



Community Planning and Permitting

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**BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING**

October 1, 2024 at 1:00 p.m.

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

DATE PUBLISHED: September 24, 2024

STAFF PLANNER: Pete L’Orange, Planner II

STAFF RECOMMENDATION

Docket LU-23-0032/SPR-23-0104: Candee ADUs and Addition

Proposal: Limited Impact Special Review for a Family Care ADU and an Agricultural Worker ADU, and Site Plan Review for additions to existing residence resulting in a total of 5,395 square feet of RFA where the PSM is 3,588 square feet.

Location: 6564 Lake Drive, located approximately .25 mile southwest of the intersection of State Highway 66 and McCall Drive, in Section 26, Township 3N, Range 70W.

Zoning: Agricultural (A) Zoning District

Owners/Applicants: Daniel & Katie Candee

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STAFF RECOMMENDATION:

Staff recommend that the Board of County Commissioners conditionally approve docket LU-23-0032/SPR-23-0104: Candee ADUs and Addition.

SUMMARY AND RECOMMENDATION:

This application requests Limited Impact Special Review for a proposed Agricultural Worker Accessory Dwelling Unit (ADU) and a Family Care ADU and Site Plan Review for construction of a 2,629-square-foot addition to an existing residence and a 1,712-square-foot detached accessory

structure, resulting in a total residential floor area of 5,641 square feet, where the presumed compatible size is 3,588 square feet.

Site Plan Review is required for the proposed residential addition and accessory structure; these are analyzed pursuant to the Site Plan Review standards outlined in Article 4-806 of the Boulder County Land Use Code (the Code). Limited Impact Special Use Review is required for both the Agricultural Worker ADU and the Family Care ADU; these ADUs are analyzed pursuant to the Special Use Standards outlined in Art. 4-601 of the Code.

Staff recommend conditional approval of the proposal because, as conditioned, staff find the residential addition and accessory structure can meet the Site Plan Review Standards and the Accessory Dwelling Units can meet the Limited Impact Special Review Criteria in the Code.

DISCUSSION:

The subject parcel is approximately 11 acres in size, located on the south side of Lake Drive, approximately 0.25 mile southwest of the intersection of State Highway 66 and McCall Drive. It is located between McCall Lake and Independent Reservoir (see Figure 1 below).

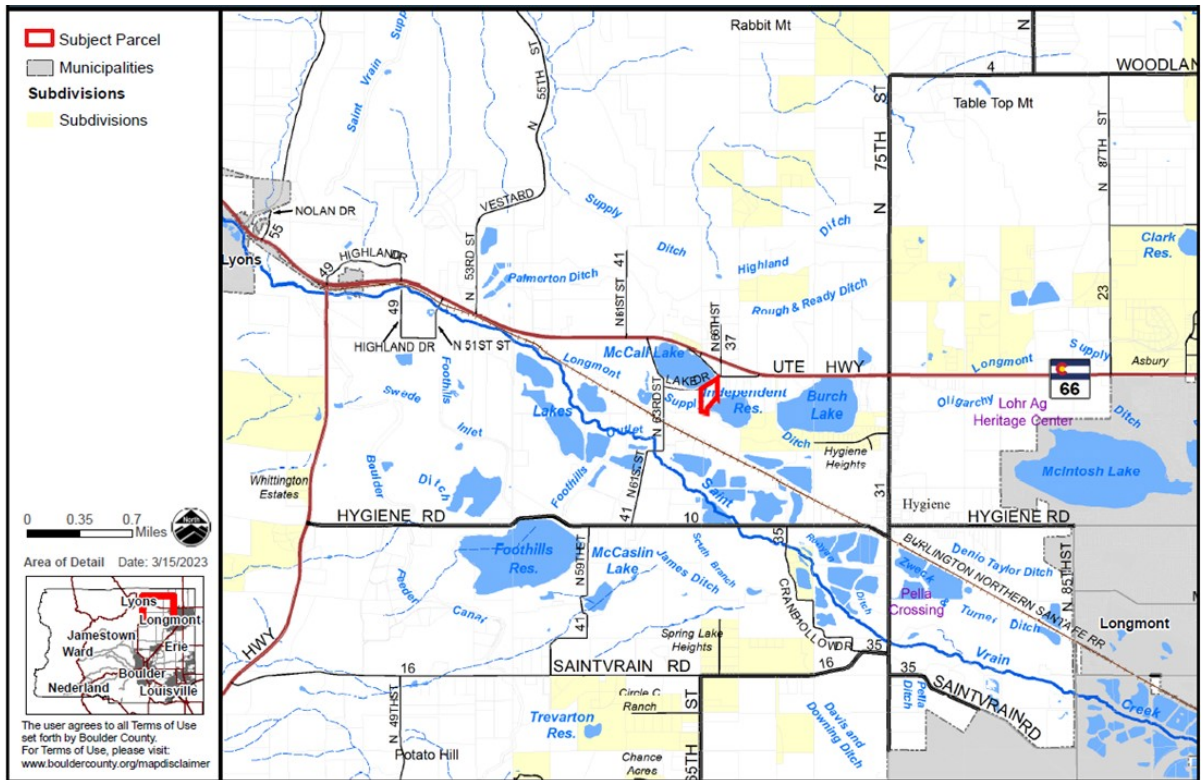


Figure 1: Vicinity Map showing location of the subject parcel.

There is an existing 2,260-square-foot residence with attached garage and a 2,700-square-foot barn on the subject parcel. The residence was constructed ca. 1963; the barn was constructed sometime between 1977 and 1989. Between 1989 and 2013, there was a manufactured home used as an agricultural worker residence on-site (see the Limited Impact Special Review Criterion 1 below for further discussion on this previous agricultural worker residence).

The applicants have requested approval for two accessory dwelling units to be located on the subject parcel. One ADU would be a 1,792-square-foot Agricultural Worker ADU, to support the agricultural activities on the subject parcel. These activities include the following: tending to a mature orchard of apple, pear, and plumb trees; growing and harvesting asparagus bushes; haying operations on

approximately 3 acres, with twice-yearly harvest; cow and sheep grazing on the parcel; and maintenance and operation of the Independent Reservoir Company, which helps provide water to agricultural properties in the area. The Agricultural Worker ADU is proposed to be a detached structure, located approximately 460 feet south of the existing residence (see Figure 2 below).

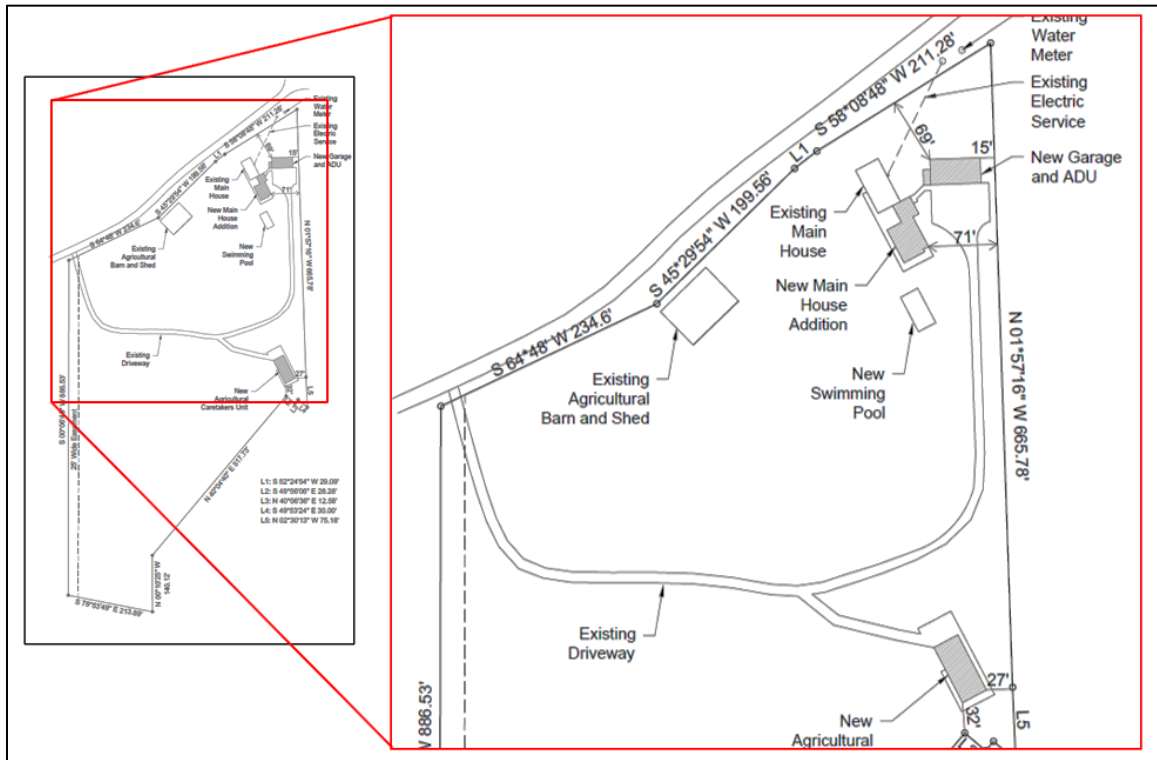


Figure 2: Proposed site plan, with detail of the northern portion of the subject parcel.

The second proposed ADU is a 693-square-foot Family Care ADU, which will be used by family members to help support the applicants in the care of their daughter, who has a progressive and rare bone disease called Olliers, for which there is no cure. The applicants have stated that this condition will require multiple surgeries and they would like to have the Family Care ADU so that family members can assist in the care and in-house therapy for their daughter. The Family Care ADU would be part of the proposed detached accessory residential structure (discussed below).

In addition to the ADUs, the applicants propose to deconstruct approximately 960 square feet of the existing residence (mostly the existing garage) and to then construct a 2,629-square-foot, two-story addition and 2,665-square-foot detached accessory residential structure.

The proposed detached accessory residential structure is proposed to be located immediately east of the existing residence. The applicants have proposed it to be a two-story structure, with a four-car garage and a one-car carport on the first floor, a small office and the Family Care ADU on the second floor, with a covered porch on the second story. The detached accessory structure would be a total of approximately 2,665 square feet (1,092-square-foot garage, 260-square-foot carport, 189-square-foot office, 431 square feet of covered porch area, and 693-square-foot ADU).

The total floor area on the subject parcel resulting from the proposal would be approximately 11,485 square feet. Per the Code, covered porches attached to a principal structure, Agricultural Worker ADUs, Family Care ADUs, agricultural accessory structures (such as barns), and carports (up to a maximum of 400 square feet) are exempt from RFA calculations. As such, the total resulting RFA as proposed would be 5,395 square feet.

Structure	Existing	Deconstructed	New Construction	Total	RFA or Non-RFA
Residence	2,260 sq ft	960 sq ft	2,629 sq ft	3,929 sq ft	RFA
Residence (Covered Porch)	None	-	~ 400 sq ft	~ 400 sq ft	Non-RFA
Detached Structure: Garage	None	-	1,092 sq ft	1,092 sq ft	RFA
Detached Structure: Carport	None	-	260 sq ft	260 sq ft	Non-RFA
Detached Structure: Office	None	-	189 sq ft	189 sq ft	RFA
Detached Structure: Covered Porch	None	-	185 sq ft	185 sq ft	RFA
Family Care ADU	None	-	693 sq ft	693 sq ft	Non-RFA
Family Care ADU porch	None	-	246 sq ft	246 sq ft	Non-RFA
Ag Worker ADU	None	-	1,792 sq ft	1,792 sq ft	Non-RFA
Barn	2,700 sq ft	None	None	2,700 sq ft	Non-RFA

Table 1: Existing and proposed square footage, include RFA status.

The County Comprehensive Plan indicates that a significant portion of the subject parcel is located within identified Wetlands and Riparian Areas (see Figure 3 below); the potential impacts to these areas are discussed in SPR Standard 11 and LU Criterion 3 below. Additionally, there is a Viewshed Protection score of 1.42 out of 5 on Lake Drive. There is an area of Agricultural Lands of Statewide Importance located on the parcel to the east of the subject parcel; however, there are no designated agricultural lands on the subject parcel itself.

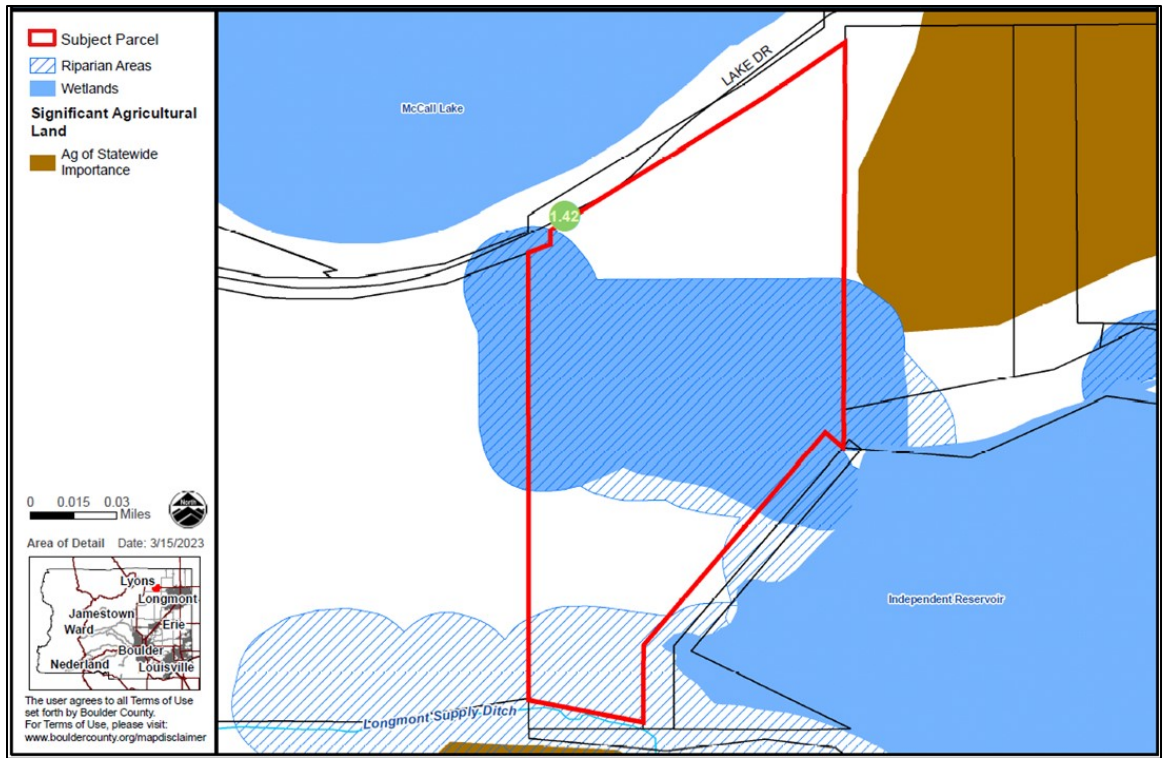


Figure 3: Comprehensive Plan map of subject parcel.

The entirety the subject parcel is identified as being located within a Steeply Dipping, Heaving Bedrock Area (see Figure 4 below).

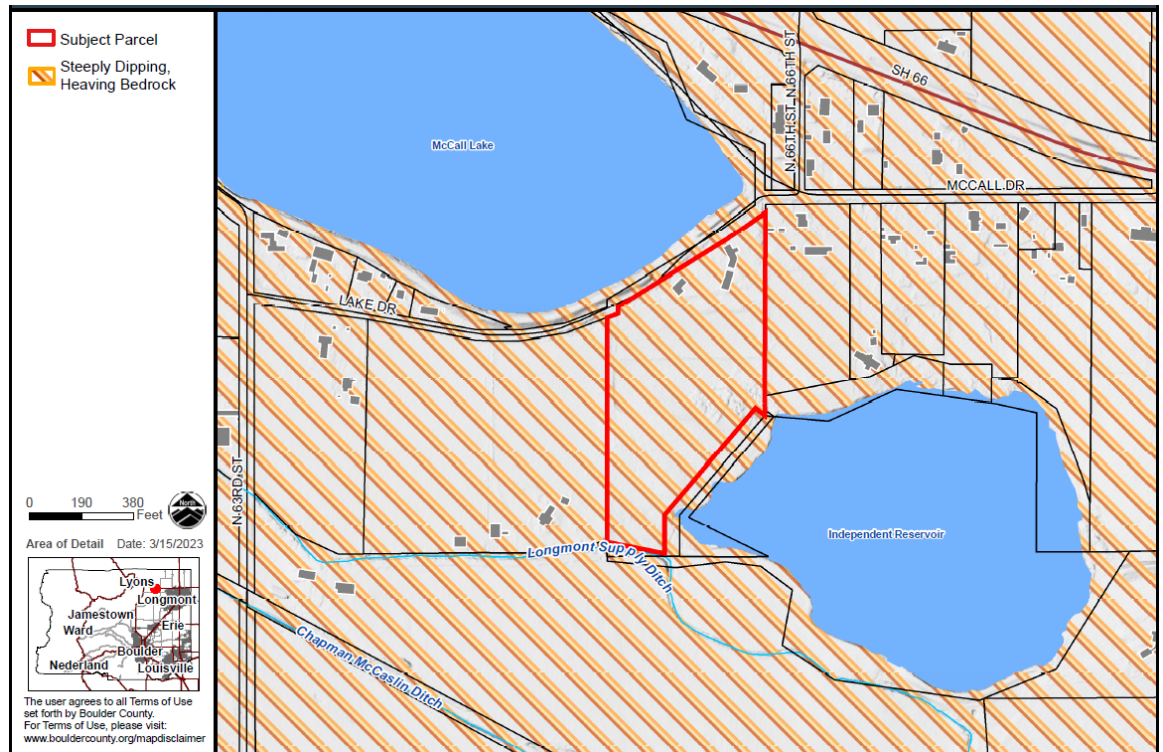


Figure 4: Geological hazards located on the subject parcel.

REFERRALS:

This application was referred to the typical agencies, departments, and nearby property owners. All responses received are attached and summarized below.

Boulder County Building Safety and Inspection Services Team: Boulder County Building Safety and Inspection Services reviewed the proposal and responded that the proposed structures will be required to meet the county's BuildSmart requirements and must have an automated fire sprinkler system installed, be constructed with ignition-resistant materials and defensible space for wildfire mitigation and include an electrical vehicle charging outlet in the garage. A more detailed plan review will be performed at the time of permit application, when full details are available, to assure that the proposal will meet all applicable minimum requirements.

Boulder County Development Review Team – Access & Engineering: Boulder County Development Review Team – Access & Engineering (A&E) reviewed the proposal and determined the property has legal access via Lake Drive. They also noted that the existing driveway does not meet the Boulder County Multimodal Transportation Standards, and recommended relocation of the internal driveway farther north to better interconnect development on the parcel.

Boulder County Public Health Department: The Public Health Department reviewed the proposal and noted that a new onsite wastewater treatment system (OWTS) will be necessary for the proposed increase in bedrooms. They provided recommendations on avoiding damage to the OWTS during construction. They also noted that no Property Transfer Certificate was issued when the property sold in 2015; the property owners must address this during the OWTS permitting process.

Boulder County Parks & Open Space – Natural Resource Planner: The Natural Resource Planner reviewed the proposal and stated they had concerns related to apparent recent ground disturbances on site, including the existing drive. They also noted that they did not support the location of the Agricultural Worker ADU as proposed, noting that it should be clustered with other development on the parcel.

Boulder County Stormwater Quality Coordinator: The Stormwater Quality Coordinator reviewed the application materials and determined that the project will likely require a Stormwater Quality Permit due to the amount of proposed disturbance and the proximity to McCall Lake and Independent Reservoir.

Xcel Energy: This agency's referral response noted that Xcel owns and operates existing natural gas service facilities to the main house. For new natural gas service or modification to any of the existing facilities, the applicants must complete Xcel's application process.

City of Longmont Planning Division: The City of Longmont Planning Division reviewed the proposal and expressed concern that the proposed development might be subject to impacts should Lake McCall exceed its capacity and water be released from the lake's spillway, as happened in 2013. The City recommended that, if the proposal is approved, that the county ensure that the structures not be impacted by any such release of water from Lake McCall.

Adjacent Property Owners: Notices were mailed to 50 nearby property owners; staff have received six public comments, all in support of the application.

Agencies that sent a response indicating no conflicts include: Boulder County Historic Team.

Agencies that did not respond include: Boulder County Long Range Planning; Boulder County Stormwater team; Longs Peak Water District; Longmont Power and Communications; Longmont

Supply Ditch Company; City of Longmont Planning; Boulder Valley and Longmont Conservation Districts; and Hygiene Fire Protection District.

SITE PLAN REVIEW SUMMARY:

Per Article 4-802.A.2 of the Boulder County Land Use Code (the Code), Site Plan Review is required for any proposed development which will result in any increase in residential floor area which results in a total residential floor area greater than 125% of the median residential floor area for the defined neighborhood in which the subject parcel is located. In this case, the applicant has proposed to add residential floor resulting in a total of 5,395 square feet of residential floor area, where 125% of the median RFA for the defined neighborhood is 3,588 square feet.

Article 4-806 of the Boulder County Land Use Code states that no Site Plan Review can be approved without compliance with the following standards. All site plan review applications shall be reviewed in accordance with the following standards which the Director has determined to be applicable based on the nature and extent of the proposed development. Only those standards applicable to this project are included in this list. Staff has reviewed these standards as they apply to the proposed residence and finds the following:

- (1) *To provide a greater measure of certainty as to the applicable neighborhood relevant for comparison, the following definition of neighborhood shall be used to review proposed Site Plan Review applications:*
 - c. *For applications outside of platted subdivisions with seven or more developed lots or the townsites of Allenspark, Eldora, Eldorado Springs, Raymond, and Riverside, the defined neighborhood is the area within 1,500 feet from the applicable parcel. The neighborhood shall not include any parcels inside municipal boundaries, platted subdivisions with seven or more developed lots or the townsites of Allenspark, Eldora, Eldorado Springs, Gold Hill Historic District, Raymond, and Riverside.*

The applicable neighborhood for the subject parcel is area within 1,500 feet of the subject parcel.

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

A. SIZE PRESUMPTION

The presumed compatible size of residential structures within the defined neighborhood (see Standard 1 above for the applicable neighborhood) is 3,588 square feet.

Median (total residential floor area) in the defined neighborhood*	2,870 square feet
125% of the median residential floor area in the defined neighborhood	3,588 square feet

Total existing residential floor area on the subject parcel*	0 square feet
Total proposed residential floor area	5,395 square feet

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

- b. *Either the applicant or the Director may demonstrate that this presumption does not adequately address the size compatibility of the proposed development with the defined neighborhood.***
 - i. *Factors to be considered when determining the adequacy of this presumption and whether it can be overcome include:***
 - A. *The visibility of the proposed development from other private parcels within the defined neighborhood, as well as public roads and open space both within and outside that defined neighborhood.***
 - 1. *The proposed development must be minimally visible from the above-listed areas. Mitigation of visibility impacts may be achieved by:***
 - (a) the use of natural topography to screen the proposed development, or*
 - (b) underground construction to screen the proposed development; existing underground residential floor area may be considered, or*
 - (c) distance of the proposed development from other private parcels, public roads and open spaces.*
 - B. *The distribution of residential floor area within the defined neighborhood, taking into consideration the sizes (a minimum of two) adjacent to the subject property.***
 - 1. *If the proposed development is able to overcome the size presumption due to the adjacent sizes, the size of the resulting development may not exceed the median residential floor area of those adjacent to the subject property that are over the size presumption.***

B. ABILITY TO OVERCOME THE SIZE PRESUMPTION

The applicants have proposed to overcome the size presumption through Article 4-806.A.2.b(i)(A) and (B). In regards to Article 4-806.A.2.b(i)(A), the applicants state that the proposed development will be minimally visible from adjacent parcels due to vegetative screening and placement of the proposed structures and additions. However, the Code does not allow the use of vegetation to overcome the size presumption, and the locations of the of the proposed additions and new construction will be visible from public roads and other private parcels. Additionally, staff find there is no natural topography to screen the development, and no underground construction is existing or proposed. Therefore, staff find the proposal cannot overcome the size presumption through minimal visibility.

The applicants have also proposed to overcome the size presumption through the distribution of residential floor area within the defined neighborhood per Article 4-806.A.2.b(i)(B). In the application materials, they cite five properties, all of which are over the size presumption. However, none of these parcels are adjacent to the subject property as required by the Code and cannot be considered in attempting to overcome the size presumption.

However, in reviewing the other properties within the defined neighborhood, staff identified two adjacent parcels which exceed the size presumption: 6604 McCall Drive, with an RFA of 3,792 square feet and 12416 N. 63rd Street with an RFA of 3,733 square feet. The RFA on these adjacent parcels is all above-grade and visible. Using these two parcels, staff finds that the distribution of larger residential floor area adjacent to the subject property allows the subject proposal to overcome the presumptive size of 3,588 square feet. The median

residential floor area of these adjacent properties is 3,762 square feet, which is the size the resulting development may not exceed.

C. APPROVED SIZE

RESIDENTIAL FLOOR AREA*	
Total existing residential floor area on the subject parcel	2,260 square feet
Total existing residential floor area on the subject parcel to remain	1,300 square feet
Approved NEW residential floor area	Maximum 2,462 square feet
TOTAL approved resulting residential floor area	Maximum 3,762 square feet

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

Covered porches on the principal structure, the proposed carport, and the ADUs are exempted from RFA, and are not included in the residential floor area calculations.

While the ADUs are exempted from the residential floor area calculations, staff note that should either of the ADUs no longer qualify as an accessory dwelling unit under the Code, that ADU use would cease. At that time, the applicants would have to bring the residential floor area on the subject parcel into conformance with the Code; this could be done either through decommissioning the ADU as a dwelling unit (usually done through removal of cooking and bathing facilities) and getting the floor area approved as RFA through a Site Plan Review process, or by deconstructing and removing the ADU entirely. The Family Care ADU would add 939 square feet of residential floor area (ADU plus the associated covered porch); the Agricultural Worker ADU would add 1,792 square feet of residential floor area.

Therefore, as conditioned, staff find this standard can be met.

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

Access to the subject parcel is via Lake Drive, an unpaved Boulder County owned and maintained right-of-way (ROW) with a Functional Classification of Local. Legal access has been demonstrated via adjacency to this ROW. Per the referral response from the Access & Engineering team, the existing driveway does not meet the Boulder County Multimodal Transportation Standards (see discussion in Standard 11 below) and it appears that no Access Permit has been issued for the existing driveway access at the western end of the property. A new access permit will be issued as part of the building permit process.

Staff have not identified any undue impacts to public services and infrastructure resulting from the addition to the existing residence or proposed accessory residential structure; additionally, no referral agencies have responded with any such concerns.

Per the Boulder County Public Health referral response, the existing onsite wastewater treatment system (OWTS) will require either upgrades or complete replacement in order to handle the increased number of bedrooms. The OWTS requirements will be reviewed as part of that permitting process.

To ensure that the proposed construction does not negatively impact traffic on Lake Drive, staff recommends as a condition of approval that all construction equipment and materials be stored and staged on the subject property.

Therefore, as conditioned here and Standard 11 below, staff find this standard can be met.

The impacts of the proposed ADUs on public services and infrastructure are discussed in Limited Impact Special Review Criterion 6 above.

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

GEOLOGICAL HAZARDS

The subject parcel is located within a [Major Geologic Hazard Area](#) as identified by the [Boulder County Comprehensive Plan](#) (see Figure 4 above). Specifically, the subject parcel is located within a Steeply Dipping, Heaving Bedrock area. However, as the entire parcel is within this area, staff finds there is no way for the applicants to avoid this geological hazard. As part of the building permit process, the Building Safety & Inspection Services Team will require the applicants to submit a site-specific geotechnical report stamped by a licensed soils engineer that identifies any geologic hazards.

