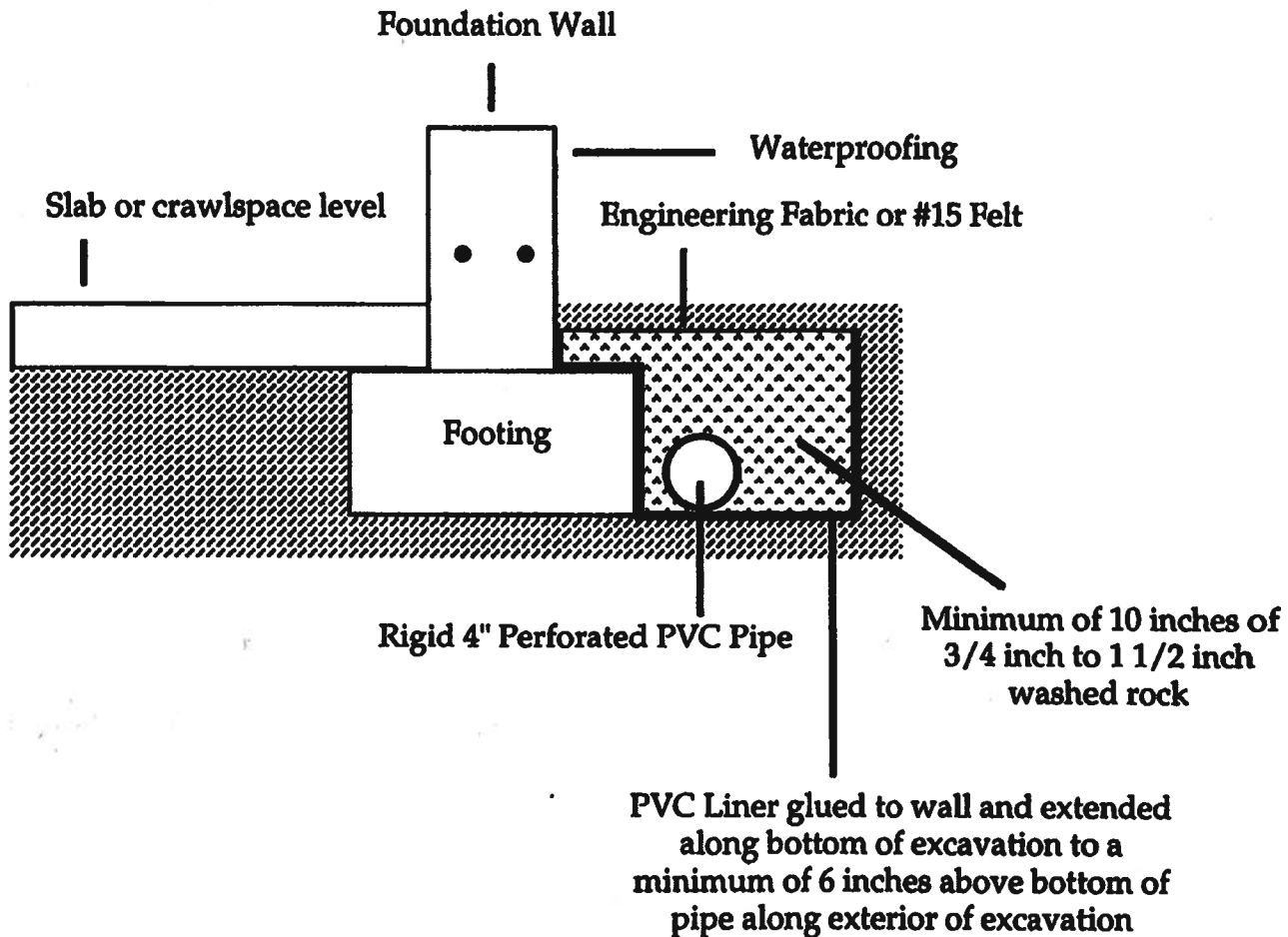
Sincerely,

GEOMET ENGINEERING, INC.

By: 
Ryne Mettler, P.E.

Attachments

Typical Perimeter Drain Installation Footing Foundation System



Notes:

1. Slope drain and pipe at a minimum of 1/8 inch per foot to suitable outfall (sump pit or daylight outfall).
2. Glue all vertical T's and standpipes.
3. Install non-perforated pipe from perimeter pipe into sump pit.



JVA, Incorporated
 213 Linden Street
 Suite 200
 Fort Collins, CO 80524
 970.225.9099
 info@jvajva.com

December 12, 2023

Isaac Savitz
 Silver Lining Builders
isaac@silverliningbuilders.com
 303-601-2616

www.jvajva.com

RE: 530 Fountaintree Driveway
 Preliminary Structural Recommendations

Dear Isaac:

JVA, Inc has reviewed the proposed driveway design and construction at 530 Fountaintree. The information contained within this report is intended to provide preliminary structural recommendations related to the initial SPR scope of work for review.

SITE WORK/GEOTECHNICAL INFORMATION

The site is a steep sloping site with limited access. An initial site-specific Geotechnical Report performed by Geomet Engineering, which outlined initial foundation parameters, and shall be confirmed with a full report soon, that will include exploratory excavations to provide soil limitations. A micropile designer shall be consulted for the micropile design.

DESIGN PARAMETERS

Design of structural elements and systems shall be based on the requirements of the 2018 International Building Code (IBC), Minimum Design Loads for Buildings and Other Structures (ASCE 7-16) and AASHTO. Special inspections of structural elements during construction shall be based on the requirements of the 2018 International Building Code (IBC), Chapter 17.

Wind: $V_{BASIC} = 165$ mph (3-second gust), Exposure C
 $V_{ASD} = 130$ mph (3-second gust), Exposure C
 Seismic: Design Category B
 $IE = 1.0$
 Site Class: D

Design of structural elements and systems will be based on the following material codes:

Concrete: ‘Building Code Requirements for Reinforced Concrete’ (ACI 318) and ‘Specifications for Structural Concrete for Buildings’ (ACI 301)
 Structural Steel: AISC ‘Manual of Steel Construction’, 15th Edition
 Wide Flange Shapes: ASTM A992
 Plate/Angle/Channel: ASTM A36
 High Strength Bolts: ASTM A325
 Anchor Bolts: ASTM F1554, Grade 36
 Connections (bearing type): ASTM A325 bolts, 3/4”-diameter (min.), snug tight



Base plate and bearing grout 7,000 psi non-shrink, non-metallic.

Steel Deck: Design & Material Standards: Steel Deck Institute's "Code of Standard Practice for Composite Deck, Form Deck and Roof Deck Construction"

FOUNDATION SYSTEMS

The foundation system shall be a tripod of micropiles drilled into competent soil encased in a pier cap. The micropiles shall be designed by a Colorado Professional Engineer. Reference attached drawing for additional information.

DRIVEWAY FRAMING

The columns shall be 12" or 14" WF or HSS steel columns supporting wide-flange steel beams. The main structural deck shall be comprised of Vulcraft 1.5VLI composite galvanized steel deck.- Deck loading shall comply with HS-20 loading per AASHTO. Deck shall span between intermediate wide-flange steel beams. Slab shall be reinforced with #4 @ 16" ea way. A concrete slab driving surface will be installed above the structural deck. A concrete curb as well as a guardrail per AASHTO to resist impact loading.

LATERAL SYSTEMS

Overall lateral support to the driveway shall be provided by steel frames and/or cross bracing between the columns. JVA will coordinate the brace location with the architectural requirements for the project.

JVA appreciates the opportunity to assist with this project. Please contact us if you have any questions or need additional information.

Sincerely,
JVA, INCORPORATED

By: Paul Stoffel, PE
 Senior Project Manager, Associate
 JVA, Inc

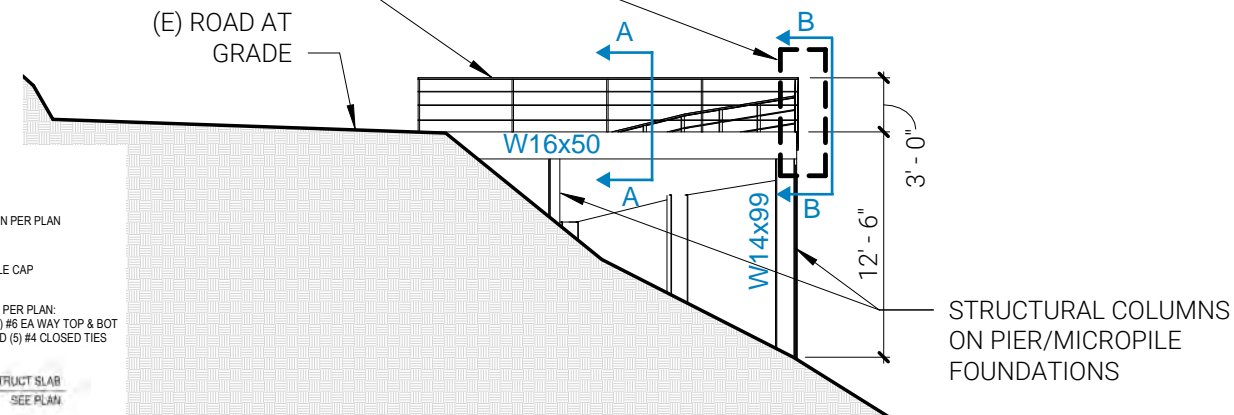
A handwritten signature in blue ink, appearing to read 'P. Stoffel', written over a light blue horizontal line.

Enclosure: Structural Concept Drawings

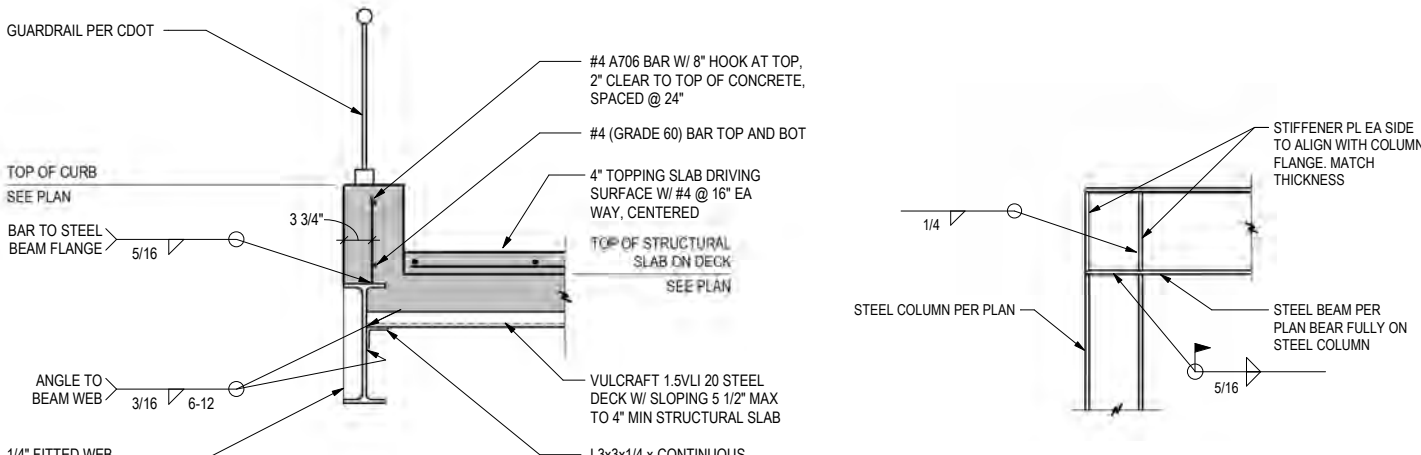
GUARDRAIL TO BE REMOVED WHEN DRIVEWAY FOR 621 FOUNTAIN TREE LANE IS CONSTRUCTED. ROAD EXPANSION TO REMAIN STRUCTURALLY INDEPENDENT FROM 621 FOUNTAIN TREE LANE DRIVEWAY.

GUARDRAIL TO MEET CDOT STANDARD

(E) ROAD AT GRADE



2 ROAD EXPANSION - SOUTH ELEVATION
SCALE: 3/32" = 1'-0"

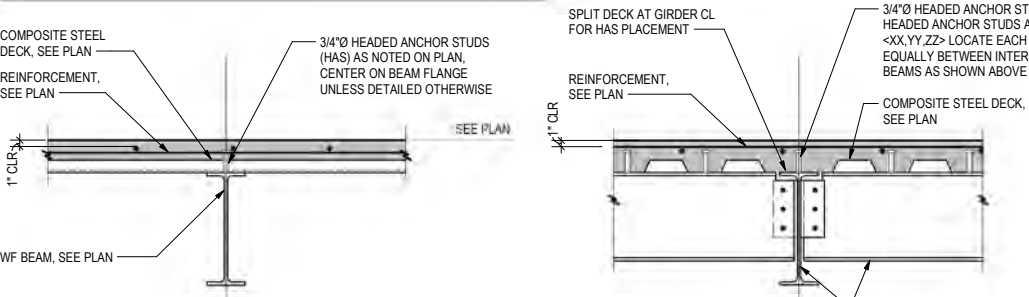


SECTION B-B
TYP STEEL BEAM TO COL
CONNECTION
N.T.S

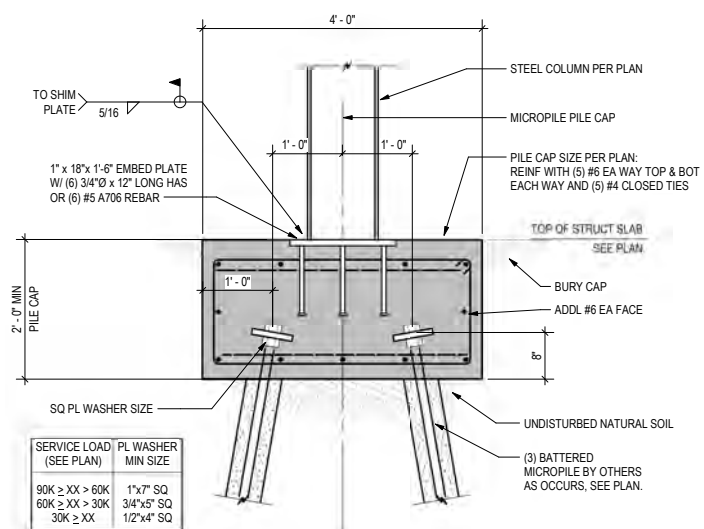
SECTION A-A
BRIDGE DECK EDGE SECTION
N.T.S

- TYPICAL CONSTRUCTION JOINT LOCATIONS IN COMPOSITE SLAB:**
- WHERE THE CONSTRUCTION JOINT IS PARALLEL TO THE SPAN OF THE COMPOSITE FLOOR BEAMS: LOCATE THE JOINT MIDWAY BETWEEN TWO PARALLEL BEAMS.
 - WHERE THE CONSTRUCTION JOINT IS PERPENDICULAR TO THE SPAN OF THE COMPOSITE FLOOR BEAMS PARALLEL TO THE SPAN OF THE ADJACENT COMPOSITE GIRDERS: LOCATE THE JOINT BETWEEN THE QUARTER-POINT AND THIRD-POINT OF THE BEAM SPAN SUPPORTED BY THE GIRDER.
 - TYPICAL AT ALL JOINTS: #3 x 4'-0" LONG HORIZONTAL DOWELS SPACED @ 16" THROUGH JOINT FORM, ACROSS AND CENTERED OVER THE JOINT.

- TYPICAL COMPOSITE DECK ATTACHMENT UNO:**
- ALL WELDS TO BE 5/8"Ø PUDDLE WELDS
 - BEAMS-WELD AT:
 - A. DECK FLUTE SPACING = 6"; 18" (36/3)
 - B. DECK FLUTE SPACING = 12"; 12" (36/4, EACH FLUTE)
 - GIRDERS-WELD AT 12" OC
 - SIDLAPS-#10 SDST SCREW AT DECK MID-SPAN OR 36" MAXIMUM

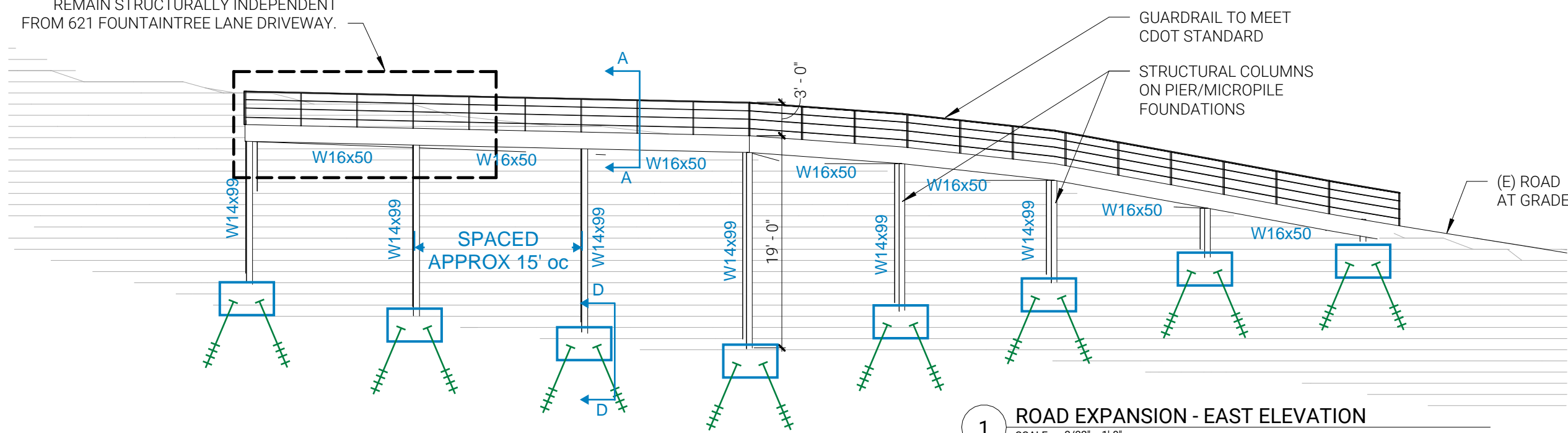


SECTION C-C
TYP BRIDGE DECK TO STL BEAM
N.T.S



SECTION D-D
TYP FOUNDATION SECTION
N.T.S

GUARDRAIL TO BE REMOVED WHEN DRIVEWAY FOR 621 FOUNTAIN TREE LANE IS CONSTRUCTED. ROAD EXPANSION TO REMAIN STRUCTURALLY INDEPENDENT FROM 621 FOUNTAIN TREE LANE DRIVEWAY.



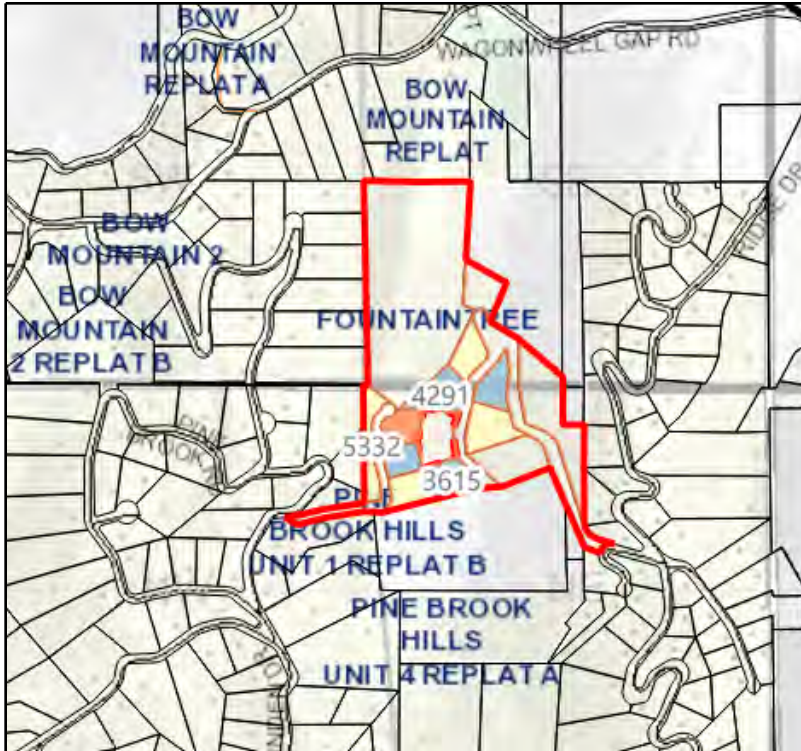
1 ROAD EXPANSION - EAST ELEVATION
SCALE: 3/32" = 1'-0"

SPR.10
STRUCTURAL
ROAD DECK
JVA, Inc
12/12/23



Preliminary Size Analysis

This report is not an indication of the developability of any parcel as other factors including legal building lot status, service availability, and access impact the development potential of property. Please note that this information is preliminary. The information for the residential floor area comes from Assessor records and may not be entirely inclusive of the residential floor area on site. Outbuildings may have changed their function or modifications may have been made. Please contact the Land Use Department at 303-441-3930 or planner@bouldercounty.org if you have



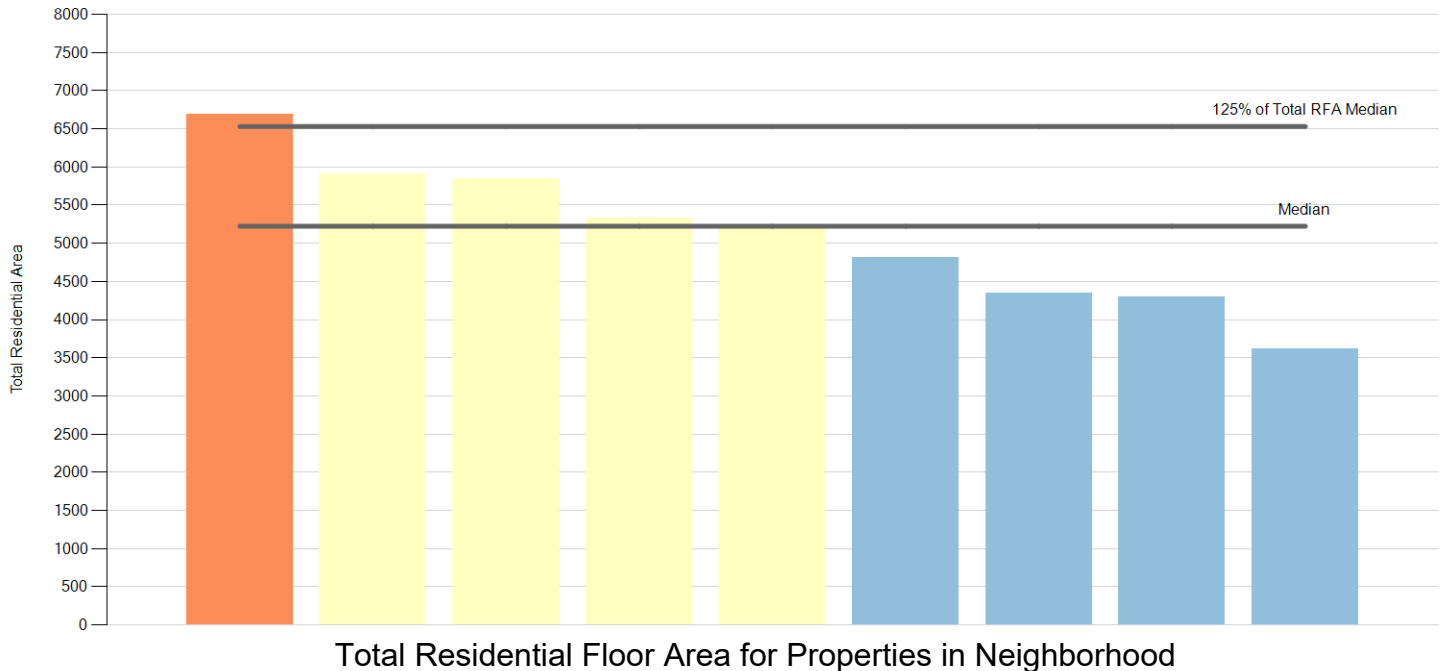
125% of Neighborhood Median: 6,530 sq. ft.
 The Presumptive Size Maximum is 2,500 sq.ft. (1,500 in townsite) or 125% of the Neighborhood Median, whichever is greater.

	Below Grade	Above Grade	Total Grade
Minimum sq. ft.	679	2,686	3,615
Median sq. ft.	1,463	3,320	5,224
Maximum sq. ft.	3,366	4,912	6,686

Sq. Ft. Changes since 9/8/98: 0 changes

The following areas may affect the Site Plan Review:
 No areas found

Type of Neighborhood: Subdivision (Subdivision)



Parcel	Address	Owner	Below	Above	Total
146114005011 (R0034111)	228 WILDWOOD LN	PRINGLE DAVID L SURVIVORS	3,366	3,320	6,686
146114005003 (R0034107)	537 FOUNTAINTREE LN	BOUZEK PARKS LIVING TRUST	995	4,912	5,907
146114005009 (R0034109)	242 WILDWOOD LN	HAN MICHAEL & GERLIE	1,502	4,348	5,850
146114005012 (R0034112)	155 WILDWOOD LN	MCLAFFERTY LISA	1,463	3,869	5,332
146111011003 (R0034117)	470 FOUNTAINTREE LN	SANCHEZ-TENNIS LIVING	1,009	4,215	5,224
146114005010 (R0034110)	236 WILDWOOD LN	CANNON WILLIAM 2019 REV	2,122	2,686	4,808
146114005004 (R0034108)	445 FOUNTAINTREE LN	OSBORN STACEY LEIGH	1,426	2,919	4,345
146114005006 (R0034105)	568 FOUNTAINTREE LN	LEE ROBERT C	1,525	2,766	4,291
146114005008 (R0034116)	570 FOUNTAINTREE LN	FROULA BARBARA & TIMOTHY	679	2,936	3,615

Building Permits since 9/8/1998 for that added or modified Sq. Ft.

Date	Permit	Description	Sq. Ft.	Status
------	--------	-------------	---------	--------



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303-441-3930
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.BoulderCounty.org

MEMO TO: County Health and Parks Departments, FPD
FROM: Wesley Jefferies, Planner I
DATE: December 14, 2022
RE: Site Plan Review application SPR-22-0132

Docket SPR-22-0132: Claman Residence

Request: Request to construct a 6,300 square-foot residence with a 653 square foot covered porch where the PSM is 6,530 square-feet at 530 Fountaintree Lane.
Location: 530 Fountaintree Lane, Lot 7 Fountaintree, Section 14, Township 1N, Range 71W
Zoning: Forestry (F) Zoning District
Applicant: Eric Miska, Colorado View Properties, LLC
Property Owner: Ron Claman
Agent: Colin Ostman, Amble Architecture

Site Plan Review by the Boulder County Community Planning & Permitting Director is required for new building/grading/access or floodplain development permits in the plains and mountainous areas of unincorporated Boulder County. The subject review process considers potential significant impact to the ecosystem, surrounding land uses and infrastructure, and safety concerns due to natural hazards.

The Community Planning & Permitting staff values comments from individuals and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department at P.O. Box 471, Boulder, Colorado 80306 or via email to planner@bouldercounty.org. All comments will be made part of the public record and given to the applicant. Only a portion of the submitted documents may have been enclosed; you are welcome to call the Community Planning & Permitting Department at 303-441-3930 or email planner@bouldercounty.org to request more information.

Please return responses by **January 3, 2023**
(Please note that due to circumstances surrounding COVID-19, application timelines and deadlines may need to be modified as explained in the CPP Notice of Emergency Actions issued March 23, 2020 (see <https://boco.org/covid-19-cpp-notice-20200323>)).

We have reviewed the proposal and have no conflicts.
 Letter is enclosed.

Signed _____ PRINTED Name _____

Agency or Address _____



Boulder County Land Use Department

Courthouse Annex Building
 2045 13th Street • PO Box 471 • Boulder, Colorado 80302
 Phone: 303-441-3930
 Email: planner@bouldercounty.org
 Web: www.bouldercounty.org/lu
 Office Hours: Mon., Wed., Thurs., Fri. 8 a.m. to 4:30 p.m.
 Tuesday 10 a.m. to 4:30 p.m.

Shaded Areas for Staff Use Only
Intake Stamp

Planning Application Form

The Land Use Department maintains a submittal schedule for accepting applications. Planning applications are accepted on Mondays, by appointment only. Please call 303-441-3930 to schedule a submittal appointment.

Project Number		Project Name			
<input type="checkbox"/> Appeal <input type="checkbox"/> Correction Plat <input type="checkbox"/> Exemption Plat <input type="checkbox"/> Final Plat <input type="checkbox"/> Limited Impact Special Use <input type="checkbox"/> Limited Impact Special Use Waiver <input type="checkbox"/> Location and Extent		<input type="checkbox"/> Modification of Site Plan Review <input type="checkbox"/> Modification of Special Use <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Resubdivision (Replat) <input type="checkbox"/> Rezoning		<input type="checkbox"/> Road Name Change <input type="checkbox"/> Road/Easement Vacation <input checked="" type="checkbox"/> Site Plan Review <input type="checkbox"/> Site Plan Review Waiver <input type="checkbox"/> Sketch Plan <input type="checkbox"/> Special Use/SSDP	<input type="checkbox"/> Special Use (Oil & Gas development) <input type="checkbox"/> State Interest Review (1041) <input type="checkbox"/> Subdivision Exemption <input type="checkbox"/> Variance <input type="checkbox"/> Other:
Location(s)/Street Address(es) 530 Fountaintree Lane					
Subdivision Name Fountaintree - BOV					
Lot(s) Lot 7	Block(s)	Section(s) 14	Township(s) 1N	Range(s) 71	
Area in Acres 1.77	Existing Zoning F-Forestry	Existing Use of Property Vacant		Number of Proposed Lots 1	
Proposed Water Supply		Proposed Sewage Disposal Method Septic			

Applicants:

Applicant/Property Owner Colorado View Properties, LLC		Email erikmiska@yahoo.com		
Mailing Address 630 N Cedar Brook Rd				
City Boulder	State CO	Zip Code 80304	Phone 305-319-1121	
Applicant/Property Owner/Agent/Consultant Amble Architecture		Email info@amblearchitecture.com		
Mailing Address 1212 Walnut Street				
City Loveland	State CO	Zip Code 80537	Phone 720-443-1459	
Agent/Consultant		Email		
Mailing Address				
City	State	Zip Code	Phone	

Certification (Please refer to the Regulations and Application Submittal Package for complete application requirements.)

I certify that I am signing this Application Form as an owner of record of the property included in the Application. I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. I understand that all materials required by Boulder County must be submitted prior to having this matter processed. I understand that public hearings or meetings may be required. I understand that I must sign an Agreement of Payment for Application processing fees, and that additional fees or materials may be required as a result of considerations which may arise in the processing of this docket. I understand that the road, school, and park dedications may be required as a condition of approval.

I understand that I am consenting to allow the County Staff involved in this application or their designees to enter onto and inspect the subject property at any reasonable time, without obtaining any prior consent.

All landowners are required to sign application. If additional space is needed, attach additional sheet signed and dated.

Signature of Property Owner 	Printed Name Ron Claman	Date 12-09-22
Signature of Property Owner	Printed Name	Date

The Land Use Director may waive the landowner signature requirement for good cause, under the applicable provisions of the Land Use Code.






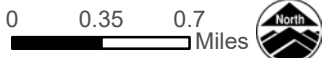
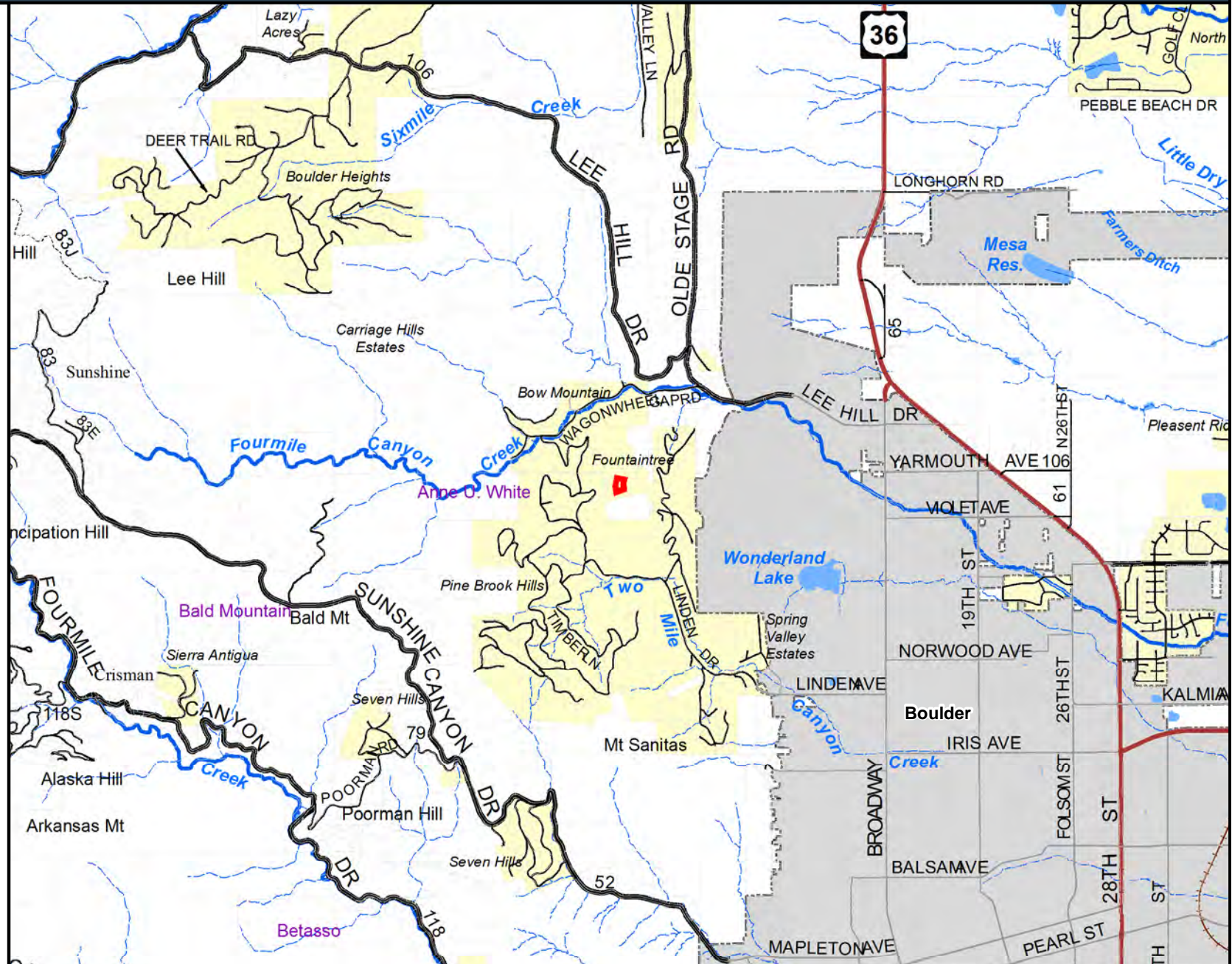
Community Planning & Permitting

2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

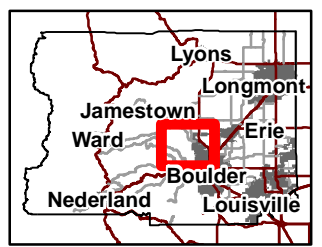
Vicinity

530 FOUNTAINTREE LN

-  Subject Parcel
-  Municipalities
- Subdivisions**
-  Subdivisions



Area of Detail Date: 4/14/2022



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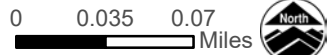
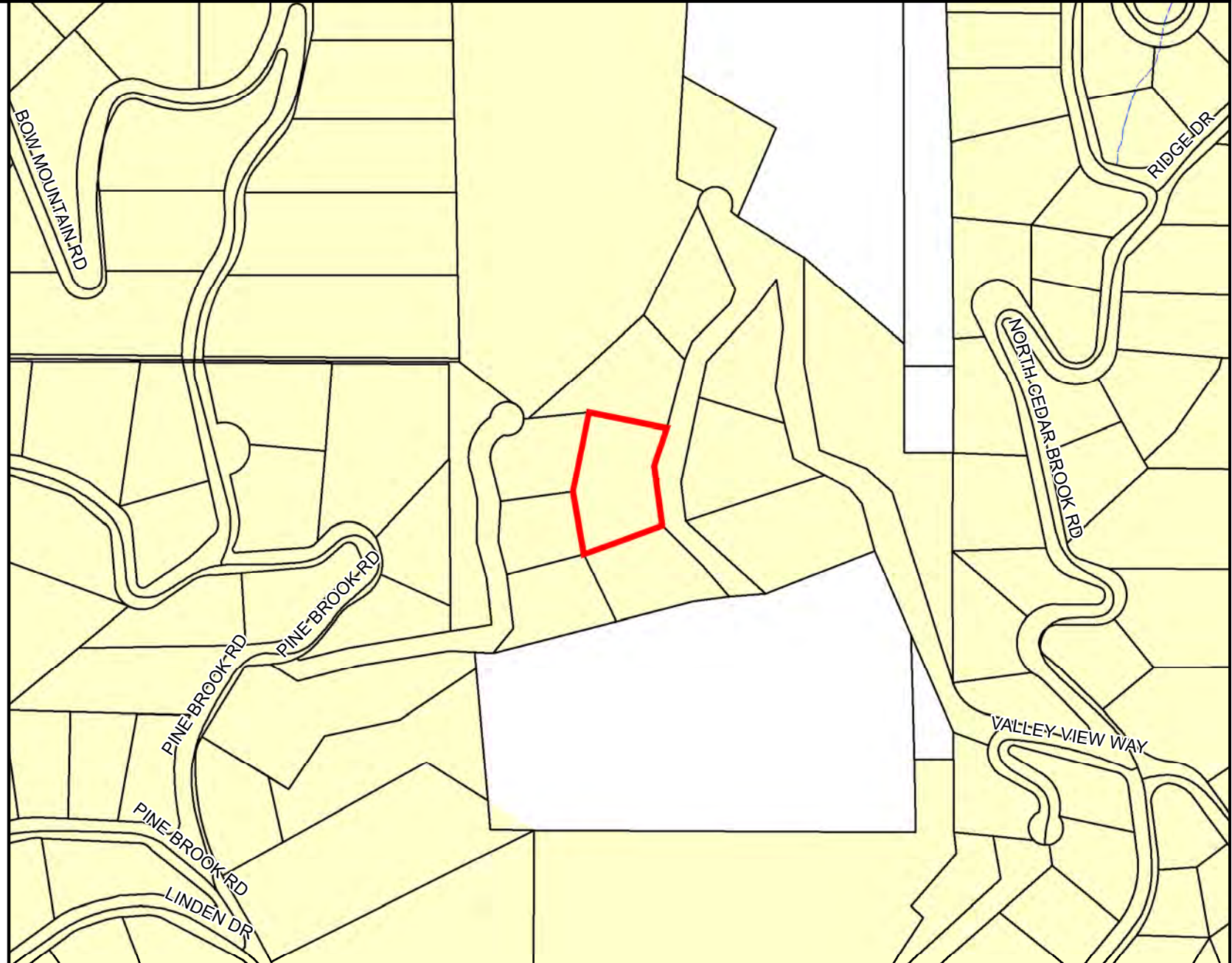
Location

