



# 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](http://www.BoulderCounty.org)

## BOARD OF COUNTY COMMISSIONERS

### AGENDA ITEM

**Tuesday, February 22, 2022 at 1:30 P.M. This  
Hearing Will Be Held Virtually**

#### **PUBLIC HEARING:**

ZON-21-0051: 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 (14096 Lefthand Canyon Drive).

#### **STAFF MEMBERS:**

Scott Weeks, Code Compliance Specialist II  
Dale Case, Community Planning & Permitting Director  
Liana James, Assistant County Attorney  
Colin Mayberry, Assistant County Attorney

**Location:** 14096 Lefthand Canyon Drive, Ward, CO 80302 in unincorporated Boulder County  
**Zoning:** Forestry (F)  
**Owner(s):** Valerie Montez & John Dewey

#### **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 14096 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 Director of CPP to seek an administrative entry and seizure warrant from Boulder County or District Court. Such administrative entry and seizure warrant would authorize a contractor retained by the County to 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 Ms. Montez and Mr. Dewey.

Despite multiple attempts by the Code Compliance team, and Boulder County Community Services to work with the property owners, including mailing multiple letters, informing them of the violations and potential penalties and consequences, rubbish and abandoned,

inoperative or unlicensed vehicles remain on the Property violating the Code, disrupting the community aesthetic, and posing a public health and safety issue.

**THE PROPERTY:**

The Property is located at 14096 Lefthand Canyon Drive in unincorporated Boulder County, also identified as Assessor's Parcel #145907000052 (the "Property"). The Property owners of record are Valerie Montez and John Dewey, whose mailing address as noted on Boulder County Assessor's records is 14096 Lefthand Canyon Drive, Ward, CO 80302 (*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 Code. 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."

Article 14-400(C) of the Code defines rubbish as "[g]arbage, 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 discarded household appliances, wood scraps, buckets, garbage cans, hoses, and doors.

*Waste from building construction, remodeling, and repair*

The Property has a partially-collapsed/deconstructed building, scrap metal, scrap wood, scrap plastic, tarps, 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 Code.

*Abandoned, Unlicensed, or Inoperable Vehicles*

There is a recreational vehicle on the Property that is unlicensed and may be inoperable.

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

CPP has received multiple complaints that the piles of rubbish on the Property are located very close to Lefthand Creek.

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

The property is located directly adjacent to and visible from Lefthand Canyon Drive. Much of this debris is located in or near the floodplain and could become a hazard in the event of flooding in Lefthand Canyon. 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.

As outlined above, the Property contains numerous items that are considered rubbish and abandoned, unlicensed and inoperable vehicles under Article 14 of the Code. Structures, equipment, building scrap materials, solvents, and unlicensed/inoperable vehicles are also a public hazard threat due to location of items within the floodway/floodplain.

**COMMUNITY PLANNING & PERMITTING ABATEMENT ATTEMPTS**

The following presents a timeline of the communications between county staff and Valerie Montez and John Dewey in an attempt to resolve the zoning violations on their Property.

- May 10, 2021: Boulder County Public Health received initial complaint of illicit discharge on the Property.
- May 10, 2021: Zoning enforcement case ZON-21-0051 opened.
- May 14, 2021: Public health inspection confirmed large amounts of rubbish and debris along Lefthand Creek, as well as rubbish located near the primary structure on the north side of Lefthand Canyon Drive and prepared Illicit Discharge Detection and Investigation Report (*See Exhibit 3*).
- June 15, 2021: CPP sent an Article 14 Notice for rubbish including Public Health Illicit Discharge Detection and Investigation Report (*See Exhibit 4*).
  - ***No response received.***
- August 6, 2021: Public health inspection confirmed rubbish and still remains on property with only change being a no trespassing sign. Second Illicit Discharge Detection and Investigation Report prepared (*See Exhibit 5*).
- November 4, 2021: Staff inspected Property and found violations remained.
- January 20, 2022: Public hearing notice sent to property owners via certified mail (*See Exhibit 6*).
  - ***Received response January 30, 2020.***
- February 9, 2022: Staff inspected the Property with property owner and confirmed the violations remain although significant effort and progress has been made to resolve violations. (*See Photos Exhibit 2*).

**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 Colorado Revised Statute § 30-15-401(1)(A). This warrant will authorize the County to enter the Property to remove all rubbish, including discarded household appliances, buckets, garbage cans, hoses, doors, a partially-collapsed/deconstructed building, scrap metal, scrap wood, scrap plastic, tarps, other building materials and equipment, unregistered/inoperable recreational vehicle, and any other unsightly or discarded material, either existing or generated in the process of abatement. The cost of abatement, an inspection fee of 5%, and any other associated costs will be billed to the Property owners.