Therefore, with this building permit requirement, staff find this standard is met.

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

The proposed project is in Wildfire Zone 2 (eastern area of unincorporated Boulder County). In response to catastrophic wildfire events of the recent past and continued hazards of a changing climate, on May 12, 2022, the Board of County Commissioners adopted revisions to the Boulder County Building Code to ensure a minimum level of ignition resistance for all

structures in Wildfire Zone 2. The approved updates to the Building Code took effect on June 6, 2022, and require the use of ignition-resistant materials for construction and a minimum three-foot non-combustible perimeter around the residence.

Therefore, with this building permit requirement, staff find this standard is met.

- (6) ***The proposed development shall not alter historic drainage patterns and/or flow rates or shall include acceptable mitigation measures to compensate for anticipated drainage impacts. The best available information should be used to evaluate these impacts, including without limitation the Boulder County Storm Drainage Criteria Manual, hydrologic evaluations to determine peak flows, floodplain mapping studies, updated topographic data, Colorado Geologic Survey landslide, earth/debris flow data, and creek planning studies, all as applicable given the context of the subject property and the application.***

DRAINAGE PLAN

As discussed in the referral response from the City of Longmont and as observed by staff on site, the existing and proposed development on the subject parcel are located immediately south of the spillway for Lake McCall, which means there is the potential for development on the parcel to be adversely impacted at such time as the spillway must be opened. There is an existing borrow ditch on the north/northwest side of Lake Drive, which connects to a culvert that runs south under Lake Drive and empties on to the subject parcel in a drainage along the western parcel boundary. To help ensure that the existing and proposed development on the subject parcel is not negatively impacted by such a spillway event, staff recommend as a condition of approval that the applicants submit a drainage plan which addresses potential impacts from the Lake McCall spillway and demonstrates how drainage will be handled to avoid adverse impacts to the structures on the subject parcel for staff's review and approval.

Therefore, as conditioned, staff find this standard can be met.

- (7) ***The development shall avoid significant natural ecosystems or environmental features, including but not necessarily limited to riparian corridors and wetland areas, plant communities, and wildlife habitat and migration corridors, as identified in the Comprehensive Plan or through the Site Plan Review process. Development within or affecting such areas may be approved, subject to acceptable mitigation measures and in the discretion of the Director, only if no other sites on the subject property can be reasonably developed, or only if reasonably necessary to avoid significant adverse impacts based upon other applicable Site Plan Review criteria.***

The Comprehensive Plan indicates that a significant portion of the middle of the subject parcel is within identified wetland and riparian areas (see Figure 3 above). However, the proposed addition to the existing residence and the accessory residential structure are located outside of these areas and staff do not anticipate any negative impacts. The existing driveway does cut through the wetlands and riparian areas, but as discussed and conditioned in SPR Standard 11 below, staff finds these impacts can be significantly minimized.

Therefore, as conditioned in Standard 11 below, staff find this standard can be met.

- (8) ***The development shall avoid agricultural lands of local, state or national significance as identified in the Comprehensive Plan or through the site plan review process. Development within or affecting such lands may be approved, subject to acceptable mitigation measures and in the discretion of the Director, only if no other sites on the subject property can be***

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

As discussed above, there are no agricultural lands of local, state, or national importance on the subject parcel. There are agricultural lands of state importance on the parcel to the east; however, staff do not anticipate any impacts to these lands resulting from the proposed development.

Therefore, staff find this standard is met.

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

The existing residence is more than 50 years old; however, the Boulder County Historic Preservation Team has no concerns related to the proposal. There are no other known historic or archaeological resources on the subject parcel.

Therefore, staff find this standard is met.

- (10) ***The development shall not have a significant negative visual impact on the natural features or neighborhood character of surrounding area. Development shall avoid prominent, steeply sloped, or visually exposed portions of the property. Particular consideration shall be given to protecting views from public lands and rights-of-way, although impacts on views of or from private properties shall also be considered. Development within or affecting features or areas of visual significance may be approved, subject to acceptable mitigation measures and in the discretion of the Director, only if no other sites on the subject property can be reasonably developed, or only if reasonably necessary to avoid significant adverse impacts based upon other applicable site plan review criteria.***
- a. ***For development anywhere in the unincorporated areas of the county, mitigation of visual impact may include changing structure location, reducing or relocating windows and glazing to minimize visibility, reducing structure height, changing structure orientation, requiring exterior color and materials that blend into the natural environment, and/or lighting requirements to reduce visibility at night.***

A. ELEVATIONS

The applicants submitted elevations for the proposed development. Based on these elevations, staff have not identified any significant or undue visual impacts from the proposed addition to the residence or the accessory residential structure. However, as only 3,762 square feet of the proposed 5,395 square feet of residential floor area is approved, the elevations cannot be approved as proposed. Staff recommend as a condition of approval that revised elevations be submitted for review and approval at building permit reflecting the maximum allowed square footage.

B. HEIGHT VERIFICATION

Because the proposed height of the structure is within two feet of the maximum allowed 30 feet above existing grade, a licensed Surveyor must complete a [Height Survey Verification](#)

[Form](#). Please note that the height verification is a two-part process that requires a licensed Surveyor to establish existing grade (the grade before any site work) prior to construction, in addition to a follow-up survey once all roof framing is in place. The two-part form must sufficiently establish existing grade in accordance with standard surveying practice. Staff recommend as a condition of approval that the Height Survey Verification form be completed.

C. EXTERIOR COLORS AND MATERIALS

The application materials indicate that the proposed residence will have gray fire-proof wood siding and a black metal roof; however, no samples were provided with the application materials. Staff do not have any concerns with the colors or materials as proposed. Staff find they are compatible with the policies and goals established by the Comprehensive Plan and provisions of the Code and will not result in an adverse impact on surrounding properties. To ensure compatibility with the surrounding area, staff recommend as a condition of approval that the applicants submit exterior color and material details as part of the building permit application.

D. EXTERIOR LIGHTING

The locations and types of exterior lighting fixtures were not provided in the application. To ensure that any exterior lighting meets the county's outdoor lighting requirements, staff recommend as a condition of approval that the applicants submit a lighting plan as part of the building permit application.

Therefore, as conditioned, staff find this standard can be met.

- (11) *The location of the development shall be compatible with the natural topography and existing vegetation and the development shall not cause unnecessary or excessive site disturbance. Such disturbance may include but is not limited to long driveways, over-sized parking areas, or severe alteration of a site's topography. Driveways or grading shall have a demonstrated associated principal use.***

A. LOCATION

The existing residence and the proposed accessory residential structure are clustered together at the northern end of the subject parcel. Staff finds this minimizes the necessary site disturbance for these structures. As such, staff recommend approval of the locations of the addition to the existing residence and the accessory residential structure as shown on the site plan dated October 27, 2023.

The locations for the ADUs are discussed in LU Criterion 1 below.

B. DRIVEWAY

The existing driveway enters the property from Lake Drive at the western end of the subject property. The driveway runs south/southeast for approximately 190 feet, before turning generally east for approximately 460 feet, then turning back north for approximately 150 feet, and then northwest for approximately 220 feet, where it terminates in front of the existing residence. The total length of the existing driveway is approximately 1,020 feet. Based on aerial photographs, the initial north/south portion of the driveway was an agricultural access road and has existed since at least 1965, but the remainder of the access driveway was developed between 2016 and 2020 (see Figure 5 below). There is a small east/west spur off

the existing driveway, located approximately 75 feet from the entrance from Lake Drive. The existing driveway cuts through the Riparian and Wetland areas on the subject parcel (see Figure 6 below).



Figure 5: Aerial photographs of the subject parcel from 2016, 2018, and 2020, showing the development of the existing driveway.



Figure 6: 2022 aerial photograph of the subject parcel, with the Riparian and Wetland areas overlaid.

Per the referral response from the Boulder County Access & Engineering team, the proposal as submitted does not meet the Boulder County Multimodal Transportation Standards (MMTS) and staff finds the driveway to be excessively long. Specifically, staff find that a driveway of over 1,000 feet, on a relatively flat parcel immediately adjacent to a public right-of-way is unnecessarily long, resulting in excessive earthwork, which does not meet this SPR Standard. As such, staff recommends a condition of approval that the existing driveway be removed and revegetated from where it turns east to the residence, and that the applicants install a new driveway from the spur and running roughly east/west along the south side of the existing barn; the remaining north/south portion of the existing driveway south of the spur can remain in order to provide access to the agricultural portions of the parcel. Staff finds that this would reduce the length of the driveway to approximately 475 feet (less than half the

length of the exiting driveway) and would significantly reduce the impacts to the Riparian and Wetland areas on the subject parcel.

C. EARTHWORK AND GRADING

The following foundational earthwork and grading requirements are associated with the proposed residence:

Foundational Earthwork (exempt from 500 cubic yards threshold)	House and Accessory Structure: 98 cubic yards cut and 98 cubic yards backfill Geothermal: 666.67 cubic yards cut 666.67 cubic yards fill
Other Earthwork (Driveway)	45 cubic yards fill

D. GRADING PLAN

The applicants have proposed a significant amount of earthwork, most of it foundational, however, no specific grading plans have been provided. Staff recommends a condition of approval that a detailed grading plan, showing all areas of disturbance, revised earthwork and grading calculations, and existing and proposed contours, be submitted for review and approval at building permit application.

E. STORMWATER QUALITY PERMIT (SWQP)

Per the referral response from the Boulder County Stormwater Team, as a part of Boulder County’s water quality protection and Municipal Separate Storm Sewer System (MS4) Construction Program, a Stormwater Quality Permit (SWQP) is required for this project based on the disturbance illustrated in the submitted materials and the location of McCall Lake and Independent Reservoir. Staff recommends a condition of approval that the applicants obtain the SWQP permit before any ground disturbance occurs.

F. UTILITIES

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

Therefore, as conditioned, staff find this standard can be met.

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

A. REVEGATION REQUIREMENT

In order to limit the potential for runoff, erosion, or sedimentation to cause adverse impacts to the surrounding area, staff recommend as a condition of approval that the applicants revegetate all areas of exposed soil. If weather is not conducive to seeding or if adequate revegetation efforts have not occurred and vegetation is not adequately established at the time of final inspection request, an irrevocable letter of credit or monies deposited into a County Treasurer account must be provided to assure completion of revegetation.

B. EROSION CONTROL MEASURES

Due to the proximity of the proposed development to Independent Reservoir, staff recommends as a condition of approval that the applicants install erosion control measures (e.g., silt fencing) down slope of all disturbed areas prior to construction and maintain them throughout the construction process until revegetation has been established. These erosion control measures must be shown on plans submitted for permitting.

Therefore, as conditioned, staff find this standard can be met.

- (13) *The development shall avoid Natural Landmarks and Natural Areas as designated in the Goals, Policies & Maps Element of the Comprehensive Plan and shown on the Zoning District Maps of Boulder County. The protection of Natural Landmarks and Natural Areas shall also be extended to their associated buffer zones. Development within or affecting such Landmarks or Areas may be approved, subject to acceptable mitigation measures and in the discretion of the Director, only if no other sites on the subject property can be reasonably developed, or only if reasonably necessary to avoid significant adverse impacts based upon other applicable site plan review criteria.*

There are no identified Natural Landmarks, Natural Areas, or associated buffer zones that fall within the boundaries of the subject parcel.

Therefore, staff find no conflicts with this standard.

- (14) *Where an existing principal structure is proposed to be replaced by a new principal structure, construction or subsequent enlargement of the new structure shall not cause significantly greater impact (with regard to the standards set forth in this Section 4-806) than the original structure.*

The applicants do not propose to replace the existing residence. Therefore, staff find this standard is not applicable.

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

A. EXISTING UNPERMITTED ACCESSORY STRUCTURES

There is an approximately 2,700-square-foot barn on the subject parcel. The Boulder County Assessor's records list the barn as having been constructed in 1966. However, a 1977 aerial photograph of the subject parcel does not show the barn; the next available aerial photograph with sufficient detail to identify the barn is not until 2000. A 1989 building permit for another structure shows the barn at that time. Since the barn was constructed after 1975, when building permits were required for agricultural structures, a building permit is required for this barn. Staff recommend as a condition of approval, that the applicants obtain a building permit for the barn.

B. EXISITING UNPERMITTED HOT TUB

There is no building permit on file for the hot tub on the property. Therefore, staff recommend as a condition of approval the applicants either obtain a permit for the hot tub or remove it.

C. EXISTING FENCE OVER 6 FEET

A fence near the front lot line of the subject parcel is more than 6 feet tall. The front setback for the Agricultural zoning district is 35 feet; the fence is located within this setback. Fences may be located in the setback provided they are no more than 6 feet in height. As such, the fence is in violation of the setback requirements. Staff recommend as a condition of approval that the applicants either reduce the fence to no more than 6 feet in height from existing grade or relocated the fence outside of the 35-foot front yard setback.

Therefore, as conditioned, staff find this standard can be met.

Staff find, as conditioned, the proposed residential addition and the proposed accessory residential structure can meet all of the standards for Site Plan Review and recommend approval with a maximum RFA of 3,672 square feet.

LIMITED IMPACT SPECIAL REVIEW SUMMARY:

The Community Planning & Permitting staff reviewed the conditions and standards for approval of a Limited Impact Special Review. Only those standards applicable to this project are included in this list. Staff has reviewed these standards as they apply to the proposed Family Care and Agricultural Worker ADUs per Article 4-516.H of the Code and finds the following:

- (1) *Complies with the minimum zoning requirements of the zoning district in which the use is to be established, and will also comply with all other applicable requirements;***

The subject parcel is zoned Agricultural and is a legal building lot. Agricultural Worker and Family Care ADUs can be approved as accessory uses (Article 4-516), pending approval through Limited Impact Special Review. Both Family Care and Agricultural Worker ADUs are subject to additional provisions as set forth in Article 4-516.H.5 and 6, respectively.

Additional Provisions for a Family Care Unit under Article 4-516.H.5 include the following:

- a. The accessory dwelling may be detached from the structure housing the principal dwelling provided it is closely clustered with the principal dwelling.***

The proposed Family Care Unit is part of the proposed detached accessory residential structure, which is closely clustered with principal residence. Therefore, staff find this provision is met.

- b. The accessory dwelling is limited to 700 square feet in size. The Board may approve covered porches to proposed accessory dwellings which exceed these specified square footage limitations, provided that no other portion of the floor area of the proposed dwelling exceeds the specified limitation, and provided that the Board approves the additional covered porch area in accordance with the special use criteria. In no event shall any such approved covered porch area ever be enclosed.***

The applicants have proposed a 693-square-foot Family Care ADU, which meets the requirements of this provision. The applicants have proposed a covered porch area as part of the second story of the detached accessory residential structure, where the Family Care ADU will be located. This proposed covered porch area is 431 square feet; 246 square feet of this covered porch is around the Family Care ADU, and 185 square feet is around the proposed office (see Figure 7 below). The Board of County Commissioners may approve the 246-square-foot portion around the ADU through this review process as part of the ADU, which would exempt it from RFA calculations. The remaining 185-square-

foot portion, however, is associated with the office space and exterior stairs; as such, staff find this portion of the covered porch cannot be approved as part of the Family Care ADU and is considered residential floor area (as discussed in the SPR criteria above). If the 246-square-foot portion of the covered porch is approved as part of the Family Care ADU, the total floor area of the ADU would be 939 square feet. Staff have not identified any conflicts with the special use criteria related to the 246-square-foot portion of the covered porch being associated with the Family Care ADU and staff support including it as part of the Family Care ADU.

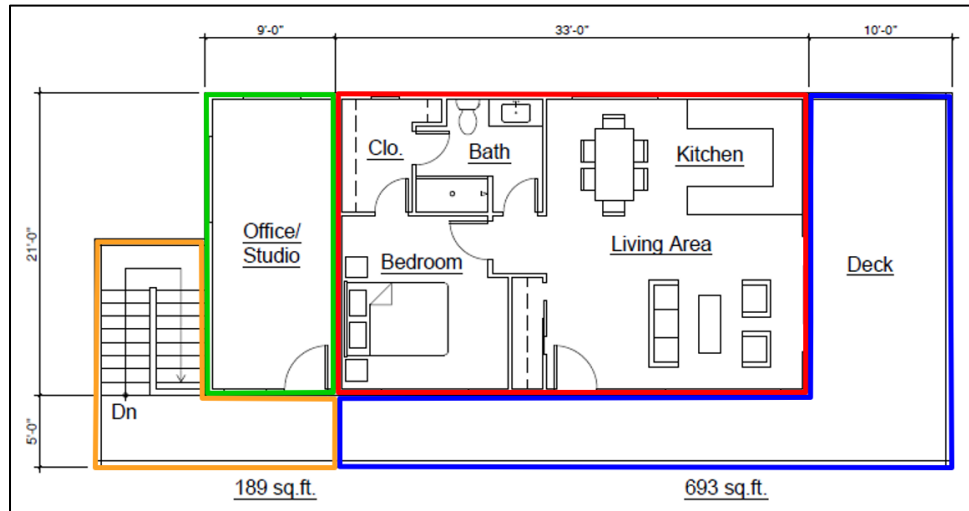


Figure 7: Floorplan of detached accessory structure 2nd story. The Family Care ADU is indicated in red; the 246-square-foot porch area associated with the ADU is indicated in blue; the office (RFA) is indicated in green; and the 185-square-foot porch area associated with the office is indicated in orange.

To ensure compliance with this provision, staff recommend as a condition of approval that the Family Care ADU be limited to no more than 700 square feet as allowed by Code and that the porch area associated with ADU cannot be screened in or enclosed in any fashion.

Therefore, as conditioned, staff find this provision can be met.

- c. ***A separate entrance to the accessory dwelling is allowed, but only one entrance to all dwelling units may be visible from the front property line.***

The proposed Family Care ADU is located in the detached accessory residential structure immediately east of the principal residential structure (see Figure 8 below). The entrance to the principal residence is located on the west side of the residence and the entrance to the Family Care ADU is located on the south side of the ADU. The entrance to the principal residence is visible from the front property line along Lake Drive; the entrance to the Family ADU is not visible from the front property line.

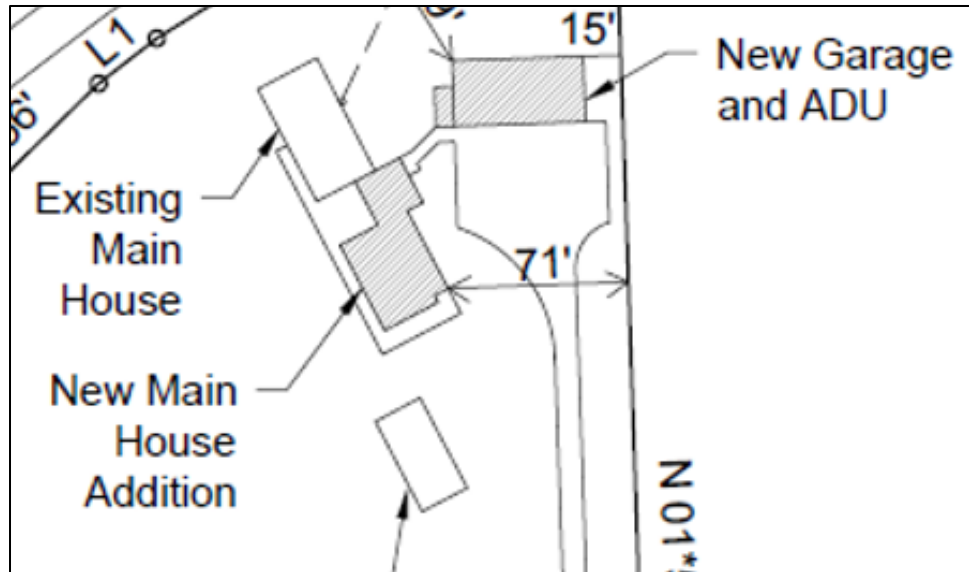


Figure 8: Detail of site plan with the principal residence and accessory structure with the Family Care ADU indicated.

Therefore, staff find this criterion is met.

d. The property owner must live on the property.

The property owners reside in the existing principal residence.

Therefore, staff find this provision is met.

e. The owner must submit an annual report to the Land Use Department indicating that the purpose for which the accessory unit was approved has not changed, and that the unit continues to be occupied in accordance with the approval. Any impermissible change in use of the unit can result in termination of the right to occupy or use the unit.

Staff recommend a condition of approval requiring the property owner to submit an annual report to the Community Planning & Permitting Department indicating that the accessory dwelling continues to be used as a Family Care Unit that is occupied in accordance with the approval of this docket.

Therefore, as conditioned, staff find this provision can be met.

f. The unit may only be used as approved through Special Review. If a change in use is deemed to be a substantial modification of the approval, the approval will be terminated and the unit must be removed or decommissioned.

The accessory dwelling unit shall only be used as a Family Care Unit. Staff recommend a condition of approval requiring that any changes to this use be considered a substantial modification of the approval and cause the termination of the Family Care Unit, requiring the unit to be removed or decommissioned.

As conditioned, staff find this provision can be met.

- g. A notice of these provisions will be recorded in the real property records of the Clerk and Recorder's Office for any approval granted.***

Staff recommend a condition of approval requiring, prior to the issuance of any building permits for the Family Care Unit, a signed affidavit be recorded that recognizes the conditions of approval for this docket.

As conditioned, staff find this provision can be met.

As conditioned, staff find the Family Care ADU can meet all of the required provisions.

Additional Provisions for Agricultural Worker Units under Article 4-516.H.6 include the following:

- a. The applicant shall adequately demonstrate that the property size and nature of the agricultural work on the property requires a second household for labor on-site.***

The subject parcel is approximately 11 acres in size and, per the application materials, is used for multiple agricultural activities. These activities include the following: tending to a mature orchard of apple, pear, and plum trees; growing and harvesting asparagus bushes; haying operations on approximately 3 acres, with twice-yearly harvest, as well as assisting with haying activities on other properties nearby; and cow and sheep grazing on the parcel. Additionally, Mr. Candee is the president of the Independent Reservoir Company, which is responsible for the maintenance and sustainability of the water, shoreline and underlying land related to Independent Reservoir. The Independent Reservoir Company also works with local ditch companies and farmers to ensure resource continuity. Per the narrative submitted by the applicants, the agricultural activities require at least 20 hours per week in the winter, over 40 hours a week in the summer, and spike to over 60 hours a week during hay seasons. The applicants have stated they intend for the current caretaker of the property to live on-site, rather than commute from Denver.

Staff find that the level and nature of the agricultural activities on the subject parcel requires a second household for on-site labor.

Therefore, staff find this provision is met.

- b. The applicant shall adequately demonstrate that the worker is substantially employed in farming the property.***

As discussed above, the caretaker for the subject parcel carries out a wide range of agricultural activities and responsibilities related to farming the property. To ensure that this provision continues to be met, staff recommend as a condition of approval that the applicants provide evidence that the agricultural worker is substantially employed in farming the property as part of the annual reports required under provision 4-415.H.6.g below.

Therefore, as conditioned, staff find this provision can be met.

- c. The applicant shall adequately demonstrate that the unit is necessary for operating the farm.***

As reflected in the application materials and further detailed in the supplemental narrative materials, a significant amount of time and manpower, which exceed that which can be provided the property owners on their own. As such, the Agricultural Worker ADU is necessary for operating the farm.

Therefore, staff find this provision is met.

- d. The accessory dwelling may be detached from the principal dwelling, provided it is either closely clustered with the principal structure or located where appropriate for the agricultural operation with which it is associated.*

The applicants have proposed to locate the Agricultural Worker ADU approximately 460 feet south of the principal residence and approximately 400 feet from the existing barn (see Figure 9 below). As such, staff find the proposed location is neither closely clustered with the principal structure nor in an appropriate location for the agricultural operation as it would require the agricultural worker to cross a significant distance in order to reach the barn where agricultural tools and equipment are stored. Staff have discussed the proposed location with the applicants, and they have stated that if the proposed location is not acceptable to the county, they propose an alternate location west of the existing barn (see Figure 10 below). Staff find this alternate location would meet the requirements of this provision. As such, staff recommend as a condition of approval that the Agricultural Worker ADU be relocated on the subject parcel to be clustered with the existing barn and that plans submitted for permitting reflect this revised location.



Figure 9: Detail of site plan, with proposed location of the Agricultural Worker ADU indicated in red.

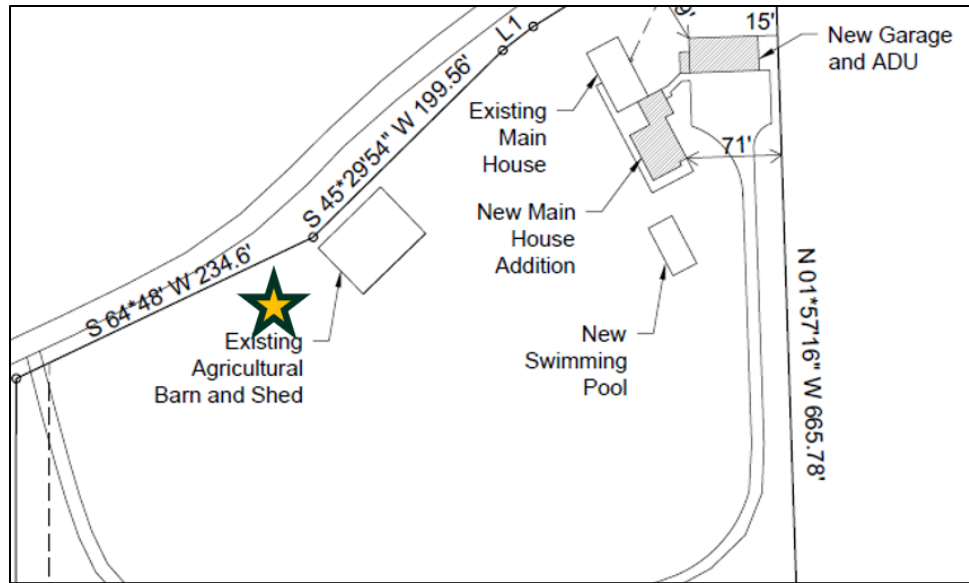


Figure 10: Alternate location for Agricultural Worker ADU indicated by the yellow star.

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

- e. The accessory dwelling is limited to 1,800 square feet. The Board may approve covered porches to proposed accessory dwellings which exceed these specified square footage limitations, provided that no other portion of the floor area of the proposed dwelling exceeds the specified limitation, and provided that the Board approves the additional covered porch area in accordance with the special use criteria. In no event shall any such approved covered porch area ever be enclosed.***

The Agricultural Worker ADU is proposed to be 1,792 square feet, with no covered porch area. To ensure compliance with this provision, staff recommend a condition of approval that the Agricultural Worker ADU be limited to no more than 1,800 square feet as allowed by the Code.

Therefore, as conditioned, staff find this provision can be met.

- f. The property owner or a member of the owner's immediate family must work and live on the property.***

The property owners reside in the existing principal residence.

Therefore, staff find this provision is met.

- g. The owner must submit an annual report to the Community Planning & Permitting Department indicating that the purpose for which the accessory unit was approved has not changed, and that the unit continues to be occupied in accordance with the approval. Any impermissible change in use of the unit can result in termination of the right to occupy or use the unit.***

Staff recommend a condition of approval requiring the property owner to submit an annual report to the Community Planning & Permitting Department indicating that the accessory dwelling continues to be used as an Agricultural Worker Unit that is occupied in accordance with the approval of this docket.

As conditioned, staff find this provision can be met.

h. A notice of these provisions will be recorded in the real property records of the Clerk and Recorder's Office.

Staff recommend a condition of approval requiring, prior to the issuance of any building permits for the Agricultural Worker Unit, a signed affidavit be recorded that recognizes the conditions of approval for this docket.

