



Community Planning & Permitting

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

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM

Thursday, February 25, 2021 at 10:30 A.M.

Hearing to be held virtually due to COVID-19

PUBLIC HEARING:

ZON-16-0173: Authorization to arrange for abatement of rubbish as needed throughout Property, including abandoned, inoperative or unlicensed vehicles, as defined under Article 14 of the Land Use Code (7164 and 7160 Lefthand Canyon Drive).

STAFF MEMBERS:

Scott Weeks, Code Compliance Specialist II
Dale Case, Community Planning & Permitting Director
Olivia Lucas, Assistant County Attorney

Location: 7164 and 7160 Lefthand Canyon Drive, Jamestown, CO 80455 in unincorporated Boulder County

Zoning: Forestry (F)

Owner(s): Wolf Lutton

SUMMARY:

The Boulder County Community Planning & Permitting (CPP) Director requests that the Board of County Commissioners authorize the County to arrange for the abatement of rubbish and removal of abandoned, inoperative or unlicensed vehicles located at 7164 & 7160 Lefthand Canyon Drive in unincorporated Boulder County (the "Property") according to Article 14 of the Boulder County Land Use Code (the "Code") and Colorado Revised Statute §30-15-401.

Upon authorization by the Board of County Commissioners, Article 14 of the Code permits the CPP Department to seek an administrative entry and seizure warrant from Boulder County District Court so that a contractor retained by the County may enter onto the Property and remove the rubbish, including the removal of abandoned, inoperative or unlicensed vehicles described below. The County would charge back the cost of abatement, with penalties, to Mr. Lutton.

Despite multiple attempts by the Code Compliance team, the County Attorney's office, and Boulder County Community Services to work with Mr. Lutton, including mailing multiple letters, informing him of the violations and potential penalties and consequences, rubbish and abandoned, inoperative or unlicensed vehicles remain on the Property, disrupting the

community aesthetic and posing a health and safety issue to the public.

THE PROPERTY:

The Property is located at 7164 and 7160 Lefthand Canyon Drive, Jamestown, CO 80455 in unincorporated Boulder County, also identified as Assessor's Parcel #146105000009, and #146105000083 (the "Property"). The Property owner of record is Wulf Lutton, whose mailing address as noted on Boulder County Assessor's records is shown at 7164 Lefthand Canyon Drive, Jamestown, CO 80455 (*See Exhibit 1*). This Property is in the Forestry zoning district.

VIOLATIONS OF THE LAND USE CODE:

This memo specifically addresses the Property's violations of Article 14 of the Boulder County Land Use Code.¹ The purpose of Article 14 is "[t]o protect the health, safety, and welfare of the citizens of Boulder County through the removal of rubbish (including trash, junk, and garbage); weeds and brush... from land in the unincorporated areas of the County." The Property has rubbish, including trash, junk, and unlicensed/inoperable vehicles, which not only disrupts the neighborhood and community aesthetic, but also poses a health and safety hazard to the public.

Several items are impermissibly stored throughout the Property. Some of these items consist of building materials and wood scraps throughout the Property. Additionally, an unlicensed bus exists on the 7164 Lefthand Canyon Drive property, and multiple unlicensed/inoperable vehicles, tires, building materials, wood scraps, and debris exist on the property located at 7160 Lefthand Canyon property (*See Exhibit 2*).

Land Use Article 14-400(C) defines rubbish as "Garbage, trash, and junk including, but not limited to unwanted or discarded household items; waste from building construction, remodeling, and repair; tree branches, grass and shrub clippings, leaves, or other general yard and garden waste; motor vehicle parts or tires, or abandoned, unlicensed, or inoperable motor vehicles including without limitation mobile or manufactured homes; newspapers, magazines, packaging materials, waste paper or cardboard; dead animal carcasses; and any other unsightly or discarded material which causes or is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of community standards of cleanliness or generally accepted neighborhood aesthetics."

The Property includes many items that are considered rubbish under Article 14-400(C) (*See Exhibit 2 for photos of the violations discussed below*):

- *Unwanted or Discarded Household Items*

As seen in the photographs in Exhibit 2, the Property has unwanted or discarded household items on the Property including garbage cans, hoses, and doors.

- *Waste from building construction, remodeling, and repair*

The Property has a partially-collapsed/deconstructed shed, scrap metal, scrap wood, scrap plastic, multiple temporary containers, and other building materials and equipment. Many materials are located under large tarps. However, a tarp is not considered adequate screening for the materials, and all items located underneath the tarps remain rubbish in violation of the Boulder County Land Use Code.

