



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930 • Fax: 303.441.4856
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

BOULDER COUNTY BOARD OF COMMISSIONERS PUBLIC HEARING

April 23, 2024 at 9:30 a.m.

Boulder County Courthouse, 3rd Floor,
1325 Pearl Street, Boulder
Virtual and in-person

April 16, 2024

Docket EP-23-0004: Roling Lot Division

Request: Request to divide an 88-acre parcel, Outlot A of the L'Heureux County Estates NUPUD, into a 20-acre parcel and a 68-acre parcel at 3199 Nelson Rd.

Location: 3199 Nelson Road, located at the northeast corner of the intersection of US-36 and Nelson Rd, in Section 07, Township 2N, Range 70W.

Zoning: Agricultural (A)

Owners/Applicants: CEM & Associates, c/o Tom Roling

PACKET CONTENTS

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SUMMARY

The applicant is the owner of the subject parcel, Outlot A in the platted L'Heureux County Estates Nonurban Planned Unit Development (NUPUD), located at 3199 Niwot Meadow Farm Road. The applicant seeks to divide Outlot A into two smaller outlots, to be managed separately.

Per Article 9-300.A of the Boulder County Land Use Code (the Code), Subdivided Land may be modified through the Exemption Plat process if all applicable criteria are met.

Staff finds the request cannot meet the criteria in Article 9-400 of the Code and recommends the Board of County Commissioners deny docket **EP-23-0004 Roling Lot Division**.

DISCUSSION

The subject parcel is located at the northeast corner of Nelson Road and US-36; it is located within the L'Heureux County Estates NUPUD (see **Figure 1** below). The NUPUD, which divided a 120-acre parcel into six 5-acre residential lots and an 88-acre Outlot (all acreages are approximations), was platted in 1988 (SD-88-0018).

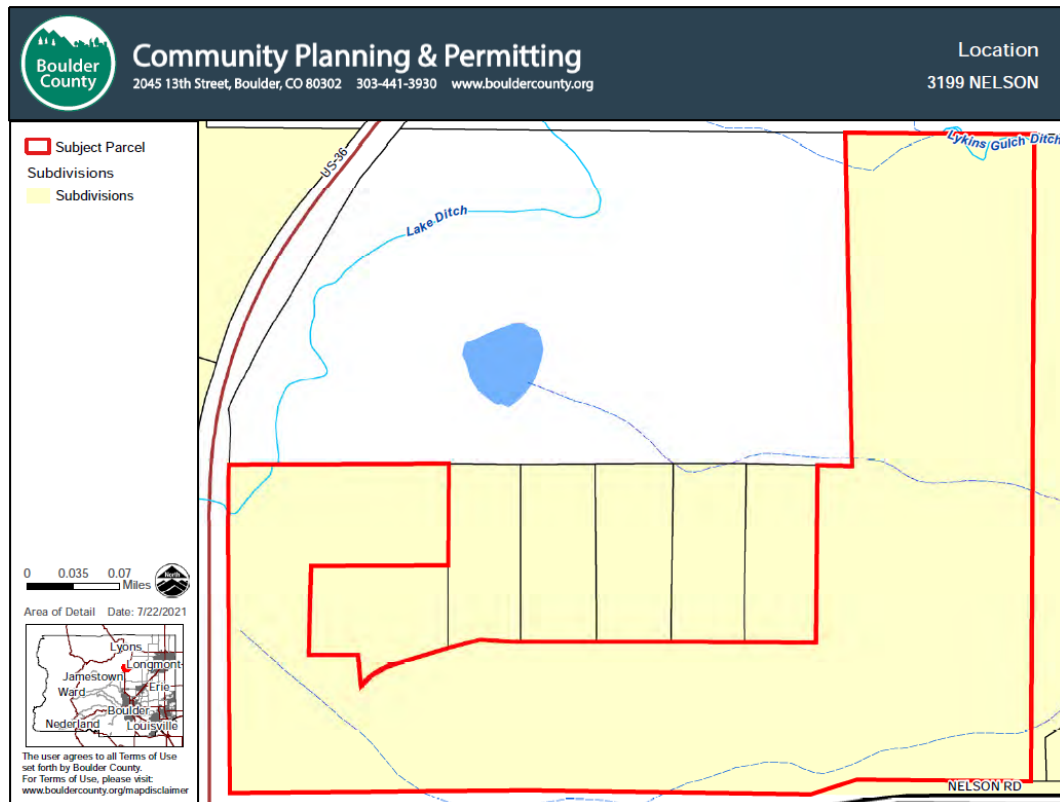
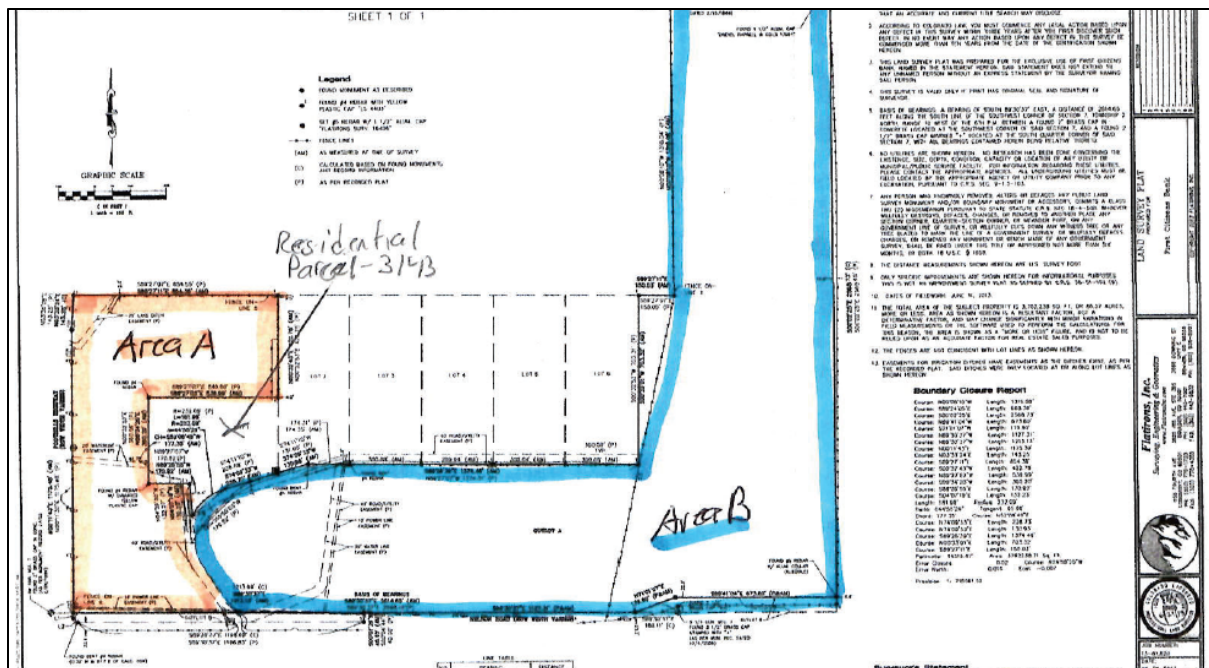


Figure 1: Location of subject property (indicated in red)

As part of that platting, Outlot A was established to preserve the most of the original subject property for agricultural or “other purposes designated in the Environmental Resources Element of the Boulder County Comprehensive Plan.” Accordingly, a conservation easement over Outlot A was granted to Boulder County (Reception Number 00956470, Attachment **C**).



The applicant has proposed dividing Outlot A into two separate outlots (Areas A and B in Figure 2, above). The applicant believes this would facilitate the sale of the new outlots to property owners of the other residential lots, whom have contiguity with the outlots. The applicant asserts that the smaller outlots would be better managed by separate owners.

REFERRALS

The application was referred to the standard agencies and adjacent property owners within the defined neighborhood. Copies of all responses received by the Community Planning & Permitting Department are attached (Attachment B). A summary of each response follows.

Boulder County Parks & Open Space – Conservation Easement Program – This team reviewed the application materials and assessed the proposal in context of the conservation easement. The conservation easement prohibits division of Outlot A unless the proposal is evaluated through the Exemption Plat process. The Conservation Easement Program team stated concerns about long-term management of the proposed 20-acre parcel and recommended that the “Area A” described in the application be tied to Lot 1 of the NUPUD so they could not be sold separately.

Boulder County Parks & Open Space – Natural Resource Planner – The Natural Resource Planner reviewed the application materials and stated that they could not support the project as proposed. They noted the agricultural policies enumerated in the county Comprehensive Plan, specifically AG 1.01 and AG 1.12, state that the county shall discourage the fragmentation of large pieces of land. The Natural Resource Planner raised additional concerns about the division of water rights that are currently tied to Outlot A.

Agencies responding with no conflicts – Boulder County Development Review – Access & Engineering Team; Boulder County Building Safety and Inspections Team.

Agencies providing no response – Boulder County Long Range Planning; Wildfire Mitigation, Boulder County Assessor, Boulder County Attorney, Boulder County Sheriff, Boulder County Treasurer, Boulder County Surveyor, Left Hand Water District, St. Vrain & Left Hand Water Conservancy District, Poudre Valley REA, Lake Ditch Company, Lykins Gulch Ditch Company,

Boulder Valley & Longmont Conservation Districts, Colorado Division of Water Resources, National Telecommunications and Information Administration, Lefthand Fire Protection District, and Hygiene Fire Protection District.

Adjacent Property Owners – Notifications were sent to 41 property owners within 1,500 feet of the subject properties. Staff have not received any public comments on this application.

CRITERIA REVIEW

Article 9-400 of the Boulder County Land Use Code sets forth the standards for Exemption Plats. Staff has reviewed this proposal per these criteria and has found the following:

- 1) ***For Subdivision Exemptions only, if the exemption would result in an increase in the number of currently existing lots, any identified land use impacts associated with the increase are sufficiently mitigated.***

The subject parcel is not part of a subdivision exemption request. Therefore, this criterion is not applicable.

- 2) ***For Exemption Plats only, if the originally approved Subdivided Lots were 1.1 acres or less, the size of each of the proposed lots shall not change by more than fifteen percent, unless served by public water and/or sewer.***

The subject parcel is approximately 88 acres. Therefore, this criterion is not applicable.

- 3) ***The proposed lots shall have legal access.***

The proposed lots have demonstrated legal access via Nelson Road, a paved Boulder County owned and maintained right-of-way (ROW) with a Functional Classification of Minor Arterial. No change to the existing access is proposed or approved as part of this review.

Therefore, staff finds this criterion is met.

- 4) ***The proposed lots and potential development on them shall be capable of being served by an adequate physical access, including for emergency and non-emergency purposes, which meets the requirements of the County Engineer, and, if applicable, the local fire protection district.***

There is existing physical access to the subject parcel, via the public right-of-way. The proposed lot division will not impact the physical access to the subject parcel, and no referral agencies have responded with any conflicts or concerns related to this criterion.

Therefore, staff finds this criterion is met.

- 5) ***The proposed lots and potential development on them shall be capable of being served by an adequate water supply.***

During the NUPUD process, the owner of the properties at the time stated that 10 shares of Lefthand Water could be used to service Outlot A. The status of the current water supply is unclear, as is what division of water supply is proposed if the Outlot is split. No change to water usage is proposed as part of this application.

Therefore, staff finds this criterion is met.

- 6) ***The proposed lots and potential development on them shall be capable of being served by an adequate onsite wastewater system or sewage treatment system as required by Boulder County Public Health.***

The subject parcel is not served by an onsite wastewater system or sewage treatment system. No development is proposed that would require such a system.

Therefore, staff finds this criterion is met.

- 7) ***Adequate public facilities and services shall exist to serve the proposed lots and potential development on them.***

The subject parcel is served by adequate public facilities and services, including but not limited to electric, natural gas, fire, and police. No service providers have indicated any conflicts with this proposal.

Therefore, staff finds this criterion is met.

- 8) ***If any of the proposed lots are in the Floodplain Overlay District:***
a. The potential impacts of creating the proposed lots or portions of proposed lots within the Floodplain Overlay District shall be sufficiently mitigated; and
b. The development upon the proposed lots shall be possible outside the Floodplain Overlay District; or
c. The potential development upon the proposed lots shall be capable of obtaining a floodplain development permit under Article 4-400 of this Code, as determined by the County Engineer.

The subject parcel is not located in the Floodplain Overlay District. Therefore, this criterion is not applicable.

- 9) ***The proposed lots and development on them shall be in harmony with the character of the neighborhood and compatible with the surrounding area and shall be appropriately landscaped and screened to minimize the obtrusiveness of structures and maximize visual blending with the surrounding topography.***

The subject parcel is located within a NUPUD. As an agricultural outlot, the current use is agricultural/open space in nature. The proposed lot division will maintain this use and neither resulting lot will have significant development ability.

Therefore, as conditioned staff finds this criterion can be met.

- 10) ***The proposed lots and potential development on them shall not be subject to, or contribute to, significant risk from natural hazards such as unstable soils, steep or unstable slopes, floods, and wildfire.***

The Boulder County Comprehensive Plan shows that the subject parcel is partially located within areas of Moderate and High Swelling Soil Potential and Landslide Susceptibility (see Figure 3 below).

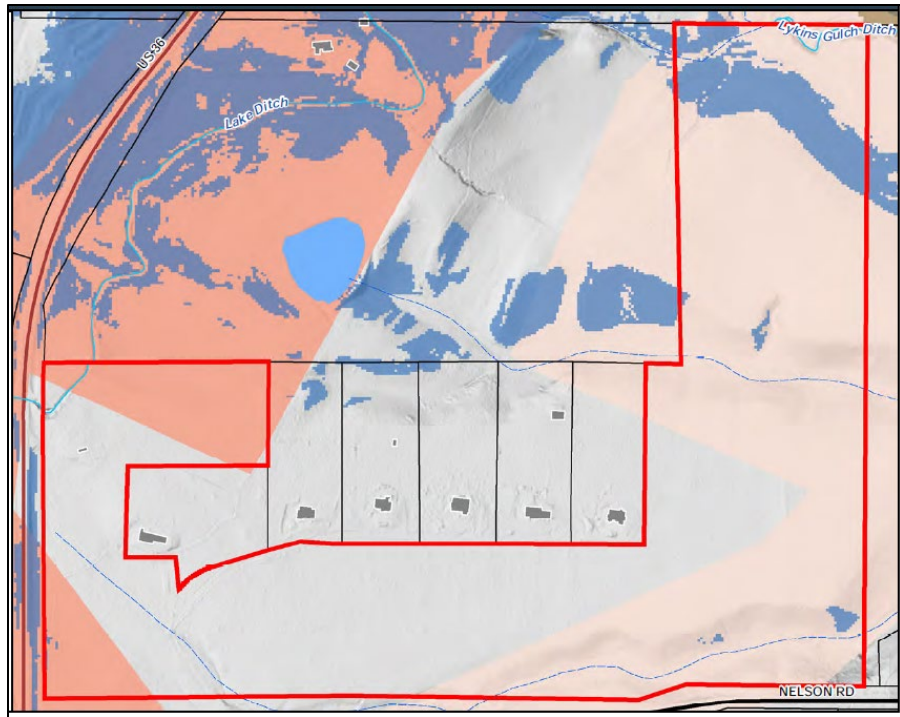


Figure 3: Subject parcel, with identified geological hazard designation indicated in pinks and blue.

However, no further development is proposed. Staff does not have any concerns related to this criterion. Additionally, no agencies have responded with any concerns or conflicts related to any natural hazards.