530 FOUNTAINTREE LN

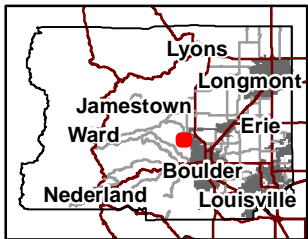
Subject Parcel

Subdivisions

Subdivisions



Area of Detail Date: 4/14/2022



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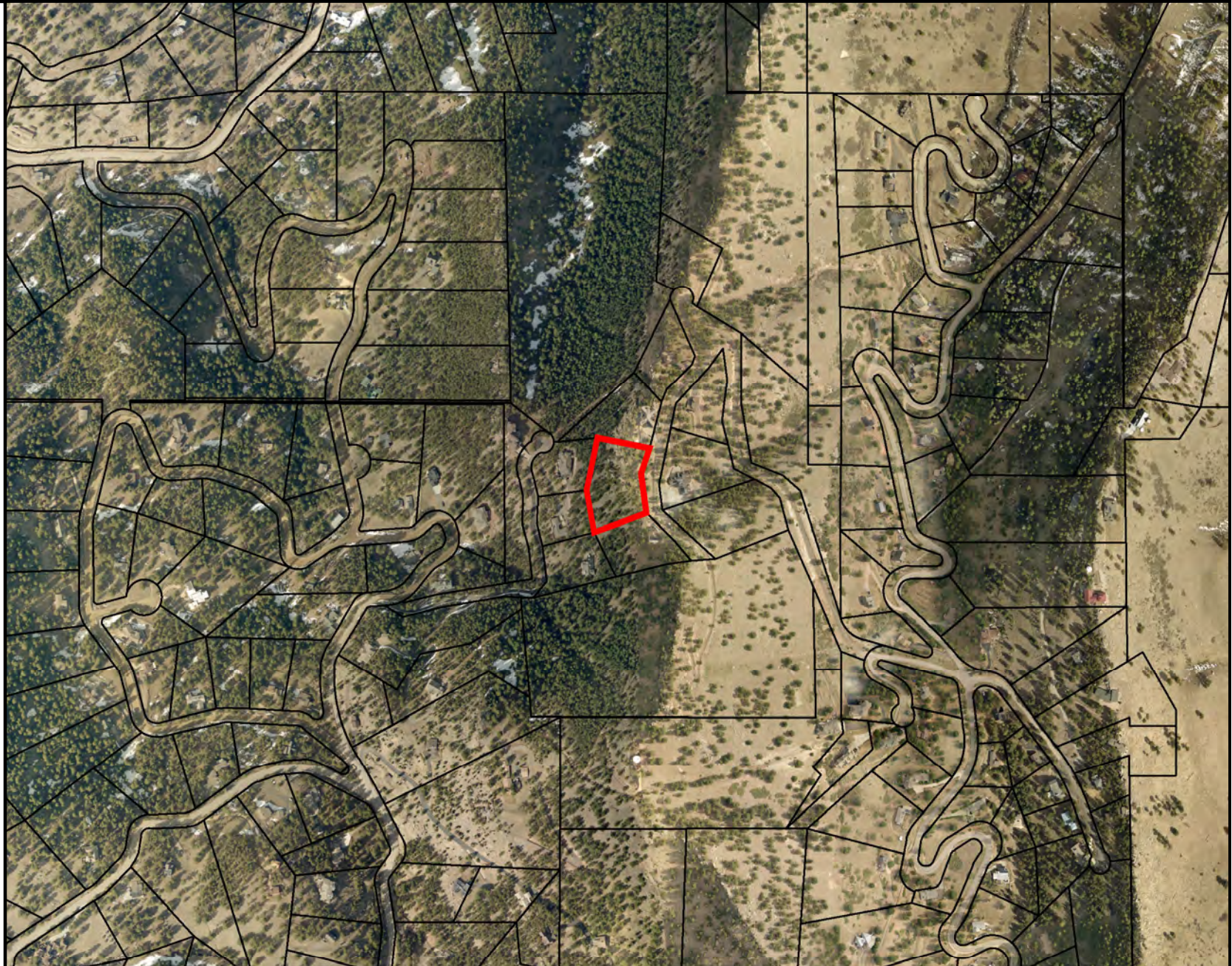
Community Planning & Permitting

2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

Aerial

530 FOUNTAINTREE LN

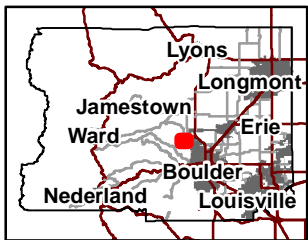
 Subject Parcel



0 0.05 0.1 Miles



Area of Detail Date: 4/14/2022



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Community Planning & Permitting

2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

Aerial

530 FOUNTAINTREE LN

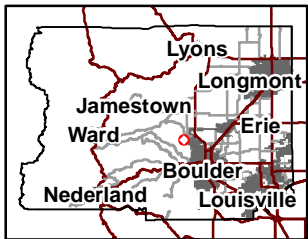
 Subject Parcel



0 0.005 0.01 Miles



Area of Detail Date: 4/14/2022



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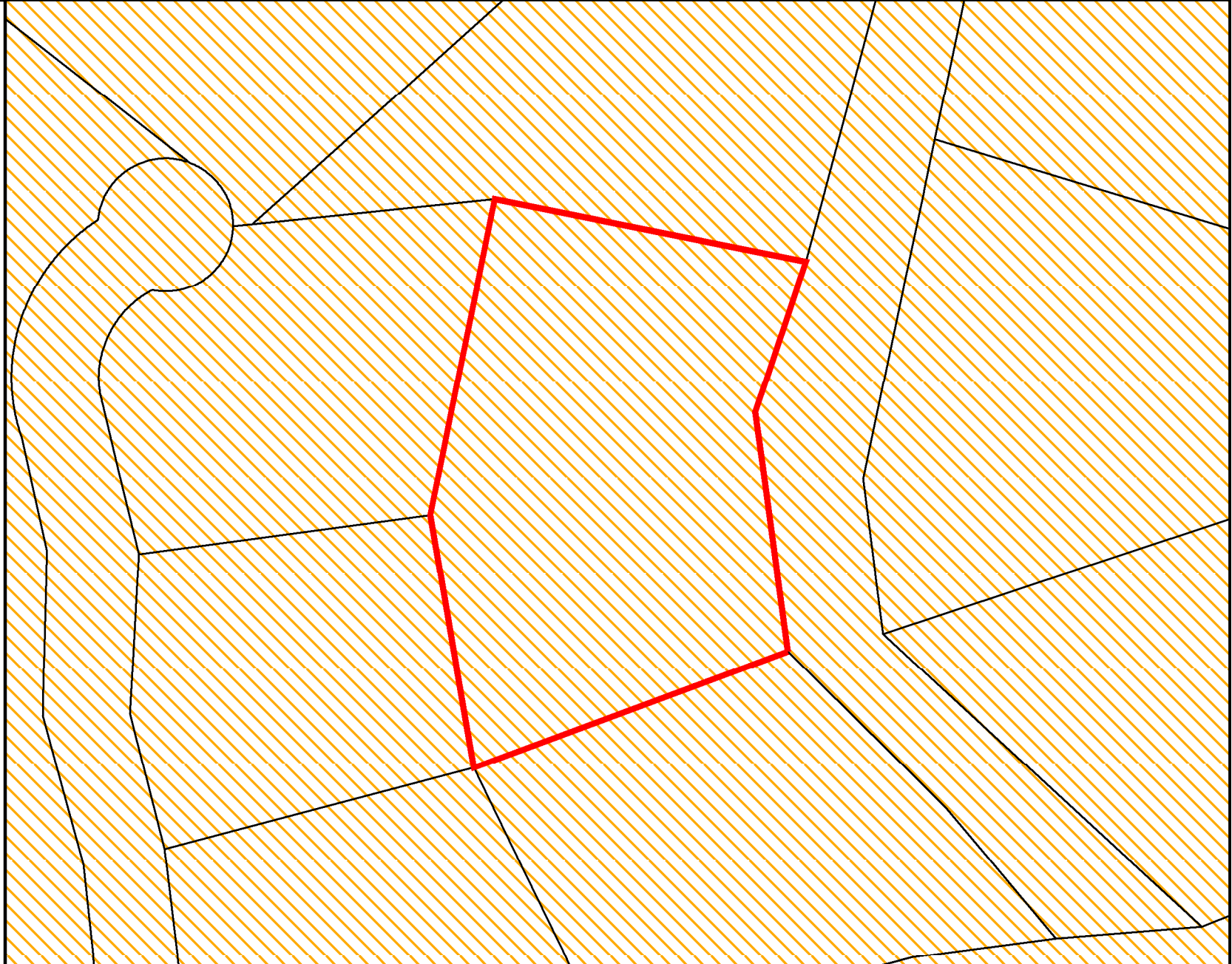
Comprehensive Plan

530 FOUNTAINTREE LN

 Subject Parcel

Archaeologically Sensitive Areas

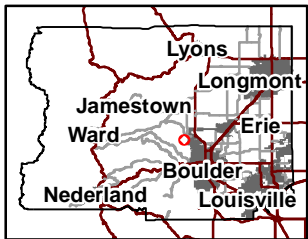
 Archeologically Sensitive Areas



0 0.0085 0.017 Miles



Area of Detail Date: 4/14/2022



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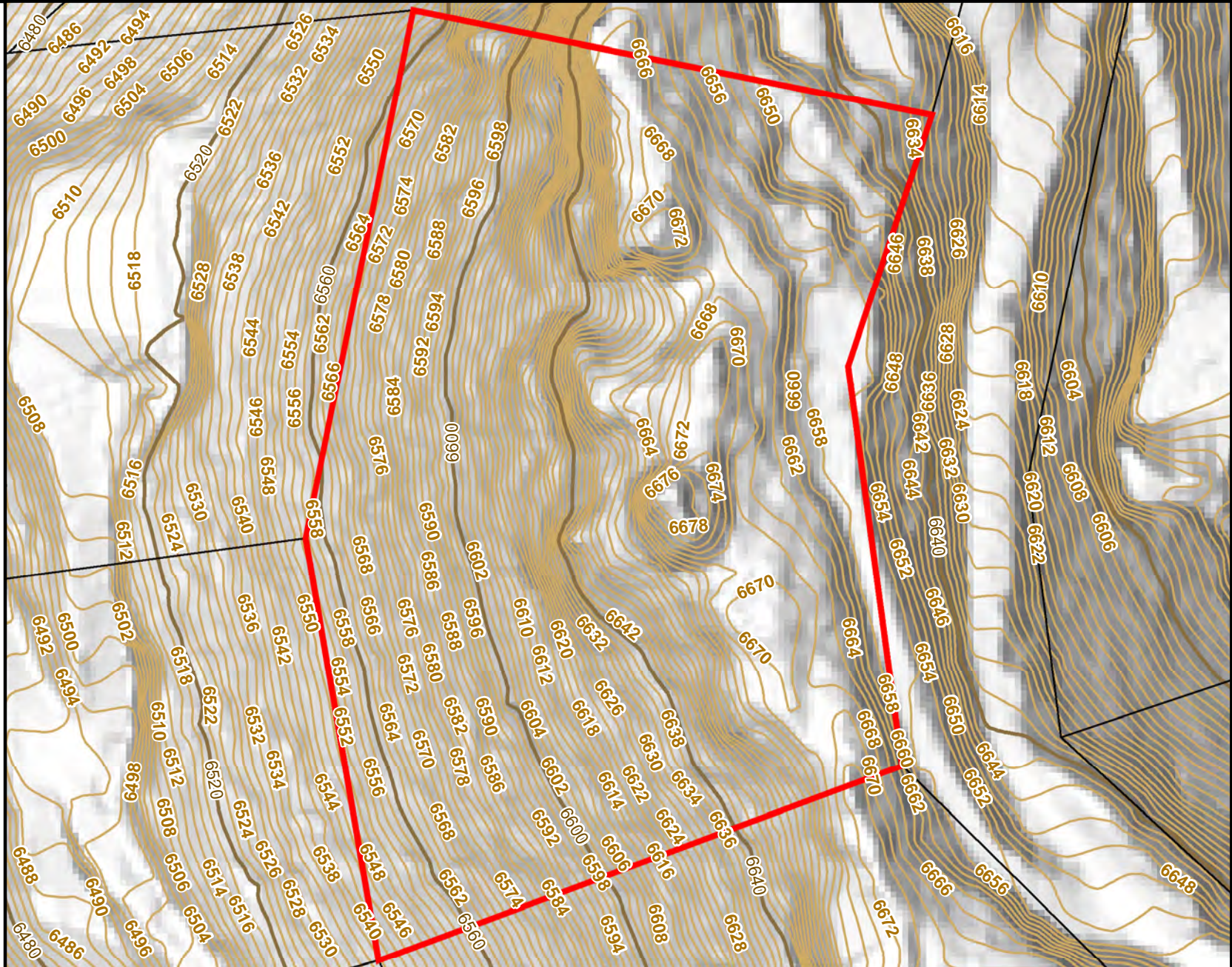
Community Planning & Permitting

2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

Elevation Contours

530 FOUNTAINTREE LN

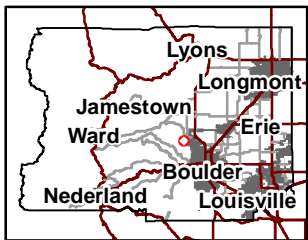
- Subject Parcel
- Contours 40'
- Contours 2'



0 0.005 0.01 Miles



Area of Detail Date: 4/14/2022



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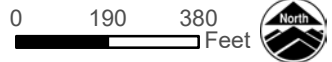
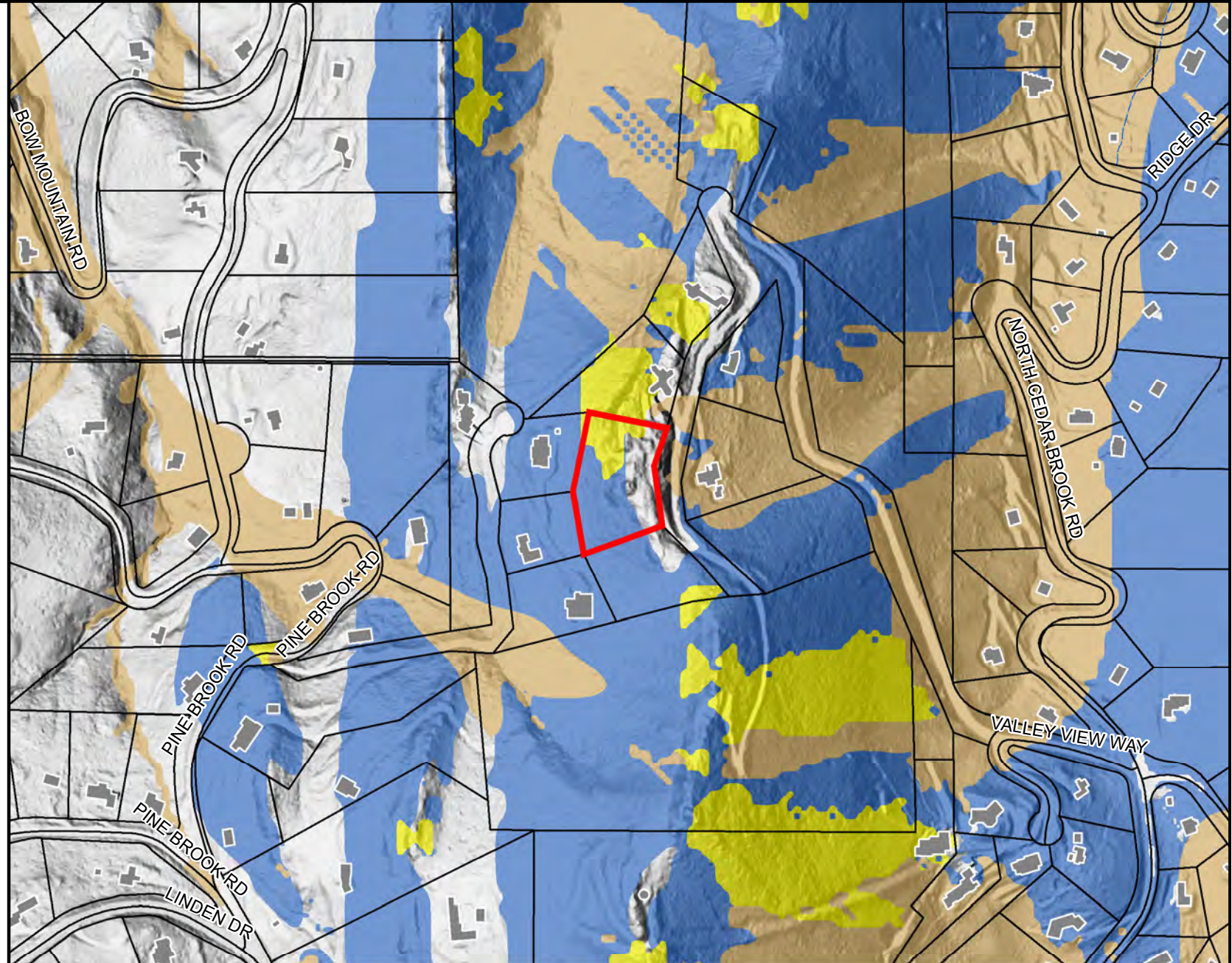
Community Planning & Permitting

2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

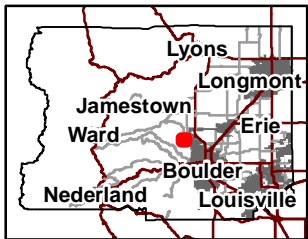
Geologic Hazards

530 FOUNTAINTREE LN

 Subject Parcel



Area of Detail Date: 4/14/2022



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Community Planning & Permitting

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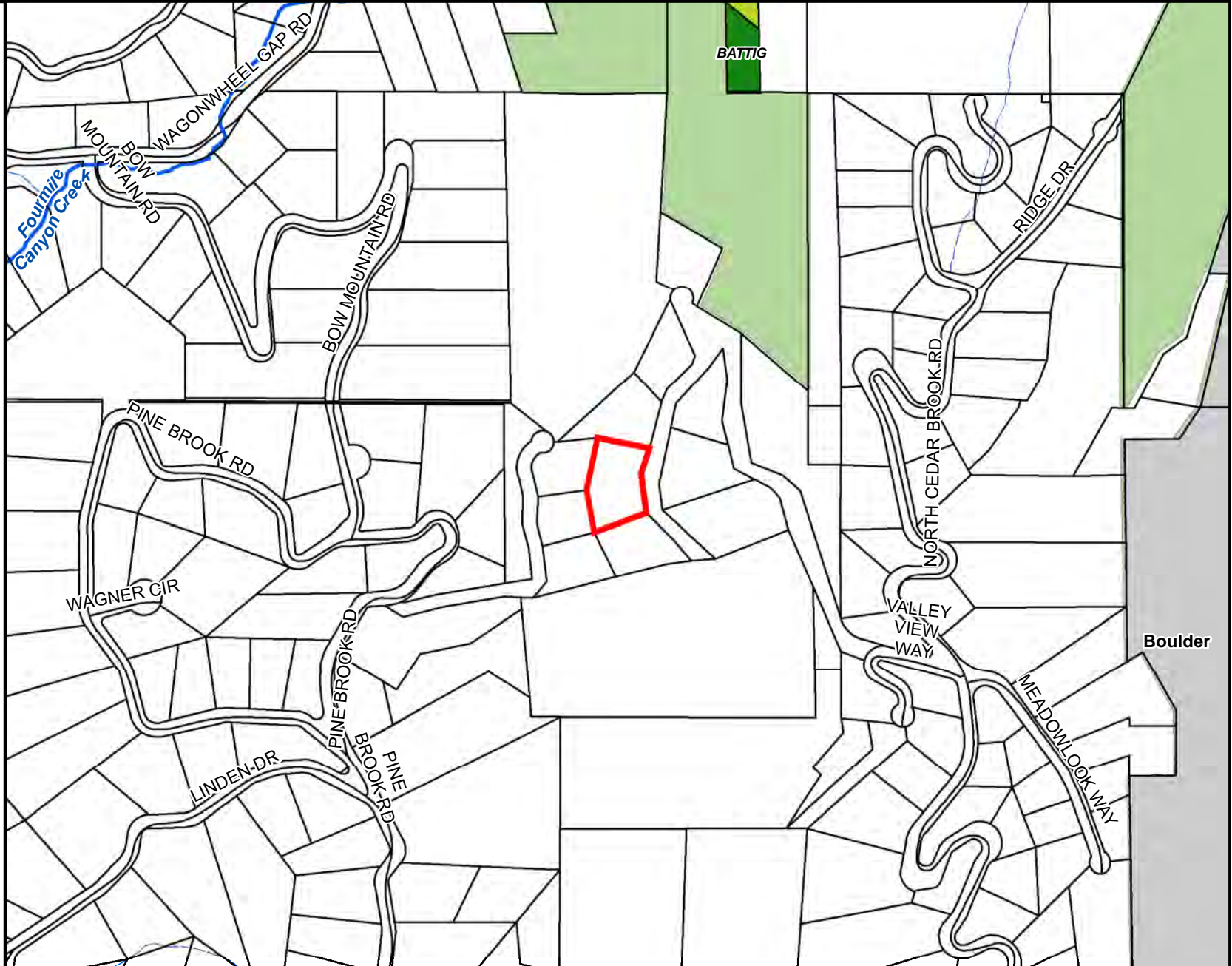
Public Lands & CEs

530 FOUNTAINTREE LN

Subject Parcel

Boulder County Open Space

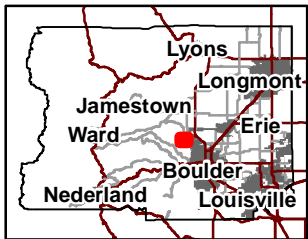
- County Open Space
- County Conservation Easement
- OSMP Properties



0 0.05 0.1 Miles



Area of Detail Date: 4/14/2022



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Community Planning & Permitting

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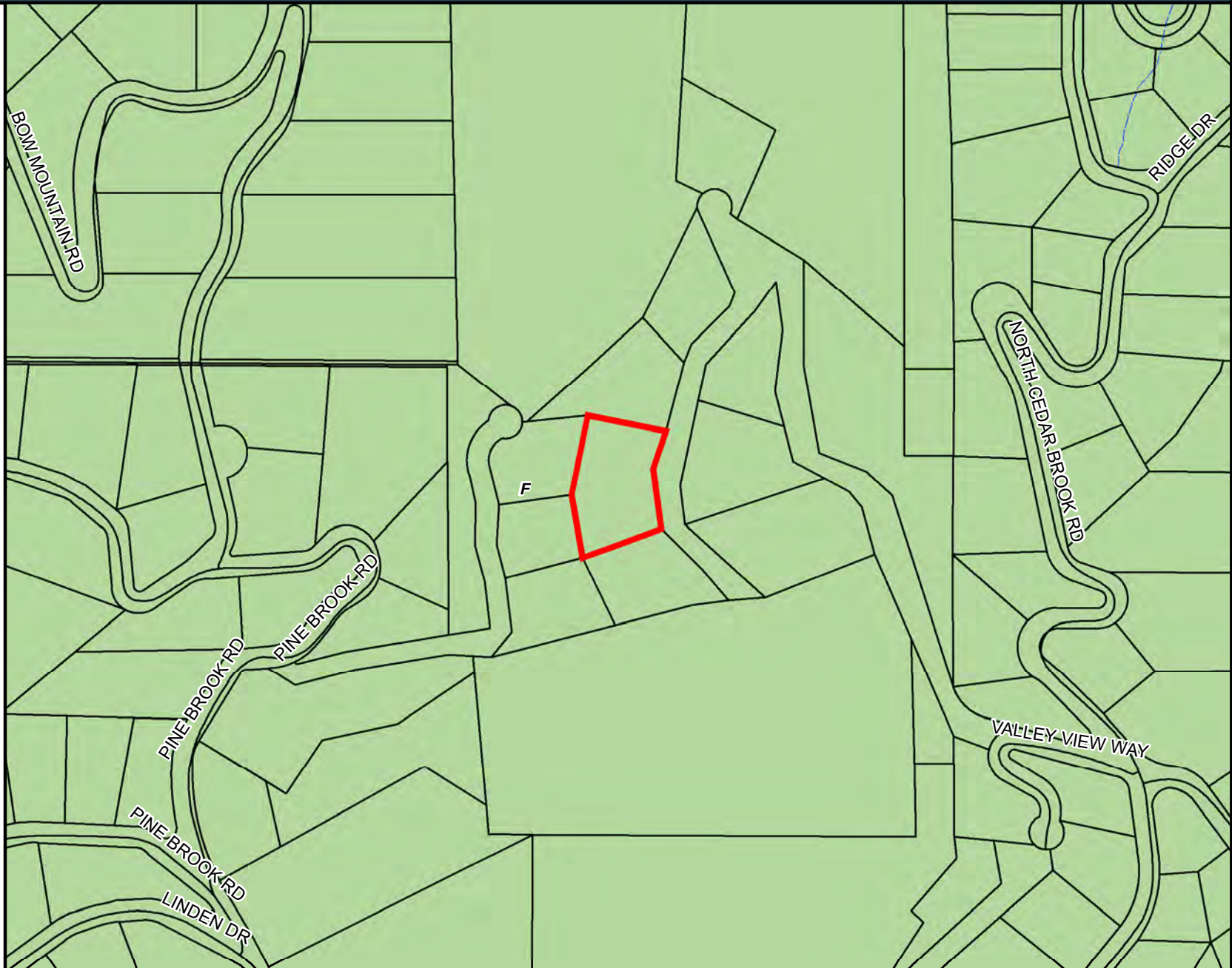
Zoning

530 FOUNTAINTREE LN

Subject Parcel

Zoning Districts

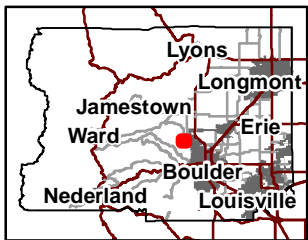
Forestry



0 0.035 0.07 Miles



Area of Detail Date: 4/14/2022



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Site Plan Review Fact Sheet

The applicant(s) is/are required to complete each section of this Site Plan Review (SPR) Fact Sheet even if the information is duplicated elsewhere in the SPR application. Completed Fact Sheets reduce the application review time which helps expedite the Director's Determination. Please make duplicates of this SPR Fact Sheet if the project involves more than two structures.

Structure #1 Information

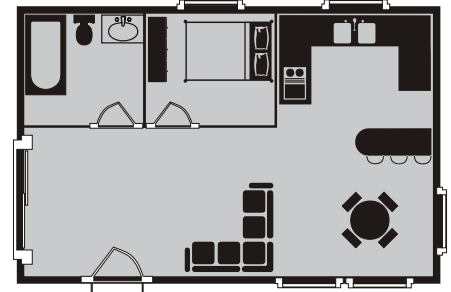
Type of Structure: (e.g. residence, studio, barn, etc.)		Single-Family Residence			
Total Existing Floor Area: (Finished + Unfinished square feet including garage if attached.)		0	Deconstruction:		0
		sq. ft.			sq. ft.
Are new floor areas being proposed where demolition will occur? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (include the new floor area square footage in the table below)					
Proposed Floor Area (New Construction Only)				<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Non-Residential	
	Finished	Unfinished	Total	Height (above existing grade)	
Basement:	0	0	0	28' - 5"	
(Driveway level, walk-out basement) First Floor:	2,802	0	2,802	Exterior Wall Material	Metal
Second Floor:	2,736	0	2,736	Exterior Wall Color	Black
Garage: <input type="checkbox"/> Detached <input checked="" type="checkbox"/> Attached	762	0	762	Roofing Material	Membrane / Planted
*Covered Porch:	653	0	653	Roofing Color	Black
Total:	6,953	0	6,953	Total Bedrooms	5
	sq. ft.	sq. ft.	sq. ft.		

Project Identification:

Project Name:	530 Fountaintree
Property Address/Location:	530 Fountaintree Ln, Boulder, 80304
Current Owner:	Ron Claman
Size of Property in Acres:	1.77 AC

Determining Floor Area

Floor Area is measured in terms of square feet. The total square footage is as everything within the exterior face of the exterior walls including garages and basements. **Covered porch area that is attached to the principal structure is not included (see Article 18-131A).** The shaded area on the diagram indicates the area counted as square feet.



Structure #2 Information

Type of Structure: (e.g. residence, studio, barn, etc.)		N/A			
Total Existing Floor Area: (Finished + Unfinished square feet including garage if attached.)			Deconstruction:		
		sq. ft.			sq. ft.
Are new floor areas being proposed where demolition will occur? <input type="checkbox"/> No <input type="checkbox"/> Yes (include the new floor area square footage in the table below)					
Proposed Floor Area (New Construction Only)				<input type="checkbox"/> Residential <input type="checkbox"/> Non-Residential	
	Finished	Unfinished	Total	Height (above existing grade)	
Basement:					
First Floor:				Exterior Wall Material	
Second Floor:				Exterior Wall Color	
Garage: <input type="checkbox"/> Detached <input type="checkbox"/> Attached				Roofing Material	
*Covered Porch:				Roofing Color	
Total:				Total Bedrooms	
	sq. ft.	sq. ft.	sq. ft.		

Residential vs. Non-Residential Floor Area

Residential Floor Area includes all attached and detached floor area (as defined in Article 18-162) on a parcel, including principal and accessory structures used or customarily used for residential purposes, such as garages, studios, pool houses, home offices and workshops. Gazebos and carports up to a total combined size of 400 square feet are exempt. Barns used for agricultural purposes are not considered residential floor area.

Note: If an existing wall(s) and/or roof(s) are removed and a new wall(s)/roof(s) are constructed, the associated floor area due to the new wall(s)/roof(s) are considered new construction and must be included in the calculation of floor area for the Site Plan Review and shown on this Fact Sheet.

If a Limited Impact Special Review is required, then call 303-441-3930 and ask for a new Pre-Application conference for the Limited Impact Special Review.

*See Article 18-131A for definition of covered porch.

Grading Calculation

Cut and fill calculations are necessary to evaluate the disturbance of a project and to verify whether or not a Limited Impact Special Review is required. Limited Impact Special Review is required when grading for a project involves more than 500 cubic yards (minus normal cut/fill and backfill contained within the foundation footprint).

If grading totals are close to the 500 yard trigger, additional information may be required, such as a grading plan stamped by a Colorado Registered Professional Engineer.

Earth Work and Grading

This worksheet is to help you accurately determine the amount of grading for the property in accordance with the Boulder County Land Use Code. Please fill in all applicable boxes.

Note: Applicant(s) must fill in the shaded boxes even though foundation work does not contribute toward the 500 cubic yard trigger requiring Limited Impact Special Use Review. Also, all areas of earthwork must be represented on the site plan.

Earth Work and Grading Worksheet:

	Cut	Fill	Subtotal
Driveway and Parking Areas	284.4 cu yd	20.8 cu yd	305.2 cu yd
Berm(s)	0	0	0
Other Grading	0	0	0
Subtotal	284.4 cu yd	20.8 cu yd	305.2 cu yd

Box 1

* If the total in Box 1 is greater than 500 cubic yards, then a Limited Impact Special Review is required.

	Cut	Fill	Total
Foundation	1,500 cu yd	65 cu yd	1,565 cu yd
Material cut from foundation excavation to be removed from the property			1,435 cu yd

Excess Material will be Transported to the Following Location:

Excess Materials Transport Location:	Erie Landfill

Narrative

Use this space to describe any special circumstances that you feel the Land Use Office should be aware of when reviewing your application, including discussion regarding any factors (listed in Article 4-806.2.b.i) used to demonstrate that the presumptive size limitation does not adequately address the size compatibility of the proposed development with the defined neighborhood. If more room is needed, feel free to attach a separate sheet.

This new single-family home has been designed to integrate into the landscape with minimal site disturbance and utilize an existing rough driveway. The home wraps around and weaves through existing rock outcroppings to preserve the ridge-line, and its low profile blends into the landscape instead of projecting high above the ridge as the height limit allows. A large part of the roof system is a green living roof garden, and exterior materials consist of dark and earth tone colors, to further blend the home into the natural surroundings."

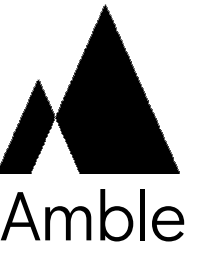
Is Your Property Gated and Locked?

Note: If county personnel cannot access the property, then it could cause delays in reviewing your application.

Certification

I certify that the information submitted is complete and correct. I agree to clearly identify the property (if not already addressed) and stake the location of the improvements on the site within four days of submitting this application. I understand that the intent of the Site Plan Review process is to address the impacts of location and type of structures, and that modifications may be required. Site work will not be done prior to issuance of a Grading or Building Permit.