- *Abandoned, Unlicensed, or Inoperable Vehicles*
-

There is a bus on the 7164 Lefthand Canyon Drive property that is unlicensed and may be inoperable. Further, there are multiple other vehicles on the property located at 7160 Lefthand Canyon Drive that are abandoned, unlicensed and inoperable.

- *Material which causes or is likely to cause a public hazard*

The Community Planning & Permitting Department has received complaints that the piles of rubbish on the Property are located in the Lefthand Creek floodway/floodplain.

- *Unacceptably offensive in light of community standards of cleanliness or generally accepted neighborhood aesthetics*

The properties located at 7160 and 7164 Lefthand Canyon Drive are located directly adjacent to and visible from Lefthand Canyon Drive. Area residents who travel Lefthand Canyon Drive have expressed concern with the effect this Property has had on the enjoyment and value of corridor, as well as its failure to adhere to acceptable community standards for a forestry residence. In addition, much of this debris is located in or near the floodplain and could become a hazard in the event of flooding in Lefthand Canyon.

As outlined above, the Property contains numerous items that are considered rubbish and abandoned, unlicensed and inoperable vehicles under Article 14 of the Land Use Code. The rubbish and unlicensed/inoperable vehicles are also a public hazard threat due to location of items within the floodway/floodplain. The ongoing violations of Article 14 of the Land Use Code are the reasons the current zoning case, ZON-16-0173 remains open.

BACKGROUND and LAND USE's ABATEMENT ATTEMPTS:

The following presents a timeline of the communications between county staff and Mr. Lutton in an attempt to resolve the zoning violations on his Property.

Key:

Yellow = Attempts by the Boulder County Community Planning & Permitting Department to connect with Mr. Lutton

Blue = Attempts by the Boulder County Attorney's Office to connect with Mr. Lutton

- June 2016: Land Use Department received initial complaint about the Property.
- July 18, 2016: Staff inspected the Property and confirmed violations of the Land Use Code. Staff opened zoning case ZON-16-0173.
- April 26, 2017: Staff sent first Notice of Violation for unpermitted accessory outside storage and rubbish (*See Exhibit 3*).
 - ***No response received.***
- June 27, 2017: Staff sent 10-day Notice of Violation for unpermitted accessory outside storage and rubbish located throughout Property (*See Exhibit 4*).
 - ***No response received.***
- October 23, 2017: Staff inspected Property and found violations remained. Staff referred case to County Attorney's Office for additional enforcement.
- November 20, 2017: County Attorney's Office sent a 30-day violation letter via certified mail (*see Exhibit 5*).
 - ***No response received.***
- January 8, 2018: Staff inspected the Property and confirmed the violations remained.

- January 10, 2018: Staff sent Notice of Violation for unpermitted accessory outside storage and rubbish (*See Exhibit 6*).
 - **No response received.**
- February 20, 2018: Staff sent Notice of Violation for unpermitted accessory outside storage and rubbish located throughout Property and included rubbish and unlicensed and unregistered vehicles located at 7160 Lefthand Canyon Drive (*See Exhibit 7*).
 - **No response received.**
- July 16, 2018: Staff inspected the Property and confirmed the violations remained.
- February 8, 2019: Staff sent Notice of Violation for unpermitted accessory outside storage and rubbish (*See Exhibit 8*).
 - **No response received.**
- March 4, 2019: Staff inspected the Property and confirmed the violations remained.
- March 15, 2019: Because the violations had been on the Property for over two years, the Land Use Department issued an Article 14 notice (*see Exhibit 9*).
 - **No response received.**
- July 9, 2019: Staff sent 10-day Notice of Violation for unpermitted accessory outside storage and rubbish located throughout Property (*See Exhibit 10*).
 - **No response received.**
- August 1, 2019: County Attorney's Office mailed a second letter via certified mail (*See Exhibit 11*).
 - **No response received.**
- September 2, 2020: Staff inspected the Property and confirmed the violations remained.
- December 9, 2020: Staff inspected the Property and confirmed the violations remained (*See Exhibit 12*).
- January 11, 2021: Staff sent final notice of hearing via certified letter (*See Exhibit 13*).