Therefore, staff finds this criterion is met.

- 11) ***The proposed lots and potential development on them shall not have a significant adverse impact on environmental resources identified in the Comprehensive Plan or through the review of the application, such as Wetlands and Riparian Areas; plant communities and vegetative cover; Critical Wildlife Habitat and Migration corridors; Natural Areas and Natural Landmarks; Environmental Conservation Areas; agricultural, forestry, or open lands; and views, vistas, and scenic corridors.***

The Boulder County Comprehensive Plan has identified several environmental resources located on or near the subject parcel, including Red Hill Natural Area, Critical Wildlife Habitat, Very High Biodiversity Significance, Riparian Areas, and Wetlands. While the proposed lot division does not increase the developable area or density in this NUPUD, staff has concerns regarding the long-term management of the proposed smaller outlots. As further explained in the Conservation Easement Program team's referral response, preservation of agricultural lands is best achieved with common ownership and application of consistent management plans. Increasing the number of separate landowners correspondingly increases the likelihood that a lot will become undermanaged and susceptible to invasive species. Staff has not identified any conditions that would sufficiently mitigate these concerns.

Therefore, staff finds this criterion is not met.

- 12) ***The proposed lots and potential development on them shall not have a significant adverse impact on historic, cultural, or archaeological resources identified in the Comprehensive Plan or through the review of the application.***

There are no identified historic, cultural, or archaeological resources identified on or near the subject parcel.

Therefore, staff finds this criterion is met.

- 13) ***The proposed lots and potential development on them shall not cause unnecessary or excessive site disturbance or erosion or alter historic drainage patterns.***

The division of the Outlot will not result in any site disturbance. As such, staff have not identified any concerns related to site disturbance or altering of historic drainage patterns. Additionally, no referral agencies have responded with any concerns or conflicts related to this criterion.

Therefore, staff finds this criterion is met.

- 14) ***The proposed lots and potential development on them shall be in accordance with the Comprehensive Plan and any applicable intergovernmental agreement affecting land use or development, and this Code.***

The Comprehensive Plan has relevant provisions located in AG 1.12 and PPA 2.03 that discourage the fragmentation of agricultural lands.

AG 1.12 Land Unification states “The county shall continue to discourage the fragmentation of large parcels of agricultural land and to encourage the assemblage of smaller parcels into larger, more manageable and productive tracts.”

PPA 2.03 directly addresses the division of lands held under a conservation easement, stating “A minimum of 75% of the total land area of a proposed NUPUD should be intended for the continuation of agricultural pursuits or for the continued preservation of other natural, historical or cultural features, systems or sites identified in the Boulder County Comprehensive Plan and shall thus become ineligible for further parcel divisions or development unless amended per the terms of the conservation easement.”

Although the lot division is not prohibited by the terms of the conservation easement and does not propose a reduction from the existing 75% conserved area, staff disagrees that division of the outlot will result in better management of the land. To the contrary, for the reasons discussed in Criteria 11 and stated in the Conservation Easement Program team’s and Natural Resource Planner’s referral comments, dividing the outlot increases the likelihood of undermanagement and reduced preservation of agricultural lands.

Article 6-1100.B of the Code sets forth the requirements for modifications to approved PUDs. Specifically, this article reads: “The modification shall be consistent with the efficient development and preservation of the entire PUD; shall not affect, in a substantially adverse manner, either the enjoyment of land abutting or across a street from the PUD, or the public interest; and, is not granted solely to confer a special benefit upon any person.”

Staff finds that the division of Outlot A will not have any impact on the development of the PUD, as the subdivision is already fully developed and the subject parcel is not

eligible for development beyond what is permitted by the conservation easement. Staff is concerned, however, that the fragmentation caused by the proposed lot division will negatively impact the preservation of the entire PUD. This concern arises from the potential for disjointed and inconsistent application of management plans between the separate owners of these newly created lots, as discussed in the Conservation Easement Program team's and Natural Resource Planner's referrals. For this reason, approval of the proposed division is inconsistent with the goals of the Comprehensive Plan and the Code.

Additionally, staff is concerned about the potential for inequitable division of water resources on site, which could leave one lot with all water rights and the other as a multi-acre arid parcel.

Given that the Comprehensive Plan gives explicit preference to consolidation of agricultural tracts over fragmentation into smaller units, staff finds this criterion is not met.

- 15) *Where the division creates Parcels for use as community facilities such as public parking areas, public or private educational facilities, public parks, and open space purchase by a public entity, and utility land acquisitions including for utility substations without any dwelling units, an exemption may be approved for the placement of a community facility where the size, location and available services are reasonable, appropriate, and customary for the proposed use.*

This application request is not for a community facility. Therefore, staff finds this criterion is not applicable.

DETERMINATION

Community Planning & Permitting staff finds the application does not meet the criteria for an Exemption Plat, as discussed above. Therefore, staff recommends the Board of County Commissioners *deny* **Docket EP-23-0004: Roling Lot Division.**



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MEMO TO: Agencies and adjacent property owners
FROM: Wesley Jefferies, Planner I
DATE: March 4, 2024
RE: **Docket EP-23-0004**

Docket EP-23-0004: Roling Lot Division

Request: Request to divide a 88-acre parcel, Outlot A of the L'Heureux County Estates NUPUD, into a 20-acre parcel and a 68-acre parcel at 3199 Nelson Rd.

Location: 3199 Nelson Road, located at the northeast corner of the intersection of US-36 and Nelson Rd, in Section 07, Township 2N, Range 70W.

Zoning: Agricultural (A) Zoning District

Applicant/Property Owner: CEM and Associates LLC, c/o Tom Roling

Exemption Plats typically involve boundary line adjustments; however, they do not allow increases or decreases in approved densities. This process includes a public hearing before the Boulder County Board of County Commissioners. Adjacent property owners and holders of liens, mortgages, easements or other rights in the subject property are notified of these hearings.

The Community Planning & Permitting staff, Planning Commission, and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department via mail (PO Box 471, Boulder, CO 80306) or 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 any questions regarding this application, please contact me at 303-441-1705 or email wjefferies@bouldercounty.org to request more information.

Please return responses to the above address by **March 19, 2024**.

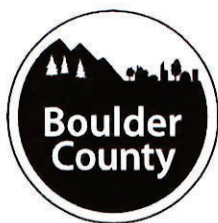
_____ We have reviewed the proposal and have no conflicts.

_____ Letter is enclosed.

Signed _____ PRINTED Name _____

Agency or Address _____

Date _____



Boulder County Land Use Department
Courthouse Annex Building
2045 13th Street • PO Box 471 • Boulder, Colorado 80302
Phone: 303-441-3930 • Fax: 303-441-4856
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 Only

Intake Stamp

Application Form

Project Number		Project Name	
<input type="checkbox"/> Limited Impact Special Use <input type="checkbox"/> Limited Impact Special Use Waiver <input type="checkbox"/> Modification of Special Use <input type="checkbox"/> Site Plan Review <input type="checkbox"/> Site Plan Review Waiver <input type="checkbox"/> Subdivision Exemption <input type="checkbox"/> Exemption Plat <input type="checkbox"/> 1041 State Interest Review <input type="checkbox"/> Other:	Application Deadline: First Wednesday of the Month <input type="checkbox"/> Variance <input type="checkbox"/> Appeal	Application Deadline: Second Wednesday of the Month <input type="checkbox"/> Sketch Plan <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Final Plat <input type="checkbox"/> Resubdivision (Replat) <input type="checkbox"/> Special Use/SSDP	<input type="checkbox"/> Rezoning <input type="checkbox"/> Road/Easement Vacation <input type="checkbox"/> Location and Extent <input type="checkbox"/> Road Name Change
Location(s)/Street Address(es) 3199 Nelson Rd., Longmont, CO 80503			
Subdivision Name L'Heureux Country Estates			
Lot(s)	Block(s)	Section(s) 7	Township(s) 2 North
Area in Acres 88.37	Existing Zoning Agricultural	Existing Use of Property Agricultural	Range(s) 70
Proposed Water Supply NA		Number of Proposed Lots NA	
Proposed Sewage Disposal Method NA			

Applicants:

Applicant/Property Owner CEM AND ASSOCIATES LLC			Email Address tom@cemandassociates.com	
Mailing Address 357 S McCaslin Blvd, Suite 200				
City Louisville	State CO	Zip Code 80027	Phone 303-931-1498	Fax
Applicant/Property Owner/Agent/Consultant Tom Roling			Email Address tom@cemaventures.com	
Mailing Address 3143 Nelson Rd				
City Longmont	State CO	Zip Code 80503	Phone 303-931-1498	Fax
Agent/Consultant		Email Address		
Mailing Address				
City	State	Zip Code	Phone	Fax

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

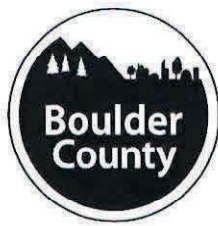
I certify that I am signing this Application Form as an owner of record of the property included in the Application. I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. I understand that all materials required by Boulder County must be submitted 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.

Statement of
Authority or
other

Signature of Property Owner	Printed Name Tom Roling	Date 6/1/03
-----------------------------	-------------------------	-------------



Boulder County Land Use Department

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Location(s)/Street Address(es) 3199 Nelson Rd., Longmont, CO 80503			
Subdivision Name L'Heureux Country Estates			
Lot(s)	Block(s)	Section(s) 7	Township(s) 2 North
Area in Acres 88.37	Existing Zoning Agricultural	Existing Use of Property Agricultural	Range(s) 70
Proposed Water Supply NA		Proposed Sewage Disposal Method NA	

Applicants:

Applicant/Property Owner CEM AND ASSOCIATES LLC			Email Address tom@cemandassociates.com	
Mailing Address 357 S McCaslin Blvd, Suite 200				
City Louisville	State CO	Zip Code 80027	Phone 303-931-1498	Fax
Applicant/Property Owner/Agent/Consultant Tom Roling			Email Address tom@cemaventures.com	
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City Longmont	State CO	Zip Code 80503	Phone 303-931-1498	Fax
Agent/Consultant		Email Address		
Mailing Address				
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All landowners are required to sign application. If additional space is needed, attach additional sheet signed and dated.

Statement of
Authority or
other

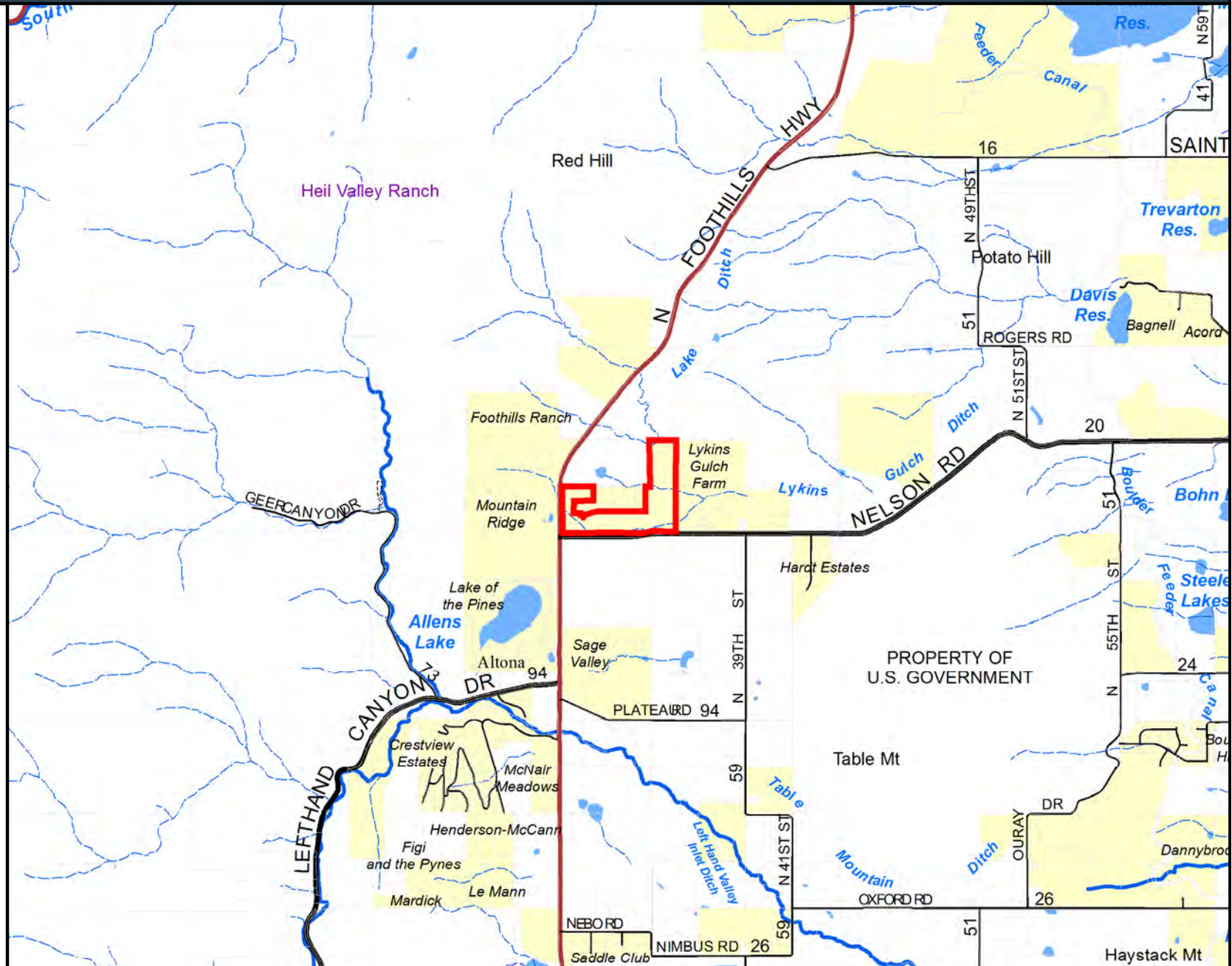
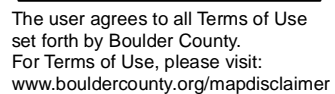
Signature of Property Owner *Tom Roling* Printed Name *Tom Roling* Date *1/1/23*
 Signature of Conservation Easement Holder *Therese Glowacki* Therese Glowacki, Director, Boulder County Parks & Open Space *see attached letter Date *January 2, 2024*



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

3199 NELSON

Subdivisions






Community Planning & Permitting

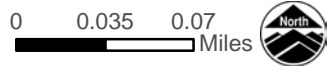
2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

Location
3199 NELSON

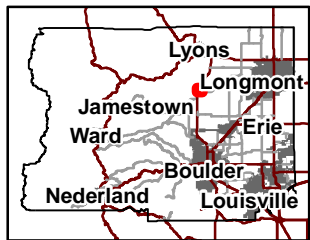
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Subdivisions