Signature <i>Colin Ostman</i>	Print Name Colin Ostman	Date 12/12/2022
-------------------------------	-------------------------	-----------------

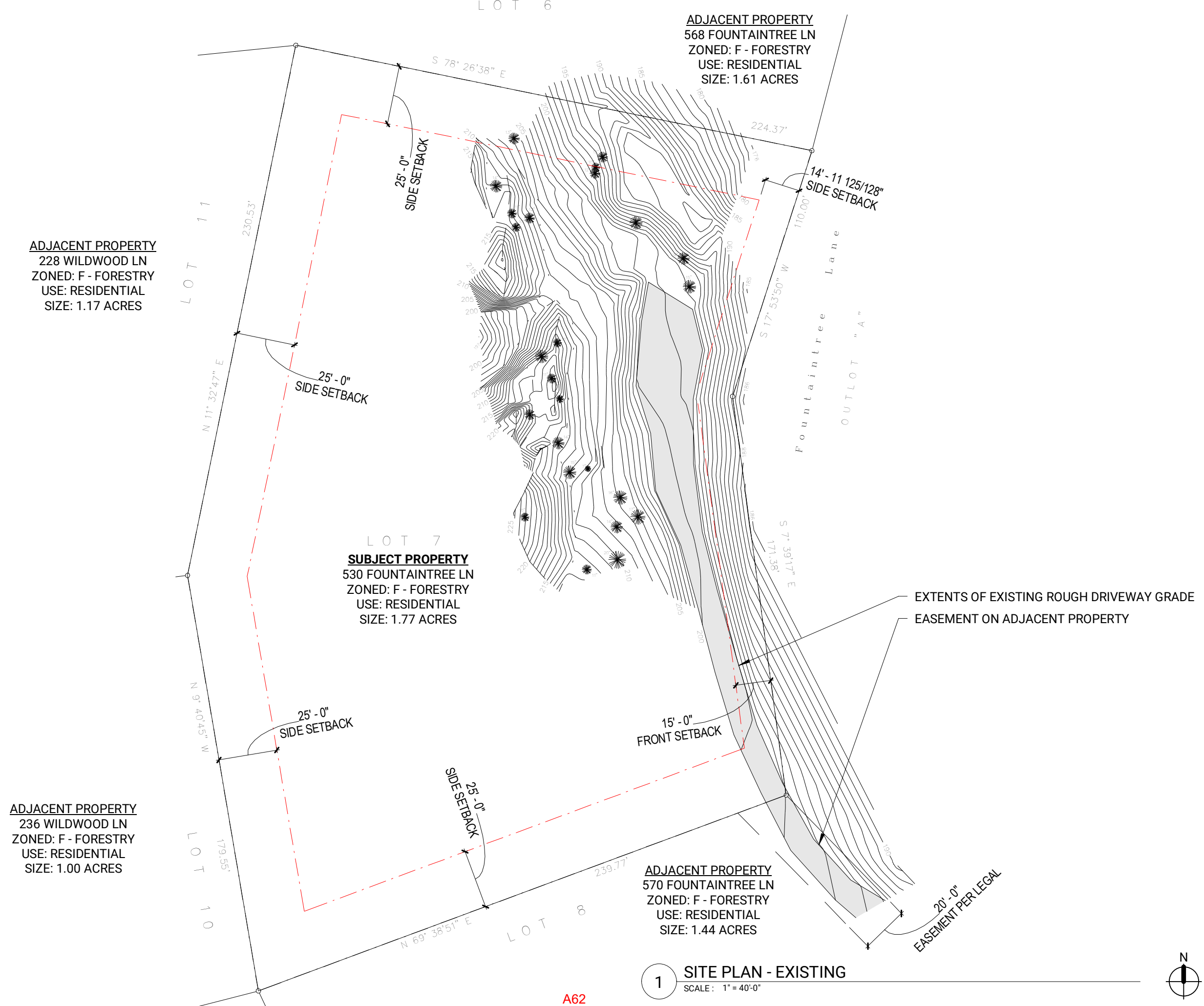


FOUNTAINTREE
530 FOUNTAINTREE LN
BOULDER, CO 80304

SPR.2

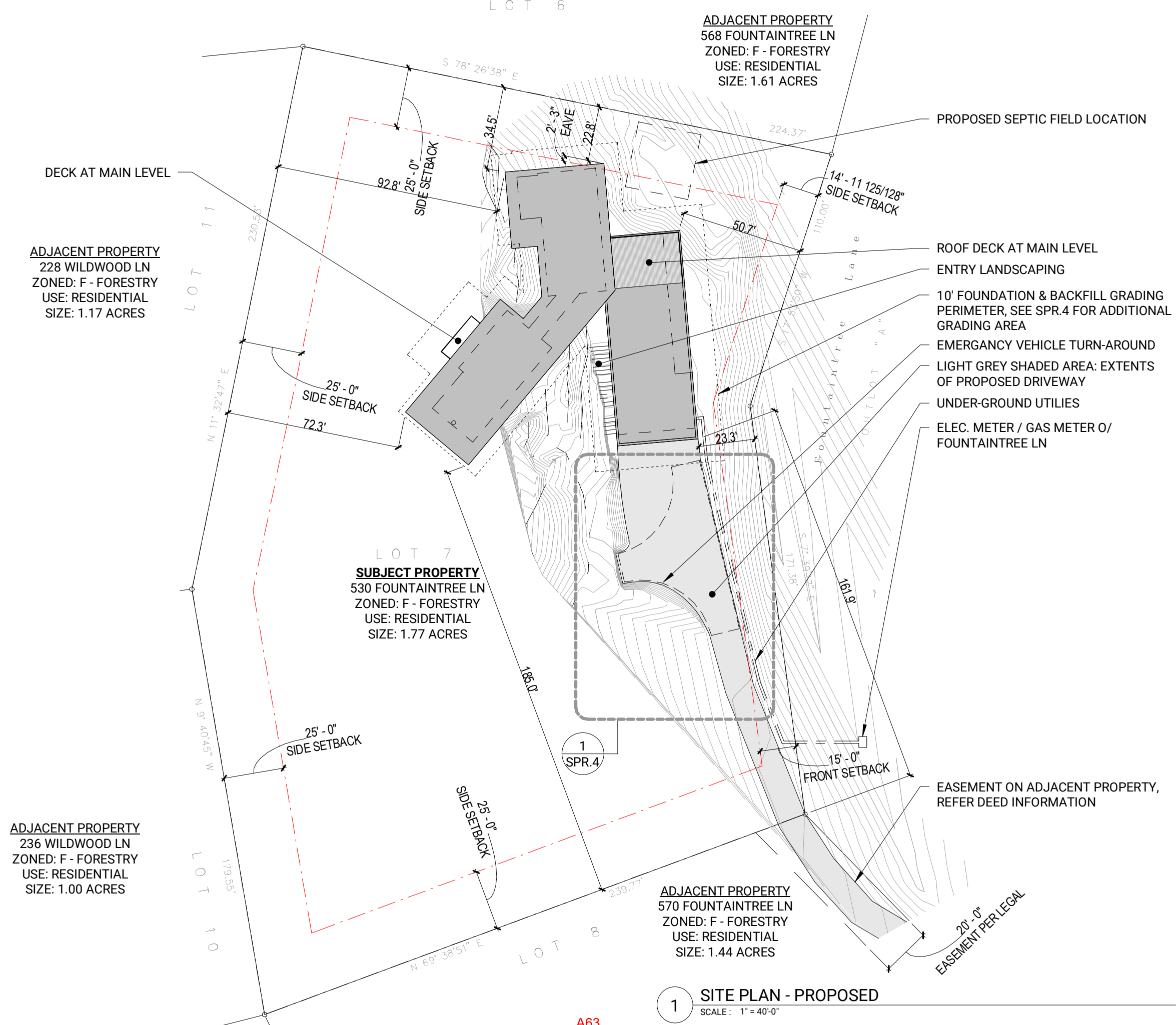
EXISTING SITE PLAN

ISSUED: 12/12/2022



1 SITE PLAN - EXISTING
SCALE: 1" = 40'-0"

A62



FOUNTAINTREE
 530 FOUNTAINTREE LN
 BOULDER, CO 80304

SPR.3

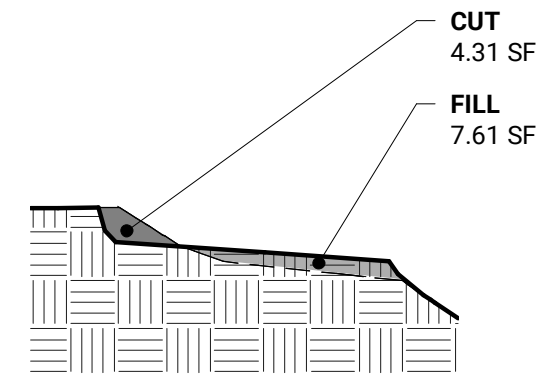
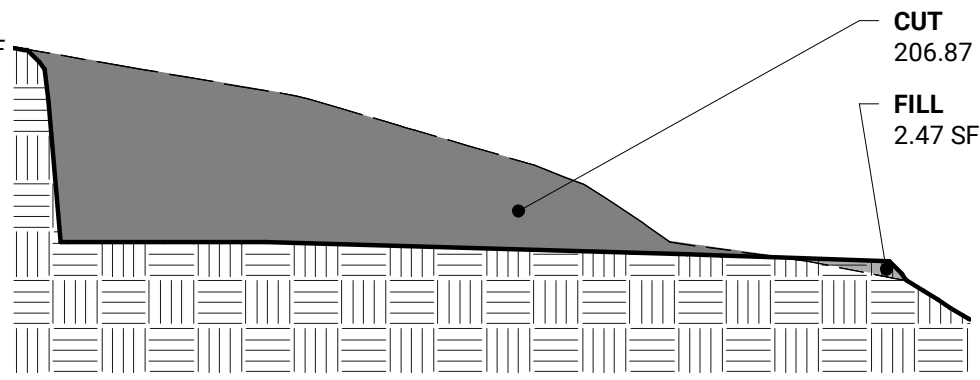
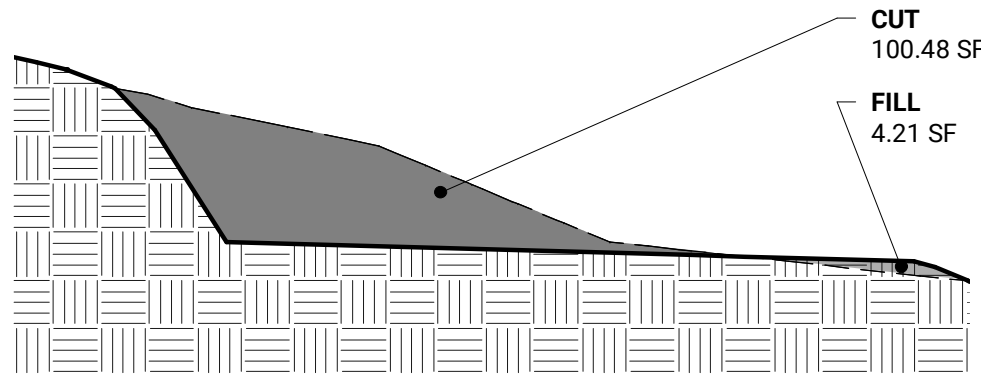
PROPOSED SITE PLAN

ISSUED: 12/12/2022

1 SITE PLAN - PROPOSED
 SCALE: 1" = 40'-0"



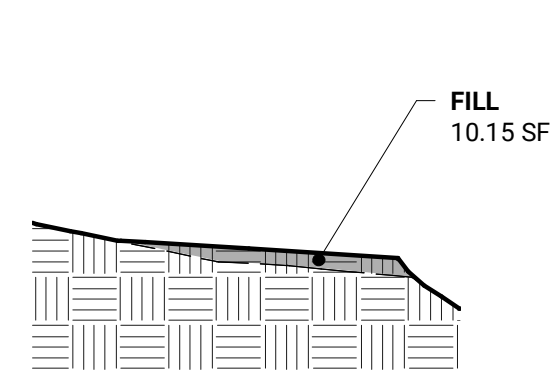
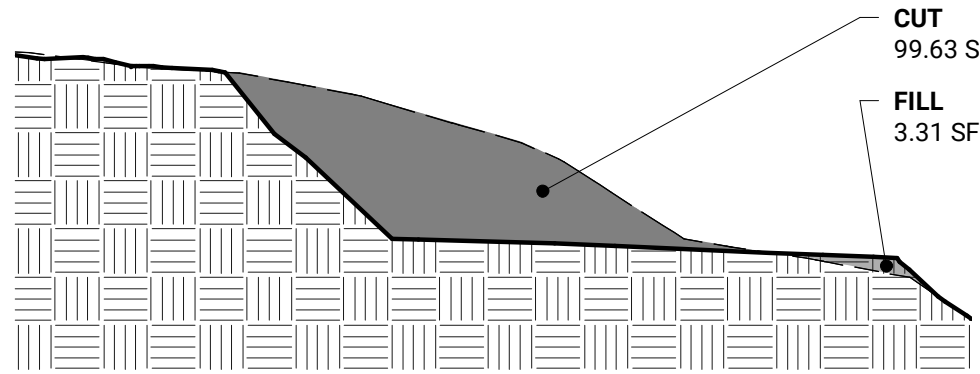
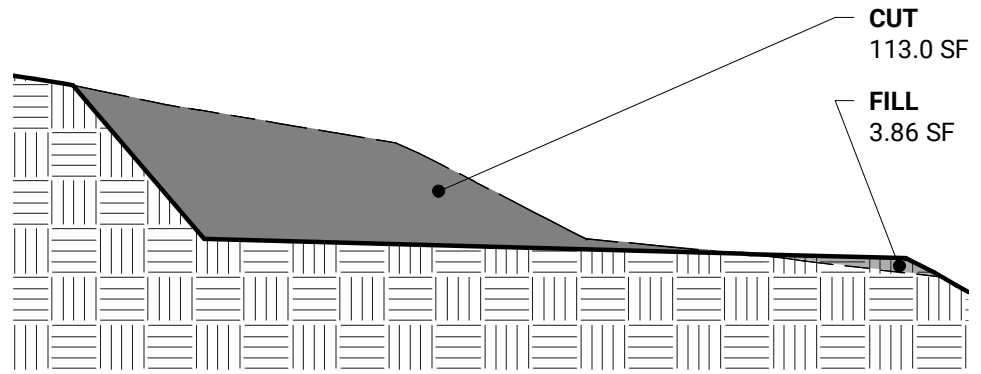
A63



9 H
SCALE: 1" = 10'-0"

6 E
SCALE: 1" = 10'-0"

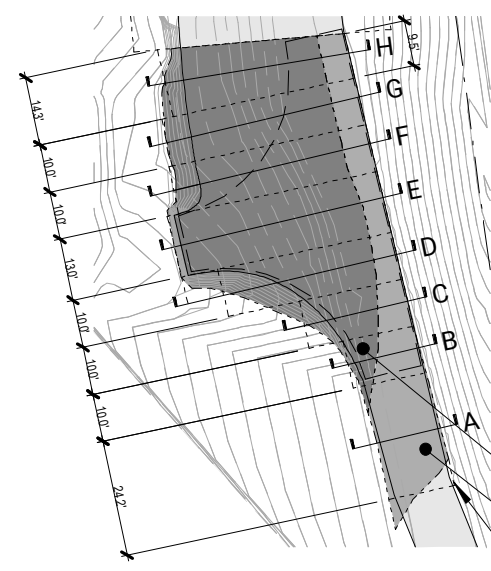
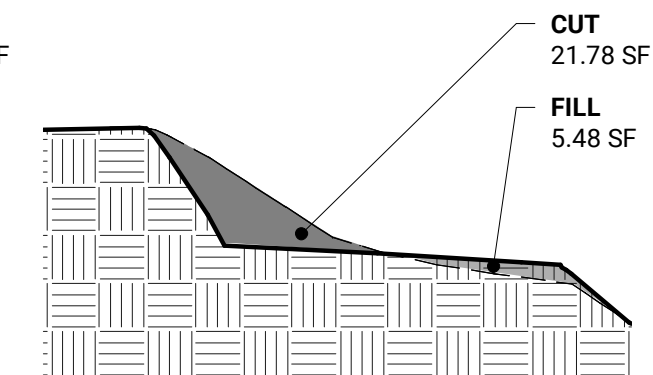
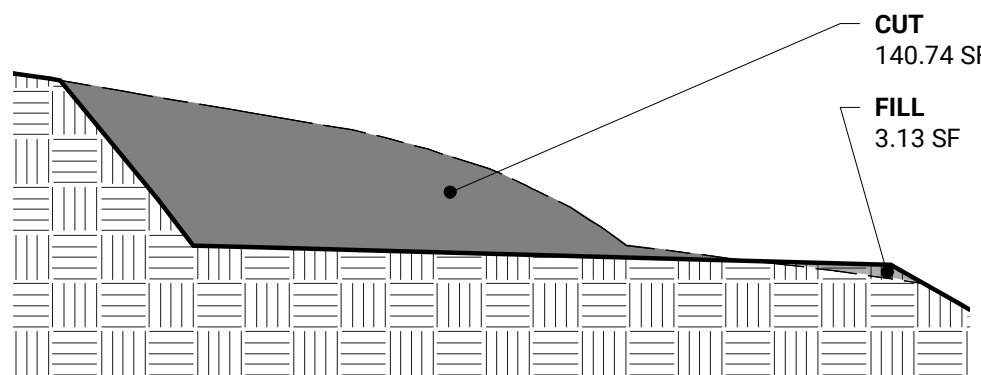
3 B
SCALE: 1" = 10'-0"



8 G
SCALE: 1" = 10'-0"

5 D
SCALE: 1" = 10'-0"

2 A
SCALE: 1" = 10'-0"



TOTAL CALCS

	CUT (SF)	FILL (SF)	LENGTH (')	TOTAL
A:	0	10.15	24.2	245.6 CU FT
B:	4.31	7.61	10.0	119.2 CU FT
C:	21.78	5.48	10.0	272.6 CU FT
D:	99.63	3.31	10.0	1,029.4 CU FT
E:	206.87	2.47	13.0	2,721.4 CU FT
F:	140.74	3.13	10.0	1,438.7 CU FT
G:	113.0	3.86	10.0	1,168.6 CU FT
H:	100.48	4.21	11.9 (AVG)	1,245.8 CU FT
TOTAL	7,679.53 CU FT	561.74 CU FT		8,241.3 CU FT
	= 284.4 CU YD	= 20.8 CU YD		= 305.2 CU YD

7 F
SCALE: 1" = 10'-0"

4 C
SCALE: 1" = 10'-0"

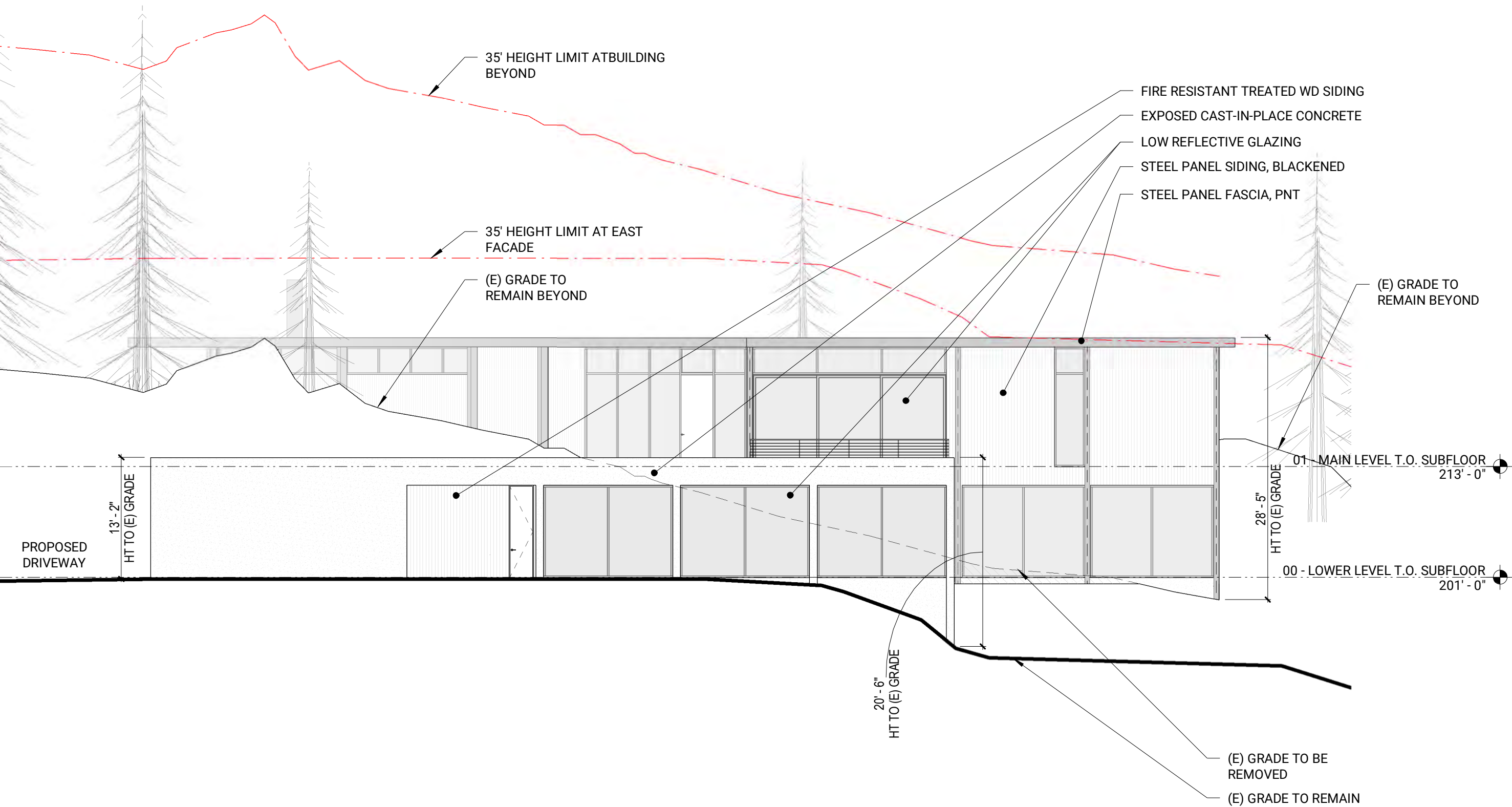
1 GRADING AREA
SCALE: 1" = 40'-0"

FOUNTAIN TREE
530 FOUNTAIN TREE LN
BOULDER, CO 80304

SPR.4

GRADING CALCS

ISSUED: 12/12/22



FOUNTAINTREE
 530 FOUNTAINTREE LN
 BOULDER, CO 80304

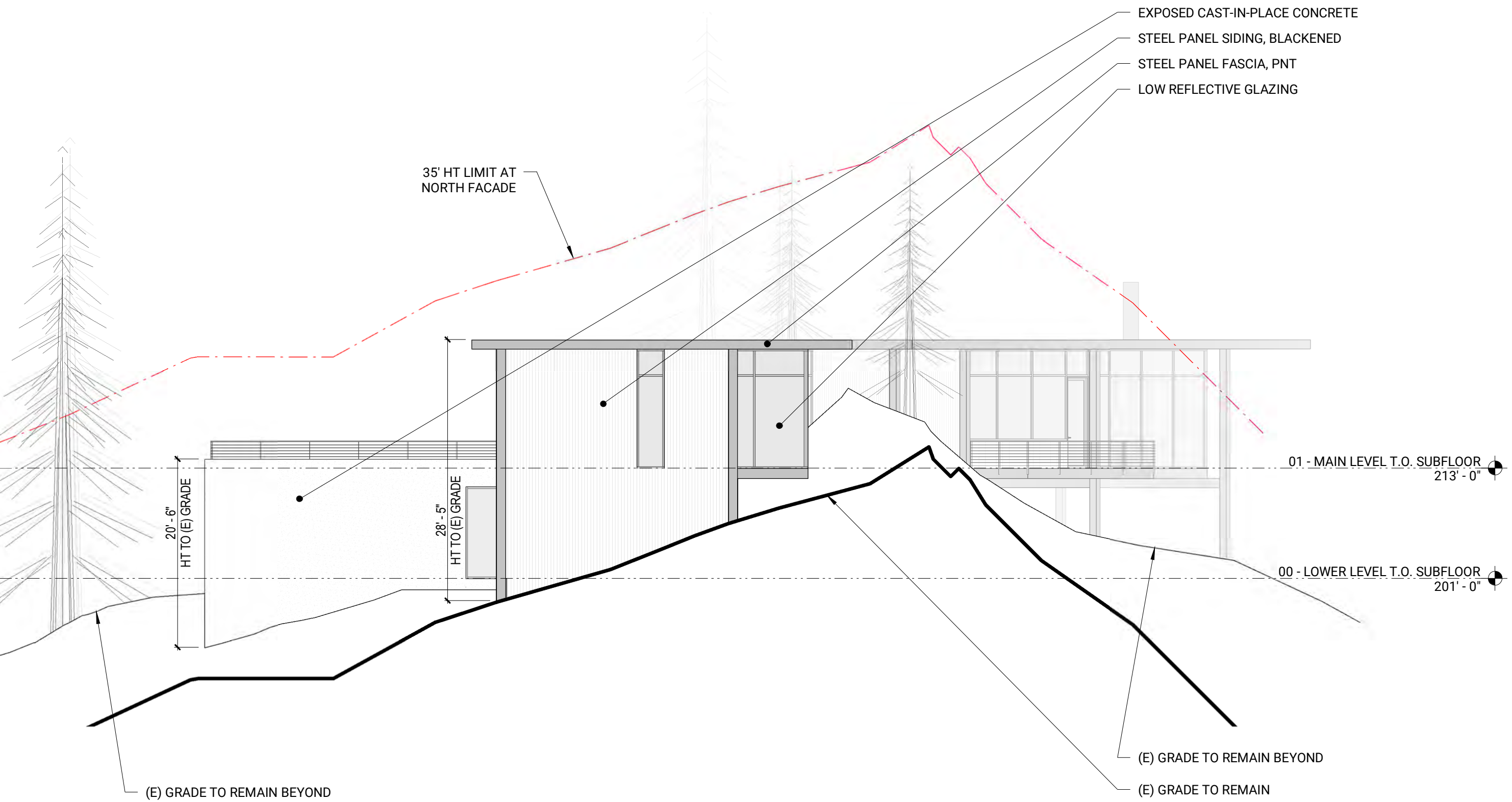
SPR.5

ELEVATIONS

ISSUED: 12/12/2022

1 EAST ELEVATION
 SCALE: 3/32" = 1'-0"

A65



FOUNTAINTREE
 530 FOUNTAINTREE LN
 BOULDER, CO 80304

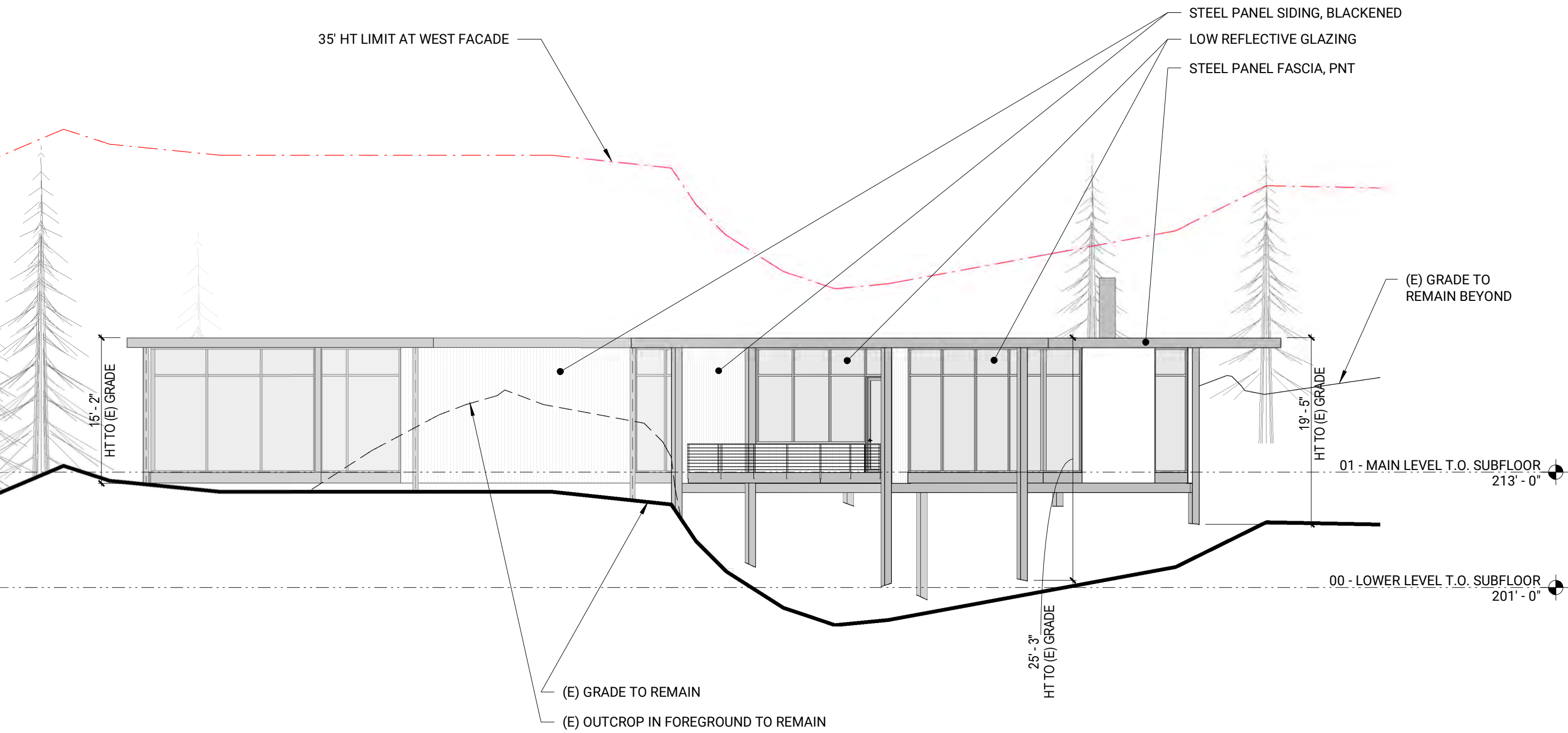
SPR.6

ELEVATIONS

ISSUED: 12/12/2022

1 NORTH ELEVATION
 SCALE: 3/32" = 1'-0"

A66



FOUNTAINTREE
 530 FOUNTAINTREE LN
 BOULDER, CO 80304

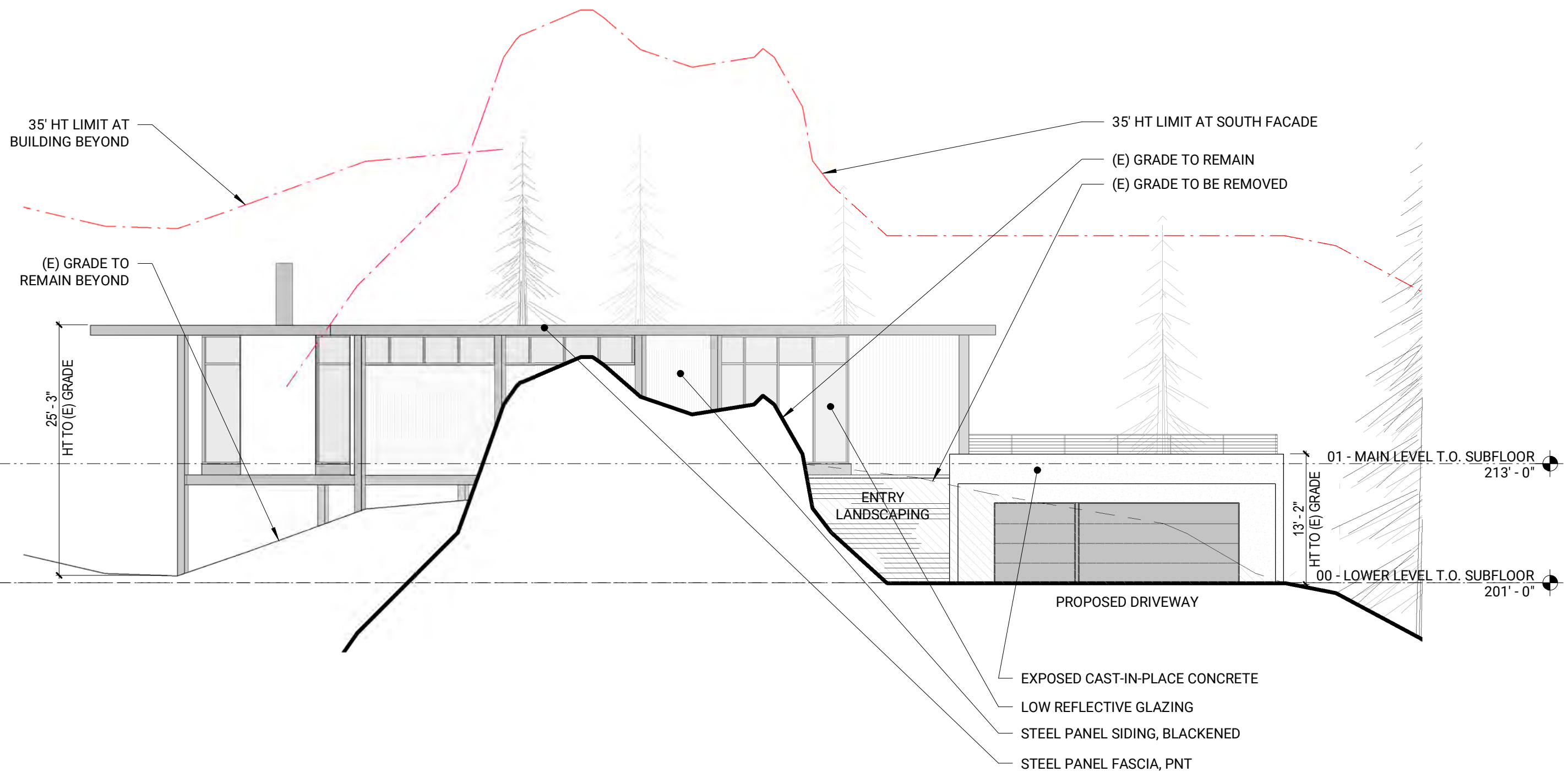
SPR.7

ELEVATIONS

ISSUED: 12/12/2022

1 WEST ELEVATION
 SCALE: 3/32" = 1'-0"

A67



FOUNTAINTREE
 530 FOUNTAINTREE LN
 BOULDER, CO 80304

SPR.8

ELEVATIONS

ISSUED: 12/12/2022

1 SOUTH ELEVATION - SPR
 SCALE: 3/32" = 1'-0"

A68



Community Planning & Permitting

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Building Safety & Inspection Services Team

MEMO

TO: Wesley Jefferies, Planner I
FROM: Michelle Huebner, Plans Examiner Supervisor
DATE: January 11, 2024 (revised)

RE: Referral Response, SPR-22-0132: Claman Residence. Request to construct a 6,300 square-foot residence with a 653 square foot covered porch where the PSM is 6,530 square-feet.

Location: 530 Fountaintree Lane

Thank you for the referral. We have the following comments for the applicants:

1. **Building Permit.** A building permit, plan review, inspection approvals, and a Certificate of Occupancy (“C.O.”) are required for the proposed residence.

Please refer to the county’s adopted 2015 editions of the International Codes and code amendments, which can be found via the internet under the link:

2015 Building Code Adoption & Amendments, at the following URL:

<https://assets.bouldercounty.org/wp-content/uploads/2017/03/building-code-2015.pdf>

2. **Automatic Fire Sprinkler System.** Under the 2015 International Residential Code (“IRC”) as adopted by Boulder County, all new one- and two-family dwellings and townhouses are required to be equipped with an automatic fire sprinkler system that is designed and installed in accordance with NFPA 13D or IRC Section P2904.
3. **BuildSmart.** Please refer to the county’s adoption and amendments to Chapter 11 of the IRC, the county’s “BuildSmart” program, for the applicable requirements for energy conservation and sustainability for residential additions and new residential buildings. Please be aware that there are energy related requirements of this code that may require the use of renewable energy systems (such as rooftop solar systems) that will also need to be approved by your electric utility provider. In some cases, there may be limitations on the size of on-site systems allowed by your utility provider that could constrain the project design. We strongly encourage discussions between the design team and the utility company as early in the process as possible in order to identify these constraints.

4. **Design Wind and Snow Loads.** The design wind and ground snow loads for the property are 165 mph (Vult) and 50 psf, respectively.
5. **Electric vehicle charging outlet.** Boulder County Building Code requires:
 - a. R329.1 Electric vehicle charging pre-wire option. In addition to the one 125-volt receptacle outlet required for each car space by NEC Section 210.52(G)(1.), every new garage or carport that is accessory to a one- or two-family dwelling or townhouse shall include at least one of the following, installed in accordance with the requirements of Article 625 of the Electrical Code:
 - i. A Level 2 (240-volt) electric vehicle charging receptacle outlet, or
 - ii. Upgraded wiring to accommodate the future installation of a Level 2 (240-volt) electric vehicle charging receptacle outlet, or
 - iii. Electrical conduit to allow ease of future installation of a Level 2 (240-volt) electric vehicle charging receptacle outlet.
6. **Ignition-Resistant Construction and Defensible Space.** Please refer to Section R327 of the Boulder County Building Code for wildfire hazard mitigation requirements, including ignition-resistant construction and defensible space.
7. **Plan Review.** The items listed above are a general summary of some of the county's building code requirements. A much more detailed plan review will be performed at the time of building permit application, when full details are available for review, to assure that all applicable minimum building codes requirements are to be met. Our [Residential Plan Check List](#) and other Building Safety publications can be found at: <https://assets.bouldercounty.org/wp-content/uploads/2017/03/b24-residential-plan-check-list.pdf>

If the applicants should have questions or need additional information, we'd be happy to work with them toward solutions that meet minimum building code requirements. Please call (720) 564-2640 or contact us via e-mail at building@bouldercounty.org



Public Health

Environmental Health Division

December 18, 2022

TO: Staff Planner, Land Use Department
FROM: Jessica Epstein, Environmental Health Specialist
SUBJECT: SPR-22-0132: Claman Residence

OWNER: Claman

PROPERTY ADDRESS: 530 Fountaintree Lane

SEC-TOWN-RANGE: 14 -1N -71

The Boulder County Public Health – Environmental Health division has reviewed the submittals for the above referenced docket and has the following comments.

OWTS Application Needed:

1. An onsite wastewater treatment system (OWTS) permit has not been issued by Boulder County Public Health for this property. The owner or their agent (e.g., contractor) must apply for an OWTS permit, and the OWTS permit must be issued prior to installation and before a building permit can be obtained. The OWTS components must be installed, inspected and approved before a Certificate of Occupancy or Final Building Inspection approval will be issued by Community Planning and Permitting (CP&P).
2. 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' from all wells, 25' from waterlines, 50' from waterways and 10' from property lines.

This concludes comments from the Public Health - Environmental Health division at this time. For additional information on the OWTS application process and regulations, refer to the following website: www.SepticSmart.org. If you have additional questions about OWTS, please do not hesitate to contact Jessica Epstein at (303) 441-1138.

Cc: OWTS file, owner, Community Planning and Permitting



Community Planning & Permitting

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Wildfire Mitigation Team

MEMO

TO: Wesley Jefferies, Planner I
FROM: Kyle McCatty, Wildfire Mitigation Specialist
DATE: December 29, 2022
RE: Referral packet for SPR-22-0132: Claman Residence at 530 Fountaintree Lane

Thank you for the referral. We have the following comments for the applicants:

Decades of catastrophic wildfires, research, and case studies have shown that extreme wildfires are inevitable in the forests of Boulder County and across the Western US. Still, the loss of life and homes does not have to be inevitable. The conditions that principally determine if a house ignites occur within 100 feet of the house, including the house itself. That is why Boulder County has such strong wildfire mitigation requirements in our Land Use and Building Code. Boulder County encourages all homeowners to voluntarily take responsibility to mitigate their own home's risk of igniting in a wildfire through Wildfire Partners.

Wildfire Mitigation is required; the proposed project is in [Wildfire Zone 1](#) (the foothills or mountains—approximately west of highways 7, 36, or 93) of the unincorporated portion of Boulder County. The Boulder County Wildfire Mitigation requirements are composed of site location, ignition-resistant materials and construction, defensible space, emergency water supply, and emergency vehicle access.

Site Location

A Boulder County Wildfire Mitigation Specialist has reviewed the site location as part of the Site Plan Review process. Ideally, all structures should be located as far from property lines as possible for full defensible space—at least 100 feet. This is especially true for areas with large openings, overhangs, or cantilevers.

Ignition-Resistant Materials and Construction

Since the proposed development is located within a potentially hazardous area, all exterior building materials (including any proposed decking) must be ignition-resistant construction or better. Because of the wildfire mitigation risks associated with the site location, the following more restrictive increased ignition-resistant exterior materials are required:

- Dual pane tempered glass windows are required within at least 50 feet of property lines.
- Wood and fire-retardant-treated wood are not allowed.
- Heavy timber (IBC Section 602.4) and log wall construction (see definition in R327) are allowed.
- Deck surface must be an ASTM E84 (UL 723) flame-spread index no greater than 75.

Matt Jones County Commissioner **Claire Levy** County Commissioner **Marta Loachamin** County Commissioner

For additional ignition-resistant construction information, please contact the Building Safety & Inspection Services Team at 303-441-3926. Refer to the Boulder County publication: [Building with Ignition Resistant Materials](#) for specific requirements. All exterior materials must be clearly noted on the building plans and must be reviewed and approved as “ignition resistant” by the Building Safety & Inspection Services Team.

Defensible Space

Adequate defensible space is required to prevent the spread of fire to and from the structure. This requires limbing and/or removal of trees and shrubs to provide necessary vertical and horizontal fuel separation within a minimum of 100 ft. from the home and within 30 ft. along both sides of a driveway. Where the property boundary limits Zone 2 (at least 100 feet from structures), Zone 1 (a buffer of at least 30 feet free of conifer trees and other highly combustible vegetation immediately surrounding the home, including all attachments and accessory structures within 30 feet) may need to begin at the home’s dripline. More information can be found by referring to the Colorado State Forest Service publication [Protecting Your Home from Wildfire: Creating Wildfire-Defensible Zones – 2012 Quick Guide](#).

