



# Community Planning & Permitting

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**BOARD OF COUNTY COMMISSIONERS  
PUBLIC HEARING**

**May 16, 2024 at 9:30 a.m.**  
*Hearing to be Held in a Hybrid In-Person and Virtual  
Format*

**STAFF PLANNER:** Sam Walker, Planner II

**SE-24-0003: Longmont Creek Channel Acquisition**

**Request:** Subdivision Exemption request to separate approximately 1.7 acres of land from the subject property for purchase by the City of Longmont for flood mitigation work in order to support the Resilient St. Vrain Project.

**Location:** 26 S. Sunset Street, approximately .1 miles north of the intersection of S. Sunset Street and Boston Avenue in Section 4, Township 2N, Range 69W

**Zoning:** General Industrial (GI) Zoning District

**Owners:** 26 S Sunset Street LLC

**Applicant:** Scott Natter, c/o 26 S Sunset Street LLC

**Agent:** Josh Sherman, c/o City of Longmont

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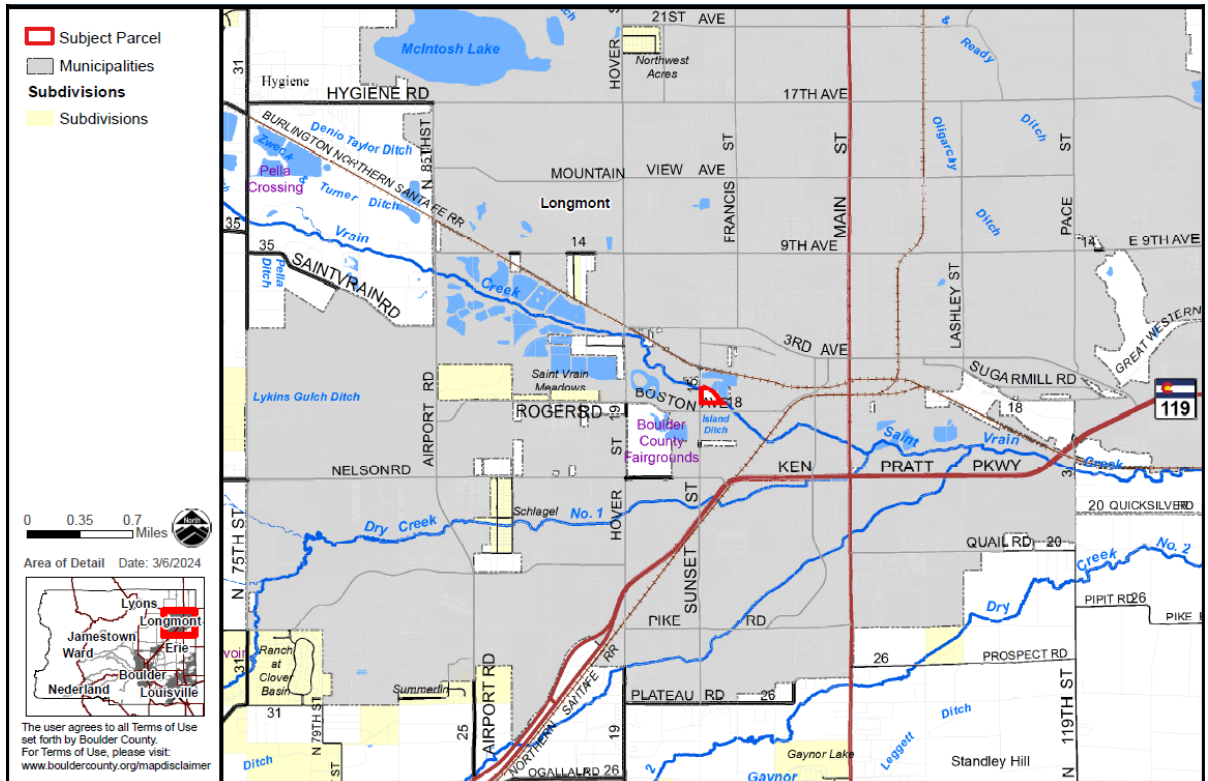
**SUMMARY**

The applicants request approval of this Subdivision Exemption docket to split the subject parcel into two new parcels.

A Subdivision Exemption application is required for this request per Article 9-200 of the Boulder County Land Use Code (“the Code”). For the reasons set forth below, staff find that the proposed lot recognition can meet the current criteria under Article 9-400 of the Code to recognize the subject property as a legal building lot. Therefore, staff recommend that the request be approved.

**DISCUSSION**

The subject property is located on the east side of S. Sunset Street, approximately .1 miles north of the intersection of S. Sunset Street and Boston Avenue, and is an unincorporated enclave that is entirely surrounded by the City of Longmont (see Figure 1, below). Presently the property is developed with seven structures totaling approximately 14,400 sq. ft. of enclosed floor area and hosts a mixture of industrial uses.



*Figure 1: Vicinity Map showing the subject parcel (red outline) located within the City of Longmont municipal boundary.*

As shown in Figure 2, below, a section of the northern and northeastern parcel boundary extends to the approximate centerline of St. Vrain Creek and encompasses most of the southern creek bank as it runs past the subject parcel. Also visible in Figure 2 is a fence line along the top of the creek bank, which approximates the location of the newly proposed dividing line between the subject parcel and the divided portion. Figure 3 follows immediately and illustrates the full area proposed to be sectioned off.



Figure 2: Aerial photo of the subject parcel, showing parcel boundary extending into the creek and the northern extent of the developed area that stops at the top of the southern stream bank (blue line).

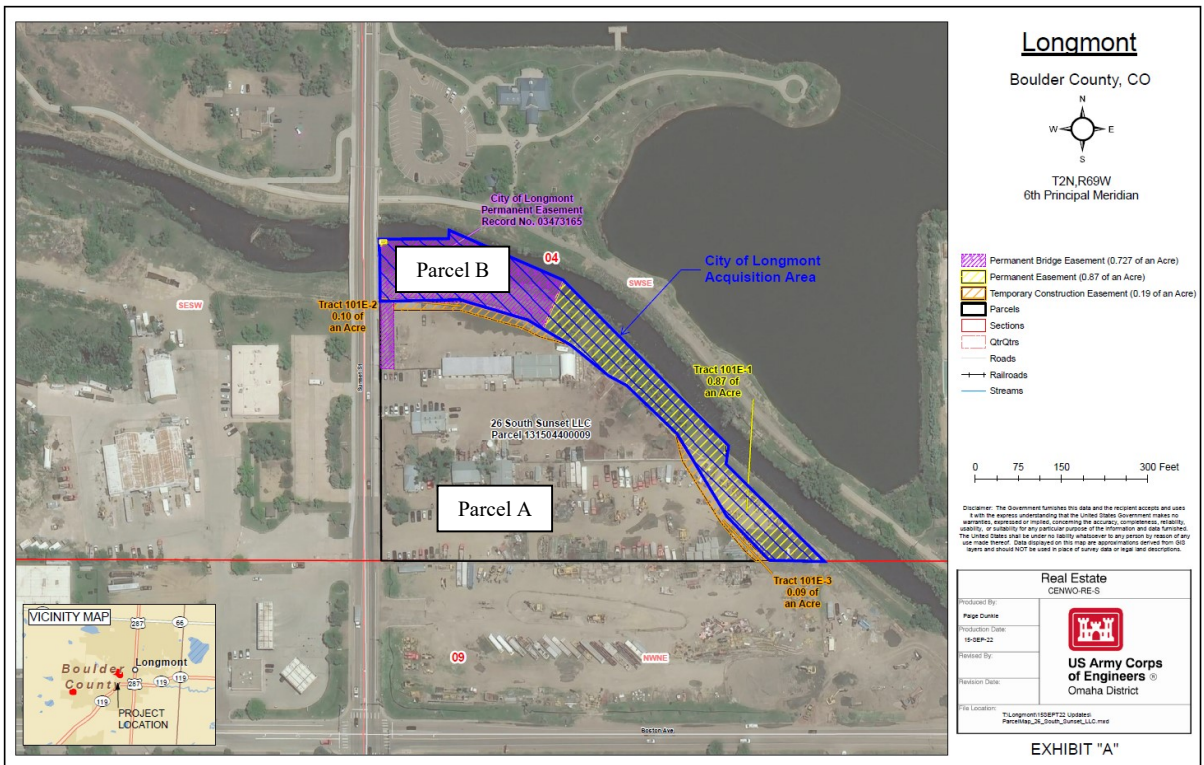


Figure 3: Applicants' proposal for area to be split, outlined in dark blue, with parcel labels added by CP&P staff.



The applicants propose to split off the section of the subject parcel illustrated above in Figure 3 to form a new, separate parcel that incorporates the southern bank of St. Vrain Creek. This new parcel will then be purchased by the City of Longmont and annexed into the City limits. Throughout the rest of this recommendation, the existing parcel will be referred to as such, while the property remaining unincorporated is referred to as Parcel A and the divided section to be transferred to the City of Longmont is referred to as Parcel B (these notations are also visible in Figure 3, above).

