

RESOLUTION 2024-036

A resolution conditionally approving Boulder County Community Planning & Permitting Docket LU-24-0003/SPR-23-0091: Ashton-Eggleston Residence

Recitals

A. Gunnar Ashton and Amanda Eggleston (the “Applicants”), applied to Boulder County for Limited Impact Special Use Review under Article 4-600 of the Boulder County Land Use Code (the “Code”) for 1,033 cubic yards of non-foundational earthwork to construct a residential driveway. The Applicants also applied for Site Plan Review under Article 4-800 of the Code to construct a new 3,982-square-foot residence and garage on an approximately 10.2-acre vacant parcel where the presumptive size compatible with the neighborhood is 4,125 square feet.

B. The subject property is located at 3100 Ridge Road, Parcel No. 158109002008, approximately 2 miles east of the intersection of Hurricane Hill Drive and Ridge Road, in Section 4, Township 1 South, Range 72 West of the 6th Principal Meridian, in a Forestry zoning district in unincorporated Boulder County (the “Property”).

C. The Property is located east of the Town of Nederland on the southeast side of Ridge Road and was created in 1968 as Lot 48 of the St. Anton Highlands platted subdivision. The Property is accessed via Ridge Road. The Applicants proposed to create a new driveway and access point to the Property from Ridge Road.

D. The proposed 1,033 cubic yards of non-foundational earthwork is intended to provide access to the proposed residence and attached garage and an emergency turnaround hammerhead located west of the proposed residence.

E. The Property slopes down from the west to east. The higher elevation sections of the Property are located adjacent to Ridge Road along the western Property line, and the Property slopes downwards to the lowest point near the southeast corner of the Property, adjacent to State Highway 119. The proposed residence is approximately 155 feet from Ridge Road on an eastern facing slope.

F. The Property is adjacent to the Platt-Rogers Memorial Park County Open Space to the southeast. The view distance from the proposed residence to the park is approximately 1,800 linear feet at its closest. The driveway and residence will be visible from areas farther to the south and higher on the park’s slope. The State Highway 119 View Protection Corridor will not be affected.

G. The above-described request was processed and reviewed as Boulder County Community Planning & Permitting Docket LU-24-0003/SPR-23-0091 (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 April 9, 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.

H. At a public hearing on the Docket held on April 9, 2024 (the “Public Hearing”), as further reflected in the official record of the Public Hearing, the Board considered the Staff Recommendation as well as the documents and testimony presented by Boulder County Community Planning & Permitting Department staff. The Board also heard testimony from Applicant Gunnar Ashton and his agent Steve Lane. No members of the public spoke at the Public Hearing.

I. Based on the Public Hearing, the Board finds that the Docket meets the criteria in Article 4-601 of the Code for Limited Impact Special Use approval for the non-foundational earthwork.

J. The Board further finds that the Docket meets the criteria in Article 4-806 of the Code for Site Plan Review approval for the proposed residence, subject to the conditions stated below.

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

Therefore, the Board resolves

Docket LU-24-0003/SPR-23-0091 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 & Inspection Services Team and adopted County Building Codes, as outlined in the referral comments, including, but not limited to, required sprinklering, ignition resistant materials and defensible space, and the BuildSmart energy efficiency and sustainability requirements.

2. At building permit application, the Applicants shall submit to the Community Planning & Permitting Department for review and approval updated plans demonstrating appropriate measures to disperse the flows and dissipate energy. The location and grade of the driveway as shown in the revised plans dated February 9, 2024 are approved.

3. At building permit application, the submitted plans must provide compaction requirements that comply with CDOT construction specifications.

4. Prior to issuance of a Certificate of Occupancy, the Community Planning & Permitting Department must verify that the access and driveway has been constructed to comply with the

approved plans and the Boulder County Multimodal Transportation Standards (“MMTS”) for driveways in the mountains, including without limitation:

- a. Table 5.5.1 – Parcel Access Design Standards (One-Lane Mountains Access)
- b. Standard Drawings 11-13 – Private Access
- c. Standard Drawing 15 – Access Profiles Detail
- d. Standard Drawing 16 – Access Grade & Clearance
- e. Standard Drawing 18 – Access Turnaround
- f. Standard Drawing 19 – Typical Turnaround & Pullout Locations

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

6. 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.

7. An Access Permit will be issued for the new access point at Ridge Road at the time of Building Permit review. No special application procedure is necessary; the Access Permit will be issued concurrently with the Building Permit.

8. At building or grading permit submittal, the Applicants shall submit to the Community Planning & Permitting Department for approval a Revegetation and Erosion Control Plan. 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 catch fencing and silt fences downslope of disturbed areas, and matting requirements, if necessary. Perimeter control measures must be installed downslope of all construction areas. Catch fencing must be installed downslope of all construction areas, between those disturbed areas and the required perimeter control measures. Perimeter control measures and catch fencing must be installed downslope and parallel to contours for all disturbed areas including staging areas.