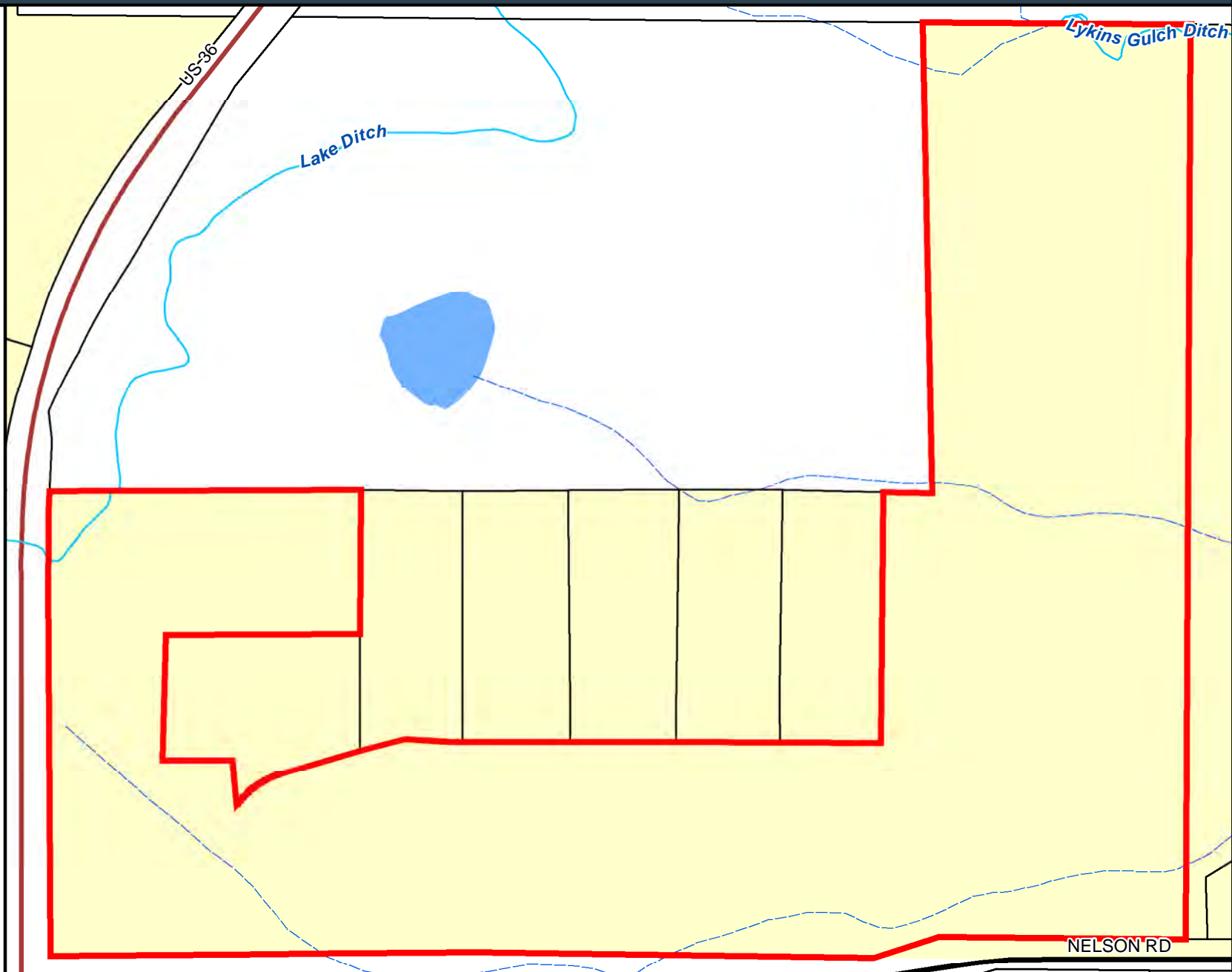
 Subdivisions



Area of Detail Date: 7/22/2021



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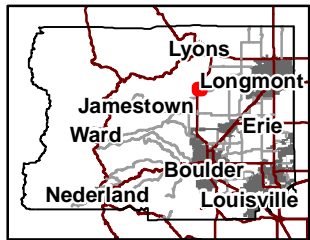
2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

Aerial
3199 NELSON

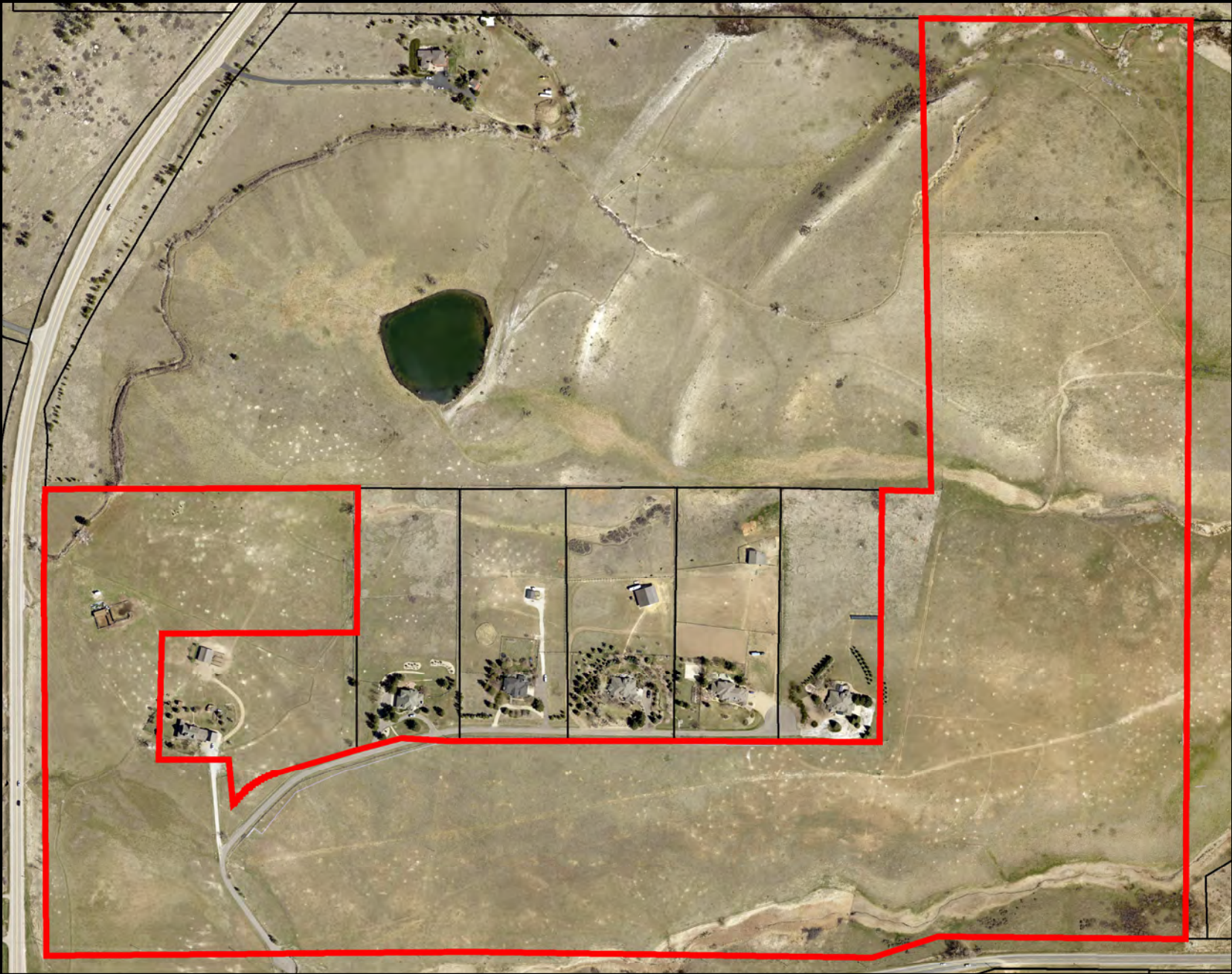
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0 0.035 0.07 Miles 

Area of Detail Date: 7/22/2021



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Comprehensive Plan

3199 NELSON

Subject Parcel

NLNA Buffer

Critical Wildlife Habitats

Riparian Areas

Archaeologically Sensitive Areas

Archeologically Sensitive Areas

Wetlands

Significant Natural Communities

High Biodiversity Areas

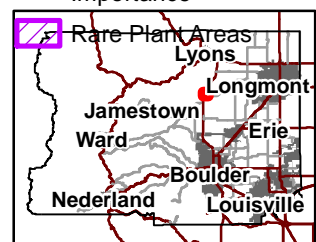
B1: Outstanding Biodiversity Significance

B2: Very High Biodiversity Significance

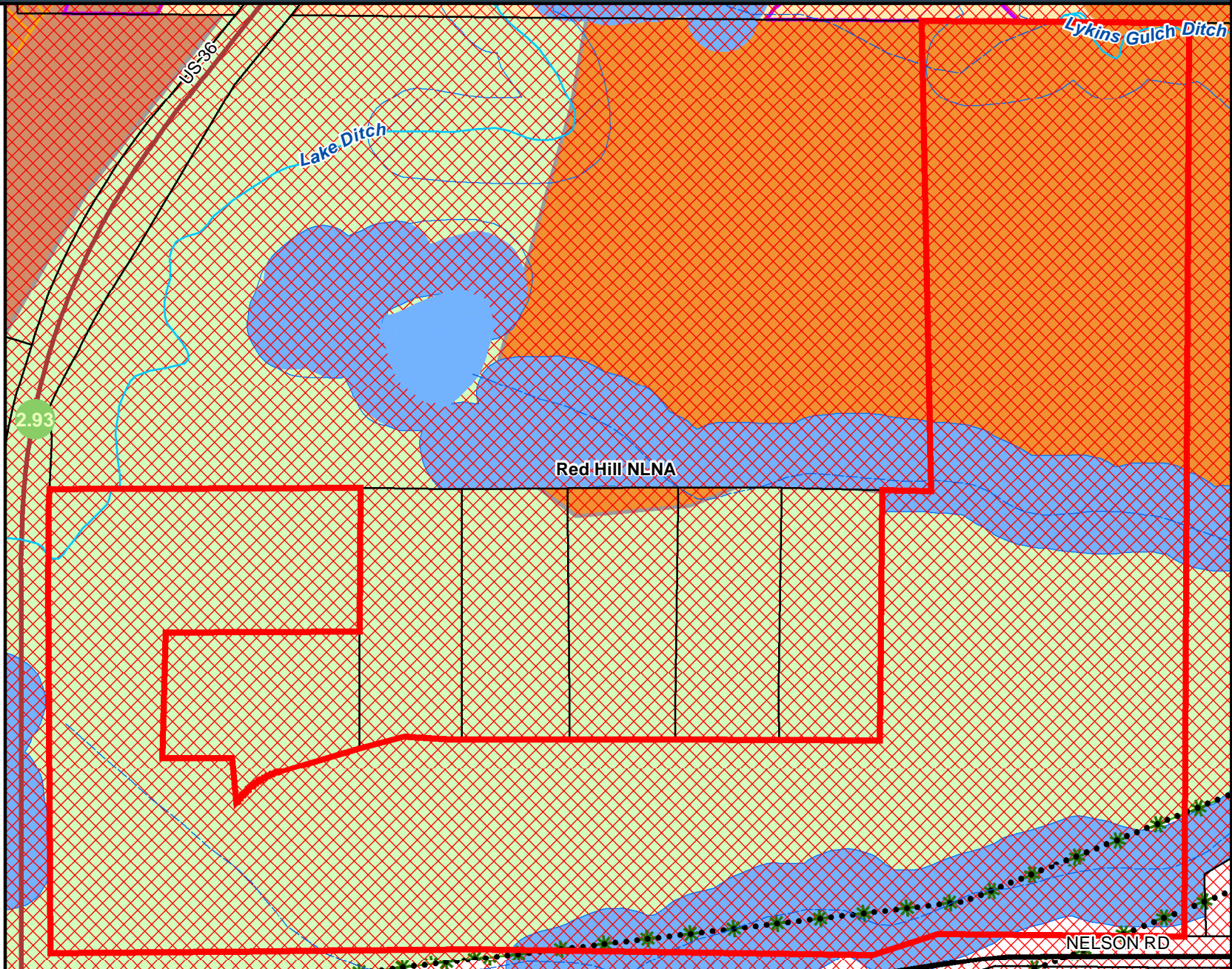
Natural Landmarks
Natural Areas

Significant Agricultural Land

Ag of Statewide Importance
Date: 7/22/2021



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Community Planning & Permitting

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Zoning
3199 NELSON

 Subject Parcel

Major Road Setbacks

 110 feet

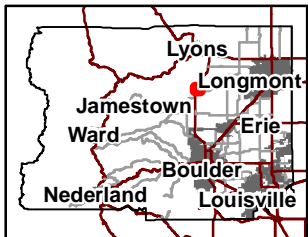
Zoning Districts

 Agricultural

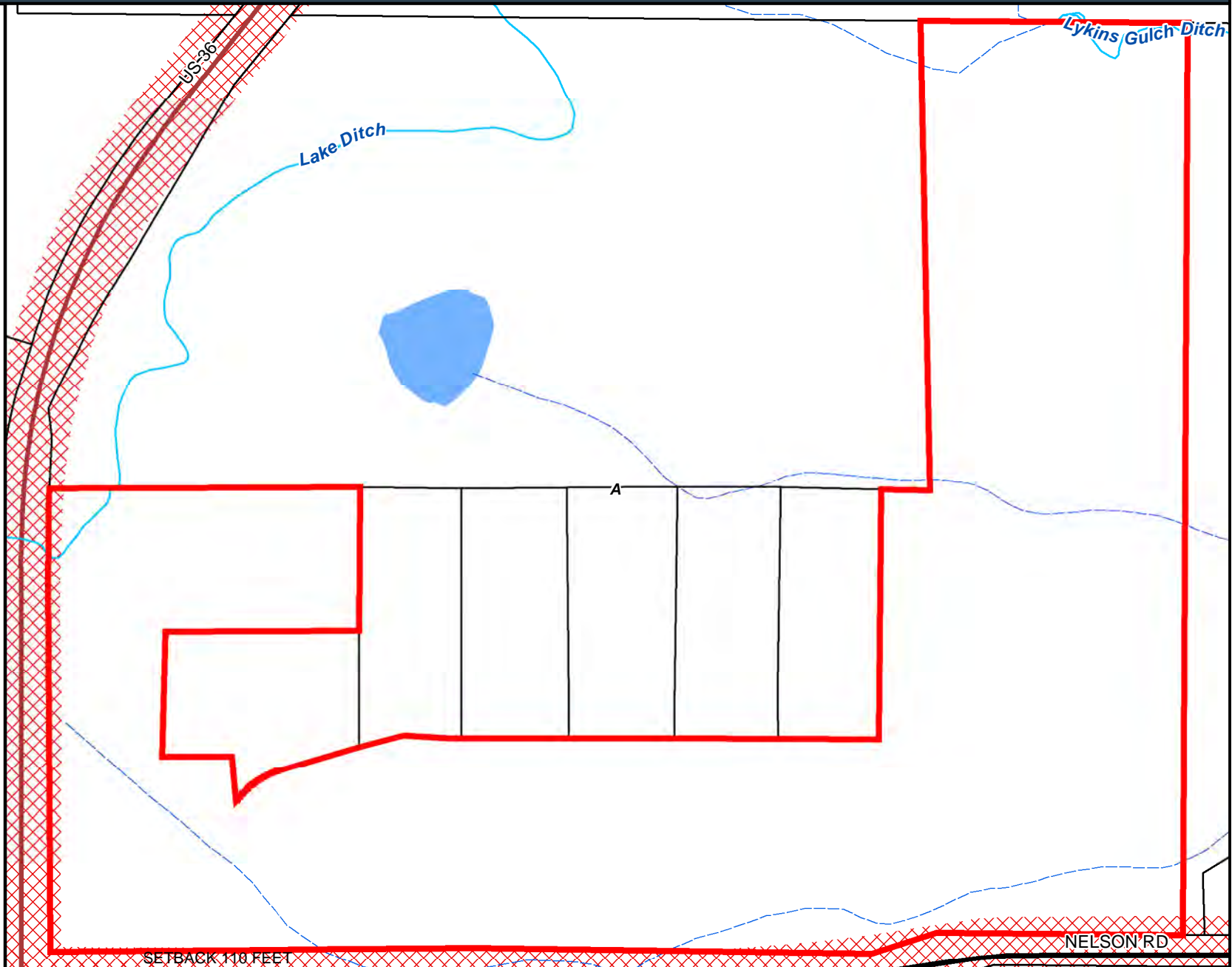
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Miles