**Attachments:**

Exhibit 1 – Parcel Report, 14096 Lefthand Canyon Drive

Exhibit 2 – Site Photos, February 9, 2022

Exhibit 3 - Public Health Illicit Discharge Detection and Investigation Report, May 14, 2021

Exhibit 4 – Article 14 Notice, June 15, 2021

Exhibit 5 – Public Health Illicit Discharge Detection and Investigation Report, August 6, 2021

Exhibit 6 – Public Hearing Notice, January 20, 2022





# Parcel Report

Community Planning & Permitting 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 <b>145907000052</b>	Section <b>7</b>	Township <b>1N</b>	Range <b>72</b>
Subdivision <b>TR, NBR 930 WARD AREA</b>			

## SITE ADDRESS (1)

R0512201 14096 LEFTHAND CANYON DR UNINCORPORATED, 80302

## OWNER INFORMATION (1)

Account	Name	Mailing Address
R0512201	MONTEZ VALERIE LEE & DEWEY JOHN III	, 14096 LEFT HAND 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	397,400 ( 9.12a.)
Zoning	F (9.12 Acres)
Floodplain	Boulder County: X (1.55 Acres); AE (2.97 Acres) FEMA: AE (6.18 Acres); X (2.93 Acres)
Open Space Ownership	NOT PRESENT
County Plats	NOT PRESENT
Wind and Snow Load	175 mph. 75; 55 lbs/sqft.
Fire Protection	INDIAN PEAKS FIRE



## LEGAL DESCRIPTION (1)

R0512201 LOT 46 IN SE1/4 7-1N-72 1.24AC & UNION MS 9772-B 4.97AC & BISMARCK MS 6356-B 5AC WARD 7-1N-72 TOTAL 11.21 AC M/L

## ACRES

R0512201 11.21

## PERMIT AND DOCKET HISTORY (26)

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: 145907000052

Permit/Docket Parcel Numbers(s)	Type Permit/Docket Address(es)	Application Name Application Date	Application Status	Status Date Permit Value
<b>ZON-21-0051</b>	Zoning Enforcement	14096 Lefthand Canyon		
145907000052	14096 LEFTHAND CANYON	5/10/2021	30 Day Notice Sent	6/22/2021
Report of rubbish and dead animals in and around the creek. May have Public Health problems too.				
<b>IDDE-21-008</b>	Stormwater Illegal Discharge			
145907000052	14096 LEFTHAND CANYON	5/10/2021	In Violation	5/14/2021
<b>RES-17-0347</b>	Research			
145907000052	14096 LEFTHAND CANYON	12/13/2017	Closed	12/13/2017
Private Infrastructure Flood Recovery Notes for 14096 Lefthand Canyon - see details in attached data				
<b>ZON-17-0131</b>	Zoning Enforcement	14096 Lefthand Canyon		
145907000052	14096 Lefthand Canyon	7/12/2017	Closed	1/28/2019
Alleged illegal camping/occupancy, rubbish, outside storage, BWOP				
<b>FDP-16-080F</b>	Floodplain Development Permit -			
145907000052	14096 LEFTHAND CANYON	10/4/2016	Complete	9/28/2017
Private access culvert				
<b>BP-16-0998</b>	Wood Stove	14096 Lefthand Canyon		
145907000052	14096 LEFTHAND CANYON	6/1/2016	Permit Complete	6/13/2016
Replace Wood Stove				\$1850.00
<b>FLD-13-0954</b>	Flood 2013 Information Note	14096 Lefthand Canyon Drive		
145907000052	14096 LEFTHAND CANYON	4/10/2015		4/10/2015
Culverts damaged.				