As described in the applicants’ project narrative, this proposal will support work being performed in the area as part of the Resilient St. Vrain Project (RSVP), a collaborative flood mitigation effort between the City of Longmont and the Army Corps of Engineers. As shown in Figure 4 below, the entirety of the subject parcel is located in the Floodway where most development is prohibited by the Code. The RSVP will eventually change the characteristics of St. Vrain Creek such that the subject parcel will be almost entirely removed from the Floodway area although it will remain within the Floodplain Overlay district.



Figure 4: Floodplain map, showing subject parcel located entirely within the Floodway.

## REFERRALS

This application was referred to the typical agencies, departments, and adjacent property owners within 1,500-feet of the subject property. Copies of all referral responses received by the Community Planning & Permitting Department (CP&P) are attached. Responses are summarized below.

**Boulder County Floodplain Management Program:** The Floodplain Program Planners reviewed the proposal and expressed no conflicts with the subdivision exemption request. They also noted that the RSVP work supported by the proposal would remove most of the subject parcel from the Floodway and that, because it is located entirely within the Floodway currently, any future development on the parcel will require a Floodplain Development Permit.

**Boulder County Parks & Open Space (BCPOS) Natural Resource Planner:** The Natural Resource Planner expressed strong support for the proposal because it would support the RSVP and



therefore the long-term health of the environmental resources identified on the site, particularly those associated with St. Vrain Creek.

**Boulder County Development Review Team - Access & Engineering (DRT A&E):** The DRT A&E referral response noted that the property is accessed South Sunset Street, which is a City of Longmont-owned and maintained right-of-way (ROW), and that legal access is demonstrated via adjacency to this ROW, before noting that they have no concerns with the proposal. The referral response also indicated that any future development proposals would necessitate further comments.

**Boulder County Building Safety & Inspection Services:** The Building Team's initial referral response noted several requirements related to the earthwork anticipated as part of the creek restoration but did not express concerns regarding the proposed lot split. A revised referral response dated May 2, 2024 described permitting requirements for the unpermitted structure staff identified during the review.

**Agencies with no conflict:** Longmont Fire Services Division, City of Longmont Planning & Development Services, Boulder County Public Health Department.

**Agencies with no response:** County Long Range Planning Team, County Assessor, County Attorney, County Parks & Open Space Real Estate, County Sheriff, County Treasurer, County Public Works Department, County Stormwater Quality Team, County Surveyor, Northern Colorado Water Conservancy District, St. Vrain & Left Hand Water Conservancy District, Longmont Power and Communications, Mile High Flood District, CO Division of Water Resources – State Engineer's Office, US Army Corps of Engineers – Denver Regulatory Office.

**Adjacent Property Owners:** Notifications were sent to 21 adjacent property owner addresses, and staff received no comments in response.

## **SUBDIVISION EXEMPTION CRITERIA**

Section 9-400 of the Boulder County Land Use Code sets general criteria for Subdivision Exemptions. Staff has reviewed these criteria and finds 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 applicants propose to split approximately 1.7 acres of land from the subject parcel to create an entirely new parcel, and therefore the proposal would result in an increase in the number of currently existing lots.

However, staff find that the land use impacts of the proposal are mitigated by the fact that the lot split is not being conducted for development purposes. Rather, the lot split will facilitate flood mitigation work performed by the City of Longmont in conjunction with the Army Corps of Engineers and there is no intention that the lot become a Building Lot eligible for building permits.

Therefore, staff find that this criterion is met.

- (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 15 percent, unless served by public water and sewer.***

The subject property is not located in a platted subdivision, so the request is not for an Exemption Plat.

Therefore, this criterion is not applicable to this proposal.

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

Following the lot split, Parcels A and B will be adjacent to the South Sunset Street ROW. There is also a deeded easement between the property owner and the City that allows easier access to the northern part of the project area (see purple cross-hatching in Figure 3).

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.***

Currently the existing parcel is served by two access points to S. Sunset Street, and the application materials do not propose any changes to those accesses. The referral response from the Access & Engineering team expressed no concerns regarding the proposal, and staff do not have concerns that either of the new parcels will be incapable of being served by an adequate physical access should one be required.

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.***

The application materials indicate that the existing property is currently served by a City of Longmont water line. Staff anticipate that the existing water supply will be maintained to Parcel A once the proposed lot split is completed, and do not anticipate that Parcel B will require a water supply in the future, but are not concerned that one could be obtained if necessary.

Therefore, staff find that this criterion can be 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 Boulder County Public Health Department referral response indicated no concerns with the proposal. The existing parcel is currently served by a septic system which will continue to serve Parcel A, and a new septic system is not likely to be required for Parcel B.

Therefore, staff finds this criterion can be met.

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

Staff find that adequate public facilities and services exist in the area, and no responses to the contrary were received from any referral agency.

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***

The entirety of the subject parcel is located within the Floodplain Overlay District (FO) and therefore the newly proposed lots will be as well. However, staff find that the lots' location within the FO is successfully mitigated by the circumstances of the proposal. Following the proposed lot split, Parcel B will not be used for development purposes, other than the flood mitigation work described throughout this recommendation and the accompanying application materials. That flood mitigation work is also intended to remove the existing parcel (and therefore the newly created Parcel A) almost entirely from the FO.

- b. The development upon the proposed lots shall be possible outside the Floodplain Overlay District; or***

There is currently nowhere within the boundary of the existing parcel that is outside of the FO. However, the flood mitigation work supported by the proposal will remove the bulk of the land from the Floodway, if not the FO entirely and may allow future development outside of the FO.

- 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.***

Currently, the entirety of the subject property is located within the Floodway where little-to-no development is allowed. As proposed, neither Parcel A or Parcel B would be eligible for a



floodplain development permit except for the limited circumstances described in Art. 4-404.C of the Code. However, the proposed lot split would support flood mitigation work that will eventually remove most of the existing land from the Floodway and therefore make it eligible for floodplain development permits.

Due to the mitigating circumstances of the proposal as described in the applicants' narrative, staff finds this criterion is met.

- (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.***

Staff find that the sizes of the proposed lots would be in harmony with the character of the neighborhood. If approved, Parcel B will be approximately 1.7 acres in size while Parcel A will encompass approximately 4.6 acres. These new lot sizes will be closer to existing nearby unincorporated parcels, which range in size from .4 to 2 acres in area. There is no new development proposed as part of the subject application, but future development of either parcel is unlikely to be out of character with the surrounding area. Parcel B will contain the stream bank and be re-worked to mitigate flood risk, while the Parcel A will continue to be used for industrial uses that match the character of neighboring lots within the City of Longmont municipal boundary.

Therefore, staff finds this criterion is 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.***

Staff does not anticipate any unreasonable risk of harm to people or property resulting from the application. The Comprehensive Plan does not identify any geologic hazards on the site, the site is not located in a wildfire zone, and no referral agency responded with concerns that the proposal would be subject to natural hazard risks.

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 identifies a Riparian Area and Critical Wildlife Habitat associated with St. Vrain Creek as it flows along the northern boundary of the existing parcel. Staff are not concerned that the proposed boundary line adjustment will impact these resources in any way, although the flood mitigation work to follow will likely do so. The BCPOS Natural Resource Planner's referral response expressed strong support for the proposal and indicated that the flood mitigation work would likely improve the quality of the identified resources.

Therefore, staff finds this criterion is 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***

Staff do not have concerns that the proposal or potential future development will have a significant adverse impact on any historic, cultural, or archaeological resources on the parcel. The Comprehensive Plan does not identify any such resources on the site, nor were any identified by staff during the review process.

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.***

No site disturbance, development, or changes to drainage have been proposed as part of the application.

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.***

Staff finds that the proposed lot split will not conflict with the Comprehensive Plan or any applicable intergovernmental agreement. The proposed lot recognition will, however, formalize an existing conflict with the Code because of the unpermitted structures that currently exist on the parcel.

During the course of the review staff identified an unpermitted, ~1,000 sq. ft. structure that appears to have been added to the property sometime after 2020 (see figures 5 and 6, below). This structure was viewed during the site visit, and appeared to be approximately 20 feet in height. The Code requires that a building permit be issued for any structure more than 120 sq. ft. in size, or greater than 12 feet in height.



*Figure 5: 2020 aerial photo of the subject property*



*Figure 6: 2022 aerial photo of the subject property, unpermitted structure circled in green*

Staff also noted the presence of a fence along the northernmost section of the western parcel boundary that wraps around to the east and follows the top of the creek bank for a distance of approximately 700 ft. In areas, the fence was as much as 8 feet above existing grade but



typically seemed to be about 6.5 feet above grade. Fences that exceed a height of 6 feet above existing grade are considered to be Structures by the Code, and therefore require a building permit and must also meet required setbacks. The section of the fence that was 8 feet tall appeared to be located on a section of the current western parcel boundary.

Typically, staff would recommend a requirement that the property be brought into compliance prior to completion of the proposed lot split, either by removing the unpermitted structures or having permits issued. However, permits cannot be issued for either the fencing that exceeds 6 feet, or for the unpermitted structure, due to the entirety of the property being located within the Floodway. Furthermore, even fencing that does not require a permit (because it is less than 6 feet above existing grade) is prohibited in the Floodway. Conversations between staff and the current property owner indicate that the fencing predates their purchase of the property and is necessary to prevent trespassing and theft. Staff also note that the proposed lot split will eventually allow flood mitigation work that will remove the parcel from the FO almost entirely and allow for the issuance of permits.