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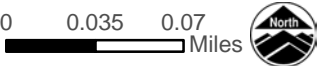
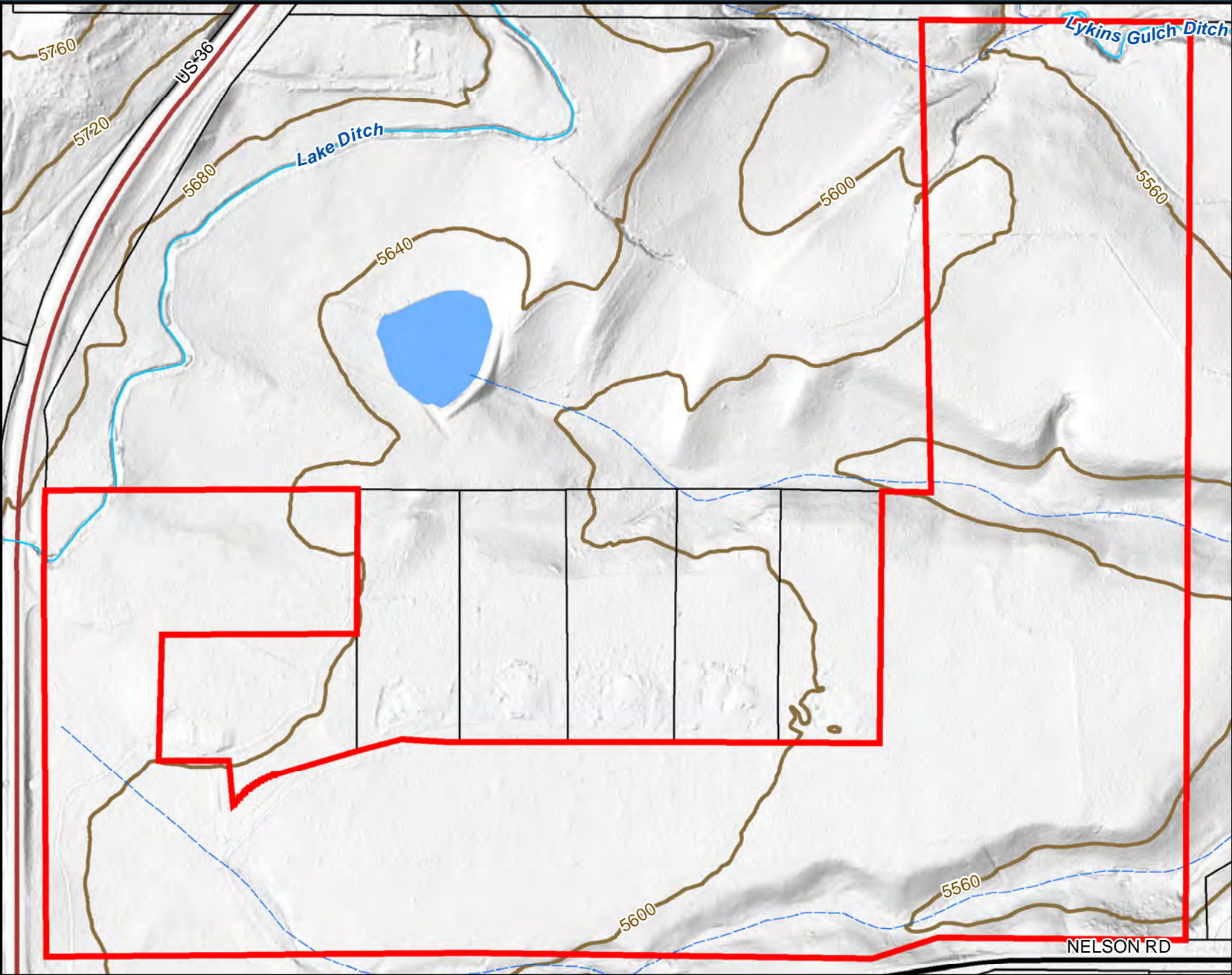
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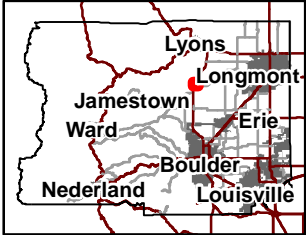
Elevation Contours

3199 NELSON

-  Subject Parcel
-  Contours 40'



Area of Detail Date: 7/22/2021



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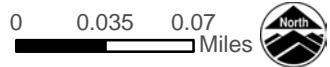
Community Planning & Permitting

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

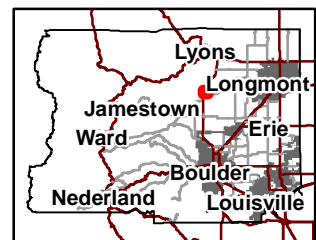
Geologic Hazards

3199 NELSON

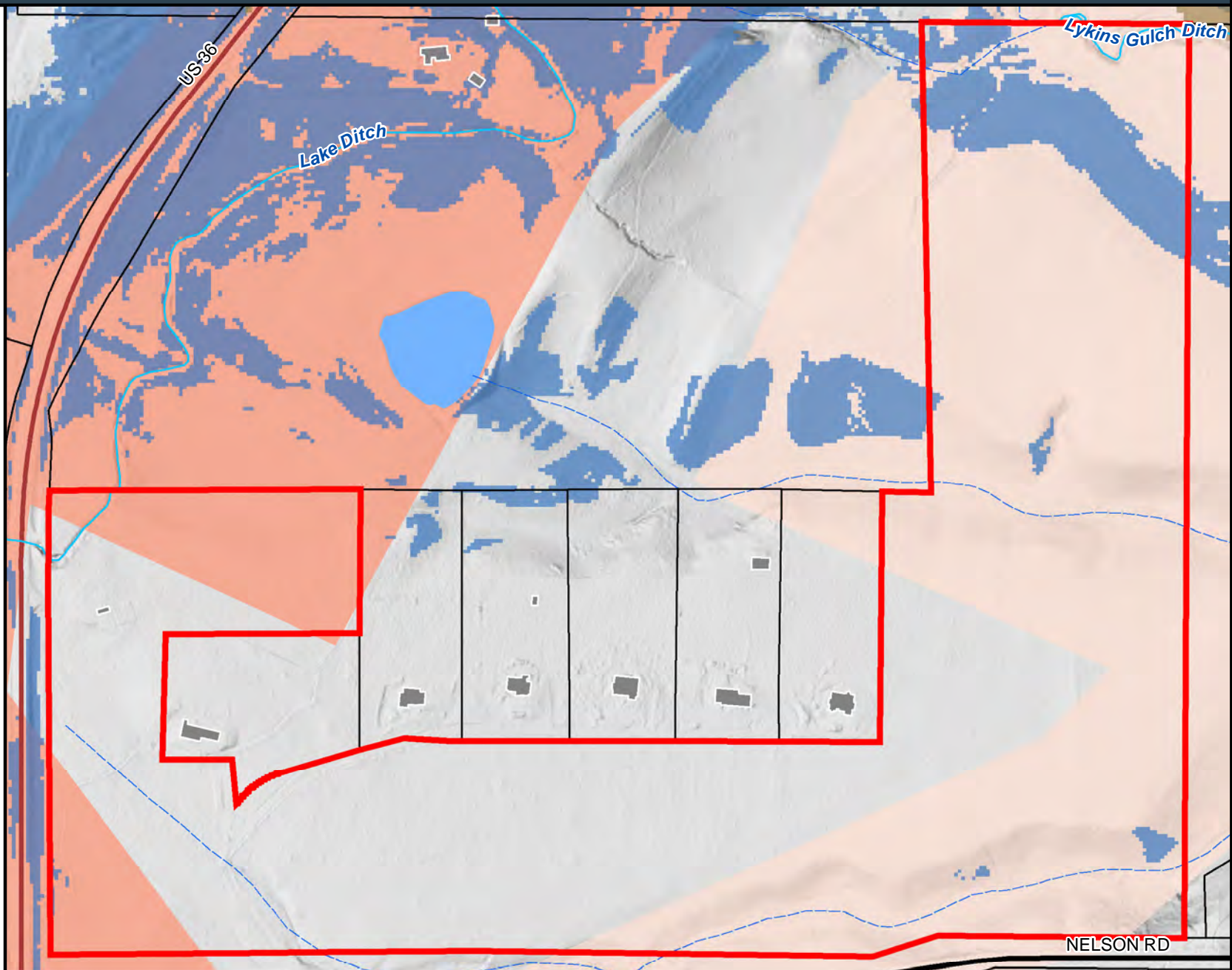
- Subject Parcel
- Debris flow susceptibility area
- Landslide high susceptibility area
- High Swelling Soil Potential
- Moderate Swelling Soil Potential



Area of Detail Date: 7/22/2021



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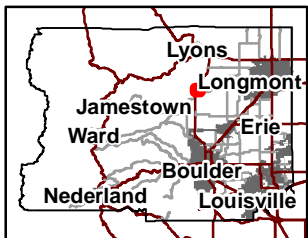
Planning Areas

3199 NELSON

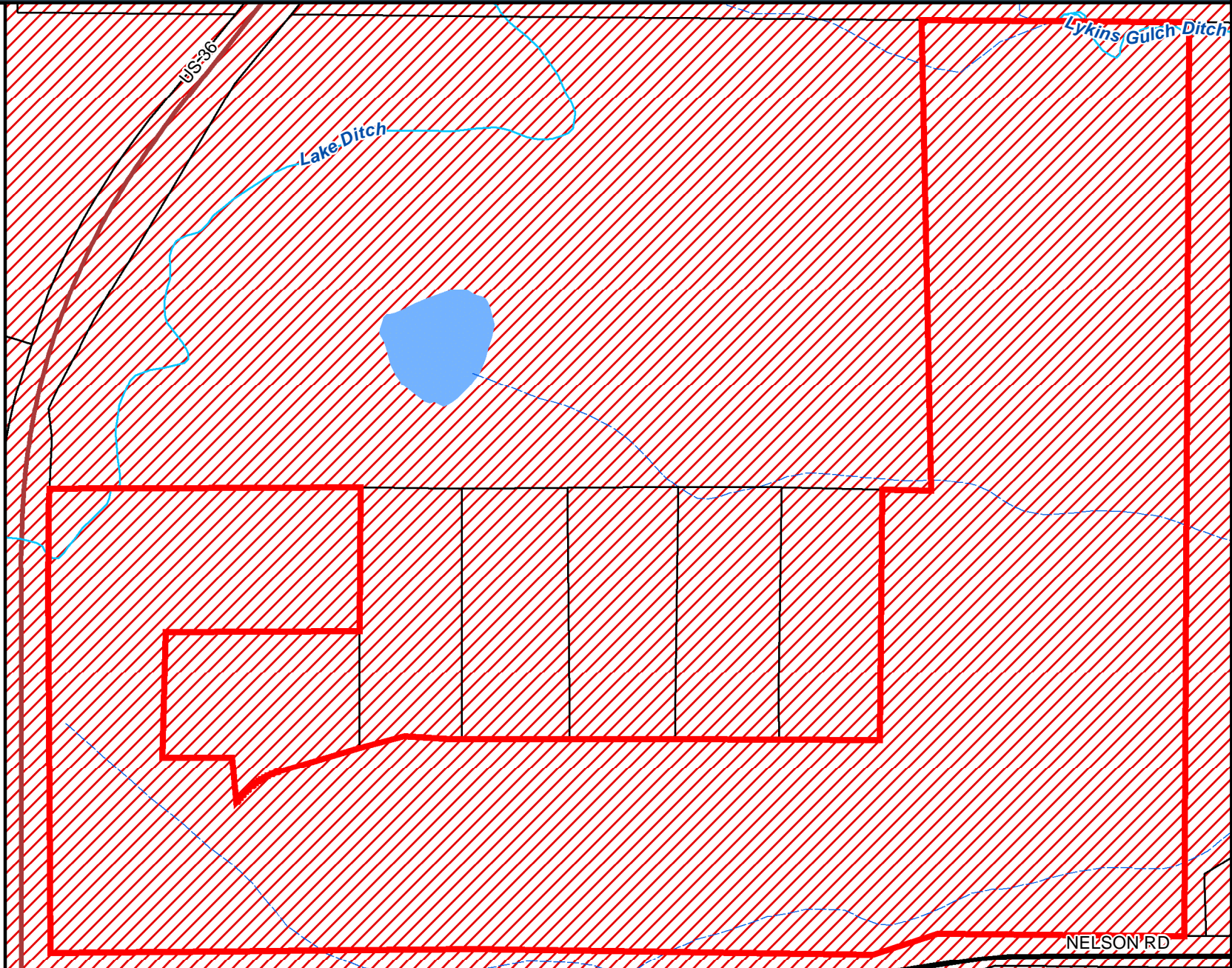
-  Subject Parcel
-  Telecom Protection

0 0.035 0.07 Miles 

Area of Detail Date: 7/22/2021



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Community Planning & Permitting



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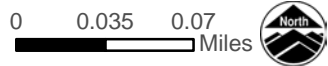
Prebles
3199 NELSON

Subject Parcel

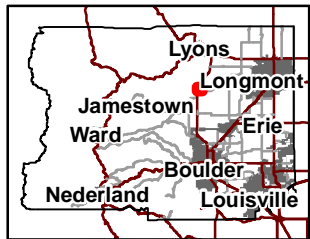
Note: This map's legend shows all Preble's Priority Zones as mapped by Boulder County. The subject property may not contain all zones. Refer to the USFWS Memo dated 9/17/03 to determine when projects require review by USFWS for Preble's.