<b>FRAP-0088</b>	Flood Recovery Access Permit			
145907000052	14096 LEFTHAND CANYON	6/16/2014	Issued	6/10/2014
Double barrel 4' diam culvert crossing washed out during September 2013 floods. FRAP for temporary repair using new CMP culverts.				
<b>FRAR-14-0048</b>	Flood Recovery Access Request			
145907000052	14096 LEFTHAND CANYON	2/14/2014	Closed-Complete	6/10/2014
Damage to access has temporary repair in place as of drive-by observation on Feb 13 2014.				
<b>BLD-11-0005</b>	Building Lot Determination	MONTEZ		
145907000052	0 LEFTHAND CANYON	2/4/2011	BLOT	5/10/2011
	14096 LEFTHAND CANYON			
<b>BLD-07-0121</b>	Building Lot Determination	MONTEZ BLOTNOT		
145907000052	14096 Lefthand Canyon	8/15/2007		
Approx. 9.12 acres, this is NOT a legal building lot, this is a portion of a 41 acre property described in 1999 deed. This building lot determination request is for PIN 145907000052, however I am attaching this record to the other portion of the property described on the 1999 deed (for reference) of PIN145907000040				
<b>ZON-07-0076</b>	General Zoning Enforcement	MONTEZ VALERIE LEE & DEWEY JOHN III		
145907000052	14096 Lefthand Canyon	6/19/2007	Closed	4/13/2009
(CLOSED) lot is littered with rubbish and trash, which is being washed downstream. The only structure on the property is a mobile home (may not be permitted).				
<b>ZON-07-0064</b>	General Zoning Enforcement	MONTEZ VALERIE & DEWY JOHN		
145907000052	14096 Lefthand Canyon	5/30/2007	Closed	4/13/2009
(CLOSED) Anonymous written complaint indicating a trailer was moved onto the parcel and people are living in it. The cabin on the same parcel on other side of the road has been added onto without permits . Lots of rubbish on the property.				
<b>BLD-99-0109</b>	Building Lot Determination	MONTEZ		
145907000052	0 Lefthand Canyon	6/14/1999		
	14096 LEFTHAND CANYON			
BLOT				
<b>RUB-99-0007</b>	Rubbish Enforcement	IRWIN KEITH W		
145907000052	14096 Lefthand Canyon	6/10/1999		
Abandoned house hold items, wood & assorted garbage. Property cleaned up. See ZON-07-064.				
<b>SE-93-0012</b>	Subdivision Exemption	HOYL BLA		
145907000052	14096 LEFTHAND CANYON	3/19/1993	BOCC Denied	3/18/2014
Final Subdivision Exemption for Boundary Line Adjustments among 10 parcels of approximately 175 acres total. (See info in Docs file for this docket)				
<b>MAJP-1900-</b>	OWTS Major Repair			
145907000052	14096 LEFTHAND CANYON	1/1/1900	System Not Approved	6/26/1990
<b>MAJP-1900-</b>	OWTS Major Repair			
145907000052	14096 LEFTHAND CANYON	1/1/1900	System Not Approved	8/7/1990
<i>These Permits/Dockets are on a different parcel number, but have an address that is associated with the parcel</i>				
<b>BLD-11-0005</b>	Building Lot Determination	MONTEZ		
145907000040	14096 LEFTHAND CANYON	2/4/2011	BLOT	5/10/2011
<b>BLD-07-0121</b>	Building Lot Determination	MONTEZ BLOTNOT		
145907000040	14096 Lefthand Canyon	8/15/2007		
Approx. 9.12 acres, this is NOT a legal building lot, this is a portion of a 41 acre property described in 1999 deed. This building lot determination request is for PIN 145907000052, however I am attaching this record to the other portion of the property described on the 1999 deed (for reference) of PIN145907000040				
<b>BLD-99-0109</b>	Building Lot Determination	MONTEZ		
145907000037	14096 LEFTHAND CANYON	6/14/1999		
	145907000040			
BLOT				

<b>SE-93-0012</b>	Subdivision Exemption	HOYL BLA		
145906000053	14096 LEFTHAND CANYON	3/19/1993	BOCC Denied	3/18/2014
145906000068				
145907000001				
145907000029				
145907000037				
145907000038				
145907000040				
145907000047				
145907000048				
145907000049				
145908000010				
145908000011				
145908000012				

Final Subdivision Exemption for Boundary Line Adjustments among 10 parcels of approximately 175 acres total. (See info in Docs file for this docket)

<b>BP-91-1913</b>	Residential Remodel			
145908000009	14096 LEFTHAND CANYON	12/20/1991	Withdrawn	7/14/1992
FINISH BASEMENT,DECK,BATH				

<b>BP-89-1261</b>	Accessory Agricultural Building			
145908000009	14096 LEFTHAND CANYON	10/16/1989	Final Inspection Complete	12/19/1991
EXISTING GARAGE/STORAGE				\$7518.00

<b>TAP-2530</b>	Access Permit	14096 Lefthand Canyon Dr		
	14096 LEFTHAND CANYON	10/13/1989	Issued	10/13/1989

CO RD 106. Access permits issued prior to 2012 may have been modified by the addition of the TAP prefix and/or a numerical suffix where duplicate permit numbers occurred. Imported on 7-14-2015.