Prior to any grading or site disturbance, the catch fencing and perimeter control measure location and materials must be installed as required per the approved plans.

Prior to issuance of a Certificate of Occupancy, the Community Planning & Permitting Department must inspect and approve the full installation of the approved Revegetation and Erosion Control 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 Applicants 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; and
- d. Incomplete revegetation is the leading cause for delays in obtaining a Certificate of Occupancy.

9. Prior to issuance of building permits, the Applicants shall apply for and receive an Onsite Wastewater Treatment System (“OWTS”) permit from Boulder County Public Health.

The OWTS must be installed, inspected, and approved before issuance of a Certificate of Occupancy. 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. Setbacks between all buildings and the OWTS serving the Property and OWTS serving neighboring properties must be in accordance with the Boulder County OWTS Regulations, Table 7-1.

10. After applying for, but prior to issuance of any permits, a Boulder County Wildfire Mitigation Specialist will contact the Applicants to schedule a Wildfire Partners or Regulatory Wildfire Mitigation assessment and defensible space marking. Based upon the compliance path selected, either a Wildfire Partners Assessment Report or a Wildfire Mitigation Plan will be created to describe the wildfire mitigation requirements.

11. 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 Boulder County Building Safety & Inspection Services at ezbp@bouldercounty.gov (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.

12. At the time of final inspection, all remaining required items in the Wildfire Partners Assessment Report or the Wildfire Mitigation Plan are to be fully implemented and inspected. Ground surfaces within three feet of both existing and new structures, and at least two feet beyond the driplines of decks, bay windows, and other eaves and overhangs, must be covered with an allowable non-combustible ground cover over a weed barrier material. The driveway

vertical and horizontal vegetation clearance must be in place and conform to the Parcel Access Design Standards in the MMTS.

Wildfire mitigation shall take place as outlined in the conditions listed in the Boulder County Wildfire Mitigation team referral response (Attachment B, pages B5–B7 of the Staff Recommendation).

13. The approved size for the development is approximately 3,982 square feet of residential floor area.

14. The locations of the residence and driveway shown on the site plan dated February 9, 2024 and staked in the field are approved as proposed.

15. The elevations dated February 14, 2024 are approved as proposed.

16. The approved height for the residence is a maximum of 35 feet above existing grade.

17. Prior to issuance of building or grading permits, the first part of the Height Survey Verification form will be provided upon building permit application and must be completed and submitted to the Community Planning & Permitting Department.

18. Prior to rough frame inspection, the second part of the Height Survey Verification form will be provided upon building permit application and must be submitted to the Community Planning & Permitting Department.

19. Prior to issuance of building permits, the Applicants shall submit to the Community Planning & Permitting Department for review and approval one set of exterior color samples (color chips, brochure, or catalog page) and material samples to be used including roof, siding, and trim for the proposed residence as well as all proposed retaining walls. All samples will be kept for the record. All materials should have a matte, non-reflective finish. Samples should be included as part of the building plan set required at the time of permit application.

Colors shall be selected to minimize visual impacts of the development and help the development blend in with the natural environment and the neighborhood character of the surrounding area. These colors should be carefully selected from the dark to medium brown, gray, or green color range to ensure that they are compatible with the policies and goals established by the Comprehensive Plan and provisions of the Code and will not result in an adverse impact on surrounding properties.

Prior to issuance of a Certificate of Occupancy, the Community Planning & Permitting Department must inspect and verify the full installation of the approved colors and materials.

20. At building permit submittal, the Applicants shall submit to the Community Planning & Permitting Department for review and approval one copy of a proposed lighting plan. The lighting plan shall be included as part of the building plan set required at the time of permit application.

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. All exterior light fixtures must conform with Articles 7-1600 and 18-162.A of the Code.

21. Prior to issuance of a Certificate of Occupancy, the Community Planning & Permitting Department must inspect and approve the full installation of the approved lighting plan.

22. Prior to issuance of building and grading permits, the Applicants shall 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. To minimize disturbances to the site, all utility service lines must be routed underground (*see* Article 7-1200 of the Code) and should be located in areas already disturbed or proposed to be disturbed (e.g., along the driveway).

23. At the time of building inspections, the Community Planning & Permitting Department must inspect and confirm the full installation of the utilities per the approved plan.

24. The Applicants shall be subject to the terms, conditions, and commitments of record and in the file for Docket LU-24-0003/SPR-23-0091: Ashton-Eggleston Residence.

A motion to approve the Docket was made by Commissioner Claire Levy, seconded by Commissioner Ashley Stolzmann, and passed by a 2-1 vote. Commissioners Levy and Stolzmann voted in favor, and Commissioner Marta Loachamin voted opposed.

[Signature Page to Follow]

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