



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

BOULDER COUNTY BOARD OF COUNTY COMMISSIONERS PUBLIC HEARING

February 4, 2025 at 9:30 a.m.

All Commissioners' public hearings and meetings will be offered in a hybrid format where attendees can join **through Zoom** or **in-person** at the Boulder County Courthouse, 3rd Floor, 1325 Pearl Street, Boulder.

STAFF PLANNER: Amber Knotts, Planner I

Docket SPR-24-0075: Benedict Change In Use

Request: **APPROVED:** Site Plan Review for a change in use from an existing accessory structure (office) to a 2,132-square-foot residence with 88 square feet of covered porch area in defined neighborhood where the size presumed to be compatible is 3,120 square feet.

Location: 8295 Overland Road

Zoning: Forestry (F)

Applicant: Audrey Benedict

Agent: Matthew Brown

STAFF RECOMMENDATION:

Staff recommends that the Board of County Commissioners uphold the Director's Determination for SPR-24-0075, Benedict Change In Use.

PACKET CONTENTS

Item	Pages
Staff Recommendation	1 – 3
Appeal Request (Attachment A)	A1 – A2
Director's Determination Letter Packet (Attachment B)	B1 – B54

SUMMARY

The applicant submitted a Site Plan Review application (SPR-24-0075) for a change in use of an existing residential accessory structure (office) to a residence. The structure is existing and is 2,132 square feet in size. Assessor's records identify 1,264 square feet of enclosed floor area on the subject parcel, including a 440-square-foot greenhouse¹. Per Article 18-189D of the Code, greenhouses up to 400-square-feet are exempt from the residential floor area calculations. Aerial imagery from 1977 to 2024 indicate unpermitted additions and alterations have occurred to the greenhouse attached to the proposed residence. Application materials indicate the structure today is 2,132 square feet in size. Per Article 4-802.A.10 of the Boulder County Land Use Code (the Code), Site Plan Review was required for this proposal because

¹ Staff notes that under section 2.B (Approved Size) of the determination refers to a 440-square-foot greenhouse and a 400-square-foot carport, however, there is not a carport that exists and only the 440-square-foot greenhouse should be recognized on the subject parcel.

it will change the use of the parcel, in that an existing Accessory Structure, that was previously accessory to the residence located on 8297 Overland Road is proposed to become a Single Unit Dwelling residential use (Article 4-511.E). The existing 2,132-square-foot structure will be converted into a residence. No changes in floor area or other development is proposed. Community Planning & Permitting reviewed this application in accordance with the Site Plan Review Standards in Article 4-806.A of the Code.

On November 26, 2024, Community Planning & Permitting (CPP) issued a Determination conditionally approving the proposal, with a requirement under Site Plan Review Standard 3, that the driveway and parking area currently located on 8297 Overland Road but used to access the proposed residence must be compliant with the Boulder County Multimodal Transportation Standards (MMTS) for residential development in the mountains pursuant to Article 4-806.A.3, which requires that the location of existing or proposed development must not impose an undue burden on public services and infrastructure. See Figure 1 below of the Site Plan depicting the driveway and parking area located at 8297 Overland Road in relation to the subject parcel at 8295 Overland Road. The property owner of 8295 Overland Road is also the property owner of 8297 Overland Road and therefore, no easement is required for the shared driveway and parking area located on 8297 Overland Road. If either parcel is no longer held under the same ownership, than an easement will need to be granted.

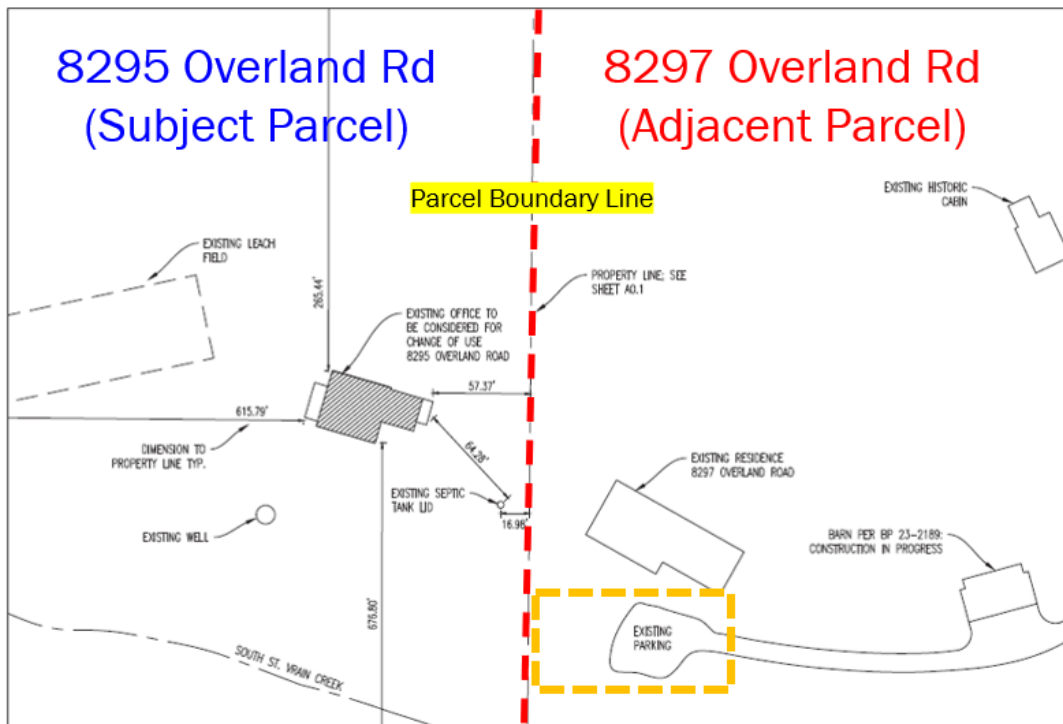


Figure 1 – Site Plan depicting the existing driveway and parking area (shown in the dashed orange box) located at 8297 Overland Road in relation to the subject parcel at 8295 Overland Road.

On December 10, 2024, the applicant appealed the Determination (Attachment A). The applicant is opposed to the access requirements in order to meet the MMTS. Specifically, the applicant has appealed the requirement to extend the driveway access located at 8297 Overland Road to the eastern parcel boundary line of the subject parcel at 8295 Overland Road in order to provide physical access to the subject parcel, as well as the requirement to install an emergency vehicle turnaround.

DISCUSSION

Article 4-807.B of the Code states that if the application is found to not meet the applicable

Standards of Article 4-806, and that a reasonable basis for mitigation measures has been demonstrated, the Director of Community Planning & Permitting must approve the application with reasonable conditions that will avoid or acceptably mitigate the significant adverse impacts of the development. In this case, the Director found that the shared driveway and parking area located on the adjacent parcel to the east, 8297 Overland Road, do not comply with the MMTS and improvements are necessary in order for the proposed residence (i.e., change in use) at 8295 Overland Road to meet the access requirements found in the MMTS and needed to comply with the Site Plan Review Standards.

The plans submitted by the applicant indicate that the driveway and parking area on the parcel at 8297 Overland Road end approximately 35 feet east of the eastern boundary line of the subject parcel at 8295 Overland Road. Section 2.6 of the MMTS require both legal and physical access by road or driveway for the purpose of developing a property. Therefore, staff required that a driveway to the subject parcel boundary must be established to allow for the proposed change in use to a residential use. Plans submitted by the applicant also did not indicate the location of an emergency turnaround compliant with Standard Drawing 18 and 19 in the MMTS. The MMTS require that an emergency access turnaround must be located a minimum of 50 feet from the front of the residence and no greater than 150 feet from the rear of the residence with a minimum 30-foot centerline radius, with the emergency turnaround allowed to be located within the adjacent parcel at 8297 Overland Road.

RECOMMENDATION

Since the MMTS requirements are necessary to comply with the Site Plan Review Standards, staff recommends that the Board of County Commissioners uphold the Director's Determination for SPR-24-0075, Benedict Change In Use.



Architects who build

December 10, 2024

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

Re: SPR-24-0075 Benedict Change in Use

Dear Community Planning and Permitting:

Thank you for your work on SPR-24-0075. The property owner has reviewed all conditions of the Conditional Approval, and feels that several present an undue hardship. This letter shall serve as an appeal of the conditions described herein.

The property owner would like to dispute one material point: there is not, nor has there ever been, a 400 ft² carport associated with this parcel (Page 2 of 10 of the Determination Letter).

Access requirements:

The property owner would like to appeal the requirement that the access drive extend to the property boundary.

Extending the access drive will involve excavating and filling with road base a carefully restored native meadow, close to the edge of the floodway. The area is already passable to emergency vehicles, and the existing expanse of meadow will allow a safe, informal emergency vehicle turnaround (similar to that already permitted under BP-23-2189). The walkway between the existing road and the structure in question is sufficient for stretcher or wheelchair access.

Several emergency access improvements have already been completed under BP-23-2189: road resurfacing, pullout improvement per Access and Engineering standards, and an emergency vehicle turnaround sufficient to serve the structures on the adjacent parcel.

The property owner has, for some time, been working actively with Lefthand Fire – the entity responding to any structure or wildland fire – on wildfire mitigation projects in the Residence Area and throughout the larger property as a whole.

We will provide a letter in support of a waiver from Chris O'Brien, Lefthand Fire Chief, attesting that the existing access configuration is consistent with Lefthand's emergency plans.

Ignition-resistant construction:

Nearly all components of the existing structure meet or exceed the requirements of R327. The property owner would like to appeal a single ignition-resistant construction requirement: that the roof comply with R327.4.1.

The existing roof is constructed of standing seam steel panels. Given their age, the panels lack a UL listing, but are nonetheless inherently noncombustible. Strict compliance with R327.4.1 would involve tearing off (and recycling) the entire roof and either: replacing it with an identical, "listed" product, or installing a new underlayment followed by identical roofing over the top (to achieve a Class A assembly). This process will likely result in no measurable increase in fire resistance, and will come at a tremendous financial cost.

Fire sprinklers

The property owner would like to appeal the requirement to install a new sprinkler system.

Building codes did not require fire sprinklers at the time of the original permit, or at the time that any of the unpermitted work was performed. Were CPP to consider the BWOP work as new addition (loft) and remodel (kitchen), respectively, R313.2.1 and R313.2.2 would apply. The scope of the BWOP work would not reach the square footage threshold required to trigger the sprinkler requirement.

This a finished building with an intact interior air barrier. Installation of a sprinkler system will require compromising this air barrier, and demolition of much of the interior finish. This change will come at an enormous financial cost, as well as loss of use of the structure while the work is being performed.

Given the existing stone (and otherwise ignition resistant) construction of the structure, and the continuing fire mitigation efforts in both the residence area and the property as a whole, the additional safety provided by the installation of a sprinkler system will be marginal at best. It is highly unlikely that the structure will be threatened by an exterior fire, or need the whole-house coverage that a sprinkler system would provide. The only possible sources of ignition within the structure are the stoves. With this in mind, the property owner proposes that – in lieu of a sprinkler system – fire extinguishers are permanently installed in the living room and kitchen. These would be professionally inspected and certified on a regular basis, by one of the many Front Range fire suppression companies that provide these services, and the property owner is willing to enter into an agreement with the County to this end.

All other items in the determination letter are understood, and the property owner has no objection to them as written. We look forward to the opportunity to provide any further information in this appeals process.

Sincerely,

Edward L Shure

Digitally signed by
Edward L Shure
Contact Info:
ed@treotreo.com
Date: 2024.12.10
13:19:57-07'00'

Ed Shure
Treo Architects

Treo Architects · 1722 14th Street Suite #115 Boulder CO 80302 · (303) 449-1336



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Claire Levy County Commissioner

Marta Loachamin County Commissioner

Ashley Stolzmann County Commissioner

November 26, 2024

Matthew Brown
 1722 14Th St. #115
 Boulder, CO 80302

Audrey Benedict Revocable Trust
 8297 Overland Rd
 Ward, CO 80481

Dear Applicant(s):

This letter certifies that in accordance with section 4-800 of the Boulder County Land Use Code, the Boulder County CPP Director has Approved with Conditions the site plan for the following, effective November 26, 2024.

Docket: SPR-24-0075 Benedict Change In Use

Request: APPROVED: Site Plan Review for a change in use from an existing accessory structure (office) to a 2,132-square-foot residence with 88 square feet of covered porch area in defined neighborhood where the size presumed to be compatible is 3,120 square feet.

Location: 8295 OVERLAND ROAD

Zoning: Forestry

Applicant: Matthew Brown

This is a Conditional Approval made by the CPP Director, and is not final until a 14-day referral period has transpired. During the next 14 days, the Board of County Commissioners (BOCC) may choose to call this docket up for a public hearing. If no hearing is required, this letter will serve as the final determination. Building, grading and access permits will be subject to any and all conditions of approval.

If the BOCC should decide to modify the CPP Director's approval, or determines that further review is necessary, a public hearing will be held. Upon completion of the public hearing and approval by the BOCC, if a building, grading or access permit has been applied for, it will continue in the process and permits may be issued subject to any and all conditions of approval.

In the event that you wish to appeal any conditions of the CPP Director's determination, you are entitled to appeal the determination to the BOCC. You must file an appeal for this purpose with the CPP Department in writing no later than 14 days after the date of this letter. If an appeal is requested, the BOCC will review the CPP Director's determination at a public meeting.

Please be aware that the attached Conditions of Approval become final if the docket is not called up by the BOCC at the end of the 14-day review period. There are no other administrative means to appeal. If you wish to resubmit information with regards to complying with any of the attached Conditions of Approval, and have this information reviewed for approval by staff prior to the end of the 14-day review period, your submissions must be received by the office no later than 10 days from the date of this letter.

Site Plan Review approval is valid for three years from the date of this letter although any changes in County regulations could affect the proposal prior to application for a building permit. In order to be issued a building permit, the project must comply with all policies and regulations in effect at the time of permit application.

A Building Permit cannot be issued for this project until the applicable conditions above have been met. Furthermore, a Certificate of Occupancy cannot be issued for this project until the applicable conditions above have been met. A SPR inspection will need to be scheduled with this department prior to the issuance of a Certificate of Occupancy. None of the conditions of approval will be waived or a Certificate of Occupancy issued for this project based upon the applicant's need to meet financial obligations (i.e., construction cost overruns or loan closing dates). Any future additions to the approved structure, regardless of size, will require SPR approval to amend this SPR.

The Public Notice sign must remain posted for 14 days after the date of this letter and then returned to the CPP Department in a timely manner after this date. Or, if your Site Plan Review application requires a public hearing, please return the sign after the final public hearing. We will begin processing a refund for the \$35 sign deposit when your sign is returned, and a check will be mailed to you within approximately 2 weeks.