RECOMMENDATION:

The Boulder County CPP Director requests that the Board of County Commissioners authorize the CPP Director, through the County Attorney, to seek an administrative entry and seizure warrant from a district court as authorized by Article 14 of the Boulder County Land Use Code and Section 30-15-401(1)(A), Colorado Revised Statutes. This warrant will authorize the County to enter the Property to remove all rubbish, including abandoned, unlicensed, and inoperative vehicles, tires, discarded household items, piles of materials and construction waste, various boxes containing unknown materials, storage bins, and any other unsightly or discarded material, either existing or generated in the process of abatement, cut overgrown trees, bushes and tall grass, and remove discarded branches (*see Exhibits 2 and 12*). The cost of abatement, an inspection fee of 5%, and any other associated costs will be billed to the Property owner.

Attachments:

Exhibit 1 – Parcel Reports for 7160 and 7164 Lefthand Canyon Drive

Exhibit 2 – Site Photos, 2016-2018

Exhibit 3 – Notice of Violation, April 26, 2017

Exhibit 4 – 10-Day Notice of Violation, June 27, 2017

Exhibit 5 – Certified Letter, November 20,
2017

Exhibit 6 – Notice of Violation, January 10, 2018

Exhibit 7 – Notice of Violation, February 20, 2018

Exhibit 8 – Notice of Violation, February 8, 2019

Exhibit 9 – Article 14 Notice, March 15, 2019

Exhibit 10 – 10-Day Notice of Violation, July 9, 2019

Exhibit 11 – Certified Letter, August 1, 2019

Exhibit 12 – Site Photos, December 9, 2020

Exhibit 13 – Final Notice of Hearing, January 11, 2021

Exhibit 1



Parcel Report

Land Use Department
 Courthouse Annex
 2045 13th St. - 13th & Spruce Streets
 P.O. Box 471 Boulder Colorado 80306-0471
 www.bouldercounty.org
 Planning 303-441-3930 Building 303-441-3925

Parcel Number 146105000009	Section 05	Township 1N	Range 71
Subdivision TR, NBR 940 GOLD HILL AREA			

SITE ADDRESS (1)

R0022290 7164 LEFTHAND CANYON DR UNINCORPORATED, 80455

OWNER INFORMATION (1)

Account	Name	Mailing Address
R0022290	FARMERS CREEK LLC	C/O WOLF LUTTON, 7164 LEFTHAND CANYON DR, , JAMESTOWN, CO 80455

LOCATION INFORMATION

Note: The estimate acres will likely not match the recorded acreage of the property, please see the legal description, plat, or deed for the actual acreage.
 Because of small inconsistencies in the locations of lines in the map layers, this location information searches may show information from adjacent parcels even though no overlap is visible on the screen.
 View the map at an appropriate scale to resolve any uncertainty.

	On or Adjacent to Parcel
Estimated Area	46,580 (1.07a.)
Zoning	F (1.07a.)
Floodplain	AE (0.27a.) Interim (0.3a.) X (0.49a.)
Open Space Ownership	No
County Plats	No
Wind and Snow Load	132 mph. 50 lbs/sqft.
Fire Protection	LEFT HAND FIRE



LEGAL DESCRIPTION (1)

R0022290 PT OF GOVT LOT 91 & PT OF TONY PLACER LD 5826 GOLD HILL 5-1N-71
 1.76 ACS M/L

ACRES

R0022290 1.76

PERMIT AND DOCKET HISTORY (22)

Note: Parcel numbers and addresses may change over time. Only permits/dockets with the exact same parcel number or address at the time of application are shown.

On Parcel Number: 146105000009

Permit/Docket Parcel Number(s)	Type Permit/Docket Address(es)	Application Name Application Date	Application Status	Status Date Permit Value
ZON-16-0173	Zoning Enforcement	Illegal dwelling unit		
146105000009	7164 LEFTHAND CANYON	7/20/2016	Under Investigation	6/24/2016
Complaint that an illegal apartment above the garage continues to be occupied				
BP-14-0606	Grading	7164 Lefthand Canyon Dr		
146105000009	7164 LEFTHAND CANYON	4/15/2014	Permit Issued	4/24/2014
TEP - Bank Stabilization (7164 Lefthand Canyon Dr)				\$100.00
ZON-14-0012	Illegal Dwelling Enforcement	7164 Lefthand Canyon Dr.		
146105000009	7164 LEFTHAND CANYON	3/31/2014	Closed	7/30/2014
Occupied, unpermitted apartment above garage.				
FDP-14-066F	Floodplain Development Permit -	Farmers Creek NRCS Exigent Site		
146105000009	7164 LEFTHAND CANYON	3/19/2014	Issued	4/9/2014
FRAR-14-0043	Flood Recovery Access Request			
146105000009	7164 LEFTHAND CANYON	1/27/2014	In Process	1/27/2014
Bridge / Driveway completely washed out. Large scour eddy widened creek by dozens of feet in front of house and driveway. Two busses lay strewn about in the creek in front of the house. Observed Jan. 24, 2014.				
FLD-13-0452	Flood 2013 Information Note	Single Family Home and Garage		
146105000009	7164 LEFTHAND CANYON	9/26/2013	Limited Entry (Orange)	9/26/2013
DIGITAL ASSESSMENT ONLY. Home and garage appear to have flood damage.				