Prebles

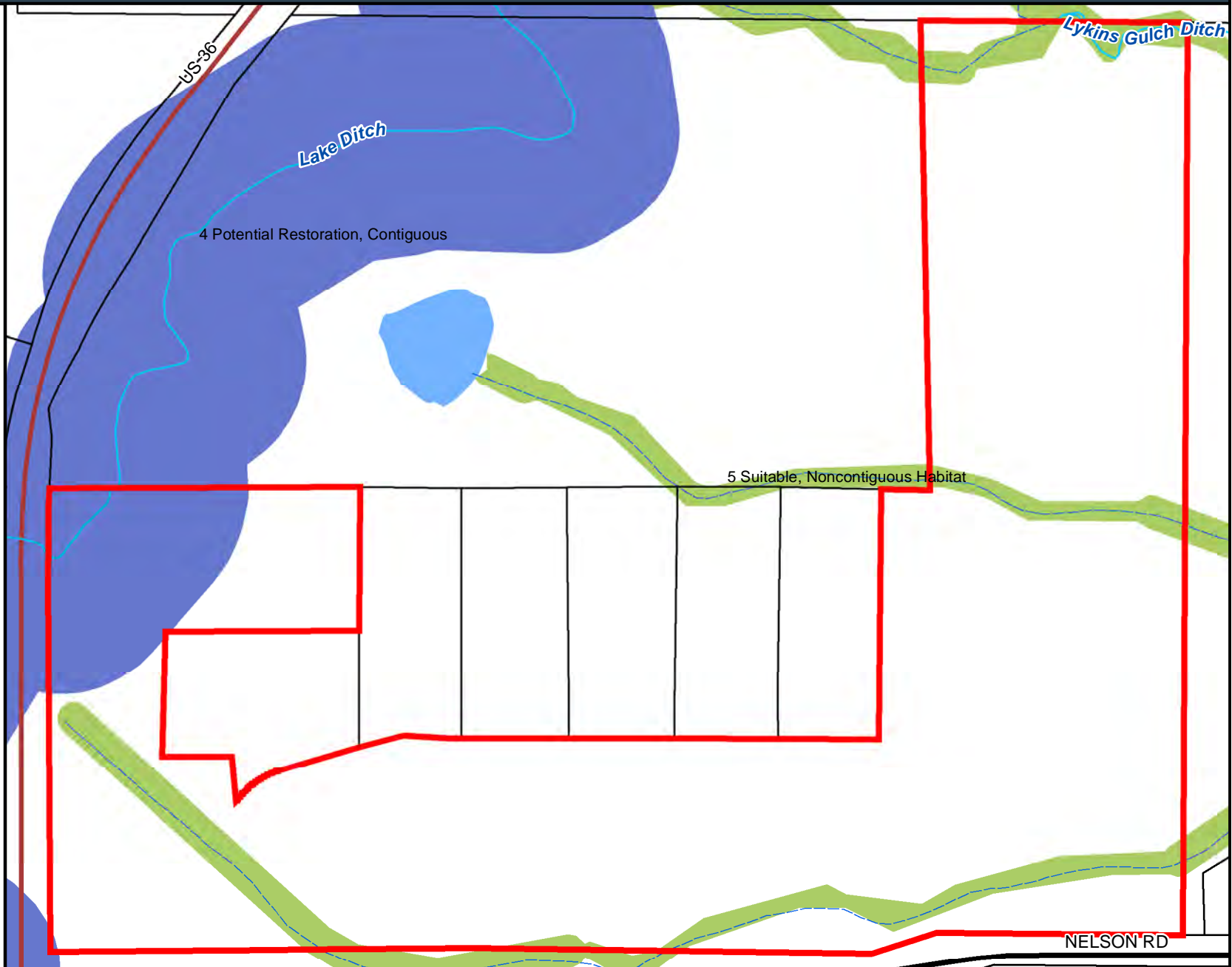
-  Zone 4 Potential Restoration, Contiguous
-  Zone 5 Suitable, Noncontiguous Habitat



Area of Detail Date: 7/22/2021



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Public Lands & CEs


3199 NELSON

 Subject Parcel

Boulder County Open Space

 County Open Space

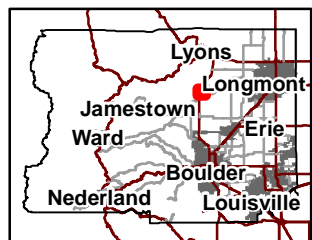
 County

 Conservation Easement

0 0.05 0.1 Miles



Area of Detail Date: 7/22/2021



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Parks & Open Space

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

December 13, 2023

Tom Roling
CEM AND ASSOCIATES LLC
357 S McCaslin Blvd, Suite 200
Louisville, CO 80027
tom@cemandassociates.com
Delivery by e-mail

Re: Consent from Conservation Easement Program to Submit Exemption Plat Application
for Outlot A of L'Heureux Country Estates NUPUD at 3199 Nelson Road

Dear Tom,

I reviewed your Exemption Plat application as it involves Outlot A of L'Heureux Country Estates NUPUD. Outlot A is encumbered by a conservation easement recorded in the real estate records of Boulder County, Colorado, on December 7, 1988, at Reception #956470 ('Conservation Easement').

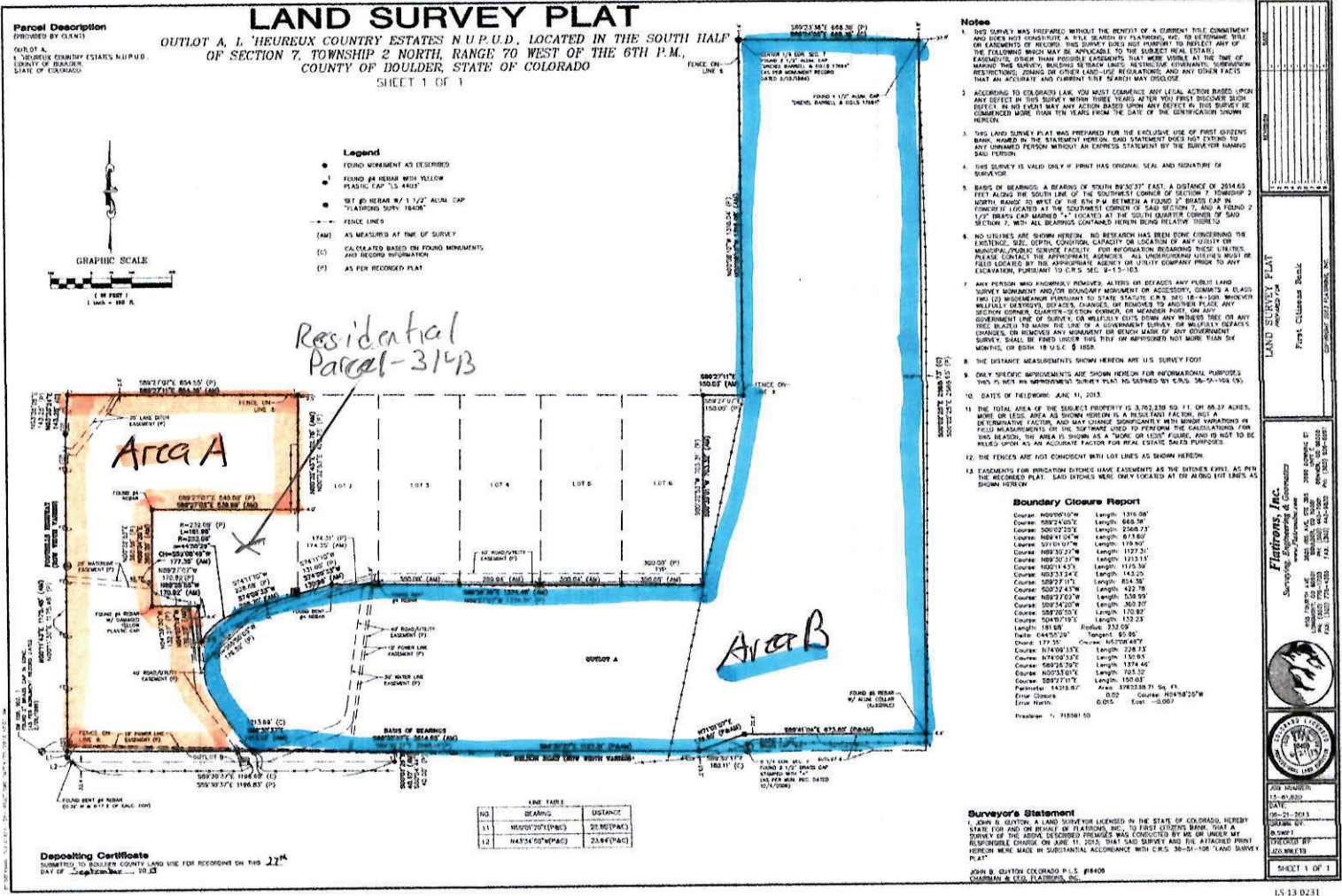
Paragraph 2 of the Conservation Easement prohibits subdivision of Outlot A into two or more parcels unless the Outlot is re-subdivided under Boulder County Subdivision Regulations; therefore, the proposal to divide Outlot A into two outlots must be approved through the Exemption Plat process as evaluated by the Community Planning & Permitting Department (CP&P) for the Conservation Easement Program to consider the subdivision consistent with the terms of the Conservation Easement. Section 3-203.A.1.a of the Boulder County Land Use Code requires the county's co-signature on your application to CP&P. As the manager of the county's conservation easements, Parks & Open Space has co-signed your application so that it may be processed by CP&P.

Please note that Parks & Open Space reserves the right to submit comments and request conditions of approval during the application process. We look forward to reviewing the final application once it is referred out by CP&P.

Sincerely,

Liz Northrup
Conservation Easement Program Supervisor
303-678-6253
enorthrup@bouldercounty.gov

Exhibit A



This application is not to change use in any way.

The landowner wishes to separate Area A from Area B to form two separate parcels (see Exhibit A). This is to facilitate the possible future sale of these parcels separately. Area A surrounds the residential property at 3143 Nelson Rd. It makes sense to have the option to sell this parcel separately from Area B so that the buyer of the residential property would have the option to buy Area A along with it since it immediately surrounds the residential property – without having to also buy Area B.

Likewise, since Area B fronts the other five residences (Lots 2-6) in the development it would facilitate the purchase by one or a number of the other five residential property owners, or another buyer without obligating them to purchase Area A.

The driveway into the development creates a boundary between the parcels as well.

The estimated size of Area A is 20 acres and the estimated size of Area B is 68 acres.



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: Agencies and adjacent property owners
FROM: Wesley Jefferies, Planner I
DATE: March 4, 2024
RE: **Docket EP-23-0004**

Docket EP-23-0004: Roling Lot Division

Request: Request to divide a 88-acre parcel, Outlot A of the L'Heureux County Estates NUPUD, into a 20-acre parcel and a 68-acre parcel at 3199 Nelson Rd.

Location: 3199 Nelson Road, located at the northeast corner of the intersection of US-36 and Nelson Rd, in Section 07, Township 2N, Range 70W.

Zoning: Agricultural (A) Zoning District

Applicant/Property Owner: CEM and Associates LLC, c/o Tom Roling

Exemption Plats typically involve boundary line adjustments; however, they do not allow increases or decreases in approved densities. This process includes a public hearing before the Boulder County Board of County Commissioners. Adjacent property owners and holders of liens, mortgages, easements or other rights in the subject property are notified of these hearings.

The Community Planning & Permitting staff, Planning Commission, and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department via mail (PO Box 471, Boulder, CO 80306) or 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 any questions regarding this application, please contact me at 303-441-1705 or email wjefferies@bouldercounty.org to request more information.

Please return responses to the above address by **March 19, 2024**.

☐ We have reviewed the proposal and have no conflicts.

☒ Letter is enclosed.

Signed *Liz Northrup* PRINTED Name Liz Northrup
Agency or Address Conservation Easement Program at Boulder County Parks & Open Space
Date 3/18/2024



Parks & Open Space

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

March 18, 2024

Wesley Jefferies, Planner I
Community Planning & Permitting Department
2045 13th St.
Boulder, CO 80302
wjeffries@bouldercounty.gov
Delivery by e-mail

Re: EP-23-0004 for Outlot A of L'Heureux Country Estates NUPUD at 3199 Nelson Road

Dear Wesley,

I reviewed the referral packet for EP-23-0004 involving Outlot A of L'Heureux Country Estates NUPUD. Outlot A is encumbered by a conservation easement recorded in the real estate records of Boulder County, Colorado, on December 7, 1988, at Reception #956470 ('Conservation Easement').

Paragraph 2 of the Conservation Easement prohibits subdivision of Outlot A into two or more parcels unless the Outlot is re-subdivided under Boulder County Subdivision Regulations; therefore, the proposal to divide Outlot A into two outlots must be reviewed and approved through this Exemption Plat process as evaluated by the Community Planning & Permitting Department (CP&P) for the Conservation Easement Program to consider the subdivision consistent with the terms of the Conservation Easement.

If CP&P determines that this subdivision is consistent with land use regulations and recommends approval, Parks & Open Space will require the property owner of Outlot A to sign a simple conservation easement amendment to update the legal description for the two new outlots created from the associated replat of L'Heureux Country Estates NUPUD.

The Conservation Easement Program has concerns about the long-term management of the proposed 20-acre parcel referenced as "Area A" in the application materials should ownership separate from Lot 1 of the L'Heureux Country Estates NUPUD. In staff's experience, absentee ownership of small conservation easement restricted outlots can result in deficient property management, potentially jeopardizing the conservation values that conservation easements are designed to protect; therefore, Parks & Open Space recommends that the resulting 20-acre outlot, referred to as Area A in the application materials, be tied to Lot 1 so they cannot be sold separately in the future.

Conservation Easement Program staff request that CP&P staff include the **following condition of approval** in the final staff determination:

1. The property owner of Outlot A of L'Heureux Country Estates NUPUD must work with Parks & Open Space Department staff to sign a conservation easement amendment over Outlot A of L'Heureux Country Estates NUPUD, which will change the legal description for Outlot A so that it matches the legal descriptions

of the two new outlots described in the resulting L'Heureux Country Estates NUPUD replat. This amendment must be signed and recorded in conjunction with the replat.

The Conservation Easement Program at Parks & Open Space does not have any conflicts with this docket if the above-described condition is included with any final county approvals.

Sincerely,

A handwritten signature in black ink, appearing to read "Liz Northrup". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Liz Northrup
Conservation Easement Program Supervisor
303-678-6253
enorthrup@bouldercounty.gov



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

Building Safety & Inspection Services Team

MEMO

TO: Wesley Jefferies, Planner I
FROM: Michelle Huebner, Plans Examiner Supervisor
DATE: March 6, 2024

RE: Referral Response, EP-23-0004: Rolling Lot Division: Request to divide a 88-acre parcel, Outlot A of the L'Heureux County Estates NUPUD, into a 20-acre parcel and a 68-acre parcel at 3199 Nelson Rd.

Location: 3199 Nelson Road

Thank you for the referral. We have reviewed the proposal and have no conflicts with it.

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



Parks & Open Space

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

TO: Wesley Jefferies, Community Planning & Permitting Department
FROM: Ron West, Natural Resource Planner
DATE: March 21, 2024
SUBJECT: Docket EP-23-0004, Roling, 3199 Nelson Road

Staff has reviewed the submitted materials, and cannot support the proposal. It conflicts with the Comprehensive Plan, fragments agricultural lands, complicates management, and could set a precedence for future management of NUPUD outlots, which are intended for viable agricultural uses.

The protection of agricultural lands is one of the key pillars of the county Comprehensive Plan. Although only a small portion of the subject parcel is designated as Significant Agricultural Land of Statewide Importance, the entire parcel is currently used for agricultural. The first agricultural policy statement in the Comprehensive Plan states that, “It is the policy of Boulder County to promote and support the preservation of [all] agricultural lands” (AG 1.01).

Further, AG1.12 states that, “The county shall discourage the fragmentation of large pieces of agricultural land and to encourage the assemblage of smaller parcels into *larger, more manageable and productive tracts*” (emphases added).

The subject docket is directly counter to these policy statements of the Comprehensive Plan.

If it is acceptable to subdivide existing NUPUD outlots into smaller parcels, this would increase the number of owners/managers and likely differentiate and complicate the types of management occurring on multiple small parcels. One reason that outlots are a single large parcel is that it facilitates agricultural by maintaining large, viable fields or pastures. Fragmentation of agricultural lands also complicates dissemination of surface water rights and the maintenance of ditches.

In this subject case, conceivably the large outlot could be divided into, say, six parcels, one for each of the developed lots in the NUPUD. Some resulting landowners may continue agricultural uses. However, others may decide to “manage” their small parcel by benign neglect – leaving the land in a fallow state and allowing non-native weed species to proliferate, and still others may manage their small piece as an “extension” of a backyard or a front yard, pursuing whatever is allowed under open agricultural use, which is very broad.