Please carefully review the attached conditions of approval. Compliance with these conditions will be confirmed as is necessary throughout the process.

Sincerely,



Amber Knotts

Planner I

APPLICATION #: SPR-24-0075
 APPLICANT: Audrey Benedict
 PROJECT LOCATION: 8295 Overland Road
 PROJECT SUMMARY: Site Plan Review for a change in use from an existing accessory structure (office) to a 2,132-square-foot residence with 88 square feet of covered porch area in defined neighborhood where the size presumed to be compatible is 3,120 square feet.

CONDITIONS OF APPROVAL

Per Article 4-802.A.10 of the Boulder County Land Use Code (the Code), Site Plan Review is required for this proposal because it will result in a change of use of a parcel. In this case the applicant has proposed a change of use from an Accessory Structure Use, that was previously an accessory structure to the residence located on 8297 Overland Road, to a Residential Single Unit Dwelling, where the existing 2,132-square-foot structure will be converted into a residence with no proposed development or changes in floor area.

Article 4-806 of the 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.*

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, Raymond and Riverside.*

The applicable neighborhood for the subject parcel is the area within 1,500 feet from the parcel, excluding parcels inside municipal boundaries, platted subdivisions with seven or more developed lots, and any mapped townsites.

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 3,120 square feet.

Median (total residential floor area) in the defined neighborhood*	2,496 square feet
125% of the median residential floor area in the defined neighborhood	3,120 square feet
Total proposed residential floor area	2,132 square feet

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

B. APPROVED SIZE

RESIDENTIAL FLOOR AREA*	
Total existing floor area on the subject parcel to remain	2,132 square feet (currently office space)
TOTAL approved resulting residential floor area	Approximately 2,132 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.*

The Assessor's record currently identifies 1,264 square feet of enclosed floor area on the subject parcel, including a 440-square-foot greenhouse and 400-square-foot carport, for a total of 1,664 square feet of residential floor area. Per Article 18-189D of the Code, carports up to 400-square-feet are exempt from the residential floor area calculations. Aerial imagery from 1977 to present day, 2024, indicate unpermitted additions and alterations have occurred to this structure. Application materials indicate the structure today is now 2,132 square feet in size. There is no new floor area proposed as part of this application, and unpermitted additions and structural alterations will be brought into compliance as part of the building permit review process.

The subject parcel, 8295 Overland Road, is approximately 36.33-acres in size and was subdivided into a separate legal building lot by deed recorded on August 23, 2024, at Reception # 04059476 from the parcel located at 8297 Overland Road. The applicant

proposes to change the use of the structure now located on 8295 Overland Road from an accessory workshop and office space, that was previously an accessory structure to the residence located at 8297 Overland Road to Single Unit Dwelling. Single Unit Dwellings are a by-right use in the Forestry zoning district where the subject parcel is located.

Staff supports the resulting size of 2,132 square feet of residential floor area as proposed because it is under the presumptive size limitation and is compatible with the general character of the defined neighborhood.

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 REQUIREMENTS

The subject parcel is accessed via a footpath connecting to a private gravel-surfaced drive and parking area located on the adjacent parcel at 8297 Overland Road. The private drive and parking area is accessed from Overland Road, a gravel surfaced Boulder County owned and maintained right-of-way (ROW) with a Functional Classification of Collector. 8297 Overland Road (Parcel 132121000054) and 8295 Overland Road (Parcel 132121000055) are currently owned by the same entity; therefore, an access easement is not required to demonstrate legal access. If a transfer of ownership results in different owners of either parcel, an access easement must be recorded to ensure legal access to 8295 Overland Road.

Plans submitted by the applicant indicates that the driveway and parking area ends approximately 35 feet east of the eastern boundary line of the subject parcel. Section 2.6 of the Boulder County Multimodal Transportation Standards (the Standards) require both legal and physical access by road or driveway for the purpose of developing a property. Therefore, a driveway to the subject property boundary must be established to allow for the change in use.

The driveway to 8295 Overland Road must demonstrate compliance with the [Boulder County Multimodal Transportation Standards](#) (the Standards) for residential development in the mountains, including without limitation:

- a. Table 5.5.1 – Parcel Access Design Standards (1-Lane Mountain Access)
- b. Standard Drawing 11 – Private Access
- c. Standard Drawing 15 – Access Profiles Detail
- d. Standard Drawing 16 – Access Grade & Clearance
- e. Standard Drawing 17 – Access Pullouts
- f. Standard Drawing 18 – Access Turnaround
- g. Standard Drawing 19 – Typical Turnaround & Pullout Locations

Plans submitted by the applicant do not indicate the location of an emergency turnaround compliant with Standard Drawing 18 and 19. The emergency access turnaround must be located a minimum of 50 feet from the front of the residence and no greater than 150 feet from the rear of the residence, with a minimum 30-foot centerline radius. The emergency turnaround may be located within the adjacent property at 8297 Overland Road

At building permit, submit plans for review and approval by Access and Engineering staff with the Community Planning & Permitting Department a driveway extending to the eastern boundary line of 8295 Overland Road and the location of an emergency turnaround compliant with the Standards.

At final inspection, the Community Planning & Permitting Department must verify that the turnaround has been constructed in conformance with approved plans.

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

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.***

WILDFIRE MITIGATION

Wildfire mitigation is required for the proposed project, which is in [Wildfire Zone 1](#) (the foothills or mountains—approximately west of highways 7, 36, or 93) of the unincorporated portion of Boulder County. The Boulder County Wildfire Mitigation requirements are composed of site location, ignition-resistant materials and construction, defensible space, emergency water supply, and emergency vehicle access. A Boulder County Wildfire Mitigation Specialist has reviewed the site location as part of the Site Plan Review process, and no conflicts have been identified. The same owners own the property to the east.

Since the proposed development is located within a potentially hazardous area, all exterior building materials (including any proposed decking) must be ignition-resistant construction or better. For additional ignition-resistant construction information, please contact the Building Safety & Inspection Services Team at 303-441-3926. Refer to the Boulder County publication: [Building with Ignition Resistant Materials](#) for specific requirements. All exterior materials must be clearly noted on the building plans and must be reviewed and approved as “ignition resistant” by the Building Safety & Inspection Services Team.

Adequate defensible space is required to prevent the spread of fire to and from the structure. This requires limbing and/or removal of trees and shrubs to provide necessary vertical and horizontal fuel separation within a minimum of 100 ft. from the home and within 30 ft. along both sides of a driveway. Where the property boundary limits Zone 2 (at least 100 feet from structures), Zone 1 (a buffer of at least 30 feet free of conifer trees and other highly combustible vegetation immediately surrounding the home, including all attachments and accessory structures within 30 feet) may need to begin at the home’s

dripline. More information can be found by referring to the Colorado State Forest Service publication [*Protecting Your Home from Wildfire: Creating Wildfire-Defensible Zones – 2012 Quick Guide*](#).

Follow the Colorado State University [FireWise Plant Materials – 6.305, Fire-Resistant Landscaping – 6.303](#), and Colorado State Forest Service [*Protecting Your Home from Wildfire: Creating Wildfire-Defensible Zones – 2012 Quick Guide*](#) publications when choosing plants and designing revegetation and landscaping.

An emergency water supply is required to aid in the defense of the structures from a wildfire and assist in firefighting efforts. The Lefthand Fire Protection District typically requires an individual cistern in lieu of contributing to a community cistern fund. Contact Chris O'Brien of the Lefthand Fire Protection District for their individual cistern requirements at cobrien@lefthandfire.org; 720-214-0560. If the Fire Protection District does not have its own installation standards, follow the Boulder County publication: [*Emergency Water Supply for Firefighting*](#)

Emergency vehicle clearance is required to allow for safe ingress and egress of emergency vehicles. Emergency personnel try their best to respond to calls in a timely manner, often while negotiating difficult terrain. Planning for access by emergency vehicles improves safety for homeowners and their families by providing for a more efficient response by firefighters and other emergency personnel arriving on the scene. This is especially important in rural and mountainous areas where response times may be considerably longer than in cities, where emergency services are closer by. Refer to the Boulder County publication: [*Driveway Access for Emergency Vehicles*](#) for specific clearance-related requirements.

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

Before scheduling rough framing inspections, the plan's defensible space and water supply portion must be implemented and inspected by the Community Planning & Permitting Department. All trees marked for removal must be cut, and all slash, cuttings, and debris must be removed and/or properly disposed of. The [*Fire Sprinkler or Fire Cistern Approval Form*](#) must be submitted to the Boulder County Building Safety & Inspection Services at ezbp@bouldercounty.org (or P.O. Box 471, Boulder, Colorado, 80306) after the fire protection district completes the applicable portion of the form. If an individual cistern was required, it must be located on-site in an appropriate location (subject to approval by the fire protection district), fitted with an appropriate dry hydrant connection, and be filled, and tested by the local fire protection district.

At the time of final inspection, all remaining required items in the Wildfire Partners Assessment report or the Wildfire Mitigation Plan are to be fully implemented and inspected. Ground surfaces within three feet of both existing and new structures, and at least 2 feet beyond the driplines of decks, bay windows, and other eaves and overhangs,

must be covered with an allowable non-combustible ground cover over a weed barrier material. The driveway vertical and horizontal vegetation clearance must be in place and conform to the Parcel Access Design Standards in the [Boulder County Multimodal Transportation Standards](#).

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.*

ENVIRONMENTAL IMPACTS

Because no structural development is proposed, staff does not foresee any natural resource impacts to the Wildlife Migration Corridors, High Biodiversity Significance, Wetlands, Riparian Habitat Connectors and Riparian Areas as designated in the Boulder County Comprehensive Plan.

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.*

ARCHEOLOGICALLY SENSITIVE AREA AND TRAVEL ROUTE

An Archeologically Sensitive Area and Archeologically Sensitive Travel Route are present on the subject parcel, as identified by the [Boulder County Comprehensive Plan](#). The location of the existing structure does not intercept the identified Archeologically Sensitive Travel Route and because no structural development is proposed, staff does not foresee the potential for negative impacts to either of these designations.

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.*

- b. 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.*

	APPROVED
Location:	Approved as it currently exists in the field and as shown on the land survey dated October 21, 2023

A. EXTERIOR COLORS AND MATERIALS

The applicant is not proposing any exterior changes or alterations to the existing building. No color or materials were provided with the submitted application materials; however, staff does not have concerns with the existing color of the structure, which consists of brown tone stones that blend in with the natural environment. Material samples should be submitted at time of building permit, to ensure they meet ignition resistant material requirements.

Prior to issuance of building permits, submit to the Community Planning & Permitting Department for review and approval, material samples for the existing structure including roof, siding and trim. Samples should be included as part of the building plan set required at the time of permit application.

B. EXTERIOR LIGHTING

The locations and types of existing exterior lighting fixtures were not provided in the application. Staff does not have concerns regarding the location of existing light fixtures on the structure as seen during the site visit on November 4, 2024. However, due to the snowy conditions it was hard to tell if all fixtures met the county's outdoor lighting requirements (see Article 7-1600 9f of the Code). Staff must verify that all fixtures are downlit, fully shielded and are compliant with the outdoor lighting requirements.

Prior to issuance of building permits, one copy of a lighting plan demonstrating the location and types of existing exterior light fixtures 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 existing fixtures. If manufacture cut sheets are not available, please submit a photo of the light fixtures. The lighting plan shall be included as part of the building plan set required at the time of permit application.

Prior to issuance of a Certificate of Occupancy, the existing lighting plan and existing exterior light fixtures must be inspected and approved by the Community Planning & Permitting Department.

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, oversized parking areas, or severe alteration of a site's topography. Driveways or grading shall have a demonstrated associated principal use.*

A. LOCATION

The locations shown on the land survey dated October 21, 2023, and existing in the field are approved as proposed.

B. EARTHWORK AND GRADING

No earthwork was proposed with the submitted application materials. Because the driveway located at 8297 Overland Road will require some improvements to be compliant with the Standards for access to 8295 Overland Road, the applicant will need to submit earthwork and grading calculations at time of building permit for necessary improvements. *See Site Plan Review Standard 3 above for more information on required driveway and access design requirements.*

At time of building permit, submit an Earthwork and Grading Calculation worksheet for driveway and access improvements.

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

As conditioned this proposal will be consistent with the Comprehensive Plan, intergovernmental agreements, and this Code.

ADDITIONAL REQUIREMENTS AND INFORMATION:

BUILDING PERMIT: A building permit, plan review, inspection approvals, and a Certificate of Occupancy (“C.O.”) are required for the proposed residence.

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:
[2015 Building Code Adoption & Amendments](#)

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.

SPRINKLER REQUIREMENTS: 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.

Please Note: With regards to the Automatic Fire Sprinkler System requirements, this will be considered as a “new dwelling”.

DESIGN WIND AND SNOW LOADS: The design wind and ground snow loads for the property are 170 mph (Vult) and 55 psf, respectively.

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.

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 code requirements are to be met. Our [Residential Plan Checklist](#) and other Building Safety publications can be found at: [Building Safety Publications](#)

PUBLIC HEALTH: Boulder County Public Health issued a repair permit for the installation of an absorption bed system on January 10, 2024. The permit was issued for an onsite wastewater treatment system (OWTS) adequate for a 4-bedroom house and a 2-bedroom house. Boulder County Public Health approved the installation of the OWTS on June 13, 2024. The structure that is changing use from an office to a 2-bedroom dwelling is currently connected to the approved OWTS. Public Health has no conflict with the proposed change of use. The OWTS permit for the two homes is tied to the address 8297 Overland Road, where the 4-bedroom home is located. A new parcel was created and assigned the address of 8295 Overland Road for the 2-bedroom house (former office). A note will be added to the OWTS database showing 8295 Overland Road is served by an approved OWTS.

COLORADO DIVISION OF WATER RESOURCES (DWR): The application materials state that the property is served by an existing well, however no well permit number was provided. According to records available through the DWR office, two well permits were issued to construct wells on a property with a legal description that includes the subject property prior to its division from the property at 8297 Overland Road. According to records available through the DWR office, well permit no. 74531 was issued on May 23, 1974, to construct a well on a property with a legal description which includes the subject parcel, and expired on May 23, 1976, due to lack of evidence of well completion. **The applicant must demonstrate that they have a legal source of water supply for the property. If the source of water supply is an existing onsite well, the applicant must obtain a valid permit for the existing well, either by reinstating well permit no. 74531 or obtaining a new permit to use the existing well.**

The applicant will need to work with the DWR to resolve any well permitting issues. *See the referral response from the DWR dated November 18, 2024, for more information.*

XCEL ENERGY: Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the documentation for Benedict Change in Use. Please be aware PSCo owns and operates existing electric distribution facilities within the subject property, and has no objection to this proposed change in use, contingent upon PSCo's ability to maintain all existing rights and this amendment should not hinder our ability for future expansion, and that our current use/enjoyment of the area would continue to be an accepted use on the property and that it be "grandfathered" into these changes.

