BOULDER COUNTY PLANNING COMMISSION AGENDA

June 20, 2018
1:30 P.M.
Commissioners Hearing Room, Third Floor,
Boulder County Courthouse, 1325 Pearl Street

PUBLIC HEARING

AFTERNOON SESSION – 1:30 P.M.

1. APPROVAL OF MINUTES/MISCELLANEOUS BUSINESS
   Approval of the May 16, 2018 Planning Commission Minutes.

2. STAFF UPDATE(S) ON PROJECTS AND/OR DEVELOPMENT REVIEW ITEMS (IF NECESSARY)
   Informational Item - Public Testimony Will Not Be Taken

3. Docket Z-17-0002: Zoning Map Amendments to the Floodplain Overlay District based on CHAMP Phase II Floodplain Mapping
   Zoning map amendments to the Floodplain Overlay District (“FO District”), specifically the Boulder County Floodplain and Floodway, based upon a second phase of draft floodplain mapping revisions and revised analyses from the Colorado Hazard Mapping Program (“CHAMP”), Federal Emergency Management Agency (“FEMA”), and other best available information.
   Action Requested: Decision.
   Public testimony will be taken.
   (Staff Planners: Varda Blum and Erin S. Cooper)
   Webpage: https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/z-17-0002/

4. Docket SI-18-0001: Town of Lyons - Water Pipeline Relocation
   Request: Areas and Activities of State Interest (1041) review for the relocation and replacement of the Town of Lyons potable water transmission pipeline that is currently aligned within the channel of the North St. Vrain Creek. The project includes relocating a flood-impacted section of the existing 12-inch diameter pipeline to a new alignment that follows Apple Valley Road, away from the North St. Vrain Creek and further outside the floodway. Multiple new alignment options are proposed that vary between 0.5 to 0.8 miles in length, and the length of pipeline to be replaced will depend on the approved alignment of the new relocated pipeline and tie-in location to the existing undamaged pipeline.
   Location: At 354 and 384 Apple Valley Road and the Apple Valley Road ROW, northwest of the Town of Lyons, in Apple Valley between Antelope Road and US Hwy 36 in Sections 13 and 18, Township 3N, Ranges 70W and 71W.
   Zoning: Rural Residential (RR) and Agricultural (A) Zoning Districts
Applicant: Town of Lyons  
Property Owners: County of Boulder (384 Apple Valley Road and Apple Valley Road ROW) and Todd and Dena DeBoom (354 Apple Valley Road)  
Agent: Jim Blankenship

**Action Requested: Decision.**

Public testimony will be taken.  
(Staff Planner: Jennifer Severson)


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**PLANNING COMMISSION BREAK**

Planning Commission will take a 10-minute break. The next docket is estimated to start around 3:40-3:45 p.m. but could begin earlier or later depending on the timing of the preceding items.

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5. **Docket V-18-0002: Smiling Daisy Farms LLC and Tollgate Organic Farms LLC**

Request: Request to vacate Hardt Road between Lots 7 and 8 of the Hardt Estates subdivision.

Location: At 9301 and 9231 Tollgate Drive (parcel numbers 131717003001 and 131717002002); approximately 800 feet south of the intersection of Nelson Road and Tollgate Drive, in Sections 17, Township 2N, Range 70W.

Zoning: Agricultural (A) Zoning District

Applicants/Owners: Smiling Daisy Farms LLC and Tollgate Organic Farms LLC

Agent: Ellyn Prescott, Flatirons Inc.

**Action Requested: Decision.**

Public testimony will be taken.  
(Staff Planner: Christian Martin)


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6. **Docket SU-16-0001: The Old Gallery SU-SSDP**

Request: Special Use Review and Site Specific Development Plan request to amend an existing Special Use Review (SU-08-010 Allenspark Community Center) in order to allow an expanded use of the property.

Location: At 14863 Highway 7, North of and adjacent to State Highway 7 near Allenspark, in Section 26, Township 3N, Range 73W.

Zoning: Business (B) / Forestry (F) Zoning Districts

Applicant: Margaret Patterson, The Old Gallery

Property Owner: Allenspark Community Cultures Council

**Action Requested: Decision.**

Public testimony will be taken.  
(Staff Planner: Summer Frederick)


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**PLANNING COMMISSION DINNER BREAK**

Planning Commission will take a 30-minute break for dinner. The next docket is estimated to start around 5:15-5:30 p.m. but could begin earlier or later depending on the timing of the preceding items.