<b>BP-89-1123</b>	New Residence			
145908000009	14096 LEFTHAND CANYON	9/22/1989	Permit Closed	12/20/1991
NEW SINGLE FAM RES/NO GAR				\$123368.00

#### RECENT DEEDS (5)

Date	Type	Reception No	Amount	Grantor	Grantee
4/18/2011	QJ	3144197	\$0	MONTEZ VALERIE LEE & DEWEY JOHN III & SEAN ADAM TO	MONTEZ VALERIE LEE & DEWEY JOHN III
7/29/1999	QJ	1965897	\$0	MONTEZ VALERIE LEE & DEWEY JOHN MONTEZ III & SEAN	MONTEZ VALERIE LEE & DEWEY JOHN MONTEZ III & SEAN
7/22/1999	WJ	1963379	\$99,500	IRWIN KEITH W	MONTEZ VALERIE LEE & DEWEY JOHN MONTEZ III
8/3/1994	WD	1451715-6	\$83,000		
5/19/1994	QD	1428765	\$7,900		

#### ASSESSOR'S STRUCTURE INFORMATION

Account	Class	Design	Year Built	Remodeled
R0512201	SINGLE FAM RES IMPROVEMENTS	2-3 Story	1890	0
Building	Floor Area Description	Size	Structure Information	
1	FIRST FLOOR (ABOVE GROUND) FINISHED AREA	280	CONST - Commercial: Frame	
	2ND FLOOR AND HIGHER FINISHED AREA	84	EXT_WALL_PRIMARY: Frame Wood/Shake	
			FOUNDATION: Piers	
			ROOF_DSN: Gable	
			LAND_PERCENT: 65% LAND RATIO	

#### ESTIMATED RESIDENTIAL FLOOR AREA

Floor Area Description  
Account Number R0512201  
Building Number 1  
FIRST FLOOR (ABOVE GROUND) FINISHED AREA  
2ND FLOOR AND HIGHER FINISHED AREA

Size Account Bld Rooms Bed Bath Bath 3/4 Bath 1/2  
R0512201 1 3 1

280  
84  
**364**

#### ROOMS

#### TAXING DISTRICT

COUNTY  
BOULDER CO TEMP HS SAFETY NET FUND  
BOULDER COUNTY CAPITAL EXPEND FUND  
BOULDER COUNTY CONTINGENCY FUND

**ACCOUNT ASSESSED VALUE**

<u>Account</u>	<u>Land</u>	<u>Structures</u>	<u>Total</u>
R0512201	\$90,000	\$49,816	\$139,816

BOULDER COUNTY DEVEL DISABILITY FUND  
 BOULDER COUNTY GENERAL OPERATING  
 BOULDER COUNTY HEALTH & HUMAN SERVICES  
 BOULDER COUNTY JUDGMENT LEVY FUND  
 BOULDER COUNTY PUBLIC WELFARE FUND  
 BOULDER COUNTY PUBLIC WORKS  
 BOULDER COUNTY REFUND ABATEMENT  
 BOULDER COUNTY RETIREMENT FUND  
 BOULDER COUNTY ROAD & BRIDGE  
 BOULDER COUNTY SELF INSURANCE FUND  
 BOULDER COUNTY SOLID WASTE FUND  
**FIRE PROTECTION DISTRICT**  
 INDIAN PEAKS FIRE DIST GENERAL OPERATING  
 INDIAN PEAKS FIRE DIST TAX CRE  
**SCHOOL DISTRICT**  
 BOULDER VALLEY RE-2 INSURANCE  
 BOULDER VALLEY RE-2 RESERVE  
 BOULDER VALLEY RE-2 TAX CREDIT  
 BOULDER VALLEY RE2 ABATEMENT REFUND  
 BOULDER VALLEY RE2 BOND REDEMPTION  
 BOULDER VALLEY RE2 CAPITAL CONSTRUCTION  
 TECHNOLOGY & MAINTENANCE  
 BOULDER VALLEY RE2 GENERAL OPERATING  
 BOULDER VALLEY RE2 OVERRIDES  
 BOULDER VALLEY RE2 TRANSPORTATION  
**TRANSPORTATION DISTRICT**  
 RTD GENERAL OPERATING  
**UNINCORP CTY PLACE HOLDER DISTRICT**  
 UNINCORP CTY PLACE HOLDER DISTRICT  
**WATER DISTRICT**  
 ST VRAIN LEFT HAND WATER ABATE REFUND  
 ST VRAIN LEFT HAND WATER GENERAL OPER