To allow the flood mitigation work to proceed while still bringing the southernmost new parcel into compliance with the Code, staff recommend a condition of approval requiring that the unpermitted structures be mitigated within 3 years of approval, with an option for the Director to extend that timeframe if flood mitigation work has not been completed.

Therefore, as conditioned, staff find that this criterion can be 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.*

It is not clear from the application materials whether or not Parcel B will be incorporated into the adjacent City of Longmont park following the proposed lot split and subsequent annexation. However, staff find that the size, location, and available services in the area are appropriate for the proposed use of the newly created parcel.

Therefore, this criterion can be met.

## **RECOMMENDATION**

Community Planning & Permitting staff finds that the application **meets** the criteria for a Subdivision Exemption, as discussed above. Therefore, the staff recommends that the Board of County Commissioners **APPROVE** docket *SE-24-0003 Longmont Creek Channel Acquisition*, subject to the following conditions.

1. Within three years of approval of the proposed lot split, all unpermitted structures on either of the new parcels (including, but not limited to, fencing that exceeds 6 feet in height and structures larger than 120 sq. ft.) must be permitted or removed from the property. If flood mitigation work has not been completed within enough time to meet the 3 year deadline, and the unpermitted structures are still located within the Floodway, the Director may grant an extension following a written request by the property owner.
2. The applicant must comply with all applicable post-approval requirements for a Subdivision Exemption as listed in Article 3-206.C of the Boulder County Land Use Code, within one year after the date of approving the docket, unless an extension(s) of time is granted as allowed in Article 9-700 of the Boulder County Land Use Code.

3. The applicant shall be subject to the terms, conditions, and commitments of record and in the file for docket **SE-24-0003: Longmont Creek Channel Acquisition.**



## Boulder County Land Use Department

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

Shaded Areas for Staff Use Only

Intake Stamp

## Planning Application Form

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

Project Number		Project Name	
<input type="checkbox"/> Appeal <input type="checkbox"/> Correction Plat <input type="checkbox"/> Exemption Plat <input type="checkbox"/> Final Plat <input type="checkbox"/> Limited Impact Special Use <input type="checkbox"/> Limited Impact Special Use Waiver <input type="checkbox"/> Location and Extent		<input type="checkbox"/> Modification of Site Plan Review <input type="checkbox"/> Modification of Special Use <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Resubdivision (Replat) <input type="checkbox"/> Rezoning	
<input type="checkbox"/> Road Name Change <input type="checkbox"/> Road/Easement Vacation <input type="checkbox"/> Site Plan Review <input type="checkbox"/> Site Plan Review Waiver <input type="checkbox"/> Sketch Plan <input type="checkbox"/> Special Use/SSDP		<input type="checkbox"/> Special Use (Oil & Gas development) <input type="checkbox"/> State Interest Review (1041) <input checked="" type="checkbox"/> Subdivision Exemption <input type="checkbox"/> Variance <input type="checkbox"/> Other:	
Location(s)/Street Address(es) <b>26 S. Sunset Street (Parcel No. 131504400009)</b>			
Subdivision Name <b>TR, 290-298 - COMMERCIAL</b>			
Lot(s)	Block(s)	Section(s) <b>04</b>	Township(s) <b>2 North</b> Range(s) <b>69 West</b>
Area in Acres <b>6.26</b>	Existing Zoning <b>GI</b>	Existing Use of Property <b>Industrial/undeveloped</b>	Number of Proposed Lots <b>2</b>
Proposed Water Supply <b>City of Longmont</b>		Proposed Sewage Disposal Method <b>no change - OWTS</b>	

### Applicants:

Applicant/Property Owner <b>26 S. Sunset Street LLC</b>		Email <b>s.natter@lidlandscapes.com</b>	
Mailing Address <b>1440 Townline Rd.</b>			
City <b>Mundelein</b>	State <b>IL</b>	Zip Code <b>60060</b>	Phone <b>303-440-7833</b>
Applicant/Property Owner/Agent/Consultant <b>City of Longmont</b>		Email <b>josh.sherman@longmontcolorado.gov</b>	
Mailing Address <b>385 Kimbark Street</b>			
City <b>Longmont</b>	State <b>CO</b>	Zip Code <b>80501</b>	Phone <b>303-651-8626</b>
Agent/Consultant		Email	
Mailing Address			
City	State	Zip Code	Phone

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

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

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

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

Signature of Property Owner 	Printed Name <b>SCOTT NATTER</b>	Date <b>5/27/2024</b>
Signature of Property Owner	Printed Name	Date

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





# Community Planning & Permitting

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Vicinity

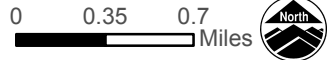
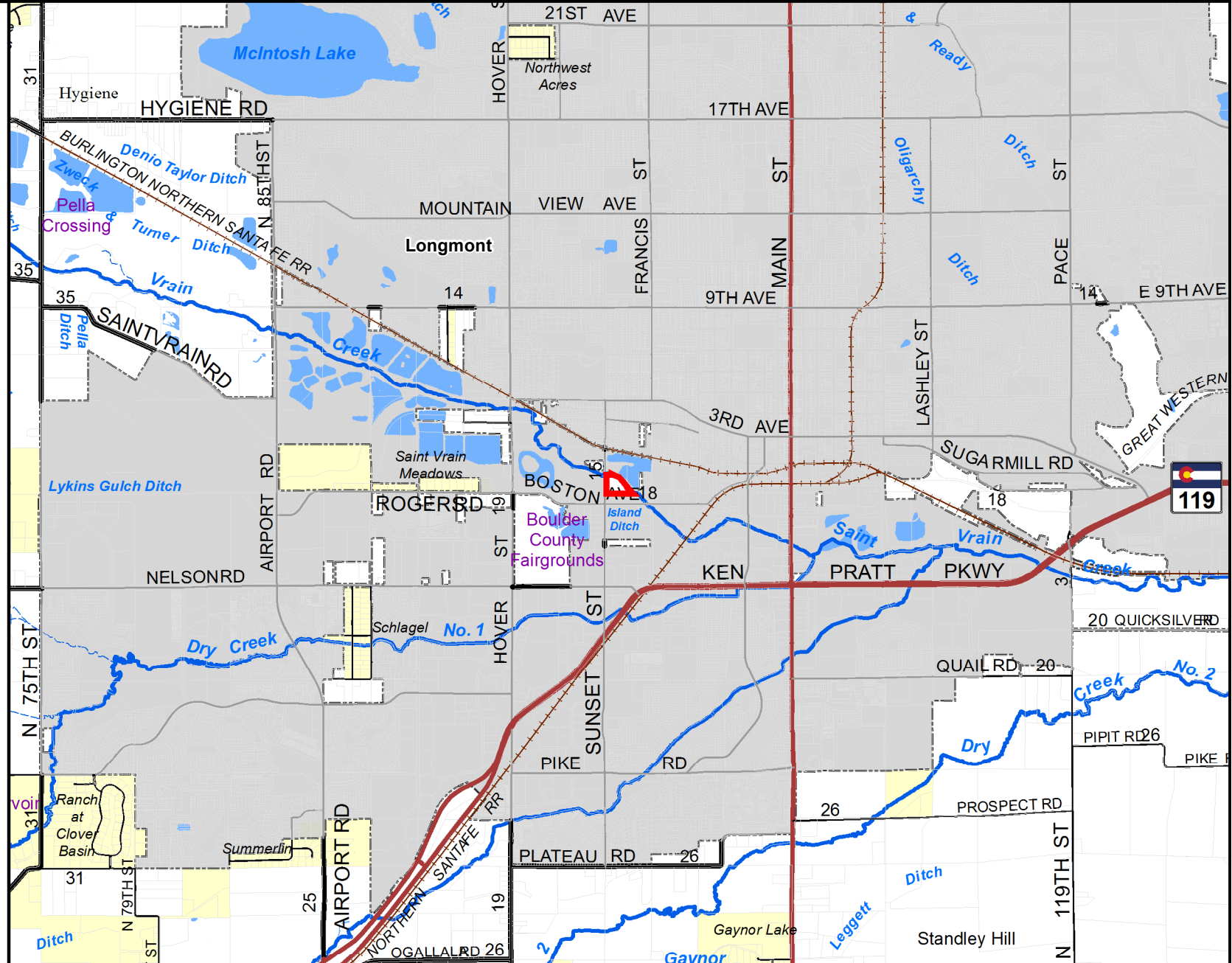
26 S SUNSET ST