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7. **Docket SU-18-0004: LEFT HAND ANIMAL HOSPITAL Veterinary Clinic**

Request: Special Review and Site Specific Development Plan to establish a Veterinary Clinic use and construct a 1,050-square-foot addition to the existing structure.
Location: At 304 Franklin Street, in the eastern corner of 3rd Avenue and Franklin Street in the Niwot Townsite, in Section 25, Township 2N, Range 71W.

Zoning: Niwot Rural Community District (NRCD2)

Owners: Alan F. & Kim C. Schwarz

Applicants: Dr. Nancy Bureau & Dr. Katie Thomas

Agent: Sean M. McMurray, AIA

Action Requested: Decision.

Public testimony will be taken.

(Staff Planner: Summer Frederick)


8. **Docket SU-18-0006: Elevations Ethernet, LLC**

Request: Special Use Review to install a 50-foot telecommunications tower on 185 Overland Drive, 43 Tilghman Road and 362 Ridge Road, including ground support equipment, to provide local broadband internet services.

Location: At 185 Overland Drive, 43 Tilghman Road, and 362 Ridge Road; approximately 3 to 4 miles west of Jamestown, in Sections 15 and 22, Township 2N, Range 72W.

Zoning: Forestry (F)

Applicant: Elevations Ethernet, LLC.

Property Owners: Phillip C, and Cheryl W Quigley; Elevations Ethernet LLC; Shane L Quigley.

Action Requested: Decision.

Public testimony will be taken.

(Staff Planner: Christian Martin)


Detailed information regarding these items is available for public examination on the Boulder County Land Use website at [www.bouldercounty.org/lu](http://www.bouldercounty.org/lu) or at our office located at 2045 13th Street, Boulder, Colorado, 303-441-3930. Staff recommendation packets will be posted to the project pages approximately one week prior to the hearing.

**ADJOURNE**

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PUBLIC HEARING
BOULDER COUNTY, COLORADO
PLANNING COMMISSION

DATE: June 20, 2018
TIME: 1:30 P.M.
PLACE: Commissioners Hearing Room, Third Floor,
Boulder County Courthouse, 1325 Pearl Street

Notice is hereby given that the following public hearings will be held by the Boulder County Planning Commission at the time and place specified above. All persons interested in the following items are requested to attend such hearing and aid the Commission members in their consideration.

Docket Z-17-0002: Zoning Map Amendments to the Floodplain Overlay District based on CHAMP Phase II Floodplain Mapping
Zoning map amendments to the Floodplain Overlay District (“FO District”), specifically the Boulder County Floodplain and Floodway, based upon a second phase of draft floodplain mapping revisions and revised analyses from the Colorado Hazard Mapping Program (“CHAMP”), Federal Emergency Management Agency (“FEMA”), and other best available information.
Action Requested: Decision. Public testimony will be taken.

Docket SI-18-0001: Town of Lyons - Water Pipeline Relocation
Areas and Activities of State Interest (1041) review for the relocation and replacement of the Town of Lyons potable water transmission pipeline that is currently aligned within the channel of the North St. Vrain Creek. The project includes relocating a flood-impacted section of the existing 12-inch diameter pipeline to a new alignment that follows Apple Valley Road, away from the North St. Vrain Creek and further outside the floodway. Multiple new alignment options are proposed that vary between 0.5 to 0.8 miles in length, and the length of pipeline to be replaced will depend on the approved alignment of the new relocated pipeline and tie-in location to the existing undamaged pipeline, submitted by County of Boulder (384 Apple Valley Road and Apple Valley Road ROW) and Todd and Dena DeBoom (354 Apple Valley Road). The proposed project is in the Rural Residential (RR) and Agricultural (A) Zoning Districts, at 354 and 384 Apple Valley Road and the Apple Valley Road ROW, northwest of the Town of Lyons, in Apple Valley between Antelope Road and US Hwy 36 in Sections 13 and 18, Township 3N, Ranges 70W and 71W.
Action Requested: Decision. Public testimony will be taken.

