

## **RESOLUTION 2024-029**

### **A resolution conditionally approving Boulder County Community Planning & Permitting Docket LU-23-0038: Juicy Berry Farm ADU**

#### Recitals

A. Gregg Campbell (the “Applicant”) applied to Boulder County for Limited Impact Special Use Review under Articles 4-601 and 4-516 of the Boulder County Land Use Code (the “Code”) to permit establishment of a 1,800-square-foot Agricultural Worker Accessory Dwelling Unit (“ADU”) on an approximately 12-acre parcel.

B. The subject property is located at 7426 Jay Road, located approximately 500 feet west of its intersection with N. 75th Street, in Section 13, Township 1 North, Range 70 W, in a Rural Residential zoning district in unincorporated Boulder County (the “Property”).

C. The Property is generally southeast of Gunbarrel. As determined through the review of BLD-07-0043, the Property was created as part of a Subdivision Exemption application (SE-04-0012) and is a legal building lot eligible for permits. Legal access to the Property is via Jay Road.

D. Currently, the Boulder County Assessor’s record identifies a 3,670-square-foot residence, a 1,212-square-foot agricultural greenhouse and barn, a 959-square-foot agricultural barn, and a 203-square-foot agricultural shed on the Property.

E. Per the Applicant, the ADU is designed to support extensive agricultural uses, including keeping of goats and chickens, operation of a three-season greenhouse, care for a fruit orchard and berry patch, hay production, and livestock grazing. Because of the existing and planned expansion of agricultural uses on the Property, the Applicant requires the assistance of an additional household on-site.

F. The application initially indicated that the proposed ADU will be 1,450 square feet in size, but it did not account for an additional 350 square feet of covered porch area included with the proposal. However, covered porches are counted toward the overall total area of the ADU.

G. The Boulder County Comprehensive Plan indicates that a portion of the Property is located within Agricultural Lands of Statewide Importance, while other areas are Wetland or Riparian area.

H. The above-described request was processed and reviewed as Boulder County Community Planning & Permitting Docket LU-23-0038 (the “Docket”), as further described in the memorandum and written recommendation to the Board of County Commissioners (the “Board”).

by Boulder County Community Planning & Permitting Department planning staff dated March 12, 2024, together with its attachments (the “Staff Recommendation”). The Staff Recommendation found that the Docket could meet the criteria for approval with recommended conditions, and therefore, recommended that the Board conditionally approve the Docket.

I. At a public hearing on the Docket held on March 12, 2024 (the “Public Hearing”), as further reflected in the official record of the Public Hearing, the Board considered the Staff Recommendation, as well as documents and testimony presented by County Community Planning & Permitting Department planning staff. The Board also heard testimony from Nathan Knecht on behalf of the Applicant. No members of the public spoke at the Public Hearing.

J. Based on the Public Hearing, the Board finds that the Docket meets the criteria for Limited Impact Special Use approval for an Agricultural Worker ADU as set forth in Articles 4-601.A and 4-516.G.6 of the Code, subject to the conditions stated below.

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

Therefore, the Board resolves:

Docket LU-23-0038 is approved on the basis and terms set forth in this Resolution, above, and subject to the following conditions:

1. The development is subject to the requirements of the Boulder County Building Safety and Inspection Services Team and adopted County Building Codes, as outlined in the referral comments, including, but not limited to, required fire suppression, ignition resistant materials and defensible space, and the BuildSmart energy efficiency and sustainability requirements.

2. The Property owner shall submit an annual report to the Community Planning & Permitting Department indicating that the inhabitant of the ADU continues to live on-site, that the inhabitant is substantially employed in the agricultural work on the Property, and that the unit continues to be occupied in accordance with the Docket.

3. The accessory dwelling shall only be used as an Agricultural Worker Unit. Any changes to this use shall be considered a substantial modification of this approval and will require that the unit be decommissioned.

4. Prior to issuance of a building permit for the Agricultural Worker Unit, the Applicant shall record with the Boulder County Clerk and Recorder a signed affidavit recognizing the conditions of approval for the Docket.

5. The ADU shall be limited to a maximum of 1,800 square feet, including attached covered porch areas.

6. At building permit, the Applicant shall submit for review by Boulder Rural FPD a plan detailing the location and size of a parking area and emergency vehicle turnaround.

7. At building or grading permit submittal, the Applicant shall submit a Revegetation Plan for approval. This plan should include native grass species to be used, an explanation of how topsoils will be stockpiled, mapped delineation of all disturbance areas (including construction staging areas, driveway, utility lines, and septic system), locations of all erosion control measures, and matting requirements, if necessary.

Prior to issuance of a Certificate of Occupancy, the Community Planning & Permitting Department must inspect and approve the full installation of the approved Revegetation Plan. If weather is not conducive to seeding or if adequate revegetation efforts have not occurred and vegetation is not adequately established at the time of final inspection request, an irrevocable letter of credit or monies deposited into a County Treasurer account will be required to assure the success of revegetation. The Applicant should consider the following well in advance of the revegetation inspection:

- a. Whether applying for a Certificate of Occupancy, final inspection, or the return of funds held in escrow for completion of revegetation, some level of germination and growth of grass seed is required.
- b. Steeper slopes and dryer soil require greater attention 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.
- d. Incomplete revegetation is the leading cause for delays in obtaining a Certificate of Occupancy.

8. Prior to issuance of building permits, any Onsite Wastewater Treatment System repairs or alterations must be permitted, installed, inspected, and approved.

9. Prior to the submittal of any permits, the Applicant shall establish an adequate water supply for the ADU. Written evidence that the water supply is adequate for the ADU and has been approved by the State of Colorado's Department of Natural Resources' Division of Water Resources must be submitted for staff review prior to any permit submittal.

10. The Applicant shall be subject to the terms, conditions, and commitments of record and in the file for Docket LU-23-0038: Juicy Berry Farm ADU.

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

**ADOPTED** as a final decision of the Board on this \_\_\_\_\_ day of April 2024.

The signatures below indicate approval of the text of the Resolution but are not necessarily reflective of the votes taken at the Public Hearing.

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

\_\_\_\_\_  
Ashley Stolzmann, Chair

\_\_\_\_\_  
Marta Loachamin, Vice Chair

\_\_\_\_\_  
Claire Levy, Commissioner

ATTEST:

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