As conditioned, staff find this provision can be met.

i. Agricultural accessory dwellings approved by Boulder County or legally nonconforming prior to October 19, 1994 shall be permitted to be repaired, remodeled or replaced, provided the new structure is in the same general location and does not exceed 1,800 square feet.

As discussed above, the subject parcel did have an agricultural accessory dwelling existing on the property from 1989 to 2013. However, as the previous agricultural accessory dwelling was completely removed in 2013, staff find that any nonconforming status has lapsed, and any new Agricultural Worker ADU must be reviewed and approved through the Limited Impact Special Review process.

As there is no existing approved or legally nonconforming Agricultural Worker ADU on the subject parcel, staff find this provision is not applicable.

As conditioned, staff find the Agricultural Worker ADU can meet all of the required provisions.

Additionally, the proposed ADU structures meet the required setbacks.

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

(2) Will be compatible with the surrounding area. In determining compatibility, the Board should consider the location of structures and other improvements on the site; the size, height and massing of the structures; the number and arrangement of structures; the design of structures and other site features; the proposed removal or addition of vegetation; the extent of site disturbance, including, but not limited to, any grading and changes to natural topography; and the nature and intensity of the activities that will take place on the site. In determining the surrounding area, the Board should consider the unique location and environment of the proposed use; assess the relevant area that the use is expected to impact; and take note of important features in the area including, but not limited to, scenic vistas, historic townsites and rural communities, mountainous terrain, agricultural lands and activities, sensitive environmental areas, and the characteristics of nearby development and neighborhoods;

For purposes of this review, staff considers the properties within 1,500 feet of the subject parcel as the applicable surrounding area, which is consistent with the Site Plan Review defined neighborhood. Existing development within this area consists primarily of single-family residences, many with agricultural activities. Development on the properties within the surrounding area is generally located closer to the public rights-of-way (Lake Drive, McCall, and Highway 66). With relocation of the Agricultural Worker ADU as conditioned in

Criterion 1 above, staff find the locations of the proposed ADUs would be consistent with the surrounding area.

Staff have not identified any conflicts with the uses of the ADUs in relation to the character of the surrounding area; no referral agencies have responded with any such concerns.

Therefore, as conditioned in Criterion 1 above, staff find that this criterion can be met.

(3) *The use will be in accordance with the Comprehensive Plan;*

The Comprehensive Plan indicates that a significant portion of the middle of the subject parcel is within identified wetland and riparian areas. The location for the Agricultural Worker ADU as proposed by the applicants is in the middle of this area (see Figure 11 below). With the recommended condition of approval to relocate the Agricultural Worker ADU as discussed in Criterion 1 above, however, staff find that adverse impacts to the wetlands and riparian areas can be avoided.

In addition, the Comprehensive Plan identifies a viewshed protection score of 1.42 out of 5 along Lake Drive. However, staff find that due to the relatively small sizes and the fact that the proposed ADUs, as conditioned above, would both be closely clustered with other structures on the parcel, the proposed ADUs will not have any significant adverse impacts on the identified viewshed.



Figure 11: Aerial photograph of subject parcel, overlaid with Comprehensive Plan designations. The location of the Agricultural Worker ADU as proposed by the applicants is indicated by the red, slashed circle; the alternate location discussed in Criterion 1 is indicated by the yellow star.

Therefore, as conditioned in Criterion 1 above, staff find that this criterion can be met.

(4) *Will not result in an over-intensive use of land or excessive depletion of natural resources. In evaluating the intensity of the use, the Board should consider the extent of the proposed development in relation to parcel size and the natural landscape/topography; the area of impermeable surface; the amount of blasting, grading or other alteration of the natural topography; the elimination or disruption of agricultural lands; the effect on significant*

natural areas and environmental resources; the disturbance of plant and animal habitat, and wildlife migration corridors; the relationship of the proposed development to natural hazards; and available mitigation measures such as the preservation of open lands, the addition or restoration of natural features and screening, the reduction or arrangement of structures and land disturbance, and the use of sustainable construction techniques, resource use, and transportation management.

Staff does not anticipate that the proposed ADUs will result in an over-intensive use of land or an excessive depletion of natural resources. Additionally, as discussed and conditioned above, relocating the proposed Agricultural Worker ADU to be clustered with the other structures on the subject parcel will help to ensure that the proposed development does not have a significant impact on environmental resources and plant and animal habitats (e.g., the designated wetland and riparian areas).

Therefore, as conditioned in Criterion 1 above, staff find that this criterion can be met.

(5) *The use will not have a material adverse effect on community capital improvement programs*

Staff have not identified any capital improvement programs which might be impacted by the proposed ADUs, and no referral agency has responded with any such concern.

Therefore, staff find that this criterion can be met.

(6) *The use will not require a level of community facilities and services greater than that which is available;*

Due to the proximity of the existing and proposed structures (with staff's recommendation to relocate the Agricultural Worker ADU) to Lake Drive, the ADU will not require a level of community facilities and services greater than that which is available in term of fire and emergency response.

As discussed in the SPR Standard 3 above, the OWTS for the subject property will need to either be expanded or replaced entirely. The proposed ADUs, including their bedrooms, will be included in the OWTS for the property as a whole.

Therefore, as conditioned in SPR Standard 3 and LU Criterion 1 above, staff find that this criterion can be met.

(7) *Will support a multimodal transportation system and not result in significant negative impacts to the transportation system or traffic hazards;*

As discussed in the Site Plan Review standards above, the subject property is accessed via Lake Drive. The existing driveway does not meet the Boulder County Multimodal Transportation Standards (MMTS), and staff recommend conditions of approval related to bringing the driveway into compliance with the MMTS, which are discussed in SPR Standard 11 above.

Therefore, as conditioned in SPR Standard 11, staff find this criterion can be met.

(8) *Will not cause significant air, odor, water, or noise pollution;*

There is no indication that the proposed ADUs will cause significant air, odor, or noise pollution, and no referral agency responded with such a concern.

Due to the proximity to the designated wetlands and riparian areas and Independent Reservoir, staff find that the proposed Agricultural Worker ADU may result in water pollution. However, with staff's recommendation to relocate the Agricultural Worker ADU as conditioned in Criterion 1 above, these impacts would be significantly reduced. Additionally, staff's recommended condition of approval that a Revegetation and Erosion Control Plan be submitted at permitting and that any disturbed areas be revegetated as discussed in SPR Standard 12 above will help ensure that the proposed ADUs do not result in any water pollution.

Therefore, as conditioned in SPR Standard 12 above and in LU Criterion 1 above, staff find this criterion can be met.

(9) *Will be adequately buffered or screened to mitigate any undue visual impacts of the use;*

Both of the proposed ADUs are within the allowed square footage requirements and are proposed to match the residence in color, exterior materials, and architectural design. With the relocation of the Agriculture Worker ADU as recommend in Criterion 1 above, staff finds that the existing and proposed structures would be generally clustered, which will prevent any undue visual impacts of the ADUs.

Therefore, due to the mitigating factors outlined above and as conditioned in Criterion 1 above, staff find this criterion can be met.

(10) *The use will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County*

Staff have not identified any impacts of the proposed ADUs which would be detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County; additionally, no referral agencies have responded with any such concerns.

Therefore, staff find this criterion is met.

(11) *The use will establish an appropriate balance between current and future economic, environmental, and societal needs by minimizing the consumption and inefficient use of energy, materials, minerals, water, land, and other finite resources.*

Staff have not identified any concerns or conflicts with this criterion; additionally, no agencies have responded with any such concerns.

Therefore, staff find this criterion is met.

(12) *The use will not result in unreasonable risk of harm to people or property – both onsite and in the surrounding area – from natural hazards. Development or activity associated with the use must avoid natural hazards, including those on the subject property and those originating off-site with a reasonable likelihood of affecting the subject property. Natural hazards include, without limitation, expansive soils or claystone, subsiding soils, soil creep areas, or questionable soils where the safe-sustaining power of the soils is in doubt; landslides, mudslides, mudfalls, debris fans, unstable slopes, and rockfalls; flash flooding corridors, alluvial fans, floodways, floodplains, and flood-prone areas; and avalanche corridors; all as identified in the Comprehensive Plan Geologic Hazard and Constraint*

Areas Map or through the Special Review or Limited Impact Special Review process using the best available information. Best available information includes, without limitation, updated topographic or geologic data, Colorado Geologic Survey landslide or earth/debris flow data, interim floodplain mapping data, and creek planning studies.

Discussed in SPR Standard 4 above, the subject parcel is located within a geological hazard area (Steeply Dipping, Heaving Bedrock area), and staff recommended a condition of approval requiring a site-specific geotechnical report stamped by a licensed soils engineer that identifies any geologic hazards to be submitted at building permit.

As discussed in the referral response from the City of Longmont, the subject parcel is located immediately south of the spillway for Lake McCall. Based on the terrain of the subject parcel and as reflected in the mapped wetlands and riparian areas, staff finds that in the case of water being released from Lake McCall through the spillway, the existing residence and the proposed accessory residential structure and Family Care ADU are unlikely to be impacted significantly. The Agricultural Worker ADU, in the location proposed by the applicants, would be at substantial risk. Relocation of the Agricultural Worker ADU as recommended by staff in Criterion 1 above, however, would significantly reduce the potential risk to that structure.

Therefore, as conditioned in SPR Standard 4 and in LU Criterion 1 above, staff find that this criterion can be met.

- (13) *The proposed use shall not alter historic drainage patterns and/or flow rates unless the associated development includes acceptable mitigation measures to compensate for anticipated drainage impacts. The best available information should be used to evaluate these impacts, including without limitation the Boulder County Storm Drainage Criteria Manual, hydrologic evaluations to determine peak flows, floodplain mapping studies, updated topographic data, Colorado Geologic Survey landslide, earth/debris flow data, and creek planning studies, all as applicable given the context of the subject property and the application.*

The site disturbance for the construction of the ADUs will be relatively minor and is not expected to result in any significant impacts or changes to drainage patterns or flow rates; no referral agency has responded with any such concerns.

Therefore, staff find that this criterion is met.

Drainage impacts related to the residence and its development are discussed under SPR Standard 6 above.

Staff find, as conditioned, the proposed Family Care ADU and Agricultural Worker ADU can meet all of the standards for Limited Impact Special Review and recommend approval.

RECOMMENDATION:

Staff have determined that, as conditioned, the proposal can meet all the applicable criteria of the Boulder County Land Use Code for Site Plan Review and Limited Impact Special Review. Therefore, staff recommend that the Board of County Commissioners **CONDITIONALLY APPROVE Docket LU-23-0032/SPR-23-0104: Candee ADUs and Addition**, subject to the following conditions:

1. **The development is subject to the requirements of the Boulder County Building Safety and Inspection Services Team and adopted County Building Codes, as outlined in the**

referral comments, including, but not limited to required sprinklering, ignition resistant materials and defensible space, and the BuildSmart energy efficiency and sustainability requirements.

2. **The residential floor area approved is a maximum of 3,762 square feet.**
3. ***At time of building permit application***, submit to the Community Planning and Permitting Department revised building plans and elevation drawings for a maximum residential floor area of 3,762 square feet for review and approval.
4. ***Prior to issuance of building permits***, an Onsite Wastewater Treatment System (OWTS) permit must be applied for and issued by Boulder County Public Health.
5. ***At the time of Building Permit review***, an Access Permit will be issued for the existing access point to Lake Drive. No special application procedure is necessary, the Access Permit will be issued concurrently with the Building Permit.
6. ***During construction***, all vehicles, materials, machinery, dumpsters, and other items shall be staged on the subject property; no items shall be stored or staged on Lake Drive.
7. ***At the time of building permit application***, the applicants must submit a site-specific geotechnical report stamped by a licensed soils engineer that identifies any geologic hazards.
8. ***Prior to issuance of building permit***, the applicants must submit a drainage plan, which addresses potential impacts from the Lake McCall spillway and demonstrates how drainage will be handled to avoid adverse impacts to the structures on the subject parcel for staff review and approval.
9. ***Prior to issuance of a Certificate of Occupancy***, Community Planning & Permitting staff must verify that the site improvements have been constructed according to the approved drainage plan.
10. ***Prior to issuance of building permits***, the [first part of the Height Survey Verification form](#) must be completed and submitted to the Community Planning & Permitting Department.

Prior to rough frame inspection, the [second part of the form](#) will be provided upon building permit application and must be submitted to the Community Planning & Permitting Department.

11. ***Prior to issuance of building permits***, the applicants must submit to the Community Planning & Permitting Department for review and approval exterior color samples (color chips, brochure, or catalog page) and material samples to be used including roof, siding and trim. Samples should be included as part of the building plan set required at the time of permit application.

At the time of final inspection, the Community Planning & Permitting Department must inspect and verify that the approved color samples are used on the new structure.

12. ***Prior to issuance of building permits***, one copy of a proposed lighting plan must be submitted to the Community Planning & Permitting Department for review and approval. [Down lighting](#) is required, meaning that all bulbs must be fully shielded to prevent light emissions above a horizontal plane drawn from the bottom of the fixture. The lighting plan must indicate the location of all exterior fixtures on the site and structure, and must include

cut sheets (manufacturer's specifications with picture or diagram) of all proposed fixtures. The lighting plan shall be included as part of the building plan set required at the time of permit application.

At the final inspection, the full installation of the approved lighting plan must be inspected and approved by the Community Planning & Permitting Department.

13. The existing access driveway must be removed and revegetated from where it turns east to the existing residence, and the applicants must install a new driveway from the spur and running roughly east/west along the south side of the existing barn. The remaining north/south portion of the existing driveway south of the spur can remain in order to provide access to the agricultural portions of the parcel.

The driveway realignment must meet the Standards for development in the plains, including without limitation:

- a. Table 5.5.1 – Parcel Access Design Standards (1-Lane Plains Access)
- b. Standard Drawing 11 – Private Access
- c. Standard Drawing 14 – Access with Roadside Ditch
- d. Standard Drawing 15 – Access Profiles Detail
- e. Standard Drawing 16 – Access Grade & Clearance
- f. Standard Drawing 18 – Access Turnaround

At building permit, the applicants must submit driveway plans that meet the above requirements and are compliant with the Standards as well as include revegetation details of the decommissioned existing drive.

At final inspection, the Community Planning & Permitting Department must verify that the access and driveway has been constructed to comply with the Standards.

14. ***Prior to issuance of building permits,*** a detailed grading plan stamped and signed by a Colorado licensed Architect, Landscape Architect, or Professional Engineer must be submitted to and approved by the Community Planning & Permitting Department. This plan must include, but is not limited to, the following:

- a. All existing and proposed elevation contours in areas proposed to be disturbed (i.e., building site, terraces, parking, drive, septic system, well, and emergency access) must be shown at one or two foot intervals.
- b. Indicate the full range of grading and reclamation techniques to be implemented.
- c. The amount of earthwork in cubic yards and all calculations from which earthwork amounts were derived must be provided.
- d. A drainage plan with detailed information on the effects of the proposed development on the historic drainage pattern and how these impacts will be mitigated must be provided. This drainage plan must conform to the provisions of the Boulder County Storm Drainage Criteria Manual.

15. ***At building permit,*** the applicants must provide a complete Stormwater Quality Permit (SWQP) submittal to stormwater@bouldercounty.gov.

Prior to any site disturbance, the applicants must obtain the SWQP.

16. In accordance with Article 7-1200 of the Land Use Code, all utility service lines should be routed underground and located in areas already disturbed or proposed to be disturbed (e.g., along driveway).
17. ***At the time of final inspection***, all areas of exposed soil must be revegetated. If weather is not conducive to seeding or if adequate revegetation efforts have not occurred and vegetation is not adequately established at the time of final inspection request, an irrevocable letter of credit or monies deposited into a County Treasurer account must be provided to assure completion of revegetation. What is considered “adequate revegetation” is influenced by the amount of site disturbance, potential for significant erosion (steep slopes), and visibility. In all cases some level of germination and growth is required. Note that areas of disturbance not included on the revegetation plan are still subject to reseeding and matting. Please note that no species on List A, B or C in the county’s [Noxious Weed Management Plan](#) may be used to meet Revegetation requirements.
18. ***Prior to issuance of building permits***, details regarding the placement and construction of the silt fence must be submitted to and approved by the Community Planning & Permitting Department. The placement and profile of the silt fence may be shown on the Revegetation Plan. The silt fence must be installed before construction commences and remain in place until vegetation is sufficiently established on the disturbed soil.

Prior to any grading or site disturbance, the silt barrier location and materials must be installed as required per the approved plans.

At the time of the footing foundation inspection and all subsequent inspections, the Community Planning & Permitting Department must confirm the silt barrier location and materials have been installed as required per the approved plans. Any other areas on site are subject to installation of silt fences, if needed
19. ***Prior to the issuance of any permits***, the applicants must obtain a building permit for the existing 2,700-square-foot barn.
20. ***Prior to the issuance of any permits***, the applicants must obtain a building permit for the existing hot tub or remove the hot tub from the subject parcel.
21. ***Prior to the issuance of any permits***, the applicants must reduce the height of the existing fence adjacent to Lake Drive to no more than 6 feet in height or relocate the fence out of the 35-foot front yard setback.
22. The Family Care ADU is limited to no more than 700 square feet as allowed by Code; the porch area associated with the ADU cannot be screened in or enclosed in any fashion.
23. The property owner must submit an annual report to the Community Planning & Permitting Department indicating that the Family Care accessory dwelling continues to be used as a Family Care Unit that is occupied in accordance with the approval of this docket.
24. Any changes to the Family Care ADU use shall be considered a substantial modification of the approval and cause the termination of the Family Care Unit, requiring the unit to be removed or decommissioned.
25. ***Prior to the issuance of any building permits for the Family Care Unit***, a signed affidavit from the property owners must be recorded that recognizes the conditions of approval for this docket.

26. The Agricultural Worker ADU must be relocated on the subject parcel to be clustered with the existing barn.

At building permit, plans submitted for permitting must reflect this revised location and must be reviewed and approved by the Community Planning & Permitting Department.

27. The Agricultural Worker ADU is limited to no more than 1,800 square feet as allowed by the Code.

28. The property owner must submit an annual report to the Community Planning & Permitting Department indicating that the Agricultural Worker accessory dwelling continues to be used as an Agricultural Worker Unit that is occupied in accordance with the approval of this docket.

29. *Prior to the issuance of any building permits for the Agricultural Worker Unit*, a signed affidavit from the property owners must be recorded that recognizes the conditions of approval for this docket.

30. The Applicants shall be subject to the terms, conditions, and commitments of record and in the file for **Docket LU-23-0032/SPR-23-0104: Candee ADUs and Addition.**



Boulder County Land Use Department

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

Shaded Areas for Staff Use Only

Intake Stamp

Planning Application Form

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

Project Number		Project Name			
<input type="checkbox"/> Appeal <input type="checkbox"/> Correction Plat <input type="checkbox"/> Exemption Plat <input type="checkbox"/> Final Plat <input checked="" 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 type="checkbox"/> Subdivision Exemption <input type="checkbox"/> Variance <input type="checkbox"/> Other:
Location(s)/Street Address(es) 6564 Lake Drive Longmont CO 80503					
Subdivision Name					
Lot(s)	Block(s)	Section(s)	Township(s)	Range(s)	
Area in Acres	Existing Zoning Agriculture	Existing Use of Property Agriculture	Number of Proposed Lots		
Proposed Water Supply		Proposed Sewage Disposal Method			

Applicants:

Applicant/Property Owner Dan and Katie Candee		Email dancandee@gmail.com		
Mailing Address 6564 Lake				
City longmont	State CO	Zip Code 80503	Phone 303-875-7620	
Applicant/Property Owner/Agent/Consultant dan and katie candee		Email		
Mailing Address 6564 Lake Drive				
City longmont	State CO	Zip Code 80503	Phone 303-875-7620	
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 Daniel Candee	Date 10.30.23
Signature of Property Owner	Printed Name Katie Candee	Date 10.30.23

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






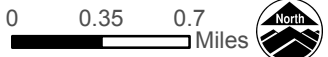
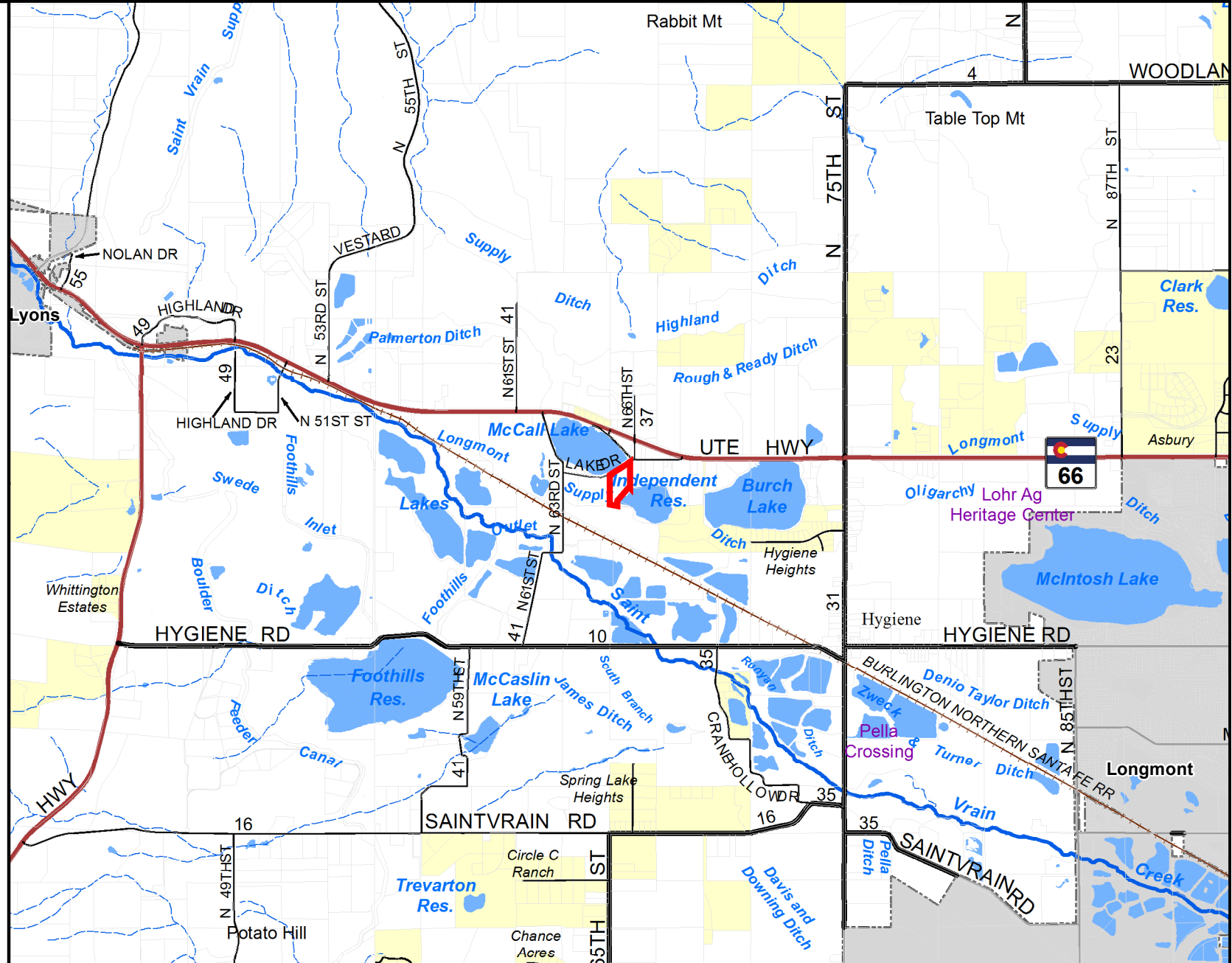
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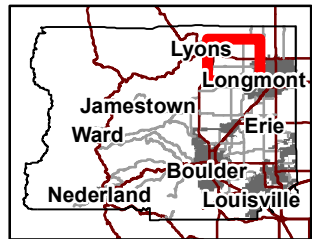
Vicinity

6564 LAKE DR

-  Subject Parcel
-  Municipalities
- Subdivisions**
-  Subdivisions



Area of Detail Date: 3/15/2023



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Aerial
6564 LAKE DR

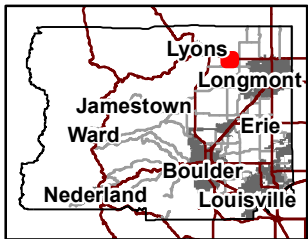
 Subject Parcel



0 0.05 0.1 Miles



Area of Detail Date: 3/15/2023



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Aerial
6564 LAKE DR

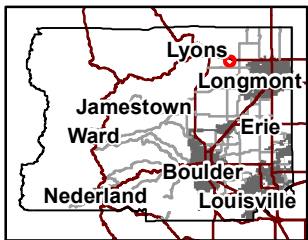
 Subject Parcel



0 0.015 0.03
Miles



Area of Detail Date: 3/15/2023



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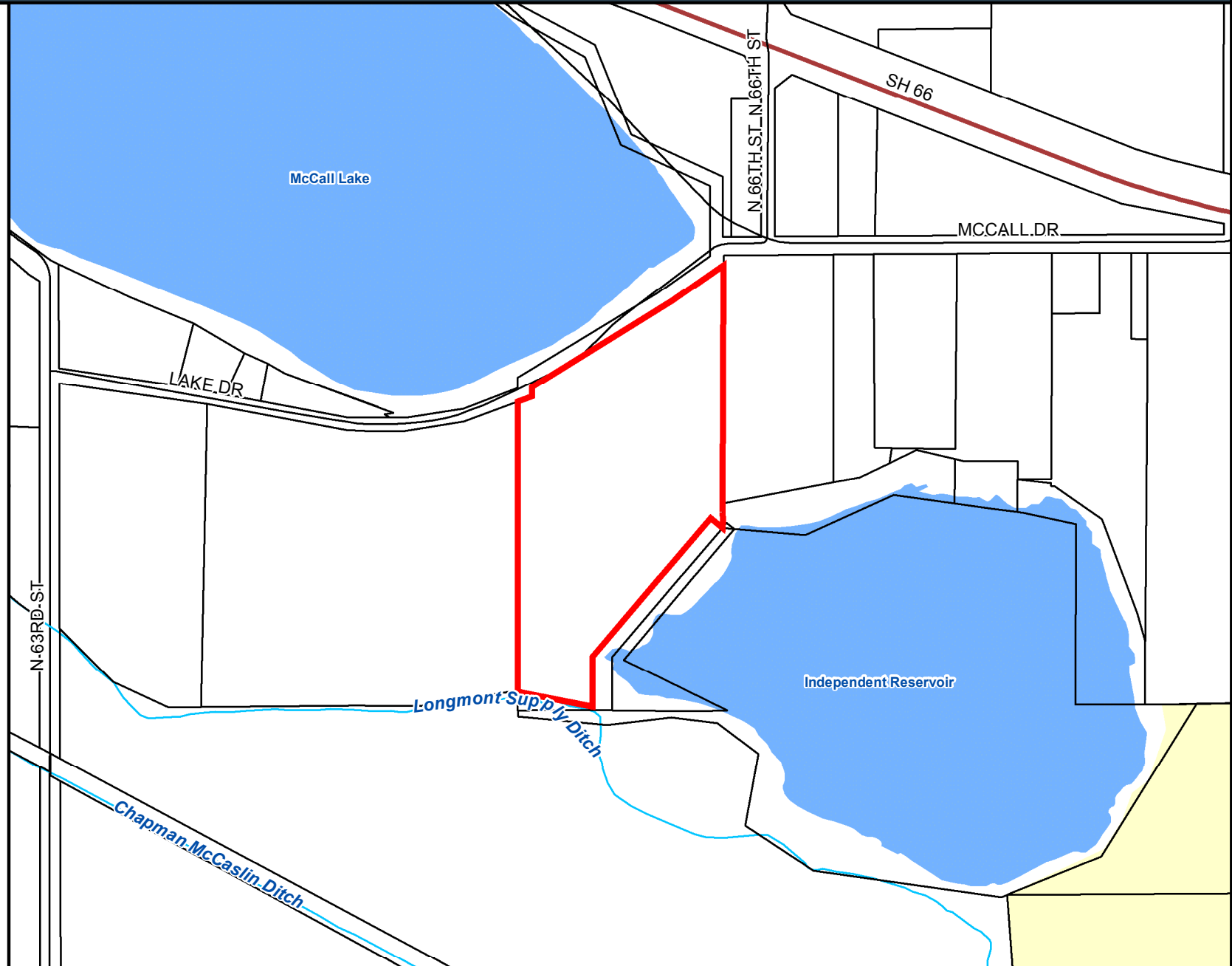
Location