Report Date: 1/19/2022 8:19:50 PM

LU\_ParcelReport\_v3

# 14096 Lefthand Canyon Dr

Site Visit

February 9, 2022

ZON-21-0051





























































































3450 Broadway • Boulder, Colorado 80304 • Tel: 303.441.1564 Fax: 303.441.1468

<b>Business/Project Name and Address:</b>	<b>Date of Investigation:</b>
<b>Operator (i.e., Tenant or Contractor):</b>	<b>Operator Phone Number:</b>
<b>Owner:</b>	<b>Owner Phone Number:</b>
<b>Reason(s) for investigation:</b> <div> <div>Initial Response</div> <div>Complaint:</div> </div> <div>Follow-up Response for Corrective Action Other</div>	
<b>Date reported/identified:</b>	
<b>Illicit Discharge Assessment:</b> <div> <div> <div>**Note: The following information is needed for Accela entry. Use photo log for supporting evidence.</div> <div> a. <u>Location</u> of the incident (precise description that includes mile marker, intersection). Verify jurisdiction. <div> <div>i. <u>Is the location within the Urbanized Area?</u></div> <div>ii. <u>Does the location drain to the County's MS4?</u></div> <div>iii. <u>Is there an actual discharge to the County's MS4 or a waterway?</u></div> </div> </div> </div> <div> b. Description of the <u>source</u>, cause, and <u>nature</u> of the discharge (including approximate quantity, visual/olfactory indicators, and any field measurements/sampling/ or flow data). Include source tracing efforts. CDPS permitted discharges may be allowable. <div> <div>iv. <u>Is the discharge prohibited by the IDDE Ordinance?</u></div> </div> </div> </div> <div> c. Description of how far the discharge has travelled (i.e., whether it has reached a component of the County's MS4, un-urbanized drainage system or waterway) by following the flow down-gradient. Include whether emergency abatement is needed. </div> <div> d. <u>Responsible party</u> for the illicit discharge (if known), or any suspects and their contact information (needed for recovery of spill response costs) </div>	



# Public Health

## Water Quality Program

3450 Broadway • Boulder, Colorado 80304 • Tel: 303.441.1564 Fax: 303.441.1468

### ILLICIT DISCHARGE DETECTION AND ELIMINATION - FIELD INVESTIGATION REPORT

#### Corrective Actions Required

(If you answered "Y" to questions i—iv, this incident needs tracked for the MS4 Annual Report and resolution needs to be demonstrated along with any applicable enforcement). Illustrate how discharge was resolved.

Item No.	Location	Description of Items Needing Corrective Action	Photograph Numbers for Work Completed	Date Completed
1				
2				
3				
4				
5				

**INVESTIGATION CERTIFICATION:** I certify that the information in this Investigation Report is to the best of my knowledge and belief, true, accurate, and complete.

County Inspector (Signature Required)

Printed Name

Investigation Date:

**COMPLIANCE CERTIFICATION:** I certify that corrective action(s) identified in this Investigation Report has been taken, or the report does not identify any incidents requiring corrective action and the site is in compliance with the IDDE ordinance to the best of my knowledge and belief.

County Inspector (Signature Required)

Printed Name

Compliance Date:

Extra Field Notes:





## Public Health Water Quality Program

3450 Broadway • Boulder, Colorado 80304 • Tel: 303.441.1564 Fax: 303.441.1468

### ILLICIT DISCHARGE DETECTION AND ELIMINATION - FIELD INVESTIGATION REPORT



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6





## Public Health Water Quality Program

3450 Broadway • Boulder, Colorado 80304 • Tel: 303.441.1564 Fax: 303.441.1468

### ILLICIT DISCHARGE DETECTION AND ELIMINATION - FIELD INVESTIGATION REPORT



Photo 7



Photo 8



Photo 9



Photo 10



Photo 11



Photo 12





## Public Health Water Quality Program

3450 Broadway • Boulder, Colorado 80304 • Tel: 303.441.1564 Fax: 303.441.1468

### ILLICIT DISCHARGE DETECTION AND ELIMINATION - FIELD INVESTIGATION REPORT



Photo 13



Photo 14



Photo 15



Photo 16



Photo 17



Photo 18





## Public Health Water Quality Program

3450 Broadway • Boulder, Colorado 80304 • Tel: 303.441.1564 Fax: 303.441.1468

### ILLICIT DISCHARGE DETECTION AND ELIMINATION - FIELD INVESTIGATION REPORT



Photo 19



Photo 20



Photo 21



Photo 22



Photo 23



Photo 24



## 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](http://www.BoulderCounty.org)

### VIOLATION NOTICE ZON-21-0051

June 15, 2021

Valerie Montez & John Dewey  
14096 Lefthand Canyon Drive  
Ward, CO 80481

Re: Rubbish violation- Article 14 Notice – 14096 Lefthand Canyon Drive

Dear Property Owners,

On May 10, 2021, a complaint was recorded regarding extensive rubbish, unpermitted outdoor storage, and unlicensed and inoperable vehicles located in the southern portion of 14096 Lefthand Canyon Drive in unincorporated Boulder County. This approximately 9.21 acre parcel is in the Forestry (F) zoning district, and the principal use of the property is single-family residential. According to the County Assessor's records, you are the owners of the property. On May 14, 2021, a site visit was conducted by Boulder County Public Health (BCPH) (report attached). During their inspection, staff found household hazardous waste and other pollutant sources onsite, snowmelt drainage flowing down the access road/driveway in close proximity to pollutants, and drainage flow leading into Lefthand Creek at the driveway culvert near Lefthand Canyon Drive. Based on review of the BCPH photos, improper items are located in the floodway, including wood scraps, building materials and debris, and other rubbish-like materials including unlicensed and inoperable vehicles (photos included in BCPH report).