Docket V-18-0002: Smiling Daisy Farms LLC and Tollgate Organic Farms LLC
Request to vacate Hardt Road between Lots 7 and 8 of the Hardt Estates subdivision, submitted by Smiling Daisy Farms LLC and Tollgate Organic Farms LLC. The proposed project is in the Agricultural (A) Zoning District, at 9301 and 9231 Tollgate Drive (parcel numbers 131717003001 and 131717002002); approximately 800 feet south of the intersection of Nelson Road and Tollgate Drive, in Sections 17, Township 2N, Range 70W.
Action Requested: Decision. Public testimony will be taken.

Docket SU-16-0001: The Old Gallery SU-SSDP
Special Use Review and Site Specific Development Plan request to amend an existing Special Use Review (SU-08-010 Allenspark Community Center) in order to allow an expanded use of the property, submitted by Margaret Patterson, The Old Gallery, and Allenspark Community Cultures Council. The proposed project is in the Business (B) / Forestry (F) Zoning Districts, at 14863
Highway 7, North of and adjacent to State Highway 7 near Allenspark, in Section 26, Township 3N, Range 73W. Action Requested: Decision. Public testimony will be taken.

**Docket SU-18-0004: LEFT HAND ANIMAL HOSPITAL Veterinary Clinic**
Special Review and Site Specific Development Plan to establish a Veterinary Clinic use and construct a 1,050-square-foot addition to the existing structure, submitted by Alan F. & Kim C. Schwarz and Dr. Nancy Bureau & Dr. Katie Thomas. The proposed project is in the Niwot Rural Community District (NRCD2), at 304 Franklin Street, in the eastern corner of 3rd Avenue and Franklin Street in the Niwot Townsite, in Section 25, Township 2N, Range 71W.
Action Requested: Decision. Public testimony will be taken.

**Docket SU-18-0006: Elevations Ethernet, LLC**
Special Use Review to install a 50-foot telecommunications tower on 185 Overland Drive, 43 Tilghman Road and 362 Ridge Road, including ground support equipment, to provide local broadband internet services, submitted by Elevations Ethernet, LLC, Phillip C, and Cheryl W Quigley; Elevations Ethernet LLC; Shane L. Quigley. The proposed project is in Forestry (F) Zoning District, 185 Overland Drive, 43 Tilghman Road, and 362 Ridge Road; approximately 3 to 4 miles west of Jamestown, in Sections 15 and 22, Township 2N, Range 72W.
Action Requested: Decision. Public testimony will be taken.

Detailed information regarding these items is available for public examination at the Boulder County Land Use website at [www.bouldercounty.org/lu](http://www.bouldercounty.org/lu) or at our office located at 2045 13th Street, corner of 13th and Spruce Street, in Boulder or by calling (303) 441-3930. Free Parking in the City of Boulder CAGID lots is available for Planning Commission hearing participants. See staff at hearing for city parking vouchers.

Persons needing special services provided under the Americans with Disabilities Act, please contact Julia Yager, ADA Coordinator, for the Boulder County Human Resources Office at (303-441-3525) at least 48 hours before the scheduled hearing.

Published: June 6, 2018 -- Daily Times-Call
Notice is hereby given that the public hearings will be held by the Boulder County Planning Commission at the time and place specified above. All persons interested in the following items are requested to attend such hearing and aid the Commission members in their deliberations.

DOCKET P-17-0002: Zoning Map Amendments to the Firethorn Overlay District located on CHAMP Phase II Floodplain Mapping.

Zoning map amendments to the Firethorn Overlay District ("FO District") specifically the Boulder County Floodplain and Floodway, based upon a second phase of draft Floodplain mapping revisions and revised analyses from the Colorado Hazard Mapping Program ("CHAMP"), Federal Emergency Management Agency ("FEMA"), and other best available information. Action Requested: Decision; Public testimony will be taken.

DOCKET 5-18-0001: Town of Lyons - Water Pipeline Re-location

Amendments to the District 7 Water pipeline that is currently aligned within the channel of the North St. Vrain Creek. The project requires relocating a flood-impaired section of the existing 12-inch diameter pipeline to an alternate alignment that follows Apple Valley Road, sanitary sewer line in the water district. Multiple new alignment options are proposed that vary between 6.5 to 6.9 miles in length, and the length of alignment to be replaced will depend on the preferred alignment of the new relocated pipeline and line in location to the existing unimproved pipeline, submitted by Boulder County (Old Apple Valley Road and Apple Valley Road ROW) and Todd and Deno DeBloom (354 Apple Valley Road). The proposed project is in the Rural Residential (R) and Agricultural (A) Zoning Districts, at 354 and 364 Apple Valley Road and the Apple Valley Road ROW, northeast of the Town of Lyons, in Apple Valley between Antelope Road and US Hwy 36 in Sections 13 and 18, Township 24, Range 70W and 71W. Action Requested: Decision; Public testimony will be taken.