Subject Parcel

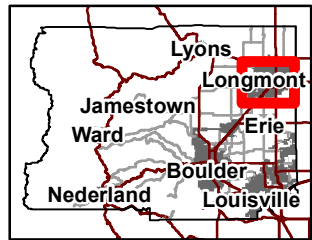
Municipalities

### Subdivisions

Subdivisions



Area of Detail Date: 3/6/2024



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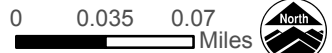
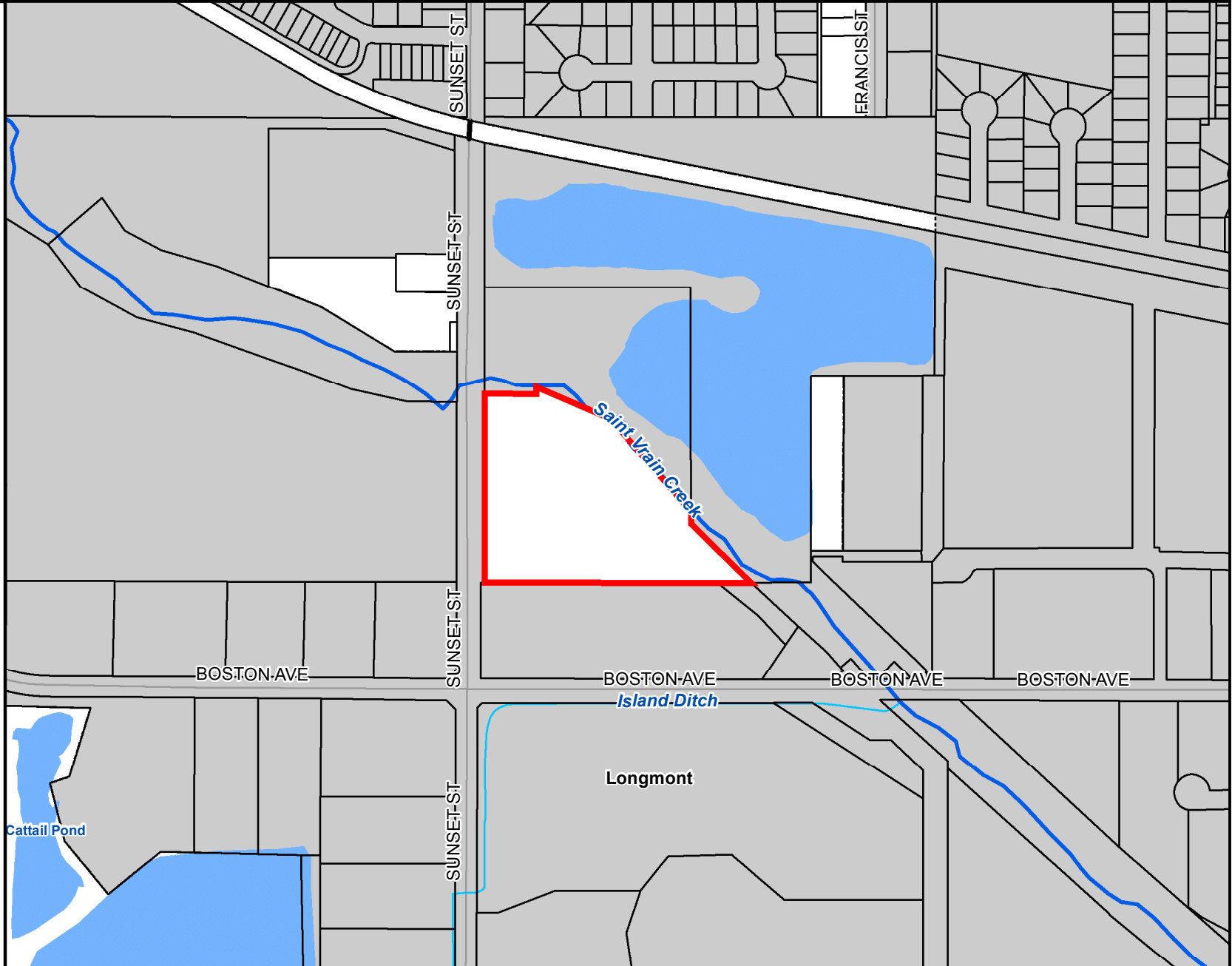
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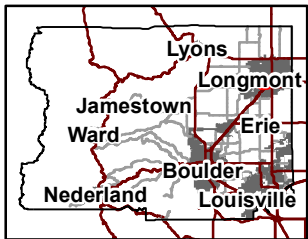
Location

26 S SUNSET ST

 Subject Parcel



Area of Detail Date: 3/6/2024



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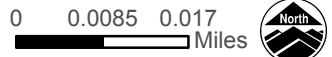
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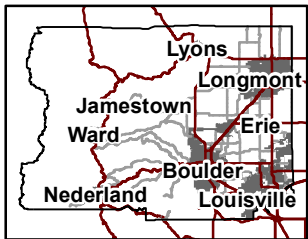
Aerial

26 S SUNSET ST

 Subject Parcel



Area of Detail Date: 3/6/2024



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Aerial

26 S SUNSET ST

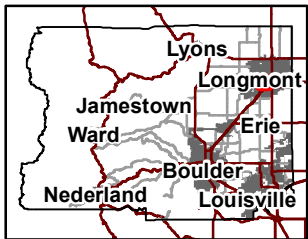
 Subject Parcel



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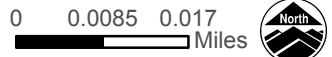
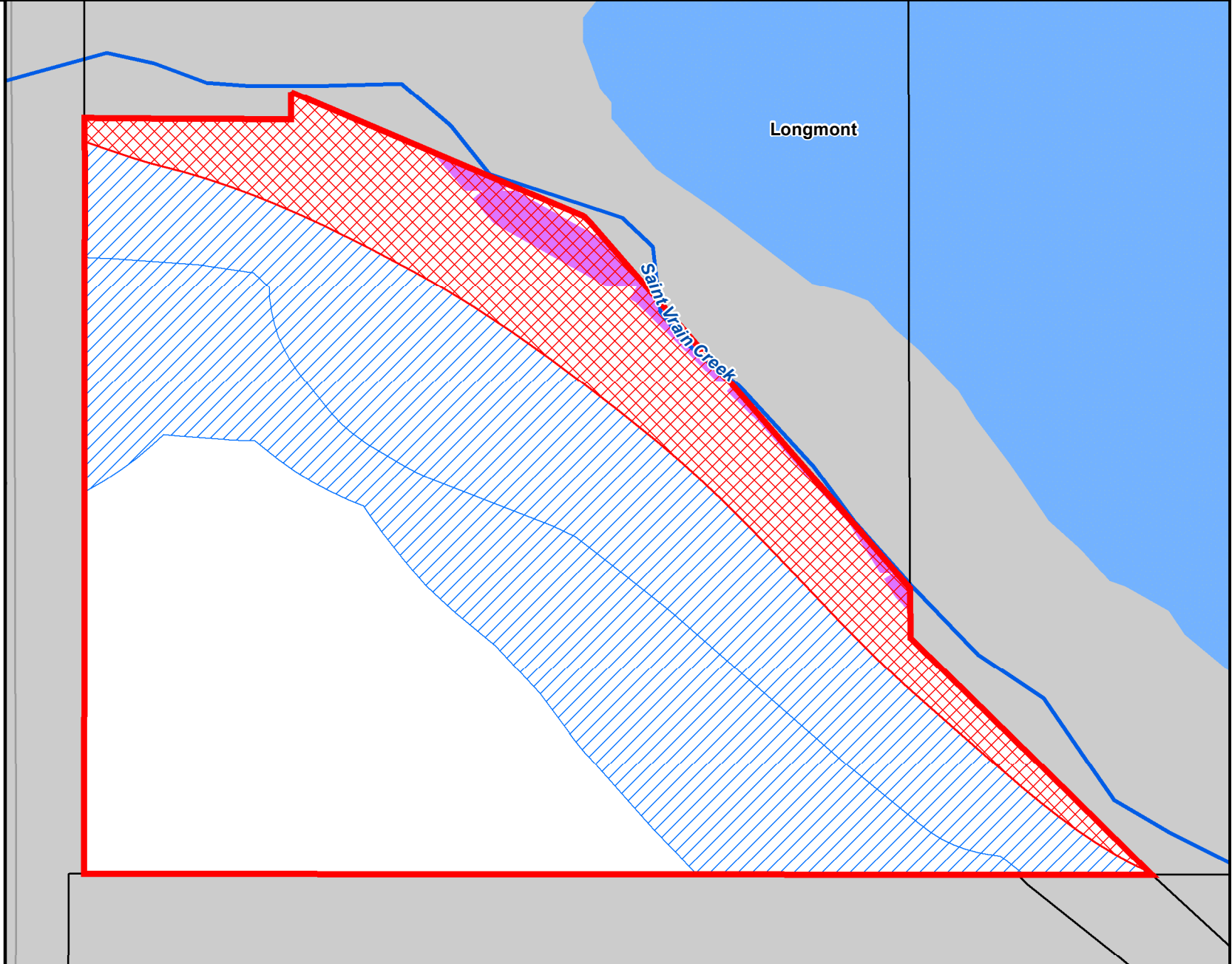
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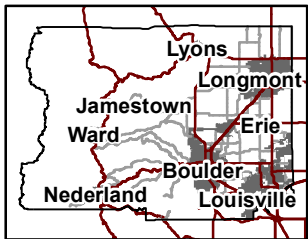
## Comprehensive Plan

### 26 S SUNSET ST

-  Subject Parcel
-  Critical Wildlife Habitats
-  Riparian Areas
-  Riparian Habitat Connectors