Follow the Colorado State University [FireWise Plant Materials – 6.305](#), [Fire-Resistant Landscaping – 6.303](#), and Colorado State Forest Service [Protecting Your Home from Wildfire: Creating Wildfire-Defensible Zones – 2012 Quick Guide](#) publications when choosing plants and designing revegetation and landscaping.

Emergency Water Supply

An emergency water supply is required to aid in the defense of the structures from a wildfire and assist in firefighting efforts. This may include, but is not limited to, a hydrant on a public water system, a dry hydrant in a local water source, a community cistern, or an individual cistern. Contact Chief John Benson of the Boulder Mountain Fire Protection District for their requirements at 303-440-0235, bouldermountainfire@gmail.com, and chief@bouldermountainfire.org. If installing an individual cistern and the Fire Protection District does not have its own installation requirements follow the Boulder County publication: [Emergency Water Supply for Firefighting](#).

Emergency Vehicle Clearance

Emergency vehicle clearance is required to allow for safe ingress and egress of emergency vehicles. Emergency personnel try their best to respond to calls in a timely manner, often while negotiating difficult terrain. Planning for access by emergency vehicles improves safety for homeowners and their families by providing for a more efficient response by firefighters and other emergency personnel arriving on the scene. This is especially important in rural and mountainous areas where response times may be considerably longer than in cities, where emergency services are closer by. Refer to the Boulder County publication: [Driveway Access for Emergency Vehicles](#) for specific clearance-related requirements.

Timeline

After applying for, but prior to issuance of any permits, a Boulder County Wildfire Mitigation Specialist will contact you 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 & 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 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 are to be fully implemented and inspected. Ground surfaces within three feet of both existing and new structures, and at least 2 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](#).

If the applicants should have questions or need additional information, we'd be happy to work with them toward solutions that meet minimum land use and building code requirements. I can be reached at 720-564-2625 or via e-mail at kmccatty@bouldercounty.org.



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Jan. 8, 2023

TO: Wesley Jefferies, Planner I; Community Planning & Permitting, Development Review

FROM: Ian Brighton, Planner II; Community Planning & Permitting, Access & Engineering

SUBJECT: Docket SPR-22-0132: Claman Residence
530 Fountaintree Lane

A hold request was placed on the initial application on March 4, 2023, followed by three addendums dated April 13, 2023, May 3, 2023 and May 16 2023 (attached). Access & Engineering staff has reviewed the above re-referenced docket and has the following comments in addition to previously provided comments:

1. Comment #1 in the hold request dated March 4th, 2023 remains valid. Comments 2, and 3 have been addressed.
2. The comment in the addendum dated April 13, 2023 has been addressed.
3. Comments # 1-3 in the addendum dated May 3, 2023 have been addressed in updated plans.
4. Comment #1 in the addendum dated May 16, 2023 has been addressed in updated plans.
5. An Access Improvement and Maintenance Agreement (AIMA), which is an agreement for future maintenance responsibility, will be issued for Fountaintree Lane during building permit review. The AIMA will be prepared by the Access & Engineering staff, signed and notarized by the property owner, and approved as part of the building permit process.
6. Per section 2.8.6.2.ii of the [Boulder County Multimodal Transportation Standards](#) (the Standards) staff finds the proposal as presented does not meet the requirements of the Standards due to a proposed turning radius of approximately 35 feet, however the proposal could meet the Standards with an approved Design Exception. The County Engineer has reviewed the Design Exception request dated Apr. 17, 2023 (attached) and finds it meets the requirements of section 2.8.5 of the Standards.
7. The revised application materials indicate 305 cubic yards of earthwork is required for the proposed driveway improvements. The improved driveway must comply with the Standards for residential development in the mountains, including without limitation:
 - a. Table 5.5.1 – Parcel Access Design Standards
 - b. Standard Drawing 11 – 12 Private Access
 - c. Standard Drawing 14 – Access with a Roadside Ditch
 - d. Standard Drawing 15 – Access Profiles Detail
 - e. Standard Drawing 16 – Access Grade & Clearance
 - f. Standard Drawing 18 – Access Turnaround

g. Standard Drawing 19 – Typical Turnaround Locations

8. Plans submitted by the applicant indicate a turnaround approximately 52 feet from the front of the structure and 180 feet from the rear of the structure. To meet the Standards, the emergency access turnaround must be located a minimum of 50 feet from the front of the residence and no greater than 150 feet from the rear of the residence. Per Standard Drawing 18, the 50-foot distance shall be met if both distances cannot be simultaneously achieved due to the shape of the structure. Staff finds the turnaround meets this requirement.
9. Plans submitted by the applicant dated 11/29/2023 don't indicate proposed grades or how drainage will be handled around the proposed development. Plans submitted for permitting must demonstrate that the proposed earthwork will not alter or increase the historic drainage patterns from the site to adjacent properties.

At building permit, submit a grading and drainage plan that clearly shows the following information: existing and proposed contours, stationing along the driveway, driveway profile, dimensions for the parking areas, wall locations and details, and drainage details including flow lines and how drainage will be handled from the proposed development. Per section 5.10.5 and Section 2.8.3 of the Standards, designs submitted at building permit for retaining walls or series of retaining walls over four feet tall, as measured from the bottom of the footing to the top of the wall, must be stamped by a qualified Colorado-licensed Professional Engineer. Calculations shall be submitted for any retaining walls over six feet in height.

Plans must include updated grading calculations and be stamped by a qualified Colorado-licensed Professional Engineer. ***NOTE: if the total non-foundational earthwork exceeds 500 cubic yards, a Limited Impact Special Use Review is required. plans submitted at building permit must be stamped by a Colorado-licensed qualified Engineer and include updated grading calculations.***

10. Plans submitted by the applicant indicate that there will be excavation to competent bedrock at the sheer wall east of the structure at 570 Fountaintree Lane. The soil layer at the top of the cut must be laid back at a 10-foot radius to reduce erosion. ***Note: all work must stay within the access easement.***
11. The subject property is located on a ridge with rock outcrops and shallow bedrock. Due to the potential for rockfall on both sides of the ridge, a catch fence must be installed downhill of all construction areas both within the subject property and in offsite areas.

At building permit, provide updated plans clearly indicating the location of a catch fence below all construction areas. The catch fence must be designed and certified by a Colorado-licensed qualified engineer and include calculations demonstrating the ability to adequately mitigate risks of rockfall from construction activities.

12. Plans submitted by the applicant indicate a portion of catch fence will be located on an adjacent property. The temporary construction easement must be provided prior to issuance of a building permit and include all areas required for the installation and reclamation.
13. Materials submitted by the applicant indicate construction associated with the access drive and proposed residence will utilize portions of Fountaintree lane adjacent to steep grades with narrow shoulders. Construction operations must utilize the existing access on the subject property to the greatest extent possible. A Traffic Control Plan (TCP) must be submitted for all work requiring the use of Fountaintree Lane. The TCP must be completed by a certified Traffic Control Supervisor and submitted with the building permit application.

14. During construction, all vehicles, materials, machinery, dumpsters, and other items shall be staged on the subject property or to one side of Fountaintree Lane to preserve the travelway. Construction staging and sufficient parking areas must be shown on plans submitted at building permit. Emergency access must be maintained throughout construction.
15. Plans submitted at building permit must align with the findings and recommendations of the geotechnical reports submitted by the applicants dated Nov. 22, 2023, and Jan. 5, 2023 (attached).
16. Prior to building permit, a boundary field survey must be completed to clearly identify the location of all easements, outlot, and property boundaries within the proposed project area.
17. Application materials submitted by the applicant indicate approximately 1,698 cubic yards of additional cut will be removed from the property and transported to the Eire Landfill.

At building permit, submit a Haul Plan that shows the anticipated haul route along with an estimate of the capacity and number of haul vehicles that will be running at any one time. The Haul Plan must be submitted with the building permit application.

18. The proposed disturbance is over an acre in size and will require a Boulder County Stormwater Quality Permit (SWQP). Please visit Boulder County's stormwater website at <https://bouldercounty.gov/transportation/permits/stormwater-quality-permit/> or contact tdstormwater@bouldercounty.org for more information.

At building permit, submit a SWQP or a SWQP Exception form. If required, the SWQP must be issued prior to any work beginning on this project.

19. The subject parcel has been evaluated for compliance with Section 1200 of the Boulder County Storm Drainage Criteria Manual (SDCM). Exceptions to the full-spectrum detention and permanent water quality requirements may be granted for small single-family residential parcels provided Low-Impact Development (LID) principles are included in the design. Drainage impacts to the adjacent access road must be mitigated.

At building permit, provide updated plans demonstrating compliance with SDCM Section 1202 Low Impact Development such that at least 20 percent of the total impervious area of all new development and redevelopment sites drain to a pervious area equal to at least 10 percent of the total impervious surface area of the development site, prior to discharging from the site.

This concludes our comments at this time.



Community Planning & Permitting

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Mailing Address: P.O. Box 471 • Boulder, Colorado 80306

March 4, 2023

TO: Wesley Jefferies, Planner I; Community Planning & Permitting, Development Review

FROM: Ian Brighton, Planner II; Community Planning & Permitting, Access & Engineering

SUBJECT: Docket SPR-22-0132: Claman Residence
530 Fountaintree Lane

The Development Review Team – Access & Engineering staff (Staff) has reviewed the above referenced docket and has the following comments:

1. The subject property is accessed from Fountaintree Lane, a paved privately maintained right-of-way (ROW) as shown on the Fountaintree subdivision plat recorded July 26, 1968 at Reception No. 90885581, via a 20 foot wide access easement. Legal access to the subject property has been demonstrated via the attached easement document recorded December 13th, 1968 at Reception #900368.

Staff requests the review be placed on hold for the following reasons:

2. Plans submitted by the applicant do not include details on how the physical access connection will be made to Fountaintree Lane.
3. Staff conducted a site visit on 2/21/2023 and observed that constructing an access drive compliant with the 40-foot radius per Table 5.5.1 in the Standards would require significant earthwork and disturbance. Please submit a revised site plan and grading plan signed by a Colorado-licensed Professional Engineer showing a driveway compliant with the Boulder County Multimodal Transportation Standards (“the Standards”). The driveway shall be designed according to the Standards, including without limitation:
 - a. Table 5.5.1 – Parcel Access Design Standards (1-Lane Mountain Access)
 - b. Standard Drawing 11 – 12 Private Access
 - e. Standard Drawing 15 – Access Profiles Detail
 - f. Standard Drawing 16 – Access Grade & Clearance
 - h. Standard Drawing 18 – Access Turnaround
 - i. Standard Drawing 19 – Typical Turnaround & Pullout Locations

The access drive must be between 12 and 18 feet in width, plus an additional 2’ horizontal clearance on each side

The access must be surfaced with 4” ABC (Class 6) or other suitable material as approved by the County Engineer

Additional comments will be provided once the requested materials are submitted.



Community Planning & Permitting

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Mailing Address: P.O. Box 471 • Boulder, Colorado 80306

April 13, 2023

TO: Wesley Jefferies, Planner I; Community Planning & Permitting, Development Review

FROM: Ian Brighton, Planner II; Community Planning & Permitting, Access & Engineering

SUBJECT: Docket SPR-22-0132: Claman Residence
530 Fountaintree Lane

In response to the additional information the County has received from the Boulder Mountain Fire Protection District (FPD), the Development Review Team – Access & Engineering staff requests the applicant submit plans that address the concerns of the FPD. These revisions should be considered in addition to the materials requested in the Hold Request dated March 4th 2023.



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306

May 3, 2023

TO: Wesley Jefferies, Planner I; Community Planning & Permitting, Development Review

FROM: Ian Brighton, Planner II; Community Planning & Permitting, Access & Engineering

SUBJECT: Docket SPR-22-0132: Claman Residence- HOLD REQUEST 2
530 Fountaintree Lane

The Development Review Team – Access & Engineering staff provided an initial referral and Hold Request on March 4, 2023 (attached) and an Addendum dated April 13, 2023 (attached). Staff requests the review remain on hold for the following reasons:

1. Plans submitted by the applicant dated 2/24/23 do not include proposed grades or indicate the location of retaining walls. Per section 5.3.2.2 of the Standards for cut and fill slopes in the mountains, final grades shall not be steeper than a 1-½ to 1 slope. Grades steeper than a 1-½ to 1 slope must be supported by a retaining wall. Retaining walls or series of walls greater than four feet in height, as measured from the bottom of the footer to the top of the wall, require building permits for construction. Steep sloped areas of stable exposed bedrock are acceptable in lieu of constructing a retaining wall.

Please provide updated plans indicating existing and proposed contours, as well as the location and type of any retention walls. At building permit, the height of the retaining wall must be provided and, if greater than four feet in height, wall details must be designed and stamped by a qualified Colorado-licensed professional engineer. Calculations shall be submitted for all retaining walls over 6 feet in height.

2. Plans submitted by the applicant dated 2/24/23 don't clearly indicate a consistent width of the proposed driveway. Please provided revised plans with a driveway between 12 and 18 feet in width, plus an additional 2' horizontal clearance on each side.
3. The letter submitted by the Boulder Mountain Fire Department and dated April 13, 2023 (attached) expresses a concern for the proximity of the driveway to the existing house at 570 Fountaintree Lane. Submit revised plans with a minimum 4-foot offset from the existing residence.

Additional comments will be provided once the requested materials are submitted.



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306

May 16, 2023

TO: Wesley Jefferies, Planner I; Community Planning & Permitting, Development Review

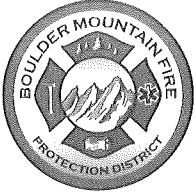
FROM: Ian Brighton, Planner II; Community Planning & Permitting, Access & Engineering

SUBJECT: Docket SPR-22-0132: Claman Residence- 3rd Addendum
530 Fountaintree Lane

The Development Review Team – Access & Engineering staff provided an initial referral and Hold Request on March 4, 2023, an Addendum dated April 13, 2023, and an Addendum dated May 3rd, 2023 (attached). Staff has the following additional comment:

1. Updated plans requested as part of the May 3rd addendum must be designed by a Colorado-Licensed Professional Engineer.

Additional comments will be provided once the requested materials are submitted.



BOULDER MOUNTAIN FIRE PROTECTION DISTRICT

1905 LINDEN DRIVE • BOULDER, CO 80304 • Tel: (303) 440-0235 • Fax: (303) 440-5247

April, 13, 2023

Wesley Jeffries, Planner I
Boulder County Community Planning & Permitting
P.O. Box 471
Boulder, CO 80306

RE: SPR-22-0132 Claman Residence

I have reviewed the site plan extensively and I have also been up on the site.

Please see my comments below:

1. The original driveway and turn radius were insufficient for BMFPD apparatus to maneuver safely and respond effectively. Please provide a 35- foot centerline turn for apparatus turning from the Claman residence to Fountain Tree Lane. (If this is not possible with engineering, please bring back recommendations to BMFPD). We will try and work through the process.
2. I have concern with the width of the drive that comes off of Fountain Tree Lane and onto the Claman Driveway. With the current house so close to the driveway, I am concerned there is not enough room for us to pass by the house safely. What I don't want to see is our apparatus slide into the house or have one of our mirrors clip the edge of the home. Please review the driveway width and provide for the widest driveway entrance possible. (If this is not possible with engineering, please bring back recommendations to BMFPD).
3. Parking of equipment or the staging of building materials needs to be coordinated, so that the Fountain Tree Lane is not blocked or shut down at any time. This is especially important at the first hairpin curve. This corner is tight now for any vehicles. The clearance around hydrants need to be maintained at all times. A traffic and staging plan would be beneficial to not only the fire district but also the neighbors. Please consider.
4. If the turn around has been constructed, please refrain from parking equipment in that area, so that fire apparatus can turn around in the area.

In closing, the Boulder Mountain Fire Protection District will not and does not get into the requirements of existing or newly constructed easement agreements. We are solely looking at this from an emergency ingress/egress review only. All requirements or agreements are solely between the homeowners, Fountain Tree H.O.A. and new resident contractors.

Respectfully,



John Benson
Fire Chief
Boulder Mountain Fire Protection District



DESIGN EXCEPTION REQUEST FORM

PUBLIC WORKS DEPARTMENT
 2525 13th Street · Boulder CO 80304
 PO Box 471 · Boulder CO 80306
 Phone: 303-441-3900
 Fax: 303-441-4594

OFFICE USE	
Approved:	<input type="checkbox"/> YES <input type="checkbox"/> NO
	<input type="checkbox"/> YES, WITH CONDITIONS
Effective Date:	

OWNER AND PROPERTY INFORMATION	
Applicant/Owner Name:	Owner: Ron Claman Applicant: Colorado View Properties LLC Phone: 305-319-1121
Address:	530 Fountaintree Ln Fax:
City:	Boulder State: CO Zip: 80304
Engineer Name:	Van Horn Engineering and Surveying Inc. Phone: 970 586 9388
Address:	1043 Fish Creek Road Fax: N/A
City:	Estes Park State: CO Zip: 80517
PROJECT AND DESIGN EXCEPTION INFORMATION	
Location of Project:	Fountaintree Subdivision City: Boulder, CO
Section/Township/Range:	14/1N/71
Description of Proposed Project:	Driveway & Emergency Vehicle Access for Single Family Home
Alternate Design Proposed:	Engineering forthcoming
DESIGN EXCEPTION REQUEST CRITERIA	
<p>The rationale for the Design Exception Request shall demonstrate that it meets all seven items in Article 2.8.5 of the Boulder County Multimodal Transportation Standards.</p> <p>1. Explain how it is not likely to unacceptably compromise public safety.</p> <p>The proposed driveway gets access from a private road and does not impact public right of way.</p> <p>2. Explain how it is not contrary to best engineering practices, as reflected by the approach outlined in the American Association of State Highway and Transportation Officials' (AASHTO) Guide for Achieving Flexibility in Highway Design (May 2004), hereby incorporated into these Standards by reference.</p> <p>The proposed driveway design parameters follow reasonable, realistic standards, horizontally and vertically for construction on existing lots of record in mountainous areas.</p> <p>3. Explain how it is not contrary to the intent and general purpose of these Standards, including without limitation an appropriate balancing of safety, multimodal mobility, and pursuit of the environmental, community, and sustainability goals outlined in the Comprehensive Plan.</p> <p>The design seeks to balance the impact with the land with safe, efficient access to the existing subject lot.</p>	

DESIGN EXCEPTION REQUEST FORM

4. Explain how it does not result in a significant impact to the public due to maintenance of the improvements.

The driveway is situated well away from any public improvements and does not directly connect to a public right of way. Any maintenance is the responsibility of the owner and would not impact the public.

5. Explain how it is the minimum exception from the Standards necessary to afford relief, given the context.

The driveway design seeks to mitigate the hardship created by the site constraints by maximizing the centerline radius to the greatest extent possible without undue impact to the surrounding lots. Site constraints include: to the East, the steep slope of the land and a neighboring property line, and to the West, the existence of a large retaining wall inside the easement built by the neighboring property owners of 570 Fountaintree Ln.


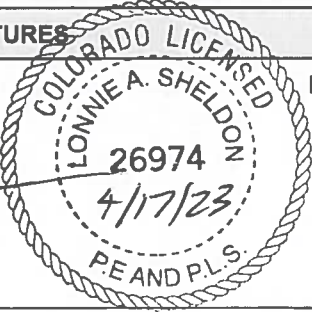

6. Explain how it reflects special conditions or exceptional characteristics of the proposal, not created by the applicant, that justify an exception from strict and literal interpretation of the Standards to avoid unusual difficulties or unnecessary hardship.

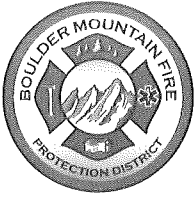
The design is constrained to the East by the steepness of the land & a neighboring property line, & to the West by the existence of a large retaining wall built by the property owners of 570 Fountaintree Ln. It is necessary to decrease the radius to avoid an excessively large retaining wall & encroachment towards the neighboring property to the East & to avoid the removal of the existing retaining wall to the West. Strict interpretation of the standards makes the subject lot extremely difficult to develop & far more impactful.

7. Explain how it is reasonably necessary for the health, safety, and welfare of the public.

This exception would allow for the construction of a safe driveway that is less impactful to land. The design allows for low grades and increased driveway width through the turn, making emergency response and maintenance in all seasons easier and safer.

Description of standard affected:	Boulder County MMTS section affected: 5.5 (40' centerline radius)
	AASHTO section affected: N/A
Rationale for exception:	Access to the subject lot is constrained to the East by a steep slope and a neighboring property line, and to the West by the presence of a large retaining wall built by a neighbor, creating a hardship in designing a driveway to access the lot. The proposal here is to minimize impact with a reduction in centerline radius to 35', which is supported by the fire department.

CERTIFICATION SIGNATURES	
Stamp and Signature of Design Engineer:	 
Signature of County Engineer:	
Conditions / Comments:	<p>Date: 4/17/23</p> <p>Date: 1/4/2024</p> <p>The approval of this design exception is for a 35-foot turning radius and expects the final design to follow the proposed design parameters stated above.</p>



BOULDER MOUNTAIN FIRE PROTECTION DISTRICT

1905 LINDEN DRIVE • BOULDER, CO 80304 • Tel: (303) 440-0235 • Fax: (303) 440-5247

April, 13, 2023

Wesley Jeffries, Planner I
Boulder County Community Planning & Permitting
P.O. Box 471
Boulder, CO 80306

RE: SPR-22-0132 Claman Residence

I have reviewed the site plan extensively and I have also been up on the site.

Please see my comments below:

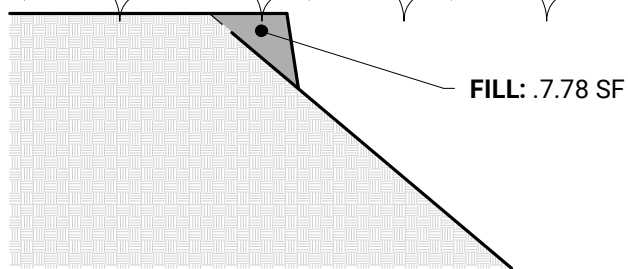
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4. If the turn around has been constructed, please refrain from parking equipment in that area, so that fire apparatus can turn around in the area.

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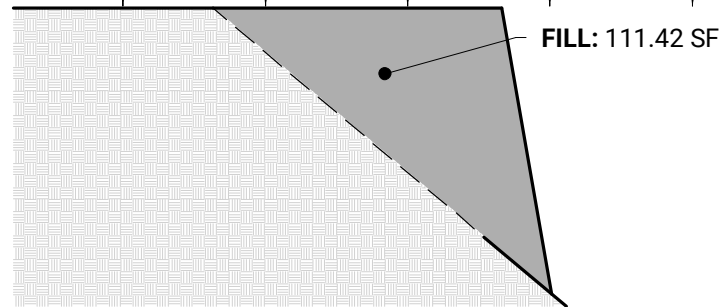
Respectfully,



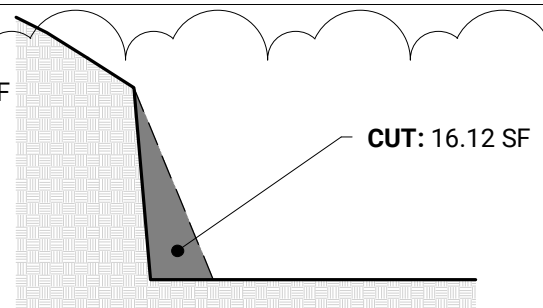
John Benson
Fire Chief
Boulder Mountain Fire Protection District



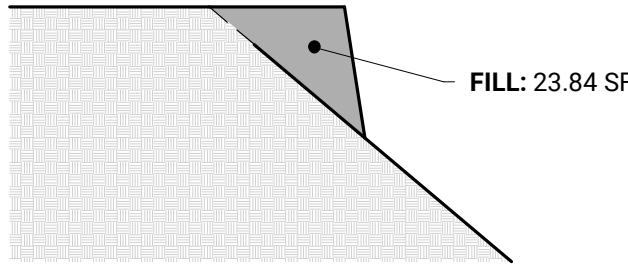
11 R
SCALE: 1" = 10'-0"



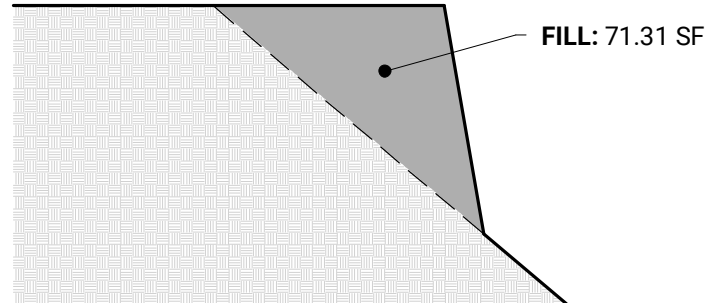
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SCALE: 1" = 10'-0"



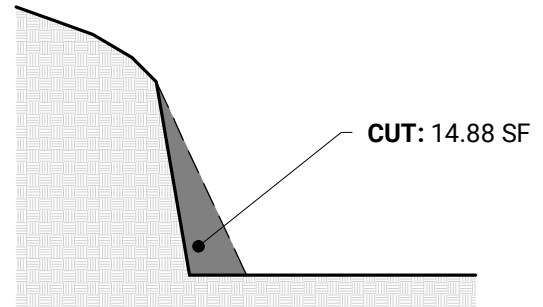
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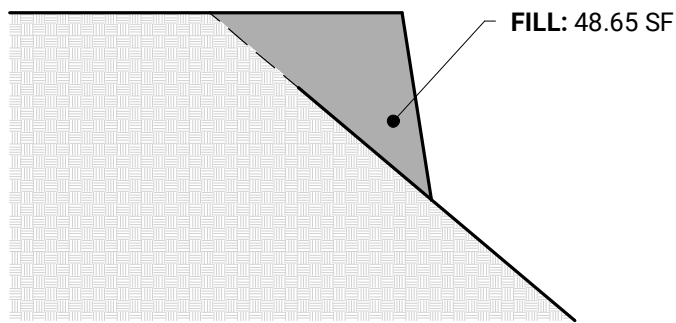
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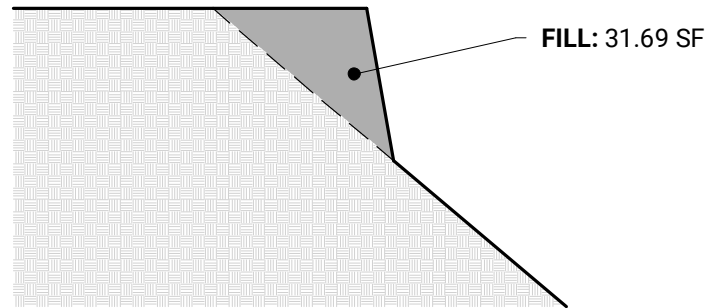
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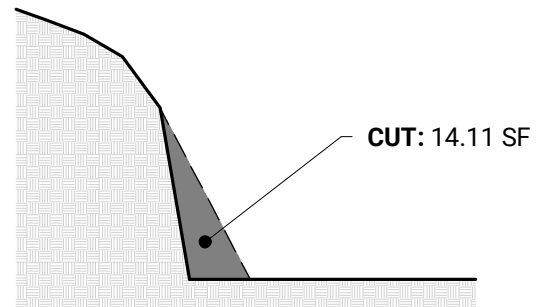
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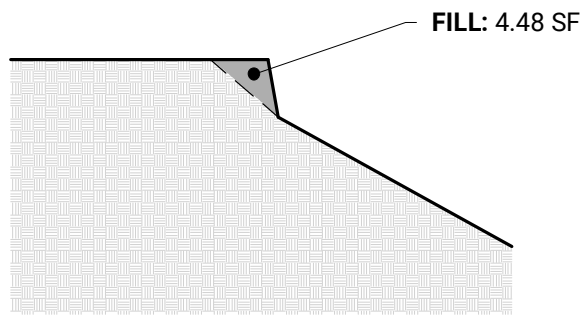
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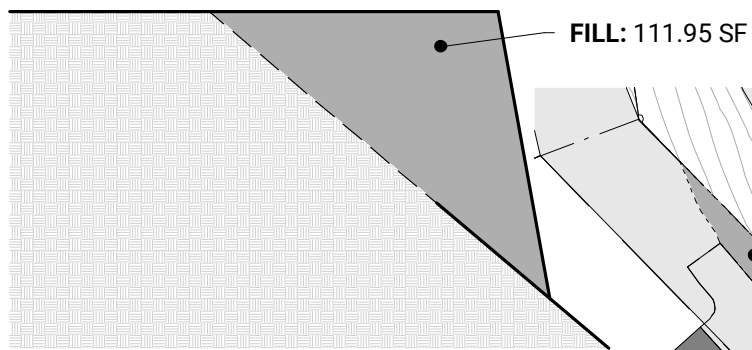
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SCALE: 1" = 10'-0"



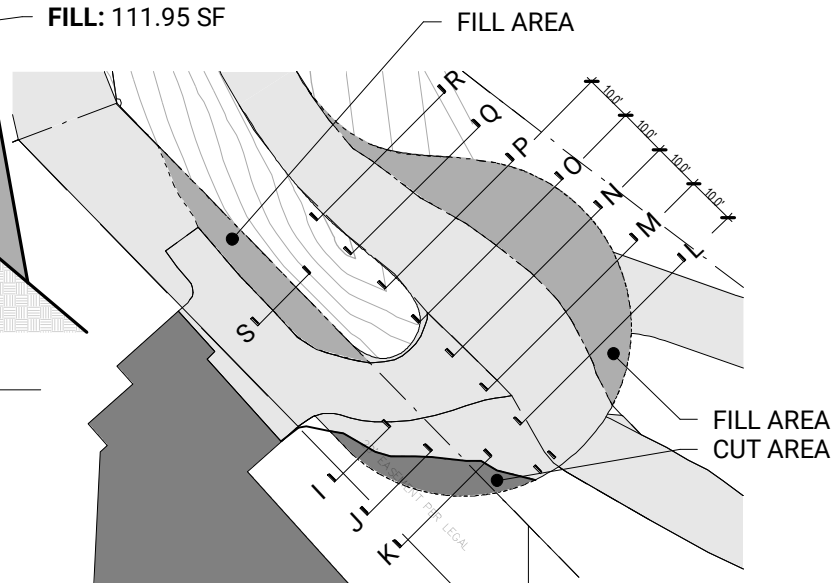
2 I
SCALE: 1" = 10'-0"



8 S
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8 O
SCALE: 1" = 10'-0"



1 GRADING AREA AT EASEMENT
SCALE: 1" = 40'-0"

TOTAL CALCS

	CUT (SF)	FILL (SF)	LENGTH (')	TOTAL
I:	14.11 SF	0	10.0	141.1 CU FT
J:	14.88 SF	0	10.0	148.8 CU FT
K:	16.12 SF	0	10.0	161.2 CU FT
L:	0	31.69 SF	10.0	316.9 CU FT
M:	0	71.31 SF	10.0	713.1 CU FT
N:	0	111.42 SF	10.0	1114.2 CU FT
O:	0	111.95 SF	10.0	1119.5 CU FT
P:	0	48.65 SF	10.0	486.5 CU FT
Q:	0	23.84 SF	10.0	238.4 CU FT
R:	0	7.78 SF	10.0	77.8 CU FT
S:	0	4.48 SF	40.0	179.2 CU FT

451.1 CU FT = 16.7 CU YD 4,245.6 CU FT = 157.2 CU YD 4,696.7 CU FT = 173.9 CU YD

TOTAL AT EMERGENCY TURNAROUND:	305.2 CU YD
TOTAL AT EASEMENT:	173.9 CU YD
PROJECT TOTAL:	479.1 CU YD



November 22, 2023

Silver Lining Builder

Attn: Isaac Savitz

Via email only: isaac@silverliningbuilders.com

Project: 23253

Dear Isaac Savitz:

On September 20, 2023, a representative of GeoMet Engineering, Inc. observed the digging of one (1) test pit that was completed for the proposed new residence to replace the existing residence at 530 Fountaintree Lane in Boulder County, Colorado.

The test pit revealed a relatively thin layer of topsoil, approximately ½ foot thick. Brown sandy clay to clayey sand with gravel was encountered beneath the topsoil and extended to an approximate depth of 4 feet. Decomposing granite bedrock consisting of light brown to brown silty granitic sand with gravel and cobbles was encountered beneath the surficial soils and extended to a depth of approximately 4 feet. The test pit was terminated at about 5 feet due to digging refusal on competent granite bedrock.

Decomposed granitic soils and granite bedrock are very stable and have excellent bearing capacity. Therefore, it is our opinion that the new residence can be supported on footings, either continuous spread footings or isolated pad footings, founded on the decomposing granitic soils or weathered granite bedrock, utilizing a uniform soil bearing pressure not to exceed 2,500 psf (pounds per square foot). The loadings should be based on the dead load plus 100% of the maximum anticipated live load. It is possible, but not probable, that blasting will be required to complete the excavation, in some areas, if the excavation is deep. Please note that we do not recommend that any footings be placed on over-blasted, displaced materials. Any over-blasted, displaced materials should be removed, down to the native, undisturbed bedrock prior to placing any footings. Also, note that we do not recommend that any footings be placed on topsoil or any areas where root masses may be present.

The footing lines should be carefully inspected by an engineer from our office prior to placement of the footings. All footings should be placed below any fill, topsoil, or clayey soils (as discussed above). The footings should also be placed deep enough for frost protection. Any areas of soft or loose soil, which are present at the proposed footing level,

should be removed down to acceptable undisturbed soils. Footings can then be placed directly upon the acceptable soils, or the excavation can be backfilled to the desired footing elevation with compacted, select granular fill placed in lifts not to exceed 9 inches in thickness and compacted to a minimum of 100% of maximum density as determined by the moisture/density relationship ASTM D698.

Foundation walls supported by footings should be designed as grade beams capable of spanning a minimum distance of 12 feet. The amount of reinforcing steel used should not be less than #5 bars, both top and bottom of the foundation wall. Reinforcement should be continuous around corners. Differential settlement will be minimized by proper reinforcement of foundation walls.

The soils anticipated to be beneath any slabs-on-grade are anticipated to be very stable and we have no recommendations for any special considerations. Any topsoil or root masses and any clayey soil should be stripped out, as these are the only materials that we identified that could have stability problems.

Prior to pouring any slab it is essential that all debris, topsoil, and organic materials be removed and all loose fill either removed or compacted to 95% of maximum density as determined by the standard moisture/density relationship test ASTM D698. If any fill is required beneath the proposed slab, we recommend using a granular fill compacted in 12" maximum lifts to the standard referenced above.

If below grade space (such as a crawl space or walkout basement) is utilized, it is our opinion that the foundation system and the below grade space should be protected by the installation of a perimeter drainage system. The perimeter drainage system should consist of 4-inch rigid perforated pipe surrounded by $\frac{3}{4}$ to 1 $\frac{1}{2}$ inch washed rock. The drains should be placed a minimum of 12 inches below the surface of the adjacent concrete slab or the crawlspace level and should drain to a positive gravity discharge or to a sump from which water can be pumped. An illustration detailing a recommended perimeter drainage system is attached to this letter. If below grade space is not utilized, a perimeter drainage system is not required.

Walls, which are to retain soil, must be designed as retaining walls to resist lateral earth pressures. This applies to basement walls, garden level walls or freestanding walls. On this site we recommend that the walls be designed using a lateral earth pressure equivalent to that developed by a fluid weighing 50 pcf (pounds per cubic foot).

Use of the above value assumes that on-site soils are utilized as backfill and that the soil behind the wall will not be allowed to become saturated at any time during the life of the wall. Proper site grading and drainage and the installation of appropriate drainage systems will help to prevent saturation. These recommendations are valid for walls up to 10 feet in height.

Groundwater was not noted during our inspection and is not anticipated to be a design or construction consideration. However, please note that this area is known for water retention in the upper soils during the spring runoff, due to the shallow bedrock, which can lead to some water infiltration problems unless the site grading and drainage is properly handled. Please carefully observe the recommendations contained in the following section...

Satisfactory long-term performance of any foundation system depends on prevention of infiltration of water into the foundation system. Therefore, the following recommendations are given to prevent the wetting of foundation soils.

1. Mechanically compact all fill around the building, including the backfill. Compaction by ponding or saturation must not be permitted. The backfill should be compacted to not less than 85% of maximum density as determined by the standard moisture/density relationship ASTM D698-78. Note that some moisture may need to be added to the soils in order to obtain the proper compaction. Improper backfill compaction can cause settlement of exterior slabs such as walks, patios and driveways.
2. Provide an adequate grade for rapid runoff of surface water away from the structure (10 percent minimum for the first 10 feet away from the structure is recommended or 2 percent if paved).
3. A well-constructed, leak-resistant series of gutters, or other roof drainage system, is recommended.
4. Discharge roof downspouts and all other water collection systems well beyond the limits of the backfill.
5. Avoid heavy watering of any foundation plantings.
6. Observe and comply with any other precautions that may be indicated during design and construction.

Project: 23253

Page: 4 of 4

Please note that the bedrock in this area is granitic but has some variability in the mineral constituents in the rock, with varying feldspar and quartz content. This results in some differential weathering with the areas of higher feldspar content weathering more deeply than those areas with higher quartz content. In fact, this can result in harder, less weathered layers, which are underlain by softer, more deeply weathered layers. This can be observed in some of the road cuts near this area.

It should be noted that the test pit is believed to represent the soils that will be exposed by the excavation for the new residence. However, it is possible that unanticipated changes in the soils may be encountered. It will be very important that a representative of this office be contacted to observe the finished excavation. At that time, we will make any necessary additional recommendations or confirm that the preliminary recommendations contained in this report are valid.

Due to the changing nature of geotechnical engineering practices, the information and recommendations provided in this letter shall only be valid for two (2) years following the date of issue. After that time, our office should be contacted to review the information presented in this letter and provide updated recommendations and design criteria appropriate for the engineering methodologies used in standard practice at that time.

Thank you for consulting with us on this phase of the project. If you have any questions concerning this report, please do not hesitate to contact us.