DOCKET V-18-0002: Scilling Dairy Farms LLC and Tegelk Organic Farms LLC

Special Use Review and Site Specific Development Plan to relocate an existing dairy farm located between Lots 1 and 2 of the New Market subdivision, as requested by Scilling Dairy Farms LLC and Tegelk Organic Farms LLC. The proposed project is in the Agricultural (A) Zoning District, at 800 and 2212 Tegelk Drive (parcel numbers 2212 Tegelk Drive and 1313700006742), approximately 809 feet south of the intersection of Alton Road and Tegelk Drive, in Sections 17, Township 24, Range 71W. Action Requested: Decision; Public testimony will be taken.

DOCKET SU-16-0001: The Old Gallery SU-SSUP

Special Use Review and Site Specific Development Plan to request to amend an existing Special Use Review (SU-08-019 Allen Street Community Center) in order to allow an expanded use of the property, submitted by Margaret Patterson, The Old Gallery, and the Allen Street Community Council. The proposed project is in the Business (B) / Commercial (C) Zoning Districts, at 1400 Main Street, in the eastern portion of the Ballerina Village and Main Street Districts, in Sections 26 and 27, Township 24, Range 71W. Action Requested: Decision; Public testimony will be taken.

DOCKET SU-18-0006: LEFT HAND ANIMAL HOSPITAL Veterinary Clinic

Special Review and Site Specific Development Plan to establish a Veterinary Clinic USE and construct a 2,400-square-foot addition to the existing structure, submitted by Dr. Alan Y. and Dr. Kim C. Schwartz and Dr. Nancy Barreca and Dr. Katie Thomas. The proposed project is located in the Rural Residential District (RHRD), at 346 Franklin Street, in the eastern portion of 3rd Avenue and Franklin Street in the Norwood, in Sections 26 and 27, Township 24, Range 71W. Public testimony will be taken.

DOCKET SU-18-0006: Elevations Eberhart, LLC

Special Use Review to install a 58-foot telecommunication tower on 385 Overland Drive, 43 Highman Road and 350 Ridge Road, including ground support equipment, to provide broadband internet service. Submitted by Elevations Eberhart, LLC; Philo-Net, LLC; and Elevations Eberhart, LLC; Sam Li, Quidley, The proposed project is in the Rural Residential (RHRD), at 346 Franklin Street, in the eastern portion of 3rd Avenue and Franklin Street in the Norwood, in Sections 26 and 27, Township 24, Range 71W. Action Requested: Decision; Public testimony will be taken.

Detailed information regarding these items is available for public examination at the Boulder County Land use website at www.bouldercounty.gov/ao or at our office located at 2545 13th Street, second floor, 13th and Spruce streets, in Boulder or by calling (303) 441-3090. Persons requiring special services provided under the Americans with Disabilities Act, or with special needs, or for the Boulder County Human Resources Office (303-441-2200) at least 14 days before the scheduled hearing.

Published Longmont Times-Call June 6, 2018  - 1470113

The undersigned, Elizabeth Maes, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the Longmont Times Call.

2. The Longmont Times Call is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Boulder County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.

3. The notice that is attached hereeto is a true copy, published in the Longmont Times Call in Boulder County on the following date(s):

   June 6, 2018

Subscribed and sworn to me before this

[Signature]

Notary Public

[Seal]

[Notary Public SEAL]

[Notary Public ID 901740319]

[Expires July 31, 2021]

[Account: 1050753]
[Ad Number: 1470923]
[Fee: $94.54]
BOULDER COUNTY PLANNING COMMISSION

MINUTES
June 20, 2018

AFTERNOON SESSION – 1:30 PM

Hearing Room, Third Floor,
County Courthouse, Boulder
{Approved July 23, 2018}

PUBLIC HEARING

AFTERNOON SESSION – 1:30 PM

On Wednesday, June 20, 2018, the Boulder County Planning Commission held a regular afternoon session, convening at approximately 1:31 p.m. and adjourning at approximately 9:03 p.m.