Area of Detail Date: 3/6/2024



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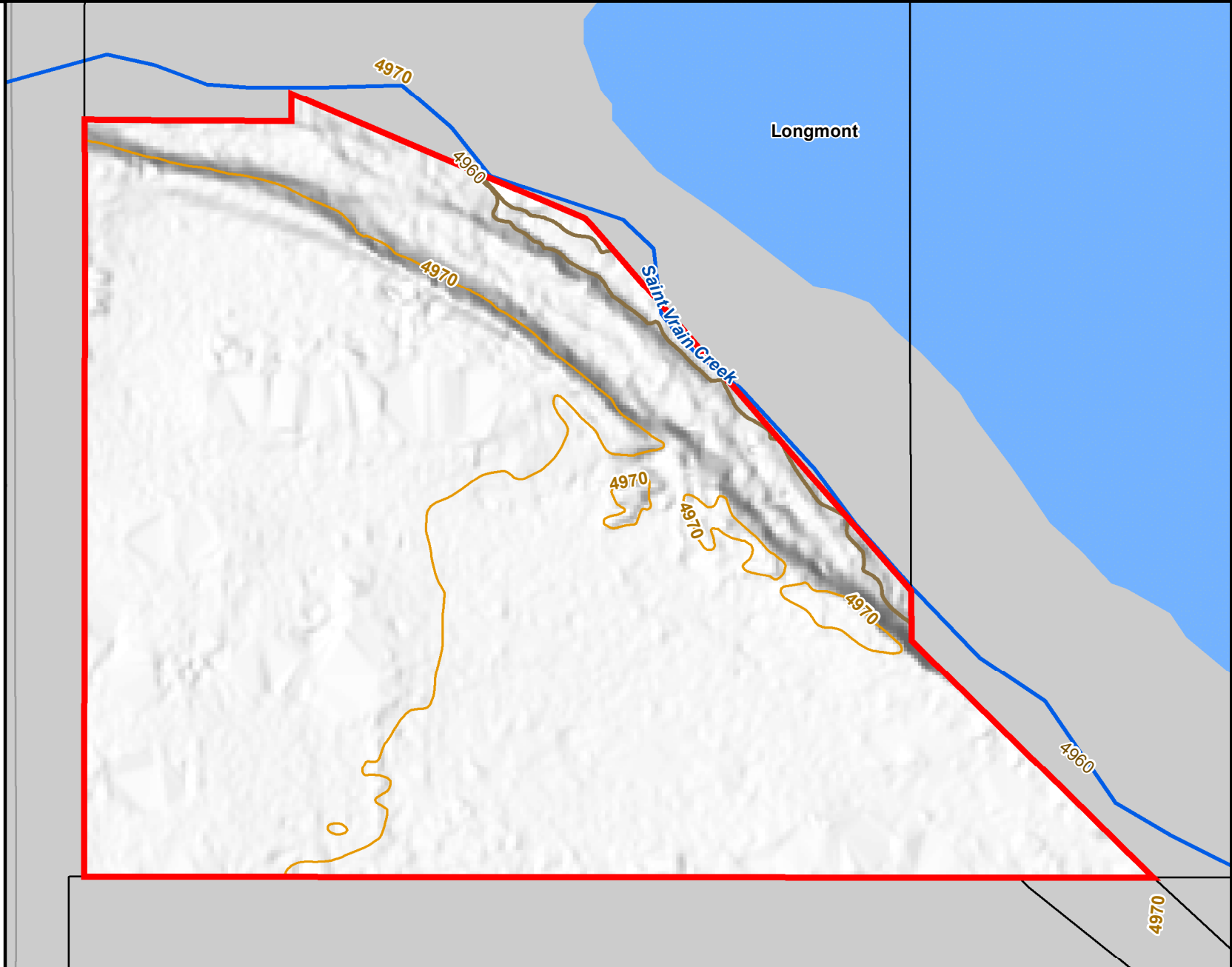
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## Elevation Contours

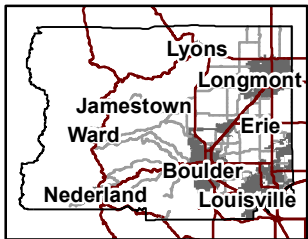
26 S SUNSET ST

- Subject Parcel
- Contours 40'
- Contours 10'



0 0.0085 0.017 Miles

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## Floodplain

26 S SUNSET ST

Subject Parcel

### Floodplain

100-Year Floodplain

- Zones AE, A, AO and AH

Floodway

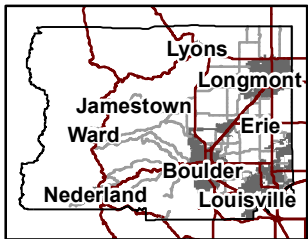
500-Year Floodplain

- Zone X500

0 0.0085 0.017 Miles



Area of Detail Date: 3/6/2024



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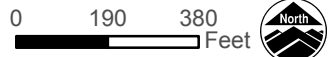
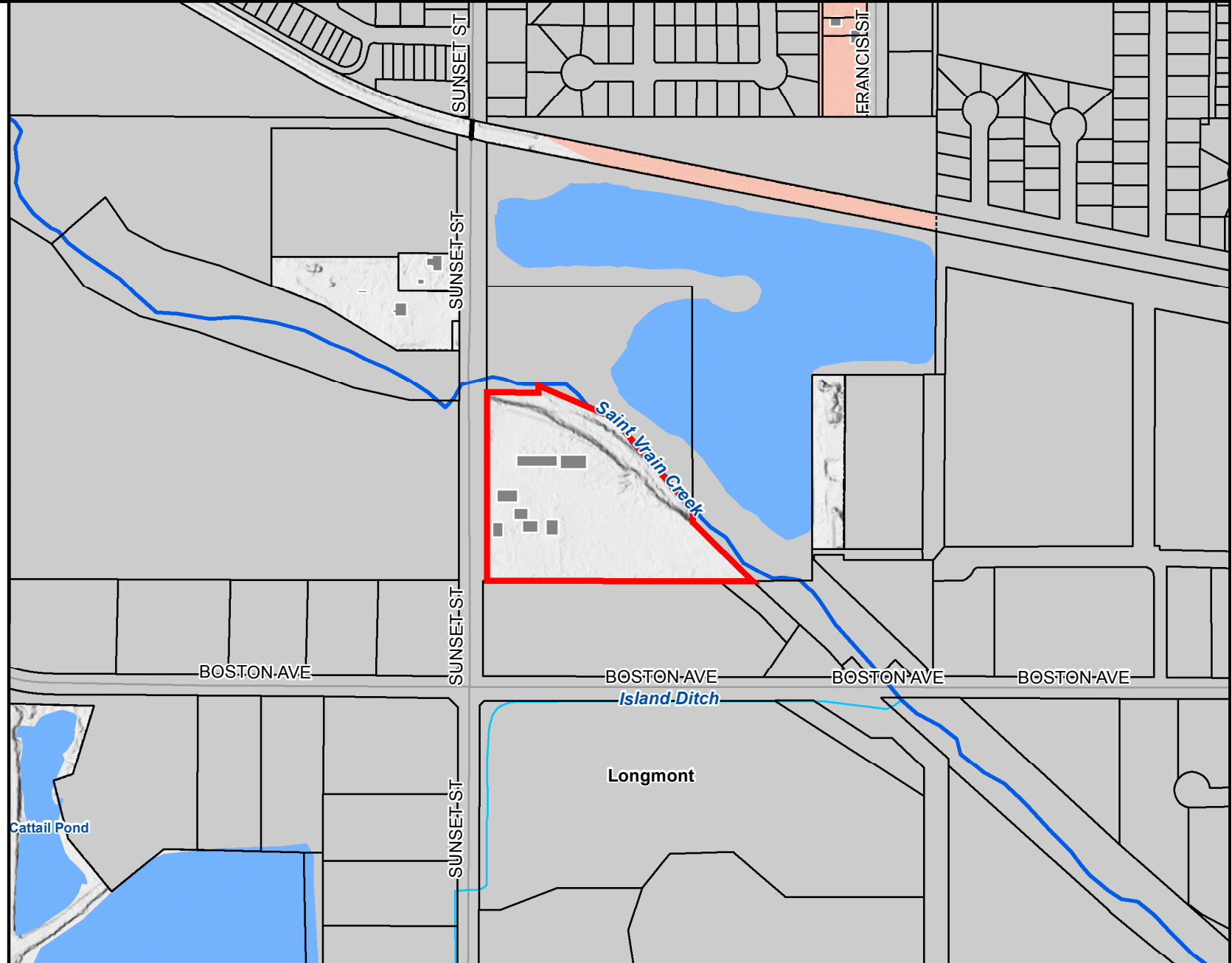
# Community Planning & Permitting

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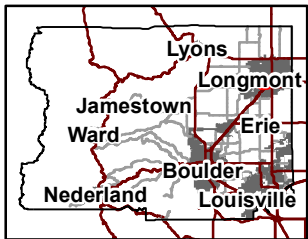
## Geologic Hazards