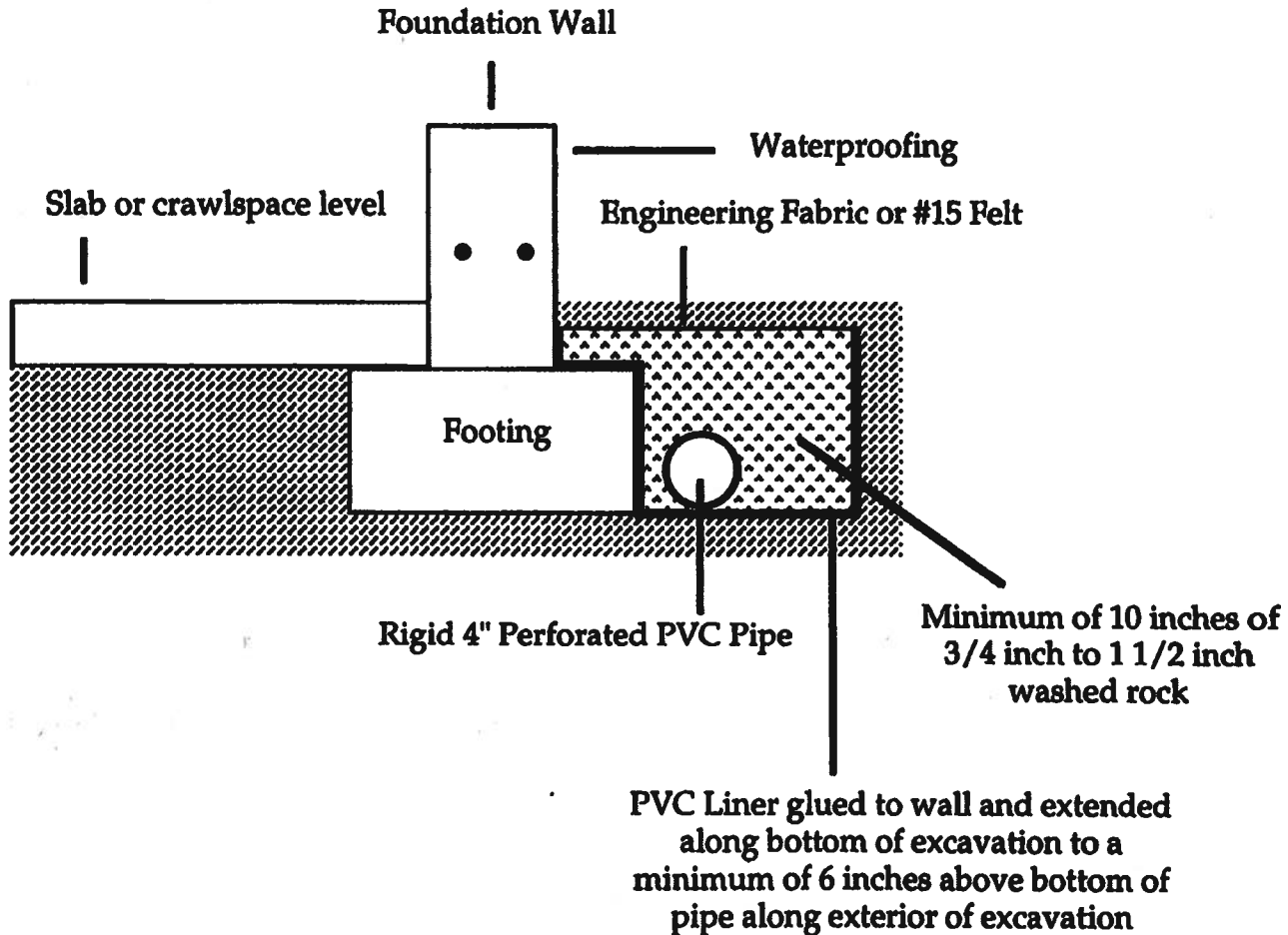
Sincerely,

GEOMET ENGINEERING, INC.

By: 
Ryne Mettler, P.E.

Attachments

Typical Perimeter Drain Installation Footing Foundation System



Notes:

1. Slope drain and pipe at a minimum of 1/8 inch per foot to suitable outfall (sump pit or daylight outfall).
2. Glue all vertical T's and standpipes.
3. Install non-perforated pipe from perimeter pipe into sump pit.



Geotechnical and Construction Services

January 5, 2024

Silver Lining Builder
Attn: Isaac Savitz
Via email only: isaac@silverliningbuilders.com

Project: 23253

Dear Isaac Savitz:

It is our understanding that the scope of the project is to cut 4 to 8 feet back into the hillside to give the driveway more radius at 530 Fountaintree Lane near 570 Fountaintree Lane. The face of the hillside exposed competent granite bedrock that was stable. With the exposed granite bedrock, the same recommendations in the original soils report dated November 22, 2023, would still apply.


Thank you for consulting with us on this phase of the project. If you have any questions concerning this report, please do not hesitate to contact us.

Sincerely,

GEOMET ENGINEERING, INC.



By



Ryne Mettler, P.E.



Geotechnical and Construction Services

January 5, 2024

Silver Lining Builder

Attn: Isaac Savitz

Via email only: isaac@silverliningbuilders.com

Project: 23253

Dear Isaac Savitz:

The face of the hillside exposed granite bedrock that will end up supporting the driveway and the surrounding foundations located at Outlot A. With the exposed granite bedrock, the same recommendations in the original soils report dated November 22, 2023, would still apply.

Thank you for consulting with us on this phase of the project. If you have any questions concerning this report, please do not hesitate to contact us.

Sincerely,

GEOMET ENGINEERING, INC.



By

A handwritten signature in black ink, appearing to be "Ryne Mettler", written over a horizontal line.

Ryne Mettler, P.E.



Parks & Open Space

5201 St. Vrain Road • Longmont, CO 80503
303-678-6200 • POSinfo@bouldercounty.org
www.BoulderCountyOpenSpace.org

TO: Wesley Jeffries, Community Planning & Permitting Department
FROM: Ron West, Natural Resource Planner
DATE: January 9, 2023
SUBJECT: Docket SPR-22-0132, Claman, 530 Fountaintree Lane

Site Conditions

Staff has reviewed the submitted materials, and has visited adjacent lots in the past. The subject lot is on top of a hogback ridge, in a scattered, ponderosa pine woodland community type. There is an existing rough driveway already graded.

County Comprehensive Plan Designations

The parcel has the following designations in the Boulder County Comprehensive Plan, and from other resource inventories.

- Archeologically Sensitive Area

Discussion

Although the site presents significant engineering concerns, staff does not foresee significant on-site natural resource impacts if adequate erosion control and revegetation occur. The parcel is located in “greater” Pine Brook Hills – an area of extensive residential development.

However, the eastern façade would be highly visible to select houses on the east, and from the plains. The amount of glazing on the eastern façade should be mitigated through reduction in total area, architectural details, and/or low-light-emittance glass (“turtle glass”). The latter seems to be proposed, though details are unclear. Window surface treatments are not acceptable.

Also on the eastern façade, it is unclear what is to the left of the “fire resistant treated wd siding;” is it a concrete finish? If so, the concrete should be tinted and/or have a textured surface. On the right side of the east elevation, is the building cantilevered or on pilings that are not shown?

Slopes at the site are steep; archeological resources are very unlikely. The applicant should be aware that the site is subject to lightning and extreme winds.

Recommendations

- See visual concerns on the eastern façade, above.



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306
303-441-3930 • www.BoulderCounty.gov

MEMO TO: County Health, and Parks Departments, FPD
FROM: Wesley Jefferies, Planner I
DATE: December 19, 2023
RE: Re-referral for Site Plan Review application SPR-22-0132

This proposal is being re-referred due to updated information, including updated access plans.

Docket SPR-22-0132: 530 Fountaintree LLC Residence

Request: Request to construct a 6,300 square-foot residence with a 653 square foot covered porch where the PSM is 6,530 square-feet at 530 Fountaintree Lane.
Location: 530 Fountaintree Lane, Section 14, Township 1N, Range 71W
Zoning: Forestry (F) Zoning District
Applicant: Eric Miska, Colorado View Properties, LLC
Owners: 530 Fountaintree LLC
Agent: Colin Ostman, Amble Architecture

Site Plan Review by the Boulder County Community Planning & Permitting Director is required for new building/grading/access or floodplain development permits in the plains and mountainous areas of unincorporated Boulder County. The subject review process considers potential significant impact to the ecosystem, surrounding land uses and infrastructure, and safety concerns due to natural hazards.

The Community Planning & Permitting staff values comments from individuals and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department at P.O. Box 471, Boulder, Colorado 80306 or via email to planner@bouldercounty.org. All comments will be made part of the public record and given to the applicant. Only a portion of the submitted documents may have been enclosed; you are welcome to call the Community Planning & Permitting Department at 303-441-3930 or email planner@bouldercounty.org to request more information.

IF YOU HAVE REPLIED TO THE ORIGINAL REFERRAL LETTER AND HAVE NO FURTHER COMMENTS, NO ACTION IS REQUIRED.

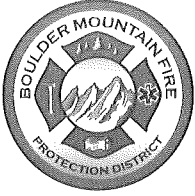
Please return responses to the above address by **January 8, 2024.**

We have reviewed the proposal and have no conflicts.
 Letter is enclosed.

Signed Name Jacob Cassidy Printed Name Jacob Cassidy

Agency or Address City of Boulder Open Space and Mountain Parks

Date 1/8/2024



BOULDER MOUNTAIN FIRE PROTECTION DISTRICT

1905 LINDEN DRIVE • BOULDER, CO 80304 • Tel: (303) 440-0235 • Fax: (303) 440-5247

April, 13, 2023

Wesley Jeffries, Planner I
Boulder County Community Planning & Permitting
P.O. Box 471
Boulder, CO 80306

RE: SPR-22-0132 Claman Residence

I have reviewed the site plan extensively and I have also been up on the site.

Please see my comments below:

1. The original driveway and turn radius were insufficient for BMFPD apparatus to maneuver safely and respond effectively. Please provide a 35- foot centerline turn for apparatus turning from the Claman residence to Fountain Tree Lane. (If this is not possible with engineering, please bring back recommendations to BMFPD). We will try and work through the process.
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4. If the turn around has been constructed, please refrain from parking equipment in that area, so that fire apparatus can turn around in the area.

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Respectfully,



John Benson

Fire Chief

Boulder Mountain Fire Protection District

- A Revegetation Plan is required that includes native grass species to be used, an explanation of how (limited) topsoils will be stockpiled and reused, mapped delineation of all disturbance areas (these include construction staging areas, driveways, utility lines, and septic system), and locations of silt fence or erosion control logs down slope of all disturbed areas. New horticultural plantings should emphasize xeriscaping principles (Article 7-200-B-8, Land Use Code). A Staging Plan should probably be required given the “tight” conditions of the site and neighborhood access.



SANCHEZ
TENNIS
& ASSOCIATES, LLC

May 10, 2023

Wesley Jefferies (he/him)
Planner 1 – Development Review Team
Boulder County Community Planning and Permitting

Dear Wesley,

In response to your inquiry today, I hereby attest that:

In July of 2020, the Board of the Fountaintree HOA floated the idea of amending the Protective Covenants to include language protecting improvements, such as driveways, that intrude into the collective Outlots A and B. Homeowners were polled on the idea, with the following language: "Once we've heard suggestions and made any revisions, we aim to put this up for a vote (signed and emailed) in a few weeks." (copy of that email is attached).

Following that poll, we (the Board) consulted with our attorney, who advised us not to include the language in the covenants. As a result, we took no further action on the question at that time or at any time since.

Thus, the document dated March 2023 purporting to be an amendment to the Protective Covenants of the Fountaintree Subdivision Homeowners Association cannot be considered valid. The action it refers to was not taken by the Board, and the recording was not initiated by the Board of the HOA.

Please contact me if you need further information.

Christopher (Kit) Tennis

President, Fountaintree Homeowners Association
470 Fountaintree Lane
Boulder, CO 80304

Proposed Update to Fountaintree Covenants

Dear Fountaintree Subdivision Neighbors,

On the Fountaintree Lane side, Xcel Energy recently commissioned a property line survey that graphically pointed out the size/width of the road lot (outlot A) and how our driveways, for instance, cross into that road lot to access the road. Surprise! The road was cut where it was easy, wandering left and right within the “outlot” set aside for the road, and our improvements like driveways and more may actually live in that outlot when we assumed they were on our personal property.

Wildwood Lane lots have less of this than Fountaintree Lane but could conceivably be impacted down the road by questions of “intrusions” of septic fields, driveways and more into outlot B.

So, we’d like to propose we amend the covenants to grandfather our current property improvements that overlap our road lots. Covenant revisions require at least eight of our twelve lots to formally sign their agreement. How about this new language?

At the end of Section 10. b,

“As of the date of these amended Covenants, lot improvements, including but not limited to driveways, that intrude onto Outlot A (Fountaintree Lane) and Outlot B (Wildwood Lane) are granted easement to access the road and other customary uses of the outlot adjacent to their property. Future intrusions into Outlots A and B will be subject to architectural review consistent with Section 9, above. Individual lot owners are solely responsible for maintenance of their improvements that intrude on the outlots. Lot owners are responsible for maintaining that property which abuts the road adjacent to their personal lot. Maintenance of the roadway, ditches, culverts and other collectively constructed improvements directly associated with the roadway remain the collective responsibility of the lots served by that road, as delineated above.”

We’ve attached the current covenants for your review and records. If, in reviewing the covenants, other important updates come to mind, please let us all know.

Once we’ve heard suggestions and made any revisions, we aim to put this up for a vote (signed and emailed) in a few weeks.

Thanks!

Kit Tennis, HOA President

Rob Lee, HOA Treasurer

Mark Bouzek, HOA Secretary

Jefferies, Wesley

From: Tim Adams <care@drtimadams.com>
Sent: Saturday, January 6, 2024 1:32 PM
To: Jefferies, Wesley
Subject: [EXTERNAL] SPR-22-0132
Attachments: AMENDED COVENANTS 2002 02278662.pdf

Dear Wesley,

I am writing with serious concerns about the part of this construction project which is proposed in order to create access for a 180-degree turn, into a long driveway, to reach the top ridge of 530 Fountaintree Lane for a house build. I have intimate knowledge of this site and the potential pitfalls of this projected build as I live across 570 Fountaintree Lane in our newly completed house on the west side. I was involved in the construction of our house and completed all of the fire mitigation and extensive trail building. During that time I witnessed a dangerous and alarming rockfall on this east, unbroken slope below Fountaintree Lane.

Apart from the fact that 530 Fountaintree's site does not offer reasonable space for parking large trucks or storing heavy equipment and building materials, and that such space can not be equitably attained (see Fountaintree HOA amended and restated covenants dated 4/18/2002), inherent in the projected build is the risk of a catastrophic accident from a major rock fall. On this east facing slope below Fountaintree Lane, there does not seem to be any feasible way to mitigate this risk to the lower section of Fountaintree Lane directly below, nor to the half dozen or so homes under the construction site. Being on the receiving end of a massive boulder fall could result in in serious property damage, injuries, or fatalities.

Immediately below the lane, which was built over 50 years ago, and just above the steel columns drawn in this proposal, are a great number of large rocks and boulders, some of which support the existing lane and emergency turnaround. Many weigh from 100 lbs up to half a ton or more and are stacked up upon one another, a remnant of the original cut. Some of these stones are unstable and can be easily, inadvertently displaced.

Compounding the problem, outside of the existing emergency turnaround, which cannot be used for construction staging, there is virtually no level land on the area proposed to be used for access to the 530 Fountaintree parcel. On the contrary, the slope is everywhere extreme varying between 45 and 60 degrees. Displaced boulders gain substantial kinetic energy as they begin their roll and accelerate down such a slope. There nothing that will impede their movement, meaning that these objects could potentially crash into a vehicle below on lower Fountaintree Lane or bottom out 500-600 vertical feet below.

Multiple engineer-rated catch fences could be built at intervals down the steep slope to the lower road below; but the very process of building catch fences could precipitate a rockfall and it seems these catch fences would have to installed permanently to ensure long term safety. And none of this property is part of 530 Fountaintree's site– or even contiguous to it.

The fire mitigation and clearing for the construction project, which would require the cutting and removal of a large number trees on a very hazardous slope, could also displace large rocks.

There does not seem to be a safe way to use this precipitous area as a construction site.

I remember the August 1987 tragedy when a state highway worker on a bulldozer displaced a multi ton boulder into a Greyhound tour bus below their construction site on Berthoud Pass. Tragically, this project claimed 8 lives with 15 seriously injured, tourists who expected to experience an enjoyable day in the

Colorado Rockies.

An uncontrolled rockfall is a real and ever-present risk in this area due to the extreme, unbroken slope of the proposed building site. This risk must be recognized and acknowledged by those in positions of authority. This is who we are. I feel Boulder county has an overriding responsibility to respect the safety, health, and wellbeing of all of its citizens.

Sincerely,

Dr. Tim Adams

Jefferies, Wesley

From: veronique foster <veroniquefoster@hotmail.com>
Sent: Monday, January 15, 2024 4:28 PM
To: Jefferies, Wesley
Subject: [EXTERNAL] SPR 22-0132

Mr. Jefferies, we are aware that Eric Miska and Isaak Savitz have proposed a project on Fountain Tree that would cut the mountain in a way that is similar to what they have done at 219 Highview Drive.

We live in Pine Brook Hills and have seen the work they did in Highview Drive. We find it very aggressive. They have cut so severely into the existing landscape. We live in a beautiful area where nature should be protected as much as possible, where development should blend in with nature, where nature is valued by the residents.

Thank you for your consideration.

Veronique & Tom Foster, 859 Timber Lane

1.9.24

RE: 22-0132, 530 Fountaintree Proposal

The submittal should be rejected because the submittal fails to meet County requirements for turning radius. Nothing is properly dimensioned to properly verify. This is the 2nd incomplete submittal and a waste of time for all neighbors.

The conceptual framework to expand the roadway appears to be limited by existing property lines. They cannot achieve the required radius in the proposed location. The only way the 60' scaled width of Fountaintree can be widened is to borrow 20' from their own property or purchase an easement over someone else.

Notes on Scope of the Access Easement as granted across 570's property:

- A) The easement exists as is and when purchased to meet the requirements as granted originally.
- B) The "Yellow Dog" decision by the Colorado Supreme Court should be referenced to explain the limits of this easement 570 Fountaintree is responsible for and which is met.
- C) Misrepresentations of the applicant contained in the original submittal, not corrected, and already addressed by professionals in their related fields:

First: The stone wall adjacent to applicant's property line was constructed to enlarge the driveway and allow the applicant the full 16' of access and is NOT an encroachment as claimed. The evaporation field is within the 20' setback. This was verified by 570 and 530 surveyor.

Second: the "stone wall" to the south of the 570 residence was constructed by 570's builder to protect its foundations from potential soil erosion and to protect potential blockage of the existing driveway and the access easement that exists for the benefit of the 530 Fountaintree property owner. These improvements are necessary for the structural integrity of 570 Fountaintree and the protection of the access easement to 530.

Third: As submitted I believe the aggressive intrusion of bedrock removal proposed by the applicant would endanger 570 Fountaintree and require an engineered solution along with bonding in excess of \$2 million to be set aside to

protect its interests. Further, this removal and endangerment does nothing to enhance the radius requirement of the roadway. It should not be approved.

Fourth: The additional construction parking proposed in front of 570 Fountaintree should be provided in front of the applicant's home not further risking demolition and erosion in front of 570.

Finally, I believe this submittal is an eyesore to many Fountaintree neighbors and the HOA should object as a neighborhood. A maintenance sinking fund should be established requiring the 530 ownership to maintain any structure constructed in this private HOA Outlot to county standards in perpetuity.

John H. Knapp, former NCARB, Retired CO Architect B-1314

2535 Wharton Court, Erie, CO 80516 303-519-7730

Jefferies, Wesley

From: Eric Pringle <epringle@ipeoplesolutions.com>
Sent: Monday, January 15, 2024 9:56 AM
To: Jefferies, Wesley
Cc: David Pringle
Subject: [EXTERNAL] Concerns about proposed site plan for 530 Fountaintree in Boulder County

Dear Mr. Jeffries,

We live at 228 Wildwood Ln. in Boulder. We were informed over the weekend of a proposed build at 530 Fountaintree in Boulder County. While we certainly understand that a home will be built there someday, we are opposed to the current plan, which would straddle the ridge on both the east and west side. We have multiple objections to the proposed build, including:

- Failure to notify us in a timely matter. We moved to this home in July of 20022 and have never received a notification of the proposed plan. We heard about it from our next door neighbor over the weekend, which has not given us proper time to review and provide input, so we are taking that opportunity now.
- The proposed build would straddle the ridge above our home. Drainage is a concern as we have discovered that a lot of debris already creates issues with mud, rock, and sand falling from above. There is no proposed drainage plan in the documents that were forwarded to us and we would like to ensure there is a proper drainage plan in place to prevent damage to downhill locations in the form of rock and mud slides. Any foundation issues for the homes below that would be caused by improper drainage are a concern.
- We are concerned with the mention of blasting activities in the plan which could destabilize the extremely sensitive ecosystem.
- Any removal of trees which could cause erosion now or in the future.
- Any building or structure on the west side of the ridge which would be counter to historical practice and deteriorate the natural beauty of the mountain.
- Any action which may cause rock slides and destabilization of the mountain top.
- Any septic field on the west side of the mountain ridge.
- Any structure that would impact the natural beauty of the current and natural mountain skyline.

The above list is not all-inclusive. We further agree with the other objections made by members of the Fountaintree HOA and reserve the right to legally pursue all damages caused should the proposed build be approved.

Should you have any questions for us, please contact us, but we are not open to structures that will straddle the ridge.

Regards,

Eric D. Pringle | President
[Integrated People Solutions](#)
Phone:(303) 886-7685
epringle@ipeoplesolutions.com



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Fire Chief John Benson requires 35' min CTR radius for emergency vehicles per his letter.

This drawing shows that a 36' centerline (CTR) turning radius translates to a 40 - 40.8' min. turning radius. Then the required shoulder of two feet min plus the guardrail is added, for a total dimension of 43'. The submitted plans, which do not show dimensions as required, do not scale to these dimensions.

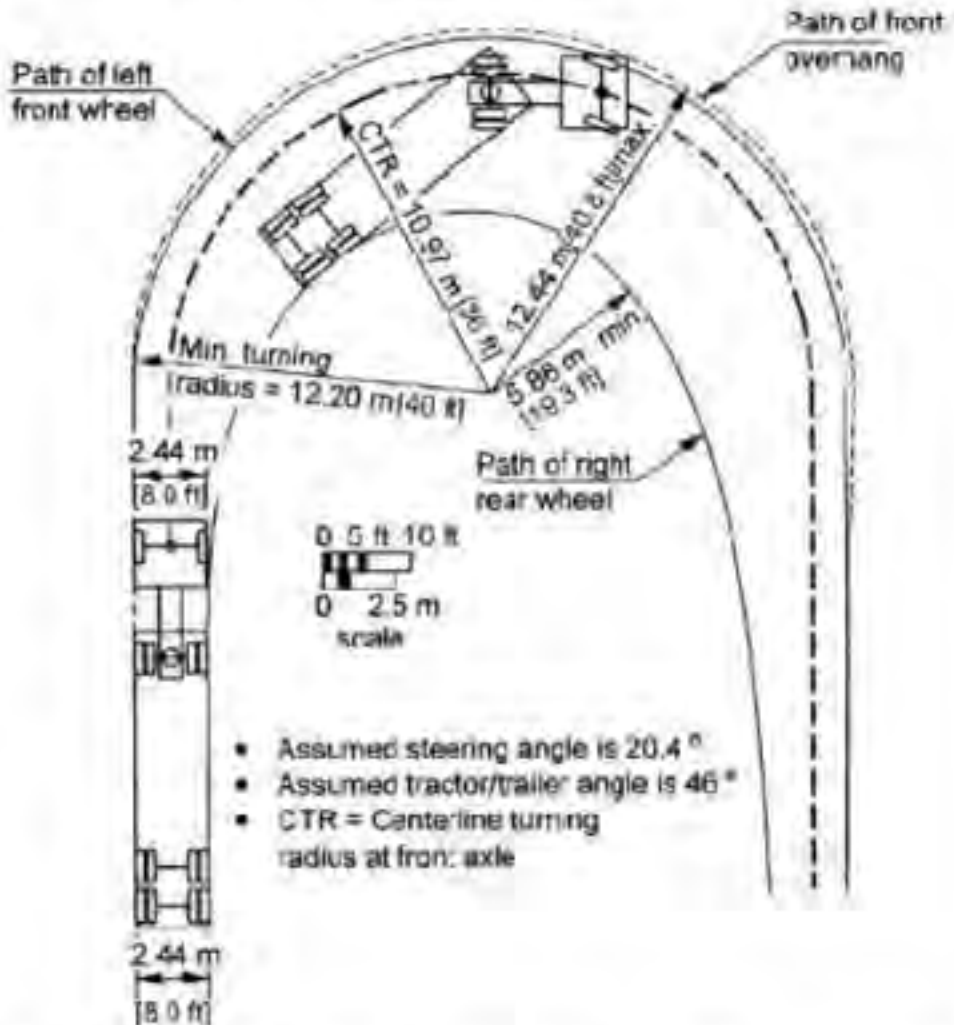


Exhibit 2-13. Minimum Turning Path for Intermediate Semitrailer (WB-12 [WB-40]) Design Vehicle

Jefferies, Wesley

From: Barbara Froula <art@barbarafroula.com>
Sent: Tuesday, January 3, 2023 11:30 AM
To: Jefferies, Wesley
Subject: [EXTERNAL] Access issues
Attachments: 630FountaintreeAccessIssues.pdf

A developer is proposing to build a 5000 square foot speculative house, 250' off of Fountaintree Lane. He plans for it to be sold for \$5 million. The address is 630 Fountaintree Lane. It is above a steep cliff and its only access is through our driveway, 570 Fountaintree Lane.

A 180-degree turn has to be made in order to access the 630 property from Fountaintree Lane.

A 30' radius access (minimum 40' to centerline) into any residential property is required by the Land Use Department of Boulder County as well as for Emergency Vehicle Access. This requirement is established to allow vehicles of all sizes to smoothly and safely pass into a property without blocking access for neighbors while negotiating turns.

There is a maximum of 50' of total available width at any point of access to the 630 Fountaintree property for the 180-degree turn. This includes the full width of Fountaintree Lane + the entire shoulder to the edge of the east cliffside + our driveway + the 20' easement granted by our property (an easement limited to access over and across.)

The largest possible turning radius within this 50' width is 11'. This is less than half of the county requirement. (50' less two 12' lanes and two 2' shoulders, or 28', leaves only 22' of total space between the lanes = an 11' radius)

At least 96' of width is needed for a 180-degree turn compliant with county code's minimum 40' centerline requirement. (Table 5.5.1 Parcel Access Design Standards)

Since the proposed house cannot be built without an extreme violation of county code standards, there may be requests or pressure from the developer to allow exemptions to the code requirements in order to build this large \$5 million house and make the desired profits.

It is clear why the county code requirements have been established and why violations and exemptions should not be allowed.

Safety for rescue workers and fire personnel-

If rescue and fire vehicles are required to make multipoint turns and maneuvers to access the proposed house in an emergency situation, or to slowly back 250' up a cliffside driveway, it is unsafe for our fire and emergency teams as well as the homeowners, now and into the future. The proposed house, if allowed to be built with compromised access, is in greater danger of burning down and needing to be rebuilt.

Inconvenience and hardship to the adjacent neighbors' property-

Hundreds of construction vehicles would need to occupy our property during lengthy maneuvers and multipoint turns on our driveway in their effort to negotiate the inappropriately narrow 180-degree turn into this adjacent property. We would be blocked from access to and from our home during these periods, as would emergency vehicles. Even once built, large diesel semis loaded with furniture and other deliveries would be negotiating complicated maneuvers on our driveway in order to deliver multiple loads of items to furnish and maintain the 5000 sq. ft finished home. Large trucks will find it impossible to turn around within the 630 property, even with its own required turnaround, and would have to back down the long driveway and then negotiate a difficult 180-degree turn within our property. Enormous trucks moving back and forth and backing up along our driveway would pose a hazard to us, our home and our guests and children for years to come. Fumes from the trucks during these extended periods would be unhealthy and unpleasant.

Difficulties passed on to the potential buyer-

Ramifications of code exemption could also include inability for future owners to acquire home insurance coverage and bank loans, due to code violation, the compromised physical access, and ensuing legal and safety issues.

Jefferies, Wesley

From: Barbara Froula <art@barbarafroula.com>
Sent: Tuesday, January 3, 2023 1:35 PM
To: Jefferies, Wesley
Subject: [EXTERNAL] survey
Attachments: 570 FountaintreeSurvey718.pdf

Hi Wesley,

It was nice meeting you today- though a bit of a cold day for you, doing outside work!

There was no indication, on the plans submitted by the developer for review by your department, of the nature of the property access from Fountaintree Lane. The attached survey drawings show the 180-degree turn required to access Lot 7, 630 Fountaintree Lane. The scale indicates the inadequacy of space for legal access. This would be critical information for the planning and access analysis, along with the information in my other email.

Thank you,

Barbara

630

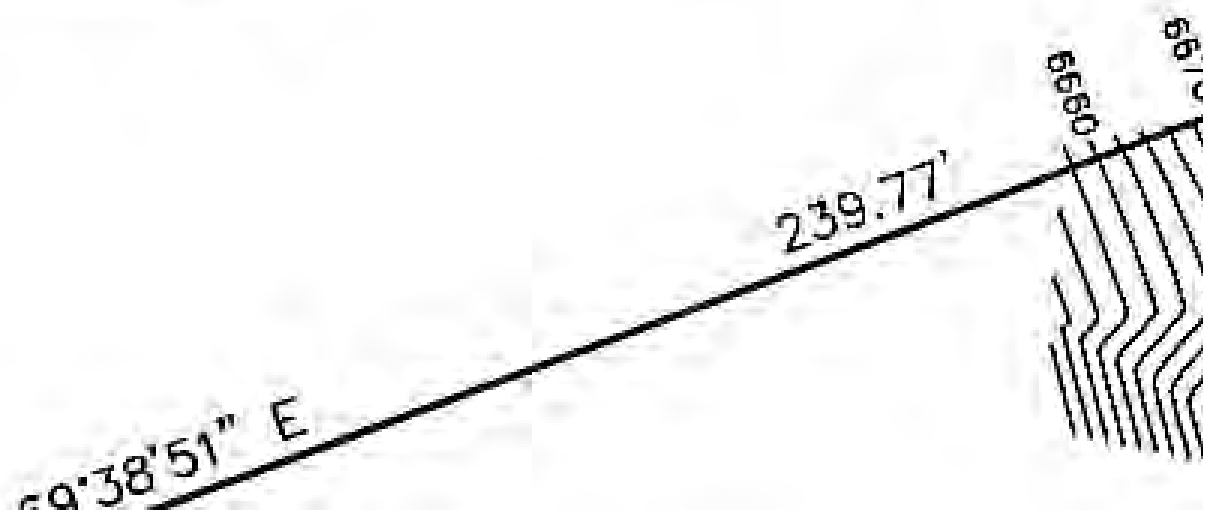


Scale: 1" = 20'



U.S. SURVEY FEET
2 FOOT CONTOUR INTERVAL

LOT 1



Jefferies, Wesley

From: Barbara Froula <art@barbarafroula.com>
Sent: Wednesday, March 22, 2023 4:45 PM
To: Jefferies, Wesley
Cc: john.sullivan@greenseavy.com
Subject: [EXTERNAL] Re: SPR-22-0132: Claman Residence Discussion Follow-up

Hi Wesley,

We enjoyed the chance to meet with you! Thank you for sending the link to the Design Exception Request Form. It appears that this process is based solely on information presented by the engineer who is hired and paid to represent the applicant's case. Will the completed Design Exception Request Form be part of the online docket and accessible to others on the county website at the time of submittal? We strongly feel that an equitable process would present an opportunity for input from other professionals and directly affected parties *before* a decision is made by the County Engineer.

On another topic, you mentioned that someone has indicated that we should be forbidden to park in the non-turnaround part of Outlet A that is adjacent to our property, and that the sheriff will be involved in the enforcement of this idea. You said you were going to let us know who is suggesting this path. Please let us know this, since you are party to this information.

Below is a section from our Covenants that indicates quite the opposite. It states that the improvements we have made there, which includes the parking area, *"including but not limited to the driveway, **are granted an easement to access the road and other customary uses of the outlot adjacent to their property.**"* This would clearly include parking.

This Amendment to our HOA Covenants was unanimously approved by the Fountaintree HOA in November, 2020. This area is adjacent to our property, 570 Fountaintree, and no other. The area is not part of the 530 Fountaintree easement, nor is it adjacent to 530 Fountaintree.

The Amendment states:

"As of the date of these amended Covenants, lot improvements, including but not limited to driveways, that intrude onto Outlot A (Fountaintree Lane) and Outlot B (Wildwood Lane) are granted easement to access the road and other customary uses of the outlot adjacent to their property. Future intrusions into Outlots A and B will be subject to architectural review consistent with Section 9, above. Individual lot owners are solely responsible for maintenance of their improvements that intrude on the outlots. Lot owners are responsible for maintaining that property which abuts the road adjacent to their personal lot. Maintenance of the roadway, ditches, culverts and other collectively constructed improvements directly associated with the roadway remain the collective responsibility of the lots served by that road, as delineated above."

Thank you, Wesley. We look forward to your reply.

Barbara and Tim

On Mar 20, 2023, at 3:02 PM, Jefferies, Wesley <wjefferies@bouldercounty.org> wrote:

Good Afternoon Barbara,

It was a pleasure meeting with you today to discuss your concerns regarding the proposal at 530 Fountain Tree Lane. As we discussed, the project is currently on hold awaiting revised access proposal. I briefly mentioned that the physical constraints of the location would warrant further review and potentially require a Design Exception from the County Engineer.

The Design Exception Request Form, found [here](#), requires applicants to justify their request against 7 criteria as prescribed by the Boulder County Multimodal Transportation Standards. I have cc'd Ian, a Planner on our Access and Engineering team, if you have any questions that are left unanswered regarding the Design Exception process.

After the County Engineer makes their determination regarding the Design Exception, and Access and Engineering releases the hold, the project will return to the normal review stream. I estimate that it will be two weeks before CP&P issues a determination. You will receive a mailer at this time notifying you of the determination and how to provide further feedback. During that 14 days following the issuance of the determination, the County Commissioners and applicant will have the opportunity to call-up or appeal (respectively) the Determination. If a public hearing is required, you will receive further information about date and time and how to participate.

Again, thank you for coming in to share your concerns. If you have any further questions, please do not hesitate to reach out.

Best

Wesley Jefferies (he/him) | Planner 1 – Development Review Team

Boulder County Community Planning and Permitting | P.O. Box 471, Boulder, CO 80306

wjefferies@bouldercounty.org | (303)441-1705

<image001.png>

Jefferies, Wesley

From: Barbara Froula <art@barbarafroula.com>
Sent: Monday, March 27, 2023 6:01 PM
To: Boulder Mountain Fire Chief
Cc: john.sullivan@greenseavy.com; Brighton, Ian; Jefferies, Wesley
Subject: [EXTERNAL] SPR-22-0132 corrected
Attachments: 04001349.pdf; Re SPR220040 Fountaintree Lane Stasi York.pdf; WadeGriffith.pdf; SPR220040 DrTimAdams.pdf; SiteReviewConcerns621Fountaintree.pdf

Dear Chief John,

We are writing to provide some backup information that is not included in the newly submitted plans to develop 530 Fountaintree Lane.

After his initial plans were placed on hold by Ian Brighton, Transportation Planner, the developer of 530 Fountaintree Lane has resubmitted a proposal. These new plans indicate that we can no longer use the non-turnaround section of Outlet A that is adjacent to our property. He is asking to claim this area for his access plan. Specifically, this is the flagstone area which we created for a parking space years ago, and it is completely outside of the area that you designated in 2018 for our hammerhead turnaround which must be kept clear.

Below is the section from our recorded Covenants that indicates that this part of his plan is highly questionable and possibly illegal. It states that the improvements we have made there, which includes the parking area, "**are granted an easement to access the road and other customary uses of the outlet adjacent to their property.**" This would clearly include parking. This area is adjacent to our property, 570 Fountaintree, and no other. **The area is not part of the 530 Fountaintree easement, nor is it adjacent to 530 Fountaintree.**

In addition to 530's developer proposing plans for demolishing and claiming this area for their access, they would propose demolishing a sizable section of the steep east hillside next to our house, removing an area measuring as deep as 15' from the current hillside. According to their schematic calculations, they propose to remove 27 cubic yards of our hillside on our property and the easement we possess on Outlet A. This would involve blasting and heavy excavation within three feet of our house. It would severely destabilize our property. It would result in the loss of a group of four beautiful trees that we worked to protect with the advice of Wildfire Partners. The work, if approved, would block us from access to our home for long periods of time. The safety and legality of this proposal is highly questionable.

He also proposes extending his access over the cliff on the east side of Fountaintree Lane. There is no indication of how the 67 cubic yards of "fill" on the east cliffside will be constructed nor supported, nor how the neighbors below will be kept safe from falling debris. Neighbors who live below have already expressed concerns regarding this significant hazard. See their five letters, attached. These were written in opposition to the development of 621 Fountaintree and apply equally to this proposal. There is a significant safety concern here.

The developer's revised plans do not appear to be designed or stamped by a licensed engineer.

Even if this plan were legal and not dangerous to surrounding properties, the resulting access shown in their newly submitted schematic plan with these highly questionable details results in a **centerline turning radius of 23' or less**. As you know, the *minimum* Boulder County Code Requirement for public safety and emergency access is 40'. This is the radius needed to safely accommodate emergency

vehicles, not to mention safe access for the hundreds upon hundreds of construction and delivery vehicles.

We will not accept a compromised access through our property that does not conform to Boulder County Code and AASHTO Transportation Standards and is therefore a threat to public safety.

Thank you for taking the time to fully understand the issues with this proposal.