The recent subdivision of the parcel may have caused the existing electric line to the transformer at 8295 Overland Road to be in trespass. Bill Schulz, Right-of-Way Agent at William.A.Schulz@xcelenergy.com will need to be contacted in order to remedy this situation with an express PSCo easement.

The applicant will need to work with Xcel Energy (PSCo) to resolve any potential trespassing issues with electric distribution facilities. *See the referral response from the Xcel Energy dated November 6, 2024, for more information.*

NATURE CONSERVANCY: The applicant holds a private conservation easement with the Nature Conservancy. Section 4.a.i. of the conservation easement between The Nature Conservancy and James and Audrey Benedict, dated June 14, 1999 and recorded June 16, 1999, at Reception #1950249 with the Boulder County Clerk, states that "[t]he home-office building can be converted to a guest house or to a residence for employees or family members."



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 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 checked="" 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) 8295 OVERLAND ROAD					
WARD, CO 80481					
Subdivision Name TR, NBR 950 JAMESTOWN AREA					
Lot(s)	Block(s)	Section(s) 21	Township(s) 2N	Range(s) 72	
Area in Acres 36.32	Existing Zoning F	Existing Use of Property RESIDENTIAL		Number of Proposed Lots 1	
Proposed Water Supply EXISTING WELL		Proposed Sewage Disposal Method EXISTING SEPTIC			

Applicants:

Applicant/Property Owner AUDREY BENEDICT REVOCABLE TRUST		Email audrey@cloudridge.org		
Mailing Address 8297 OVERLAND ROAD				
City WARD	State CO	Zip Code 80481	Phone 303-459-3248	
Applicant/Property Owner/Agent/Consultant TREO ARCHITECTS		Email ed@treotreo.com ; matt@treotreo.com		
Mailing Address 1722 14TH STREET #115				
City BOULDER	State CO	Zip Code 80302	Phone 303-449-1336	
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 <i>Audrey D Benedict</i>	Printed Name Audrey Benedict Revocable Trust, Trustee	Date 10/18/2024
Signature of Property Owner	Printed Name	Date

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






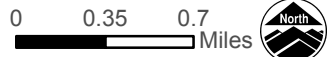
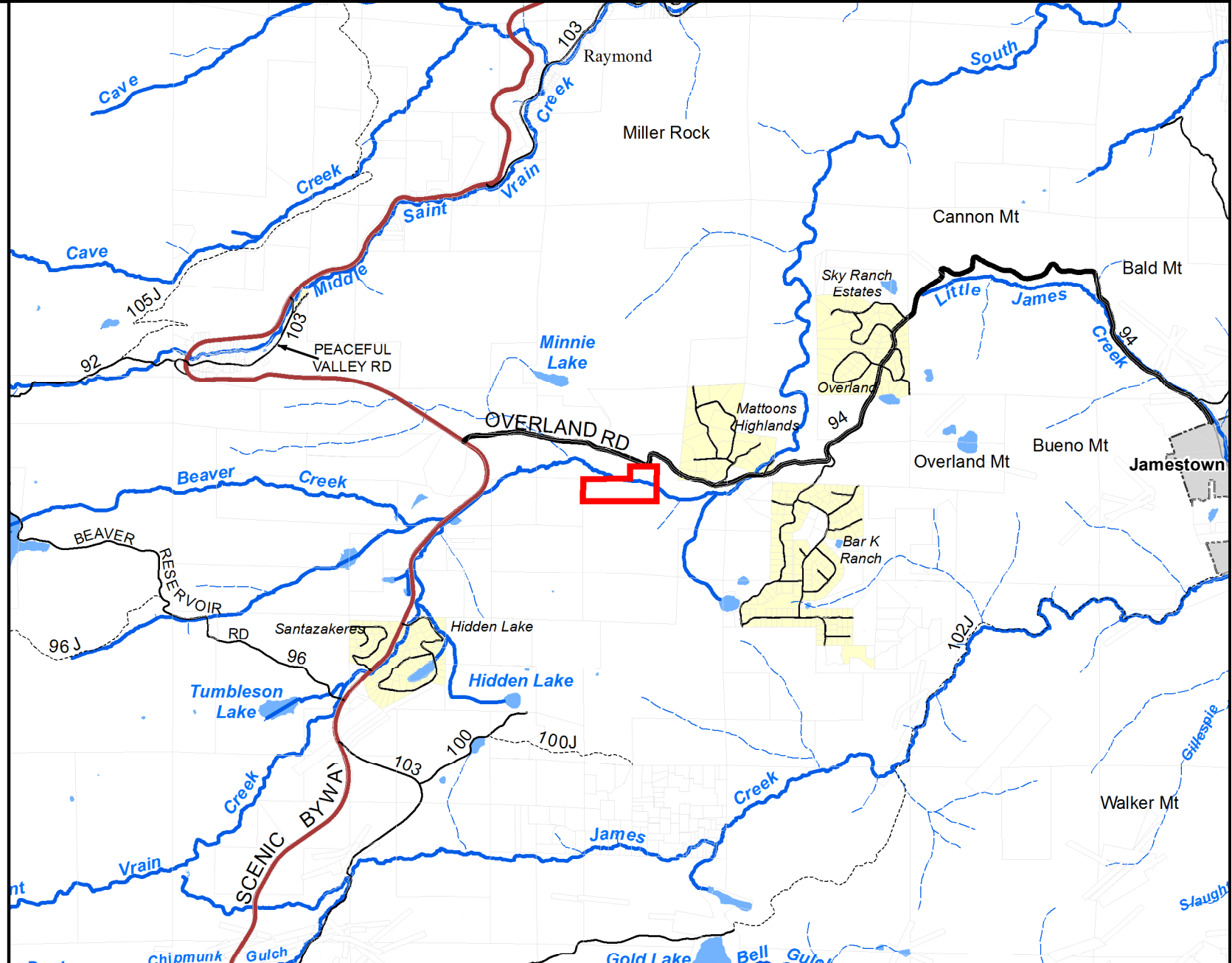
Community Planning & Permitting

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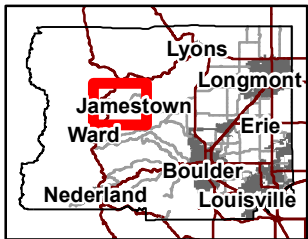
Vicinity

8295 OVERLAND RD

-  Subject Parcel
-  Municipalities
- Subdivisions**
-  Subdivisions



Area of Detail Date: 10/8/2024



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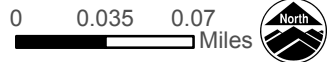
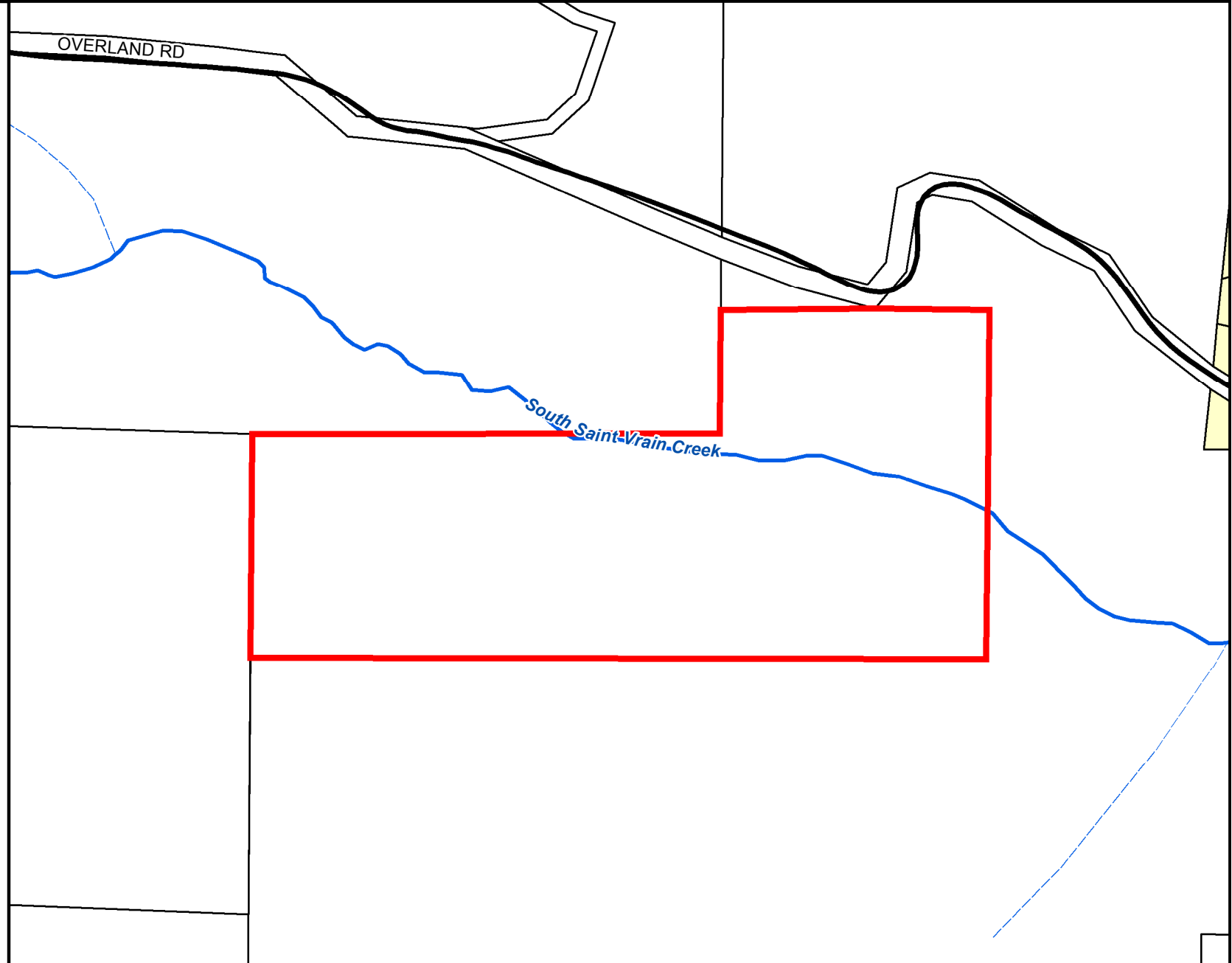
Location

8295 OVERLAND RD

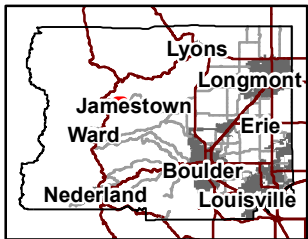
Subject Parcel

Subdivisions

Subdivisions



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Aerial

8295 OVERLAND RD

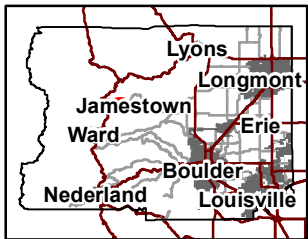
 Subject Parcel



0 0.025 0.05 Miles



Area of Detail Date: 10/8/2024



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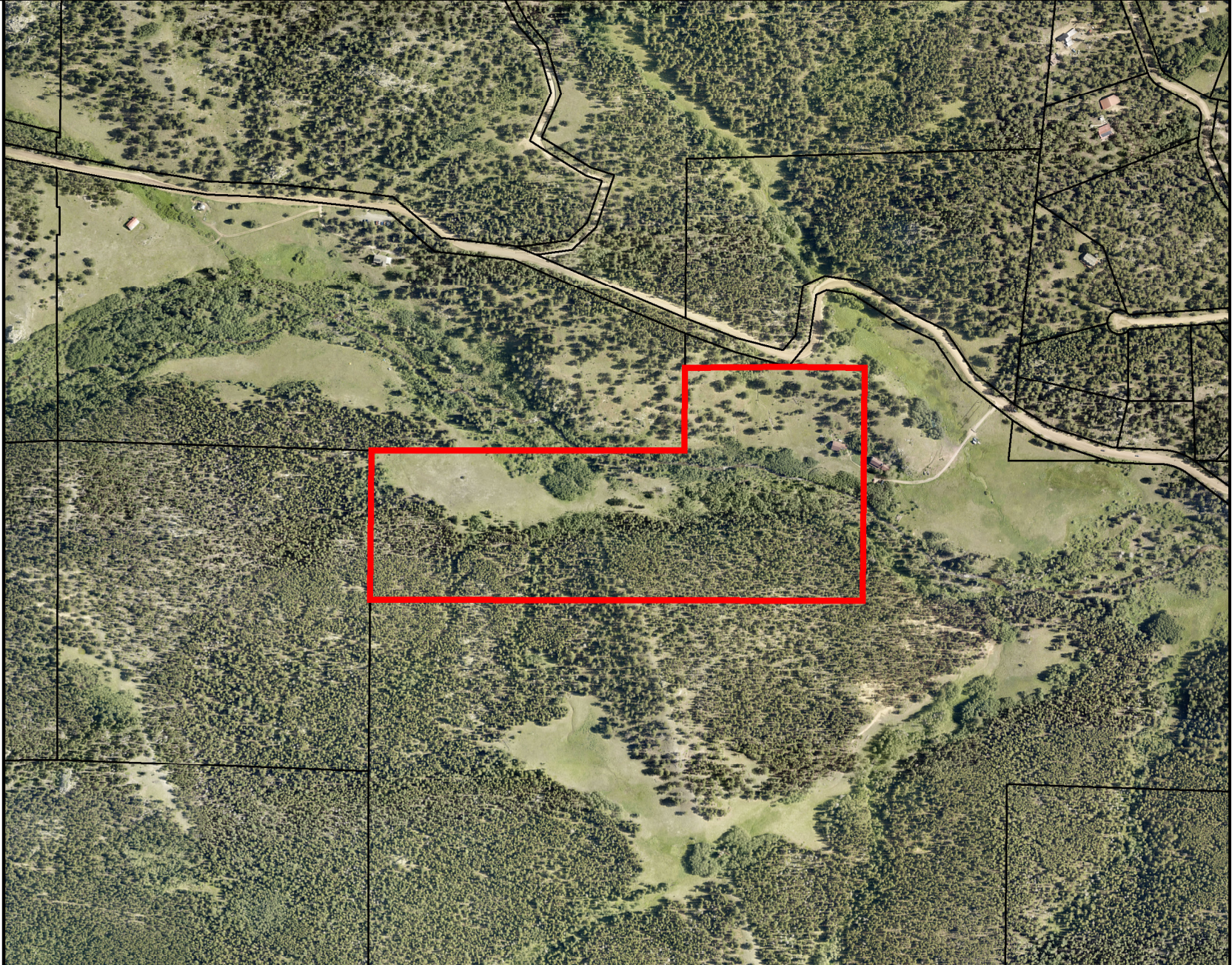
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Aerial