Exhibit 2

**Site Photos
ZON-16-0173
7120 & 7164 Lefthand Canyon Drive**



Community Planning & Permitting Department

ZON-16-0173

Scott Weeks, Code Compliance Specialist II

Site Photos – 2016

November 22, 2016



Community Planning & Permitting Department

ZON-16-0173

Scott Weeks, Code Compliance Specialist II

Site Photos – 2017

May 15, 2017



Community Planning & Permitting Department

ZON-16-0173

Scott Weeks, Code Compliance Specialist II

Site Photos – 2017

7164 Lefthand Canyon



7160 Lefthand Canyon



Community Planning & Permitting Department

ZON-16-0173

Scott Weeks, Code Compliance Specialist II

Site Photos – 2018

7164 Lefthand Canyon



7160 Lefthand Canyon



Community Planning & Permitting Department

ZON-16-0173

Scott Weeks, Code Compliance Specialist II

Site Photos – 2019

7164 Lefthand Canyon



7160 Lefthand Canyon



Community Planning & Permitting Department

ZON-16-0173

Scott Weeks, Code Compliance Specialist II

Site Photos – 2020

7164 Lefthand Canyon



7160 Lefthand Canyon



Community Planning & Permitting Department

ZON-16-0173

Scott Weeks, Code Compliance Specialist II

Site Photos – 2020

7164 Lefthand Canyon



7160 Lefthand Canyon



Community Planning & Permitting Department

ZON-16-0173

Scott Weeks, Code Compliance Specialist II



Land Use

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VIOLATION NOTICE ZON-16-0173

April 26, 2017

Farmers Creek LLC
c/o Wolf Lutton
7164 Lefthand Canyon Drive
Jamestown, CO 80455

Re: Rubbish

Dear Property Owner,

Boulder County Code Compliance has received a report of a violation of the Boulder County Land Use Code on the property at 7164 Lefthand Canyon Drive, including rubbish. The violation, as well as the steps necessary to remedy that violation, is detailed below:

Illegal Accessory Outside Storage and Rubbish

It was observed that significant quantities of items and rubbish are being stored outside on the property including but not limited to building materials, abandoned bus, metal piping, tires, debris, and other miscellaneous items scattered throughout the property. Photos are attached for reference.

The storage of these items is a violation of Article 4-516(J) – Accessory Outside Storage and Article 14 – Rubbish, of the Boulder County Land Use Code. Specifically, the Code only permits outside storage of items which are customary and incidental to the main or principal use of the property. Additionally, the Code requires compliance with additional provisions that state:

- a. The area of placement may not exceed five percent of the lot area of the property.*
- b. Items must be adequately screened from the view of adjacent roadways and properties.*
- c. Any unit, bin, room or container used for storage must be a permanent structure.*
- d. Any vehicles or trailers shall be licensed and operable and may not be used for storage.*
- e. With the exception of the prohibition on using vehicles or trailers for storage, accessory outside storage of agricultural produces and operable agricultural equipment is exempt from these additional provisions.*

In addition, there are building, health and safety concerns with the proximity of rubbish to the creek and roadway.

To correct this violation you must:

1. Within 30 days of the date of this letter, remove from the property all rubbish and all items not related to the primary use of the property, and properly screen or store inside all other items, including but not limited to the items listed above, in accordance with Article 4-516(J) of the Land Use Code.

Cindy Domenico County Commissioner

Deb Gardner County Commissioner

Elise Jones County Commissioner



Land Use

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VIOLATION NOTICE ZON-16-0173

June 27, 2017

Farmers Creek LLC
c/o Wolf Lutton
7164 Lefthand Canyon Drive
Jamestown, CO 80455

RE: Illegal Accessory Outside Storage; Rubbish

Dear Mr. Lutton:

On April 26, 2017, Boulder County Land Use sent you a letter regarding rubbish and outside storage of materials at 7164 Lefthand Canyon Drive. As of the date of this letter, the rubbish and illegal outside storage remains at the subject address.