Barbara Froula

Tim Adams

2. Staff conducted a site visit on 2/21/2023 and observed that constructing an access drive compliant with the 40-foot radius per Table 5.5.1 in the Standards would require significant earthwork and disturbance. Please submit a revised site plan and grading plan signed by a Colorado-licensed Professional Engineer showing a driveway compliant with the Boulder County Multimodal Transportation Standards (“the Standards”). The driveway shall be designed according to the Standards, including without limitation:
 1. Table 5.5.1 – Parcel Access Design Standards (1-Lane Mountain Access)

— Ian Brighton, Planner II; Community Planning & Permitting, Access & Engineering

...I can't image building on that lot, and I didn't even know it was a lot that could be considered. We've had some big rocks come into our yard recently. I'm not keen on construction above our homes and the safety aspect that's already been a concern. We've had other big rocks from Fountaintree come down from a different property. It could kill someone in the yard and the last large rock stopped outside of ---'s bedroom/bed area...

Jefferies, Wesley

From: Barbara Froula <art@barbarafroula.com>
Sent: Wednesday, March 29, 2023 1:53 PM
To: Jefferies, Wesley; Brighton, Ian; Thomas, Mike; Boulder Mountain Fire Chief
Cc: john.sullivan@greenseavy.com; Duaine
Subject: [EXTERNAL] SPR-22-0132

Colorado Licensed Civil / Structural Engineer, Duane Harris, is very familiar with the SPR-22-0132, 530 Fountaintree proposal and the terrain of the building site. He informs us that the transportation access/site plans for 530 in multiple ways do not appear to have been carefully drafted, inspected, or stamped by a qualified engineer but are instead highly schematic drawings possibly drafted by a builder-employed architect or draftsman on the instructions of the builder himself. The schematics are highly inaccurate as to the indications of slopes and relief of the involved terrain. The slopes do not match those on 570's professional, stamped survey. There is no indication as to how the 70 cubic yards of fill proposed to be dumped on the 60-70 degree slope east of Fountaintree Lane will be safely contained, staged, structured or maintained to protect people living or passing below. There are numerous other issues and inaccuracies. No evidence is provided that these plans are Engineer designed, realistic, or worthy of consideration by county planning professionals.

There is also no legal information provided to show whether the developer has permission from affected parties including property owners or the Fountaintree HOA to do any of the proposed extreme demolition work on property that is owned by others. A nonexclusive easement limited to *passage only* does not allow destruction of the property owner's land by the easement holder. *"The easement holder's rights are limited... the easement holder (530) may not unreasonably burden the servient (570) estate or interfere with its use and enjoyment."* Destruction of 570's beautiful site and adjacent Outlot easement would both damage it *and* interfere with its use and enjoyment, blocking access to 570 for long periods of time. It would create serious hazards both at the driveway level and on the upper area of the cliff they would create. 530's nonexclusive easement through 570's property, which allows only *passage over and across*, was never intended to allow destruction on this scale. He proposes changes that place an *unanticipated, undue, and excessive burden* on 570's deeded property and would destroy the character of an uncommonly beautiful site. And he has no easement of any kind on the Outlot A area adjacent to 570 that he also proposes to demolish. Only 570 Fountaintree has an easement in this area.

Serious legal and safety issues exist with this proposal that should not be overlooked or postponed to the Building Permit stage through a conditional determination. While some projects can postpone providing such information at the SPR stage if not dependent on property belonging to others, this plan is in a different category. Given the extreme demolition proposed and safety issues in the plan, which still only results in a non-compliant 23' centerline radius, no serious consideration should be given to this plan at such a schematic stage and on other owners' property.

Two attached photos show the existing 570 property, and a photoshopped version showing the kind of blasting and demolition work that the developer is proposing within a few feet of 570's front door.

Thank you for your time.



570 Fountaintree Lane



Photoshopped version

Jefferies, Wesley

To: Brighton, Ian; Barbara Froula
Cc: Riley, Anita
Subject: RE: SPR-22-0132

From: Brighton, Ian <ibrighton@bouldercounty.org>
Sent: Monday, May 1, 2023 3:06 PM
To: Barbara Froula <art@barbarafroula.com>
Cc: Riley, Anita <anriley@bouldercounty.org>; Jefferies, Wesley <wjefferies@bouldercounty.org>
Subject: Re: SPR-22-0132

From: Barbara Froula <art@barbarafroula.com>
Sent: Monday, May 1, 2023 2:15 PM
To: Brighton, Ian <ibrighton@bouldercounty.org>
Subject: [EXTERNAL] SPR-22-0132

Dear Ian,

We enjoyed the chance to meet you at the meeting. We want to share some of our notes regarding SPR-22-0132 and its access and engineering issues:

Heavy demolition and destruction is proposed for land that does not belong to applicant. Destruction of 570's site and landscape is not legally permissible per Supreme Court of Colorado Statute (see: *Lazy Dog Ranch v. Telluray Ranch Corporation 1998 No. 97SZC529* among others). A nonexclusive ingress/egress easement does not permit creating an excessive burden on the servient estate

Destruction of our site is also legally not permissible by Fountaintree HOA Covenants

County must adhere to its own code and county planning standards

Proposal destroys beauty of neighborhood along Fountaintree Lane, contrary to Fountaintree Covenants and the Boulder County Comprehensive Plan

Destabilizes our existing home and hillside.

Blasting would be required very close to 570 structure since proposed demolition involves solid granite cliffs

Geotechnical and civil engineering evaluation and planning are nonexistent

Rocks would continuously roll or crash down following major proposed disturbance and resulting steep drop from the elevated portion of 570's property

Serious erosion issues would be created, 20' retaining wall needed. Wildlife path and access for firefighters to south property side would be destroyed due to proposal to remove steps from this side to Fountaintree Lane. These improvements are protected by the HOA Covenants.

Proposal fails to create code-compliant access according to the Boulder County Multimodal Transportation Standards

Creates safety hazard for those above and below the cliff created by demolishing the mountainside

Applicant's submitted plans for SPR-22-0132 claim that a fill area widening Fountaintree Lane was "approved" but not built is completely fabricated: *"DASHED LINE INDICATES 62 CU YD OF FILL FROM PREVIOUSLY APPROVED PERMIT FOLLOWING SPR-17-0124 (AREA NEVER FILLED DESPITE COMPLETED PERMIT"* A review of our SPR-17-0124 easily confirms that this shoulder area existed long before SPR-17-0124 and that alteration of this area was never proposed in the 570 build, other than minor grading. The build of 570 Fountaintree did not require any widening of the east shoulder of Fountaintree Lane above this steep grade. This would have required extensive Geological, Geotechnical and Civil Engineering, which was never ordered by 570's build for this unstable area above another home.

In the applicant's updated plan, designated parking for 530's construction workers is being proposed along our property south of our driveway, between our home and the closest fire hydrant. This is not permitted by the Fountaintree Covenants, which give owners a right to strictly egress and ingress, but certainly not construction site parking, along Fountaintree Lane. The letter from Fire Chief John Benson in the SPR-22-0132 docket also clearly requires that this area be kept unblocked. The 16' between the cliff along our property and the dropoff to the east is sufficient for only one lane of traffic, not for one lane plus parking. Lot 7 has no easement here for parking and must establish a legal, alternative location for its crews' trucks and vehicles.

In Summary-

1) Demolition of our property cannot be permitted. Lot 7's easement on our property is non-exclusive and does not allow endangerment of our home and destruction of our property. The current lower access has been in place and adequately serving Lot 7 for decades. According to our Colorado-licensed Civil and Structural Engineer, demolishing our cliff destabilizes our home. Even this level of demolition does not bring them anywhere near the required code compliant access.

2) Our improvements in Outlot A, given an easement through the Fountaintree HOA, (stairs, landscaping, parking) must be respected and cannot be usurped. Removing these improvements that are within our easement does not bring the applicant anywhere near the required code compliant access.

3) Access to 530 must fully meet code standards. The build is proposed for what is unquestionably an exceptionally hazardous site due to the sheer drop-offs, frequent icy road conditions, snow and fog, and steep grades, all dependent traversing an easement through another homeowner's property to a building site for a house far from the access lane.

4) Prior to any use of Lot 7 for construction purposes, including without limitation gasoline-fueled vehicles performing Blasting, Excavation, Grading, Tree Cutting and Removal, Material Delivery, Concrete formwork, Portapotty installation, Concrete pouring, Framing, Roofing, Glazing, Siding, Storing of flammable liquids for portable generator and construction vehicle use, etc., the required fully code-compliant, engineered access must be completed to county specifications and fully inspected. This is to provide safe access through Fountaintree Lane and the 570 Fountaintree driveway for construction, fire and emergency vehicles during the construction period and thereafter. Unlike any other Fountaintree home, the proposed house build is situated fully 300 feet from its 180-degree-turn access point from Fountaintree Lane which currently has no access for fire and emergency vehicles, and has access only through a 570's property.

5) Access to 570 Fountaintree must be kept open at all times, not blocked by noncompliant access, worker parking, construction of the code-required access, nor construction of the house.

Thank you for your consideration. Please let us know that you received this.

Best regards,

Jefferies, Wesley

From: Barbara Froula <art@barbarafroula.com>
Sent: Thursday, December 21, 2023 1:14 PM
To: Jefferies, Wesley; Brighton, Ian; ANITA Sanchez
Subject: [EXTERNAL] SPR22-0132

Dear Wesley, Ian, and Anita,

I hope you are all well and enjoying the season!

If you've had time to review it, you may have already noted that the resubmitted plan of 12/19/23 has the same flaws, omissions and issues as the previous one for 530 Fountaintree— plus a few new ones.

There is no plan drawing approved and stamped by a Colorado licensed engineer. The centerline turning radius shown on the latest architect drawing, while not dimensioned, scales out at roughly 27' - 29', well below the code requirement: 40 foot centerline radius (min) for this 180 degree turn. The County should not give *any* exception to standard code requirements for this proposed build, as this would create a hazardous situation due to the extreme topography of steep grades and cliffs. Counting on multipoint turns into the 570 Fountaintree driveway by hundreds of construction vehicles over a period of years is not a workable situation. It is important that Boulder County applies its rules as outlined in the County Multimodal Transportation Standards, in the Land Use Code, and ASHTO Standards with regard to both public safety and traffic mobility.

The steel posts supporting the road are shown on SPR.10 as 19'-6" high. This is completely unrealistic, and far shorter than would actually be required to widen the road even for the noncompliant radius shown on the plan. Again, absence of specifics and lack of a coherent-unified concept in this current submission are apparent. The site drops about 30' in the space needed to widen the road even as drawn on page SPR.2, and this still does not achieve a code compliant turning radius. A professional, stamped survey should be required for the area of this proposed structure before any consideration is given to this dubious proposal, along with pertinent geotechnical information specific to this part of the site. What kind of long-term maintenance escrow will the county require from the developer for this rather precarious proposed edifice which, dimensioned to code requirements including shoulder and guardrails, will project 40 - 50' from the hillside at a height of at least 40'?

It is entirely possible that the access has not been drawn to code requirements because it would then become obvious that the scale of the required access, equal to the width of a football field, would be devastating to the natural landscape in which it would be constructed.

The unattractive 40' high steel structure and huge area paved for construction vehicles will clearly detract from the property values of the surrounding homes. 70,000 pound trucks will use it regularly during the years-long construction process. The steep site is hazardous for any construction project. At least five neighbors with homes below have already written letters to the Planning Department expressing serious and valid concern regarding construction in this extreme area covered with boulders. (These will be sent separately.)

The applicant has absolutely no area to stage this road widening without monopolizing 570's required emergency turnaround, rendering it unavailable for any vehicles during the year(s) required for its construction.

Given the limited turning space *within* the 530 site, hundreds of trucks will likely back up through the 570 driveway once on each trip. A proposal that blocks access for periods of time to a completed home and creates hardship on another property is prohibited in the Boulder County Land Use Code and cannot be permitted.

As an obvious matter of public safety, construction of this access would have to be fully completed and inspected and approved by the county before excavation or construction could begin on the proposed house or septic field 300' beyond.

Your instructions to make the driveway a consistent width were not heeded. The new drawing shows a wide driveway on 570's lot, including the area along the field north of the house, which then becomes narrow within their lot. It is also shown as extremely wide on the south end, usurping 570's guest parking spot- which of course will not be permitted.

The proposal's inadequate access relies on illegally appropriated space acquired by the blasting and demolition of 570's east property (on the west side of Fountaintree) very close to 570's structural foundation, which will not be permitted due to serious structural and safety issues identified in our Civil and Structural Engineer's Deposition of March 31, 2023, not to mention legal violations per our Attorney's knowledge of Easement Statutes in the state of Colorado. The hillside steps proposed to be destroyed currently provide essential access for us, our workers, fire personnel and even wildlife. Converting this access area into a steep cliff introduces new hazards and destroys the beautiful, natural appearance of the slope. A nonexclusive easement limited to passage over and across does not convey the right for an easement holder to propose such destruction to the landowner's deeded property. The developer seems inclined to demolish the east side of 570's property and place the access in this currently very narrow area in order to tie into to a proposed but nonexistent driveway for another build at 621 Fountaintree Lane. (This is labeled "proposed" driveway on the submitted plan)

The proposal shows that the developer plans to place construction parking on Outlot A along 570's property to the south of 570's driveway, blocking access to the fire hydrant. The lane here is no more than 12' wide. This area is nonadjacent to 530 Fountaintree and not part of 530's easement. The developer proposes to claim a 100-foot long stretch of Outlot A (for 5 cars shown, also not drawn to scale). This cannot be permitted. Passage over and across Outlot A for property access is allowed, but expropriating large areas of Outlot A for worker parking in a area nonadjacent to the 530 property is clearly not a right for the developer of 530, as is delineated in the Fountaintree HOA Covenants, which state: "Each of the owners of a Lot in Fountaintree ... shall have the right and an easement to utilize Outlot A for ingress and egress and utility purposes" (Note the absence of the right to use the lane for parking, nor to destabilize a neighbor's homesite by demolishing a hillside to create space for worker parking.)

All of this damage to others' land, views, and property values in the Fountaintree neighborhood is proposed in order for a developer to create vehicle access to the highest ridge of the 530 property in order to build a house over and on both sides of the mountain. Vehicle access to this highest point of the 530 site is dependent on a 300' long driveway through another owner's property. But, to date, no structure has ever been permitted to be built through the mountain ridge of Fountaintree's stunningly beautiful Fountain Formation, a landmark which is highly visible from the east and west. All other Fountaintree houses have short driveways on their own property directly from Fountaintree Lane which do not call for enormous elevated access roadways built on others' property. Please note that *530 Fountaintree is not landlocked*. It has 281' of frontage with Fountaintree Lane, more than most properties in the subdivision, and a code-compliant direct access for a design based on subdivision precedents is entirely possible.

Boulder Mountain Fire has weighed in with other serious concerns.

We have offered to purchase the 530 property to eliminate the years of turmoil, litigation, hazards, and destruction that this proposal will create; however, the developer to date insists on a price that is twice what he paid for it just a few months ago.

Hi Barbara,

I've spent a lot of time thinking about the property, and the lowest price I would consider selling for right now is \$1.4m.

Eric Miska

The attached photos shows the developer's current project, 219 High View, which has been in progress for several years.









Thank you for your consideration,
Barbara Froula and Tim Adams

Jefferies, Wesley

From: Tim Adams <care@drtimadams.com>
Sent: Monday, January 15, 2024 9:05 AM
To: Jefferies, Wesley
Subject: [EXTERNAL] SPR 22-0132
Attachments: AMENDED COVENANTS 2002 02278662.pdf

Fountaintree HOA Covenants

Thanks, Wesley-

Dr. Tim

Sent from my iPhone



AMENDED AND RESTATED COVENANTS

THIS AMENDED AND RESTATED COVENANTS is made effective November 16, 2000, by the undersigned owners of real properties which are subject to the Original Covenants hereinafter defined.

Recitals and Definitions

On December 26, 1968, there was recorded in the office of the Clerk and Recorder for Boulder County, Colorado, on Film 655 as Reception Number 900366, a document entitled Protective Covenants.

On June 29, 1993, there was recorded in said records, as Film 1838 as Reception Number 01308735, a document entitled Extension of the Term of the Protective Covenants of Fountaintree Subdivision.

The Protective Covenants and the Extension thereof are hereinafter referred to as the "Original Covenants."

The Original Covenants presently affect and encumber the following real property, to-wit:

Lots 1 through 12, inclusive, and Outlots A, B, C and D
in FOUNTAINTREE, a subdivision of part of the County of Boulder, State of Colorado,
according to the recorded plat thereof.

The undersigned constitute the record owners of more than 75% of the Lots in Fountaintree Subdivision, and have the right and power to amend the Original Covenants pursuant to paragraph 12 of the Original Covenants.

In connection with the inclusion of certain of the properties and adjoining properties into Pine Brook Water District (the "District"), the District conditioned its approval of the inclusion upon certain amendments being made to the Original Covenants, and certain of the undersigned agreed to make such amendments in an Inclusion Agreement signed by them.

The undersigned desire to affect such amendments as were required by the District, to activate THE FOUNTAINTREE HOMEOWNER ASSOCIATION as the owners association for Fountaintree (the "Association"), to have the Outlots within Fountaintree conveyed to said Association, and to provide for the rights and obligations of two property owners outside of Fountaintree Subdivision to utilize said Outlots and bear a proportionate share of the expenses incurred in connection with Outlot A.

For the purpose of consolidation, the parties have elected to amend and restate, in their entirety, the Original Covenants, with the understanding and agreement that these Amended and Restated Covenants shall supercede and replace the Original Covenants.

NOW, THEREFORE, the undersigned hereby reflect their collective desire to amend and restate the Original Covenants, and the Original Covenants are hereby modified, amended, replaced and superceded in their entirety with the following:

PROTECTIVE COVENANTS

Protective covenants on the following described property situate in the County of Boulder, State of Colorado, to-wit:

Lots 1 through 12, and Outlots A, B, C, and D in Fountaintree, a subdivision of
a part of the County of Boulder, State of Colorado, according to the recorded



plat thereof.

KNOW ALL MEN BY THESE PRESENTS:

That the owners of the real property hereinabove described, for the use and benefit of themselves and all persons claiming or to claim any part of the above-described real property by, through, or under them, hereby declare, represent, agree, restrict, and covenant that the use, enjoyment, and ownership of the above-described real property or any part thereof, shall be, and the same hereby is restricted, limited, conditioned, and protected by the imposition of the following restrictions and limitations, to-wit:

1. Purpose. The real property described above is subjected to the conditions, covenants, restrictions, reservations, and easements declared herein in order to obtain the most appropriate development and improvement of each Lot thereof, to preserve the natural beauty of the area, to establish and maintain the character of each Lot and the improvements thereon in conformance and harmony with the entire subdivision, and to guard against improperly oriented structures in said subdivision.

2. Land Use. No Lot shall be subdivided. No structure shall be erected, placed, or permitted to remain on any part of the above-described real property other than one private single-family residence having a minimum interior floor area of 1200 square feet for each Lot; except that outbuildings shall be permitted for purposes of a garage, workshop, guest quarters and servants quarters, and except further that accessory buildings as defined by applicable provisions of the Boulder County Zoning Resolution shall be permitted on Outlots C and D. Outlots C and D, indicated as open space on the recorded plat of Fountaintree, shall be used for recreational purposes only, except as is provided in Paragraph 10(c) hereof, and except Outlots C and D may be used by Pine Brook Water District for the construction, installation, operation, maintenance, repair, and replacement of water lines and their appurtenances, and a pump house or houses associated with such water lines and appurtenances, and the Pine Brook Water District shall have full access rights to Outlots C and D for such uses and purposes.

3. Temporary Buildings. No structure of a temporary character, trailer, tent, shack, garage, basement, barn, or other outbuilding shall be used at any time as a residence, either permanently or temporarily.

4. Animals. No animals, livestock, fowl, or poultry of any kind shall be raised, bred, or kept on any part of the above-described real property; except, however, that dogs, cats, or other normal household pets may be kept thereon, and except that riding horses or ponies may be kept on Outlot D so long as they are not raised, bred, kept, or maintained for any commercial purpose.

5. Nuisances. No noxious or offensive activity shall be carried on upon any part of the above-described real property nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. Outdoor fires shall be confined to outdoor fireplaces for food preparation purposes only.

6. Signs. No sign of any kind shall be displayed to the public view on any part of the above-described real property except one sign per Lot with not more than five square feet in area advertising said property for sale or identifying said property, and except any signs identifying said subdivision.

7. Oil and Mining Operations. No drilling or mining operations of any kind shall be allowed on any part of the above-described real property, nor shall any equipment or storage facilities for drilling or mining operations be allowed thereon. However, nothing herein shall be construed to prohibit water wells owned by the Pine Brook Water District.

8. Garbage and Refuse. Clean and sanitary conditions shall be maintained at all times for disposal of garbage and refuse. Each dwelling to be constructed in said subdivision shall contain an indoor garbage disposal. No barrels, baskets, boxes, or other containers for waste paper or refuse of any kind shall be exhibited to the public view.

9. Architectural Control. In the interest of establishing and maintaining unity of design, orientation,



and harmony within and throughout the entire subdivision, and consistency with the planned unit development plat for said subdivision as approved by the Boulder County Planning Commission, no structure shall be placed, erected, or altered on any part of the above-described real property unless the preliminary design concept shall have been approved in writing by the Architectural Review Committee of the Fountaintree Homeowner Association. The Architectural Review Committee shall be comprised of three homeowner-members and one alternate homeowner-member of the Fountaintree Homeowners Association. The alternate will vote only in the event that a regular member of the Committee has a conflict of interest in the application under review. The Architectural Review Committee may, at its discretion, engage the services of a licensed architect for review of preliminary plans, and in such case, the applicant will be required to pay reasonable and customary fees to the architect for up to four hours of services for each application request or appeal of a Committee decision regarding a request. Preliminary design concept shall include a schedule of exterior materials. Likewise, the materials for and location of any fence on any site shall be similarly approved. All utility service lines shall be installed underground except as may be approved by the Architectural Review Committee. Any changes in building plans for the exterior shall also be approved. Any pump house(s) that the Pine Brook Water District builds, installs, or otherwise places shall not be subject to Architectural Control. However, the Pine Brook Water District shall allow The Fountaintree Homeowners Association the opportunity to review and make comments or suggestions to their plans.

10. The Fountaintree Homeowners Association. The Fountaintree Homeowners Association, a non-profit Colorado corporation has been created to perform the functions set forth in these covenants, to be vested with those powers hereinafter set forth and to be vested with the power of enforcement of the provisions of the covenants set forth herein. The membership of the Fountaintree Homeowners Association shall be comprised of the owners of the real property located within the boundaries of Fountaintree Subdivision. The Fountaintree Homeowners Association, only in the absence of duly established Road Maintenance Agreements for Wildwood Lane and/or Fountaintree Lane, shall have the power to levy and collect assessments for maintenance, repairs, operation, and administrative expenses with respect to the roads shown on the plat as Outlots A and B. The Fountaintree Homeowners Association shall have the power to levy and collect assessments for maintenance, repairs, operation, and administrative expenses with respect to the recreation areas designated on the plat as Outlots C and D. Upon the failure of the owner of any Lot to pay any such levy or assessment when the same shall become due, The Fountaintree Homeowners Association shall have the right to collect the amount thereof by an action at law against the owner as for a debt, and/or may bring suit for the foreclosure of the lien thereof upon said Lot created by such charge, and/or bring and maintain such other suits and proceedings at law or in equity as may be available, and such remedies shall be cumulative and not exclusive. The Fountaintree Homeowners Association Articles of Incorporation shall provide for three-person board of directors. Per Article Nine of the Fountaintree Homeowners Association Articles of Incorporation, no director shall be personally liable to the Association for monetary damages for breach of fiduciary duty as a Director, except that no Director's liability to the Association for monetary damages shall be eliminated or limited on account of any of the following: (a) any breach of the Director's loyalty to the Association or its Members, (b) acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, or (c) any transaction in which the Director received improper personal benefit. As well as powers, administrative provisions, rules, and regulations, the charter and/or bylaws of The Fountaintree Homeowners Association shall contain the following provisions:

(a) Each residential building Lot subject to these covenants shall be entitled to one domestic water tap from the Pine Brook Water District subject to the rules and regulations of the Pine Brook Water District and the payment of the Pine Brook Water District tap fee.

(b) Each of the owners of a Lot in Fountaintree, together with the owners of that property described on Exhibit A attached hereto (the "Wenner Property"), together with the owner of that property described on Exhibit B attached hereto (the "Hooper Property"), shall have the right and an easement to utilize Outlot A for ingress and egress and utility purposes. Maintenance and other direct costs for the road on Outlot B shall be apportioned in accordance with the Wildwood Road Maintenance Agreement or its successor agreements. Maintenance and other direct costs for the road on Outlot A shall be prorated equally among the owners of Lots 1 through 8, Fountaintree, and the owners of the Wenner Property and the Hooper property, that is, with each bearing 1/10th of such costs, in accordance with the Fountaintree Lane Road Maintenance Agreement or its successor agreements. The Fountaintree Lane Road Maintenance Association (or in its absence, the Fountaintree Homeowners Association) shall have all rights and remedies to collect assessments for road maintenance costs from the owners of Exhibit A attached hereto (the "Wenner Property"), together with the owner of that property described on Exhibit B



attached hereto (the "Hooper Property"), as it has to collect such assessments from the owners of Lots in Fountaintree Homeowners Association. Individual lot owners, including those lots named in Exhibit A and Exhibit B, shall repair to the prior condition any road surfaces disturbed by them as a result of development and/or construction on their lot(s). Outlots A and B may be used by the Pine Brook Water District and other public utilities for water lines and other utilities along with the necessary appurtenances, and the Pine Brook Water District and such other public utilities shall have full access rights to said Outlots A and B, provided, however, the Pine Brook Water District or other such public utilities shall not be subject to or liable for any costs of improvements, maintenance or any other costs associated with Outlots A and B. Notwithstanding, the Pine Brook Water District or any other public utilities shall repair to the prior condition any road surfaces disturbed by the District or such other utility in the installation, repair or maintenance of its utilities.

(c) Ordinary and normal operating and maintenance costs for Outlot C and Outlot D shall be prorated equally among the members of The Fountaintree Homeowners Association. However, the cost of any special capital improvement shall be borne by those persons signifying in writing their desire to be charged an aliquot portion of the cost thereof, and likewise, the use of said facilities shall be limited to those members who have paid for them. Whether or not any capital improvement in Outlot C and Outlot D is for the use of the entire subdivision (and therefore the cost thereof shall be borne equally by each Lot owner in the subdivision) shall reside in the sole discretion of the board of directors of Fountaintree Homeowners Association. John W. Wenner covenants to convey said Outlots C and D to said Association subject only to the right of John W. Wenner to construct a privately maintained driveway from Outlot A (road) across Outlot C to join his property contiguous on the North with Fountaintree Subdivision.

(d) The Pine Brook Water District or other public utilities shall not be liable for any costs associated with the maintenance, repair, operation, capital improvements, or administrative costs of Outlots A, B, C, or D, except as provided in Section 10(b).

11. Revision of Protective Covenants. At any time seventy-five percent (75%) of the then record owners of all of the Lots in Fountaintree Subdivision shall have the power through a duly executed and recorded instruction to change one or more of the restrictions and limitations set forth herein, provided, however, that no amendment shall deprive any Lot or the Wenner Property or the Hooper Property of access or utility services. It is intended hereby that only one vote may be cast for each Lot irrespective of multiple ownership of any Lot.

12. Term. The restrictions and limitations set forth herein shall be covenants running with the land and shall be binding upon all parties claiming any part of the above-described real property for a period of twenty-five (25) years from the date these presents are recorded in the office of the County Clerk and Recorder of Boulder County, Colorado.

13. Severability. Invalidation of any one of the restrictions set forth herein by Court order or otherwise shall in no wise affect any of the other provisions contained herein.

14. Definitions. In all instances in these covenants the following words shall have the following meanings:

(a) Subdivision: Fountaintree, a subdivision of a part of the County of Boulder, State of Colorado, according to the recorded plat thereof.



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Page: 5 of 13

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Boulder County Clerk, CO AMD PRO CVNT R 65.00

D 0.00

- (b) Lot: Any platted Lot in Fountaintree, excluding Outlots A, B, C, and D.
- (c) Association: The Fountaintree Homeowners Association, its successors or assigns.

IN WITNESS WHEREOF, the undersigned have executed this Amendment to Covenants effective as of the day and year first above written.

(The remainder of this page has been left blank. Signature pages follow.)

Jefferies, Wesley

From: john.sullivan@sullivan-greenseavy.com <john@sullivan-greenseavy.com>
Sent: Tuesday, January 16, 2024 3:40 PM
To: Jefferies, Wesley
Cc: Jefferies, Wesley
Subject: [EXTERNAL] SPR-22-0132, 530 Fountaintree Lane
Attachments: 20240116_Letter_BoCoPlanning_WesleyJefferies.pdf; 20240116_GB letter.pdf

Dear Mr. Jefferies,

Following up on our telephone discussion of earlier this morning, I attach a letter from our law firm on behalf of Barbara Froula and Tim Adams, who own the property at 570 Fountaintree Lane. The Froula-Adams property is adjacent to the property at 530 Fountaintree Lane that is the subject of the above referenced Site Plan Review application. As stated in the letter, Ms. Froula and Dr. Adams are requesting staff to withhold planning department approval and/or issue a determination to deny SPR-22-0132 because of the inaccuracies in the applicant's materials and the impacts that this development will have upon their property.

Also attached is a letter from Duaine Harris, who was the Civil, Structural and Geotechnical Engineer for Ms. Froula and Dr. Adams when they built their own home in 2018 after the County approved it. Mr. Harris letter attests to some of the serious negative impacts this development will have upon the Froula-Adams property. Please feel free to contact me if you have questions or want to discuss this matter in more detail. Thank you.

John

John T. Sullivan
SULLIVAN GREEN SEAVY LLC
3223 Arapahoe Avenue, Suite 300
Boulder, Colorado 80303
(303) 440-9101
john@sullivan-greenseavy.com

Date:

01/16/2024

January 16, 2024

Wesley Jefferies
Boulder County Planning and Permitting
2045 13th Street
P.O. Box 471
Boulder, CO 80306

Via E-mail wjefferies@bouldercounty.org
Re: SPR-22-0132, 530 Fountaintree Lane

Dear Mr. Jefferies,

I was the Civil, Structural and Geotechnical Engineer for the house construction at 570 Fountaintree Lane. Per a conversation with the property owners, Dr. Tim Adams and Barbara Froula I have reviewed all documents provided and I have many areas of concern.

1. Attachment #1 shows the area where a large excavation of bedrock and rocky terrain located on the south side of the home on the property is proposed, first level garage area by a tall retaining wall. Note: Once the bedrock is removed and retaining wall is exposed, collapse is inevitable.
2. Once the bedrock and retaining wall are removed, drainage along this side of the house will be disturbed and flooding will result and the drivable area will be diminished by rockfall.
3. Attachment #2: Blasting and demolition of the stone mountainside within 4 - 16' of the structure threatens destabilization of 570 retaining wall, mountainside, preserved trees and foundation.
4. The proposed reduction of the code required 40' centerline radius is a notable area of concern. It would be very hazardous during construction.

For more detailed information, please feel free to contact me.

Sincerely,

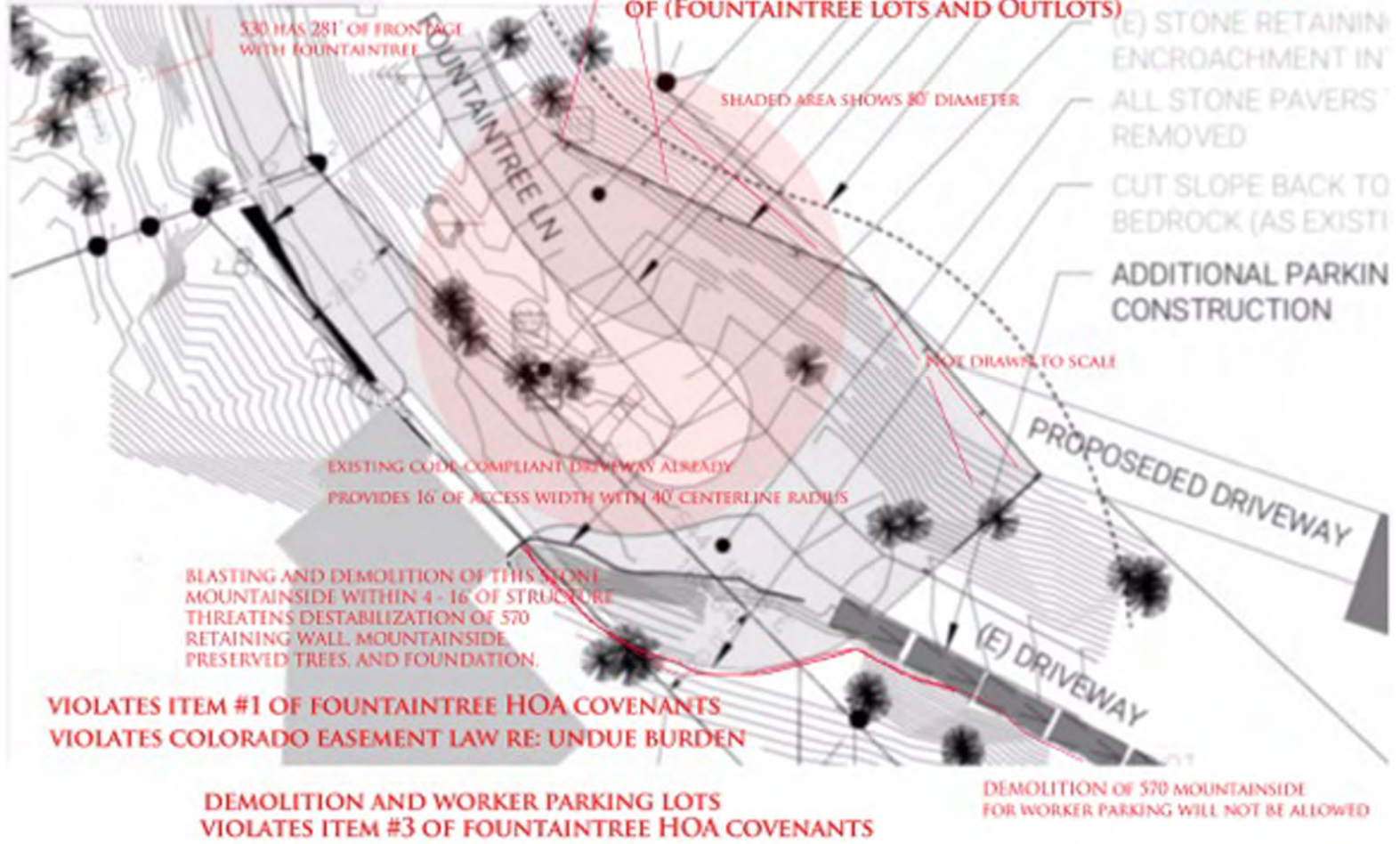
Duaine Harris, Engineer, CEO



ATTACHMENT 1

1 Jan 9

-0132-re-referral-packet-red



ATTACHMENT 2

SULLIVAN GREEN SEAVY LLC

January 16, 2024

Via E-mail: wjefferies@bouldercounty.gov

Wesley Jefferies
Boulder County Planning and Permitting
2045 13th Street
P.O. Box 471
Boulder, CO 80306

Re: SPR-22-0132, 530 Fountaintree Lane

Dear Mr. Jeffries,

We have been retained by Barbara Froula and Tim Adams to advise them on property rights issues raised in connection with the above referenced Site Plan Review application filed by Eric Miska (“Applicant”). Ms. Froula and Dr. Adams own the neighboring property located at 570 Fountaintree Lane. We understand that they have previously expressed their objections and concerns about this SPR application for 530 Fountaintree to you and other members of planning staff in 2023. Ms. Froula and Mr. Adams now understand that the planning staff is moving SPR-22-0132 forward after the applicant submitted more information since the application was placed on hold on March 4, 2023.

Serious issues remain unaddressed in this proposal. The purpose of this letter is to identify inaccurate sections in the materials submitted by the owners of 530 Fountaintree Lane and included with the January 8 staff report and point out that the applicant does not have the necessary easement rights for the proposed access to the 530 Fountaintree property.

Ms. Froula and Dr. Adams also learned last week that planning staff has approved a Design Exception that allows the applicant to avoid strict compliance with the roadway design criteria of the Boulder County Multimodal Transportation Standards. As our clients understand the situation, the Design Exception request was submitted in April 2023, and the approval allows the owner of 530 Fountaintree to have a roadway with a reduced centerline turning radius, which makes the access less safe for large construction trucks and emergency vehicles in this extreme mountain terrain, according to Duaine Harris, the Structural and Civil Engineer for 570 Fountaintree. There is no survey nor dimensioned plan for this roadway in the submittal. A letter from Mr. Harris’ engineering firm is submitted with this letter.

The applicant-developer also proposes to make a number of alterations to the Froula-Adams property in order to build the proposed access and driveway for the 530 Fountaintree property. These alterations include removing massive cubic yardage of existing bedrock and collapsing a

retaining wall that the County previously approved in 2018 on the Froula-Admas property in the area of the access easement for the applicant's property where it crosses the Froula-Adams Property and adjacent areas. Ms. Froula and Dr. Adams understand that these alterations will be accomplished using heavy earthmoving equipment and likely blasting of solid bedrock on their property. Their engineer Mr. Harris states that these alterations will substantially endanger their residence and other parts of their property.

Although the Design Exception was submitted in April 2023, Ms. Froula and Dr. Adams just learned about it. Neither they nor any other members of the Fountaintree HOA, who also own part of the land that would be impacted by the Design Exception, have had any opportunity discuss the potential impacts upon their properties if the Design Exception were approved with the applicant or the Boulder County Land Use department.