6564 LAKE DR

Subject Parcel

Subdivisions

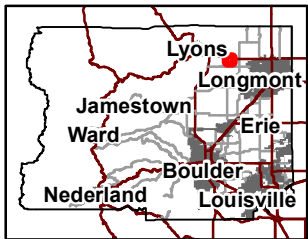
Subdivisions



0 0.035 0.07 Miles



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Zoning
6564 LAKE DR

Subject Parcel

Zoning Districts

Agricultural

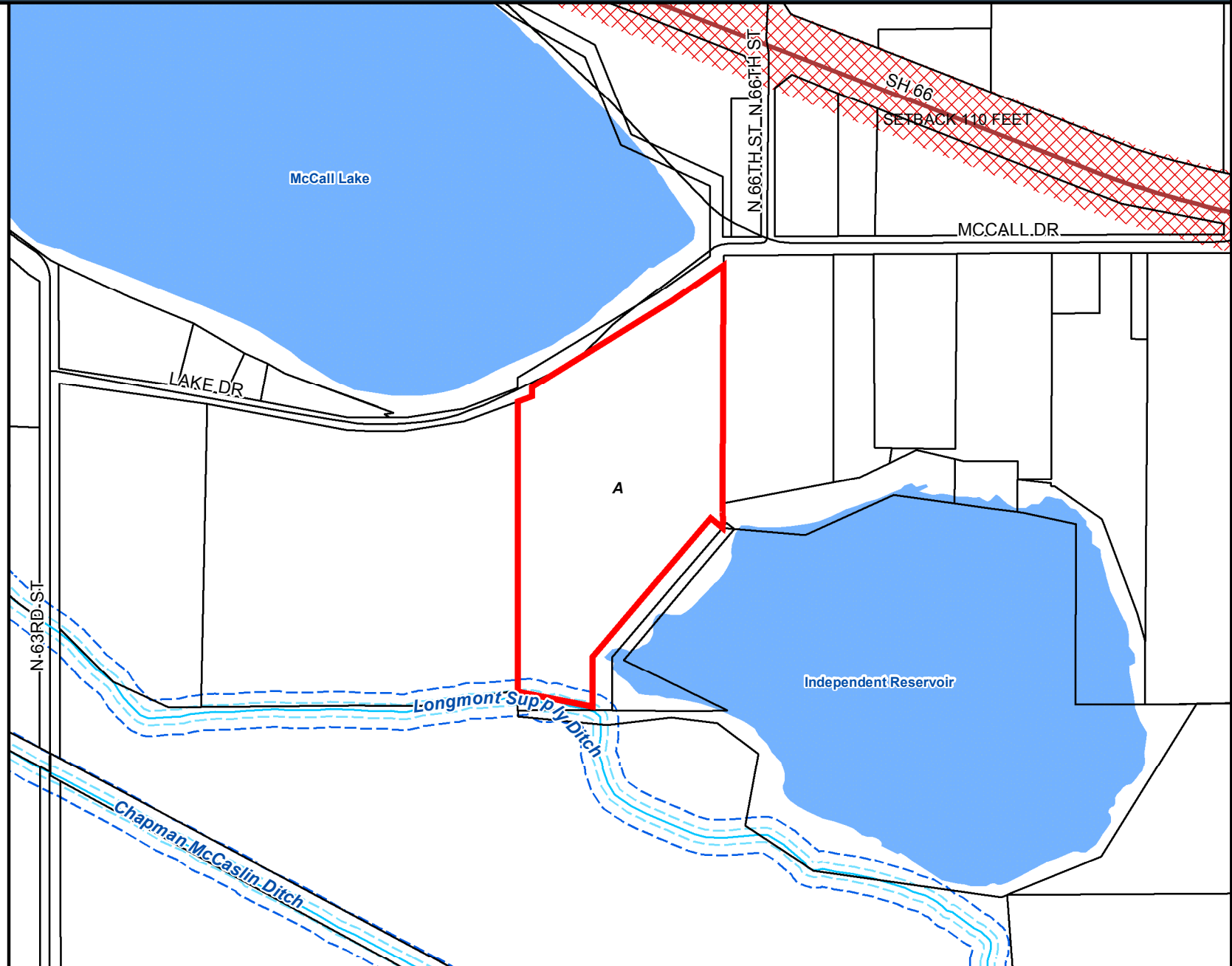
Ditch Setbacks

20 feet

50 feet

Major Road Setbacks

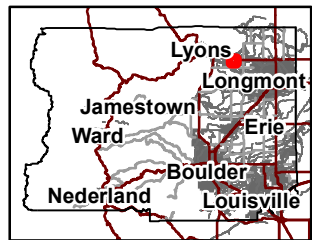
110 feet



0 190 380 Feet



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Comprehensive Plan

6564 LAKE DR

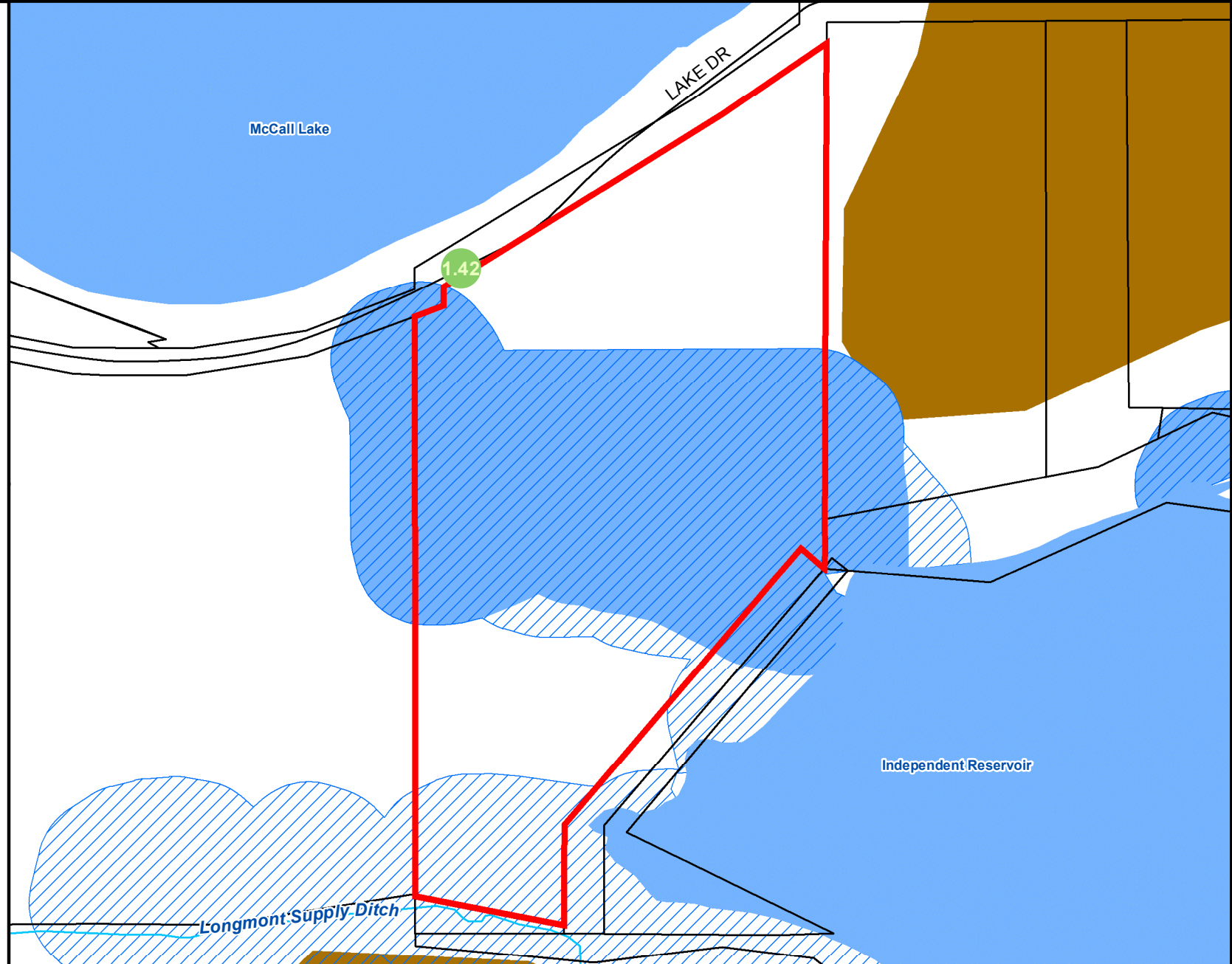
Subject Parcel

Riparian Areas

Wetlands

Significant Agricultural Land

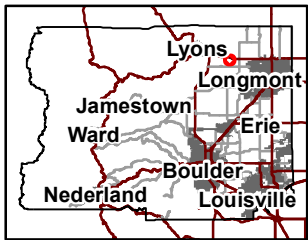
Ag of Statewide Importance



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Area of Detail Date: 3/15/2023



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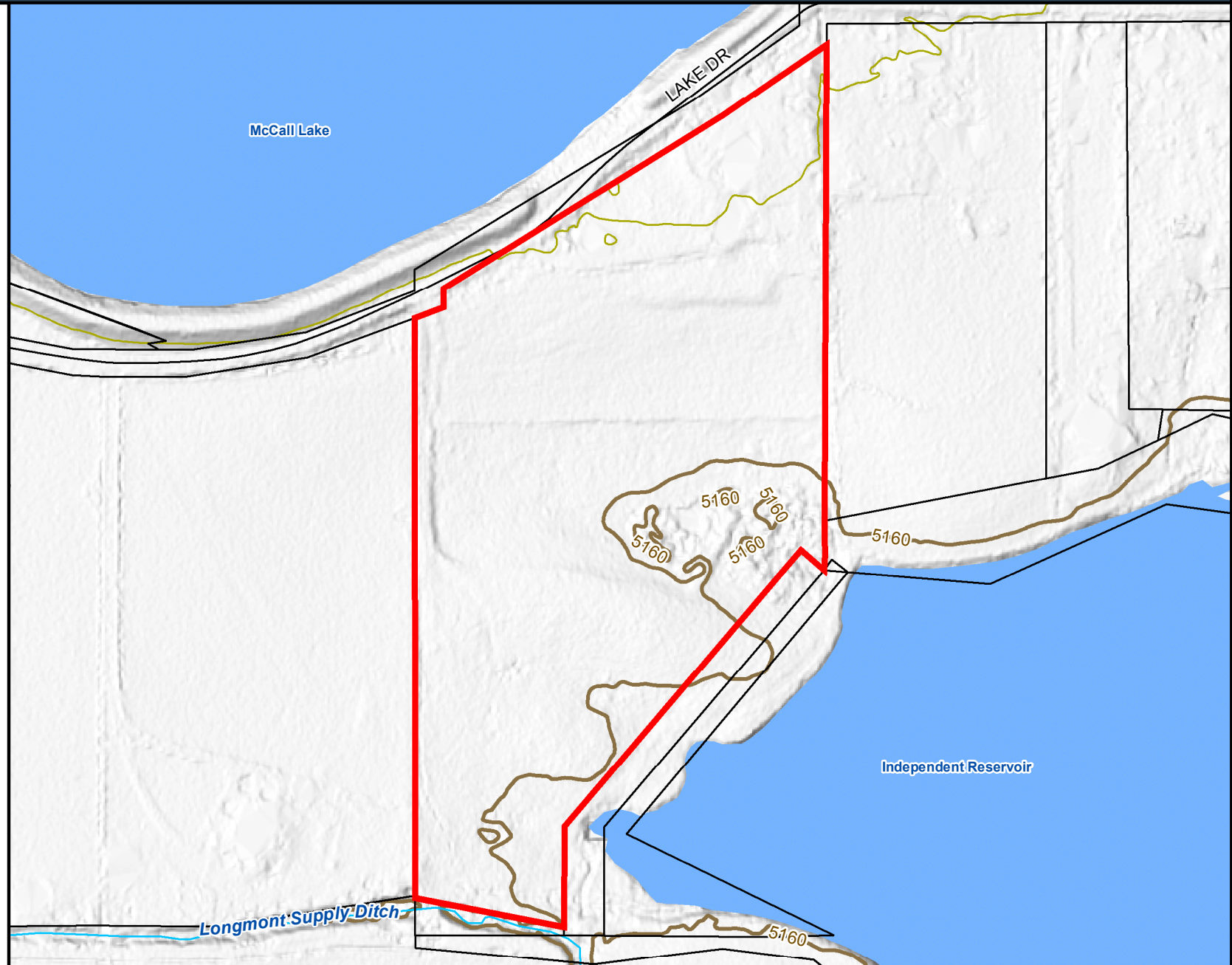
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Elevation Contours

6564 LAKE DR

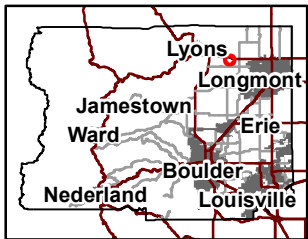
-  Subject Parcel
-  Contours 40'
-  Contours 20'



0 0.015 0.03 Miles



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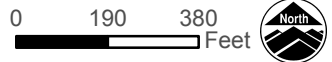
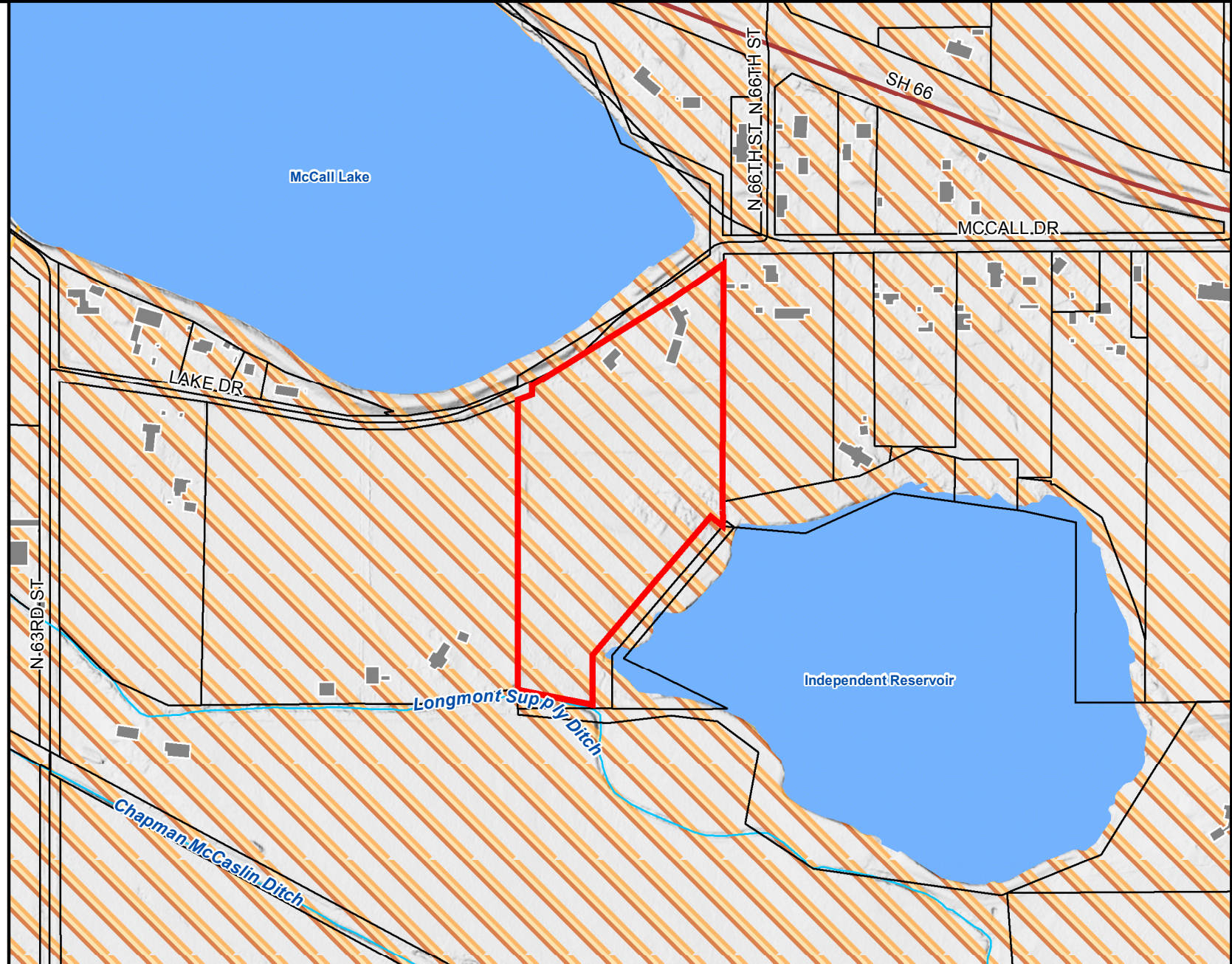
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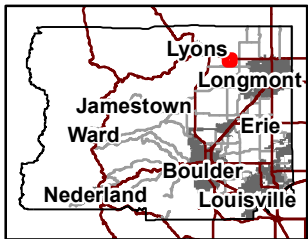
Geologic Hazards

6564 LAKE DR

-  Subject Parcel
-  Steeply Dipping, Heaving Bedrock



Area of Detail Date: 3/15/2023



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Public Lands & CEs

6564 LAKE DR

Subject Parcel

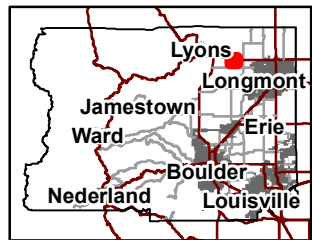
Boulder County Open Space

- County Open Space
- Conservation Easement

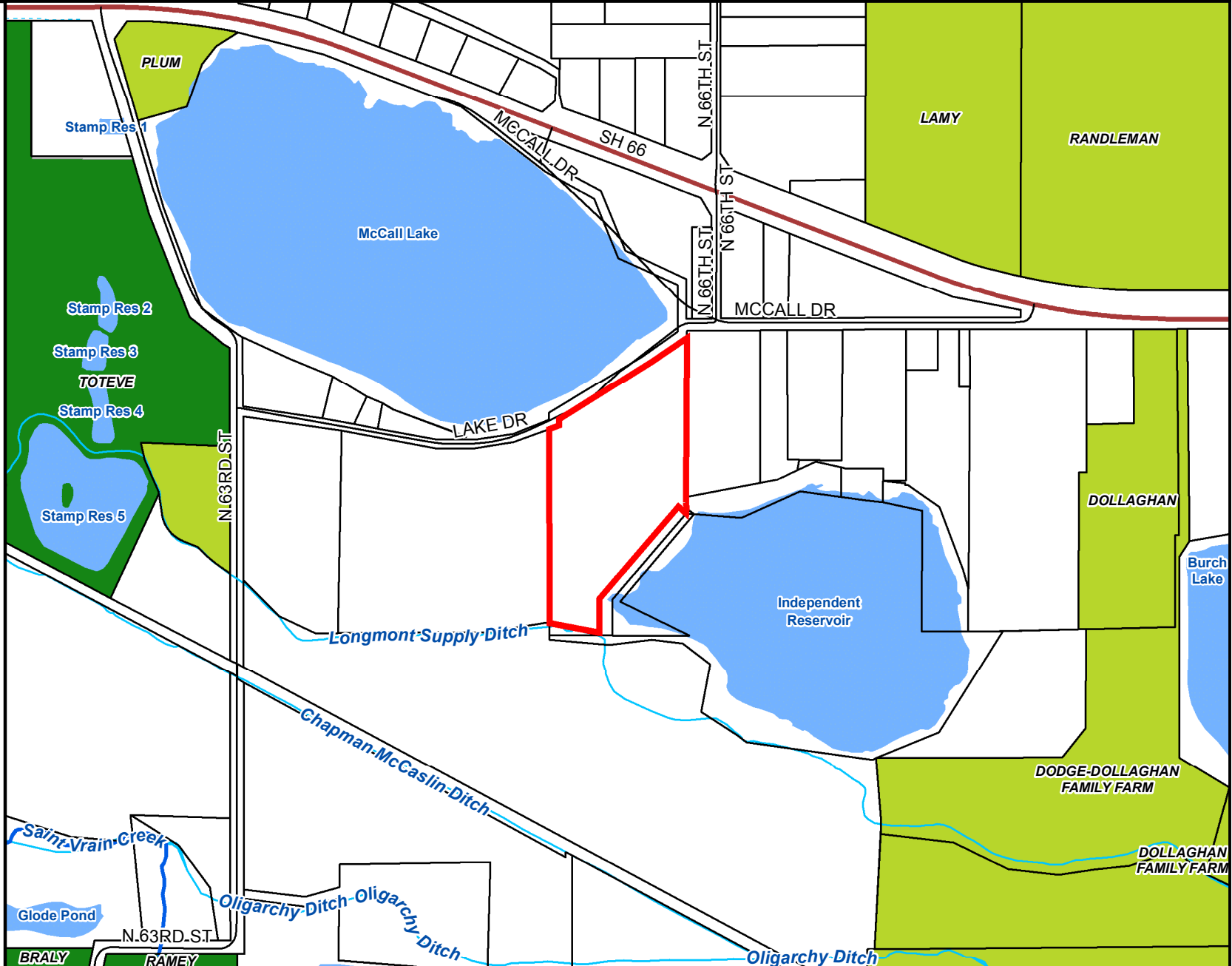
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Area of Detail Date: 3/15/2023



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Narrative For Candee Family Ranch: Parcel 120326000014,
6564 Lake Drive, Longmont CO 80503

The property was created in 1904 as part of a family farm and in conjunction with the formation of the Independent Reservoir. In 1924 the family divided the larger parcels into what is today the 10.93 acres and used for growing grass and ranching. In 1962 a family purchased the farmland and built a small, inexpensive stick-frame home with a shallow crawl space. It is 3 bedroom, 1 bath ranch house with 2260 Sq Ft (1680 w/o garage), which has remained largely unchanged over the last 60 years. In 1979 the Arroyo family purchased the property and used it as a ranch property with horses, hay fields and a few acres of grazing. In 1966 Boulder County approved a 2700 Sq Ft farm utility building (uninsulated metal-roof pole barn w/o utilities) to support the ag needs, and in 1989 (and again in 2001) granted a permit to add a 1769 Sq Ft agricultural caretaker unit.

After 40 years on the land, in winter of 2013, Grandma Arroyo decided to pass the farm onto a new family, which was when we were fortunate enough to become the caretakers of this special place. The property flooded in 2013 and 2015 due to McCall Lake overcoming the spillway when the ditches to the North flooded; it also flooded the neighboring 5 properties that sit below McCall reservoir. In fall of 2015 after the 2nd event, we worked with Boulder County to create a flood plan for McCall Lake that channels the water onto our property and drains it down along our lower farm road and into Independent Reservoir. The County installed large culverts, ditches and stone retaining walls, along with substantial grading and earth work on our property, and the neighborhood is now well prepared for the next flood event.

Over the last 10 years we have been cleaning up decades of overgrowth for fire mitigation, refuse piles (the previous family used a low spot near the lake to dump metal and trash since the 1970s), Russian Olive outbreaks, and clearing the lower lake area of barbed wire, posts, ancient water heaters and concrete debris. Rather than burning slash piles and spraying weeds with chemicals, we have chosen to engage in Hügelkultur, and discing weed beds in order to replant with native grasses and wildflowers.

We have also reinvigorated the agricultural balance and output of the property. The mature orchard (consisting of apples, pears and plums) consistently produces fruit for people and animals (local horses, deer and elk also love the land fall apples). Over 40 asparagus bushes are naturally spread across the 11 acres, and the 3 acres of hay is harvested 2X per year (much of which is donated to local non-profit Front Range Hippotherapy located 10 minutes away on highway 66). The lower portion of the property is used for cow and sheep grazing, and the animal droppings has helped create a fertile natural grassland.

We take a "Community First" approach to everything we do, in part because of the nature of the property and its location. 1/ Hay Operations: we maintain a few acres of grass to feed horses and cows, we cut the neighbor's 5-acre ag property to the East, and support the cutting on 2 others. 2/ Farm implement repairs: our pole barn is used for servicing and storing farm equipment to service the above-mentioned properties. 3/ Location between two reservoirs and

ownership in Independent Reservoir: in addition to the maintenance of the reservoir property, there are 100+ year old field drains that feed from 2 neighboring properties (to East and South of us). 4/ Fire and Water truck: given the fire danger in Boulder County (we have been evacuated 2 times) and the 2022 loss of neighbor's barn to fire, we built a firefighting (and watering) rig for community use. It is also used when neighbors engage in burning ditches or slash piles.

In 2022 we purchased the adjoining 28.68 acres which included the 24-acre Independent Reservoir and is made up of parcels R0143578, R0504702 and R0143580. Dan Candee is the president of the Independent Reservoir Company, which is responsible for the maintenance and sustainability of the water, shoreline and underlying land. We also work with local ditch companies and farmers to ensure resource continuity. Through that purchase we secured permanent access easements to Independent, which are being submitted to BoCo in January.

We are asking to develop the property in 3 ways: 1/ secure the agricultural caretaker unit permit and add a small residence 2/ remodel and expand the original 1963 home 3/ add an ADU to assist in caring for our daughter while also supporting Katie's parents until they die.

1/ Ag Unit: Time to maintain the above agricultural efforts takes about 20+ hours a week in the winter, and in the summer, over 40 hours, spiking to 60+ during hay seasons. This is the primary reason we are seeking approval from Boulder County to continue the agriculture caretaker unit permit that has been on the property since 1989. The previous structure was removed in 2013. The needs increased dramatically in 2022 with the addition of the Independent Reservoir responsibilities. Our goal is to have the caretaker and his wife live on-site (Zach has worked for us since 2015) rather than commuting from Denver area. As you are aware, Boulder housing costs are much higher than in surrounding counties; he and his wife have a baby arriving in Spring 2024, and given the on-site nature of the work, it would be transformative to both us and the surrounding neighbors that rely upon us. Would it help to have letters from the neighbors discussing how Zach and myself have worked support over 55 acres of grass and ditch work? We work primarily with Laura Lichter, Trudie Webster, Ray Lamb and have also have leased our grazing land to Sky Pilot farm to host sheep. This has previously been approved 2 times for this property, and that was *before* we added the responsibility of caring for the 28 acres that comprise Independent Reservoir.

Regarding the proposed location, it was suggested because it is hidden in a low spot on the property where it wouldn't be seen by any other neighbors except for 2. It is above the marsh and riparian area, and still close enough to leverage the primary septic from main house. However, on the map you provided, I understand the concern. Is there an opportunity to bring you onsite and observe the reality of the placement? If after it is determined to be unsupported by the County, there are two other locations available. I believe the next best would be next to the Ag Barn, to its South. It can be hidden along the tree line and be next to the barn with the tools of the trade.

