

RESOLUTION 2024-067

A resolution conditionally approving Boulder County Community Planning & Permitting Docket LU-24-0010/SPR-24-0021: Harnetiaux Residence and Earthwork

Recitals

A. Lino Granata, on behalf of Harnetiaux Joint Revocable Living Trust (the “Applicant”), applied to Boulder County for Limited Impact Special Use Review under Article 4-600 of the Boulder County Land Use Code (the “Code”) for 913 cubic yards of non-foundational earthwork to construct a driveway. The Applicant also applied for Site Plan Review under Article 4-800 of the Code to construct a 2,963-square-foot residence with 400 square feet of covered porch area on an approximately 1.08-acre vacant parcel where the presumed compatible size is 4,229 square feet.

B. The subject property is located at 6365 Red Hill Road, Parcel No. 131935010001, located at the corner of Red Hill Road and Olde Stage Road and approximately 1.6 miles north of the intersection of Olde Stage Road and Lee Hill Drive, in Section 35, Township 2 North, Range 71 West, in a Forestry zoning district in unincorporated Boulder County (the “Property”).

C. The Property is Lot 29 of the Olde Stage Settlement Subdivision and is a legal building lot eligible for permits. Legal access to the Property is via Red Hill Road, a gravel right-of-way (“ROW”) owned and maintained by Boulder County.

D. The Property is characterized by a gradual downward slope from west to east, with steep slopes present across the entire Property.

E. The Boulder County Comprehensive Plan (“BCCP”) identifies an Archeological Sensitive Area that covers the entirety of the Property, as well as a Natural Landmarks Natural Areas Buffer along the entire eastern quarter of the Property.

F. The entirety of the Property is located within a high landslide susceptibility area, a Major Geologic Hazard as identified on the BCCP.

G. The proposal will require approximately 737 cubic yards of cut and 176 cubic yards of fill for a total of approximately 913 cubic yards of non-foundational earthwork.

H. The above-described request was processed and reviewed as Boulder County Community Planning & Permitting Docket LU-24-0010/SPR-24-0021 (the “Docket”), as further described in the memorandum and written recommendation to the Board of County Commissioners (the “Board”) by Boulder County Community Planning & Permitting Department planning staff dated August 27, 2024, together with its attachments (the “Staff Recommendation”). The Staff

Recommendation found that the Docket could meet the criteria for approval with recommended conditions, and therefore, recommended that the Board conditionally approve the Docket.

I. At a public hearing on the Docket held on August 27, 2024 (the “Public Hearing”), as further reflected in the official record of the Public Hearing, the Board considered the Staff Recommendation as well as the documents and testimony presented by Boulder County Community Planning & Permitting Department staff. The Board also heard testimony from Kaveh Khatibloo and Lino Granata, both on behalf of the Applicant. No members of the public spoke at the Public Hearing.

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

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

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

Therefore, the Board resolves

Docket LU-24-0010/SPR-24-0021 is approved on the basis and terms set forth in this Resolution, above, and subject to the following conditions:

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

2. Prior to issuance of building permits, the Applicant must apply for and obtain an Onsite Wastewater Treatment System permit from Boulder County Public Health.

3. The improved driveway must comply with the Boulder County Multimodal Transportation Standards (“MMTS”) for residential development, including without limitation:

- a. Table 5.5.1 – Parcel Access Design Standards (One-Lane Mountains Access)
- b. Standard Drawings 11 and 12 – Private Access
- c. Standard Drawing 14 – Access with Roadside Ditch
- d. Standard Drawing 15 – Access Profiles Detail
- e. Standard Drawing 16 – Access Grade & Clearance

At building or grading permit submittal, the plans must include a driveway design that meets the MMTS.

At building permit, the Applicant shall provide drainage calculations demonstrating the appropriate culvert size at the ROW.

At building permit, the Applicant shall ensure all retaining wall details and calculations are included in the permit plan set.

Prior to issuance of a Certificate of Occupancy, the Community Planning & Permitting Department must verify that the driveway has been constructed according to the approved plan.

4. At building or grading permit submittal, the Applicant shall submit a Revegetation and Erosion Control Plan for approval. The erosion and sediment control details must be consistent with the latest edition of the Mile High Flood District's Urban Storm Drainage Criteria Manual Volume Construction sequence and must adhere to the sequencing notes on the Erosion and Sediment Control Plan. Any straw used for mulching, or straw bales used for erosion control, must be certified weed-free. The revegetation plan must include native grass species to be used, mapped delineation of all disturbance areas (including construction staging areas, driveway, utility lines, and septic system), locations of silt fence or erosion control logs down slope of disturbed areas, and matting requirements on steeper slopes. New horticultural plantings should emphasize xeriscaping principles per Article 7-200.B.8 of the Code.