Commissioners Present: Dan Hilton (Chair), Mark Bloomfield, Doug Young, Sam Fitch, Gavin McMillan, Ann Goldfarb (Second Vice-Chair), Natalie Feinberg Lopez, Lieschen Gargano (Vice-Chair)

Commissioners Excused: None.

Boulder County Staff Present: Summer Frederick, Christian Martin, Liz Cross (Assistant County Attorney), Kathy Parker (Assistant County Attorney), Jennifer Severson, Dale Case, Anna Milner, Rick Hackett, Christy Wiseman, Jose Ruano, Nicole Wobus, Ron West (Parks and Open Space), Erin Cooper (Transportation), and Varda Blum (Transportation).

Others: 50 - 60

MINUTES

MOTION: Natalie Feinberg Lopez MOVED that the Boulder County Planning Commission APPROVE the Minutes from the May 16, 2018 Planning Commission Hearing as written.

SECOND: Sam Fitch

VOTE: Motion PASSED Unanimously {7 to 0} Abstained: Dan Hilton

STAFF UPDATE(S) ON PROJECTS AND/OR DEVELOPMENT REVIEW ITEMS
Kim Sanchez, Chief Planner, provided an update on the Crestone Peak Resources CDP and its updated timeline, as well as the 8 North LLC Drilling and Spacing Unit applications which are scheduled for a COGCC hearing on July 30-31, 2018 in Denver. More information can be found on the county’s oil and gas development website: [https://www.bouldercounty.org/property-and-land/land-use/planning/oil-gas-development/](https://www.bouldercounty.org/property-and-land/land-use/planning/oil-gas-development/).

Docket Z-17-0002: Zoning Map Amendments to the Floodplain Overlay District based on CHAMP Phase II Floodplain Mapping

Erin Cooper, Floodplain Specialist, and Varda Blum, Floodplain Program Manager, presented the staff proposal to adopt comprehensive zoning map amendments to incorporate new floodplain mapping into the Floodplain Overlay District (“FO District”). Specifically, these zoning map amendments propose to revise the Boulder County Floodplain and Floodway portion of the FO District based upon a second phase of draft floodplain mapping from the Colorado Water Conservation Board’s Colorado Hazard Mapping Program (“CHAMP”), Federal Emergency Management Agency (“FEMA”), and other best available information. The amendments include floodplain mapping updates along approximately 70 miles of stream reaches within unincorporated Boulder County, including Fourmile Creek, lower Fourmile Canyon Creek, Geer Canyon, Left Hand Creek, James Creek, the Little Thompson River, a reach of North St. Vrain Creek at Longmont Dam Road, and reaches of Floodway on lower Boulder Creek and St. Vrain Creek.

Erin Cooper explained the technical review and public outreach activities that have been completed for this second phase of the CHAMP floodplain mapping study since December 2017, along with the coordination undertaken between the County, consultants, CWCB, and FEMA.

Tom Birney, FEMA Region VIII National Flood Insurance Program Specialist, spoke during staff’s presentation in support of the County’s adoption of the zoning amendments as a mechanism to improve flood risk management and mitigation throughout unincorporated Boulder County.

Staff recommended APPROVAL as outlined in the staff recommendation, dated June 20, 2018.

PUBLIC HEARING OPENED

SPEAKERS: Nicholas Rising -1800 Glenarm Place; David Pestalozzi – 8725 Streamcrest Drive; Bob Rosenthal – 6400 Modena Lane; Anne Rice – 11 Logan Mill Road, Jim Peterson – 1526 Westshore Drive; John Brumder – 8450 N. Foothills Highway; Eric Stevens – 219 Gold Run Road.

PUBLIC HEARING CLOSED

MOTION: Gavin McMillan MOVED that the Boulder County Planning Commission APPROVE and recommend to the Board Of County Commissioners APPROVAL of Docket Z-17-0002: Zoning Map Amendments to the Floodplain Overlay District based on CHAMP Phase II Floodplain Mapping and certify the Docket for action to the Board and the official record of the Docket before the Commission with its staff comments, public testimony, and Commission discussion/action.