Existence of these materials on the property is a violation of Article 4-516(J) and Article 14 of the Boulder County Land Use Code. In addition, 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, which prohibits parking of recreational vehicles for purposes of overnight habitation in the floodway, and Article 4-404(B).8 and 12, which prohibit storing materials which would have potential for downstream solid debris, waste or rubbish.

#### Rubbish/Accessory Outdoor Storage

#### Rubbish

To protect the health, safety, and welfare of Boulder County, Article 14 of the Boulder County Land Use Code (the 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.

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



BCPH staff observed rubbish on the property including tree branches/yard waste, trash and unlicensed and inoperable vehicles in violation of Article 14. Photos of the observed violation are in the attached BCPH report.

#### Accessory Outdoor Storage

Accessory outside storage is permitted in the F Zoning District, but it must comply with Article 4-516(J) of the Code. Specifically, you may place items which are customary and incidental to the main use of single-family residential on your property for more than 24 hours provided:

- a. The area of placement does not exceed 5% of the lot area;
- b. Items are adequately screened from the view of adjacent roadways and properties;
- c. Any unit, bin, room, or container used for storage is a permanent structure;
- d. Any vehicles or trailers are licensed and operable not are not used for storage; and
- e. With the exception of the prohibition on using vehicles or trailers for storage, accessory outdoor storage of agricultural products and operable agricultural equipment is exempt from these additional provisions.

Many of the items on your property that are considered rubbish might be able to be kept on the property as accessory outside storage provided they comply with the requirements of Article 4-516(J). However, at this time, based upon inspection, none of the items meet these requirements.

#### Resolution

1. Within 30 days from the date of this letter, remove from the property all rubbish and items not customary and incidental to the main use of the property. Make immediate arrangements for proper disposal of all paint, gasoline, and other chemicals. It may be possible to use the county's hazardous waste disposal services. Additional information is available on the county's website at: <https://www.bouldercounty.org/environment/hazardous-waste/about-household-hazardous-waste/>

#### AND

2. Within 30 days from the date of this letter, ensure that all items stored on the property as accessory outdoor storage comply with the provisions in Article 4-516(I).

Please note that 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.

This letter is the official notification of the Article 14 violations observed on the property. The property owner may appeal the Director's determination that a violation exists to the Board of County Commissioners. Any such appeal must be submitted in writing to the Land Use Department no later than 30 days after the date of this violation notice.


This letter is the official notice from Boulder County informing you of the violation and how to remedy the violation. Please be aware that failure to rectify the violation within the next 30 days may result in legal action. Under Colorado law, zoning violations are punishable by fines up to \$1000 and continuing penalties up to \$100 per day until the violation is corrected.

Photos of the observed violations cited above are attached for your reference. ***A follow up investigation and/or inspection will be made on or around July 15, to verify that appropriate steps toward abatement have been taken.***



For additional information or questions, you may contact me directly at 720-564-2621 or via email at [sweeks@bouldercounty.org](mailto:sweeks@bouldercounty.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Weeks". The signature is written in a cursive, flowing style.

Scott Weeks  
Code Compliance Specialist II



## Public Health Water Quality Program

3450 Broadway • Boulder, Colorado 80304 • Tel: 303.441.1564 Fax: 303.441.1468

### ILLICIT DISCHARGE DETECTION AND ELIMINATION - FIELD INVESTIGATION REPORT

<b>Business/Project Name and Address:</b> 14096 Lefthand Canyon Dr.	<b>Date of Investigation:</b> 08/06/2021
<b>Operator (i.e., Tenant or Contractor):</b>	<b>Operator Phone Number:</b>
<b>Owner:</b> Valerie Montez, John Dewey	<b>Owner Phone Number:</b> 3034591129

**Reason(s) for investigation:**

☐ Initial Response
 ☒ Follow-up Response for Corrective Action Other
 ☐ Complaint
 ☐ Other

**Date reported/identified:** 05/10/2021

**Illicit Discharge Assessment:**

**\*\*Note: The following information is needed for Accela entry. Use photo log for supporting evidence.**

a. Location of the incident (precise description that includes mile marker, intersection). Verify jurisdiction.