26 S SUNSET ST

- Subject Parcel
- High Swelling Soil Potential



Area of Detail Date: 3/6/2024



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Planning Areas

26 S SUNSET ST

Subject Parcel

### Airport Influence

Airport Influence

Active IGA Boundary

### Active IGA Designation

MUNICIPAL INFLUENCE

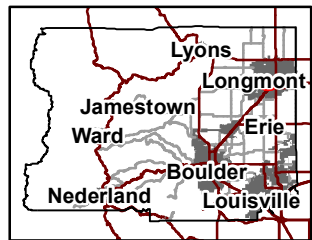
Creek Planning Area



0 0.035 0.07 Miles



Area of Detail Date: 3/6/2024



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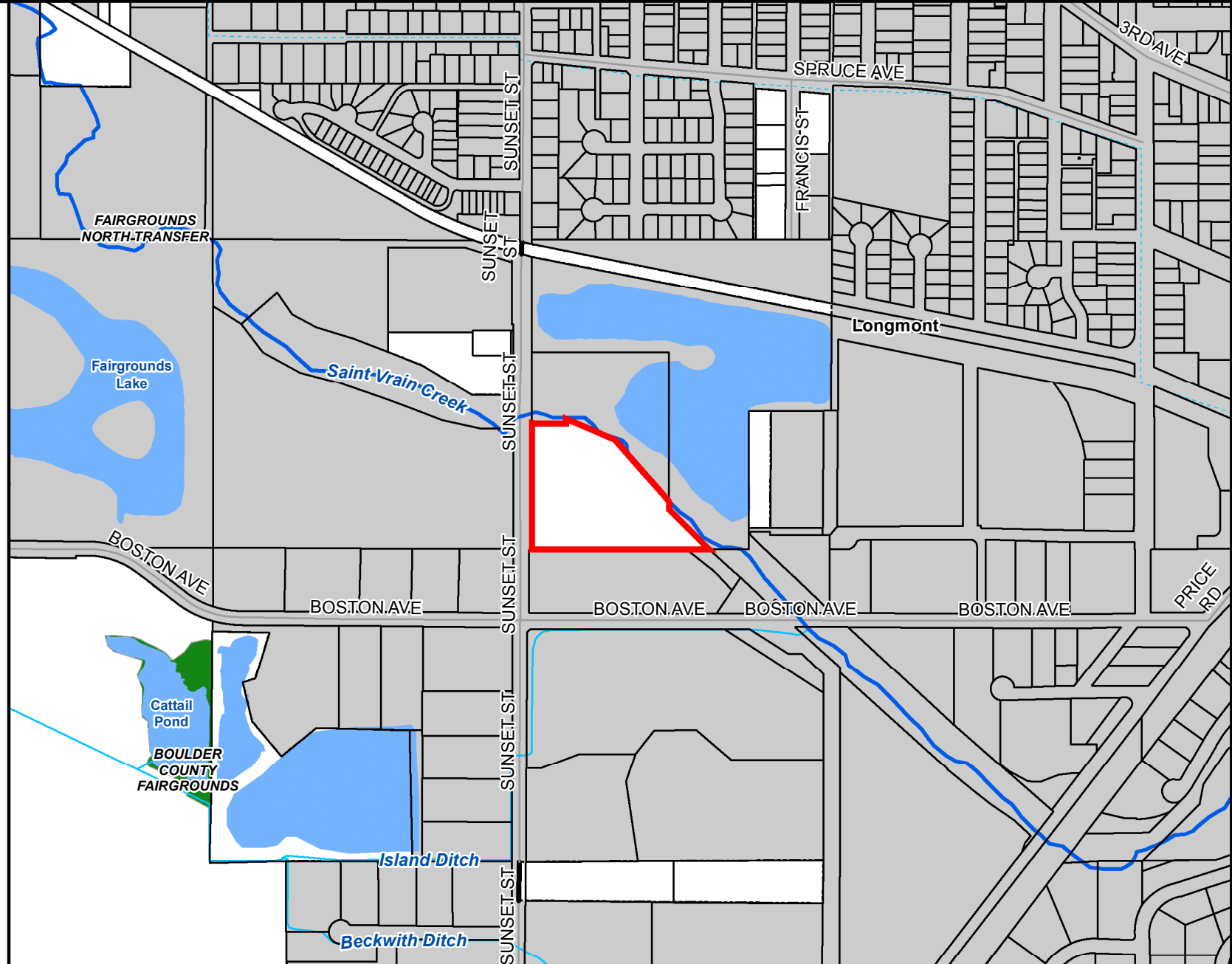
## Public Lands & CEs

### 26 S SUNSET ST

Subject Parcel

### Boulder County Open Space

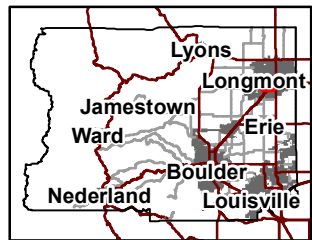
- County Open Space
- County Conservation Easement



0 0.05 0.1 Miles



Area of Detail Date: 3/6/2024



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# Community Planning & Permitting

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## Zoning

### 26 S SUNSET ST

Subject Parcel

#### Zoning Districts

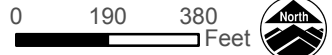
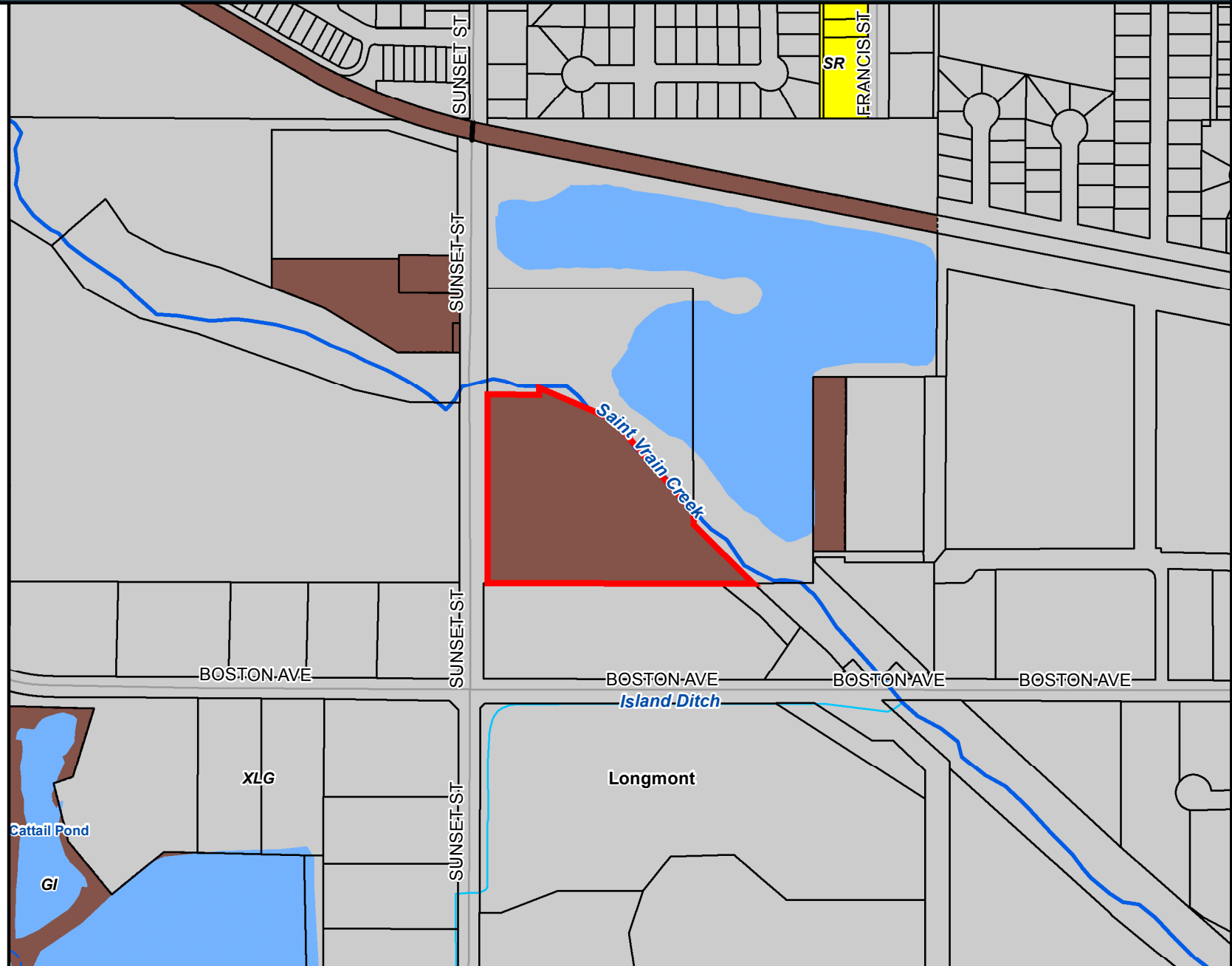
General Industrial

Suburban Residential

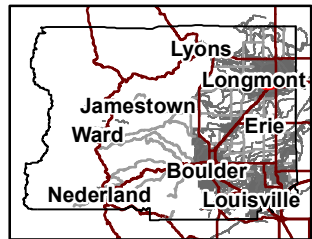
#### Ditch Setbacks

20 feet

50 feet



Area of Detail Date: 3/6/2024



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## 26 S. Sunset Street – Subdivision Exemption

### Project Narrative.

The Resilient St. Vrain Project (RSVP) is the City's multi-year, multi-phase project to restore the St. Vrain Greenway and improve St. Vrain Creek through Longmont to protect people, property and infrastructure from future flood risk. RSVP is a master plan for St. Vrain Creek improvements within the City's planning area. The estimated budget for RSVP is \$140- to \$160- million. The project limits extend from downstream at the confluence with Boulder Creek (at the City's Sandstone Ranch Open Space properties) upstream to Airport Road. Project improvements must be completed from downstream to upstream. Work completed to date includes work from Sandstone Ranch up to Boston Ave. which represents over \$80 million dollars of improvements.