Included in the proposal are blasting, extensive excavation, and landscape removal directly adjacent to the existing Froula-Adams residence. They had an experienced architect familiar with the design and build of 570 Fountaintree, John Knapp, review the applicant's materials and the Planning Staff's memo dated January 8, 2023 [sic should be 2024]. Mr. Knapp identified several incorrect facts or misrepresentations in the applicant's materials that affect the approval of the SPR-22-0132. These include the following:

1. The stone wall adjacent to applicant's property line was constructed to enlarge the driveway and allow the applicant the full 16' of access. It is NOT an encroachment as claimed in the drawings. Furthermore, the evaporation field for the Froula-Adams Property is within the 20' setback. This has been verified by the surveys for both 570 Fountaintree and 530 Fountaintree.
2. The "stone wall" to the south of the 570 Fountaintree residence was constructed by 570's builder to protect its foundations from potential soil erosion and to protect potential blockage of the existing driveway and the access easement for the 530 Fountaintree property owner. These improvements were approved by the County and are necessary for the structural integrity of 570 Fountaintree and the protection of the access easement to 530 Fountaintree.
3. Mr. Knapp believes the aggressive intrusion of bedrock removal proposed by the applicant would endanger 570 Fountaintree and require an engineered solution along with bonding in excess of \$2 million to protect its interests. Further, this removal and endangerment does nothing to enhance the radius requirement of the roadway. It should not be approved.
4. The additional construction parking proposed in front of 570 Fountaintree should be provided in front of the applicant's property, and it should not risk or cause further demolition and erosion in front of 570 Fountaintree's property.

One of the requirements under the Boulder County Code is that the applicant must demonstrate that that it has the necessary property rights including easement rights for access. In addition to the deficiencies listed above, the proposed alterations to construct the driveway for 530 Fountaintree across the Froula-Adams property at 570 Fountaintree are not permitted by the existing easement. The easement that crosses Froula-Adams property is a "nonexclusive easement for ingress and egress over and across Lot 8" that is 20 feet wide. This easement does not allow for digging or blasting on the Froula-Adams property to expand the access in the easement as it

crosses their property. Similarly, the HOA easement bordering their property along Fountaintree Lane does allow removal of the mountainside to create space for the parking of construction vehicles. Ms. Froula and Dr. Adams have not approved of any expansion of the use of the existing easement across their property. Since this extensive defacement and demolition work is proposed on property that the applicant does not own, there are serious legal issues involved in this matter.

In the case of *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), the Colorado Supreme Court held that where there is no clear authorization in the deed, the easement holder may not cause unreasonable damage to the servient estate (here, the Froula Adams property) or unreasonably interfere with its enjoyment. Furthermore, the easement holder may not use the easement to benefit property other than the dominant estate (here, 530 Fountaintree property). See *Lazy Dog*, 965 P.2d at 1241. In reaching this holding, the Court stated that “where an easement is non-exclusive in nature, [as here], both the holder of the easement and the owner of the land burdened by the easement have rights to use the property. Consequently, the interests of both parties must be balanced in order to achieve due and reasonable enjoyment of both the easement and the servient estate.” The easement owner is not permitted to use the easement in a way that “causes unreasonable damage to the servient estate or unreasonable interferes with the enjoyment of the servient estate.” *Lazy Dog*, 965 P.2d at 1238.

Here, the owner of 530 Fountaintree proposes to do just that. The alterations the applicant, Eric Miska, proposes will cause an unreasonable amount of damage to the Froula-Adams property, which includes blasting, extensive excavation, and landscape removal directly adjacent to the existing Froula-Adams residence. This alteration will be permanent and will cause damage to the foundation of the residence, remove existing trees on the property, and destabilize their steep and scenic mountainside, all of which interfere with Ms. Froula’s and Mr. Adams’ right to enjoy their property as it was approved by the County in 2018.

In addition, the applicant is proposing to demolish and use part of the Fountaintree HOA-owned mountainside along the Froula Adams property to park construction vehicles during construction and, apparently, make such parking permanent for himself and/or another owner of a nearby property after construction is completed. This is explicitly prohibited in the Fountaintree HOA Deed and Covenants.

As currently proposed in the updated SPR application, access for Ms. Froula and Dr. Adams, the homeowners on whose property much of this easement expansion work and alterations are proposed, will clearly be blocked for long periods of time during construction. Parking is not a use that is permitted under this easement.

Lazy Dog forbids the expansion of the uses permitted by an easement absent approval by the owner of the property burdened by the easement. As mentioned above, Ms. Froula and Dr. Adams have not consented to the expansion of the use of the easement across their property, particularly where such expansion will damage their residence, their landscaping, and allow uses that are not permitted by the express terms of the easement.

Ms. Froula and Dr. Adams also maintain that the construction of the steel structure for the turnaround on Fountaintree Lane to the east of the Froula-Adams property violates the Amended and Restated Covenants governing development in the Fountaintree Subdivision. Section 2 of

these Covenants forbids structures other than single family residences and related outbuildings (e.g., garages or workshops) to be erected on any lot or in the commonly owned property of the Fountaintree Subdivision. This section of the Covenants cannot be altered or violated to allow this enormous edifice to be built on the commonly owned HOA property, without a 66% member vote to remove or amend Section 2 of the Covenants. It is highly unlikely that this level of support for the applicants/developer's proposed raised roadway structure exists among the members of the HOA.

It is entirely feasible, much less destructive, and far more economical to design a short, private driveway directly from Fountaintree Lane, on lot 7's (530 Fountaintree's) own property which shares 281' of frontage with Fountaintree Lane. Having its own driveway would bring the house up to the standard of all other Fountaintree homes. Its layout would be similar to the neighboring driveways, which are fully functional. It would not require the enormous danger and disturbance to the Fountaintree landscape and neighborhood, Fountaintree houses on Wildwood Lane to the west and below the proposed house, and to the Froula-Adams property. Rather, the driveway for 530 Fountaintree Lane would be constructed on the applicant's own property, with balanced cut and fill, and not inflict extreme damage to the property of others. In addition, it would eliminate the need to demolish a large, scenic section of Froula-Adams property in order to create space for the wide-radius access that is only required because of the extreme length of the proposed 300' driveway.

Because of all of the issues identified above, the owners of 530 Fountaintree have no right under the easement to perform this work and Ms. Froula and Dr. Adams have not otherwise granted such a right. Ms. Froula and Dr. Adams respectfully request staff to withhold planning department approval and/or issue a determination to deny SPR-22-0132 because of the above inaccuracies in the applicant's materials that formed the basis for the decision. We are also available to meet with staff and/or the County Attorney to discuss these issues in more detail. Thank you.

Sincerely,

/s/ John T. Sullivan,

SULLIVAN GREEN SEAVY LLC

Jefferies, Wesley

From: Tim Adams <care@drtimadams.com>
Sent: Tuesday, January 30, 2024 3:26 PM
To: Jefferies, Wesley
Cc: LU Land Use Planner
Subject: [EXTERNAL] SPR 22-0132

Re: Design Exception

We noted that a second Design Exception has been given to SPR 22-0132. Although our property is the site where this Exception would have its impact, there was no due process giving us an opportunity for input into this DE evaluation. The following information applies directly to the DE questions and should have been included in the evaluation:

Unacceptably compromises public safety:

Centerline turning radius achieved after proposed monumental disturbance, demolition and destruction on others' property is just 31', reduced from the AASHTO recommended 40' (**minimum**). Submitted drawings have no dimensions in this area, so there is no certainty just how compromised CTR will end up being. Large trucks will be unable to make even multipoint turns and will instead back up across 570's driveway, then afterward back down Fountaintree Lane, blocking residential traffic

This non-compliant access leads not directly into **530** Fountaintree, but into **570** Fountaintree's driveway which would, for decades into the future, bear the burden of the quite restricted access for the proposed build and all deliveries to the house. (22.5% below the recommended AASHTO minimum standards)

All proposed heavy demolition work to enlarge access takes place on property *belonging to others*. Much of the work would occur in a *nonexclusive easement* that is for *passage only*. *Passage over and across* does not permit extreme demolition, destruction and disturbance to the Owner's property. There has been sufficient space for legal access to 530 in the lower, northerly section of the easement for decades. This open area further *increased* in size with the build of 570. In the meantime, the structure of 570 was completed and, although built completely outside the easement, is dependent on the adjacent mountainside and stable bedrock cliff area remaining intact and undisturbed for its foundation's structural stability. Once 15-30' is removed, erosion would continue at a rapid pace. *Generally, the easement holder may use, maintain, and improve the easement in any manner that is reasonably necessary to further the purpose for which the easement was granted, provided that such activities do not unreasonably damage the property owner's estate or unreasonably interfere with its use and enjoyment.*

The proposal involves removing a solid bedrock cliffside within just few feet of 570 Fountaintree Lane's front door, destabilizing the site, a retaining wall that protects the driveway, and the house foundation, threatening its structure. While the plan calls for "removal of loose rock to bedrock", the loose rock is already removed and the current surface is an 85-degree bedrock cliff which has been stable for at least half a century. Heavy demolition would clearly be needed for this proposed demolition of the front of 570's property.

Creates sheer vertical cliff 14' - 18' in height, very close to 570's front wall, including its unencumbered deeded property, where people need to walk around the house safely. Any fall from the sheer cliff created in the proposal could result in serious injury. Falling rock is a threat to people and cars below

Creates 60' long gash in steep hillside, loss of carefully preserved old-growth trees, substantial environmental damage and erosion issues.

Regarding potential impacts on the trees from the proposed work, the area within 10 feet of larger trees is considered the "critical root zone." Any roots cut or disturbed in this area can negatively affect the health and stability of the tree...

Best,

Demolition project would block current residents from access to and enjoyment of their home during periods of demolition which may include blasting.

Contrary to best engineering practices

Achieved (compromised) CL turning radius achieved after monumental disturbance and destruction is just 31', not 40' AASHTO minimum, resulting in an access that large construction trucks cannot maneuver effectively. A permanent catch fence would need to be erected and maintained indefinitely on others' property below the proposed elevated steel roadway.

Safety, Mobility, environment, community, sustainability

Mobility is not enhanced. Every approaching large construction vehicle will be unable to make a smooth entry in the proposed 31' centerline radius 180-degree turn and will likely be unable to turn around and will find it necessary to back up through 570's's property and then back down Fountaintree's steep upper section (time-consuming multipoint turns would be undesirable and probably not feasible.)

This includes construction deliveries of concrete, steel, drywall, Port-a-Potty service, logging trucks, excavation vehicles, rock, trash and debris removal hauls, emergency vehicles, worker trucks, furniture deliveries, railings, roof structure, drywall, inspection vehicles, appliance deliveries, all backing up or down through 570's' driveway, requiring long periods of time to maneuver the 180 degree turn. With this plan, large trucks may collide with the east side of the 570 residence, a concern presented graphically in Fire Chief John Benson's review on the docket.

Property owners and emergency vehicles would be blocked from access to 570 Fountaintree during hundreds of construction deliveries over several years

The singularly beautiful natural environment of Fountaintree is proposed to be destroyed, leaving a gaping, unstable, steep, and unsafe cliff with all trees removed, including a set of four stunning Ponderosa trees preserved by the owners in cooperation with Wildfire Partners. Trees along the east cliff will be lost, including a tall, old-growth, healthy Ponderosa. The proposed 60' long gash in 570's hillside would be an eyesore. Tree roots and plants that add stability to the entire hillside would be gone. The plan also calls for the removal of "all trees" along 570's property in Outlot A. Substantial depreciation in 570's property value

The community of hikers, cyclists, pet walkers and neighborhood friends who share and enjoy Fountaintree Lane on a daily basis would be disrupted with this multi-year build not just of a 6953 SF residential structure but a towering elevated roadway built on steel posts projecting over the east side of the mountain above lower Fountaintree Lane. Demolition of an existing residential landscape would be disruptive and would destroy the character of Fountaintree which has been highly appreciated and enjoyed by the community. Hundreds of dump truck hauling loads of debris from the extensive cut (that appears to be only partially calculated in this proposal) will make Fountaintree Lane less safe and attractive to these visitors

Neighbors below fear falling rock and debris, whether during installation of catch fences, cutting and removing trees, or construction of the elevated road on steel posts.

The mountain site has steep areas that frequently ice up. The raised road on posts will have a hazardous ice issue over much longer periods.

Maintenance

A steel column structure 20-35' in height will need a high level of maintenance over its lifetime to remain safe for heavy vehicles

Tearing down 570's hillside creates nonstop, ongoing hazards and maintenance for 570 and the Fountaintree HOA. Disturbed boulders rolling over the east cliff is frightening to the neighbors below and hazardous going forward.

Hardship

Property owner purchased the land possibly prior to determining accessibility for a code-compliant build on a long driveway passing through another property on a 180-degree turn from the access. Building under these compromised circumstances would create hardship for residents of surrounding properties for decades to come. There are other ways to build on this site that fully comply with all code requirements, would not create hardship to the applicant or others, and would enhance rather than destroy the environment and beauty of Fountaintree.

Public health, safety and welfare

The above mentioned hazards do not enhance these qualities.

Jefferies, Wesley

From: Tim Adams <care@drtimadams.com>
Sent: Tuesday, January 30, 2024 11:19 AM
To: Jefferies, Wesley
Cc: LU Land Use Planner; Kit Tennis; Rob Lee; Mark Bouzek
Subject: [EXTERNAL] SPR 22-0132
Attachments: ProposedAmendmentCorrection.pdf

Dear Wesley,

Since there has been confusion regarding our recording of a November 8, 2020 HOA vote on a proposed amendment, we ask that this clarification be posted on the docket. The previous recording of the vote was never intended to be the actual official amendment. To make an amendment official, the entire Declarations are required to be completely rewritten, signed by the Board, and resubmitted by the HOA Secretary following a vote of 66% of the HOA membership. We were aware of this at the time of the initial recording and were simply recording that there had been a vote unanimously in favor of the proposed amendment that had been strongly advocated by the Board. We had received no notice, and learned only much later, that the vote was not going to be followed up on.

Thank you,

Tim Adams

RE: 04001349 recorded on 3/27/2023 01:00 PM

CORRECTION TO AMENDMENT TO THE PROTECTIVE COVENANTS OF FOUNTAINTREE SUBDIVISION, when originally recorded on 3/27/2023, 2023, the word “**PROPOSED**” was missing

**PROPOSED AMENDMENT TO THE PROTECTIVE COVENANTS
OF FOUNTAINTREE SUBDIVISION**

Originally recorded December 26, 1968, on Film 655 as Reception Number 900366;
Extension recorded June 29, 1993, as Film 1838 as Reception Number 01308735

At the end of Section 10. b,

“As of the date of these amended Covenants, lot improvements, including but not limited to driveways, that intrude onto Outlot A (Fountaintree Lane) and Outlot B (Wildwood Lane) are granted easement to access the road and other customary uses of the outlot adjacent to their property. Future intrusions into Outlots A and B will be subject to architectural review consistent with Section 9, above. Individual lot owners are solely responsible for maintenance of their improvements that intrude on the outlots. Lot owners are responsible for maintaining that property which abuts the road adjacent to their personal lot. Maintenance of the roadway, ditches, culverts and other collectively constructed improvements directly associated with the roadway remain the collective responsibility of the lots served by that road, as delineated above.”

Proposed on November 8, 2020, at 5:28 PM by Kit Tennis to 12 members of Fountaintree HOA
Subject: Re: Proposed revisions to Fountaintree Subdivision Covenants
Approved by 9 voting HOA members of 9 responding by November 12, 2020:

Kit Tennis, HOA President
Rob Lee, HOA Treasurer
Mark Bouzek, HOA Secretary and Deb Parks
Stephen Schein and Melissa Pruitt
Ray Daniels
Barbara Froula and Tim Adams
Lisa McLafferty
Aaron Claman
Patty Cannon

The query regarding the proposal for this amendment received overwhelming support and passed with a 75% vote. It reflected the will of the HOA members to enact an amendment to the Declaration of Covenants.

Note: It was not codified by the HOA Board.

Hi Kit,

We are trying to clear the confusion regarding our recording of the HOA vote regarding the protection of owners' improvements in the Outlot. The yellow-highlighted email that you sent out as a query is missing from my emails. Can you forward this to me? Also, can you please add emails showing how the vote came in from the members, at least the total yes/no votes? **If there was a follow-up email to the membership from the Board, please include this.**

I remembered the vote for the Amendment as being unanimously in favor. I thought the Amendment had passed, but we found it was not recorded. In this incorrect assumption we thought that at least the vote should be recorded, which we did in April 2023 when we learned that any member could record information at the C&R Office. We then planned to offer to help the HOA board to finish the work to record the Amended Declarations. We even typed it out and brought it to you on May 22, 2023, *only then* finding out that the work to codify the Amendment would not be completed.

I am correcting this error at the Recorder's office and want to be sure the details are correct. Thank you for your help.

Barbara

Subject: Covenant question

Barbara,

Here is the letter from November 8, 2020. This was a poll of interest in proposed action, not a vote, as the letter clearly indicates. 9 lot owners expressed interest in having us explore further. Upon review of the language by our attorney, we were advised not to make this change to the covenants, thus, no vote was taken.

Attached is the Board 's clarification of the status of the Covenants on this question, made in June of last year. The signed document at the County is Recording #04010165.

Kit

Christopher (Kit) Tennis, Ph.D. (he,him,his)
Sanchez, Tennis & Associates, LLC

Dear Fountaintree Subdivision Neighbors,

On the Fountaintree Lane side, Xcel Energy recently commissioned a property line survey that graphically pointed out the size/width of the road lot (outlot A) and how our driveways, for instance, cross into that road lot to access the road. Surprise! The road was cut where it was easy, wandering left and right within the "outlot" set aside for the road, and our improvements like driveways and more may actually live in that outlot, when we had assumed they were on our personal property.

Looking at the plats, Wildwood Lane lots have less of this than Fountaintree Lane but could conceivably be impacted down the road by questions of "intrusions" of septic fields, driveways and more into outlot B.

So, we'd like to propose we amend the covenants to grandfather our current property improvements that overlap our road lots. Covenant revisions require at least eight of our twelve lots to formally sign their agreement. How about this new language?

At the end of Section 10. b,

"As of the date of these amended Covenants, lot improvements, including but not limited to driveways, that intrude onto Outlot A (Fountaintree Lane) and Outlot B (Wildwood Lane) are granted easement to access the road and other customary uses of the outlot adjacent to their property. Future intrusions into Outlots A and B will be subject to architectural review consistent with Section 9, above. Individual lot owners are solely responsible for maintenance of their improvements that intrude on the outlots. Lot owners are responsible for maintaining that property which abuts the road adjacent to their personal lot. Maintenance of the roadway, ditches, culverts and other collectively constructed improvements directly associated with the roadway remain the collective responsibility of the lots served by that road, as delineated above."

We've attached the current covenants for your review and records. If, in reviewing the covenants, other important updates come to mind, please let us all know.

Once we've heard suggestions and made any revisions, we aim to put this up for a vote (signed and emailed) in a few weeks.

Thanks!

Kit Tennis, HOA President
Rob Lee, HOA Treasurer
Mark Bouzek, HOA Secretary

Kit

Christopher (Kit) Tennis, Ph.D. (he,him,his)

Jefferies, Wesley

From: Ellen Belle <ellenbelle3042@gmail.com>
Sent: Tuesday, January 30, 2024 9:37 AM
To: LU Land Use Planner
Subject: [EXTERNAL] SPR22-0132

January 29, 2024

wjefferies@bouldercounty.org

To the Board of Commissioners:

As Coloradans who appreciate the beauty of our state and also the work that has been done to preserve vast areas and also small areas from intrusive building practices we wish to express our concerns about the initial approval of a plan for 530 Fountaintree Lane in Boulder. We have visited nearby properties and noted that they are built near the road so as to leave the ridge untouched and also to remain accessible for emergency and safety concerns let alone wildfire mitigation. Allowing the future residents of 530 Fountaintree Lane to build on top of the ridge so they can have unobstructed views in both directions is excessive and problematic for the above reasons.

We urge you to reconsider this initial approval of their plan and rescind it. Like the Boulder Flatirons, this is part of the 290-million-year-old Fountain Formation. Let's preserve and be smart about where and how people build in the margins of cities.

Ellen and Chris Belle

ellenbelle3042@gmail.com



ReplyForward

Add reaction

Jefferies, Wesley

From: Bonita Bock <bonita.bock@wartburg.edu>
Sent: Tuesday, January 30, 2024 6:23 PM
To: Jefferies, Wesley
Subject: [EXTERNAL] SPR 22-0132

To the Board of Commissioners,

It has come to my attention that the developer of 530 Fountaintree Lane has proposed a demolition of a portion of the steep mountain side when there is already an existing paved roadway for passageway to 530 Fountaintree's upper site area.

It has also come to my attention that there has been preliminary approval by the Boulder County Planning Department.

Without knowing more of the details of this plan than I do, I never-the-less am flummoxed as to why this would even be considered by the Department.

I, along with others, sincerely hope the Board takes the time to review this preliminary approval, taking into consideration the numerous reasons why this proposal is unnecessary and less than optimal for the landscape and the others who live in the area.

While I do not live in Boulder County, I have visited this area many times and can understand the stress placed on those who do live there.

Thank you for the work you do and your contribution to the well being of the county as you consider this and so many other responsibilities you have for oversight there,

Rev Bonita Bock
Emerita, Director of Urban Studies
Wartburg College West
Denver, Co.
wartburg.edu/west
cell: 303-887-9147

Jefferies, Wesley

From: Barbara Froula <art@barbarafroula.com>
Sent: Monday, January 29, 2024 4:49 PM
To: Jefferies, Wesley
Cc: LU Land Use Planner
Subject: [EXTERNAL] 22-0132
Attachments: VanHornRetainingWall report.pdf.pdf

Dear Wesley,

This stamped Certification from Van Horn Engineering and Surveying is based on an inspection of the retaining wall (Rock Wall) in the area proposed for demolition on 570 Fountaintree Lane's deeded property, as submitted in the site plan for 530 Fountaintree Lane.

It is important to note that *"The eastern edge of the wall is supported by natural stone bedrock on a steep dipping angle."*

This is the bedrock that is proposed for demolition according to the plan that has received preliminary approval by the Planning Department.

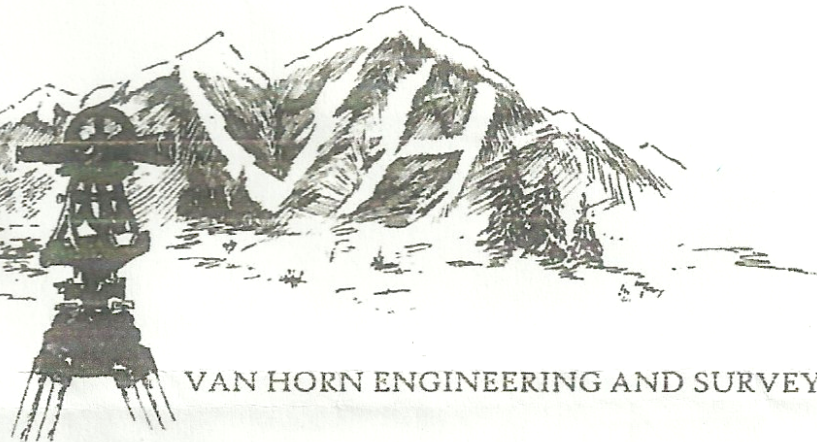
This information should receive serious scrutiny before any final approval is even considered.

Thank you,

Barbara Froula
Architect

LAND SURVEYS
SUBDIVISIONS
DEVELOPMENT PLANNING
IMPROVEMENT PLATS
STRUCTURAL ENGINEERING
SANITARY ENGINEERING
MUNICIPAL ENGINEERING

March 12, 2019



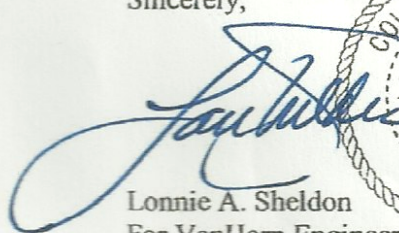
VAN HORN ENGINEERING AND SURVEYING

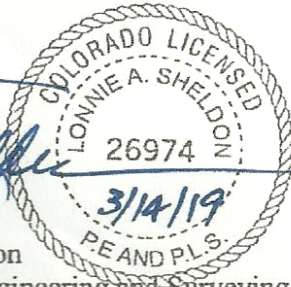
To: Boulder County Building Department

RE: Rock Wall Certification. Building Permit Number 18-155

This is to certify that I am a Professional Engineer registered in the State of Colorado and on March 12, 2019, I reviewed a rock wall on the southeastern side of the garage at 570 Fountain Tree Ln. in Cedar Brook Subdivision. This wall is approximately 12 feet tall and laid-back at an approximate 1/2 to 1 slope. It is constructed with staggered seam dense sandstone. The eastern edge of the wall is supported by natural stone bedrock on a steep dipping angle. The foundation drain appears to come through the bottom of the wall and connects to solid PVC at the daylight point. The bottom of the wall is well anchored into the grade. I did not observe the construction of the wall however the excavator cites that free draining gravel was used behind the wall bottom to top. While I am not the Engineer of Record, this wall is inspected by me given it is not detailed on the plans. I have contacted the Engineer of Record and obtained his permission to certify this item. In my professional opinion the wall is well constructed and is adequate for its intended use as bank stabilization. See the attached picture. If there are any questions please contact me at the cell phone number below.

Sincerely,


Lonnie A. Sheldon
For VanHorn Engineering and Surveying Inc.
Cell: 970-443-3271



C: Duaine Harris. Colo. P.E. 54222

C: Ackermans Excavation and Trucking.





Jefferies, Wesley

From: Barbara Froula <art@barbarafroula.com>
Sent: Saturday, February 3, 2024 12:52 PM
To: Jefferies, Wesley; LU Land Use Planner
Subject: [EXTERNAL] SPR 22-0132
Attachments: PROPOSEDdemoAREA.pdf

This photo shows the quality of the hillside when the existing bedrock is blasted (which is required for its removal) and excavated. It is in the very location of the proposed access enlargement on the 570 deeded property. The hillside becomes extremely unstable and unsafe, as shown in the in-progress excavation for the build of 570 Fountaintree Lane. 570's house foundation and a stone retaining wall were designed to retain the unstable cliff, which could not be left exposed.

Anyone who approves of this proposal would need to agree that this is an acceptable condition to leave a neighbor's property in. We call it an undue burden, which is one aspect of the proposed illegal use of the applicant's nonexclusive easement.



BLASTING REQ'D

**CONDITION OF CLIFF AFTER
BLASTING AND DEMOLITION
(location of house covered
unstable dirt hillside)**

**EXISTING
BEDROCK WALL
proposed for
demolition**

**LOCATION OF STONE RETAINING WALL
TO BE DESTABILIZED AND LIKELY
TO COLLAPSE IN PROPOSED PLAN**

**570 FOUNTAINTREE AREA PROPOSED FOR DEMOLITION IN SPR 22-0132
shown during build of 570 Fountaintree Lane**

Jefferies, Wesley

From: Duaine Harris <greatbasincse@gmail.com>
Sent: Monday, January 29, 2024 12:36 PM
To: Barbara Froula; Jefferies, Wesley; LU Land Use Planner
Subject: [EXTERNAL] Great Basin Engineer Letter Dated January 18, 2024
Attachments: Barbara LTR 012524_Signed.pdf

To Whom it May Concern:

The below attachment addresses several concerns with the proposed single-family residence to be constructed adjacent to Mr. & Mrs. Froula home.

If you have any questions pertaining to the above, I can be reached at (702) 290-2562.

Respectfully,

Duaine D. Harris, P.E.

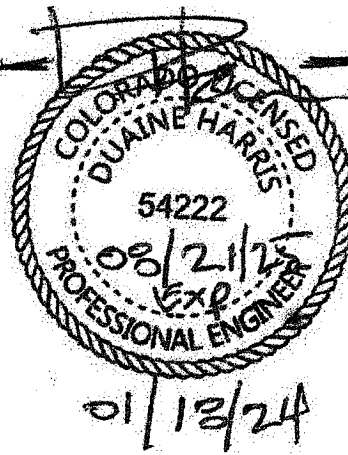
GREAT BASIN

Construction Engineering Services

Wesley Jefferies
Boulder County Planning and Permitting
2045 13th Street
P.O. Box 471
Boulder, CO 80306

Via E-mail wjefferies@bouldercounty.org
Re: SPR-22-0132, 530 Fountaintree Lane

Dear Mr. Jefferies,



January 18, 2024

I am a Colorado licensed structural engineer and am also trained as a civil and geotechnical engineer. I was the Civil, Structural and Geotechnical Engineer for the house construction at 570 Fountaintree Lane. Per a conversation with the property owners, Dr. Tim Adams and Barbara Froula, I have reviewed all documents provided and I have many areas of concern.

1. Attachment #1 shows the area where a large excavation of bedrock and rocky terrain located on the south side of the home on the property is proposed, first level garage area by a tall retaining wall. Note: Once the bedrock is removed and retaining wall is exposed, collapse of the 14' high stacked stone retaining wall is inevitable.

2. Once the bedrock and retaining wall are removed, drainage along this side of the house will be disturbed and flooding will result and the drivable area will be diminished by rockfall.

3. Attachment #2: Blasting and demolition of the stone mountainside within 4 - 16' of the structure threatens destabilization of 570 retaining wall, mountainside, preserved trees and structural foundation. Demolition of 100' of the cliffside for proposed worker parking creates an unstable area of eroding rockfall.

4. The proposed reduction of the code required 40' centerline radius is a notable area of concern. It would be very hazardous during construction. The slope inclination often is in excess of 45 degrees. There are nearby structures and a roadway immediately downslope from the steep cliff on the east side of upper Fountaintree Lane. The roadway can be very icy in late Fall, Winter or early Spring, and dense fog with impaired visibility is common. The elevation here on the top of the Fountain Formation is 6680 feet. Wind velocities in excess of 125 miles per hour have been recorded. In this steep wooded area, a wildfire with dense smoke would hamper driver visibility and emergency vehicle safety if the access is not built to adequate standards.

5) An exacting geotechnical evaluation to assess slope stability and projected foundation integrity needs to be completed prior to the commencement of the build plan for such an elevated access with people living nearby and driving, biking, or walking immediately below.

6) A guardrail, able to contain or constrain vehicles weighing in excess of 70,000 pounds from toppling over the steep cliff on the east facing eminence of the turnaround, needs to be engineered and constructed.

7) If this access is corrected and fully engineered and in appropriate compliance with county code, and located without violation of Easement Law and HOA Covenants, and without threat to the stability of the 570 residence and landscape, and ultimately does obtain Boulder County building permit status, it needs to be completed and its readiness for use would logically need to be certified by Boulder County before a construction permit can be issued on the 7000 square foot structure to be built on the mountain ridge 300 feet beyond the access point. Multiple large construction vehicles can not be safely permitted to move through a 180 degree turnaround that is in the process of being constructed.

For more detailed information, please feel free to contact me.

Sincerely,


Duaine Harris, Engineer, CEO

Jefferies, Wesley

From: Wufoo
Sent: Tuesday, January 30, 2024 11:08 AM
To: LU Land Use Planner
Subject: [EXTERNAL] Ask a Planner - John Sullivan - SPR-22-0132 - 530 Fountaintree Lane

Boulder County Property Address : 530 Fountaintree Lane

If your comments are regarding a specific Docket, please enter the Docket number: SPR-22-0132

Name: John Sullivan

Email Address: john@sullivangreenseavy.com

Phone Number: (303) 440-9101

Please enter your question or comment: Dear Wesley Jefferies,

I am submitting the attached letter correcting the letter that I previously sent to you on January 16 because there was a typo in the second line on page 3 of my letter. Let me know if you have any other questions. Thank you.

John T. Sullivan

Attach a photo or document (optional): <https://bouldercounty.wufoo.com/cabinet/35b09374-356b-4a3d-b3c2-378dea197777> - 111.97 KB

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

SULLIVAN GREEN SEAVY LLC

January 16, 2024

Via E-mail: wjefferies@bouldercounty.gov

Wesley Jefferies
Boulder County Planning and Permitting
2045 13th Street
P.O. Box 471
Boulder, CO 80306

Re: SPR-22-0132, 530 Fountaintree Lane

Dear Mr. Jeffries,

We have been retained by Barbara Froula and Tim Adams to advise them on property rights issues raised in connection with the above referenced Site Plan Review application filed by Eric Miska (“Applicant”). Ms. Froula and Dr. Adams own the neighboring property located at 570 Fountaintree Lane. We understand that they have previously expressed their objections and concerns about this SPR application for 530 Fountaintree to you and other members of planning staff in 2023. Ms. Froula and Mr. Adams now understand that the planning staff is moving SPR-22-0132 forward after the applicant submitted more information since the application was placed on hold on March 4, 2023.

Serious issues remain unaddressed in this proposal. The purpose of this letter is to identify inaccurate sections in the materials submitted by the owners of 530 Fountaintree Lane and included with the January 8 staff report and point out that the applicant does not have the necessary easement rights for the proposed access to the 530 Fountaintree property.

Ms. Froula and Dr. Adams also learned last week that planning staff has approved a Design Exception that allows the applicant to avoid strict compliance with the roadway design criteria of the Boulder County Multimodal Transportation Standards. As our clients understand the situation, the Design Exception request was submitted in April 2023, and the approval allows the owner of 530 Fountaintree to have a roadway with a reduced centerline turning radius, which makes the access less safe for large construction trucks and emergency vehicles in this extreme mountain terrain, according to Duaine Harris, the Structural and Civil Engineer for 570 Fountaintree. There is no survey nor dimensioned plan for this roadway in the submittal. A letter from Mr. Harris’ engineering firm is submitted with this letter.

The applicant-developer also proposes to make a number of alterations to the Froula-Adams property in order to build the proposed access and driveway for the 530 Fountaintree property. These alterations include removing massive cubic yardage of existing bedrock and collapsing a

retaining wall that the County previously approved in 2018 on the Froula-Admas property in the area of the access easement for the applicant's property where it crosses the Froula-Adams Property and adjacent areas. Ms. Froula and Dr. Adams understand that these alterations will be accomplished using heavy earthmoving equipment and likely blasting of solid bedrock on their property. Their engineer Mr. Harris states that these alterations will substantially endanger their residence and other parts of their property.

Although the Design Exception was submitted in April 2023, Ms. Froula and Dr. Adams just learned about it. Neither they nor any other members of the Fountaintree HOA, who also own part of the land that would be impacted by the Design Exception, have had any opportunity discuss the potential impacts upon their properties if the Design Exception were approved with the applicant or the Boulder County Land Use department.

Included in the proposal are blasting, extensive excavation, and landscape removal directly adjacent to the existing Froula-Adams residence. They had an experienced architect familiar with the design and build of 570 Fountaintree, John Knapp, review the applicant's materials and the Planning Staff's memo dated January 8, 2023 [sic should be 2024]. Mr. Knapp identified several incorrect facts or misrepresentations in the applicant's materials that affect the approval of the SPR-22-0132. These include the following:

1. The stone wall adjacent to applicant's property line was constructed to enlarge the driveway and allow the applicant the full 16' of access. It is NOT an encroachment as claimed in the drawings. Furthermore, the evaporation field for the Froula-Adams Property is within the 20' setback. This has been verified by the surveys for both 570 Fountaintree and 530 Fountaintree.
2. The "stone wall" to the south of the 570 Fountaintree residence was constructed by 570's builder to protect its foundations from potential soil erosion and to protect potential blockage of the existing driveway and the access easement for the 530 Fountaintree property owner. These improvements were approved by the County and are necessary for the structural integrity of 570 Fountaintree and the protection of the access easement to 530 Fountaintree.
3. Mr. Knapp believes the aggressive intrusion of bedrock removal proposed by the applicant would endanger 570 Fountaintree and require an engineered solution along with bonding in excess of \$2 million to protect its interests. Further, this removal and endangerment does nothing to enhance the radius requirement of the roadway. It should not be approved.
4. The additional construction parking proposed in front of 570 Fountaintree should be provided in front of the applicant's property, and it should not risk or cause further demolition and erosion in front of 570 Fountaintree's property.

One of the requirements under the Boulder County Code is that the applicant must demonstrate that that it has the necessary property rights including easement rights for access. In addition to the deficiencies listed above, the proposed alterations to construct the driveway for 530 Fountaintree across the Froula-Adams property at 570 Fountaintree are not permitted by the existing easement. The easement that crosses Froula-Adams property is a "nonexclusive easement for ingress and egress over and across Lot 8" that is 20 feet wide. This easement does not allow for digging or blasting on the Froula-Adams property to expand the access in the easement as it

the high-
lighted
language
should read
"does not
allow."
JTS

crosses their property. Similarly, the HOA easement bordering their property along Fountaintree Lane **does allow** removal of the mountainside to create space for the parking of construction vehicles. Ms. Froula and Dr. Adams have not approved of any expansion of the use of the existing easement across their property. Since this extensive defacement and demolition work is proposed on property that the applicant does not own, there are serious legal issues involved in this matter.

In the case of *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229 (Colo. 1998), the Colorado Supreme Court held that where there is no clear authorization in the deed, the easement holder may not cause unreasonable damage to the servient estate (here, the Froula Adams property) or unreasonably interfere with its enjoyment. Furthermore, the easement holder may not use the easement to benefit property other than the dominant estate (here, 530 Fountaintree property). See *Lazy Dog*, 965 P.2d at 1241. In reaching this holding, the Court stated that “where an easement is non-exclusive in nature, [as here], both the holder of the easement and the owner of the land burdened by the easement have rights to use the property. Consequently, the interests of both parties must be balanced in order to achieve due and reasonable enjoyment of both the easement and the servient estate.” The easement owner is not permitted to use the easement in a way that “causes unreasonable damage to the servient estate or unreasonable interferes with the enjoyment of the servient estate.” *Lazy Dog*, 965 P.2d at 1238.

Here, the owner of 530 Fountaintree proposes to do just that. The alterations the applicant, Eric Miska, proposes will cause an unreasonable amount of damage to the Froula-Adams property, which includes blasting, extensive excavation, and landscape removal directly adjacent to the existing Froula-Adams residence. This alteration will be permanent and will cause damage to the foundation of the residence, remove existing trees on the property, and destabilize their steep and scenic mountainside, all of which interfere with Ms. Froula’s and Mr. Adams’ right to enjoy their property as it was approved by the County in 2018.

In addition, the applicant is proposing to demolish and use part of the Fountaintree HOA-owned mountainside along the Froula Adams property to park construction vehicles during construction and, apparently, make such parking permanent for himself and/or another owner of a nearby property after construction is completed. This is explicitly prohibited in the Fountaintree HOA Deed and Covenants.