Subject property listed above

i. Is the location within the Urbanized Area? NO  
 ii. Does the location drain to the County's MS4? NO  
 iii. Is there an actual discharge to the County's MS4 or a waterway? NO

b. Description of the source, cause, and nature of the discharge (including approximate quantity, visual/olfactory indicators, and any field measurements/sampling/ or flow data). Include source tracing efforts. CDPS permitted discharges may be allowable.

Household hazardous waste and other pollutant sources onsite.

iv. Is the discharge prohibited by the IDDE Ordinance? N/A

c. Description of how far the discharge has travelled (i.e., whether it has reached a component of the County's MS4, un-urbanized drainage system or waterway) by following the flow down-gradient. Include whether emergency abatement is needed.

N/A

d. Responsible party for the illicit discharge (if known), or any suspects and their contact information (needed for recovery of spill response costs)





## Public Health

### Water Quality Program

3450 Broadway • Boulder, Colorado 80304 • Tel: 303.441.1564 Fax: 303.441.1468

## ILLICIT DISCHARGE DETECTION AND ELIMINATION - FIELD INVESTIGATION REPORT

### Corrective Actions Required

(If you answered "Y" to questions i—iv, this incident needs tracked for the MS4 Annual Report and resolution needs to be demonstrated along with any applicable enforcement). Illustrate how discharge was resolved.

Item No.	Location	Description of Items Needing Corrective Action	Photograph Numbers for Work Completed	Date Completed
1		HHW and rubbish		
2				
3				
4				
5				

**INVESTIGATION CERTIFICATION:** I certify that the information in this Investigation Report is to the best of my knowledge and belief, true, accurate, and complete.

County Inspector (Signature Required)

Printed Name

Investigation Date:

Scott Coulson

08/06/2021

**COMPLIANCE CERTIFICATION:** I certify that corrective action(s) identified in this Investigation Report has been taken, or the report does not identify any incidents requiring corrective action and the site is in compliance with the IDDE ordinance to the best of my knowledge and belief.

County Inspector (Signature Required)

Printed Name

Compliance Date:

### Extra Field Notes:

Some rubbish concerns visible from road ROW along Left Hand Canyon Drive. Does not appear to be any cleanup effort going on. Driveway now has no trespassing banner, only change apparent.