If it is acceptable to subdivide, such divisions of the county’s numerous NUPUD outlots could continue, across the entire Plains Planning Area. This is directly counter to the county’s goal of maintaining a robust and viable agricultural community.

Staff recommends that the proposal be denied.



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302

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

Tel: 303-441-3930 • www.BoulderCounty.gov

March 18, 2024

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

FROM: Brian P. Kelly, Planner II; Community Planning & Permitting, Development Review Team – Access & Engineering

SUBJECT: Docket # EP-23-0004: Roling Lot Division– 3199 Nelson Road

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

1. The subject property has access from Nelson Road, a paved County owned and maintained right-of-way (ROW) with a functional classification of Minor Arterial. Legal access has been demonstrated via adjacency to this ROW.
2. Due to the limited scope of this proposal, no alterations to any accesses are expected at this time. Staff has no concerns with the lot division request as proposed.

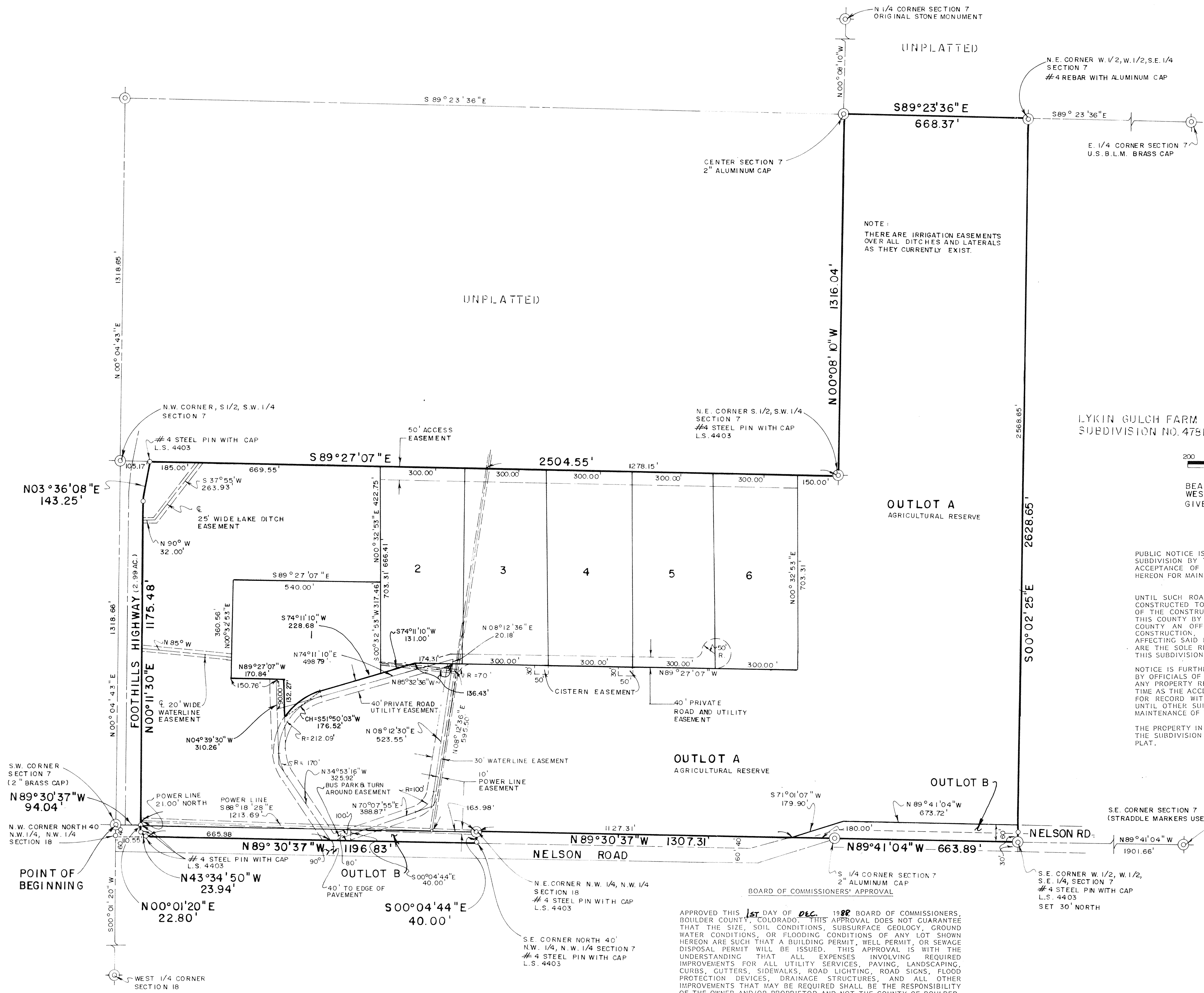
This concludes our comments at this time.

L'HEUREUX COUNTRY ESTATES N.U.P.U.D.

THE SOUTH 1/2 OF THE SOUTHWEST 1/4 AND THE WEST 1/2 OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 7, TOWNSHIP 2 NORTH, RANGE 70 WEST OF THE 6TH P.M., EXCEPT THE FOOTHILLS HIGHWAY RECORDED BOULDER COUNTY RECORDS AT RECEPTION NO. 593100; ALSO, THE NORTH 40.00 FEET OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 18, OF THE AFORESAID TOWNSHIP AND RANGE, EXCEPT THE FOOTHILLS HIGHWAY COUNTY OF BOULDER, STATE OF COLORADO.

GROSS TOTAL ACRES = 120.41 ACRES (30 ACRES DEVELOPED)
NET TOTAL ACRES = 117.42 ACRES (LESS FOOTHILLS HIGHWAY)

DATE AUGUST 5, 1988



NOTE:
THERE ARE IRRIGATION EASEMENTS
OVER ALL DITCHES AND LATERALS
AS THEY CURRENTLY EXIST.

LYKIN GULCH FARM
SUBDIVISION NO. 4781

BEARINGS ARE DEFLECTED FROM THE
WEST LINE OF THE S.W. 1/4 OF SECTION 7
GIVEN AS BEARING N00°04'43"E

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN THAT ACCEPTANCE OF THIS PLATTED
SUBDIVISION BY THE COUNTY OF BOULDER DOES NOT CONSTITUTE AN
ACCEPTANCE OF THE ROADS AND OTHER IMPROVEMENTS REFLECTED
HEREON FOR MAINTENANCE BY SAID COUNTY.

UNTIL SUCH ROADS AND OTHER IMPROVEMENTS ARE SATISFACTORILY
CONSTRUCTED TO COUNTY REQUIREMENTS AND MEET THE CONDITIONS
OF THE CONSTRUCTION PERMIT AND ARE SPECIFICALLY ACCEPTED BY
THIS COUNTY BY RECORDING WITH THE CLERK AND RECORDER OF THIS
COUNTY AN OFFICIAL ACCEPTANCE RESOLUTION THE MAINTENANCE,
CONSTRUCTION, AND ALL OTHER MATTERS PERTAINING TO OR
AFFECTING SAID ROADS AND OTHER IMPROVEMENTS AND RIGHT-OF-WAY
ARE THE SOLE RESPONSIBILITY OF THE OWNERS OF THE LAND WITHIN
THIS SUBDIVISION.

NOTICE IS FURTHER GIVEN THAT NO BUILDING PERMITS WILL BE ISSUED
BY OFFICIALS OF THIS COUNTY FOR IMPROVEMENTS OF ANY NATURE ON
ANY PROPERTY REFLECTED ON THIS PLATTED SUBDIVISION UNTIL SUCH
TIME AS THE ACCEPTANCE AS HEREIN ABOVE DESCRIBED HAS BEEN FILED
FOR RECORD WITH THE CLERK AND RECORDER OF THIS COUNTY, OR
UNTIL OTHER SUITABLE PROVISION IS MADE FOR COMPLETION AND/OR
MAINTENANCE OF THE ROADS AND OTHER IMPROVEMENTS.

THE PROPERTY IN THIS SUBDIVISION IS SUBJECT TO THE CONDITIONS OF
THE SUBDIVISION AGREEMENT RECORDED IMMEDIATELY FOLLOWING THIS
PLAT.

PLANNING COMMISSION APPROVAL

APPROVED THIS 19 DAY OF OCTOBER 19 88
PLANNING COMMISSION, BOULDER COUNTY, COLORADO.

SE. CORNER SECTION 7
(STRADDLE MARKERS USED)

AUTHORIZATION TO RECORD

I, Ed Tepe, SECRETARY TO THE BOULDER COUNTY PLANNING
COMMISSION, DO HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE
ALL CONDITIONS OF COUNTY APPROVAL OF THIS PLAT OF L'HEUREUX COUNTRY
N.U.P.U.D. HAVE BEEN FULLY SATISFIED, AND THAT THE SAME IS HEREBY
AUTHORIZED FOR RECORDED.

WITNESS MY HAND ON THE 1ST DAY OF DEC 19 88

Ed Tepe
SECRETARY TO
THE BOULDER COUNTY PLANNING
COMMISSION

DEDICATION/ACKNOWLEDGEMENT

KNOW ALL PERSONS BY THESE PRESENTS: THAT THE UNDERSIGNED,
LON J. L'HEUREUX & CAROL A. L'HEUREUX ARE THE OWNERS, AND
PROPRIETORS OF THE LAND SITUATED IN BOULDER COUNTY AND LYING
WITHIN L'HEUREUX COUNTRY ESTATES N.U.P.U.D., A SUBDIVISION OF A PART
OF SECTION 7 AND 18, TOWNSHIP 2 NORTH, RANGE 70 WEST OF THE 6TH
P.M. DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF THE FOOTHILLS HIGHWAY AS
EVIDENCED BY SAID HIGHWAY'S EAST RIGHT-OF-WAY FENCE ON THE SOUTH
LINE OF SECTION 7, TOWNSHIP 2 NORTH, RANGE 70 WEST OF THE 6TH P.M.,
FROM WHICH THE SOUTHWEST CORNER OF SAID SECTION 7 BEARS N09°
30'37"W, 94.04 FEET;

THENCE N09°11'30"E, 1175.48 FEET ALONG THE EAST LINE OF SAID
HIGHWAY AS EVIDENCED BY A RIGHT-OF-WAY FENCE;

THENCE N02°30'00"E, 143.25 FEET ALONG THE EAST LINE OF SAID
HIGHWAY, AS EVIDENCED BY A RIGHT-OF-WAY FENCE, TO THE NORTH LINE OF
THE SOUTH 1/2 OF THE SOUTHWEST SECTION 1/4 OF SAID SECTION 7;

THENCE S09°27'07"E, 2504.55 FEET ALONG SAID NORTH LINE TO THE WEST
LINE OF THE WEST 1/2 OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SAID
SECTION 7 AT THE NORTHEAST CORNER OF SAID SOUTH 1/2 OF THE
SOUTHWEST 1/4;

THENCE N00°00'10"W, 1316.04 FEET TO THE NORTHWEST CORNER OF SAID
WEST 1/2 OF THE WEST 1/2 OF THE SOUTHEAST 1/4;

THENCE S89°23'36"E, 668.37 FEET TO THE NORTHEAST CORNER OF THE SAID
WEST 1/2 OF THE WEST 1/2 OF THE SOUTHEAST 1/4;

THENCE S00°02'25"E, 2628.65 FEET TO THE SOUTHEAST CORNER OF THE
SAID WEST 1/2 OF THE WEST 1/2 OF THE SOUTHEAST 1/4;

THENCE N09°41'04"W, 663.89 FEET TO THE SOUTHWEST CORNER OF THE SAID
WEST 1/2 OF THE WEST 1/2 OF THE SOUTHEAST 1/4 AND ALSO BEING THE
SOUTHEAST CORNER OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SAID
SECTION 7;

THENCE N09°30'37"W, 1307.31 FEET ALONG THE SOUTH LINE OF THE SAID
SOUTH 1/2 OF THE SOUTHWEST 1/4 TO THE NORTHEAST CORNER OF THE NORTH
40 FEET OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 18,
TOWNSHIP 2 NORTH, RANGE 70 WEST OF THE 6TH P.M.

THENCE S00°04'44"E, 40.00 FEET TO THE SOUTHEAST CORNER OF THE SAID
NORTH 40 FEET OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4;

THENCE N09°30'37"W, 1196.83 FEET ALONG THE SOUTH LINE OF THE SAID
NORTH 40 FEET OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4, TO THE EASTERN
LINE OF THE FOOTHILLS HIGHWAY AS EVIDENCED BY SAID HIGHWAY'S EAST
RIGHT-OF-WAY FENCE;

THENCE N43°34'50"E, 23.94 FEET ALONG THE EAST LINE OF SAID HIGHWAY
AS EVIDENCED BY A RIGHT-OF-WAY FENCE;

THENCE N00°01'20"E, 22.80 FEET ALONG THE EAST LINE OF SAID HIGHWAY
AS EVIDENCED BY A RIGHT-OF-WAY FENCE, TO THE POINT OF BEGINNING;

EXCEPT THAT UNDESCRIBED PORTION OF NELSON ROAD IN THE SAID WEST 1/2
OF THE WEST 1/2 OF THE SOUTHEAST 1/4 AND THE SAID SOUTH 1/2 OF THE
SOUTHWEST 1/4;

THE ABOVE DESCRIBED TRACT INCLUDING NELSON ROAD CONTAINS 117.42
ACRES MORE OR LESS.

THAT WE HAVE CAUSED SAID REAL PROPERTY TO BE LAID OUT AND
SURVEYED AS L'HEUREUX COUNTRY ESTATES N.U.P.U.D. A SUBDIVISION IN THE
COUNTY OF BOULDER, STATE OF COLORADO, AND DO HEREBY ACCEPT THE
RESPONSIBILITY FOR THE COMPLETION OF REQUIRED IMPROVEMENTS AND
DO HEREBY DEDICATE AND SET APART ALL OF THE ROADS AND
OTHER PUBLIC IMPROVEMENTS AND PLACES AS SHOWN ON THE
ACCOMPANYING PLAT TO THE USE OF THE PUBLIC FOREVER, AND
UNLESS OTHERWISE SPECIFICALLY NOTED BY REFERENCE ON THIS PLAT,
DO HEREBY DEDICATE THOSE PORTIONS OF SAID REAL PROPERTY
WHICH ARE INDICATED AS EASEMENTS ON THE ACCOMPANYING PLAT AS
EASEMENTS TO BOULDER COUNTY FOR THE PURPOSE(S) SHOWN HEREON,
AND DO HEREBY GRANT TO BOULDER COUNTY THE RIGHT TO
REGULATE THE INSTALLATION AND MAINTENANCE OF NECESSARY
STRUCTURES, FACILITIES AND/OR IMPROVEMENTS BY THE ENTITY
RESPONSIBLE FOR PROVIDING THE SERVICES FOR WHICH THE EASEMENTS
ARE ESTABLISHED.