8295 OVERLAND RD

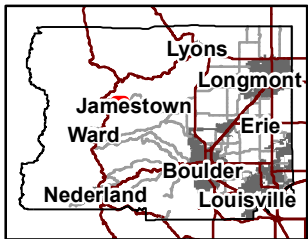
 Subject Parcel



0 0.05 0.1 Miles



Area of Detail Date: 10/8/2024



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Comprehensive Plan

8295 OVERLAND RD

Subject Parcel

Archeologically Sensitive Travel Routes

Archeologically Sensitive Travel Routes

Wildlife Migration Corridors

Riparian Areas

Archaeologically Sensitive Areas

Archeologically Sensitive Areas

Wetlands

Riparian Habitat Connectors

High Biodiversity Areas

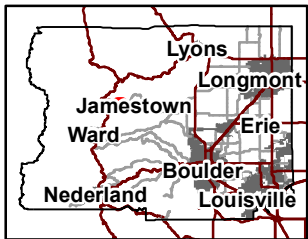
B3: High Biodiversity Significance

Peak to Peak Scenic Corridor

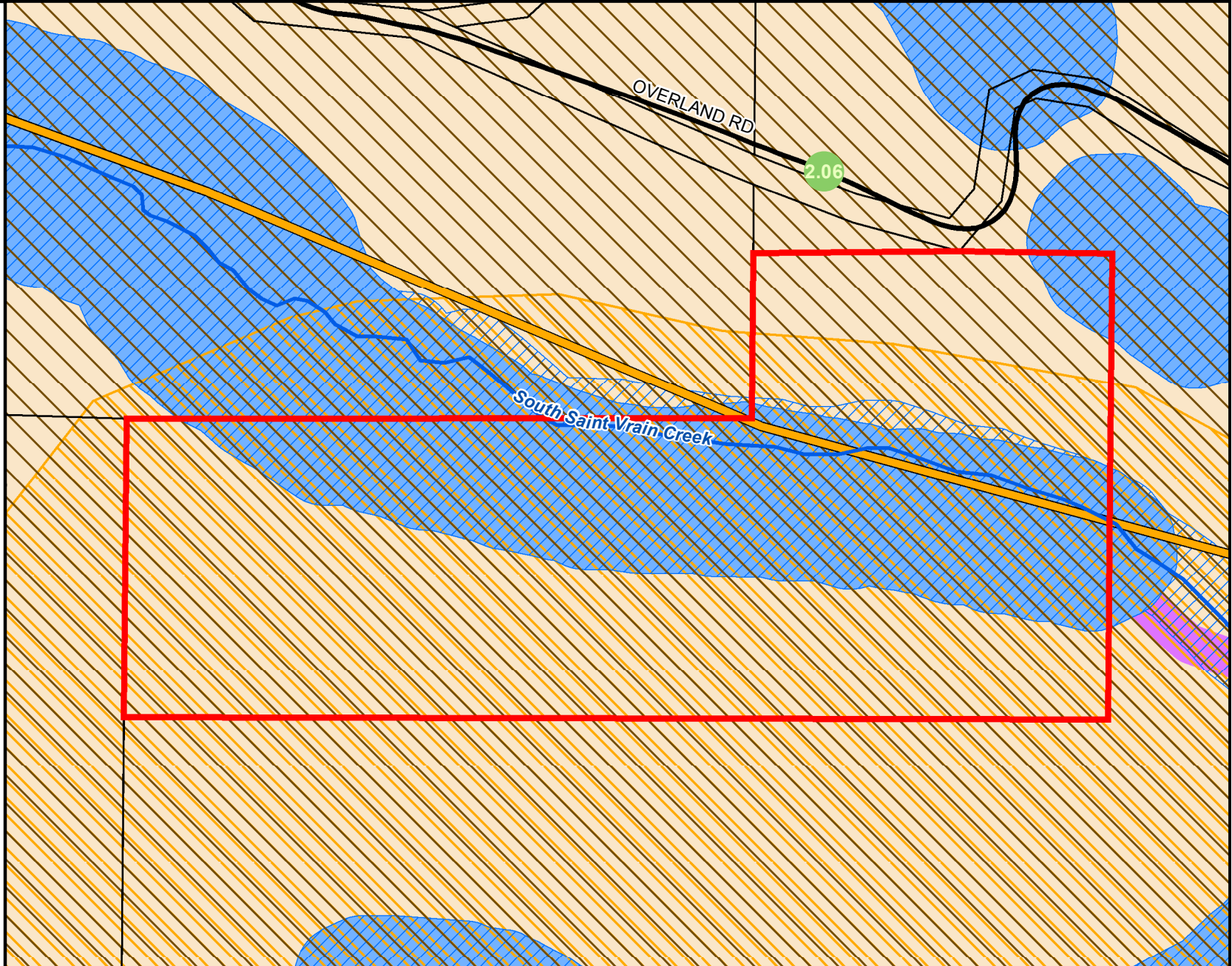
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Area of Detail Date: 10/8/2024



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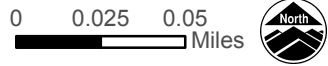
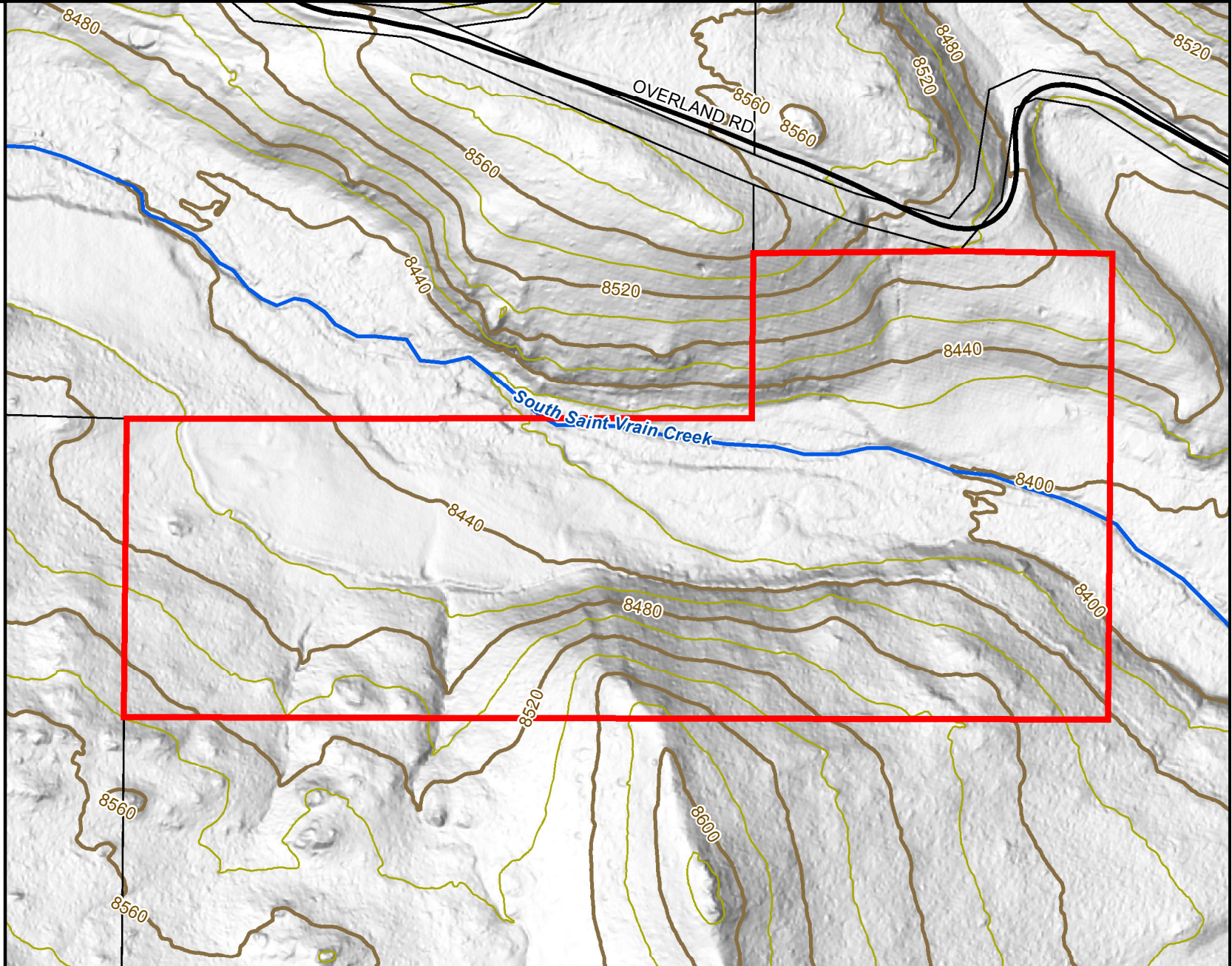
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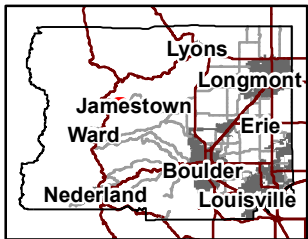
Elevation Contours

8295 OVERLAND RD

-  Subject Parcel
-  Contours 40'
-  Contours 20'