- a. Prior to any grading or site disturbance, the location and materials for erosion and perimeter control must be installed as required per the approved plans.
- b. Prior to any grading or site disturbance, the location of the catch fencing must be installed downslope of all areas of disturbance and upslope of the perimeter control as required per the approved plans.

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

- a. Whether applying for a Certificate of Occupancy, final inspection, or the return of funds held in escrow for completion of revegetation, some level of germination and growth of grass seed is required.

- b. Steeper slopes and dryer soil require greater attention to establish a level of germination adequate to obtain revegetation approval.
 - c. Areas of disturbance found at inspection not included on the Revegetation Plan are still subject to reseeding and matting.
 - d. Incomplete revegetation is the leading cause for delays in obtaining a Certificate of Occupancy.
5. Prior to issuance of building or grading permits, the Applicant shall submit to the Community Planning & Permitting Department for review and approval a Tree Preservation Plan indicating which trees will be preserved. The Tree Preservation Plan shall be included as part of the building plan set required at the time of permit application.
- a. Prior to issuance of a Certificate of Occupancy, the Community Planning & Permitting Department must inspect and approve the full installation of the approved Tree Preservation Plan.
6. The development must be constructed to the specified engineered plans, and an observation report is required.
7. The development is subject to the requirements of the Wildfire Mitigation Team, and as outlined in the referral comments, including, but not limited to, ignition resistant materials, defensible space, emergency vehicle access, and emergency water supply. The Applicant shall work with Left Hand Fire Protection District to determine the size and location of the cistern.
8. If human remains or burials are discovered on the Property, the Applicant shall contact local law enforcement.
9. The approved size for the residential development is approximately 2,963 square feet of residential floor area.
10. The submitted elevations (north, south, west) dated March 4, 2024 are approved as proposed.
11. The locations shown on the site plan dated March 4, 2024 are approved as proposed.
12. The approved height for the residence is a maximum of 29 feet and 6 inches above existing grade.
13. To verify that the residence does not exceed the approved height, a height survey is required. 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.

- a. Prior to issuance of building permit, the first part of the Height Survey Verification form must be completed and submitted to the Community Planning & Permitting Department.
- b. 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.

14. Any fill placed around the new residence shall be placed in a manner which promotes positive drainage away from the residence and does not impact surrounding properties or the county ROW.

15. At the time of final inspection, the location and receipt for transport and dumping must be submitted to the Community Planning & Permitting Department so that receipt of fill materials may be verified.

16. Prior to issuance of building and grading permits, the Applicant shall submit to the Community Planning & Permitting Department for review and approval a plan depicting the routing of all utility services. The utility routing plan shall be included as part of the building plan set required at the time of permit application. To minimize disturbances to the site, all utility service lines shall be routed underground (*see* Article 7-1200 of the Code) and should be located in areas already disturbed or proposed to be disturbed (e.g. along driveway).

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

17. During construction, all materials, machinery, dumpsters, and other items shall be staged on the Property. No items shall be stored or staged on Red Hill Road.

18. During construction (i.e. during the day while work is being performed), all vehicles shall be parked on site or on the portion of Red Hill Road that is west (above) of the Property and to one side of the road so as to not impede the travel way.

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

- a. At building permit submittal, the Applicant shall include samples of all proposed exterior colors and materials for the proposed residence as well as all retaining walls for staff approval.
- b. Prior to issuance of a Certificate of Occupancy, the Community Planning & Permitting Department must inspect and verify full installation of the approved colors and materials.
- c. Prior to issuance of a Certificate of Occupancy, the Community Planning & Permitting Department must inspect and verify that the approved exterior colors and materials are used on the new structure.

20. Exterior lighting on site is limited to one fixture for each exterior entrance, and the use of landscape or driveway lighting is not allowed.

- a. Prior to issuance of building permits, the Applicant shall submit to the Community Planning & Permitting Department for review and approval one copy of a proposed lighting plan. The lighting plan shall be included as part of the building plan set required at the time of permit application.
- b. Prior to issuance of a Certificate of Occupancy, the Community Planning & Permitting Department must verify that exterior lighting has been added to the structure according to the approved plans.

Down lighting is required, meaning all bulbs must be fully shielded to prevent light emissions above a horizontal plane drawn from the bottom of the fixture. All exterior light fixtures must conform with Articles 7-1600 and 18-162A of the Code.

21. The Applicant shall be subject to the terms, conditions, and commitments of record and in the file for Docket LU-24-0010/SPR-24-0021: Harnetiaux Residence and Earthwork.

A motion to approve the Docket was made by Commissioner Marta Loachamin, seconded by Commissioner Ashley Stolzmann, and passed by a 2-0 vote. Commissioner Claire Levy was excused from the Public Hearing.

[Signature Page to Follow]

ADOPTED as a final decision of the Board on this _____ day of October 2024.

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

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

Ashley Stolzmann, Chair

Marta Loachamin, Vice Chair

Claire Levy, Commissioner

ATTEST:

Clerk to the Board