IN WITNESS WHEREOF I HERETO SET MY HAND THIS DAY
OF 8 MONTH NOVEMBER 19 88
LON J. L'HEUREUX CAROL A. L'HEUREUX

ACKNOWLEDGEMENT

STATE OF COLORADO)
COUNTY OF BOULDER) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS DAY
Nov. OF 8TH, 19 88, by LON J. L'HEUREUX & CAROL A. L'HEUREUX, OWNERS AND
PROPRIETORS OF THE) WITNESS MY HAND AND
OFFICIAL SEAL)
MY COMMISSION EXPIRES: 6-21-89

SURVEYOR'S CERTIFICATE

I, JAMES T. HASELWOOD, A DULY REGISTERED LAND SURVEYOR IN THE
STATE OF COLORADO, DO HEREBY CERTIFY THAT THERE ARE NO ROADS,
PIPELINES, IRRIGATION DITCHES, OR OTHER EASEMENTS OF RECORD, OR
OTHER OWNERSHIPS IN EVIDENCE, OR KNOWN BY ME TO EXIST ON OR
ACROSS THE HEREBY DESCRIBED LAND EXCEPT AS SHOWN ON THIS
PLAT OF L'HEUREUX COUNTRY ESTATES N.U.P.U.D. THAT THIS PLAT TRULY AND CORRECTLY
REPRESENTS THE RESULTS OF A SURVEY MADE ON NOV. 7, 1988 BY ME
OR UNDER MY DIRECT SUPERVISION, AND THAT ALL MONUMENTS EXIST
AS SHOWN HEREON; THAT MATHEMATICAL CLOSURE ERRORS ARE LESS
THAN 0.01 FEET; AND THAT SAID PLAT HAS BEEN PREPARED IN FULL
COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO
DEALING WITH SUBDIVISION AND/OR SURVEYING OF LAND AND ALL
PROVISIONS WITHIN MY CONTROL OF THE BOULDER COUNTY
SUBDIVISION REGULATIONS.

I ATTEST THE ABOVE ON THIS 7TH DAY OF NOVEMBER, 19 88

James T. Haselwood
COLORADO REGISTERED
LAND SURVEYOR NO. 4403

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO)
COUNTY OF BOULDER) SS

I, HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT
THIS 7TH DAY
OF 10:37 A.M. OCTOBER 19 88 AND IS DULY RECORDED IN
PLAT FILE # 22 F-4 # 6
FEES \$ 10.00 PAID.

RECEPTION # 956467

FILM # 1557

Charles H. Houston
RECORDED
Colleen P. Wadde
DEPUTY

P-22 F-4 #6

P-22 F-4 #6

5-1

CCNSERVATION EASEMENT

This Conservation Easement is granted by LOW L'HEUREUX
(Grantor) on the 15th day of DEC, 1988 to the County of Boulder
(Grantee), a body corporate and politic ("County").

WHEREAS, the Grantor is the owner of Outlot A on the plat
of L'HEUREUX County ESTATES Subdivision, a part of the SOUTH HALF
of Section, 7, Township 2N, Range 70, West of
the 6th P.M. in the County of Boulder, State of Colorado; and

WHEREAS, the Grantor has received approval of a Non-Urban
Planned Unit Development; and

WHEREAS, the Grantor has been allowed greater density in con-
sideration of his agreement to preserve agricultural land or land
designated for preservation in the Environmental Resources Element of
the Boulder County Comprehensive Plan through this conservation ease-
ment; and

WHEREAS, the parties intend to preserve open land for agricultural
purposes or other purposes designated in the Environmental Resources
Element of the Boulder County County Comprehensive Plan;

NOW, THEREFORE, for good and valuable consideration the Grantor
hereby grants and conveys to the County, a conservation easement in
gross pursuant to Title 38, Article 30.5 of the 1973 Colorado Revised
Statutes over Agricultural Outlot A of the L'HEUREUX County ESTATES
Subdivision ("Outlot").

The terms of this easement are as follows:

1. The Grantor shall not erect on the Outlot any residential
structures or any other structure which are not accessory to an
agricultural use.

2. The Grantor shall not divide the Outlot into two or more
parcels, separate interests or interests in common unless such
division is one which is excluded from the statutory definition of
"subdivision" by C.R.S. 30-28-101(10)(c)(VII), or is exempted under
C.R.S. 30-28-101(10)(d), as amended, or unless the Outlot is re-
subdivided under the Boulder County Subdivision Regulations.

5-2

3. The Grantor shall not erect, construct or expand any structure and/or pavement on the Outlot such that the total coverage of structure and/or pavement on the Outlot exceeds ten(10) acres or ten percent (10%) of the area of such Outlot, whichever is less unless such structure or pavement is accessory to a principal open agricultural use and is required by government regulation.

4. Agriculturally related buildings and structures may be permitted on the Outlot if (a) they are not used for residential purposes, (b) they are constructed and used as accessory structures to a single principal use of agriculture, and (c) they are in accordance with County Land Use Regulations.

5. The County shall have the right to enter upon the Outlot to inspect for violations of the terms and covenants of this easement and to remove or eliminate any conditions or operations which violate the same. No further right of access entry or possession is conveyed hereby.

6. This easement shall run with the land and shall remain an easement on the land until terminated or transferred according to one of the following provisions:

A. Termination

(1). This easement shall terminate pursuant to C.R.S. 38-30.5-107 as amended, provided both the Planning Commission and the Board of County Commissioners have determined that such termination would be consistent with the then current Boulder County Comprehensive Plan and County Land use Regulations.

(2). This easement shall terminate upon annexation of the Outlot to a municipality, provided such annexation and proposed use are determined by the Boulder County Planning Commission and the Boulder County Board of County Commissioners to be accordance with the Comprehensive Plan mutually adopted by the municipality and Boulder County.

(3). This easement may be terminated and another easement substituted upon approval of the Boulder County Planning Commission and the Boulder County Board of County Commissioners, with the consent of the Grantor, if:

(a). A new Comprehensive Plan has been adopted

by Boulder County, which Plan would permit the construction on the property of additional residences or structures not accessory to the principal use of agriculture; or the present Boulder County Comprehensive Plan is amended, which amended Plan permit the construction on the property of additional residences or structures not accessory to the principal use of agriculture; and

(b). The Zoning, the Boulder County Land use Regulations or policies of Boulder County are amended or modified in such a manner as to permit further development or subdivision of this Outlot; and

(c). A new conservation easement is received which is in conformance with the current adopted Comprehensive Plan.

B. Transfer. With the consent of the owner(s) of the underlying fee interest, the Grantee may transfer this easement to a governmental entity or to a charitable organization exempt under Section 501(c)(3) of the "Internal Revenue Code of 1954", as amended, which organization was created at least two years prior to the transfer, provided:

(1). Both the Boulder County Planning Commission and Board of County Commissioners have determined that such transfer is consistent with the then current Boulder County Comprehensive Plan and Boulder County Land Use Regulations; and

(2). The Owner(s) of the underlying fee interest receive(s) compensation equal to the fair market value of the easement less costs of transfer or waive(s) such compensation; and

(3). A covenant is placed on the property requiring that any development be consistent with the then current Boulder County Comprehensive Plan.

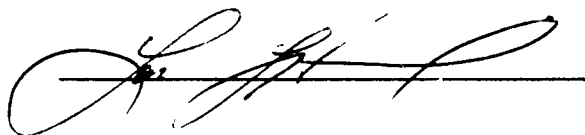
It is understood, that Grantee may require compensation for and attach conditions to these transfers, and that these conditions may include restrictions of the future use of the Outlot.

7. This Agreement and covenants as set forth herein shall run with the land and be binding upon all parties thereto, their heirs, successors, representatives, and assigns and all persons who

5-4

may hereafter acquire an interest in the Outlot or any part thereof. It is intended that the conservation easement and any other interests created under this agreement vest immediately. If any future interest in land are created, those interests shall vest, if at all, within the lives of the undersigned plus twenty years and 364 days.

IN WITNESS WHEREOF, the said Grantor has caused his name to be hereunto subscribed the day and year first above written.

A handwritten signature in black ink, appearing to be "R. H. P.", is written over a horizontal line.

5-5

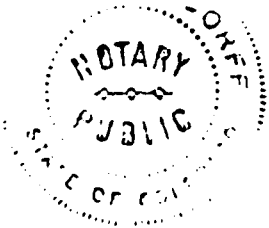
Grantor

STATE OF COLORADO)
) ss
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this
1st day of December, 1988, by Lon L. Hauray.

Witness my hand and official seal.

My commission expires: 2/14/89



Zella Orendorff
Notary Public

IN WITNESS AND ACCEPTANCE WHEREOF, the said County has
caused its name to be hereunto subscribed the day and year first
above written.

Joseph W. Heath
Chairman

ATTEST:

Carol A. Gardiner
Clerk to the Board



Land Use Department

2040 14th Street • 14th & Spruce Streets • Administrative Services Building, 2nd Floor • Boulder, Colorado 80302 • (303) 441-3930

December 1, 1988

Mr. Lon L'Heureux
P.O. Box 17490
Boulder, CO 80308

Dear Mr. L'Heureux:

The purpose of this letter is to certify that at a hearing of the Board of County Commissioners of the County of Boulder, State of Colorado, duly called and held on December 1, 1988, in consideration of the request described as follows:

Docket #SD-88-19 - L'Heureux Country Estates

Request: Approval of Combined Subdivision Process and Site Specific Development Plan

Location: Northeast corner of Hwy.36 and Nelson Road, Section 7, T2N, R70W

the following action was taken:

The Board of County Commissioners of the County of Boulder, State of Colorado, APPROVED the request for the Combined Subdivision Process and Site Specific Development Plan provided that the applicant meet the post approval requirements as stated in Section 5-901 of the Subdivision Regulations.

For your information and recollection, Article 2-107 of the County Subdivision Regulations states that this Final Plat approval shall expire if all Final Plat documents are not complete and properly recorded within one year from the date of approval by the Commissioners.

If you have any questions concerning this action, please feel free to contact me at the Planning Office at 441-3930.

Sincerely,

Rosi Evans,
Planning Technician, Operational Division

RE/bb

PUBLIC NOTICE.

COUNTY OF BOULDER, COLORADO

SITE SPECIFIC DEVELOPMENT PLAN

Notice is hereby given that on December 1, 1988 the Board of County Commissioners approved the following:

Docket #SD-88-19 - L'Heureux Country Estates NUPUD, Sketch Plan, Preliminary Plat, Final Plat and Site Specific Development Plan for 6 lots in the Agricultural Zoning District by Lon L'Heureux in accordance with provisions of the Boulder County Zoning Resolution and Subdivision Regulations. The proposed subdivision is located on the northeast corner of Highway 36 in Section 7, T2N, R70W.

Information regarding this item, including a complete legal description, is available at the Boulder County Land Use Department (2040 14th Street, Boulder, Colorado, 80302, 441-3930, or from Longmont, 678-6060, Ext.3930, office hours - 8:00 a.m. to 4:30 p.m.) for public examination and review.



Rosi Evans, Planning Technician
FOR: Josie Heath, Chair

Published:
Monday, December 12, 1988
Boulder Daily Camera
Longmont Daily Times-Call



Land Use Department

2040 14th Street • 14th & Spruce Streets • Administrative Services Building, 2nd Floor • Boulder, Colorado 80302 • (303) 441-3930

MEMORANDUM

TO: Board of County Commissioners
FROM: Boulder County Planning Staff *RC*
DATE: December 1, 1988

Staff Recommendation

Docket #SD-88-19 - L'Heureux Country Estates NUPUD/SP/PP/FP

Location: North Foothills Highway and Nelson Road

Applicant: Lon L'Heureux

Boulder County Comprehensive Plan Designations:
Non-Urban Residential, Minor Geologic Hazards, Proposed Bike Lane along Nelson Road, Proposed County Open Space-Scenic Area along N. Foothills Highway

Zoning: Agricultural

Request: Approval of a Combined Subdivision Process for a 6 lot and 2 outlot NUPUD on approximately 120 acres

Planning Commission: Approval October 19, 1988

DISCUSSION

This application is a Combined Subdivision Process for Sketch Plan, Preliminary Plan, and Final Plat for an NUPUD. The applicant is proposing 6 lots of approximately 5 acres each comprising 25% of the 120 acres, 1 outlot of approximately 90 acres with a conservation easement, and 1 outlot to be dedicated to Boulder County as right-of-way. The outlots equal 75% of the total acreage.

The L'Heureux Country Estates NUPUD is located east of North Foothills Highway and north of Nelson Road. The 120± acres is grazing land with a gentle slope to the southeast. There is an existing dwelling on Lot 1 recently built by the applicant. The proposed NUPUD would cluster the 6 lots along the north boundary of the property. A 25 foot wide easement across the northwest corner of Outlot A has been identified on the plat for the Lake Ditch. There are numerous ditch laterals that do not have recorded easements, and are not being

used, but are noted on the Sketch Plan. Lefthand Water Supply Company has approved 5 additional water taps for this subdivision (one already existing for new home). Individual septic systems will be used on all six lots (one already existing), and percolation tests show adequate soils for those systems.

The applicant originally proposed two private roads with a single access point on Nelson Road. At Planning Commission, the applicant agreed to one road as staff recommended and has realigned the southern boundary line of Lots 1 and 2 abutting that road. The private road will have a 50 foot turning radius cul-de-sac at the east end on Lot 6 and will be maintained by the homeowners.

REFERRALS

The Public Works Department had the following requests which the applicant has completed:

1. The driveway must be at a 90° angle to Nelson Road for a minimum distance of 40 feet from the edge of the travelled way.
2. An additional 30 feet of right-of-way along Nelson Road needs to be dedicated to Boulder County (for a total of 60 feet right-of-way from the centerline of the road) and identified as Outlot B on the plat.
3. Construction plans are needed for the waterline, private road, and fire cisterns.
4. Provide survey closure tapes.

Lefthand Fire Protection District has indicated that since the available 4 inch water line is not sufficient for a fire hydrant, a 10,000 gallon storage system with a gate valve system connected to a 4 inch feeder line would be acceptable for fire protection. The applicant is proposing to do this with two sets of two 2500 gallon cisterns to be located directly south of Lots 3 and 4.

The Soil Conservation Service requested a study on the effects of construction on the irrigation ditch. They also expressed concern with weed control and proper grazing on the property. The Lefthand Ditch Company expressed no conflict with this proposal with relation to the existing ditches. The County Weed Control Officer inspected the site and indicated no noxious weeds found. The applicant has submitted a management plan on Outlot A addressing potential over-grazing and erosion concerns, and the historic drainage flow through the property into Lykins Gulch. The State Geologist's Office recommended that because of potential for perched ground water, subsurface drainage may be required around house and specifically engineered septic systems. The applicant's engineer also addressed this issue in this report and outlines specifics on how to deal with it. The Geologist's Office also recommended

testing of radon gas after construction of homes. This recommendation has been passed on to the applicant.

The State Highway Department requested the County to consider the overall impact of area development on the intersection of North Foothills Highway and Nelson Road. The Public Works Department indicated this subdivision would not have a significant impact on the intersection.

The County Parks and Open Space Department requested the parks dedication be cash-in-lieu. The St. Vrain School District requested land dedication or cash-in-lieu. Student impact from this NUPUD would be approximately 2 students at Hygiene Elementary (over capacity), 1 student at Longmont Junior High and 1 student at Niwot High School. The applicant is proposing to construct a school bus waiting pad north of Nelson Road on the private road.

CRITERIA

Staff has reviewed this request with respect to the criteria for Sketch Plan approval of Section 3-701(4) of the Boulder County Subdivision Regulations as follows:

1. Water taps are available from Lefthand Water Supply Company.
2. No public sewage disposal system is proposed.
3. Septic permits for individual sewage disposal systems will be issued by Boulder County Health Department.
4. The proposed lot locations are on the higher portion of the property.
5. The engineer's report submitted by the applicant is adequate to mitigate any impacts of hazards.
6. The Lefthand Fire District has requested a fire cistern system which the applicant has agreed to construct.
7. The proposal conforms to the Comprehensive Plan and Capital Improvements Plan. The design of a portion of Outlot A complies with the proposed scenic area along North Foothills Highway.
8. The proposal meets Subdivision Design criteria.
9. The proposal conforms to the provisions of the Boulder County Zoning Resolution including the NUPUD Zoning Requirements outlined in Section 21-202.
10. The proposal meets all planning and engineering requirements of Boulder County.