Area of Detail Date: 10/8/2024



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Floodplain

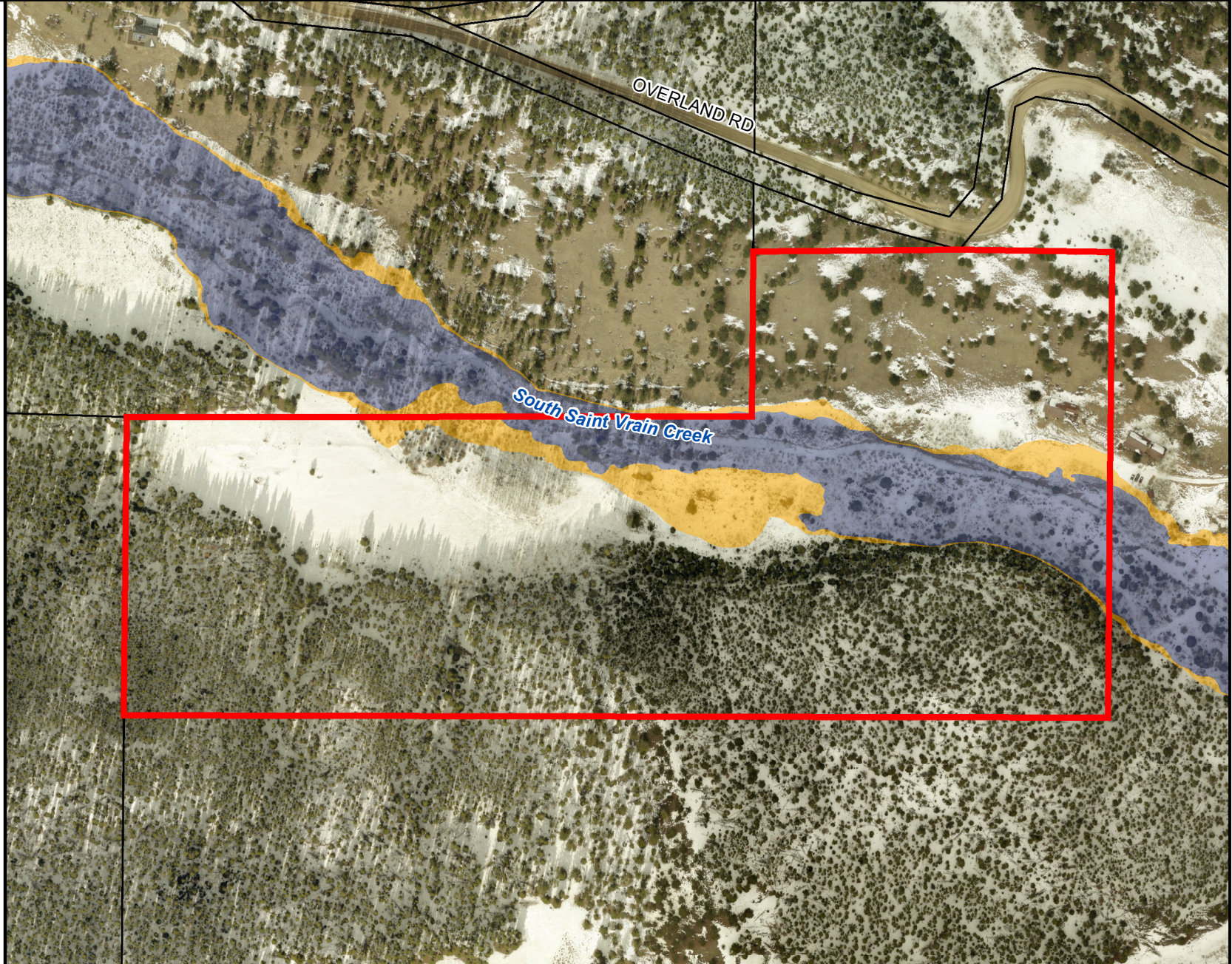
8295 OVERLAND RD

Subject Parcel

Floodplain

Floodway

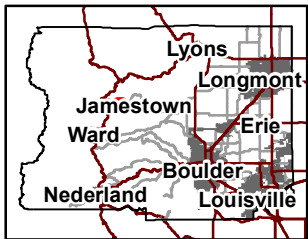
500-Year Floodplain



0 0.025 0.05 Miles



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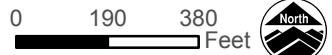
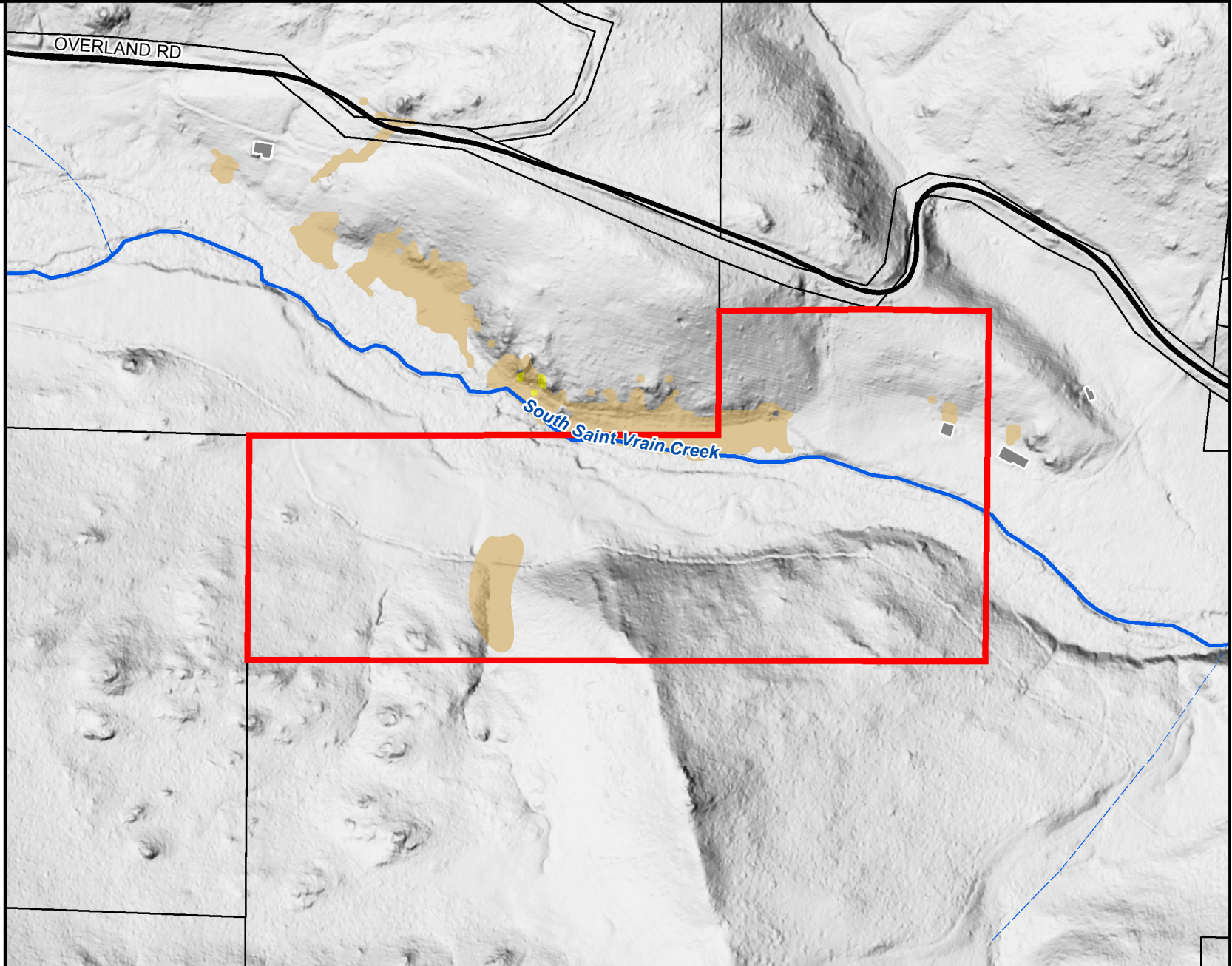
Community Planning & Permitting

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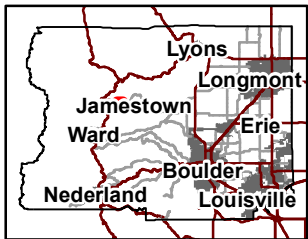
Geologic Hazards

8295 OVERLAND RD

 Subject Parcel



Area of Detail Date: 10/8/2024



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Planning Areas

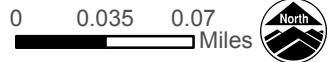
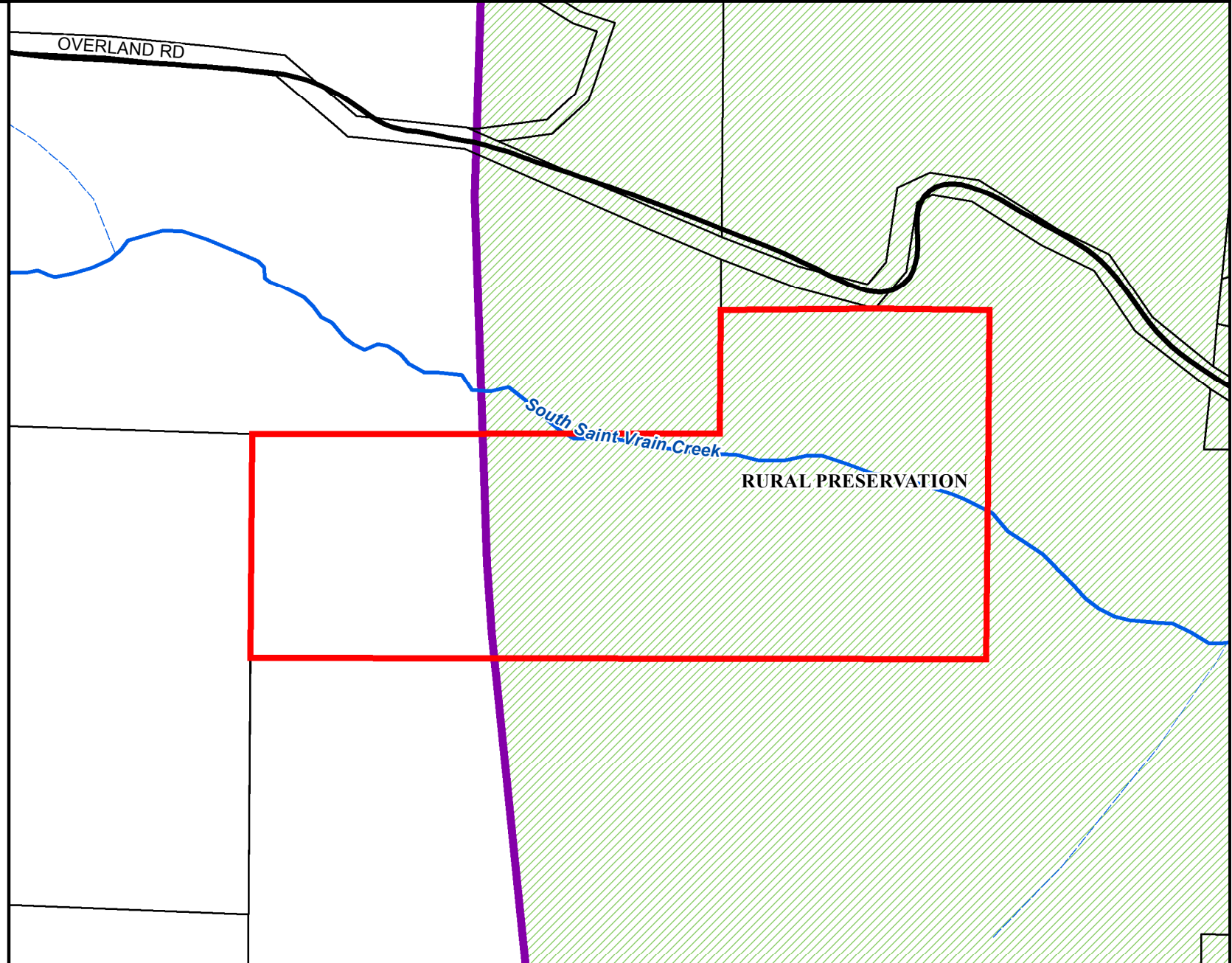
8295 OVERLAND RD

Subject Parcel

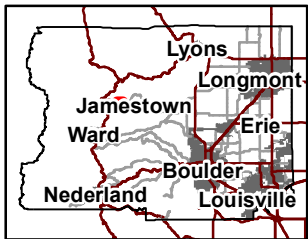
Active IGA Boundary

Active IGA Designation

RURAL PRESERVATION



Area of Detail Date: 10/8/2024



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Public Lands & CEs

8295 OVERLAND RD

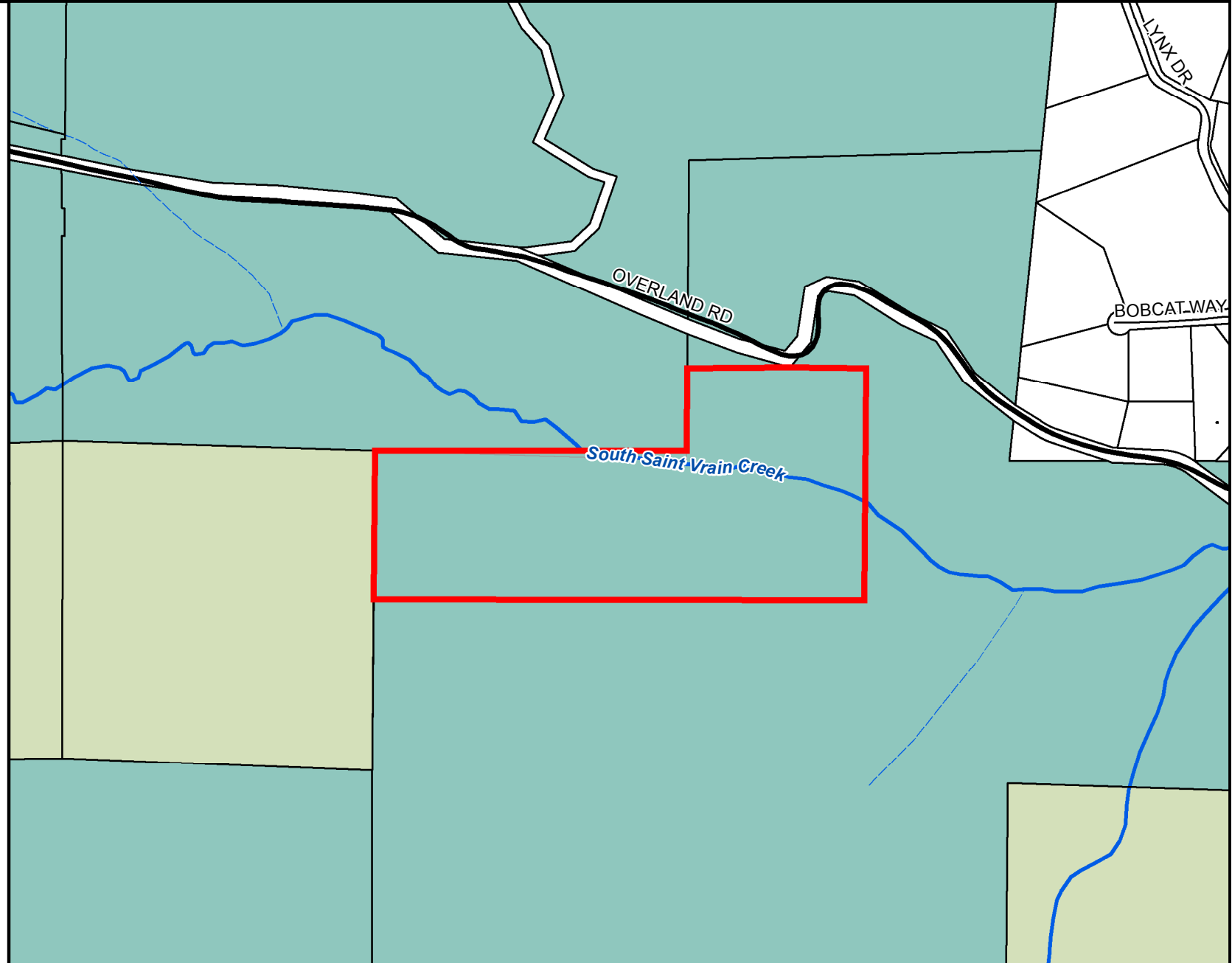
Subject Parcel

Federal Lands

USFS Land

Private

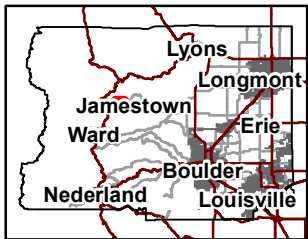
Conservation Easements



0 0.05 0.1 Miles



Area of Detail Date: 10/8/2024



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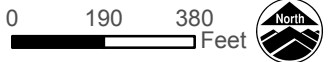
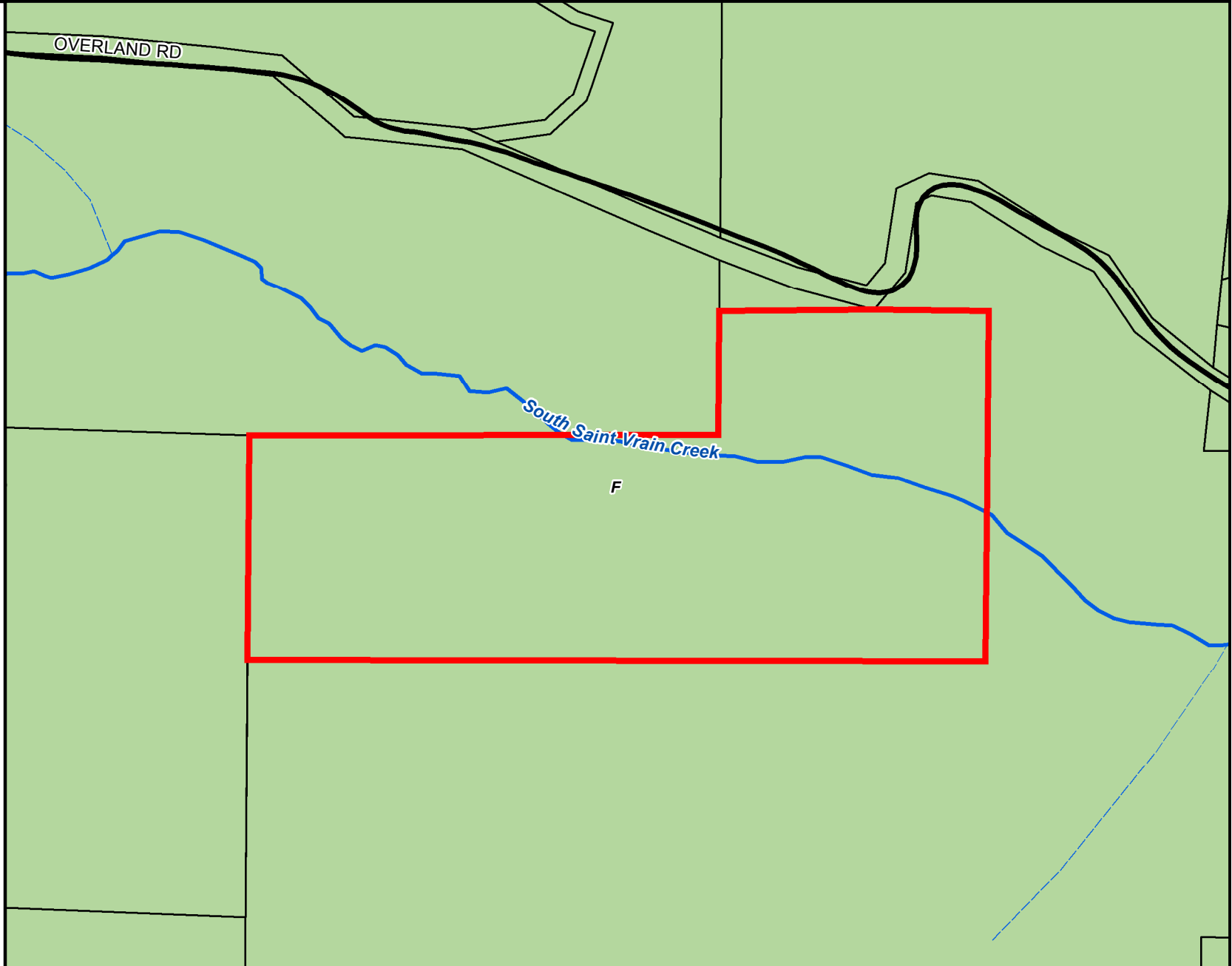
Zoning