As a result, within 10 days of this letter, please provide confirmation that you have removed all rubbish from the subject property and properly stored or removed outside materials in accordance with Article 4-516(J) of the County Land Use Code. This letter is the official notice from Boulder County informing you of the violation and how to remedy the violation. A review of the property will occur immediately after ten days of this letter to determine if compliance has been met. Failure to rectify the violation within the timeframe outlined above may result in legal action.

If you have any questions or concerns regarding this matter, feel free to contact me at 720-564-2621 or via email at sweeks@bouldercounty.org.

Sincerely,

Scott Weeks
Code Compliance Specialist II

Exhibit 5



November 20, 2017

Farmers Creek LLC
c/o Wolf Lutton
7164 Lefthand Canyon Drive
Jamestown, CO 80455

Dear Mr. Lutton:

VIA U.S. Certified Mail

Re: Boulder County Land Use Code Violation – Accessory Outside Storage, Rubbish
Case Number: ZON-16-0173

Dear Mr. Lutton:

This matter has been referred to the County Attorney's office by the Boulder County Land Use Department because of zoning violations located at 7164 Lefthand Canyon Drive (the "Property").

Scott Weeks, Boulder County Land Use Code Compliance Specialist, sent you a violation notice on April 26, 2017, and an additional notice on June 27, 2017, regarding violations of the Boulder County Land Use Code, including storage of items and rubbish and unlicensed and/or inoperable vehicles in violation of Article 4-516(J) – Accessory Outside Storage. Re-inspection of the Property reveals that, to date, the violations still remain.

Colorado Revised Statutes (C.R.S.) §§ 30-28-124 and -124.5 allow the County to enforce zoning violations through a county court action for fines or a district court action for injunction. Under C.R.S. § 30-28-124.5, zoning violations are punishable by a fine of up to \$1,000 and continuing penalties up to \$100 per day until the violations are corrected.

Please be aware that if you do not remedy the violations on the Property, the County Attorney's Office may initiate legal action. Please contact me no later than 14 days from the date of this letter. I can be reached at 303.441.4558 or by email at ecross@bouldercounty.org. Thank you for your prompt attention to this matter.

Sincerely,

Elizabeth Cross
Assistant County Attorney

cc: Scott Weeks (*via email*)
Enc. Notices of Violation



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VIOLATION NOTICE ZON-16-0173

January 10, 2018

Farmers Creek LLC
c/o Wolf Lutton
7164 Lefthand Canyon Drive
Jamestown, CO 80455

RE: Illegal Accessory Outside Storage; Rubbish; Floodplain

Dear Mr. Lutton:

On April 26, 2017 and June 27, 2017, Boulder County Land Use sent you a letter regarding rubbish and outside storage of materials at 7164 Lefthand Canyon Drive. As of the date of this letter, the rubbish and illegal outside storage remain at the subject address. Upon further inspection and observation of the property, improper items are located in the floodway, including wood scraps, building materials and debris, and other rubbish-like materials. These materials likely impede the stream flow and increase flood hazards, and are thus floodway and floodplain access violations per Article 4-404 of the Boulder County Land Use Code. Specifically, the property is in violation of Article 4-404(B).7, with a parked vehicle and Bobcat in the floodway; 4-404(B).8 for the propane tank; 4-404(B).12 for the unsecured i-beam laying across the creek, and 4-404(B).14 for the in-channel grading. The in-channel grading requires a Floodplain Development Permit.

As a result, within 30 days of this letter:

1. Provide confirmation that you have removed all rubbish from the subject property and floodway, and properly stored or removed outside materials in accordance with Article 4-516(J)-, Accessory Outside Storage and Article 4-404(B) – Floodplain of the County Land Use Code. The vehicles and i-beam need to be moved out of the floodway. The propane tank could potentially be permitted if it can't be placed outside the floodplain overlay district.
2. Apply for a Floodplain Development Permit to permit in-channel grading and other impacts within the floodplain.

This letter is the official notice from Boulder County informing you of the violation and how to remedy the violation. A review of the property will occur immediately after thirty days of this letter to determine if compliance has been met. Failure to rectify the violation within the timeframe outlined above may result in legal action.

If you have any questions or concerns regarding this matter, feel free to contact me at 720-564-2621 or via email at sweeks@bouldercounty.org.