SECOND: Ann Goldfarb
Docket SI-18-0001: Town of Lyons - Water Pipeline Relocation

Jennifer Severson, Senior Planner, presented the application for County of Boulder (384 Apple Valley Road and Apple Valley Road ROW) and Todd and Dena DeBoom (354 Apple Valley Road) and agent Jim Blankenship. This application is for an Areas and Activities of State Interest (1041) review for the relocation and replacement of the Town of Lyons potable water transmission pipeline that is currently aligned within the channel of the North St. Vrain Creek. The project includes relocating a flood-impacted section of the existing 12-inch diameter pipeline to a new alignment that follows Apple Valley Road, away from the North St. Vrain Creek and further outside the floodway. Multiple new alignment options are proposed that vary between 0.5 to 0.8 miles in length, and the length of pipeline to be replaced will depend on the approved alignment of the new relocated pipeline and tie-in location to the existing undamaged pipeline. The proposed pipeline locations include 354 and 384 Apple Valley Road and the Apple Valley Road ROW, northwest of the Town of Lyons, in Apple Valley between Antelope Road and US Hwy 36 in Sections 13 and 18, Township 3N, Ranges 70W and 71W, within the Rural Residential (RR) and Agricultural (A) Zoning Districts.

Staff recommended CONDITIONAL APPROVAL as outlined in the staff recommendation, dated June 20, 2018.

PUBLIC HEARING OPENED

SPEAKERS:
Jim Blankenship (agent for applicant) – 743 Pear Court; Richard Dean – 556 Apple Valley Road

PUBLIC HEARING CLOSED

MOTION: Sam Fitch MOVED that the Boulder County Planning Commission CONDITIONALLY APPROVE and recommend to the Board of County Commissioners CONDITIONAL APPROVAL of Option 2 set forth in Docket SI-18-0001: Town of Lyons - Water Pipeline Relocation subject to the approval conditions 1 – 17 as recommended by staff.

SECOND: Natalie Feinberg Lopez

CONDITIONS OF APPROVAL
1. The Applicant shall be subject to the terms, conditions, and commitments of record in the file for Docket SI-18-0001: Town of Lyons - Water Pipeline Relocation.
2. Prior to any construction activities or the issuance of any permits, the applicant shall obtain and submit to the Land Use Department for review and approval all permissions and easements or other property rights necessary for the proposal, including crossing agreements.
3. All phases of construction shall be done in compliance with applicable federal, state, and local statues and regulations, including these conditions of approval. All required permits shall be obtained prior to construction (as related to each stage of construction) including, without limitation: a County Floodplain Development Permits, a County Utility Construction Permit, a County Stormwater Quality Permit, and Colorado Department of Public Health and Environment Stormwater Discharge and Dewatering Permits. A Notice of Intent to Construct Dewatering Wells must be
filed with the Colorado Department of Water Resources. Prior to any construction activities, the applicant shall obtain all necessary federal, state, and local permits and comply with the conditions of these permits throughout the life of the project, as applicable.

4. Prior to submitting a Utility Construction Permit, the following shall be submitted to the County’s Land Use and Transportation Departments for review and approval:

a. Plans that include the following information:
   i. The Apple Valley Road right-of-way and the location of the proposed pipeline and all existing utilities within County right-of-way.
   ii. Stockpiling, staging and worker parking areas, including access to the project area and any private property from County roads, and all relevant permissions for the use of these areas.
   iii. Potential road closures at existing and proposed sections of the approved alignment.
   iv. Depth of proposed pipeline and maximum proposed trench depth.
   v. Exact locations of tie-ins to the existing line.
   vi. Temporary and permanent erosion control and a fugitive dust control plan.


c. A revegetation plan for the project area identifying existing vegetation to be protected and to be removed, species to be used for revegetation, and areas to be restored. See Parks and Open Space referral letter dated June 7, 2018 (attached) for more details about vegetation protection and restoration requirements.

d. A weed management plan with the aim of preventing the spread of noxious weed species.

e. See Transportation referral letter dated June 5, 2018 (attached) for more details about the above permitting requirements.

5. The Utility Construction Permit application shall be submitted to the County’s Transportation Department and shall address and/or include the following:

a. The submission of final construction documents.

b. The submittal of a Traffic Control Plan and haul route information.

c. A pre-construction meeting with the Transportation Department is required prior to the commencement of construction activities.