8295 OVERLAND RD

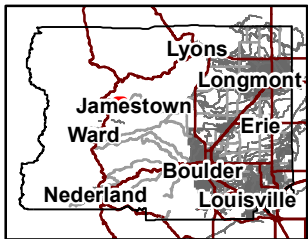
Subject Parcel

Zoning Districts

Forestry



Area of Detail Date: 10/8/2024



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Site Plan Review Fact Sheet

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

Structure #1 Information

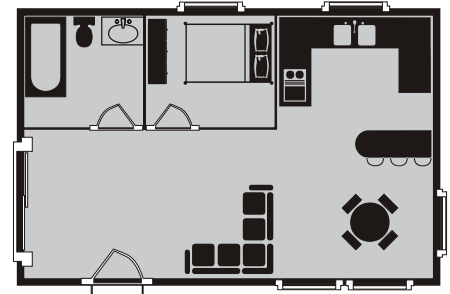
Type of Structure: (e.g. residence, studio, barn, etc.)				Residence	
Total Existing Floor Area: (Finished + Unfinished square feet including garage if attached.)				2132 sq. ft.	Deconstruction: N/A
Are new floor areas being proposed where demolition will occur? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (include the new floor area square footage in the table below)					
Proposed Floor Area (New Construction Only)				<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Non-Residential	
	Finished	Unfinished	Total	Height (above existing grade)	
Basement:	N/A sq. ft.	N/A sq. ft.	N/A sq. ft.	21'-3"	
First Floor:	1664 sq. ft.	N/A sq. ft.	1664 sq. ft.	Exterior Wall Material	STONE/STUCCO
Second Floor:	468 sq. ft.	N/A sq. ft.	468 sq. ft.	Exterior Wall Color	BUFF/YELLOW
Garage: <input type="checkbox"/> Detached <input type="checkbox"/> Attached	N/A sq. ft.	N/A sq. ft.	N/A sq. ft.	Roofing Material	METAL
*Covered Porch:	88 sq. ft.	N/A sq. ft.	88 sq. ft.	Roofing Color	WEATHERED/BROWN
Total:	2220 sq. ft.	N/A sq. ft.	2220 sq. ft.	Total Bedrooms	2

Project Identification:

Project Name: 8295 OVERLAND ROAD
Property Address/Location: WARD, CO 80481
Current Owner: AUDREY BENEDICT
Size of Property in Acres: 36.62

Determining Floor Area

Floor Area is measured in terms of square feet. The total square footage is as everything within the exterior face of the exterior walls including garages and basements. **Covered porch area that is attached to the principal structure is not included (see Article 18-131A).** The shaded area on the diagram indicates the area counted as square feet.



Structure #2 Information

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

Residential vs. Non-Residential Floor Area

Residential Floor Area includes all attached and detached floor area (as defined in Article 18-162) 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. Gazebos and carports up to a total combined size of 400 square feet are exempt. Barns used for agricultural purposes are not considered residential floor area.

Note: 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 Site Plan Review and shown on this Fact Sheet.

If a Limited Impact Special Review is required, then call 303-441-3930 and ask for a new Pre-Application conference for the Limited Impact Special Review.

*See Article 18-131A for definition of covered porch.

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 Review is required. Limited Impact Special 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			
Berm(s)			
Other Grading			
Subtotal			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			
Material cut from foundation excavation to be removed from the property			

Excess Material will be Transported to the Following Location:

Excess Materials Transport Location:

Narrative

Use this space to describe any special circumstances that you feel the Land Use Office should be aware of when reviewing your application, including discussion regarding any factors (listed in Article 4-806.2.b.i) used to demonstrate that the presumptive size limitation does not adequately address the size compatibility of the proposed development with the defined neighborhood. If more room is needed, feel free to attach a separate sheet.

Please see cover letter submitted with packet for narrative.

Is Your Property Gated and Locked?

Note: If county personnel cannot access the property, then 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 Matthew Brown	Digitally signed by Matthew Brown Reason: I am the author of this document Contact Info: matt@treotreo.com Date: 2024.10.21 11:48:59-06'00'	Print Name Matthew Brown	Date 10.21.2024
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Architects who build

October 21, 2024

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

Re: Site Plan Review for 8295 Overland Road, Ward CO 80481

Dear Boulder County Community Planning and Permitting:

This letter is intended to be submitted alongside the Site Plan Review materials for 8295 Overland Road, and shall serve as the narrative description of the proposed use of the property.

The structure is currently permitted as an accessory residential space (home office). This SPR proposal contemplates a change of use to classify the structure as a single-family dwelling unit. The 8295 Overland Road parcel has been newly created to this end; existing Conservation Easement has been amended; and septic upgrades have been permitted and completed. Access to the new parcel is existing through 8297 Overland Road (from which 8295 Overland was subdivided; property owner is the same); improvements for emergency access have been reviewed and are ongoing under the open building permit BP 23-2189. All building and site conditions are existing to remain: no new work of any kind is proposed.

Applicant intends for the "Amendment to deed of Conservation Easement" to serve the same purpose as a Letter of Consent from the Nature Conservancy (holder of the CE). Please see item B of the Recitals: "The conversion of the existing home-office building to a guest house or residence... is allowed pursuant to Paragraph 4.A.i of the Conservation Easement..."

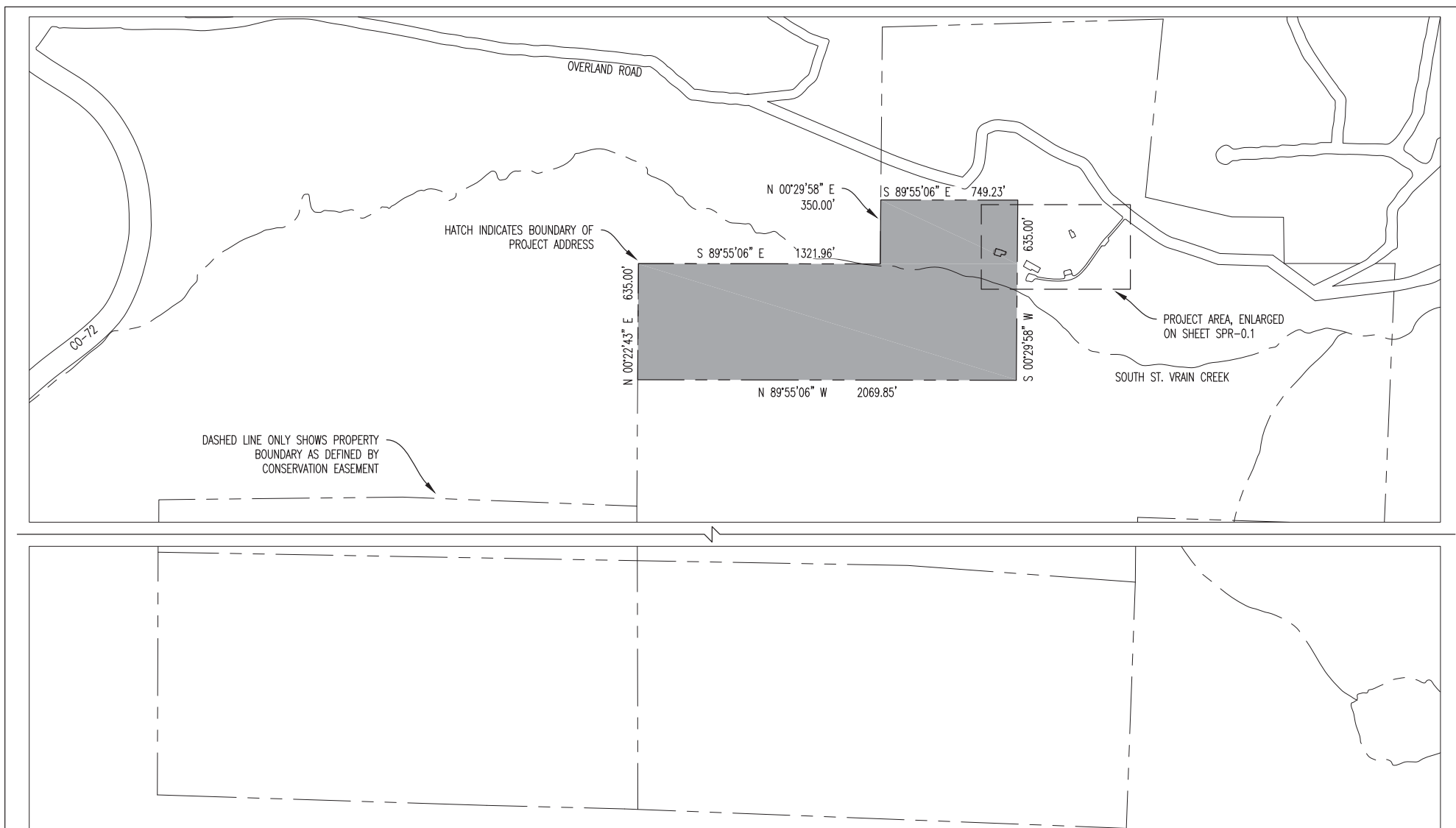
Thank you for your time and consideration.

Regards,

Matthew Brown

Digitally signed by Matthew Brown
Reason: I am the author of this
document
Contact Info: matt@treotreo.com
Date: 2024.10.21 11:49:21-06'00'

Matthew Brown
Treo Architects



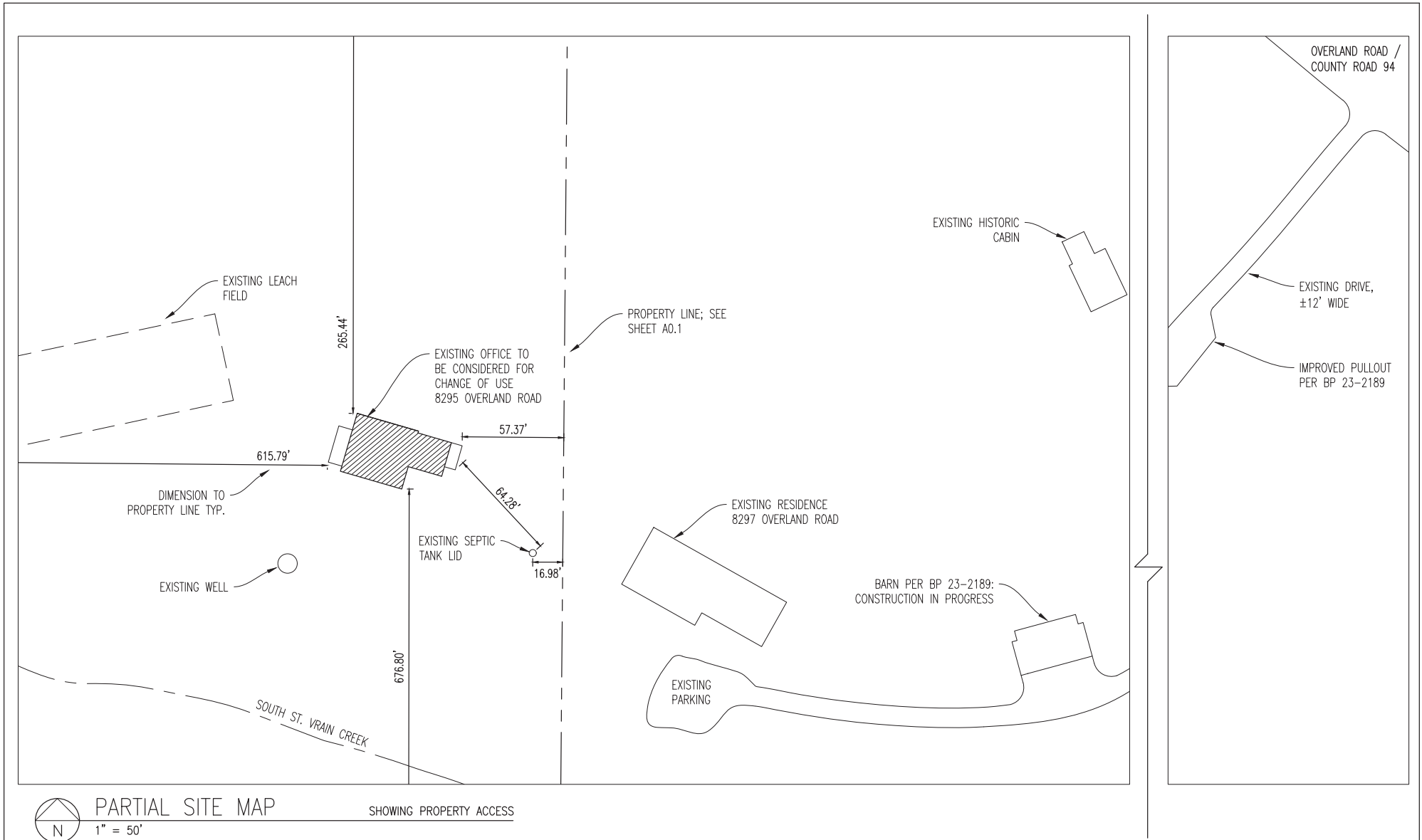
 SITE MAP
1" = 500'

2023-10-21 SPR

SAWTOOTH SPRINGS CHANGE OF USE | 8295 OVERLAND ROAD | WARD, CO 80481

TREO ARCHITECTS, LLC

SPR 0.0 - SITE



2023-10-21 SPR

SAWTOOTH SPRINGS CHANGE OF USE | 8295 OVERLAND ROAD | WARD, CO 80481

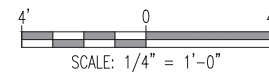
TREO ARCHITECTS, LLC

SPR 0.1 - SITE



 EAST ELEVATION
1/4" = 1'-0"

EXISTING



2023-10-21 SPR

SAWTOOTH SPRINGS CHANGE OF USE | 8295 OVERLAND ROAD | WARD, CO 80481

TREO ARCHITECTS, LLC

SPR 3.0 - EAST



2023-10-21 SPR

SAWTOOTH SPRINGS CHANGE OF USE | 8295 OVERLAND ROAD | WARD, CO 80481

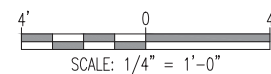
TREO ARCHITECTS, LLC

SPR 3.1 - SOUTH



WEST ELEVATION
1/4" = 1'-0"

EXISTING



2023-10-21 SPR

SAWTOOTH SPRINGS CHANGE OF USE | 8295 OVERLAND ROAD | WARD, CO 80481

TREO ARCHITECTS, LLC

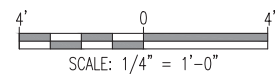
SPR 3.3 - WEST



NORTH ELEVATION

1/4" = 1'-0"

EXISTING



2023-10-21 SPR

SAWTOOTH SPRINGS CHANGE OF USE | 8295 OVERLAND ROAD | WARD, CO 80481

TREO ARCHITECTS, LLC | SPR 3.3 - NORTH



The Nature Conservancy in
Colorado
2424 Spruce Street
Boulder, CO 80302

tel [303] 444-2950
fax [303] 444-2986
nature.org/colorado

Sent via Email

October 25, 2024

Audrey Benedict
8297 Overland Road
Ward, CO 80481

RE: 8295 Overland Road – conversion of office to residence

Dear Audrey,

You have requested that The Nature Conservancy confirm that the conversion of Jim's office to a residence on your Sawtooth Springs property in Boulder County is permitted under the terms and conditions of the 1999 conservation easement held by TNC.