Sincerely,

Scott Weeks
Code Compliance Specialist II

Cindy Domenico County Commissioner

Deb Gardner County Commissioner

Elise Jones County Commissioner



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VIOLATION NOTICE ZON-16-0173

February 20, 2018

Farmers Creek LLC
c/o Wolf Lutton
7164 Lefthand Canyon Drive
Jamestown, CO 80455

RE: Illegal Accessory Outside Storage; Rubbish; Floodplain

Dear Mr. Lutton:

On April 26, 2017, June 27, 2017 and January 10, 2018, Boulder County Land Use sent you a letter regarding rubbish and outside storage of materials at 7164 Lefthand Canyon Drive. As of the date of this letter, the rubbish and illegal outside storage remain at the subject address. Upon further inspection and observation of the property, improper items are located in the floodway, including wood scraps, building materials and debris, and other rubbish-like materials. These materials likely impede the stream flow and increase flood hazards, and are thus floodway and floodplain access violations per Article 4-404 of the Boulder County Land Use Code. Specifically, the property is in violation of Article 4-404(B).7, with a parked vehicle and Bobcat in the floodway; 4-404(B).8 for the propane tank; 4-404(B).12 for the unsecured i-beam laying across the creek, and 4-404(B).14 for the in-channel grading. The in-channel grading requires a Floodplain Development Permit.

The County also received a report of rubbish and unlicensed and unregistered vehicles located at 7160 Lefthand Canyon Drive. In the course of our investigation, it appears that you are the owner of both 7164 and 7160 Lefthand Canyon Drive. As a result, the land use code violations pertain to both properties and are noticed under the subject violation case.

As a result, within 30 days of this letter:

1. Provide confirmation that you have removed all rubbish from the subject property and floodway, and properly stored or removed outside materials in accordance with Article 4-516(J)-, Accessory Outside Storage and Article 4-404(B) – Floodplain of the County Land Use Code. The vehicles and i-beam need to be moved out of the floodway. The propane tank could potentially be permitted if it can't be placed outside the floodplain overlay district.
2. Apply for a Floodplain Development Permit to permit in-channel grading and other impacts within the floodplain.

This letter is the official notice from Boulder County informing you of the violation and how to remedy the violation. A review of the property will occur immediately after thirty days of this letter to determine if compliance has been met. Failure to rectify the violation within the timeframe outlined above may result in legal action.

Cindy Domenico County Commissioner

Deb Gardner County Commissioner

Elise Jones County Commissioner



Land Use

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VIOLATION NOTICE ZON-16-0173

February 20, 2018

Farmers Creek LLC
c/o Wolf Lutton
7164 Lefthand Canyon Drive
Jamestown, CO 80455

RE: Illegal Accessory Outside Storage; Rubbish; Floodplain

Dear Mr. Lutton:

On April 26, 2017, June 27, 2017 and January 10, 2018, Boulder County Land Use sent you a letter regarding rubbish and outside storage of materials at 7164 Lefthand Canyon Drive. As of the date of this letter, the rubbish and illegal outside storage remain at the subject address. Upon further inspection and observation of the property, improper items are located in the floodway, including wood scraps, building materials and debris, and other rubbish-like materials. These materials likely impede the stream flow and increase flood hazards, and are thus floodway and floodplain access violations per Article 4-404 of the Boulder County Land Use Code. Specifically, the property is in violation of Article 4-404(B).7, with a parked vehicle and Bobcat in the floodway; 4-404(B).8 for the propane tank; 4-404(B).12 for the unsecured i-beam laying across the creek, and 4-404(B).14 for the in-channel grading. The in-channel grading requires a Floodplain Development Permit.

The County also received a report of rubbish and unlicensed and unregistered vehicles located at 7160 Lefthand Canyon Drive. In the course of our investigation, it appears that you are the owner of both 7164 and 7160 Lefthand Canyon Drive. As a result, the land use code violations pertain to both properties and are noticed under the subject violation case.

As a result, within 30 days of this letter:

1. Provide confirmation that you have removed all rubbish from the subject property and floodway, and properly stored or removed outside materials in accordance with Article 4-516(J)-, Accessory Outside Storage and Article 4-404(B) – Floodplain of the County Land Use Code. The vehicles and i-beam need to be moved out of the floodway. The propane tank could potentially be permitted if it can't be placed outside the floodplain overlay district.
2. Apply for a Floodplain Development Permit to permit in-channel grading and other impacts within the floodplain.