With regard to requirements of Section 5-701 for Final Plat approval:

The Final Plat is consistent with Sketch Plan and Preliminary Plan. No problems are foreseen with the septic systems and water taps. There will be a single access point on Niwot Road. The applicant plans to install a cistern system as requested by the Lefthand Fire District. The applicant has identified on the Final Plat the additional 30 foot wide road right-of-way along Nelson Road as Outlot B.

The Planning Commission reviewed and approved this request on October 19, 1988. At that time, the only item discussed was the applicant's water situation in relation to Outlot A. The applicant indicated that his 10 shares of Lefthand Water would entitle him to free water when available. The applicant has since submitted a management plan for Outlot A.

RECOMMENDATION

The Land Use staff and the Planning Commission recommend that the Board of County Commissioners approve Sketch Plan, Final Plat, and Site Specific Development Plan for Docket #SD-88-19, L'Heureux Country Estates NUPUD, provided that the applicant meet the post-approval requirements as stated in Section 5-901 of the Subdivision Regulations.

RE/bb

[illegible]

cc: BOCC
Haddie
Rosie

OCTOBER 24, 1988

COUNTY OF BOULDER, COLORADO
BOARD OF COUNTY COMMISSIONERS
BOULDER COUNTY LAND USE DEPARTMENT
2040 14TH STREET
BOULDER, COLORADO 80302

DOCKET #SD-88-19
LON L'HEUREUX
COUNTRY ESTATES NUPUD

DEAR COMMISSIOERS,

JUST A NOTE TO LET YOU KNOW I AM A PROPERTY OWNER IN THE AREA AND I APPROVE
OF THE REQUEST OF AN NUPUD COMBINED SUBDIVISION PROCESS AND SITE SPECIFIC
DEVELOPMENT PLAN FOR 6 LOTS IN THE AGRICULTURAL ZONING DISTRICT BY LON
L'HEUREUX.

VERY TRULY YOURS,

Gerald R. Colp

GERALD R. COLP
40 W. 4TH STREET
SUITE 1308
DAYTON, OHIO 45402

RECEIVED
COUNTY COMMISSIONERS OFFICE
OCT 27 1988
READ BY
TIME

CERTIFICATION OF RESOLUTION

TO: Board of County Commissioners
FROM: Boulder County Planning Commission

This is to certify that at a meeting of the Planning Commission of the County of Boulder, State of Colorado, duly called and held on Wednesday, October 19, 1988 the following resolution was duly adopted:

"Be it resolved by the Planning Commission of the County of Boulder, State of Colorado, that it recommend to the Board of County Commissioners of said county APPROVAL of the request described as follows:

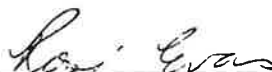
Docket #SD-88-19 - L'Heureux Country Estates NUPUD

Request for approval of an NUPUD Combined Subdivision Process and Site Specific Development Plan for 6 lots in the Agricultural Zoning District by Lon L'Heureux in accordance with provisions of the Boulder County Zoning Resolution and Subdivision Regulations. The proposed subdivision would be located on the northeast corner of Highway 36 and Nelson Road, in Section 7, T2N, R70W.

Subject to the following conditions:

1. That the applicant meet the design requirements of the Public Works Department for the driveway intersection at Nelson Road.
2. That construction plans for the waterlines, road, and fire cisterns be submitted to the Public Works Department.
3. That Outlot B is noted on the Final Plat and dedicated to Boulder County as road right-of-way 30 feet from the existing right-of-way from the centerline of Nelson Road.
4. That one private road access the 6 building lots.
5. That a management plan for Outlot A be submitted.
6. That a letter of no conflict from Lefthand Ditch Company be submitted.
7. That the applicant meet the post-approval requirements as stated in Section 5-901 of the Subdivision Regulations.

Dated at Boulder, Colorado this 1st day of December, 1988."



Rosi Evans, Planning Technician, For:
Ed Tepe, Secretary
Boulder County Planning Commission



Land Use Department

2040 14th Street • 14th & Spruce Streets • Administrative Services Building, 2nd Floor • Boulder, Colorado 80302 • (303) 441-3930

October 12, 1988

Lon L'Heureux
P.O. Box 17490
Boulder, CO 80308

Re: Docket #SD-88-19, L'Heureux Country Estates

Dear Mr. L'Heureux:

Enclosed please find a copy of the staff recommendation for Docket #SD-88-19, L'Heureux Country Estates NUPUD, scheduled to be reviewed by the Planning Commission on October 19, 1988.

As per our recent phone conversation, the following is a summary of issues identified at our Docket Review Staff Meeting on October 5, 1988.

1. The Public Works Department requires the single access point on Nelson Road to be a driveway at a 90° angle to Nelson Road for a minimum distance of 40 feet from the edge of the travelled way. An additional 30 feet of right-of-way on Nelson Road (total of 60 feet right-of-way from centerline) needs to be dedicated as such to Boulder County and identified as Outlot B on the Final Plat. In addition, Public Works needs construction plans for the waterline, roads, and fire protection cisterns to enable them to make the necessary inspections.
2. Staff finds that one interior road could adequately serve all six lots as opposed to the proposed two roads. An additional road would split the outlot and thereby, split the agricultural use on that outlot.
3. Since we have not received a referral response from Lefthand Ditch, please submit a written response from the ditch company indicating no conflict with this proposal.
4. Also enclosed is a sample copy of the Development/Subdivision Agreement that needs to be incorporated into your draft of the Subdivision Agreement previously submitted.
5. A management plan for Outlot A has been requested to address potential over-grazing and erosion concerns.
6. The invoice from the Colorado Geological Survey has been enclosed. This \$190.00 fee is for their review of your NUPUD. Please make the check payable to "Colorado Geological Survey".

Mr. Lon L'Heureux
October 12, 1988
Page 2

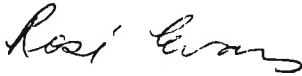
7. A copy of the final signed contract with Lefthand Water for the water taps must be submitted before final approval and will become Exhibit A of the Development/Subdivision Agreement.

8. The Parks and Schools Dedication requirements will be met by cash-in-lieu as outlined in the Subdivision Regulations (minimum of \$500.00 each or \$1,000.00 total).

9. Don Welch, Zoning Inspector, will contact you regarding the sign violations on your property.

If you have any questions regarding the above-mentioned issues, please call me at 441-3930.

Sincerely,



Rosi Evans
Planning Technician, Operational Division

RE/bb

let.l'heureux.lu1604



Land Use Department

2040 14th Street • 14th & Spruce Streets • Administrative Services Building, 2nd Floor • Boulder, Colorado 80302 • (303) 441-3930

October 19, 1988

Lon L'Heureux
L'Heureux Construction
3143 Nelson Road
Longmont, CO 80501


Dear Mr. L'Heureux:

With reference to the two (2) existing signs on the above-referenced property, please be advised as follows:

- 1) Article 28-247 of the Boulder County Zoning Resolution permits a home occupation in the Agriculture District such as L'Heureux Construction. A copy of this Article is attached for your files.
- 2) Among other criteria, only an identification sign (1) of no more than 2 square feet is permitted to locate/identify a home occupation.
- 3) Therefore, it would be requested that the two existing signs be removed and replaced with one, 2 sq.ft. identification sign.

With reference to our discussion regarding the entrance gate, please be advised that any "fence" of more than 6' requires a building permit and is required to meet minimum setbacks, which in this case would be 35'. It will be necessary to obtain variance from the Board of Adjustment for placement closer to the front property line. This matter will more appropriately be discussed with you in the near future.

If you should have any questions regarding this letter, please don't hesitate to contact me at 441-3930.

Sincerely,

Don L. Welch
Zoning Inspector

*According to
applicant - will
replace 2 existing
signs with one 2 sq ft sign.*

PUBLIC NOTICE

COUNTY OF BOULDER, COLORADO

BOARD OF COUNTY COMMISSIONERS

Date: December 1, 1988

Time: 9:00 a.m.

Place: Commissioners Hearing Room
Third Floor, Middle Building
Courthouse Square
Boulder, Colorado

Notice is hereby given that a public hearing will be held by the Board of County Commissioners of the County of Boulder at the time and place specified above. All persons in any manner interested in the following item are requested to attend such hearing and aid the Commissioners in their consideration of this matter.

PUBLIC HEARING

Docket #SD-88-19 - L'Heureux Country Estates NUPUD

Request for approval of an NUPUD Combined Subdivision Process and Site Specific Development Plan for 6 lots in the Agricultural Zoning District by Lon L'Heureux in accordance with provisions of the Boulder County Zoning Resolution and Subdivision Regulations. The proposed subdivision would be located on the northeast corner of Highway 36 and Nelson Road, in Section 7, T2N, R70W.

Information regarding this item, including a complete legal description, is available at the Boulder County Land Use Department (2040 14th Street, Boulder, Colorado, 80302, 441-3930, or from Longmont, 678-6060, Ext.3930, office hours - 8:00 a.m. to 4:30 p.m.) for public examination and review.

BOARD OF COUNTY COMMISSIONERS

By: Rosi Evans Rosi Evans for
Josephine Heath, Chair

PARKING VALIDATION IN CITY OF BOULDER CAGID LOTS IS AVAILABLE FOR PARTICIPANTS OF PUBLIC HEARINGS. RTD TRANSFER SLIPS CAN BE EXCHANGED FOR TOKEN BY PARTICIPANTS OF PUBLIC HEARINGS. SEE STAFF AT COMMISSIONERS HEARING ROOM AT TIME OF HEARING.

Published:
Monday, October 24, 1988
Boulder Daily Camera
Longmont Daily Times-Call

Lyons Colo
Oct 13 - 1988

Boulder County Planning Commission
Boulder Colo

Re: L'Heureux Country Estate
Plan

The Lake Ditch Co has no objection
to the plan as the parcels are away from
the lake ditch right of way.

The plan shows that all remaining land
in the L'Heureux ^{Tract} will remain as grazing
land so no new development will occur
adjacent to the Lake Ditch.

The Lake Ditch is very interested that
when development occurs near ditch right of way
or lateral right of way that people are informed
that they don't interfere with Ditch operation
The people ~~are~~ ^{are joining} Ditch laterals down stream of this
project are at sword points as people object
to ditch maintenance thru their tracts of property

P.O. Box 333
Lyons Colo 80540

Yours Truly
Leonard Lautan Sec
Lake Ditch Co.



Land Use Department

2040 14th Street • 14th & Spruce Streets • Administrative Services Building, 2nd Floor • Boulder, Colorado 80302 • (303) 441-3930

October 20, 1988

Lon L'Heureux
P.O. Box 17490
Boulder, CO 80308

Dear Mr. L'Heureux:

The purpose of this letter is to certify that at a hearing of the Planning Commission of the County of Boulder, State of Colorado, duly called and held on October 19, 1988, in consideration of the request described as follows:

Docket #SD-88-19 - L'Heureux Country Estates

Request: Approval of Combined Subdivision Process

Location: Northeast corner of Hwy.36 and Nelson Road, Section 7, T2N, R70W

the following action was taken:

The Planning Commission of the County of Boulder, State of Colorado, APPROVED and recommended APPROVAL to the Board of County Commissioners the request for Sketch Plan, Preliminary Plan, Final Plat and Site Specific Development Plan for an NUPUD

subject to the following conditions:

1. That the applicant meet the design requirements of the Public Works Department for the driveway intersection at Nelson Road
2. That construction plans for the waterlines, road, and fire cisterns be submitted to the Public Works Department
3. That Outlot B is noted on the Final Plat and dedicated to Boulder County as road right-of-way 30 feet from the existing right-of-way from the centerline of Nelson Road
4. That one private road access the 6 building lots
5. That a management plan for Outlot A be submitted
6. That a letter of no conflict from Lefthand Ditch Company be submitted
7. That the applicant meet the post-approval requirements as stated in Section 5-901 of the Subdivision Regulations

On December 1, 1988 at 9:00 a.m. the Board of County Commissioners of the County of Boulder, State of Colorado, will hold a public hearing concerning this matter. Please plan to attend to answer any questions which may arise.

If you have any questions concerning this action, please feel free to contact me at the Planning Office at 441-3930.

Sincerely,

Rosi Evans

Planning Technician, Operational Division

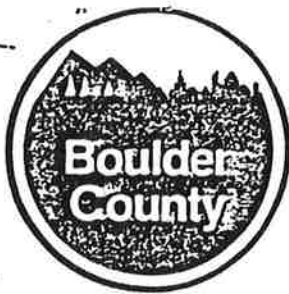
Josephine W. Reed
County Commissioner

Ronald K. Stewart
County Commissioner

Herbert E. "Buz" Smith, Jr.
County Commissioner

RE/bb

C21



Land Use Department

2040 14th Street • 14th & Spruce Streets • Administrative Services Building, 2nd Floor • Boulder, Colorado 80302 • (303) 441-3930

DRSM REVIEW/RECOMMENDATION FORM

Docket Number SD-88-19 Review # 1 Planner RE
DRSM Date 10/5/88 Type NUFUD - COMBINED
PC Date 10/19/88 Requested Action _____
BOCC Date _____ Requested Action _____

Location/Street Address N. FOOTHILLS HWY & NELSON RD.
Brief Description of Item 6 LOT^(SA) NUFUD + 1 OUTLOT^(PPA) ON 126 ACRES
LEFT HAND WATER & INDIVIDUAL SEPTIC SYSTEMS

Issues, Concerns & Conflicts

1. - AMOUNT OF RIGHT-OF-WAY FOR NELSON RD.?
2. - (120' MINOR ARTERIAL) - PROP. BIKE LANE?
3. - PROP. COUNTY OPEN SPACE SCENIC AREA ALONG N. FOOTHILLS HWY.
4. - MINOR GEOLOGIC HAZARDS
5. - SHOULD DITCH EASEMENTS BE SHOWN ON EVALUATION?
6. - PITCHES IDENTIFIED BY NAME? (LAKE LEFT HAND DITCH)
7. - 2 ROADS? INTERSECTION DESIGN?
8. - LEFT HAND FIRE DISTRICT - 4" WATER LINE SO CAN PUT
9. - IN FIRE HYDRANT - STORAGE TANK & EXTEND 6" LINE FROM GREEN
10. - LETTER OF CREDIT TO BE FURNISH BY ADAPTOR NAT. BANK
11. - FOR ROAD, WATER LINE, & WATER TAPES (\$5,000) (FIRE)
12. - WILL HAVE ARCHITECTURAL COMMITTEE APPROVE BUILDING PLANS

Recommend Staff Position

- PRIVATE ROAD 16' WIDE - WILL BE MAINTAINED BY HOMEOWNERS
- USED OLD SUBDIVISION AGREEMENT - NEED TO GET NEW ONE DRAWN UP
- WILL PUT IN 2 2500 GALLON CISTERNS AT FRONT OF LOTS 3, 4, 5, 6
- FIRE DISTRICT REQUIRES 4?

CONDITIONS

1. - STILL NEED SIGNED CONTRACT FOR WATER TAPES
2. - WILL PROVIDE SCHOOL BUS WAITING PAD OFF ROAD AT ENTRANCE
3. - NO RESPONSE FROM LEFT HAND DITCH CO - MAY NOT HAVE BEEN SENT REPLY
4. _____
5. _____
6. _____