Section 4.a.i. of the conservation easement between The Nature Conservancy and James and Audrey Benedict, dated June 14, 1999 and recorded June 16, 1999, at Reception #1950249 with the Boulder County Clerk, states that "[t]he home-office building can be converted to a guest house or to a residence for employees or family members."

TNC documented that the office was being remodeled into a guest house during our 2012 annual monitoring visit and that the caretakers were living in the residence in the 2013 report. These actions were consistent with the terms of the conservation easement.

Please let me know if you have any additional questions.

All the best,

A handwritten signature in blue ink that reads "Nancy Fishbein".

Nancy Fishbein
Director of Resilient Lands, Colorado Program

RECORDING REQUESTED BY AND)
WHEN RECORDED RETURN TO:)
The Nature Conservancy)
Attn: Legal Department)
2424 Spruce Street, Suite 100)
Boulder, Colorado 80302)

AMENDMENT TO DEED OF CONSERVATION EASEMENT
(West Boulder County Ranches – Benedict (Sawtooth Springs Ranch))

THIS AMENDMENT TO DEED OF CONSERVATION EASEMENT (this “Amendment”) is entered into this 27th day of August, 2024, by and between The Audrey D. Benedict Revocable Trust (“Grantor”), and The Nature Conservancy, a District of Columbia nonprofit corporation (the “Conservancy”), in connection with that certain Deed of Conservation Easement dated June 14, 1999, and recorded on June 16, 1999, as Document 1950249, in the real property records of the Clerk and Recorder of Boulder County, Colorado (the “Conservation Easement”) by and between Grantor and the Conservancy.

RECITALS:

A. Conservancy and Grantor have the right to amend the Conservation Easement in accordance with Paragraph 13 of the Conservation Easement.

B. Grantor and Conservancy desire to amend the Conservation Easement to allow the creation of a new, 36.2-acre legal Parcel, as more particularly described in Exhibit A, attached hereto and incorporated herein by this reference (“Parcel A”). The creation of Parcel A will enable Grantor to comply with Boulder County regulations regarding the conversion of a workshop/office into an Accessory Dwelling Unit (ADU). The conversion of the existing home-office building to a guest house or residence for employees or family members is allowed pursuant to Paragraph 4.A.i of the Conservation Easement. The sole purpose of allowing the creation of Parcel A is to provide Grantor the ability to comply with Boulder County regulations.

NOW THEREFORE, in consideration of the mutual agreements herein and for other good and valuable consideration, receipt of which is hereby acknowledged, the Grantor and the Conservancy hereby agree as follows:

1. Paragraph 5.H. shall be deleted in its entirety and replaced by the following:

5.H. Division/Partition.

- (i) To protect the Conservation Purpose of this Conservation Easement, the legal or de facto division, subdivision, or partitioning in kind of the Property (which includes the newly created Parcel A allowed by this amendment), is prohibited, which shall include but shall not be limited to the following: any subdivision, platting,

IN WITNESS WHEREOF, Grantor and the Conservancy have executed this Amendment as of the date first written above.

CONSERVANCY:

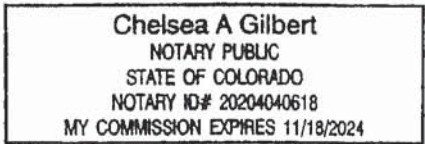
THE NATURE CONSERVANCY,
a District of Columbia nonprofit corporation

By: [Signature]
Its: Director of Resilient Lands
Date: 8.27.2024

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 27TH day of AUGUST 2024, by Nancy Fishbein as Colorado Director of Resilient Lands of THE NATURE CONSERVANCY, a District of Columbia nonprofit corporation.

Witness my hand and official seal.



[Signature]
Notary Public
My commission expires: 11/18/2024

GRANTOR:

The Audrey D. Benedict Revocable Trust
Current Owner

By: Audrey D. Benedict
Audrey D. Benedict, Trustee

Date: 8/30/2024

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 30th day of August, 2024, by Audrey D. Benedict, Trustee of the Audrey D. Benedict Revocable Trust.

Witness my hand and official seal.

CHRISTOPHER WILLIAM WARD
NOTARY PUBLIC - STATE OF COLORADO
Notary ID #20234020316
My Commission Expires 5/30/2027

[Signature]
Notary Public

Exhibit A
Property Description

A PARCEL OF LAND LOCATED IN SECTION 21, TOWNSHIP 2 NORTH, RANGE 72 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO DESCRIBED AS COMMENCING AT THE WEST $\frac{1}{4}$ CORNER OF SAID SECTION 21 (POC) AS MONUMENTED BY THE BUREAU OF LAND MANAGEMENT (BLM) IN 1960 WITH A 2 $\frac{1}{2}$ " PIPE WITH A 3 $\frac{1}{4}$ " BRASS CAP (BLM MONUMENT) STAMPED AS SHOWN ON SHEET 1, AND CONSIDERING THE NORTH LINE OF THE SOUTH $\frac{1}{2}$ OF SAID SECTION 21 BETWEEN THE SAID WEST $\frac{1}{4}$ CORNER OF SECTION 21 AND THE EAST $\frac{1}{4}$ CORNER OF SAID SECTION 21 AS MONUMENTED BY A BLM MONUMENT TO BEAR SOUTH 89°55'06" EAST WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE ALONG THE SAID NORTH LINE OF THE SOUTH $\frac{1}{2}$ OF SAID SECTION 21 SOUTH 89°55'06" EAST 1321.96 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 21, BEING THE POINT OF BEGINNING (POB);

THENCE CONTINUING ALONG THE SAID NORTH LINE OF THE SOUTH $\frac{1}{2}$ OF SECTION 21 SOUTH 89°55'06" EAST 1321.96 FEET TO THE CENTER OF SAID SECTION 21;

THENCE DEPARTING THE SAID NORTH LINE OF THE SOUTH $\frac{1}{2}$ OF SECTION 21, ALONG THE WEST LINE OF THE EAST $\frac{1}{2}$ OF SAID SECTION 21, AS MONUMENTED AT THE SOUTH $\frac{1}{4}$ CORNER OF SAID SECTION 21 AND AT THE NORTH $\frac{1}{4}$ CORNER OF SAID SECTION 21 BY BLM MONUMENTS, NORTH 00°29'58" EAST 350.00 FEET;

THENCE DEPARTING THE SAID WEST LINE OF THE EAST $\frac{1}{2}$ OF SECTION 21, SOUTH 89°55'06" EAST, PARALLEL WITH THE NORTH LINE OF THE SOUTH $\frac{1}{2}$ OF SAID SECTION 21, 749.23 FEET;

THENCE SOUTH 00°29'58" WEST, PARALLEL WITH THE SAID WEST LINE OF THE EAST $\frac{1}{2}$ OF SECTION 21, 985.01 FEET;

THENCE NORTH 89°55'06" WEST, PARALLEL WITH THE SAID NORTH LINE OF THE SOUTH $\frac{1}{2}$ OF SECTION 21, 2069.85 FEET TO THE WEST LINE OF THE SAID NORTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 21;

THENCE ALONG THE SAID WEST LINE OF THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 21 NORTH 00°22'43" EAST 635.00 FEET TO THE POINT OF BEGINNING, CONTAINING 36.20 ACRES, BEING ALSO 1,576,984 FT², MORE OR LESS.

THIS DESCRIPTION WAS PREPARED BY EARL F. HENDERSON, PLS (LICENSE #34993) FOR AND ON BEHALF OF ZENITH LAND SURVEYING, INC. IT IS BASED UPON FIELD LOCATIONS BY ZENITH LAND SURVEYING COMPLETED ON MAY 31, 2024. THIS NOTE IS INCLUDED ACCORDING TO CRS 38-35-106.5. IT IS A LEGAL PART OF THE DESCRIPTION AND SHOULD NOT BE DELETED.



**Boulder
County**

**Boulder County
Land Use Department
Publications**

Historic Preservation Referral Requirement

Land Use Department
Courthouse Annex Building
2045 13th Street
PO Box 471
Boulder, CO 80302

Planning Division:
Phone: 303.441.3930
Fax: 303.441.4856
Email: planner@bouldercounty.org
Website: www.bouldercounty.org/lu

Office Hours:
Monday – Friday 8 a.m. to 4:30 p.m.
Closed Tuesdays 8 to 10 a.m.

Historic Preservation Referral Requirement

Boulder County is committed to identifying and preserving the rich history of the unincorporated areas of the county. Through our Comprehensive Plan, Land Use Code, and other policies we have created a program to document, protect, and preserve the varying historic resources in our jurisdiction. County Land Use staff and the Historic Preservation Advisory Board (HPAB) are available to assist property owners in researching their property history, determining whether it is eligible for landmark designation, identifying ways to preserve the property and finding financial incentives for preservation.

The Historic Preservation Advisory Board (HPAB) serves as a referral body to review and comment on development proposals which would affect historic properties (any property with structures 50 years of age or older). Development review applications may require review by the full Historic Preservation Advisory Board, however, this depends on the nature of the historic resource and specific development proposal. A Boulder County Historic Preservation Planner in coordination with the members of HPAB determines the appropriate level of review for each development project.

Please contact a Boulder County Land Use Historic Preservation Planner at historic@bouldercounty.org or 303-441-3930 to discuss your project, and complete this form prior to submitting an application. Contact staff as soon as possible, since historic property research can take time. To avoid delays, contact the staff to begin this research well in advance of your submittal.


Applicant - Please complete this section:

Applicant(s): Matthew Brown / Treo Architects		
Project Address: 8295 Overland Road		
City: Ward	State: CO	Zip Code: 80481
Parcel Information: 132121000055		

The following is required to be completed by a Boulder County Historic Preservation Planner:

Land Use Staff in cooperation with HPAB has considered an application for:

at the property listed above and has determined that the Application:

<input type="checkbox"/>	Does not require a referral
<input checked="" type="checkbox"/>	Requires a referral only to the Boulder County Historic Preservation Planner lacks significance
<input type="checkbox"/>	Requires a review by the Historic Preservation Advisory Board
Historic Preservation Planner Signature: 	Date: 10/23/24

Building Safety & Inspection Services Team**MEMO**

TO: Amber Knotts, Planner I
FROM: Michelle Huebner, Plans Examiner Supervisor
DATE: October 30, 2024

RE: Referral Response, SPR-24-0075: Benedict Change in Use: Site Plan Review for a change in use from an existing accessory structure (office) to a 2,132-square-foot residence with 88 square feet of covered porch area in defined neighborhood where the size presumed to be compatible is 3,120 square feet.

Location: 8295 Overland Road

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. This will be reviewed as a new single-family dwelling.

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](#)

2. **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. **Design Wind and Snow Loads.** The design wind and ground snow loads for the property are 170 mph (Vult) and 55 psf, respectively.
4. **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. **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.
6. **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 [Residential Plan Check List](#) and other [Building Safety publications](#)

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.

November 19, 2024

TO: Staff Planner, Community Planning and Permitting

FROM: Jessica Cannon, Environmental Health Specialist

SUBJECT: SPR-24-0075: Benedict Change in Use

OWNER: Benedict

PROPERTY ADDRESS: 8295 Overland Road

SEC-TOWN-RANGE: 21 2N 72

The Boulder County Public Health – 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 repair permit for the installation of an absorption bed system on 1/10/24. The permit was issued for an onsite wastewater treatment system (OWTS) adequate for a 4-bedroom house and a 2-bedroom house. Boulder County Public Health approved the installation of the OWTS on 6/13/24.
2. The structure that is changing use from an office to a 2-bedroom dwelling is currently connected to the approved OWTS. Public Health has no conflict with the proposed change of use.
3. The OWTS permit for the two homes is tied to the address 8297 Overland Road, where the 4-bedroom home is located. A new parcel was created and assigned the address of 8295 Overland Road for the 2-bedroom house (former office). A note will be added to the OWTS database showing 8295 Overland Road is served by an approved OWTS.

This concludes comments from the 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 contact HealthOWS@bouldercounty.org

Cc: OWTS file, owner, Community Planning and Permitting

Nov. 15, 2024

TO: Amber Knotts, Planner I, Planner I; Community Planning & Permitting, Development Review

FROM: Ian Brighton, Planner II; Community Planning & Permitting, Access & Engineering

SUBJECT: Docket SPR-24-0075: Benedict Change in Use at 8295 Overland Road

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

1. The subject property is accessed via a footpath connecting to a private gravel-surfaced drive and parking area located on the adjacent parcel at 8297 Overland Road. The private drive and parking area is accessed from Overland Road, a gravel surfaced Boulder County owned and maintained right-of-way (ROW) with a Functional Classification of Collector. 8297 Overland Road (Parcel 132121000054) and 8295 Overland Road (Parcel 132121000055) are currently owned by the same entity, therefore an access easement is not required to demonstrate legal access. If a transfer of ownership results in different owners of either parcel, an access easement must be recorded to ensure legal access to 8295 Overland Road.
2. Plans submitted by the applicant indicates that the driveway and parking area ends approximately 35 feet east of the eastern boundary line of the subject parcel. Section 2.6 of the Boulder County Multimodal Transportation Standards (the Standards) require both legal and physical access by road or driveway for the purpose of developing a property. Therefore, a driveway to the subject property boundary must be established to allow for the change in use.