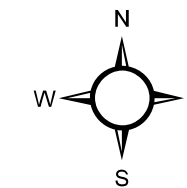
The City has partnered with the US Army Corps of Engineers (USACE) under their 205 Program for design and construction St. Vrain Creek channel improvements from Boston Avenue to S. Sunset Street including replacement of the Boston Avenue Bridge over St. Vrain Creek and a new levee between Izaak Walton Pond and the creek. The City has awarded a contract for construction of the Boston Avenue Bridge replacement. The bridge project started work in the summer of 2023 with an anticipated construction period of 24-months. The USACE has completed final design of the channel improvements from Boston Ave. to S. Sunset Street. This phase of the project is currently ready for bid advertisement with construction anticipated to start in summer of this year with an anticipated 18-month construction period.

The USACE final design identified property impacts on adjacent parcels including the subject property at 26 S. Sunset Street. The subject property is approximately 6.58 acres located at the southeast corner of S. Sunset Street and St. Vrain Creek. The City of Longmont is proposing to purchase approximately 1.69 acres of the northern portion of the subject property, as required for channel improvements and flood control. The City of Longmont and the property owner are submitting this Subdivision Exemption application to Boulder County to subdivide the property.

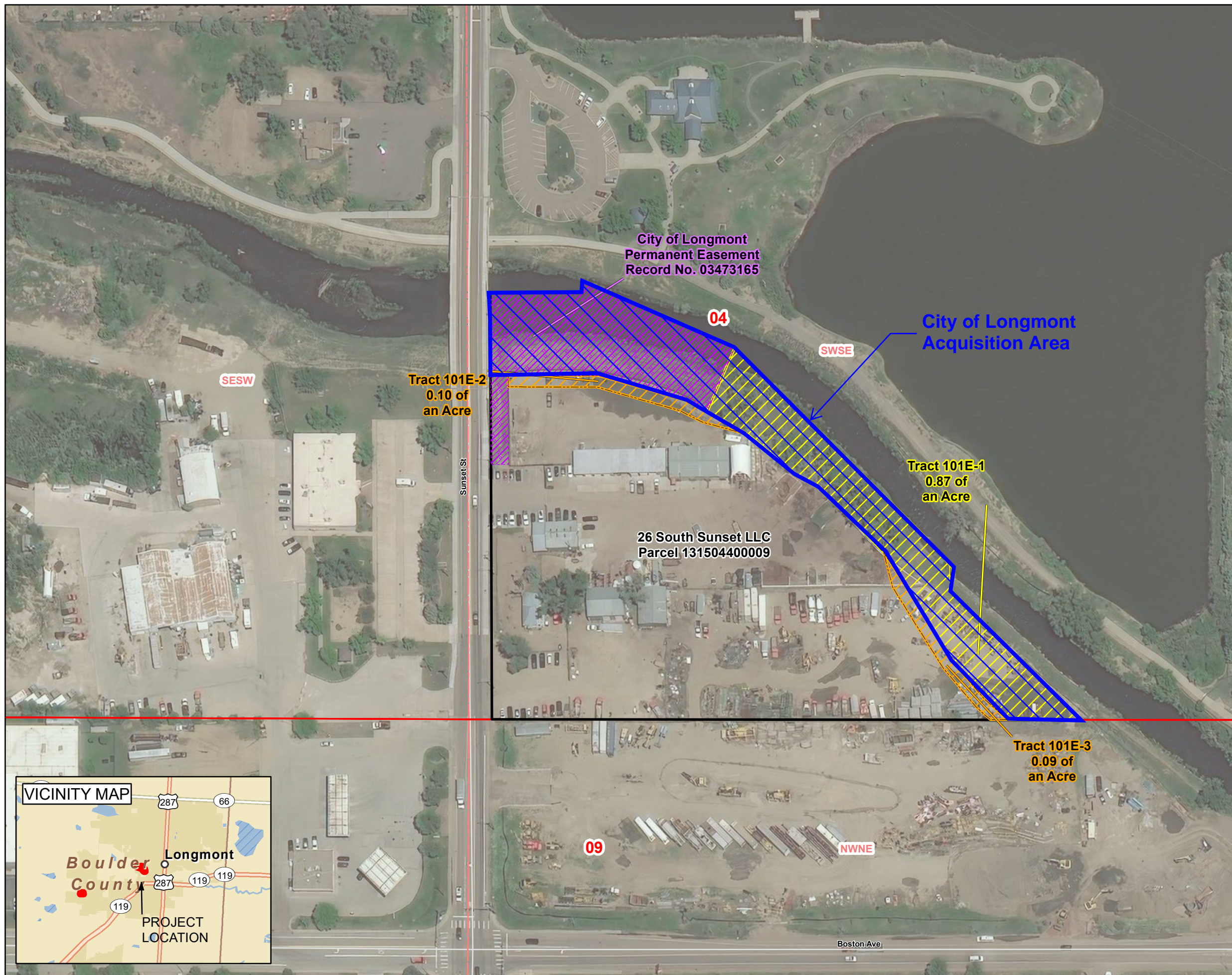


# Longmont

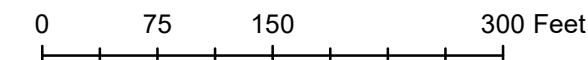
Boulder County, CO



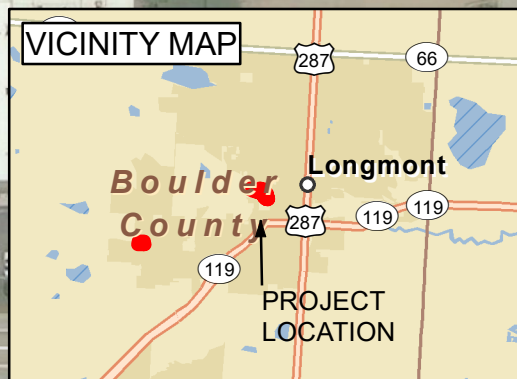
T2N,R69W  
6th Principal Meridian



- Permanent Bridge Easement (0.727 of an Acre)
- Permanent Easement (0.87 of an Acre)
- Temporary Construction Easement (0.19 of an Acre)
- Parcels
- Sections
- QtrQtrs
- Roads
- Railroads
- Streams



Disclaimer: The Government furnishes this data and the recipient accepts and uses it with the express understanding that the United States Government makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability, usability, or suitability for any particular purpose of the information and data furnished. The United States shall be under no liability whatsoever to any person by reason of any use made thereof. Data displayed on this map are approximations derived from GIS layers and should NOT be used in place of survey data or legal land descriptions.



<b>Real Estate</b> CENWO-RE-S	
Produced By: Paige Dunkle	 <b>US Army Corps of Engineers</b> ® Omaha District
Production Date: 15-SEP-22	
Revised By:	
Revision Date:	
File Location: T:\Longmont\15SEPT22 Updates\ ParcelMap_26_South_Sunset_LLC.mxd	

EXHIBIT "A"





## 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: Sam Walker, Planner II  
 DATE: April 18, 2024  
 RE: Docket SE-24-0003

### **Docket SE-24-0003: Longmont Creek Channel Acquisition**

Request: Subdivision Exemption request to separate approximately 1.7 acres of land from the subject property for purchase by the City of Longmont for flood mitigation work in order to support the Resilient St. Vrain Project.

Location: 26 S. Sunset Street, approximately .1 miles north of the intersection of S. Sunset Street and Boston Avenue in Section 4, Township 2N, Range 69W.

Zoning: General Industrial (GI) Zoning District

Owner/ Applicant: Scott Natter, c/o 26 S. Sunset Street LLC

Agent: Josh Sherman, c/o City of Longmont

A Subdivision Exemption is a waiver of the usual subdivision requirements to allow a Boundary Line Adjustment, a Lot Recognition, a Lot Split, or a Community Facility Lot Split. 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 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 at P.O. Box 471, Boulder, Colorado 80306 or via email to [planner@bouldercounty.gov](mailto:planner@bouldercounty.gov). 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.gov](mailto:planner@bouldercounty.gov) to request more information. If you have any questions regarding this application, please contact me at 720-564-2738 or [swalker@bouldercounty.gov](mailto:swalker@bouldercounty.gov).

Please return responses by **May 3, 2024**.