This letter is the official notice from Boulder County informing you of the violation and how to remedy the violation. A review of the property will occur immediately after thirty days of this letter to determine if compliance has been met. Failure to rectify the violation within the timeframe outlined above may result in legal action.



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VIOLATION NOTICE

ZON-16-0173

ZON-14-0044

March 15, 2019

Farmers Creek LLC
c/o Wolf Lutton
7164 Lefthand Canyon Drive
Jamestown, CO 80455

Taurus Hill Design, LLC
372 Nugget Hill Road
Jamestown, CO 80455

Re: Zoning Violation Case

Dear Property Owner,

On April 26, 2017, June 27, 2017, January 10, 2018, and February 8, 2019, letters were sent reporting violations of the Boulder County Land Use Codes at 7164 Lefthand Drive. As of the date of this letter, the rubbish and illegal outside storage remain at the subject address. This is a violation of Article 4-516(J) and Article 14 of the Boulder County Land Use Code. Upon further inspection and observation of the property, improper items are located in the floodway, including wood scraps, building materials and debris, and other rubbish-like materials. These materials likely impede the stream flow and increase flood hazards, and are thus floodway and floodplain access violations per Article 4-404 of the Boulder County Land Use Code. Specifically, the property is in violation of Article 4-404(B).7, with a parked vehicle and Bobcat in the floodway; 4-404(B).8 for the propane tank; 4-404(B).12 for the unsecured I-beam laying across the creek, and 4-404(B).14 for the in-channel grading. The in-channel grading requires a Floodplain Development Permit.

The County also received a report of rubbish and unlicensed and unregistered vehicles located at 7160 Lefthand Canyon Drive; and a report of a person living in shed on the property under the address of 7120 Lefthand Canyon Drive. In the course of our investigation, it appears that you are the owner of 7164, 7160, and 7120 Lefthand Canyon Drive. As a result, the land use code violations pertain to all properties and are noticed under the subject violation case.

Article 4-516(J) – Accessory Outside Storage and Article 14 – Rubbish, of the Boulder County Land Use Code only permits outside storage of items which are customary and incidental to the main or principal use of the property. ***Failure to comply with the County's requirements for abatement of Article 14 violations as noted above may result in the Director requesting County Commissioner and Court authorization to arrange for County abatement of the violation. If the abatement is performed by the County, a bill for the reasonable costs of abatement may be issued to the property owner.***

Cindy Domenico County Commissioner

Deb Gardner County Commissioner

Elise Jones County Commissioner



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VIOLATION NOTICE

ZON-16-0173

ZON-14-0044

July 9, 2019

Taurus Hill LLC
Attn: Wolf Lutton
372 Nugget Hill Road
Jamestown, CO 80455-9713

Cc: Taurus Hill LLC
P.O. Box 40
Ward, CO 80481-0040

Cc: Occupant
7164 Lefthand Canyon Drive
Jamestown, CO 80455

RE: Impermissible Accessory Outside Storage; Rubbish; Floodplain

Dear Mr. Lutton:

On April 26, 2017, June 27, 2017, January 10, 2018, and March 15, 2019, Boulder County Land Use sent you a letter regarding Boulder County Land Use Code and Building Code violations at 7164 Lefthand Canyon Drive, 7160 Lefthand Drive, and 7120 Lefthand Drive. The violations at 7160 and 7164 Lefthand Canyon Drive are noticed under the subject violation case number ZON-16-0173. The land use code violations at 7120 Lefthand Canyon Drive are noticed under violation case number ZON-14-0044. Specifically, the following violations remain at the subject properties:

7164 Lefthand Drive – Impermissible Accessory Outside Storage, Rubbish, Floodplain

Boulder County Land Use Staff inspected this property multiple times, but most recently on March 14, 2019. Following these inspections, the Boulder County Land Use Director, Chief Building Inspector, and County Engineer confirmed multiple violations of the Boulder County Land Use Code and Building Code.

Rubbish

To protect the health, safety, and welfare of Boulder County, Article 14 of the Land Use Code prohibits the accumulation of rubbish on a property. Rubbish is defined in Article 14-400(C), and includes: trash and junk, tree branches, yard waste, motor vehicle parts, abandoned, unlicensed, or inoperable motor vehicles, and other unsightly or discarded material. The full definition of rubbish is included with this letter.

Upon inspection, the Boulder County Land Use Department noticed an abandoned bus, metal piping, tires, debris, and other miscellaneous items scattered throughout the property. Photos are attached for reference. on your property in violation of Article 14.