At building permit, submit plans indicating a driveway extending to the eastern boundary line of 8295 Overland Road.

3. The driveway to 8295 Overland Road must demonstrate compliance with the Boulder County Multimodal Transportation Standards (the Standards) for residential development in the mountains including without limitation:
 - a. Table 5.5.1 – Parcel Access Design Standards
 - b. Standard Drawing 11 – Private Access
 - c. Standard Drawing 15 – Access Profiles Detail
 - d. Standard Drawing 16 – Access Grade & Clearance

- e. Standard Drawing 17 – Access Pullouts
- f. Standard Drawing 18 – Access Turnaround
- g. Standard Drawing 19 – Typical Turnaround & Pullout Locations

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

4. Plans submitted by the applicant don't indicate the location of an emergency turnaround compliant with Standard Drawing 18 and 19. The emergency access turnaround must be located a minimum of 50 feet from the front of the residence and no greater than 150 feet from the rear of the residence with a minimum 30-foot centerline radius. The emergency turnaround may be located within the adjacent property at 8297 Overland Road.

At building permit, submit revised plans for review and approval by A&E Staff indicating the location of an emergency turnaround compliant with the Standards.

At final inspection, the Community Planning & Permitting Department must verify that the turnaround has been constructed in conformance with approved plans.

This concludes our comments at this time.

Wildfire Mitigation Team

MEMO

TO: Amber Knotts, Planner I
FROM: Kyle McCatty, Senior Wildfire Mitigation Specialist Supervisor
DATE: November 18, 2024
RE: Referral Packet for SPR-24-0075: Benedict Change in Use at 8295 Overland Road

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

Decades of catastrophic wildfires, research, and case studies have shown that extreme wildfires are inevitable in the forests of Boulder County and across the Western US. Still, the loss of life and homes does not have to be inevitable. The conditions that principally determine if a house ignites occur within 100 feet of the house, including the house itself. That is why Boulder County has such strong wildfire mitigation requirements in our Land Use and Building Code. Boulder County encourages all homeowners to voluntarily take responsibility to mitigate their own home's risk of igniting in a wildfire through Wildfire Partners.

Wildfire Mitigation is required; the proposed project is in [Wildfire Zone 1](#) (the foothills or mountains—approximately west of highways 7, 36, or 93) of the unincorporated portion of Boulder County. The Boulder County Wildfire Mitigation requirements are composed of site location, ignition-resistant materials and construction, defensible space, emergency water supply, and emergency vehicle access.

Site Location

A Boulder County Wildfire Mitigation Specialist has reviewed the site location as part of the Site Plan Review process, and no conflicts have been identified. The same owners own the property to the east.

Ignition-Resistant Materials and Construction

Since the proposed development is located within a potentially hazardous area, all exterior building materials (including any proposed decking) must be ignition-resistant construction or better.

For additional ignition-resistant construction information, please contact the Building Safety & Inspection Services Team at 303-441-3926. Refer to the Boulder County publication: [Building with Ignition Resistant Materials](#) for specific requirements. All

exterior materials must be clearly noted on the building plans and must be reviewed and approved as “ignition resistant” by the Building Safety & Inspection Services Team.

Defensible Space

Adequate defensible space is required around all existing and new structures to prevent the spread of fire to and from structures. This requires limbing and/or removal of trees and shrubs to provide necessary vertical and horizontal fuel separation within a minimum of 100 ft. from the home and within 30 ft. along both sides of a driveway. Where the property boundary limits Zone 2 (at least 100 feet from structures), Zone 1 (a buffer of at least 30 feet free of conifer trees and other highly combustible vegetation immediately surrounding the home, including all attachments and accessory structures within 30 feet) may need to begin at the home’s dripline. More information can be found by referring to the Colorado State Forest Service publication [Protecting Your Home from Wildfire: Creating Wildfire-Defensible Zones – 2012 Quick Guide](#).

Follow the Colorado State University [Low-Flammability Landscape Plants – 6.305](#), [Fire-Resistant Landscaping – 6.303](#), and Colorado State Forest Service [Protecting Your Home from Wildfire: Creating Wildfire-Defensible Zones – 2012 Quick Guide](#) publications when choosing plants and designing revegetation and landscaping.

Emergency Water Supply

An emergency water supply is required to aid in the defense of the structures from a wildfire and assist in firefighting efforts. The Lefthand Fire Protection District typically requires an individual cistern in lieu of contributing to a community cistern fund. Contact Chris O'Brien of the Lefthand Fire Protection District for their individual cistern requirements at cobrien@lefthandfire.org; 720-214-0560. If the Fire Protection District does not have its own installation standards, follow the Boulder County publication: [Emergency Water Supply for Firefighting](#).

Emergency Vehicle Clearance

Emergency vehicle clearance is required to allow for safe ingress and egress of emergency vehicles. Emergency personnel try their best to respond to calls in a timely manner, often while negotiating difficult terrain. Planning for access by emergency vehicles improves safety for homeowners and their families by providing for a more efficient response by firefighters and other emergency personnel arriving on the scene. This is especially important in rural and mountainous areas where response times may be considerably longer than in cities, where emergency services are closer by. Refer to the Boulder County publication: [Driveway Access for Emergency Vehicles](#) for specific clearance-related requirements.

Timeline

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

Before scheduling rough framing inspections, the plan's defensible space and water supply portion must be implemented and inspected by the Community Planning & Permitting Department. All trees marked for removal must be cut, and all slash, cuttings, and debris must be removed and/or properly disposed of. The [Fire Sprinkler or Fire Cistern Approval Form](#) must be submitted to the Boulder County Building Safety & Inspection Services at ezbp@bouldercounty.gov (or P.O. Box 471, Boulder, Colorado, 80306) after the fire protection district completes the applicable portion of the form. If an individual cistern was required, it must be located on-site in an appropriate location (subject to approval by the fire protection district), fitted with an appropriate dry hydrant connection, and be filled, and tested by the local fire protection district.

At the time of final inspection, all remaining required items in the Wildfire Partners Assessment report or the Wildfire Mitigation Plan are to be fully implemented and inspected. Ground surfaces within three feet of both existing and new structures, and at least 2 feet beyond the driplines of decks, bay windows, and other eaves and overhangs, must be covered with an allowable non-combustible ground cover over a weed barrier material. The driveway vertical and horizontal vegetation clearance must be in place and conform to the Parcel Access Design Standards in the [Boulder County Multimodal Transportation Standards](#).

If the applicants should have questions or need additional information, we'd be happy to work with them toward solutions that meet minimum land use and building code requirements. I can be reached at 720-564-2625 or via e-mail at kmccatty@bouldercounty.gov.

TO: Amber Knotts, Community Planning & Permitting Department
FROM: Ron West, Natural Resource Planner
DATE: November 15, 2024
SUBJECT: Docket SPR-24-0075, Benedict, 8295 Overland Road

Staff has reviewed the submitted materials, and has no natural resource concerns with the proposal. Although the area has many natural resource designations in the Comprehensive Plan, there are no proposed changes to the existing structure and the parcel has an existing conservation easement which limits developments. Standard revegetation with native species should be required for any driveway or leach field changes.

To: Amber Knotts, Planner I
From: Sarah Heller, Floodplain Program Planner

Subject: Docket SPR-24-0075: Benedict Change in Use
Request: Site Plan Review for a change in use from an existing accessory structure (office) to a 2,132-square-foot residence with 88 square feet of covered porch area in defined neighborhood where the size presumed to be compatible is 3,120 square feet.
Location: 8295 Overland Road, Section 21, Township 2N, Range 72W

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

1. The existing accessory structure is not within the Floodplain Overlay (FO) District and therefore, a Floodplain Development Permit (FDP) is not required.

A portion of the property is within the South Saint Vrain Creek Floodway. Any future development within the FO District will require an FDP and must adhere to the requirements of Article 4-400 of the Boulder County Land Use Code.

Please contact Sarah Heller, Floodplain Program Planner, at sheller@bouldercounty.gov to discuss this referral.

This concludes our comments at this time.



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302
 Mailing Address: P.O. Box 471 • Boulder, Colorado 80306
 303-441-3930 • www.BoulderCounty.gov

MEMO TO: County Health and Parks Departments, FPD
FROM: Amber Knotts, Planner I
DATE: October 30, 2024
RE: Site Plan Review application SPR-24-0075

Docket SPR-24-0075: Benedict Change in Use

Request: Site Plan Review for a change in use from an existing accessory structure (office) to a 2,132-square-foot residence with 88 square feet of covered porch area in defined neighborhood where the size presumed to be compatible is 3,120 square feet.

Location: 8295 Overland Road, Section 21, Township 2N, Range 72W

Zoning: Forestry (F) Zoning District

Owner/Applicant: Audrey Benedict Revocable Trust


Agent: Matthew Brown C/O Treo Architects

Site Plan Review by the Boulder County Community Planning & Permitting Director is required for new building/grading/access or floodplain development permits in the plains and mountainous areas of unincorporated Boulder County. The subject review process considers potential significant impact to the ecosystem, surrounding land uses and infrastructure, and safety concerns due to natural hazards.

The Community Planning & Permitting staff values 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 303-441-1709 or email aknotts@bouldercounty.gov to request more information.

Please return responses by **November 18, 2024.**

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

Signed Name  Printed Name Jessica Fasick

Agency or Address CP&P Historic Review

Date 10/30/24



November 18, 2024

Amber Knotts, Planner I

Boulder County Community Planning & Permitting

Transmission via email: aknotts@bouldercounty.gov

Re: Benedict Change in Use

Plan Number SPR-24-0075

8295 Overland Road, Ward, CO

Pt. Sec. 21, T2N, R72W, 6th P.M.

Water Division 1, Water District 5

Dear Ms. Knotts:

We have reviewed the above referenced request to use an existing home office located at 8295 Overland Road in Ward for residential purposes. The submitted material does not qualify as a “subdivision” as defined in section 30-28-101(10)(a), C.R.S. Therefore, pursuant to the State Engineer’s March 4, 2005 and March 11, 2011 memorandums to county planning directors, this office will only perform a cursory review of the referral information and provide informal comments regarding the proposed water supply. The comments do not state an opinion on the adequacy of the water supply plan for this project or the ability of the water supply plan to satisfy any County regulations or requirements. In addition, the comments provided herein cannot be used to guarantee the physical availability of water or the issuance of a well permit.

The 36.2 acre property contains a well, leach field, and a 2,132 square-foot building that was permitted as an accessory residential space for a home office. The applicant proposes to classify the structure as a single-family dwelling unit.

The application materials state that the property is served by an existing well, however no well permit number was provided. According to records available through this office, two well permits were issued to construct wells on a property with a legal description that includes the subject property prior to its division from the property at 8297 Overland Road.



According to records available through this office, well permit no. 74531 was issued on May 23, 1974 to construct a well on a property with a legal description which includes the subject property, and expired on May 23, 1976 due to lack of evidence of well completion. The permitted use was household use inside one single family dwelling. The application documents for the well permit indicate that the applicant intended to use the well in a workshop and study. Well permit no. 74531 may be reinstated by submittal of either the Well Construction and Yield Estimate Report (GWS-31) or, if the original work report is unavailable, a Post-Construction Well Inspection Report (GWS-68) completed and signed by a licensed water well contractor, showing that the well was constructed on or before its permitted expiration date of May 23, 1976. If the well was not constructed on or before this date, the owner will need to apply for a new permit to use the existing well by submitting the Residential Water Well Permit Application (GWS-44) along with either the GWS-31 or GWS-68. Well permit no. 74531 limited the use of groundwater from the well to ordinary household use inside one single-family dwelling. It is anticipated that a new permit to use the existing well would be issued for ordinary household purposes inside three (3) single family dwelling, fire protection, the watering of domestic animals, poultry and livestock on a farm or ranch, and the irrigation of not more than one (1) acre of home gardens and lawns.

The applicant must demonstrate that they have a legal source of water supply for the property. If the source of water supply is an existing onsite well, the applicant must obtain a valid permit for the existing well, either by reinstating well permit no. 74531 or obtaining a new permit to use the existing well. The use of the well must comply with all terms and conditions of its permit. Should you or the applicant have questions regarding this matter, please contact me at this office at 303-866-3581 ext. 8245 or kathleen.fuller@state.co.us.

Sincerely,



Kate Fuller, P.E.

Water Resources Engineer

Cc: Applicant (Audrey Benedict Revocable Trust, audrey@clouddridge.org)

Referral file no. 32555

Well permit file no. 74531

**Right of Way & Permits**

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303.571.3284
donna.l.george@xcelenergy.com

November 6, 2024

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

Attn: Amber Knotts

Re: Benedict Change in Use, Case # SPR-24-0075

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the documentation for **Benedict Change in Use**. Please be aware PSCo owns and operates existing electric distribution facilities within the subject property, and has no objection to this proposed change in use, contingent upon PSCo's ability to maintain all existing rights and this amendment should not hinder our ability for future expansion, and that our current use/enjoyment of the area would continue to be an accepted use on the property and that it be "grandfathered" into these changes.

When was this property subdivided? This may have caused the existing electric line to the transformer at 8295 Overland Road to be in trespass. Bill Schulz, Right-of-Way Agent at William.A.Schulz@xcelenergy.com will need to be contacted in order to remedy this situation with an express PSCo easement.

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



Community Planning & Permitting

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

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

303-441-3930 • www.BoulderCounty.gov

MEMO TO: County Health and Parks Departments, FPD
FROM: Amber Knotts, Planner I
DATE: October 30, 2024
RE: Site Plan Review application SPR-24-0075

Docket SPR-24-0075: Benedict Change in Use

Request: Site Plan Review for a change in use from an existing accessory structure (office) to a 2,132-square-foot residence with 88 square feet of covered porch area in defined neighborhood where the size presumed to be compatible is 3,120 square feet.

Location: 8295 Overland Road, Section 21, Township 2N, Range 72W

Zoning: Forestry (F) Zoning District

Owner/Applicant: Audrey Benedict Revocable Trust

Agent: Matthew Brown C/O Treo Architects

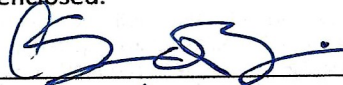
Site Plan Review by the Boulder County Community Planning & Permitting Director is required for new building/grading/access or floodplain development permits in the plains and mountainous areas of unincorporated Boulder County. The subject review process considers potential significant impact to the ecosystem, surrounding land uses and infrastructure, and safety concerns due to natural hazards.

The Community Planning & Permitting staff values 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 303-441-1709 or email aknotts@bouldercounty.gov to request more information.

Please return responses by **November 18, 2024.**

We have reviewed the proposal and have no conflicts.

Letter is enclosed.

Signed Name  Printed Name Chris O'Brien

Agency or Address Overland FPD

Date 10/30/24

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