As currently proposed in the updated SPR application, access for Ms. Froula and Dr. Adams, the homeowners on whose property much of this easement expansion work and alterations are proposed, will clearly be blocked for long periods of time during construction. Parking is not a use that is permitted under this easement.

Lazy Dog forbids the expansion of the uses permitted by an easement absent approval by the owner of the property burdened by the easement. As mentioned above, Ms. Froula and Dr. Adams have not consented to the expansion of the use of the easement across their property, particularly where such expansion will damage their residence, their landscaping, and allow uses that are not permitted by the express terms of the easement.

Ms. Froula and Dr. Adams also maintain that the construction of the steel structure for the turnaround on Fountaintree Lane to the east of the Froula-Adams property violates the Amended and Restated Covenants governing development in the Fountaintree Subdivision. Section 2 of

these Covenants forbids structures other than single family residences and related outbuildings (e.g., garages or workshops) to be erected on any lot or in the commonly owned property of the Fountaintree Subdivision. This section of the Covenants cannot be altered or violated to allow this enormous edifice to be built on the commonly owned HOA property, without a 66% member vote to remove or amend Section 2 of the Covenants. It is highly unlikely that this level of support for the applicants/developer's proposed raised roadway structure exists among the members of the HOA.

It is entirely feasible, much less destructive, and far more economical to design a short, private driveway directly from Fountaintree Lane, on lot 7's (530 Fountaintree's) own property which shares 281' of frontage with Fountaintree Lane. Having its own driveway would bring the house up to the standard of all other Fountaintree homes. Its layout would be similar to the neighboring driveways, which are fully functional. It would not require the enormous danger and disturbance to the Fountaintree landscape and neighborhood, Fountaintree houses on Wildwood Lane to the west and below the proposed house, and to the Froula-Adams property. Rather, the driveway for 530 Fountaintree Lane would be constructed on the applicant's own property, with balanced cut and fill, and not inflict extreme damage to the property of others. In addition, it would eliminate the need to demolish a large, scenic section of Froula-Adams property in order to create space for the wide-radius access that is only required because of the extreme length of the proposed 300' driveway.

Because of all of the issues identified above, the owners of 530 Fountaintree have no right under the easement to perform this work and Ms. Froula and Dr. Adams have not otherwise granted such a right. Ms. Froula and Dr. Adams respectfully request staff to withhold planning department approval and/or issue a determination to deny SPR-22-0132 because of the above inaccuracies in the applicant's materials that formed the basis for the decision. We are also available to meet with staff and/or the County Attorney to discuss these issues in more detail. Thank you.

Sincerely,

/s/ John T. Sullivan,

SULLIVAN GREEN SEAVY LLC

Jefferies, Wesley

From: McCatty, Kyle
Sent: Tuesday, January 30, 2024 2:16 PM
To: Barbara Froula
Cc: Tim Adams; Jefferies, Wesley
Subject: RE: Tree preservation request
Attachments: Befor-.After-CliffDemo.jpg; 570cliffDemolition.RaisedRoadway.jpg

Hi Barbara and Tim,

When marking trees to be removed for defensible space, we—wildfire mitigation specialists—work very hard to work with the homeowner as much as possible. Sometimes, we will mark trees for removal against the homeowners' objections, but that is extremely rare. And this was **not** one of those cases.

There are many different ways to mark defensible space. So, we always work with homeowners on all defensible space projects as much as possible. We will ask the homeowner which trees are most important, and as much as we can within the code requirements, try to develop the defensible space around those trees. It is a collaborative process.

As I remember, I identified the trees in question as some of the larger trees on that side of the house and that it would work nicely to keep them and remove all of the smaller trees around them. We discussed this and the alternative, which was removing them. You decided to proceed with the plan to try to keep them.

From a wildfire risk reduction perspective, there is always some risk associated with keeping trees close to the house like this. So, if these trees were removed, the risk of the house igniting in a wildfire would be reduced.

Regarding potential impacts on the trees from the proposed work, the area within 10 feet of larger trees is considered the “critical root zone.” Any roots cut or disturbed in this area can negatively affect the health and stability of the tree. Other than that, a certified arborist will be better able to speak to the specific impacts the proposed work would have on these trees.

Best,

Kyle McCatty, Senior Wildfire Mitigation Specialist Supervisor
Boulder County Community Planning & Permitting | Wildfire Partners
2045 13th St., Boulder, CO 80302
Mailing address: PO Box 471 Boulder, CO 80306
Direct: 720-564-2625 | Main: 303-441-3930
kmccatty@bouldercounty.gov
www.bouldercounty.gov

From: Barbara Froula <art@barbarafroula.com>
Sent: Wednesday, January 24, 2024 10:52 AM
To: McCatty, Kyle <kmccatty@bouldercounty.gov>
Cc: Tim Adams <care@drtimadams.com>
Subject: [EXTERNAL] Tree preservation request

Good morning, Kyle! We hope you are well.

You may remember the four large trees that you wisely designated for preservation in front of our house at 570 Fountaintree Lane. We actually relocated the house on the site to protect their roots. The outcome is quite stunning. They beautifully frame the front of our home.

There is now a proposal, SPR 22-0232, that if approved will threaten these trees. They plan to demolish the front of our property, currently an 18' cliff, where these trees were preserved, to add the space to a roadway. It is an aggressive use of an easement that is likely not to survive a court challenge, but the County has given it preliminary approval. The trees are on our deeded property and not in the easement, but they will not survive the demolition project in our estimation.

We wonder if you could write a brief letter about how you selected these trees to be kept and what would happen to them if the front of the property is brought down to driveway level? Their attached plan shows that the area in yellow to be demolished goes right through the trunks of the trees.

If you can do this, we would be so appreciative. Your professional input is important to us. The comments need to be in by the 30th and are sent to:

wjefferies@bouldercounty.org

Thank you so much,

Barbara and Tim

<https://barbarafroula.com>

Jefferies, Wesley

From: reidbaum@icloud.com
Sent: Saturday, January 20, 2024 10:55 AM
To: LU Land Use Planner
Subject: [EXTERNAL] SPR-22-0132

**Subject: 530 Fountaintree LLC Residence
Notice of Determination Jan. 16, 2024**

In order to drive to this site, it is necessary to traverse a portion of Valley View Way from its beginning off North Cedar Brook Rd (at the mailboxes) until meeting with Fountaintree Ln, which is a private road.

A bit of history:

In 1992 Valley View Way was a dirt road. New construction of three houses was winding up and those developers wanted to pave the road. Efforts were made to vacate VVW, but eventually the (then) five homeowners pooled their money to have the road paved. Drawings were prepared by Scott, Cox & Associates, Inc. 7/22/92. Total costs were \$21,081.59 split five ways to and including the cul-de-sac; plus each homeowner paid extra to cover paving on their personal driveways. [I never paved mine (141 VVW) nor did 91 VVW]

At the time, only one house existed in the Fountaintree subdivision. They were not invited to share any costs.

Since 1992, one more house was built on Valley View way and they paid to renovate a section of VVW which their heavy equipment destroyed.

Also since 1992, four more houses have been built in Fountaintree; and now the subject house is applying for a building permit. A review of their application suggests **over a hundred large dump trucks** of earth will be removed to Erie landfill - in addition to the usual heavy equipment for construction.

Intent:

To draw attention to the disrepair of Valley View Way between North Cedar Brook Road and its connection to Fountaintree Lane after 32 years. We all know the County will not repair this road.

To draw attention to the enormity of the scope of the civil (earthwork) engineering attendant to this application. ie: **1435 cubic yards to be trucked out !!!**

Reid Baumgartner
141 Valley View Way
(Lot 173 Pine Brook Hills)

Jefferies, Wesley

From: Ann Blonston <annblonston@gmail.com>
Sent: Sunday, January 28, 2024 2:20 PM
To: Jefferies, Wesley
Subject: [EXTERNAL] SPR 22-0132

Dear Mr or Ms Jeffries,

I am a long-time resident of the Boulder Mountain Fire Protection District. I am not directly affected, as a neighbor, by the proposed 7000 SF mansion that is the subject of this application.

I offer my comments as an overview of this and other projects in Pine Brook Hills and other affluent mountain communities.

As a 28-year resident who has been actively involved with Boulder Mountain Fire, I am acutely aware of the risks that many of the new homes in Pine Brook Hills represent. The remaining residential lots in the community are steep and/or narrow, and result in precariously-sited homes. In this particular case, the site plan proposes a long, raised driveway to access the structure. Due to the terrain of this area, I know that bad weather could prevent our volunteer firefighters from defending the very large structure in the event of a fire. A structure fire that cannot be fought becomes a wildland fire that threatens many neighbors - and the life safety of the volunteer responders.

While long driveways exist in our fire district, they are far from ideal in terms of life safety (of workers, residents or emergency responders). Where there is a reasonable, established alternative that is suitable for the property, then that is the route Boulder County should enforce. Fountaintree Lane is narrow and hard to navigate; at least siting a residence close to the lane would present far less risk during construction and for the many years the building will be occupied on the site.

A newcomer to the community might fall in love with the idea of being king of the hill, but that doesn't mean that Boulder County should indulge that vision (or the developer's version of it) at the peril of nearby neighbors or the larger community. Any requirement or objection that comes from Boulder Mountain Fire must be taken seriously and not minimized or compromised.

Ann Blonston
276 Forrest Lane
Boulder CO 80302

annblonston@gmail.com
303.641.3038

residing in the ancestral home of the Arapahoe and Cheyenne of the Upper Arkansas, ceded 1861

Jefferies, Wesley

From: Kathryn Charles <katyacharles@yahoo.com>
Sent: Sunday, January 28, 2024 1:45 PM
To: Jefferies, Wesley; LU Land Use Planner
Subject: [EXTERNAL] SPR 22-0132

Mr. Jefferies and Boulder County Planners,

I share grave concern with the neighbors at 530 Fountainhead Rd. regarding the proposed 7000 square foot home planned for the top of the mountain. The destruction of the natural landscape and it's stability to build such a structure will present many challenges to the builder and create massive disruption to the community along the road.

A dwelling this massive is inappropriate for the space, the community that is already built, and an offensive intrusion of the natural surrounds. A structure of this magnitude would be challenging anywhere, and I believe it is too late to introduce the machinery, materials and infrastructure it will take to complete this project at this location successfully.

Thank you for reconsidering permitting this project,

Kathryn Charles
303-995-9100

Jefferies, Wesley

From: P M HUTH <tmhuth@msn.com>
Sent: Tuesday, January 23, 2024 12:31 PM
To: Jefferies, Wesley
Subject: [EXTERNAL] SPR 22-0132

To the Boulder County Commissioners:

We are grateful for your service in the County of Boulder. It is important that we have officials to oversee protection of our beautiful state.

As parents of a C. U. alum who received the Top Management Student award from Leeds School of Business, in our travels to Boulder again and again through his school years there, we've been impressed by the City and the County of Boulder's own careful management:

- 1) protecting its spectacular open spaces and sightlines;
- 2) its use of carefully enforced codes guaranteeing a combination of appropriate scale, design, and architecture;
- 3) its care that new residences respect the existing character, architecture and properties of existing residences and architecture
- 4) its high level of respect for the natural surroundings of new development.

That caring management has made Boulder one of the most beautiful and unique places in the world, including for the next generation of its leader CU graduates like our son.

So we were shocked to learn this week of something going very wrong with that caring management, with a residential development proposal for 530 Fountaintree apparently already having received tentative approval for 530 Fountaintree Lane by your Community Planning Department. The proposal clearly violates all four of those management criteria that maintain your county's high quality development considerations.

The current plans call for an enlarged access which would significantly and negatively impact a very special geologic treasure in Boulder County. In order to accomplish the current design plan the mountain itself, similar to coal mining practices in Appalachia, would be removed where it is deemed to be in the way, eradicating parts of it. This development would threaten the landscape, surrounding properties, the neighbors who appreciate the natural beauty on their daily walks and bike rides, and the wildlife that live there. If you permit this land to be diminished it cannot be built back again. There is surely a more sensitive design approach that would have far less impact on this special landscape, and the County should insist on this.

The 530 Fountaintree Lane proposal demonstrates a deep disrespect not only for the existing character, creative and beautiful architecture, and carefully planned access to the properties of neighboring residences and residents. It also presents a sustained safety hazard with an outlandish construction plan involving major structural intrusion onto the neighboring properties to enable destruction of the mountaintop's landscape and beauty.

As lifetime fans of your beautiful area, we would certainly hope Boulder media would be made quickly aware should this plan continue to receive serious consideration by your Department.

Thank you for your time and careful review of these highly undesirable plans.

Patricia Huth
CU Graduate School of Education Alumna
Retired Public School Teacher

David Engelken
Retired East High Spanish Teacher
Founder, Humboldt St. Neighborhood Ass'n

Jefferies, Wesley

From: Adrienne Mullinaux <amullinaux@yahoo.com>
Sent: Tuesday, January 23, 2024 3:36 PM
To: Jefferies, Wesley; LU Land Use Planner
Subject: [EXTERNAL] SPR 22-0132

To our Respected Commissioner Leaders,

I recently read of the preliminary approval of the above proposed project and wish to express my **urgent opposition**.

As proposed, it is a clear exploitation and violation of “easement” as the public understands.

As a frequent walker up the road and past the planned site of 530 Fountainhead, I have watched other roadside properties go up over the years that abided, to the letter, both the Boulder building code AND the *true spirit of easement*. This is a terribly fragile ecosystem with precipitous slopes and tentative soil placement. Easements exist to permit *reasonable access*, not to exploit the terrain to achieve one’s aims (at the peril of others).

The developers behind this proposal believe they can obtain special rights that obviate the safety and legitimacy of others living there. To carve away at steep rock faces, eliminate all “obstructing” trees that beautify and stabilize this area, drill into the ground heavy supports that threaten already unstable ground, is a bold plan proposing, without concern, massive destruction in order to accommodate the desires of one developer and the future occupant of one 7,000 sq foot residency.

This developer clearly has no interest in the community of homes nearby and below, in the preservation of the area's character, and in the enormous environmental wreckage wrought by such an extreme and unnecessary construction plan. Having spoken with knowledgeable residents of the area, it’s obvious there are clearly far less damaging, code- abiding ways to accomplish the same goal. As our leaders, I ask that you not overlook the existence and purpose of these codes.

In short, this proposal should be **resoundingly rejected**. If granted, you will send the message that land use codes exist to be manipulated and broken by those with money and power. This country is currently helping defend terrain abroad that is being destroyed by an oligarchical mindset. We cannot allow this to take root in our own country, in my beloved Boulder, where its glory is owed much to what up to now has been a mindful, evolved development philosophy. Please honor it.

Sincerely,

Adrienne Mullinaux
(former) Staff Economist, Routt County Regional Planning Department
Denver, CO 80209

Jefferies, Wesley

From: Isaac Savitz <isaacsavitz@gmail.com>
Sent: Thursday, February 1, 2024 7:14 PM
To: Jefferies, Wesley
Subject: [EXTERNAL] SPR-22-0132 at 530 Fountaintree Lane

To whom it may concern

I am in support of SPR-22-0132 at 530 Fountaintree Lane.

I own 634 Fountaintree, the property above 530 Fountaintree. My driveway begins where the proposed turn will be constructed. I have owned my property for 5 years but have been visiting this area for the past 30 years. I am also (hopefully) going to be the builder of this project as well, to be transparent.

Since the construction of 570 Fountaintree (the neighboring home) there have been frequent issues with cars blocking my driveway and problems with any vehicle attempting to turn around at this point. There is currently absolutely no fire truck access, ambulance access, or even the ability to safely turn a delivery truck around.

The proposed plan for access to 530 Fountaintree will alleviate these problems and allow for safe access to 4 properties while not blocking access to my land or creating unsafe conditions for any driver.

Additionally, I believe this elevated driveway portion of Fountaintree lane overlaps with the currently approved SPR-22-0040 for 621 Fountaintree lane. I was in support of 621 Fountaintree for the same reason. Utilizing the same area and method of construction as this other already approved driveway is the most efficient and lowest impact solution possible for this access issue. As a member of this community and the only landowner past this point, I hope my concerns for safety are heard and the plans are approved as they were for 621 Fountaintree.

In addition I love the design of the house. The building envelope is very low relative to the maximum height allowed (15' where it could have been 35') and the house is set into the hillside making it nearly invisible.

Again, I am in full support of this project and hope you are as well.

Thank you

Abraham Savitz

Jefferies, Wesley

From: Mark Bouzek <mark.bouzek@gmail.com>
Sent: Thursday, February 1, 2024 3:10 PM
To: Jefferies, Wesley
Subject: [EXTERNAL] SPR-22-0132: 530 Fountaintree Lane

Hello Wesley,

My name is Mark Bouzek. My wife, Deb Parks, and I have lived at 537 Fountaintree Lane for over 10 years. I want to make a few comments in support of the 530 Fountaintree Lane SPR. While I currently serve on Secretary of the Fountaintree HOA, the opinions in this note are mine personally:

Eric Miska and Issac Savitz have, in my opinion, exceeded expectations in their design. Their home is low-profile, built using green principles, and is of tasteful design. It will be an asset to the neighborhood.

Eric and Issac have thoughtfully designed their construction process to try and minimize excavation and blasting while maximizing safety (e.g. use of heavy-duty catch fences). They have iterated their original plans multiple times to try and address any plan feedback they have received.

The turnaround extension being proposed above my property (537 Fountaintree) will primarily impact the views of our home. While we would obviously prefer not to have this, it appears to be the only option that grants sufficient access for 530 Fountaintree. Additionally, it enables a safe emergency vehicle turnaround for the entire neighborhood, which I am sure you know is currently lacking.

Eric and Issac have provided ongoing communications during this extended approval process. They have provided assurance that any drainage concerns and road damage will be remediated as part of the construction process.

I would be happy to discuss further if you would like.

Thanks, Mark Bouzek

Mark Bouzek

mobile: +1.713.410.5405

email: mark.bouzek@gmail.com

Jefferies, Wesley

From: Andrew Brandt [Wasabi] <brandtroo@digitalwasabi.com>
Sent: Thursday, February 1, 2024 10:29 PM
To: Jefferies, Wesley
Subject: [EXTERNAL] SPR-22-0132: 530 Fountaintree Lane

Dear Wesley Jefferies,

I have lived in Boulder for 30 years and significant portion of that in Pine Brook Hills. I am shocked at the fake outrage over this new home design as it would be an amazing addition to the community. It would not project above the ridge and would sit perfectly in its natural setting without any removal of the natural rocks. The home will be totally green and was already approved by the committee. A home this beautiful is what Boulder needs and would be a wonderful addition and increase property values.

The fact that emergency vehicle access is solved and rockfall issues are mitigated just adds to the positive aspects of the home.

Please do not fall for this fake outrage and phony scare tactics, this home will be a great addition to Boulder.

Best,
Andrew Brandt
Boulder CO

--



ANDREW BRANDT
e: brandtroo@digitalwasabi.com
t: 830.201.0101

Jefferies, Wesley

From: Aaron Claman <aaron@atintl.net>
Sent: Friday, February 2, 2024 10:49 PM
To: Jefferies, Wesley
Subject: [EXTERNAL] Reference SPR-22-0132 and 530 Fountaintree Lane

Dear Boulder County Planning Department,

I'm writing to you as the former owner of 530 Fountaintree Lane and a Boulder 45 year resident who still has deep personal connections to the Fountaintree neighborhood. I would like to voice my strong support for the new home proposed on this property.

Given that I owned this lot for 27 years and at many times considered building a home there myself, I am intimately familiar with the property and the neighborhood as a whole. I've had a chance to review the plans for this home and find them to be extremely well thought out and compatible with the site. I believe the applicants have gone above and beyond what a typical property owner would do in terms of respecting the natural landscape, balancing the challenges of development, and minimizing impact to the land. The home does not utilize large vertical faces nor projecting high above the ridge, which the neighboring home at 570 Fountaintree Lane does. I appreciate how this home sits far below the height that would otherwise be permitted by Boulder County. It also fits around the existing rock outcroppings leaving them entirely undisturbed.

The emergency vehicle access improvements are sorely needed for the community as a whole, and again appear to be thoughtfully designed to minimize disturbance to the land. To the east of Fountaintree Lane, the elevated roadway directly ties into the already approved elevated roadway for 621 Fountaintree Lane, which is the most efficient and lowest impact solution. On the other side of the road, the driveway appears to be widened to the west, utilizing the access easement, in an area that currently exists as exposed bedrock which was previously excavated for this same purpose of road access. Again, this access plan minimizes impact to the land and keeps those impacts largely constrained to areas which are already serving the same purpose of access.

As a whole, I strongly believe that SPR-22-0132 should be approved as submitted.

Sincerely,
Aaron

Aaron Claman
4165 17th St.
Boulder Co. 80304

SPR-22-0132 and 530 Fountaintree Ln.

I'm writing to support the proposal to build at 530 Fountaintree.

As a licensed real estate professional and a previous collaborator on the build at 239 Pine Tree, I can directly speak to the professionalism of Silver Lining Builders and those involved in the success of their projects. I've experienced firsthand, from start to completion, the stringent protocol involved in their development, including the contentment of their clients upon occupancy and their respect for neighbors during the process of construction.

With a long-standing history doing high-end construction of homes in Boulder, the builders and architects at Amble Architecture take the utmost care and respect in their process. Their focus is on an appreciation of the landscape, building in unison with the natural surroundings and rockscape.

The proposed home at 530 Fountaintree will be built with the same concept of respecting the natural environment and will merge with the landscape. With only a single story of height for much of the home, the home will terrace along the site, sensing the curvature of the land and working with it instead of projecting high above it, eliminating blasting in sensitive areas and on a steep slope, and leaving the natural rock outcroppings undisturbed.

With the site being in a subdivision approved for building, the community is fortunate to have Silver Lining Builders and their partners take on the construction. They will ensure the utmost care for a top-notch product in an otherwise challenging location that would not be enhanced nor appreciated to these depths by someone who isn't invested in the community.

Emelie Griffith

Emelie S. Griffith, REALTOR®

Porchlight Real Estate Group | 2500 Arapahoe Avenue | Boulder, CO 80302
O: 303-442-3180 C: 303-304-0676 | emelie@GriffithHomeCollective.com.com

B29



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Jefferies, Wesley

From: Deb Parks <deb.parks@gmail.com>
Sent: Friday, February 2, 2024 9:53 AM
To: Jefferies, Wesley
Cc: Bouzek Mark; Tennis Kit
Subject: [EXTERNAL] SPR-22-0132: 530 Fountaintree Lane

Mr. Jefferies,

My name is Deborah Parks and I have lived at 537 Fountaintree Lane with my husband, Mark Bouzek, for 10 years. I am a member of the Homeowner's Association.

I support the 530 Fountaintree Lane SPR for the following reasons:

- The home will have a low profile well below the allowable height limit and will fit within the natural landscape more than many of our existing homes.
- There will be a living green roof over a large portion of the square footage and dark earth tones on the external structure. Again, this will be much more appealing than a few of our existing homes.
- We need an emergency vehicle access for fire and medical emergencies. The emergency access integrates with the already approved elevated driveway for 621 Fountaintree. Expanding the cut within the access easement south of 570 Fountaintree is the best option for accomplishing this.
- Engineered catch fences will mitigate rockfall concerns.
- This building plan was unanimously approved by the Fountaintree Architectural Review Committee.

Eric Miska and Issac Savitz have thoughtfully designed and modified their construction process to try and minimize excavation and blasting while maximizing safety with the use of heavy-duty catch fences.

The turnaround extension being proposed above our home at 537 Fountaintree will negatively impact the view of the hill behind our home. However, we really need a safe emergency vehicle turnaround, and this is the best option to realize this.

Eric and Issac have kept us up to date with their plans and the approval process. They have modified their plans based on our feedback. They assured us that drainage impacts and road damage will be repaired during the construction process.

Thank you,

Deborah Parks

Jefferies, Wesley

From: Eric Pringle <epringle@ipeoplesolutions.com>
Sent: Friday, February 2, 2024 1:57 PM
To: Jefferies, Wesley
Cc: David Pringle
Subject: [EXTERNAL] Re: Concerns about proposed site plan for 530 Fountaintree in Boulder County

Wesley,

We sat down with Isaac & Eric and went through thorough review of the plans and also went up to the site with them to see exactly what they were doing. As for our issues, here is what we learned from them:

- Failure to notify us in a timely matter. We moved to this home in July of 2022 and have never received a notification of the proposed plan. We heard about it from our next door neighbor over the weekend, which has not given us proper time to review and provide input, so we are taking that opportunity now. **Resolved as we met with them.**
- The proposed build would straddle the ridge above our home. Drainage is a concern as we have discovered that a lot of debris already creates issues with mud, rock, and sand falling from above. There is no proposed drainage plan in the documents that were forwarded to us and we would like to ensure there is a proper drainage plan in place to prevent damage to downhill locations in the form of rock and mud slides. Any foundation issues for the homes below that would be caused by improper drainage are a concern. **Isaac and Eric said they would work with us on this. We have yet to see a specific plan, but would like that to happen prior to approval. We trust they will do this in a manner that minimizes impact to the homes on the western side of the slope but do want to sit down with them again on this and get a plan we can agree upon and sign off on.**
- We are concerned with the mention of blasting activities in the plan which could destabilize the extremely sensitive ecosystem. **Issac assured us that he would avoid blasting and it would be minimal if necessary at all and that any such activity would not occur west of the ridge.**
- Any removal of trees which could cause erosion now or in the future. **Isaac assured us tree removal would be avoided as much as possible and that there should not be much necessary below the cliff.**
- Any building or structure on the west side of the ridge which would be counter to historical practice and deteriorate the natural beauty of the mountain. **After reviewing the architectural and site plans, we do not think this is a major issue. Also, it appears that the HOA rule on this that some of the neighbors referred to was never actually approved.**
- Any action which may cause rock slides and destabilization of the mountain top. **Isaac and Eric assured us that proper fencing and barriers would be put in place that would mitigate rock slides or soil destabilization of the soil on the west side of the ridge.**
- Any septic field on the west side of the mountain ridge. **They informed us that the septic system would be on the east side of the ridge and would have no downhill impact to the west side.**
- Any structure that would impact the natural beauty of the current and natural mountain skyline. **While we do not like that any of the structure will be on the west side of the ridge for the reasons noted above, looking at their plans, we can live with what they have submitted for approval to this point. Should there be any changes to those plans, we would like the opportunity to review, discuss, and weigh in on their approval.**

Thanks,

Eric D. Pringle | President
[Integrated People Solutions](#)

Phone:(303) 886-7685
epringle@ipeoplesolutions.com



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From: Jefferies, Wesley <wjefferies@bouldercounty.gov>
Date: Tuesday, January 16, 2024 at 7:19 AM
To: Eric Pringle <epringle@ipeoplesolutions.com>
Cc: David Pringle <dave.l.pringle@icloud.com>
Subject: RE: Concerns about proposed site plan for 530 Fountaintree in Boulder County

Good Morning!

Thank you for sending your comment in. I will add this to the record. If you have any further concerns/comments, please do not hesitate to reach out!

Best,
Wesley

Wesley Jefferies (he/him) | Planner 1 – Development Review Team
Boulder County Community Planning and Permitting | P.O. Box 471, Boulder, CO 80306
wjefferies@bouldercounty.gov | (303)441-1705



From: Eric Pringle <epringle@ipeoplesolutions.com>
Sent: Monday, January 15, 2024 9:56 AM
To: Jefferies, Wesley <wjefferies@bouldercounty.gov>
Cc: David Pringle <dave.l.pringle@icloud.com>
Subject: [EXTERNAL] Concerns about proposed site plan for 530 Fountaintree in Boulder County

Dear Mr. Jeffries,

We live at 228 Wildwood Ln. in Boulder. We were informed over the weekend of a proposed build at 530 Fountaintree in Boulder County. While we certainly understand that a home will be built there someday, we are proposed to the current plan, which would straddle the ridge on both the east and west side. We have multiple objections to the proposed build, including:

- Failure to notify us in a timely matter. We moved to this home in July of 20022 and have never received a notification of the proposed plan. We heard about it from our next door neighbor over the weekend, which has not given us proper time to review and provide input, so we are taking that opportunity now.
- The proposed build would straddle the ridge above our home. Drainage is a concern as we have discovered that a lot of debris already creates issues with mud, rock, and sand falling from above. There is no proposed drainage plan in the documents that were forwarded to us and we would like to ensure there is a proper drainage plan in place to prevent damage to downhill locations in the form of rock and mud slides. Any foundation issues for the homes below that would be caused by improper drainage are a concern.
- We are concerned with the mention of blasting activities in the plan which could destabilize the extremely sensitive ecosystem.
- Any removal of trees which could cause erosion now or in the future.
- Any building or structure on the west side of the ridge which would be counter to historical practice and deteriorate the natural beauty of the mountain.
- Any action which may cause rock slides and destabilization of the mountain top.
- Any septic field on the west side of the mountain ridge.
- Any structure that would impact the natural beauty of the current and natural mountain skyline.

The above list is not all-inclusive. We further agree with the other objections made by members of the Fountaintree HOA and reserve the right to legally pursue all damages caused should the proposed build be approved.

Should you have any questions for us, please contact us, but we are not open to structures that will straddle the ridge.

Regards,

Eric D. Pringle | President

[Integrated People Solutions](#)

Phone:(303) 886-7685

epringle@ipeoplesolutions.com



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Jefferies, Wesley

From: Brandon Saltmarsh <brandonsaltmarsh@gmail.com>
Sent: Thursday, February 1, 2024 10:53 AM
To: Jefferies, Wesley
Subject: [EXTERNAL] 530 Fountaintree Ln

To whom it may concern,

We live at 91 Valley View Lane, which is a neighbor to the proposed 530 Fountain Tree Ln project. This email serves as support for this development. From our perspective, so long as county guidelines are being observed, we have no objection to the project, which sounds like it will add value to the overall community, once completed.

My best,
Brandon Saltmarsh

Jefferies, Wesley

From: Anita Sanchez <anita@sancheztennis.com>
Sent: Friday, February 2, 2024 1:01 PM
To: Jefferies, Wesley
Subject: [EXTERNAL] SPR-22-0132: 530 Fountaintree Lane

Dear Mr. Jeffries,

I am a homeowner at the 470 Fountaintree Lane road, living several houses down the road from the proposed construction. I totally support the planning department's thorough review and approval of SPR-22-0132: 530 Fountaintree Lane

There are only 8 lots on Fountaintree Lane. For 43 years I have done forest mitigation on this mountain which is essential. My family and I have been evacuated 7 times due to forest fires. It is critical that we have safe access for emergency vehicles, fire and ambulances.

In addition for 43 years I have walked past what is now Tim Adams and Barbara Froula home where the plans call for a turn around for emergency vehicles. This road is also access to the 530 lot. Adams and Froula purchased their home knowing that it is an access road for 530 lot on Fountaintree Lane.

The best solution for safety and access to both 530 and the Adams/Froula home is what the planning department proposes. Both the fire department and other emergency vehicles see that this access is needed. I wholeheartedly agree.

Any other location of a road than the one proposed in SPR-22-0132: 530 Fountaintree Lane would cause extraordinary unneeded destruction to the mountainside. Both the Adams/Froula home and the 530 lots have always had a shared access road to their homes. Both homeowners purchased their lots knowing there is an existing access road. I believe the safety of their homes and the other 6 lots on Fountaintree served by the planning departments proposed plan - SPR-22-0132: 530 Fountaintree Lane.

Thank you for listening to me a homeowner on the Fountaintree road and not giving others who do not live on this private road any weight for their approval or non approval to the plan

Sincerely,

Anita

Anita L. Sanchez, Ph.D., Aztec & Toltec and Mexican American
**Leadership, Diversity/Inclusion/Engagement, Organization Development Consultant, Facilitator, Trainer,
Author & Speaker**

Author of The Four Sacred Gifts: Indigenous Wisdom for Modern Times, Simon & Schuster [The Four Sacred Gifts](#)

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Jefferies, Wesley

From: David Sroka <dsroka80108@gmail.com>
Sent: Monday, February 5, 2024 10:48 PM
To: Jefferies, Wesley
Subject: [EXTERNAL] SPR-22-0132 Support
Attachments: Scan_20240205.pdf

Welsey

My name is David Sroka and I am a resident of Pine Brook Hills, right at the entry to the Fountaintree section. I am someone who walks their dogs next to the proposed project daily so I am very familiar the proposal. The attached letter is signed by myself and my neighbors, all residents of Valley View Way, in staunch support of this project. We are residents and neighbors of this property. Please review the attached signed letter from the neighborhood of Valley View Way, located at the bottom of Fountaintree.

Sincerely,

Dave Sroka

150 Valley View Way

Wesley Jeffries
Planner
Boulder County
2045 13th Street
Boulder, CO 80302

RE: SPR-22-0132, 530 Fountaintree Lane

February 2, 2024

Dear Mr. Jeffries

I am writing to you on behalf of the residents of Valley View Way regarding 530 Fountaintree Lane. All of us signed below are neighbors of 530 Fountaintree Lane and all live within view of this project. I have personally known Eric and seen his work on previous projects in Pine Brook Hills. He pays special attention to encompassing the natural beauty of the mountainside into his designs, rather than trying to build some massive palace that detracts from the landscape. This project has a very low-profile design that does not project above the ridge. Much of the house is only a single story. This design fits within the natural landscape without removing or covering any existing rock outcroppings. There is a living green roof over a large portion of square footage, dark earth-tone materials, and an overall low-impact design. My understanding is this project was unanimously approved by the Fountaintree Architectural Review Committee, something that my neighbors would have never approved if it wasn't a beautiful design. We also get to benefit from such a high-end home being built which will have a positive impact on all of our property values.

The other major concern relative to Pine Brook Hills is emergency vehicle access. My understanding is that this project will improve this important necessity. Impact to the land was minimized to the greatest extent possible with the use of an elevated extension of Fountaintree Ln(widening the road) rather than massive retaining walls and earthwork. This emergency vehicle access directly integrates with the already approved elevated driveway for 621 Fountaintree in the same area, which highlights efficiency and minimizes site disturbance. Any rockfall concerns are mitigated by the use of engineered catch fences and the fact that no blasting will be done in this area. This project utilizes a deeded access easement with an existing rough-cut driveway, both of which have existed since the time Fountaintree was subdivided and which provide the only possible access to 530 Fountaintree Lane. The area of


hillside that is within the access easement to the South of 570 Fountaintree currently exists as exposed bedrock which was cut back for road access. Further expanding the cut in this area to accommodate emergency vehicle access is both necessary and an already established use of this area. Again, no blasting in this area, and the retaining wall to the South of 570 Fountaintree will not be disturbed.

Eric's projects are very thoughtful and additive to the beauty of Pine Brook Hills. We are fully supportive and ask that this project be approved and allowed to commence immediately. I know all of us at the bottom of the hill are excited to see this dream become a reality.

Sincerely,



Dave and Laura Sroka
150 Valley View Way
Boulder, CO 80304



David and Cindy Lapp
166 Valley View Way
Boulder, CO 80304



Lilya Mitelman and Ryan Propper
100 Valley View Way
Boulder, CO 80304

Jefferies, Wesley

From: Pat and Camille Svoboda <psvoboda@gmail.com>
Sent: Thursday, February 1, 2024 7:22 PM
To: Jefferies, Wesley
Cc: Isaac Contractor
Subject: [EXTERNAL] Recommendation of Approval: 530 Fountaintree Lane

To whom it may concern:

I am writing to wholeheartedly recommend the approval of the proposed plans for the house, driveway, and fire truck safety turnaround at the 530 Fountaintree Lane property.

Considerable thought and effort have been dedicated to the meticulous design of the house and driveway, prioritizing the preservation of the stunning natural landscape. The overall layout is carefully crafted with utility and safety at the forefront.

The contractor, Isaac Savitz, boasts an exceptional track record in constructing residences that are not only enjoyed but also envied by those fortunate enough to own or experience them. The attention to detail and commitment to perfection in construction is evident, and we believe that 530 Fountaintree Lane will seamlessly join his legacy of nearly flawless constructions, blending aesthetic living spaces that coexist with unique natural surroundings.

We trust that the approval of these plans will contribute positively to the community and enhance the overall appeal of the property.

Thank you for your consideration.

Best regards,

Camille and Patrick Svoboda
721 Fountaintree Lane

Jefferies, Wesley

From: Kit Tennis <kit@sancheztennis.com>
Sent: Thursday, February 1, 2024 1:32 PM
To: Jefferies, Wesley
Subject: [EXTERNAL] SPR-22-0132: 530 Fountaintree Lane

Dear Mr Jefferies,

I'm writing to reaffirm my personal support for the plans in SPR-22-0132: 530 Fountaintree Lane. I am a 43-year resident on Fountaintree Lane, living two doors down from 530 Fountaintree, President of the HOA (although I am speaking as an individual in this instance), and have carefully observed the extended process of this particular site plan review.

Given the particulars of the site access easement, the site itself, the vital importance of meeting emergency access requirements for the neighborhood, and the house design that has been approved by the HOA Architectural Review Committee, I believe that SPR-22-0132 should be approved as submitted. The applicants have kept neighbors updated on their plans and are further offering a bond for potential repairs to the paved surface of Fountaintree Lane and appropriate ditch work to manage runoff in the future, steps which far exceed prior construction-related considerations on Fountaintree Lane.

Please contact me with any questions or concerns,

Kit

Christopher (Kit) Tennis, Ph.D. (he,him,his)

Sanchez, Tennis & Associates, LLC
470 Fountaintree Ln, Boulder, CO 80304

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[LinkedIn.com/in/kittenis](https://www.linkedin.com/in/kittenis)

Jefferies, Wesley

From: Dr Christina Weber <cweber@boulderfootandankle.com>
Sent: Sunday, February 4, 2024 8:37 PM
To: Jefferies, Wesley
Subject: [EXTERNAL] S PR-22-0132, 530 Fountaintree lane

Regarding SPR-22-0132 Fountaintree Lane

To whom it may concern,

I live on N. Cedarbrook Rd. and frequently walk up onto fountain tree Lane with my dogs. The plans for the new home to be built on fountain tree Lane I have no concerns with. This new construction appears to have a nice contemporary and earthy design, which should only improve property values.

Sincerely,

Christina Weber and Jay Burgess

Sent from my iPhone