6. Construction drawings must be submitted for review and approval at 60% completion prior to Utility Construction Permit application, and at 90% completion prior to issuance of County permits.
7. Work hours shall be between 8:30am and 4:30pm (3:30pm during the school year), Monday through Friday, unless explicitly approved by the Transportation Department.

8. Emergency and local vehicle access must be maintained through the work zone at all times. Apple Valley Road must remain open from both the north and south. The road must be opened to two-way traffic at the end of each work day. Fire Districts shall be made aware of any road closures which could impact emergency response routes. Access to Antelope Road and private driveways must be restored at the end of each work day.

9. No open excavation is allowed in right-of-way outside work hours. A temporary patch must be applied at the end of each workday unless otherwise exempt by the Utility Construction Permit.

10. Staging and materials stockpiling shall not occur in the right-of-way.

11. If any work is approved on the property at 384 Apple Valley Road, including staging and materials stockpiling, the applicant must coordinate with the County to submit a request to FEMA for the proposed use. FEMA approval is required before any activity at 384 Apple Valley Road can begin.

12. Prior to commencement of site disturbance, the applicant’s contractor must identify and mark the location of all existing approved OWTS components in the project area and prohibit heavy equipment from the surface of absorption fields of nearby residences.

13. All utilities must be located and marked prior to construction. Hand digging is strongly recommended within 18 inches of marked facilities. Notes should be added to the plans cautioning work near existing utility infrastructure.


15. Within five years of approval of this proposal, those sections of the existing pipeline that cross the North St. Vrain Creek shall be removed once the new pipeline is operational and the existing line has been decommissioned. The Town of Lyons will be subject to any relevant review of the work under the Land Use Code and will be responsible for obtaining any necessary permits to undertake the removal. The streambed and surrounding vegetation shall be thereafter restored. The Land Use Director may consider extending the five year timeframe if the applicant demonstrates extenuating circumstances.

16. The applicant must hire a project overseer, to be approved by the County Engineer, to monitor and inspect the project and ensure compliance with Utility Construction Permit conditions and all other County requirements specific to the Transportation Department issues and concerns. This overseer must be both independent of the primary construction contractor and project engineer and have the authority to alter, direct, and/or stop any activity that will result in adverse environmental or safety conditions or violates the condition(s) of the permit, County approval or accepted construction standards.
17. As-built plans must be submitted to the Boulder County Transportation Department upon completion of the project.

For Your Information: Longmont Power and Communications (LPC) requests the applicant submit plans for review as they are revised and design progresses. Final plans should be submitted for LPC review prior to application for the Utility Construction Permit.

VOTE: Motion PASSED Unanimously {8 to 0}

**At this time, the Planning Commission took a brief break, reconvening at approximately 4:17 p.m.**

Docket V-18-0002: Smiling Daisy Farms LLC and Tollgate Organic Farms LLC

Christian Martin, Planner II, presented the application for Smiling Daisy Farms LLC and Tollgate Organic Farms LLC, a request to vacate Hardt Road between Lots 7 and 8 of the Hardt Estates subdivision, located in the Agricultural (A) Zoning District, at 9301 and 9231 Tollgate Drive (parcel numbers 131717003001 and 131717002002); approximately 800 feet south of the intersection of Nelson Road and Tollgate Drive, in Section 17, Township 2N, Range 70W.

Staff recommended CONDITIONAL APPROVAL as outlined in the staff recommendation, dated June 20, 2018.

PUBLIC HEARING OPENED

SPEAKERS: None.

PUBLIC HEARING CLOSED

MOTION: Dan Hilton MOVED that the Boulder County Planning Commission CONDITIONALLY APPROVE and recommend to the Board of County Commissioners CONDITIONAL APPROVAL of Docket V-18-0002: Smiling Daisy Farms LLC and Tollgate Organic Farms LLC subject to the conditions stated in the staff presentation.

SECOND: Lieschen Gargano

CONDITIONS OF APPROVAL

1. The applicant shall meet all the post approval requirements within one year after the date of the Board of County Commissioners’ resolution approving this vacation. This resolution and associated documents, including a new plat, shall also be recorded by Land Use Staff with the County Clerk and Recorder’s Office within this one year time-frame. This vacation approval shall not be considered final or effective until this recordation. Finally, this vacation approval shall expire if recordation does not occur within the required one year timeframe (unless an extension is granted).