2/ Residence remodel and expansion. The current home is an environmentally dated and small, single bathroom ranch from 1963. We have a 5-year-old son (Luca), 8-year-old daughter (Quinn), wife Katie works from home and husband Dan works in downtown Denver. Our daughter Quinny has a progressive and rare bone disease called Olliers, for which there isn't a cure. Her bones are mutating in various ways, and she has significant limb-length discrepancies and impact to her hands and joints. It will get worse over the next 10+ years of her growth period and require multiple surgeries and recovery periods for limb-lengthening and adjustments to her hands and wrists. We believe that with family and in-house therapy support we can properly care for her. As the site plans indicate we would like to build a separate 4 car garage to accommodate increased parking needs from guests, which will also house much of the solar and mechanical needs (and build for the future of electric cars). Above the garage is a proposed ADU (plus studio / physical therapy and office space). The current floorplan sq footage exceeds the recommended amount due to the garage requirements and because we are seeking to add an extra overnight space within the residence. While we have asked for the ideal house and garage space, we believe we can shrink some of the residence volumes and find a compromise. We have 28 family members in Colorado plus 2 parents who live out of state but visit constantly. We have family house guests multiple times a month, ranging from 100 year old Grandma Kathleen (she's amazing!!) to our 4 sets of parents (everyone has divorced and remarried). Their involvement and assistance with our children is absolutely critical to our existing and future life plans. Our dream is to build a home that meets the needs of our daughter, a growing modern family, captures the natural beauty of the ranch, and leverages more modern environmental practices. We plan to incorporate solar, Tesla Power Walls and be adding power back to the grid. There is nothing about the existing 60-year-old electrical system for house or garage to support this. We will use a horizontal Geothermal Pump system for the property development plan, and excited to exceed Boulder County regulations for insulation and glass needs.

Additional consideration for exceeding the residential floorplan area and justification with respect to the Site Plan Review Standards:

a/ Visibility (SPR 2.b.i.A.1) The home site is in a remote area of the county on a rarely used dirt road. There is only 1 house that is visible from the existing and proposed residence, which is approximately ½ mile away through trees and at lower altitude. Additionally, this neighbor has been there for 50+ years and has offered to write a letter to the County in support of our proposed plans. There is a natural topography and extensive year-round trees and bushes that shield the entire residence site from all other neighbors and most of the dirt road. Additionally, the proposed design of the garage, ADU, therapy studio and office has specifically placed in a location where there is zero visibility of the structure. We have already planted about 15 trees and bushes between the proposed site and dirt road, and are planning to complete 100% privacy barrier between the dirt road and the garage site. The RFA of garage/studio/office is 1,281 sq. ft. and entirely hidden – exactly aligned with SPR 2.b.i.A.1. Please note that the water table is extremely high at the location and it is impossible to build any underground or basement level RFA. The “below grade” median sq. ft. called out in the PSA for our neighbors comes from homes built on slopes and captures the aggressive topo change of their sites, which is not an option in our location.

b/ Distribution of RFA in neighborhood (SPR 2.b.i.B). In reviewing the RFA for the neighborhood, there are already 5 homes that have a similar concept and sq. ft. as ours. The other 39 reviewed are the original old houses that have not been remodeled or upgraded to modern environmental efficiency for size standards found in Boulder. Looking closely at the 5 properties that are 5,000 sq ft. or above highlights a more contemporary approach, which also includes multi-generational element.

Ex 1: 7001 Rozena Dr. is 6,238 sq. ft and went through a substantial multi-million dollar remodel in 2019 and includes large pool area. Of all the houses on the list, it is the only recent remodel development in the last 30 years.

Ex 2: 6775 Ute Road was built in 1990 and leverages 5,577 sq. ft. in a nearly identical way that we are proposing. Its garage is 1,008 sq. ft. with a 455 sq. ft. studio area. It also has an old 2080 sq. ft. agriculture structure plus farm utility building with 1760 sq. ft. to help manage the 35 acres. As described above, we have similar farm and lake management requirements.

Ex 3: 6698 McCall Dr. is 5,431 sq. ft. and while it was built in 1905, went through significant remodel in the 1990s as well.

Ex 4: 6796 McCall Dr. is 5,404 sq. ft and has not been developed since the 1980s and 1970s.

Ex 5: 12580 N 63rd St is 4,734 sq. ft. and is relevant as it was originally built as a smaller ranch in the 1940s, but upgraded in size and efficiency in the 1980s to the current RFA to accommodate larger living area.

The lack of recent projects in the rural neighborhood is limiting our ability to create a meaningful and contemporary RFA. Our residence is living in a 1960s world, as are most of the surrounding houses. We are simply asking permission to be on par with the square footage of the local homes developed/upgraded in the 1990s, but with 2030 level efficiency and environmental impact standards. Also note, all the homes above are far more visible from neighbors and roads than we are, by factor of 5. We have been in 4 of the 5 above-mentioned homes and can see 3-7 neighbors from each. 4 of the 5 are also on paved roads with heavier traffic. The only other modern build in the neighborhood was curiously missing from the Preliminary Size Analysis, and neighbors the 6,238 sq. ft. home at 7001 Rozena Drive. These two homes are on the opposite side of Independent Reservoir from us. I am speaking of 6900 Rozena Drive (BoCo Account # R0503412) which has an RFA of 7,350 (4,974 home and 2,376 residential improvement) plus an additional 574 farm utility building. I don't know how PSA maps are captured, but it is missing a significant property that is more in common with our proposed plan. It looks like it is drawn as an oval and captures many properties that are to the north of highway 66 for some reason? We wouldn't consider them in our "neighborhood" and they are also happen to be smaller homes pulling down the median sq. ft. which is impacting our RFA capabilities. I think we should revisit this together.

(SPR 2.b.i.D) We have included relevant sections from 3-15 because all apply:

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

4. The proposed development shall avoid natural hazards, including those on the subject property and those originating off-site with a reasonable likelihood of affecting the subject property. CONFIRMED.

5. We are hyper aware of wildfire risks and will be building with fire resistant materials. We have been evacuated 2 times and have gone so far as to build a fire-fighting rig for our neighborhood. This is extremely important to us. The site plan shall satisfactorily mitigate the risk of wildfire both to the subject property and those posed to neighboring properties in the surrounding area by the proposed development. CONFIRMED.

6. We have already proven our interest in working with Boulder County by helping create actual flood plan and earth work through our property to assist McCall Lake overflow and protect our neighbors. We survived the 2013 and 2015 floods and became a partner with the County. The proposed development shall not alter historic drainage patterns and/or flow rates or shall include acceptable mitigation measures to compensate for anticipated drainage impacts. CONFIRMED.

7. We are in full agreement that the development shall avoid significant natural ecosystems or environmental features, including but not necessarily limited to riparian corridors and wetland areas, plant communities, and wildlife habitat and migration corridors, as identified in the Comprehensive Plan or through the site plan review process.

8. The development shall avoid agricultural lands of local, state or national significance as identified in the Comprehensive Plan or through the site plan review process. CONFIRMED.

9. The development shall avoid significant historic or archaeological resources as identified in the Comprehensive Plan or the Historic Sites Survey of Boulder County, or through the site plan review process. CONFIRMED.

10. As discussed above – only 1 neighbor can see our residence and we are on a rural dirt road. The development shall not have a significant negative visual impact on the natural features or neighborhood character of surrounding area. CONFIRMED.

11. The location of the development shall be compatible with the natural topography and existing vegetation and the development shall not cause unnecessary or excessive site disturbance. We are not proposing any changes to the topography or site disturbance. Additionally, when we purchased the property, there were 3 gates/entrances to the property. We have closed 2 of them to minimize the impact on the land. CONFIRMED.

12. Runoff, erosion, and/or sedimentation from the development shall not have a significant adverse impact on the surrounding area. CONFIRMED. As noted above, we assist the neighbors with their runoff, and have also partnered with Boulder County to assist runoff from McCall Lake and the dirt road.

13. The development shall avoid Natural Landmarks and Natural Areas as designated in the Goals, Policies & Maps Element of the Comprehensive Plan and shown on the Zoning District Maps of Boulder County. We are not aware of any conflict with #13, although we are not experts on the Comprehensive Plan.

14. Where an existing principal structure is proposed to be replaced by a new principal structure, construction or subsequent enlargement of the new structure shall not cause significantly greater impact (with regard to the standards set forth in this Section 4-806) than the original structure. CONFIRMED.

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

(SPR 2.b.i.F) As noted above, we plan to make this an environmental showcase for Boulder County and our celebration of the environment and land. The house will significantly exceed the efficiency codes and also use extensive solar, energy storage and geothermal techniques.

3/ ADU: we are seeking permission to create a small living space for Katie's mom and her husband. They are in their mid-70s and her husband has increasing health challenges. Given their fixed income and that they live an hour north in Larimer County, it is getting increasingly difficult to support them from afar. Having them onsite is mutually beneficial as they age, and we plan to have them here until they die or require permanent medical support. Even more critically is that Quinn's grandmother would be on the property and able to assist our daughter with her handicaps. We require this type of permanent and dedicated backup care to support our family. We are eager to share medical records for Quinn as it pertains to her Ollier Disease and what her challenging future holds. Isn't this the exact purpose of an ADU? Be able to care for an elder with health issues, while simultaneously the elder's partner (our daughter's grandmother) is able to help care for the child?

Hopefully this plan captures the background on the property, our commitment to the precious land and our love of Boulder and our neighbors. I grew up in Eldorado Canyon and loving our amazing community, and we have chosen to lay our permanent roots here. We plan to die on this property – it is magic – in a magical part of the best damn County in Colorado. We need help from others to properly care for the neighborhood farm and lake and for our young daughter. Neighbors have offered to submit letters of reference, and we are also happy to submit medical diagnosis and records. This is our first time doing a house/property project and if there are any gaps in info or effort, please let us know.

Thank you for the kind consideration.

Dan, Katie, Quinn and Luca Candee

Parcel Info from BoCo site:

Account Number: R0053012

Owner: CANDEE DANIEL E & KATIE A

Mailing Address: 6564 LAKE DR

City: LONGMONT CO

Zip: 80503

Sec-Town-Range: 26 -3N -70

Subdivision: FOOTHILLS EAST

Market Area: 303

Parcel Number: 120326000014

Property Address: 6564 LAKE DR

Location: UNINCORPORATED

Jurisdiction: Unincorporated Boulder County

Legal Description: TR 801 26-3N-70 11.32 ACS

Est. Parcel Area:

Square Feet: 476,271

Acres: 10.93

Limited Impact Special Use Review Fact Sheet

Project Identification

Project Name: Candee Ranch
Property Address/Location: 6564 Lake Drive Longmont CO 80503
Current Owner: Dan and Katie Candee
Size of Property in Acres: 10.63

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

Determining Floor Area

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

Structure #1 Information

Type of Structure: (e.g. residence, studio, barn, etc.)		Agricultural Caretaker Unit	
Total Existing Floor Area: (Finished + Unfinished square feet including garage if attached.)		1792	Deconstruction:
		sq. ft.	sq. ft.
Are new floor areas being proposed where demolition will occur?			
<input type="checkbox"/> Yes (include the new floor area square footage in the table below)			
<input type="checkbox"/> No			
Proposed Floor Area (New Construction Only)			
	Finished	Unfinished	Total
Basement:	sq. ft.	sq. ft.	sq. ft.
First Floor:	1792	sq. ft.	sq. ft.
Second Floor:	sq. ft.	sq. ft.	sq. ft.
Garage: <input type="checkbox"/> Detached <input type="checkbox"/> Attached	sq. ft.	sq. ft.	sq. ft.
Covered Deck:	sq. ft.	sq. ft.	sq. ft.
Total:	1792	sq. ft.	sq. ft.
			Height (above existing grade)
			17
			Exterior Wall Material
			fireproof wood siding
			Exterior Wall Color
			grey
			Roofing Material
			metal
			Roofing Color
			black
			Total Bedrooms
			3

Structure #2 Information

Type of Structure: (e.g. residence, studio, barn, etc.)		residence	
Total Existing Floor Area: (Finished + Unfinished square feet including garage if attached.)		2260	Deconstruction:
		sq. ft.	sq. ft.
Are new floor areas being proposed where demolition will occur?			
<input type="checkbox"/> Yes (include the new floor area square footage in the table below)			
<input type="checkbox"/> No yes			
Proposed Floor Area (New Construction Only)			
	Finished	Unfinished	Total
Basement:	sq. ft.	sq. ft.	sq. ft.
First Floor:	2815	sq. ft.	sq. ft.
Second Floor:	1114	sq. ft.	sq. ft.
Garage: <input checked="" type="checkbox"/> Detached <input type="checkbox"/> Attached	1092	sq. ft.	sq. ft.
Covered Deck:	sq. ft.	sq. ft.	sq. ft.
Total:	3929	sq. ft.	sq. ft.
			Height (above existing grade)
			25' 8"
			Exterior Wall Material
			fireproof wood
			Exterior Wall Color
			grey
			Roofing Material
			metal
			Roofing Color
			black
			Total Bedrooms
			4

Grading Calculation

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

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

Earth Work and Grading

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

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

Earth Work and Grading Worksheet:

	Cut	Fill	Subtotal
Driveway and Parking Areas	0	0	0
Berm(s)	0	0	0
Other Grading	0	0	0
Subtotal	0	0	0 Box 1

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

	Cut	Fill	Total
Foundation	0	250	250
Material cut from foundation excavation that will be removed from the property			250

Excess Material will be Transported to the Following Location:

Excess Materials Transport Location:

Is Your Property Gated and Locked?

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

Certification

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

Signature <i>Daniel Candee</i>	Date 10.30.23
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Earth Work and Grading Worksheet:

Grading Calculation

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

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

Earth Work and Grading

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

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

	Cut	Fill	Subtotal
Driveway and Parking Areas	0	45	45 yd ³
Berm(s)	0	0	0
Other Grading GEOTHERMAL	666.67	666.67	1,333.34
Subtotal	666.67	711.67	1,378.34 _{Box 1}

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

	Cut	Fill	Total
Foundation	98	98	196
Material cut from foundation excavation that will be removed from the property			0

Excess Material will be Transported to the Following Location:

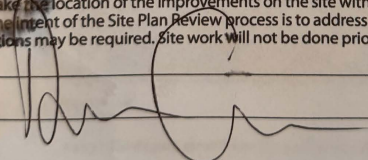
Excess Materials Transport Location:
NONE. ALL MATERIAL STAYS ONSITE.
GEOTHERMAL IS NET 0. GROSS 1,333.34

Is Your Property Gated and Locked?

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

Certification

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

Signature	Date
	12/28/23

①

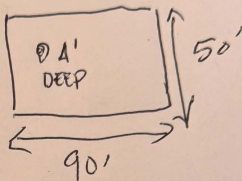
GEOHERMAL CALCULATIONS

COILS LIVE IN BASKETBALL COURT SIZE (1) 4' DEPTH.

CUBIC YARDS CALCULATION:

$$90' \times 50' \times 4' \text{ DEEP} =$$

$$666.67 \text{ YD}^3$$



THIS IS BOTH CUT AND FILL = NET = 0

$$\text{GROSS} = 1,333.34$$

YD^3

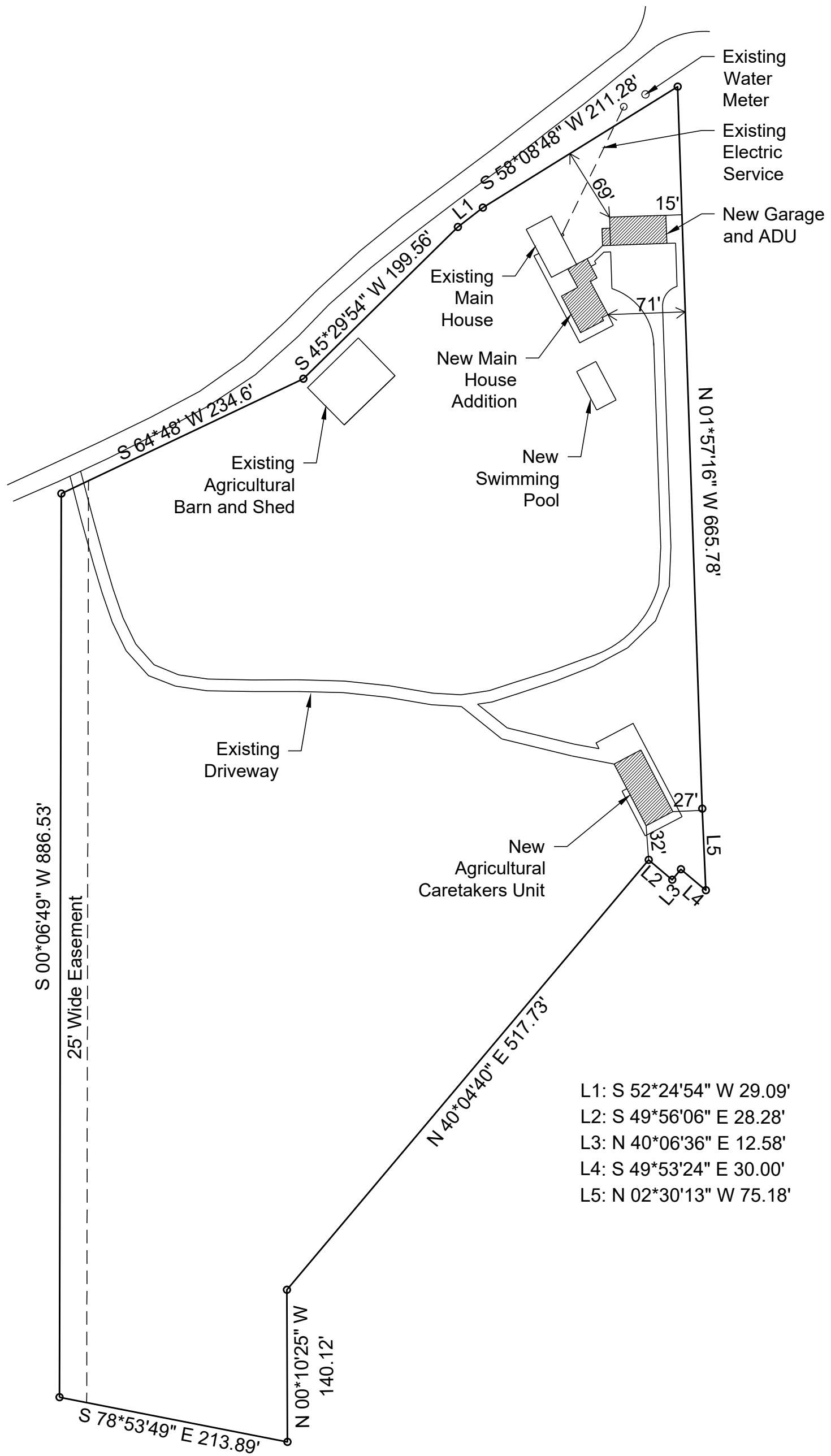
② SEPTIC SYSTEM = EXEMPT③ FOUNDATION

$$\text{CUT} = 98 \text{ YD}^3$$

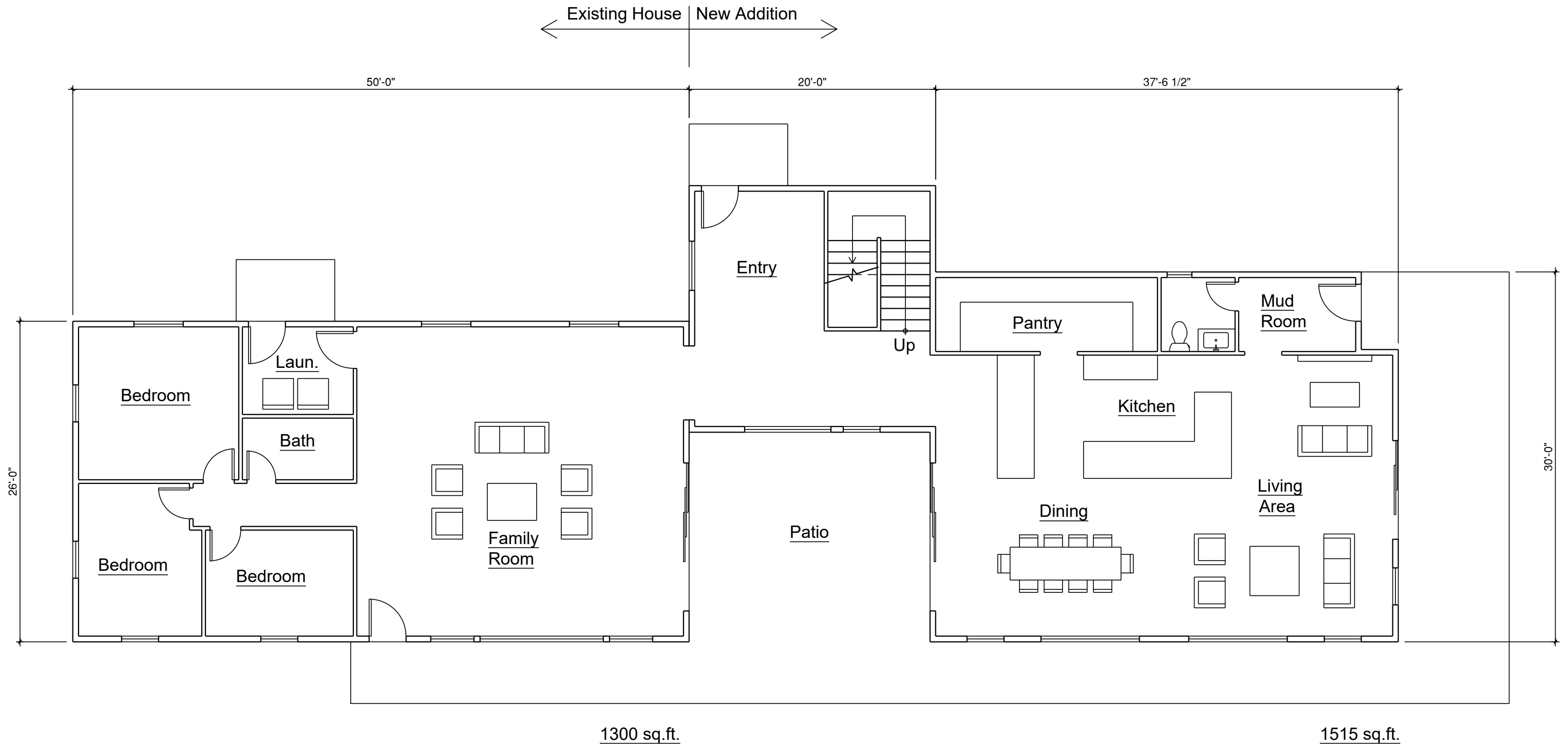
$$\text{FILL} = 98 \text{ YD}^3$$

$$= \text{NET} = 0 \text{ YD}^3$$


$$\text{GROSS} = 196 \text{ YD}^3$$



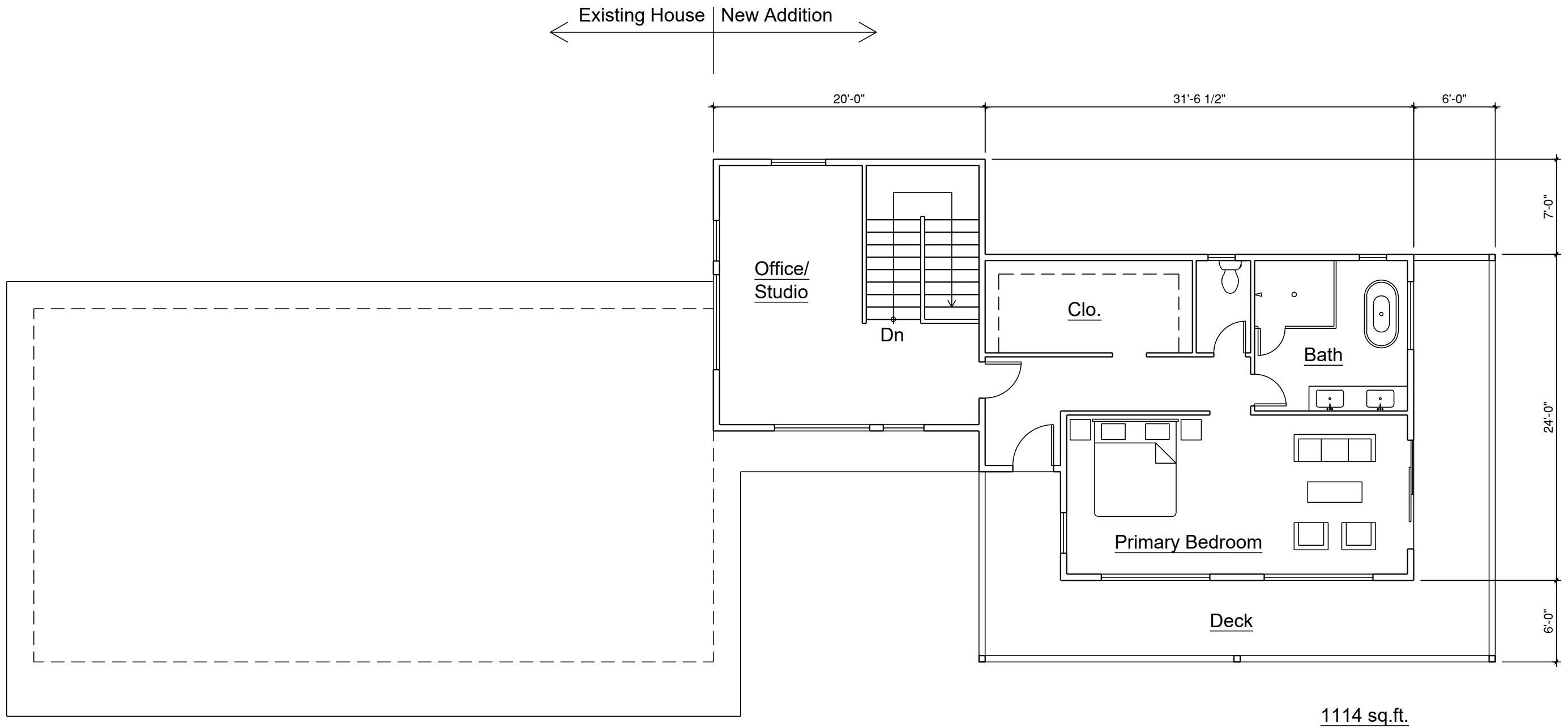
- L1: $S 52^{\circ}24'54'' W 29.09'$
- L2: $S 49^{\circ}56'06'' E 28.28'$
- L3: $N 40^{\circ}06'36'' E 12.58'$
- L4: $S 49^{\circ}53'24'' E 30.00'$
- L5: $N 02^{\circ}30'13'' W 75.18'$

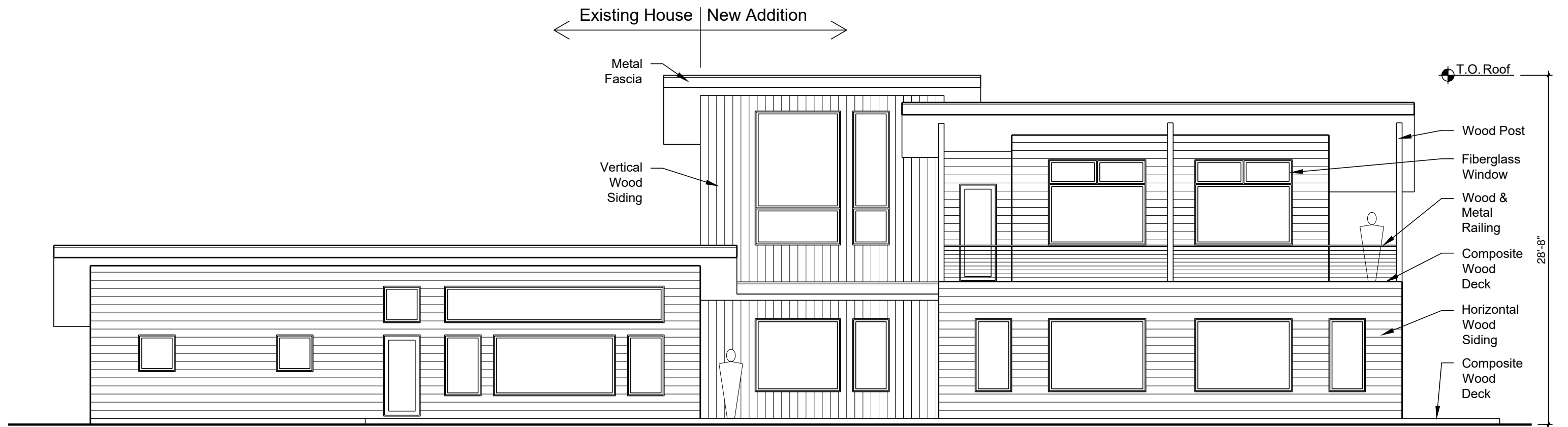


6564 Lake Drive

 **First Floor Main House**
October 27, 2023

1/8" = 1'-0"