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

Signed Don Burchett PRINTED Name Don Burchett  
 Agency or Address City of Longmont  
 Date 4/23/2024

Claire Levy County Commissioner    Marta Loachamin County Commissioner    Ashley Stolzmann County Commissioner



# Community Planning & Permitting

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 Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • [www.bouldercounty.gov](http://www.bouldercounty.gov)

## Building Safety & Inspection Services Team

### MEMO

**TO:** Sam Walker, Planner II  
**FROM:** Michelle Huebner, Plans Examiner Supervisor  
**DATE:** April 22, 2024

**RE:** Referral Response, SE-24-0003: Longmont Creek Channel Acquisition: Subdivision Exemption request to separate approximately 1.7 acres of land from the subject property for purchase by the City of Longmont for flood mitigation work in order to support the Resilient St. Vrain Project.

Location: 26 S. Sunset Street

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

1. **Building Permit.** A grading permit, plan review, and inspection approvals are required for the grading. The construction documents must be Stamped, signed and sealed by the Colorado design professional.

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

**2015 Building Code Adoption & Amendments**, at the following URL:  
[Amendments to Boulder County Building Code effective June 6, 2022](#)

2. **Grading Permit.** A separate grading permit and plan review and inspections approvals are required for the proposed non-foundational grading. Please refer to the county's adopted 2015 editions of the International Codes and code amendments, including IBC Appendix Chapter J for grading.
3. **Observation Reports.** The design professional responsible for the design or a similarly qualified Colorado-licensed design professional is to observe the grading and submit a stamped report to Building Safety & Inspection Services for review and approval. The final report is to state that the work has been completed in substantial conformance with the approved engineered plans.

4. **Plan Review.** The items listed above are a general summary of some of the county's building code requirements. A much more detailed plan review will be performed at the time of grading permit application.

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](mailto:building@bouldercounty.org)



# Community Planning & Permitting

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 Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • [www.bouldercounty.gov](http://www.bouldercounty.gov)

## Building Safety & Inspection Services Team

### MEMO

**TO:** Sam Walker, Planner II  
**FROM:** Michelle Huebner, Plans Examiner Supervisor  
**DATE:** May 2, 2024 - revised

**RE:** Referral Response, SE-24-0003: Longmont Creek Channel Acquisition: Subdivision Exemption request to separate approximately 1.7 acres of land from the subject property for purchase by the City of Longmont for flood mitigation work in order to support the Resilient St. Vrain Project.

Location: 26 S. Sunset Street

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

1. **Building Permits.** Building permits, plan review, inspection approvals and a Certificate of Occupancy ("C.O.") is required for the building. A separate building permit is required for fences over 6'-0". The building that was constructed without the benefit of a building permit will be reviewed through the International Building Code (IBC) as a commercial building.

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

**2015 Building Code Adoption & Amendments**, at the following URL:  
[Amendments to Boulder County Building Code effective June 6, 2022](#)

**The Commercial Plan Submittal Checklist:** [B70 Commercial Plan Checklist \(bouldercounty.gov\)](#)

2. **Minimum Plumbing Fixtures.** The plumbing fixtures count needs to meet or exceed the requirements of IBC Chapter 29, including the need for accessible restrooms and fixtures.
3. **Accessibility.** Chapter 11 of the IBC and referenced standard ICC A117.1-09 provide for accessibility for persons with disabilities. Any building permit submittals are to

include any applicable accessibility requirements, including accessible parking, signage, accessible routes and accessible fixtures and features.

4. **Fire Department.** A separate referral response from the fire departments should be requested. The fire department may have additional requirements in accordance with their International Fire Code (“IFC”) adoption. Also, the Mountain View Fire Rescue District must provide written documentation to Boulder County Building Safety and Inspection Services approving the building permit plans and specifications of projects before the building permit can be issued.
5. **Design Wind and Snow Loads.** The design wind and snow loads for the property are 140 mph (Vult) and 35 psf, respectively.
6. **Ignition-Resistant Construction and Defensible Space.** Please refer to Section R327 of the Boulder County Building Code for wildfire hazard mitigation requirements, including ignition-resistant construction and defensible space.
7. **Grading Permit.** A separate grading permit and plan review and inspections approvals are required for the proposed non-foundational grading. The construction documents must be Stamped, signed and sealed by the Colorado design professional. Please refer to the county’s adopted 2015 editions of the International Codes and code amendments, including IBC Appendix Chapter J for grading.
8. **Observation Reports.** The design professional responsible for the design or a similarly qualified Colorado-licensed design professional is to observe the grading and submit a stamped report to Building Safety & Inspection Services for review and approval. The final report is to state that the work has been completed in substantial conformance with the approved engineered plans.
9. **Plan Review.** The items listed above are a general summary of some of the county’s building code requirements. A much more detailed plan review will be performed at the time of grading permit application.

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](mailto:building@bouldercounty.org)





## Community Planning & Permitting

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303-441-3930 • [www.BoulderCounty.gov](http://www.BoulderCounty.gov)

April 22, 2024

To: Sam Walker, Planner II  
From: Sarah Heller, Floodplain Program Planner

Subject: Docket SE-24-0003 Longmont Creek Channel Acquisition  
Request: Subdivision Exemption request to separate approximately 1.7 acres of land from the subject property for purchase by the City of Longmont for flood mitigation work in order to support the Resilient St. Vrain Project.  
Location: 26 S. Sunset Street, approximately .1 miles north of the intersection of S. Sunset Street and Boston Avenue in Section 4, Township 2N, Range 69W.

The Community Planning & Permitting Department – Floodplain Management Program has reviewed the above referenced docket and has the following comments:

1. We have no conflict with the proposed subdivision exemption.
2. We previously reviewed the floodplain impacts of the City of Longmont's Resilient Saint Vrain Project under Conditional Letter of Map Revision CLOMR 22-08-0716R, which has been approved by the county and FEMA. Currently the property is mapped Floodway but the City's proposed work maps it as mostly outside all floodplains with some 500-year and some Floodway.
3. The entire property is located in the Saint Vrain Creek Floodway. Any future development within the Floodplain Overlay (FO) District will require a Floodplain Development Permit.

Please contact Sarah Heller, Floodplain Program Planner, at [sheller@bouldercounty.gov](mailto:sheller@bouldercounty.gov) to discuss this referral.

This concludes our comments at this time.



# Community Planning & Permitting

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Tel: 303-441-3930 • [www.BoulderCounty.gov](http://www.BoulderCounty.gov)

May 1, 2024

**TO:** Sam Walker, Planner II; Community Planning & Permitting, Development Review Team - Zoning

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

**SUBJECT:** Docket # SE-24-0003: Longmont Creek Channel Acquisition – 26 S. Sunset Street

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

1. The subject property is accessed from South Sunset Street, a paved, City of Longmont owned and maintained right-of-way (ROW). Legal access has been demonstrated via adjacency to the public ROW.
2. Due to the limited scope of this proposal, no changes to access and drainage are expected. Access & Engineering have no concerns with this proposal as presented.
3. If parcel remains within Unincorporated Boulder County, comments will be provided for any future development proposals.

This concludes our comments at this time.



## Parks & Open Space

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

**TO:** Sam Walker, Community Planning & Permitting Department  
**FROM:** Ron West, Natural Resource Planner  
**DATE:** April 23, 2024  
**SUBJECT:** Docket SE-24-0003, City of Longmont, 26 Sunset Street

Staff has reviewed the submitted materials, and strongly supports the proposal. This docket, per se, does not include ground disturbances, yet after the subdivision the Critical Wildlife Habitat and Riparian Area along St. Vrain Creek would be impacted during floodplain construction. However, both of these resources would be significantly improved in the long-term.

The proposal would help implement the long-term vision for the St. Vrain Creek corridor as a wildlife habitat and recreational area, which the Parks & Open Space Department supports.



# Community Planning & Permitting

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 303-441-3930 • [www.BoulderCounty.gov](http://www.BoulderCounty.gov)

MEMO TO: Agencies and adjacent property owners  
 FROM: Sam Walker, Planner II  
 DATE: April 18, 2024  
 RE: Docket SE-24-0003

## **Docket SE-24-0003: Longmont Creek Channel Acquisition**

Request: Subdivision Exemption request to separate approximately 1.7 acres of land from the subject property for purchase by the City of Longmont for flood mitigation work in order to support the Resilient St. Vrain Project.

Location: 26 S. Sunset Street, approximately .1 miles north of the intersection of S. Sunset Street and Boston Avenue in Section 4, Township 2N, Range 69W.

Zoning: General Industrial (GI) Zoning District

Owner/ Applicant: Scott Natter, c/o 26 S. Sunset Street LLC

Agent: Josh Sherman, c/o City of Longmont

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The Community Planning & Permitting staff 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 at P.O. Box 471, Boulder, Colorado 80306 or via email to [planner@bouldercounty.gov](mailto:planner@bouldercounty.gov). 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.gov](mailto:planner@bouldercounty.gov) to request more information. If you have any questions regarding this application, please contact me at 720-564-2738 or [swalker@bouldercounty.gov](mailto:swalker@bouldercounty.gov).

Please return responses by **May 3, 2024**.

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

Signed AC Michele Goldman PRINTED Name Asst Chief Michele Goldman

Agency or Address Longmont Fire Operations

Date April 19, 2024