## Public Health Water Quality Program

3450 Broadway • Boulder, Colorado 80304 • Tel: 303.441.1564 Fax: 303.441.1468

### ILLICIT DISCHARGE DETECTION AND ELIMINATION - FIELD INVESTIGATION REPORT



Photo 1  
Entrance road



Photo 2  
Entrance road

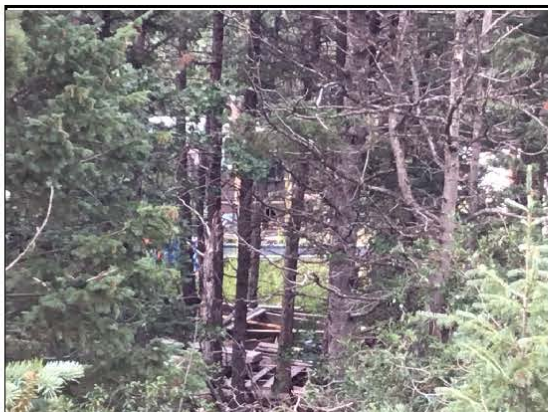


Photo 3  
View of RV from ROW through trees



Photo 4  
View of RV from ROW through trees



Photo 5  
View of Building and log piles from ROW through trees



Photo 6  
View of main house and rubbish from ROW





## Public Health Water Quality Program

3450 Broadway • Boulder, Colorado 80304 • Tel: 303.441.1564 Fax: 303.441.1468

### ILLICIT DISCHARGE DETECTION AND ELIMINATION - FIELD INVESTIGATION REPORT



Photo 7

View of main house and rubbish from ROW



Photo 8

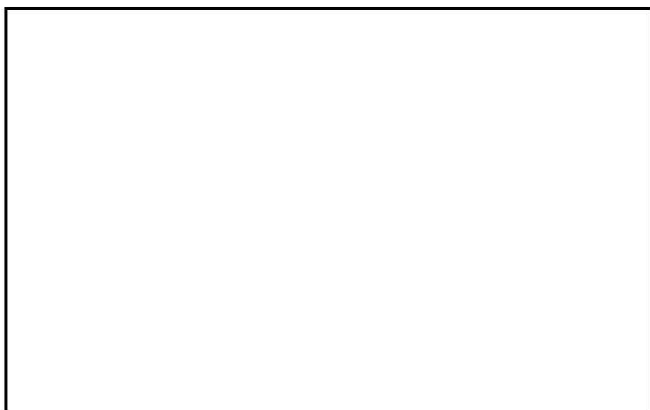


Photo 9

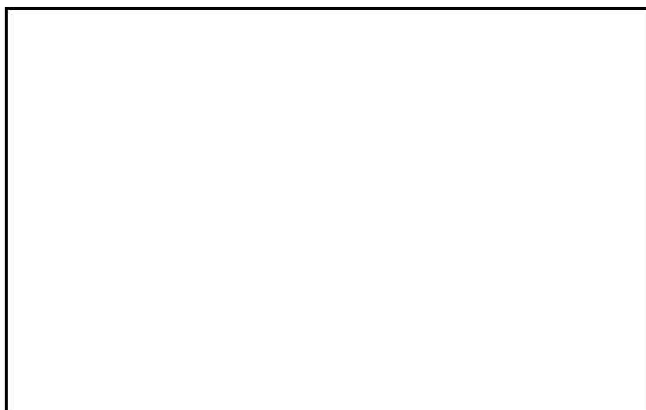


Photo 10

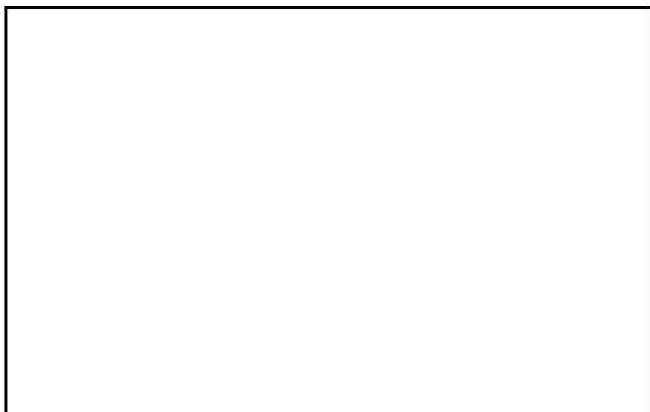


Photo 11

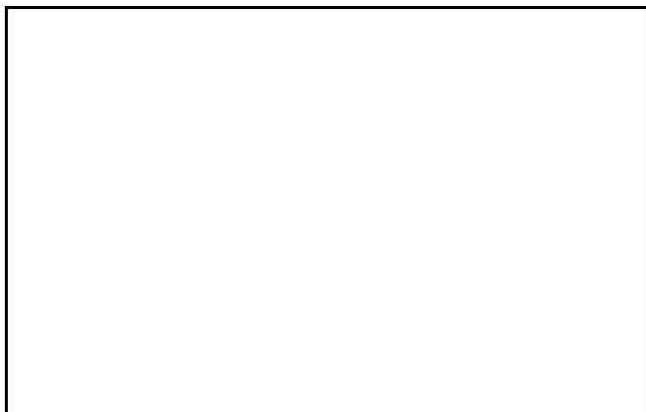


Photo 12



## Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930 • Fax: 303.441.4856  
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • [www.bouldercounty.org](http://www.bouldercounty.org)

### PUBLIC HEARING BOULDER COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

DATE: February 22, 2022  
TIME: 1:30 p.m.  
PLACE: **Due to COVID-19, this hearing will be held virtually.**

Notice is hereby given that a public hearing will be held by the Board of County Commissioners at the date and time specified above. All persons interested in the following item(s) are requested to attend such hearing and aid the Commissioners in their consideration. **Information regarding how to participate will be available on the Boulder County meetings and events calendar (<https://boco.org/ZON-21-0051-BOCC-Hearing>).**

#### **Docket ZON-21-0051: Article 14 Authorization - 14096 Lefthand Canyon Drive**

Article 14 authorization to remove rubbish, unpermitted outdoor storage, and unlicensed and inoperable vehicles located in both the southern and northern portions of 14096 Lefthand Canyon Drive.

Due to COVID-19, County offices are currently closed. **For detailed information regarding this docket visit [www.boco.org/ZON-21-0051](http://www.boco.org/ZON-21-0051) or email Scott Weeks at [sweeks@bouldercounty.org](mailto:sweeks@bouldercounty.org).** You may also contact the Community Planning & Permitting Department (303-441-3930).

It is Boulder County policy to make county programs, meetings, activities, and services accessible to individuals with disabilities, according to the Americans with Disabilities Act. If you need special assistance, contact the ADA Coordinator at 303-441-3525 at least 72 hours before the scheduled event.

Please note that the County Commissioners' agenda is subject to change. To receive updates to the agenda, please subscribe to the Boulder County Commissioners Agenda list at [www.bit.ly/bocccagenda](http://www.bit.ly/bocccagenda).

---

Published: January 20, 2022 --Daily Times-Call