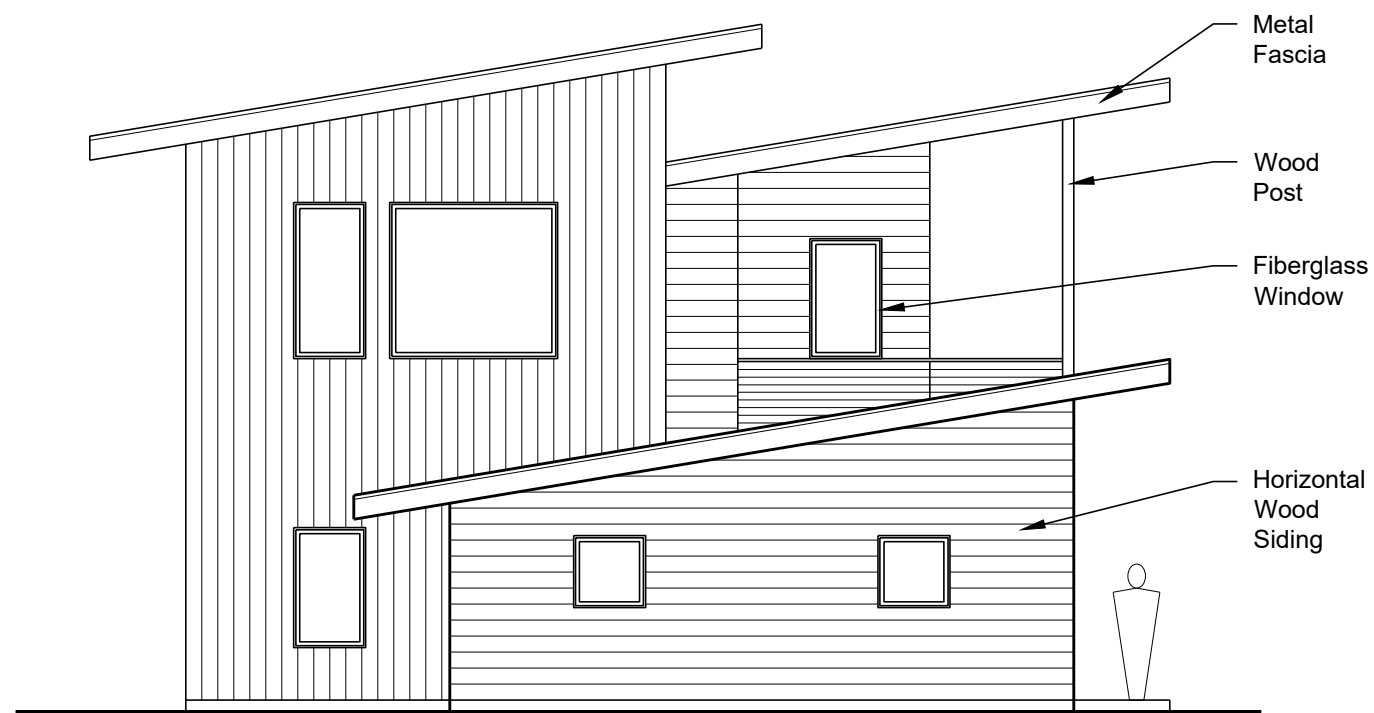


6564 Lake Drive

SW Elevation Main House

October 27, 2023

1/8" = 1'-0"



6564 Lake Drive

NW Elevation Main House

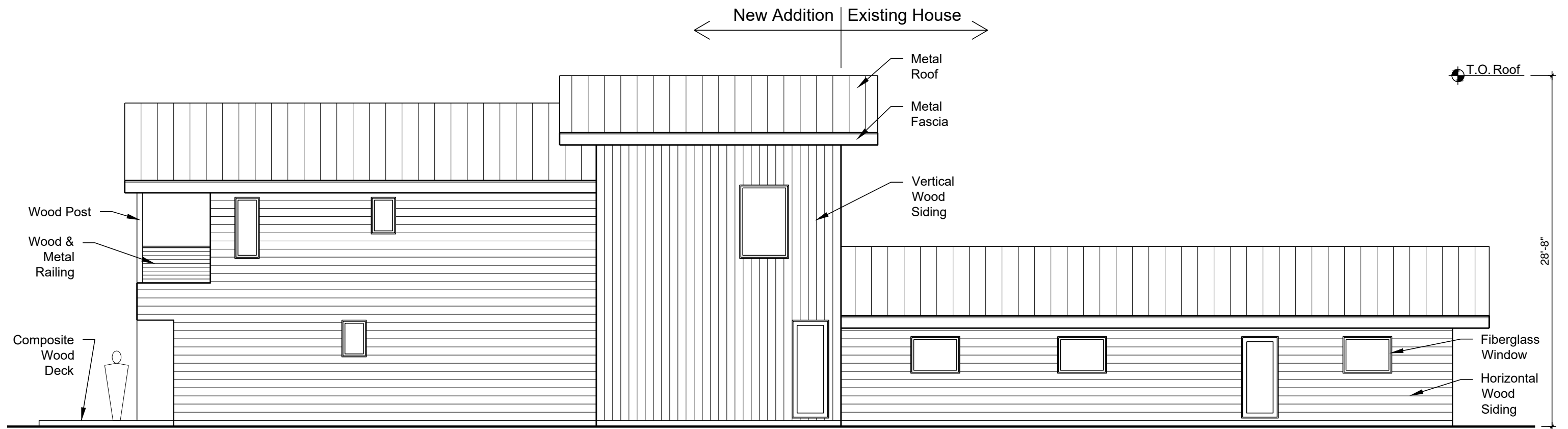
October 27, 2023

$\frac{1}{8}'' = 1'-0''$

SE Elevation Main House

October 27, 2023

$\frac{1}{8}'' = 1'-0''$

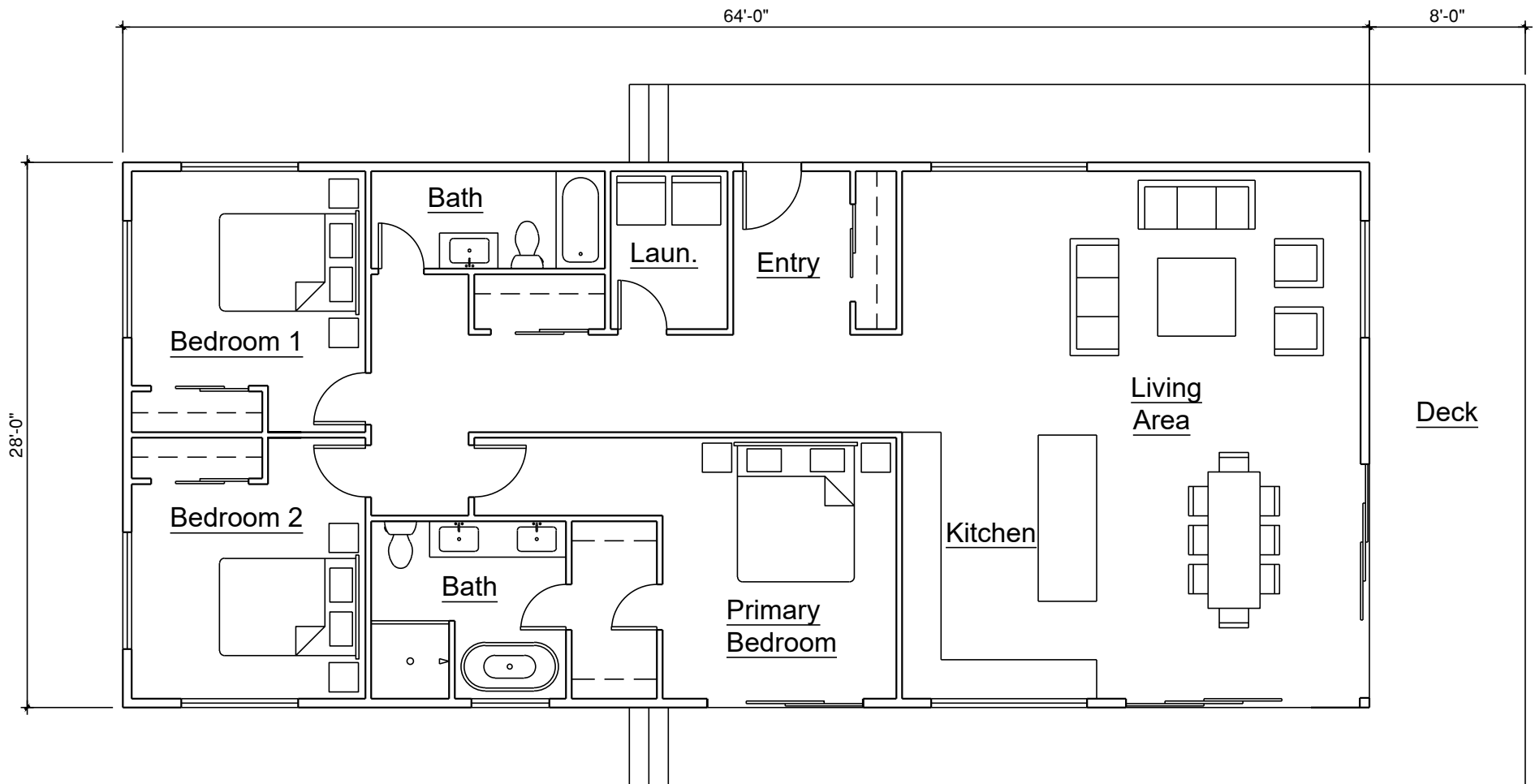


6564 Lake Drive

NE Elevation Main House

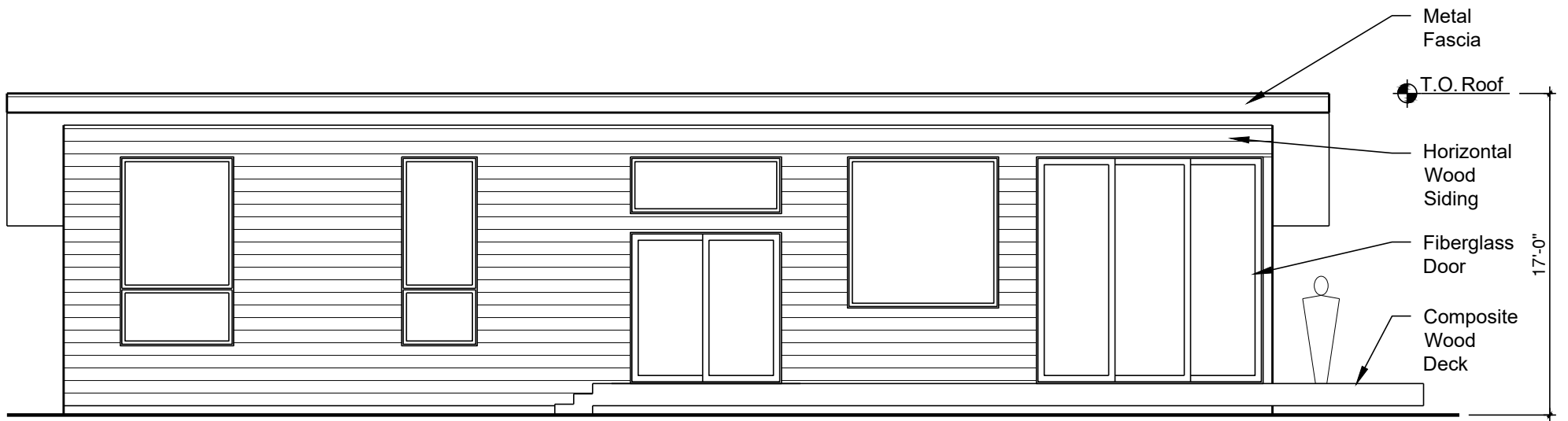
October 27, 2023

1/8" = 1'-0"



6564 Lake Drive

 **First Floor Agricultural Unit**
October 27, 2023 1/8" = 1'-0"

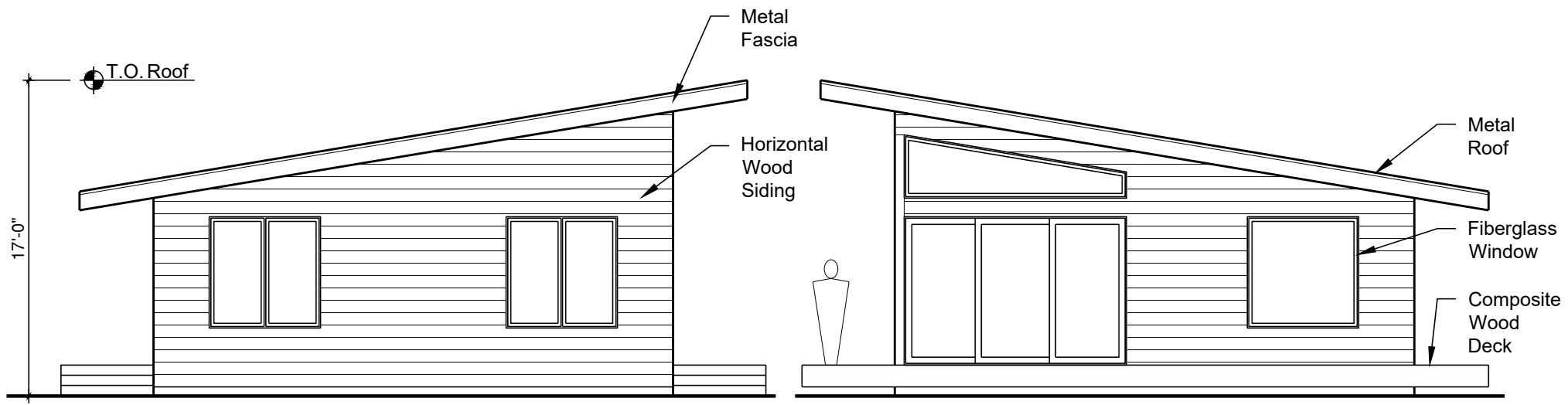


6564 Lake Drive

SW Elevation Agriculture Unit

October 27, 2023

$\frac{1}{8}'' = 1'-0''$

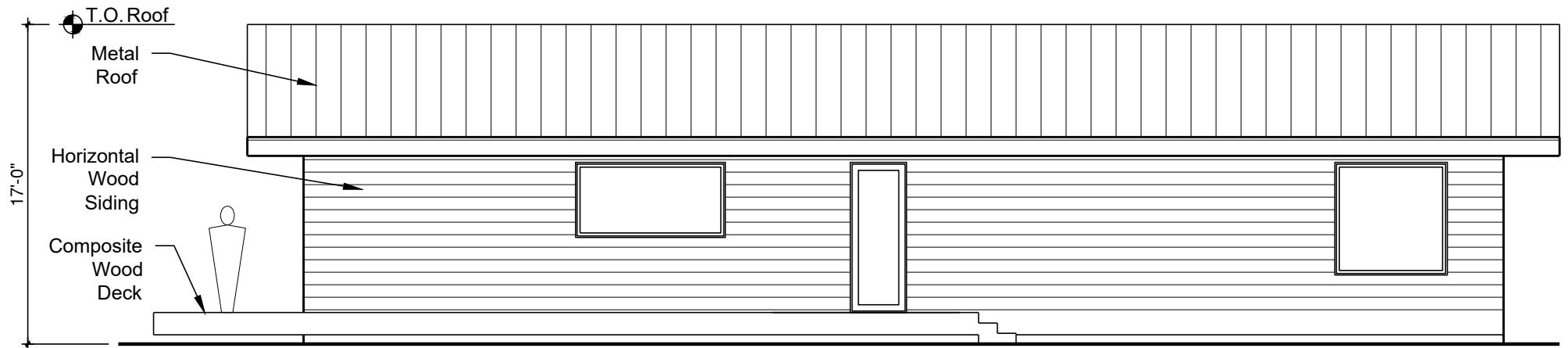


6564 Lake Drive

NW & SE Elevation Agriculture Unit

October 27, 2023

$\frac{1}{8}'' = 1'-0''$

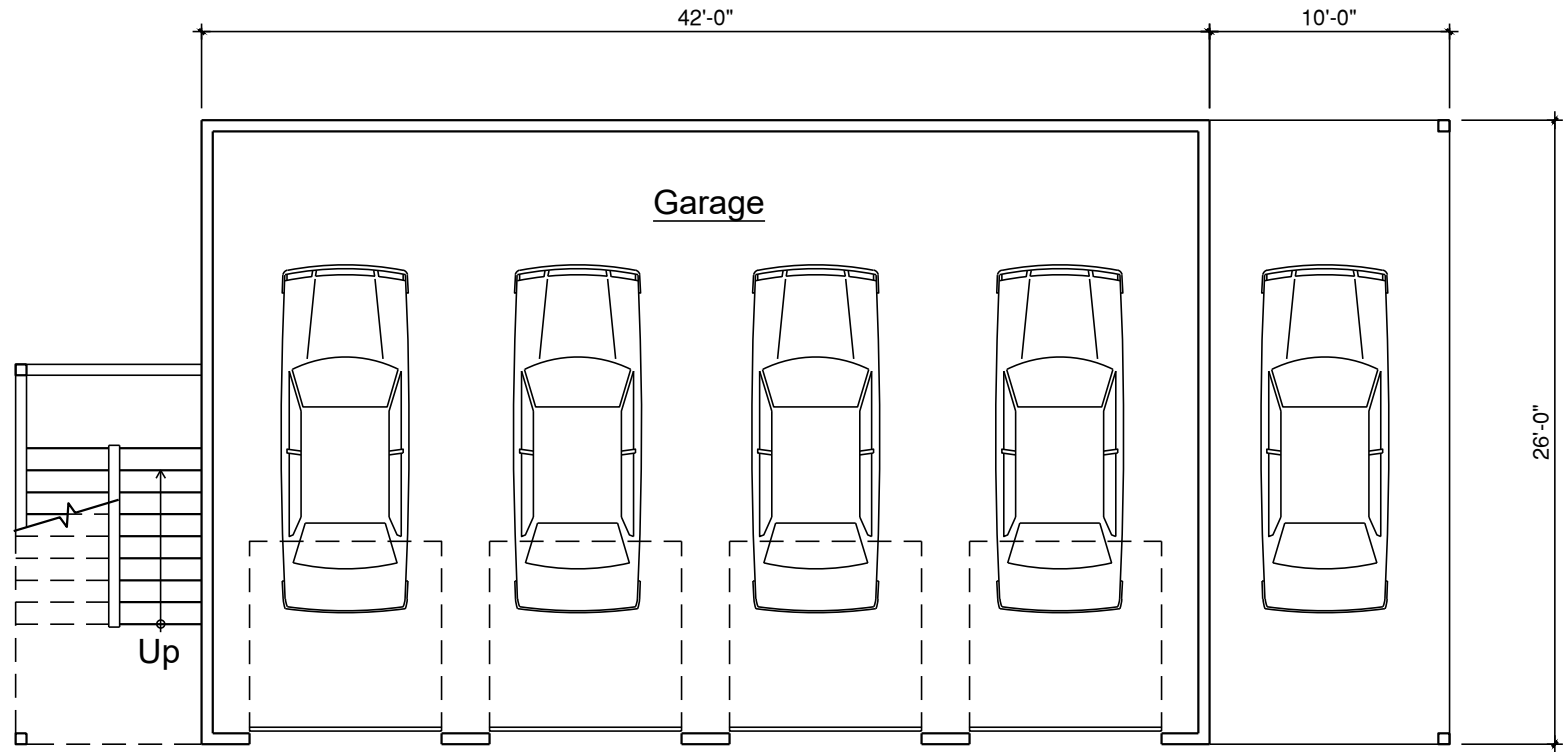


6564 Lake Drive

NE Elevation Agriculture Unit

October 27, 2023

$\frac{1}{8}'' = 1'-0''$

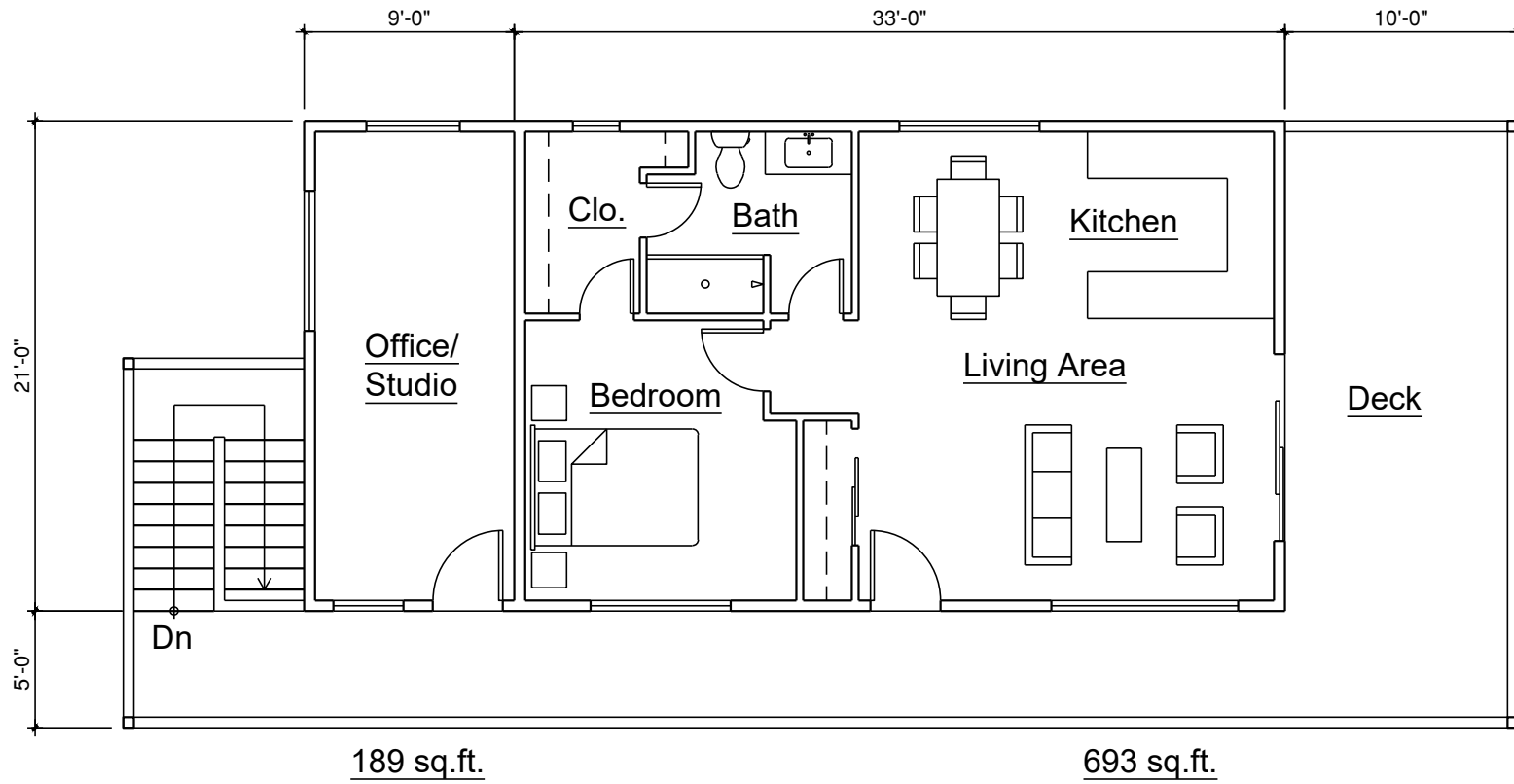


1092 sq.ft.