Office of the County Attorney

Ben Pearlman, County Attorney • Tel: 303.441.3190 • Fax: 303.441.4794 • ca@bouldercounty.org
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306-0471 • www.bouldercounty.org

August 1, 2019

Taurus Hill LLC/ Farmers Creek LLC
Attn: Wolf Lutton
372 Nugget Hill Road
Jamestown, CO 80455-9713

Cc: Taurus Hill LLC
P.O. Box 40
Ward, CO 80481-0040

Cc: Occupant and Farmers Creek LLC
7164 Lefthand Canyon Drive
Jamestown, CO 80455

VIA U.S. Certified Mail

Re: 7164, 7160, and 7120 Lefthand Canyon Drive – Impermissible Accessory Outside Storage; Rubbish; Floodplain Violations; Impermissible Habitation; Building without a Permit
Case Numbers: ZON-16-0173 and ZON-14-0044

Dear Mr. Lutton:

This matter has been referred to the County Attorney's office by the Boulder County Land Use Department because of zoning violations located at 7164 Lefthand Canyon Drive, 7160 Lefthand Canyon Drive, and 7120 Lefthand Canyon Drive in unincorporated Boulder County (the "Properties").

Scott Weeks, Boulder County Land Use Code Compliance Specialist, most recently sent you a violation notice on July 9, 2019 regarding impermissible accessory outside storage, rubbish, impermissible habitation, building without the required permits, and floodplain violations. However, Scott Weeks has also sent you violation notices dated June 19, 2019, March 15, 2019, February 8, 2019, January 10, 2018, April 26, 2017, and June 27, 2017 regarding zoning violations on the Properties. Additionally, the Boulder County Attorney's Office sent you a letter dated November 26, 2017 about these same zoning violations. Mr. Weeks' most recent two notices of violation outlining your current zoning violations are included with this letter.

To date, we have not received any response, and a recent inspection reveals that the Properties are still in violation of the Boulder County Land Use Code.

Colorado Revised Statutes (C.R.S.) §§ 30-28-124 and -124.5 allow the County to enforce zoning violations through a county court action for fines or a district court action for injunction. Under C.R.S. § 30-28-124.5, zoning violations are punishable by a fine of up to \$1,000 and continuing penalties up to \$100 per day until the violations are corrected.

Exhibit 12

Site Photos
7160 & 7164 Lefthand Canyon Drive
ZON-16-0173
December 9, 2020















Community Planning & Permitting

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

VIOLATION NOTICE ZON-16-0173

January 11, 2021

Wolf Lutton
522 County Road 100
Ward, CO 80481-9600

Cc: Taurus Hill LLC
Attn: Wolf Lutton
372 Nugget Hill Road
Jamestown, CO 80455

Cc: Occupant
7164 Lefthand Canyon Drive
Jamestown, CO 80455

RE: Hearing regarding the abatement of Impermissible Accessory Outside Storage; Rubbish;
Floodplain Violation

Dear Mr. Lutton,

This letter is the official notification that the Community Planning & Permitting Department (CPP) has scheduled a public hearing to request authorization to arrange for abatement of an Land Use Code Article 14 violation. The public hearing before the Board of County Commissioners is scheduled for February 25, 2021 at 10:30 a.m. Due to the on-going pandemic, the hearing will be held virtually. Details for accessing the hearing will be sent in advance of the meeting. Personnel from CPP sent you multiple violation letters dating back to April 2017 regarding Boulder County Land Use Code and Building Code violations at 7164 Lefthand Canyon Drive and 7160 Lefthand Drive. The following violations remain at the subject properties:

7164 Lefthand Drive – Impermissible Accessory Outside Storage, Rubbish, Floodplain Violations

Boulder County CPP Staff inspected this property multiple times, but most recently on December 9, 2020. As a result of the investigation, the CPP Director and Chief Building Official have determined that the property is in violation of the Boulder County Land Use Code (the "Code") and Boulder County Building Code ("Building Code") as detailed below.

Rubbish

To protect the health, safety, and welfare of Boulder County, Article 14 of the Land Use Code prohibits the accumulation of rubbish on a property. Rubbish is defined in Article 14-400(C), and includes: trash and junk, tree branches, yard waste, motor vehicle parts, abandoned, unlicensed, or inoperable motor vehicles, and other unsightly or discarded material. Upon inspection, the Boulder County CPP Department noticed an abandoned bus, metal piping, tires, debris, and other

Matt Jones County Commissioner **Claire Levy** County Commissioner **Marta Loachamin** County Commissioner