6564 Lake Drive

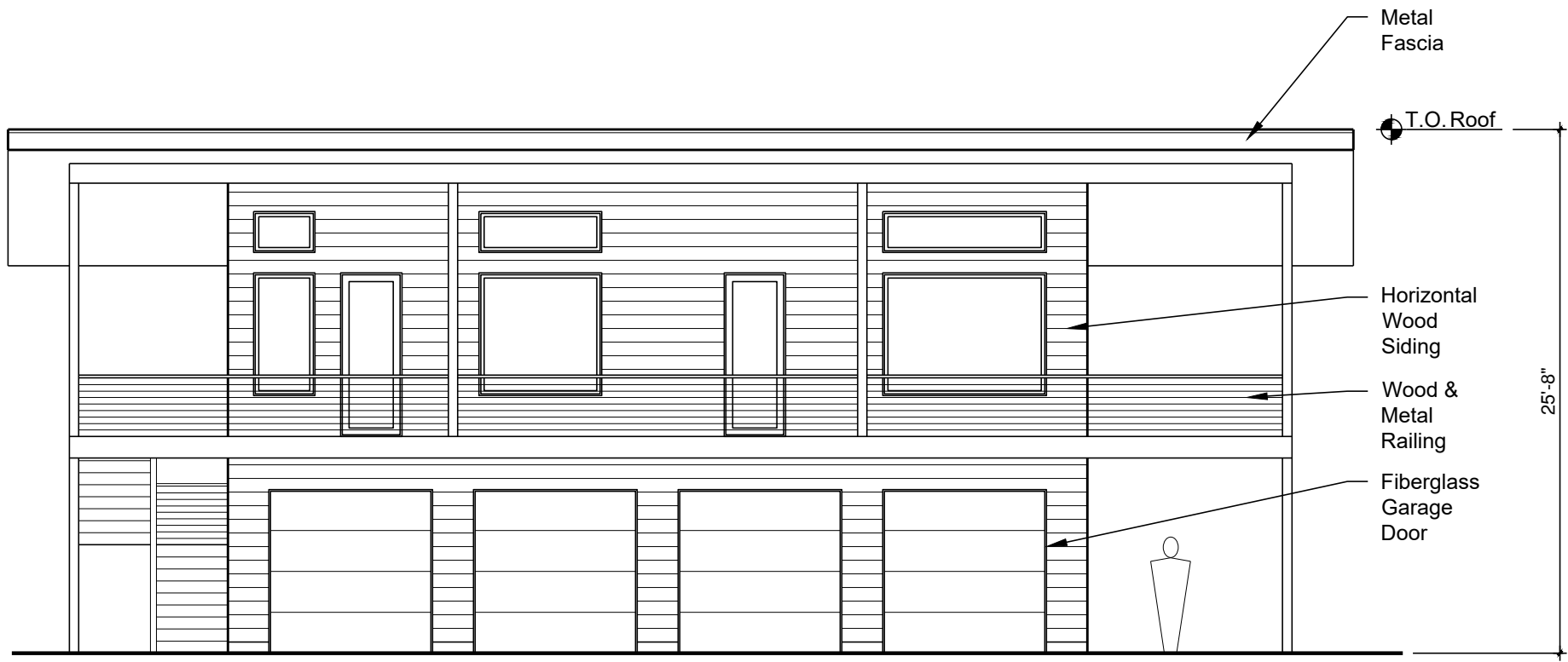
 **First Floor Garage/ADU**
October 27, 2023

$\frac{1}{8}'' = 1'-0''$



6564 Lake Drive

 **Second Floor Garage/ADU**
October 27, 2023 $\frac{1}{8}'' = 1'-0''$

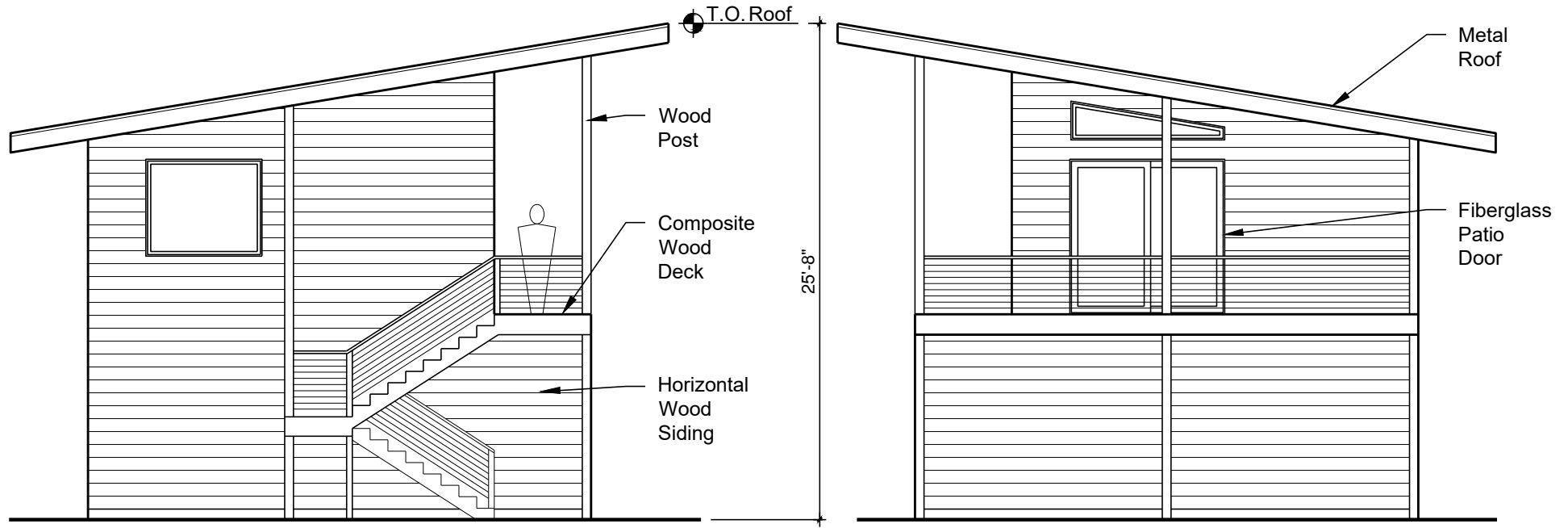


6564 Lake Drive

S Elevation Garage/ADU

October 27, 2023

$\frac{1}{8}'' = 1'-0''$

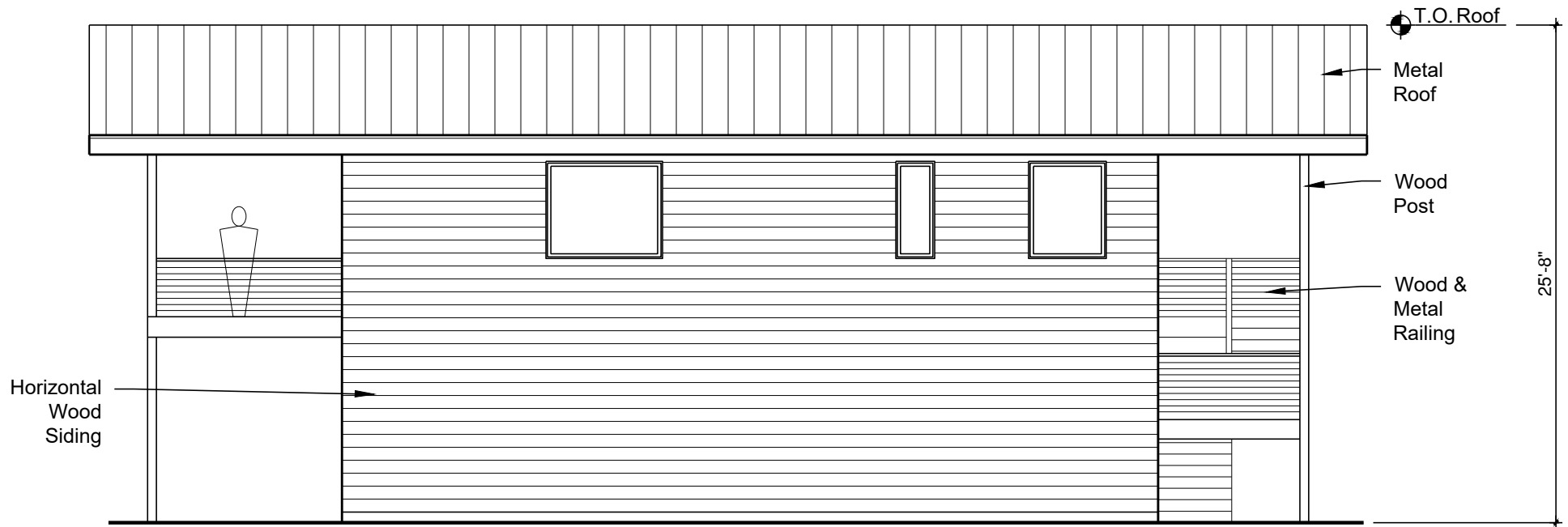


6564 Lake Drive

W & E Elevation Garage/ADU

October 27, 2023

$\frac{1}{8}'' = 1'-0''$



6564 Lake Drive

N Elevation Garage/ADU

October 27, 2023

$\frac{1}{8}'' = 1'-0''$

Supplemental Narrative – May 8, 2024

Agricultural Worker ADU

A 24/7 agricultural caretaker presence is essential for effective reservoir and property management and to ensure optimal agricultural operations without wasting precious natural resources. **The Candee Agricultural ADU is supporting direct management of over 40 acres, comprised of 11.32 acres at 6564 Lake Drive (Parcel # 120326000014) 1.63 acres (Parcel # 120326000015) and 27 acres of the Independent Reservoir (Parcel # 120326000057) and its 1.4 miles of shoreline.** As noted in the letters from adjacent neighbors, we support hay and animal operations on their properties, plus maintaining tractors, bailers, and other farming implements. This constitutes an **additional 65.6 acres on the 2 adjoining properties (Lichter and Webster Parcels).** The Candee Agricultural ADU provides necessary on-site housing to support the needs and allowing for immediate response to time-sensitive issues. During the week, Dan Candee is absent from the property for over 60 hours a week due to full-time job located in downtown Denver (and extensive work travel outside Colorado). He is also on the Board of the Longmont Hope foundation (ending homelessness in Boulder County) and Lyons Valley Preschool (supporting early childhood education), both of which require time commitments away from the day-to-day management and emergency response of the above-mentioned parcels.

Round-the-clock availability of the agricultural worker is particularly vital in 7 areas:

1/ Flood prevention and response. The documented flood risk in Boulder County underscores the value of a 24/7 caretaker. Their presence allows for preventative measures, real-time response, and a faster recovery from flood events. (see below)

2/ Boulder County's fire history necessitates a 24/7 agricultural caretaker presence for proactive fire prevention and rapid response. (see below)

3/ Crop Protection: Boulder's hailstorms, early frost, and weed and pest infestations all require swift action to mitigate damage to the Independent Reservoir infrastructure, Candee apple orchard and hay operations. An on-site caretaker can immediately deploy protective measures.

4/ Livestock Care: Animals need round-the-clock attention. Birthing complications, injuries, and illnesses can occur anytime. An on-site caretaker ensures essential care and veterinary support are accessible at a moment's notice.

5/ Independent Reservoir and Irrigation Management: Water is vital for agriculture as the St. Vrain grow area utilizes gravity fed ditches for irrigation. We call for water (Palmerton Ditch @ 6564 Lake Drive; Rough and Ready Ditch, and Palmerton Ditch for Independent Reservoir), and then the water runs non-stop for 48 to 120+ hours. System malfunctions or sudden drops in water supply can cause disastrous crop loss. A

caretaker can quickly address broken irrigation lines, preventing yield reduction, water waste, etc. (see original narrative, plus below). Output for Independent Reservoir feed Longmont Supply Ditch and Oligarchy Ditch.

6/ Equipment Maintenance: Agricultural equipment is complex and breakdowns threaten productivity. Having a caretaker with mechanical skills allows for on-site repairs, minimizing downtime during critical periods. During hay season (2X per year) it is a constant process.

7/ Security: Farming operations, fishing at Independent Reservoir and valuable equipment, can be targets for theft or vandalism. A caretaker provides a crucial deterrent, safeguarding our investments. Trespassing occurs roughly 1x per month during Spring through Fall (6-9 times per year). In January 2024 the neighbor's truck was stolen (and recovered destroyed in Estes Park), and there have been 4 other thefts in last 11 years of living onsite.

Specific Examples for 6564 Lake Drive and Independent Reservoir:

1/ Having a 24/7 agricultural caretaker the property is a significant asset in flood prevention and response. The documented flood risk in Boulder County underscores the value of a 24/7 caretaker. Their presence allows for preventative measures, real-time response, and a faster recovery from flood events.

- High Flood Risk: McCall Reservoir (our front yard) has flooded 2 times since 2013. The historical ditch system to North and West of our properties are over 100 years old and not built to flood level or modern flow capacity.
- The 6564 Lake property and Independent Reservoir are fed by 3 ditch systems.
- The St. Vrain River is to the west of property by $\frac{3}{4}$ of a mile. The St. Vrain is susceptible to rain events and spring snowmelt and poses a continual flood threat to the ditches in the area, which feed 6564 Lake Drive and Independent Reservoir.
- Several factors contribute to this risk: Topography: Boulder's location at the base of foothills creates a natural funneling effect for rainwater runoff, leading to flash floods. Weather patterns: Periods of heavy rain and rapid snowmelt can overwhelm waterways.

Benefits of a Caretaker: A round-the-clock presence can make a crucial difference in flood mitigation:

- Proactive Measures: Caretakers can monitor weather forecasts and maintain preparedness throughout the year. This includes keeping hay bales and sandbags on hand, clearing debris from drainage ditches, and ensuring proper irrigation system function to reduce runoff.
- Real-Time Response: During flooding, a caretaker can take immediate action to protect the property. This involves:
 - Moving livestock and equipment to higher ground.

- Deploying sandbags to divert floodwaters. Candee's have 2 examples of this, and used hay bales to save 6564 Lake Drive and 3 neighbor properties.
- Shutting off utilities to prevent electrical hazards: during Boulder County wide wind storm in April 2023, powerlines blocked McCall Drive and we were first responders. We had similar experiences in 2018 and 2015.
- Faster Recovery: Once floodwaters recede, a caretaker can begin initial cleanup efforts, minimizing downtime and potential damage. Experienced onsite in 2013 and 2015.

2/ Boulder County's fire history necessitates a 24/7 agricultural caretaker presence for proactive fire prevention and rapid response. Increasing Fire Threat: Statistics from the Colorado Division of Fire Prevention and Control (DFPC) paint a concerning picture:

- Due to live fires, we have been evacuated from 6564 Lake Drive 2 times in the last 4 years. In 2023, the neighbor to immediate north at McCall lake lost his barn due to fire.
- 20 of the 20 largest wildfires in Colorado have occurred since 2001.
- Several major wildfires have impacted Boulder County in recent decades: The 2010 Fourmile Canyon Fire (169 homes destroyed), the 2020 Calwood and Lefthand Canyon Fires (extensive property damage), and the devastating 2021 Marshall Fire (over 1,000 homes lost).
- As part of our proactive response, in 2022 we purchased and retrofitted a fire truck for fast fire response. It contains 350 gallons in primary tank, plus additional capacity of 400 gallons on bumper pull trailer. The unit is also capable of pulling water from the reservoir. It is designed to be the first response to local embers and fires prior to Lyons/Hygiene fire departs being able to respond (or in lieu of their absence due to other area fire needs).

Elevated Fire Risk at 6564 Lake Drive. Boulder County experiences several factors that contribute to a high fire risk: Climate: Hot, dry summers with low humidity create ideal conditions for rapid fire spread. Topography and Wind vectors can fan flames and make fire control challenging, as they can exceed 70 MPH in the St. Vrain area. Vegetation: the grasslands, hay operations can provide abundant fuel for wildfires. **Importance of Early Detection and Response: Early action is crucial in mitigating wildfires. A 24/7 caretaker can:**

- Spot fires early: Regularly patrolling the property allows for rapid detection before flames escalate.
- Initiate initial response: Caretakers can take immediate steps like clearing brush around structures, extinguishing small fires with readily available tools, and alerting authorities. This can buy precious time for firefighters to arrive and contain the blaze.
- Maintain fire breaks: Caretakers can ensure fire breaks are clear of vegetation and readily accessible in case of an emergency.

Besides our actual and personal fire experiences from living on the property since 2013, additional sources include: 1/ Boulder County Wildfire History Story Map: This interactive map by Boulder County (<https://bouldercounty.gov/disasters/wildfires/maps-and-videos/>) details major fires in the area, including the ones mentioned above. 2/ National Interagency Fire Center: This website (<https://www.nifc.gov/>) provides historical fire information, including data on wildfires by state. You can filter by year and state (Colorado) to get a general picture of wildfire activity.

3/ Independent Reservoir (IRC) Management and Emergency Response: Candee is President of the IRC, policy holder for the multi-million dollar insurance policy, and responsible to the shareholders of the IRC to manage and deliver the assets associated with the 360 shares of IRC. IRC was founded in 1906.

- Water Level Monitoring: Reservoirs need consistent monitoring of water levels to optimize wildlife support, irrigation and recreational use. Independent Fluctuations indicate leaks, evaporation, or unusual usage patterns. A caretaker can perform regular checks, alerting you to potential problems early. This proactive approach prevents water shortages during critical periods.
- Pump and Valve Operation: Reservoir systems rely on ditches, runoff and natural springs for water ingress; outgress consists of a dam originally constructed in 1909 (updated in 2004), plus outlets that feed into other ditch systems and use valves and filters for distribution. Output for Independent Reservoir feed Longmont Supply Ditch and Oligarchy Ditch. (See attached). These can malfunction without warning. An on-site caretaker trained to operate the system can quickly troubleshoot and restore irrigation flow, preventing crop stress.
- Scheduling and Adjustment: Irrigation schedules must adapt to crop stages, soil moisture, and weather. A caretaker can monitor these factors and make necessary adjustments. This expertise ensures crops receive water at the right time and quantity, maximizing yields and water usage efficiency.
- Maintenance and Repair: Irrigation systems require maintenance. Worn seals, clogged pipes, and leaks can severely impact water delivery. A caretaker with basic repair skills minimizes downtime and prevents water waste.
- Emergency Response: Unexpected events like breaches or pipe bursts jeopardize crops. An on-site caretaker can immediately shut down systems, contain leaks, and initiate repairs, limiting damage.
- Wildlife management. Since 2013, we have rescued 3 birds (1 eagle, 1 owl and 1 raptor) and 1 elk. We have also responded to 2 incidents of rabies infected animals (1 racoon, 1 skunk).
- Overall: An agricultural caretaker unit provides a dedicated presence for the Independent Reservoir irrigation systems. Their proximity and ability to quickly respond to changing conditions help ensure water is used wisely and crops are protected, especially during weather or technical crises.

Response to A&E Referral

We completely disagree with Mr. Kelly's assessment. He is incorrect on multiple fronts. The most glaring is #2 "A new access to Lake Drive (secondary access) has been established nearer the west property line. There is no evidence an Access Permit has been issued for the newly established access." As you witnessed from the pictures in the 1962 aerial photo, the current access has been in place prior to 1962. Furthermore, as demonstrated in the original narrative, it has been the primary access point since the agricultural property was initially developed in the 1920s. There is nothing "new" about it. In fact, as per Boulder County preference, we closed 2 of the 3 access points off. Mr. Kelly failed to understand the history of the property, and then proceeded to build an alternative strategy for the land which would be highly disruptive.

Mr. Kelly assessment #3 states "Review of aerial imagery from the year 2013 to 2020 demonstrates the establishment of an internal driveway from the secondary access." Yes - development of the original farm road began in earnest by BOULDER COUNTY in order to develop drainage and a flood plan. BoCo expanded the section, built culverts, brought in road base, etc. We became a partner to the County in order to assist with the needs of the area and support the McCall Reservoir drainage plan.

He goes on and says "Staff estimates that movement of more than 50 cubic yards but less than 500 cubic yards of earthwork has occurred." This is not true. Per Boulder County Plan I have removed approximately 50 russian olive trees (invasive species) and buried them along the road in order to enrich the soil (and prevent mass burning of slash piles). In 2023 I also turned the topsoil in order to kill all the noxious weeds of Thistle and Goats Heads (instead of using toxic spray) in order to plant appropriate native wildflower and grass seed. As far as moving earth - I only brought in 3 dump trucks of road base to finish the old farm road, and that is approximately 30-40 cubic yards of material to finish the job Boulder County started in 2015. The road has always been the agricultural access point to get hay equipment into the Webster property to our East, and is the Independent Reservoir access point needed to service the Reservoir.

Mr. Kelly also stated "Additionally, the area of disturbance encroaches upon a wetland area." This is not true, based upon the USDA soil results, U.S. Army Corp of Engineer report and other items covered in the separate document.

The proposed adjustment to the driveway seems crazy to me given that it would actually be the first time a fully new driveway is proposed since 1962 and would significantly disturb the farmland and front yard. Additionally it would require 1/ traversing the septic system 2/ traversing the geothermal systems 3/ drive through the pool area 4/ be highly visible to the view corridor from Lake Drive 5/ traverse the Palmerton Ditch water path used to irrigate the hay field.

Wetlands and Agricultural Worker ADU

I have deeply reviewed the Boulder County Comprehensive Plan (BCCP) (2020) in order to understand the objective qualifications used by the experts to determine the various statements made by County input. BCCP is a tremendous plan, and it is one of the reasons my family lives in the County.

That said, hesitation to the placement of the ADU and the location of the driveway rely on BoCo generalizations, rather than data, on the location of wetlands. The hesitations are reasonable, but are not correct. Using the objective measurements specific to BCCP, I would like to share facts for your consideration.

1/ 6564 Lake Drive is not located in any of the 14 Environmental Conservation area descriptions.

3/ 6564 Lake Drive is not located in any of the 96 Critical Wildlife Habitats called out in the plan. Critical habitat #7 calls out the St. Vrain river corridor, and we are north of the corridor by 3 miles to the west and .75 miles to south. The document does not call out the lakes to the north, and the supporting material does not mention either McCall Lake nor Independent Reservoir.

4/ Under "Designation Criteria for Wetlands and Riparian Areas" The BCCP states: "Although Boulder County does not have regulatory authority over wetlands and riparian areas the County recognizes and uses the same features and characteristics used by Federal agencies such as the Army Corps of Engineers (USACE) and the (USFWS 1993) to identify and designate wetland and riparian areas. Because certain wetlands are regulated by the federal government, federal regulatory agencies such as the Environmental Protection Agency (EPA), the U.S. Army Corps of Engineers (USACE), and the U.S. Fish and Wildlife Service (USFWS) are guided by technically detailed wetland definitions for regulatory purposes."

Since Boulder County recognizes the Army Corp of Engineers as a source of truth for managing wetlands and riparian areas, please see the attached letter from the U.S. Army Corp of Engineers discussing Independent Reservoir and the surrounding areas. It is not protected wetlands. Among other things, the letter states that "Independent Reservoir is not waters of the U.S." and it is "an artificial lake or pond created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes stock watering, irrigation, setting basins or rice growing."

5/ The cattails didn't exist in the 1962 and 1970s photos, and only became present as an invasive species in the 2000s after the field drains from the 2 other properties collapsed due to neglect. They are clay pipe dating 80-100 years old. The 2021 study from CU Arts and Sciences Department discusses this specific example: "Cattails can be invasive in Colorado, even though they are native to the area. Cattails can be invasive in disturbed environments and can quickly fill ponds. They can displace native plants, change the genetic profile of native cattail stands, and alter marsh habitat."

Cattails can also create a cattail monoculture, which reduces species richness and decreases open water habitat for other species. Cattails can also be a nuisance species in smaller ponds because they have a large rhizome system that can rapidly expand in shallower water. Cattail growth can also obstruct critical elements of a pond, such as drain structures, emergency spillways, auto-fills, and irrigation intakes."

6/ In 2020 an Ecological Study was created for the Independent Reservoir area by BIRCH ECOLOGY, (LYONS, CO 80540), which includes shared border at the south side of the 6564 Lake Drive project. Boulder County APPROVED the 27 acre development project located on Rozena Drive, which included a new 3500 sq. ft. home, barn, road, services and updated reservoir management. Boulder County used the above-mentioned document as part of the environmental impact analysis and has a copy. The 84 page addresses the entirety of concerns that have been raised. Excerpts include:

"6.0 BOULDER COUNTY COMPREHENSIVE PLAN RESOURCES

6.1 Farmland of Local, Statewide, and National Importance

Figure 4 illustrates the Farmland Classifications identified in the Boulder County Comprehensive Plan 2013 ERE update in the vicinity of the project site. As shown by the figure, the proposed building site lies within a region classified as Farmland of Statewide Importance. However, as noted previously, the City of Longmont covered the site with imported fill material in 2008 to facilitate access for improvements to the dam embankment and spillway, which then became highly compacted. The site no longer possesses its original soil characteristics or retains its value as farmland. The site is not hayed as it is not productive farmland.

6.2 Critical Wildlife Habitat and Migration Corridors

Figure 5 illustrates the Critical Wildlife Habitats mapped by Boulder County in the vicinity of the project site. Critical Wildlife Habitat #7 – St. Vrain Corridor and Wetlands is located approximately half a mile southwest of the project site. No migration corridors were located in the vicinity of the proposed residence.

6.3 Preble's Meadow Jumping Mouse Habitat

Figure 5 shows the areas mapped by Boulder County as potential habitat for Preble's meadow jumping mouse. These areas are located along the St. Vrain Creek riparian corridor as well as along irrigation ditches over one half mile to the north and east. There is no habitat mapped for PMJM within the location of the proposed residence. Moreover, an onsite habitat assessment conducted by Jerry Powell of Wildlife Specialties, LLC concluded that the site did not contain suitable habitat, as discussed above in Section 5.2.1.

6.4 Environmental Conservation Areas

Figure 6 illustrates the Environmental Conservation Areas present in the greater Longmont area identified in the 2013 ERE update. The proposed building site is not located within an Environmental Conservation Area. The nearest designated areas are Rabbit Mountain ± 1.4 mi to the north, and South St. Vrain Foothills ± 3.3 mi to the west.

6.5 Natural Landmarks & Natural Areas

Figure 6 illustrates the Natural Areas and Natural Landmarks in the vicinity of the project site. These largely overlap the Conservation Areas noted above. There is also a Natural Area \pm 1.9 mi southeast of the project site in a stand of plains cottonwood. The proposed residence is not located within any Natural Landmarks or Natural Areas designated by Boulder County.

6.6 Rare Plant Areas & Significant Natural Communities

The Rare Plant Areas and Significant Natural Communities of the project area are illustrated by Figure 7. There are no known Rare Plant Areas or Significant Natural Communities in the immediate vicinity of the project site. Most of these important natural communities are located within the two Conservation Areas noted above in Section 6.4.

6.7 High Biodiversity Areas

High Biodiversity Areas from the 2013 ERE update are illustrated on Figure 7. The High Biodiversity Areas shown on the map correspond to the Environmental Conservation Areas discussed above.

6.8 Wetlands

As illustrated in Figure 8, no wetlands from the 2013 ERE update lie within the proposed buildable area. As observed during field reconnaissance on June 2, 2020, narrow bands of wetlands do exist along the Longmont Supply Ditch and the margin of Independent Reservoir. These would not be disturbed by the proposed residence.

It should be noted that the location of the proposed residence was historically a wetland supported by seepage from the reservoir. However, these wetlands were eliminated in 2008 when the City of Longmont completed improvements to the reservoir embankment and spillway, as described above in Section 2.0. The buildable area is now an upland field dominated by grasses and weedy forb species. These changes are illustrated in historical and present-day aerial images in Figure 9."

7/ The United States Department of Agriculture (USDA) conducted soil analysis for the property and declared that the proposed ADU location is NOT wetlands. Please see attached.

At the end of the day...It is a beautiful and natural area - which is exactly why we live here. It is stunning. I will die on this beautiful land. We are here to protect and love it. Boulder County and the Candeels are aligned on that fact.



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 S. Wadsworth Boulevard
LITTLETON, COLORADO 80128-6901

December 19, 2013

Mr. Mike Dollajhan
Independent Reservoir Co.
23233 N. Pima Rd
Suite 113-350
Scottsdale, AZ 85255

**RE: Dollajhan and Shockley to Fill and Dredge within Independent Reservoir
Corps File No. NWO-2007-1861-DEN**

Dear Mr. Dollajhan:

Reference is made to the above-mentioned project located at 40.199593; -105.196617, Boulder County, Colorado.

This project has been reviewed in accordance with Section 404 of the Clean Water Act under which the U.S. Army Corps of Engineers regulates the discharge of dredged and fill material, and any excavation activity associated with a dredge and fill project in waters of the United States. Independent Reservoir is not waters of the U.S.

Reference is made to the November 13, 1986 Federal Register (Page 41217), Part 328 (a) Non-tidal drainage and irrigation ditches excavated on dry land, (b) artificially irrigated areas which would revert to upland if the irrigation ceased, (c) artificial lakes or ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing, (d) artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons, and (e) waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States (as defined in 33 CFR 328.3(a)).

The Corps of Engineers generally does not consider the above types of aquatic resources waters of the U.S. except on a case-by-case basis. Independent Reservoir falls under the description of artificial lakes or ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.

Based on the information provided, a Department of the Army (DA) Permit will not be required for the work in Independent Reservoir. Although a DA Permit will not be required for this project, this does not eliminate the requirement that other applicable federal, state, and local permits be obtained as needed.

If there are any questions call Mr. Matt Montgomery of my office at (720) 922-3851 and reference Corps File No. NWO-2007-1861-DEN.

Sincerely,

Matthew R Montgomery

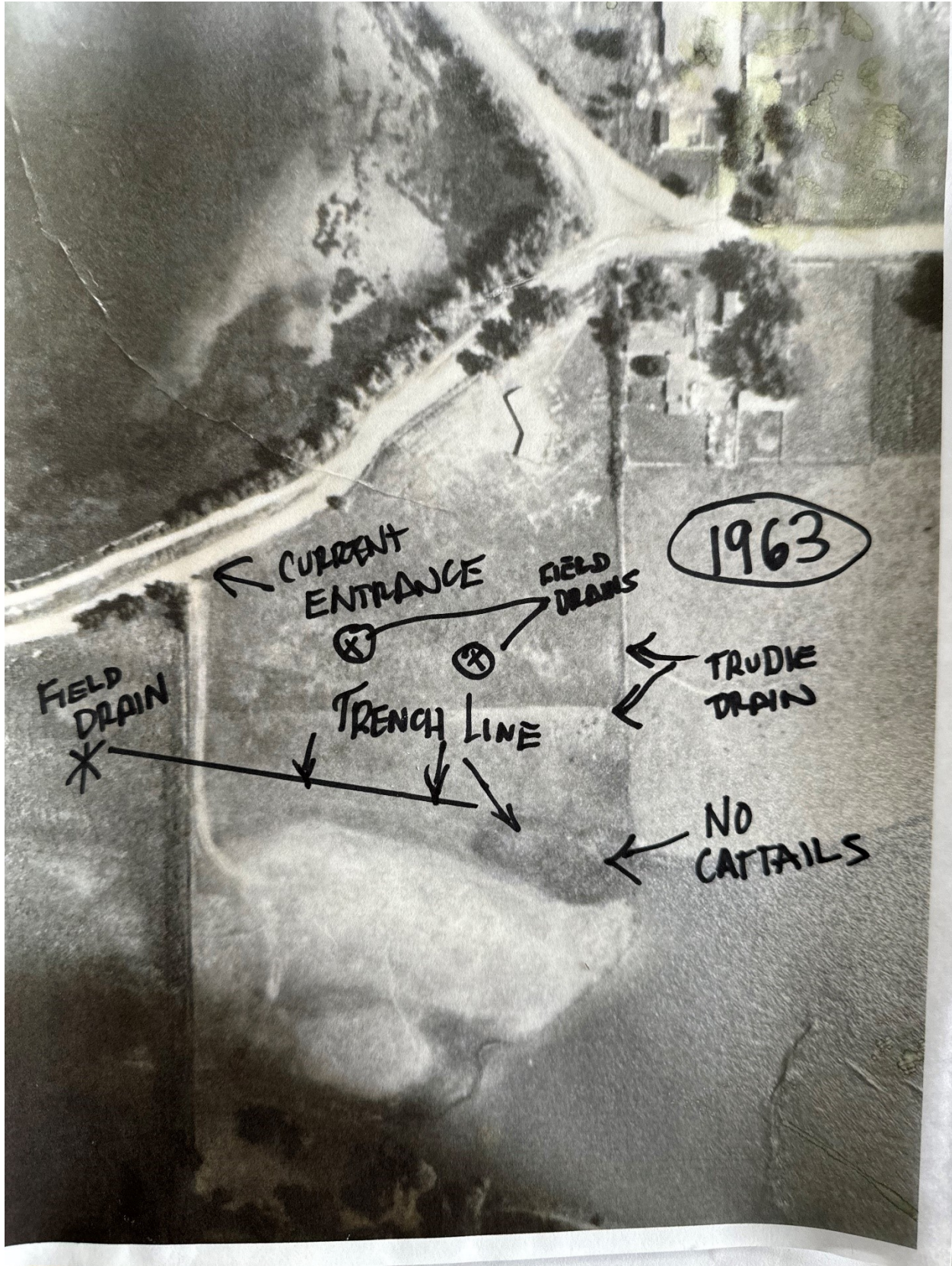
SD

Kiel Downing
Chief, Denver Regulatory Office

tm



Map may not be valid at this scale.





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.gov

Building Safety & Inspection Services Team

MEMO

TO: Pete L'Orange, Planner II
 FROM: Michelle Huebner, Plans Examiner Supervisor
 DATE: April 17, 2023

RE: Referral Response, LU-23-0032-SPR-23-0104: Candee ADUs and Addition. Limited Impact Special Review for a Family Care ADU and an Agricultural Worker ADU, and Site Plan Review for additions to existing residence resulting in a total of 5,210 square feet of RFA where the PSM is 3,588 square feet.

Location: 6564 Lake Drive

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

1. **Building Permit.** A building permit, plan review, inspection approvals, and a Certificate of Occupancy ("C.O.") are required for the proposed residence (ADU). Separate building permits are required for the addition and garage.

Carports are measured to the drip line of the roof above when the structure is supported with columns only. If the carport has a wall the structure is measured to the outside of the walls for that side only.

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. **(ADU) Automatic Fire Sprinkler System.** Under the 2015 International Residential Code ("IRC") as adopted by Boulder County, all new one- and two-family dwellings and townhouses are required to be equipped with an automatic fire sprinkler system that is designed and installed in accordance with NFPA 13D or IRC Section P2904.
3. **(House) Automatic Fire Sprinkler System.** According to R313.2.1 of the currently adopted 2015 Boulder County Building Code this addition triggers the requirement for an automatic residential fire sprinkler system to be installed throughout the home. This system shall be designed and installed in accordance with NFPA 13D or IRC Section P2904.

R313.2.1 Additions to existing one- and two-family dwellings. *An automatic residential fire sprinkler system shall be installed throughout existing one- and two-family dwellings with additions when the sum of the total floor area of the addition plus the existing one- and two-family dwelling is increased to 4,800 sq. ft. or greater. The floor area of detached structures having floor areas of 120 square feet or greater that are located less than 50 feet from the dwelling shall be included in the floor area calculated for the dwelling.*

Exceptions:

1. One-time additions not exceeding 200 square feet in floor area, and
2. Carport additions which are exempt from the definition of "Residential Floor Area" in Section 18-189D of the Boulder County Land Use Code.

4. **(House and ADU) BuildSmart.** Please refer to the county's adoption and amendments to Chapter 11 of the IRC, the county's "BuildSmart" program, for the applicable requirements for energy conservation and sustainability for residential additions and new residential buildings. Please be aware that there are energy related requirements of this code that may require the use of renewable energy systems (such as rooftop solar systems) that will also need to be approved by your electric utility provider. In some cases, there may be limitations on the size of on-site systems allowed by your utility provider that could constrain the project design. We strongly encourage discussions between the design team and the utility company as early in the process as possible in order to identify these constraints.
5. **(General) Design Wind and Snow Loads.** The design wind and ground snow loads for the property are 155 mph (Vult) and 40 psf, respectively.
6. **(General) 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. **(Garage) Electric vehicle charging outlet.** Boulder County Building Code requires:
 - a. R329.1 Electric vehicle charging pre-wire option. In addition to the one 125-volt receptacle outlet required for each car space by NEC Section 210.52(G)(1.), every new garage or carport that is accessory to a one- or two-family dwelling or townhouse shall include at least one of the following, installed in accordance with the requirements of Article 625 of the Electrical Code:
 - i. A Level 2 (240-volt) electric vehicle charging receptacle outlet, or
 - ii. Upgraded wiring to accommodate the future installation of a Level 2 (240-volt) electric vehicle charging receptacle outlet, or

- iii. Electrical conduit to allow ease of future installation of a Level 2 (240-volt) electric vehicle charging receptacle outlet.

8. **Plan Review.** The items listed above are a general summary of some of the county's building code requirements. A much more detailed plan review will be performed at the time of building permit application, when full details are available for review, to assure that all applicable minimum building codes requirements are to be met. Our Building Safety publications can be found at: [Building Publications, Applications and Forms - Boulder County](#)

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



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

May 2, 2024

TO: Pete L'Orange", 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 # LU-23-0032/SPR-23-0104: Candee ADUs and Addition - 6564 Lake Drive

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 Lake Drive, an unpaved Boulder County owned and maintained right-of-way (ROW) with a Functional Classification of Local. Legal access has been demonstrated via adjacency to this ROW.
2. As presented, this proposal does not meet the requirements of the Boulder County Multimodal Transportation Standards (Standards).

The primary access has been decommissioned and serves as a pedestrian access. A new access to Lake Drive (secondary access) has been established nearer the west property line. There is no evidence an Access Permit has been issued for the newly established access.

At the time of Building Permit review, an Access Permit will be issued for the new access point to Lake Drive. No special application procedure is necessary, the Access Permit will be issued concurrently with the Building Permit.

3. Review of aerial imagery from the year 2013 to 2020 demonstrates the establishment of an internal driveway from the secondary access. Staff estimates that movement of more than 50 cubic yards but less than 500 cubic yards of earthwork has occurred without a building permit or grading permit. Additionally, the area of disturbance encroaches upon a wetland area.

Staff recommends the internal driveway design be relocated further to the north, so that it is adjacent to the agricultural structures, to improve connectivity to existing development and encourage future clustered development. Additionally, it is recommended the unpermitted existing driveway be decommissioned and revegetated. The proposed driveway realignment must meet the Standards for development in the plains, including without limitation:

- a. Table 5.5.1 – Parcel Access Design Standards (1-Lane Plains Access)
- b. Standard Drawing 11 – Private Access
- c. Standard Drawing 14 – Access with Roadside Ditch
- d. Standard Drawing 15 – Access Profiles Detail
- e. Standard Drawing 16 – Access Grade & Clearance
- f. Standard Drawing 18 – Access Turnaround

At building permit, submit plans that demonstrates a proposed driveway that is compliant with the Standards include revegetation details of the decommissioned existing drive. Update Earthwork and Grading Worksheet.

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

4. The proposed development demonstrates disturbance within 100 feet of a wetland area draining to Independent Reservoir and therefore meets the requirements for a Boulder County Stormwater Quality Permit (SWQP). Please visit Boulder County's stormwater website at <https://bouldercounty.gov/transportation/permits/stormwater-quality-permit/> or contact tdstormwater@bouldercounty.gov for more information.

Prior to any grading or site disturbance, Appropriate perimeter control measures such as sediment control logs shall be installed downslope and parallel to contours for all disturbed areas including staging areas. The location and types of perimeter control shall be shown on site plans submitted for building permit approval.

5. During construction, all vehicles, materials, machinery, dumpsters, and other items shall be staged on the subject property; no items shall be stored or staged on Lake Drive.

This concludes our comments at this time.



Parks & Open Space

5201 St. Vrain Road • Longmont, Colorado 80503
303.678.6200 • Fax: 303.678.6177 • www.BoulderCountyOpenSpace.org

TO: Pete L'Orange, Community Planning & Permitting Department
FROM: Ron West, Natural Resource Planner
DATE: April 24, 2024
SUBJECT: Docket LU-23-0032, Candee, 6564 Lake Drive

Site Conditions

I have reviewed the submitted materials, and have visited the area many times in the past. The subject parcel is a mix of existing developments, horticultural plantings, agricultural and fallow fields, and wetland/riparian areas.

County Comprehensive Plan Designations

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

- Wetlands
- Riparian Areas
- View Protection Corridor – associated with Lake Drive

Discussion

Staff has concerns about “recent” disturbances on the parcel. Since 2014, a 1000-foot road has been repeatedly elongated and established around the main agricultural field – compare 2014 and 2022 aerial photos below. Additionally, grading occurred in the area where the agricultural ADU is proposed – the circle in 2022 photo. The circled, graded area appears to have encroached into the wetland/riparian area – third photo.

Staff does not support this location for the agricultural ADU. A basic premise of land use planning is to cluster developments in one area, and the ADU should be clustered in the northeast or north part of the parcel.

The 10/30/23 (non-geothermal) Grading Worksheet shows 250 cubic yards of imported fill is required. Is this the material that has already been placed (in the circle)? If not, where would the fill be sourced and how would the importation of weed seeds be prevented?

What is the mowing in the southern section, and how are the two “linear” parcels managed? See fourth photo, and the Pollock and Lichter linear parcels.

2014:



2022:



Black line = extent of “sedges/rushes/mesic grass” riparian area



Mowing in southern section, 2022:



In the Boulder County climate, staff does not consider swimming pools to be a sustainable use of water. This area receives about 13 inches of precipitation annually, and often sees 90 to 100-degree summer days. Water surfaces evaporate at a tremendous rate. Evaporation is so significant that the State Engineer's Office requires even small agricultural storage-pond owners to calculate -- and compensate other water right holders -- for evaporation rates from their ponds.

Staff notes that there are possibly 13 vehicles in the 2022 aerial photo.

Recommendations

- The above comments should be considered in reviewing the proposal.



Public Health

Environmental Health Division

May 1, 2024

TO: Staff Planner, Community Planning and Permitting

FROM: Carl Job, Environmental Health Specialist

SUBJECT: LU-24-0004: Candee ADUs and Addition

OWNER: Candee

PROPERTY ADDRESS: 6564 LAKE DR

SEC-TOWN-RANGE: 26 -3N -70

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

OWTS:

1. Boulder County Public Health issued a new permit for the installation on of an absorption bed system on 12/10/1962. The permit was issued for an onsite wastewater treatment system (OWTS) adequate for a 3-bedroom house. BCPH approved the installation of the OWTS on 12/20/1962. The permit number is 'NEWP-1900-0007263'. To our knowledge this OWTS continues to serve the existing primary residence.
2. Boulder County Public Health issued a major repair permit for the installation of another absorption bed system on 06/05/1989. The permit was issued for an onsite wastewater treatment system (OWTS) adequate for a 3-bedroom mobile home. BCPH approved the installation of the OWTS on 07/17/1989. The permit number is 'MAJP-1900-0007152'.
3. The submitted application proposes construction of two new Accessory Dwelling Units (ADU) and an addition to the existing primary residence. The agricultural ADU will include three bedrooms and the ADU over the garage will include one bedroom. The proposed addition to the primary residence will result in a total of four bedrooms following renovation.
4. Since the proposed addition to the primary residence and the new garage ADU will increase the total number of bedrooms beyond what the existing OWTS is permitted for, the OWTS will need to be replaced. The owner or their agent (e.g., contractor) must apply for an OWTS major repair permit, and the OWTS permit must be issued prior to installation and before a building permit can be obtained. The OWTS must be installed, inspected and approved before a Certificate of Occupancy or Final Building Inspection approval will be issued by Community Planning and Permitting (CP&P).
5. If the existing OWTS under permit number 'MAJP-1900-0007152' is deemed to be in good condition, it may be used to service the proposed agricultural ADU. Alternatively, the applicant may construct a new OWTS to serve the agricultural ADU. In either case, the owner or their agent (e.g., contractor) must apply for an OWTS repair permit, and the OWTS permit must be issued prior to installation and before a building permit can be obtained. The OWTS must be installed, inspected, and approved before a Certificate of Occupancy or Final Building Inspection approval will be issued by Community Planning and Permitting (CP&P).

6. Setbacks between all buildings and the OWTS serving this property and OWTS serving neighboring properties, must be in accordance with the Boulder County OWTS Regulations, Table 7-1.

Avoid Damage to OWTS:

1. Heavy equipment should be restricted from the surface of the absorption field during construction to avoid soil compaction, which could cause premature absorption field malfunction. Caution should be used in conducting trenching and excavation activities so that sewer lines and other OWTS components are not damaged.

Property Transfer Regulation:

1. The property sold on 02/20/2015 without compliance with the Property Transfer Regulation. The regulation has been in place since 2008 and requires a Property Transfer Certificate or a Conditional Property Transfer Certificate be issued by BCPH before the sale. One of the intents of the regulation is to confirm that existing OWTS are functioning at the time of sale in an effort to protect public health.
2. If the applicant intends to continue using any of the existing OWTS serving the property, the owner must hire an inspector to do the property transfer inspection. The inspection report and associated fee and application must be submitted to BCPH. The certificate must be issued by BCPH before the building permit can be released.
3. Alternatively, if the owner intends to replace all of the existing OWTS serving the property, they must submit a signed/notarized 'Agreement to Repair or Replace' and apply for a 'Conditional Property Transfer'.
4. For more information on the regulation and the procedures, go to:
<https://www.bouldercounty.org/environment/water/septicmart/property-transfer/> and
<https://www.bouldercounty.org/environment/water/septicmart/licensed-professionals/>.

This concludes comments from the Boulder County Public Health – Environmental Health division at this time. For additional information on the OWTS application process and regulations, refer to the following website: www.SepticSmart.org. If you have additional questions about OWTS, please do not hesitate to email HealthOWS@bouldercounty.org

Cc: OWTS file, owner, Community Permitting and Planning



Public Works Department

Date: April 23, 2024

To: Pete L'Orange, Planner II, plorange@bouldercounty.gov

From: Jennifer Keyes, Stormwater Quality Coordinator,
jkeyes@bouldercounty.gov

Subject: LU-23-0032, SPR-24-0104: Candee ADUs and Addition at 6564 Lake Drive

The Public Works Department Stormwater Quality Coordinator has reviewed the above referenced project, and has the following comments:

- As a part of Boulder County's water quality protection and Municipal Separate Storm Sewer System (MS4) Construction Program, a Stormwater Quality Permit (SWQP) is required for this project based on the disturbance illustrated in the submitted materials in addition to the location of McCall Lake and Independent Reservoir. The project will not require a SWQP if the disturbances are over 100 feet from waterways and the disturbance is less than an acre.
- *At building permit*, provide a complete SWQP submittal to stormwater@bouldercounty.gov.

STORMWATER QUALITY PERMIT REQUIREMENTS

Information may be viewed on the Boulder County Stormwater Quality Permit website: <https://www.bouldercounty.org/transportation/permits/stormwater-quality-permit/> Contact stormwater@bouldercounty.gov to review the project and requirements.

If you have any questions, please email stormwater@bouldercounty.gov

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

Physical Location • 2525 13th Street • Boulder, Colorado 80304 • Tel: 303.441.3900
Mailing Address: P.O. Box 471 • Boulder, CO 80306 • www.BoulderCounty.gov



Community Planning & Permitting

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MEMO TO: Agencies and Adjacent Property Owners
FROM: Pete L'Orange, Planner II
DATE: April 17, 2024
RE: Docket **LU-23-0032-SPR-23-0104**

Docket LU-23-0032-SPR-23-0104: Candee ADUs and Addition

Request: Limited Impact Special Review for a Family Care ADU and an Agricultural Worker ADU, and Site Plan Review for additions to existing residence resulting in a total of 5,210 square feet of RFA where the PSM is 3,588 square feet.

Location: 6564 Lake Drive, located approximately .25 mile southwest of the intersection of State Highway 66 and McCall Drive, in Section 26, Township 3N, Range 70W.

Zoning: Agricultural (A) Zoning District

Applicants/Owners: Dan and Katie Candee

Limited Impact Special Review is required of proposed uses that may have greater impacts on services, neighborhoods, or the environment than those allowed by right under the Boulder County Land Use Code. This process will review conformance of the proposed use with the Boulder County Comprehensive Plan and the Land Use Code.

This process includes a public hearing before the Board of County Commissioners. Adjacent property owners and holders of liens, mortgages, easements or other rights in the subject property are notified of this hearing.

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. 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 to request more information. If you have any questions regarding this application, please contact me at 303-441-1418 or plorange@bouldercounty.gov.

Please return responses by **May 2, 2024**.

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

Signed  PRINTED Name Jessica Fasick

Agency or Address CP&P Historic Review

Date 4/17/24



Community Planning & Permitting

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Applicants/Owners: Dan and Katie Candee

Limited Impact Special Review is required of proposed uses that may have greater impacts on services, neighborhoods, or the environment than those allowed by right under the Boulder County Land Use Code. This process will review conformance of the proposed use with the Boulder County Comprehensive Plan and the Land Use Code.

This process includes a public hearing before the Board of County Commissioners. Adjacent property owners and holders of liens, mortgages, easements or other rights in the subject property are notified of this hearing.

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. 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 to request more information. If you have any questions regarding this application, please contact me at 303-441-1418 or plorange@bouldercounty.gov.

Please return responses by **May 2, 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



CITY OF LONGMONT | Planning Division

To: Boulder County Community Planning and Permitting

From: Don Burchett, Planning Manager

Date: April 23, 2024

RE: Candee ADUs and Addition: LU-23-0032 -SPR-23-0104

The City of Longmont has reviewed the information provided by the County and we have concerns with the proposal to add a new ADU and an agricultural caretaker's unit to the property. The proposed improvements are directly downstream of the spillway at McCall Lake. The applicants noted that their property was previously impacted by flooding after the reservoir exceeded capacity and water released from the spillway during a major rain event. The city of Longmont is concerned that these new structures will be impacted if another event occurs at the lake. If the County approves this request the County should ensure that the new structures will not be impacted by a release from the lake.



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303.571.3284
Donna.L.George@xcelenergy.com

April 29, 2024

Boulder County Community Planning and Permitting
PO Box 471
Boulder, CO 80306

Attn: Pete L'Orange

Re: Candee ADUs and Addition, Case #s LU-23-0032 and SPR-23-0104

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the site plan for **Candee ADUs and Addition**. Please be aware PSCo owns and operates existing natural gas service facilities to the main house. For new natural gas service or modification to any of the existing facilities, the property owner/developer/contractor must complete the application process via www.xcelenergy.com/InstallAndConnect.

As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center by dialing 811 for utility locates prior to construction.

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com

From: [Trudie Webster](#)
To: [L'Orange, Pete](#)
Subject: [EXTERNAL] Candee property
Date: Tuesday, April 30, 2024 12:03:55 PM

Good day Pete,

I am the neighbor directly to the east of the Candee property. I have resided at my property at 6604 McCall Dr since 1978 and wish to lend my support in favor of the Candee's renovation.

The Candees, since moving to our neighborhood, have been a unifying force in our neighborhood, cleaning up the lands surrounding Independence Reservoir, and encouraging a more harmonious sense of community than was in the past.

Dan walked me through what their hopes are for their property and it all seems fine and within reason for a family with two young children and their parents who are hoping to be on the property also. The total square footage which includes garage space is not a huge home by any means, and the second story to be built onto the existing home does not pose an infringement to my privacy in any way as we have a well established treed hedge between us.

As a real estate appraiser, I have seen numerous rebuilds on acreage in Boulder County that far surpass what the Candees hope to complete and their addition and ag unit are in keeping with the current feel of the neighborhood.

All the best,

Trudie Webster

From: [Gilles](#)
To: [L'Orange, Pete](#)
Subject: [EXTERNAL] Limited impact special use review - 6564 Lake Dr
Date: Tuesday, April 30, 2024 2:53:59 PM

Hello Pete,

I recently received a notice in the mail regarding the limited impact special use review for 6564 Lake Drive in Longmont. I reside just one property away at 6620 McCall Dr and I do support the proposed plans at the Candee's property, furthermore, Mr Daniel Candee and his family have been a joy to live near to and I am impressed with the remarkable and positive enhancement they have done on their property since they have moved in.

I believe that the proposed plans will not impact us negatively as long as they will be placed in a considering manner as to not impact our view directly, for instance if placed near the reservoir shores but otherwise, I have no objection to the proposed plans, I am actually in favor of it.

Also I must add that Daniel and his family have been wonderful neighbors and a great addition to our little community here at McCall Dr.

I hope this will help in making a decision.

Kind regards,
Gilles Palmarini

Gilles Palmarini

From: [Laura Lichter](#)
To: [L"Orange, Pete](#)
Subject: [EXTERNAL] Candee Proposal | 6564 Lake Dr.
Date: Wednesday, May 1, 2024 5:11:57 PM

Hi, Pete—

I hope this is the correct address for comments on the Candee's proposal, which I wholeheartedly support.

As you can probably see from the map, I own most of the property to the south, as well as am the majority shareholder in the Independent Reservoir. My residence is at 12416 N. 63rd Street and I now own four additional adjacent parcels which span north and east to the Candee parcels and underly the reservoir. As a result, I share extensive property lines with the Candees, and we work together to manage the natural resources of this very special corner of the County.

I have hayed (or helped hay) the Candee's field for the last several years, and we share grazing on the west side of the IRC where my smaller lots border the southern part of his parcel. In addition, we jointly manage ditches, seasonal burning, weed mitigation and removal of noxious plants (except for a few remaining Russian Olives that we are still working on). Dan's ability to provide maintenance and repair for farm equipment in the neighborhood has been a godsend. He's been able to fix my bailer, my 2015 Kubota as well as my 1950s Massey Ferguson and Ford tractors.

Our neighborhood has had its fair share of divisive neighbors and mega-development proposals which are out of character with the neighborhood and out of step with the Boulder County Master Plan. Fortunately, is in the past. I know I speak for all of us that Dan and his family are one of the principal reasons we have built a real community out here. The Candees have always been respectful and inclusive of other neighbors, and their thoughtful proposal was based on taking feedback and building consensus among those of us who would be impacted.

LICHTER IMMIGRATION

Laura L. Lichter, Esq.

—

1601 Vine Street
Denver, CO 80206
Phone: (303) 554-8400
Fax: (303) 554-8099

www.LichterImmigration.com

From: [Kelly Olson](#)
To: [L"Orange, Pete](#)
Subject: [EXTERNAL] 6564 Lake Drive, Longmont
Date: Thursday, May 2, 2024 4:03:57 PM

Dear Pete,

I recently received a notice in the mail regarding the limited impact special use review for 6564 Lake Drive in Longmont. I reside just down the street from the property, at 6724 McCall Drive. I'm writing to express my strong support for the proposed site plan.

Having lived in this area for 39 years, with over 14 years spent at my current residence on McCall Drive, I've had ample opportunity to observe the changes in the neighborhood, including those at 6564 Lake Drive. The property has undergone a remarkable transformation since Dan and his family took ownership. What was once a bit of an eyesore has been revitalized, with care given not only to the existing structures but also to ecological considerations such as fire mitigation and flood prevention.

Moreover, Dan's leadership as Board President of the Independent Reservoir Company has had a profoundly positive impact on our community. Under his guidance, longstanding tensions and disputes have dissipated, replaced by a sense of cohesion and camaraderie among neighbors. His efforts have truly fostered a welcoming and supportive atmosphere that has reconnected many of us in a meaningful way.

I am genuinely excited about the positive changes Dan and his family have brought to the area, and I am confident that the proposed improvements will further enhance our neighborhood while providing much-deserved upgrades for a deserving family.

Best of luck with the review process, and please don't hesitate to reach out if you have any questions.

Warm regards,

Kelly Olson

6724 McCall Dr

From: [Gilles Palmarini](#)
To: [L'Orange, Pete](#)
Subject: Re: [EXTERNAL] Limited impact special use review - 6564 Lake Dr
Date: Friday, May 3, 2024 4:12:24 PM

Dear Pete,

If you will allow me, I would like to add another comment about this special review, the previous owner of the slice of land south of my property and in between my property boundaries and the lake, well that person raised a four prone barbed wire fence directly at the boundaries, which was just but 10 feet away from my rear deck and when Dan Candee took control of the Independence Reservoir management, he instantly alerted me that if I wanted to remove that fence, it was fine by him and of course to my ultimate joy I did. I cannot express my gratitude enough for the Candees and of course for the fact that everyone gets along very well here and that is entirely due to these folks reaching out to everyone of us and bringing people together and for a better future for this small community. I hope they will be allowed to add onto their property however they choose. I sincerely hope that Boulder County will allow the 6564 Lake Dr building permits.

Thank you again,
Gilles Palmarini, a grateful neighbor.

On Apr 30, 2024, at 3:47 PM, L'Orange, Pete <plorange@bouldercounty.gov> wrote:

Thank you for your comments. They have been received and will be included in the official record.

If you have any additional comments or questions, please don't to hesitate to reach out to me again.

Thanks!

Pete L'Orange | Planner II
Boulder County Community Planning & Permitting

Pronouns: he/him/his

Courthouse Annex | 2045 13th Street | Boulder, CO 80302

Mailing address: PO Box 471 | Boulder, CO 80306

Direct: 303-441-1418 | Main: 303-441-3930

plorange@bouldercounty.gov

www.bouldercounty.gov/lu

From: Gilles <gogilles@yahoo.com>
Sent: Tuesday, April 30, 2024 2:54 PM
To: L'Orange, Pete <plorange@bouldercounty.gov>
Subject: [EXTERNAL] Limited impact special use review - 6564 Lake Dr

Hello Pete,

I recently received a notice in the mail regarding the limited impact special use review for 6564 Lake Drive in Longmont. I reside just one property away at 6620 McCall Dr and I do support the proposed plans at the Candee's property, furthermore, Mr Daniel Candee and his family have been a joy to live near to and I am impressed with the remarkable and positive enhancement they have done on their property since they have moved in.

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Also I must add that Daniel and his family have been wonderful neighbors and a great addition to our little community here at McCall Dr.

I hope this will help in making a decision.

Kind regards,
Gilles Palmarini

Gilles Palmarini

From: [Vickie Neugebauer](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Docket lu-23-0032-spr-23-0104
Date: Sunday, May 5, 2024 10:49:37 PM

Dear Commissioners, we would like to express our approval for the application that the Candeas have submitted for ADUs and addition.

Thank you

Vickie and Fred Neugebauer
6450 Lake Dr
Longmont, CO