2. The existing culvert under the undeveloped Hardt Road near its junction with Tollgate Drive shall be removed and the informal access decommissioned in accordance with Boulder County Multimodal Transportation Standards.
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VOTE: Motion PASSED Unanimously 8 to 0

Docket SU-16-0001: The Old Gallery SU-SSDP

Summer Frederick, Senior Planner, presented the application for The Old Gallery and Allenspark Community Cultures Council, application for Special Use Review and Site Specific Development Plan request to amend an existing Special Use Review (SU-08-010 Allenspark Community Center) in order to allow an expanded use of the property. The property in question is located in the Business (B) / Forestry (F) Zoning Districts at 14863 Highway 7, North of and adjacent to State Highway 7 near Allenspark, in Section 26, Township 3N, Range 73W.

Staff recommended CONDITIONAL APPROVAL as outlined in the staff recommendation, dated June 20, 2018.

PUBLIC HEARING OPENED

SPEAKERS: Robert Kerr and Cathy Benjamin (applicants) - 14863 Highway 7; Michael Brown – 237 Rockledge Circle; Elisabeth Sherwin – 237 Rockledge Circle; Linnea Carter – 431 Tahosa Park N. Road; Paul T. McKay – 322 Lab Road; William Dyas – 2327 Riverside Drive; Winston Davis – 140 Arrowood Drive; Susan Carrell – 140 Arrowood Drive; John Street -7396 Park Circle; David Pinkow – 19354 Highway 7; Vicki Dyas – 2373 Riverside Drive; Anne Curtis - 480 Overland Drive

PUBLIC HEARING CLOSED

MOTION: Doug Young MOVED that the Boulder County Planning Commission CONDITIONALLY APPROVE and recommend to the Board of County Commissioners CONDITIONAL APPROVAL of Docket SU-16-0001: The Old Gallery SU-SSDP as described in the application materials dated April 2017, subject to the ten (10) conditions in the packet, including Condition 6 as edited.

SECOND: Sam Fitch

CONDITIONS OF APPROVAL

1. The applicant shall provide a Development Agreement, for review and approval by County staff, prior to the issuance of any permits by the Boulder County Land Use Department and prior to the recordation of said agreement.

2. The approval is limited to the uses, intensity, and frequency described in the table located in Revised Submittal #5 – Attachment 1, the table “The Old Gallery Use Levels” located in Revised Submittal #5 – Attachment 2, and Table 1 titled, “TOG Kitchen Uses” of the Revised Submittal #5 Narrative/Development Report. If additional uses or changes in intensity or frequency are proposed, The Old Gallery must inform the Land Use Department so that such proposed changes may be reviewed to determine if they are consistent with the approval of SU-16-0001.

3. Use of the facility shall not generate more than 150 daily vehicle trips.

4. The on-site wastewater treatment system shall not be used beyond its known capacity of 960 gallons per day.
5. Monthly water flow reading reports with high use days indicated shall be submitted to Boulder County staff.

6. Activities are restricted to the area of the subject property located within the Business zoning district.

7. If the configuration of the proposed overflow parking areas changes in any way, the Applicant shall inform Boulder County Land Use staff immediately, and the uses approved through this application (SU-16-0001) shall be reviewed and amended as appropriate.

8. No amplified sound outside of main structure is permitted.

9. All events shall end by 10:00pm and the site shall be vacated by 10:30pm each evening.

10. The Applicant shall be subject to the terms, conditions, and commitments of record and in the file for Docket SU-16-0001: The Old Gallery SU/SSDP.

VOTE: Motion PASSED Unanimously {8 to 0}

**At this time, the Planning Commission took a brief break, reconvening at 6:40 p.m. Also, at this time Commissioner Natalie Feinberg Lopez excused herself from the remainder of the hearing.**

Docket SU-18-0004: LEFT HAND ANIMAL HOSPITAL Veterinary Clinic

Summer Frederick, Senior Planner, presented the application for Alan F. & Kim C. Schwarz Applicants: Dr. Nancy Bureau & Dr. Katie Thomas, application for Special Review and Site Specific Development Plan to establish a Veterinary Clinic use and construct a 1,050-square-foot addition to the existing structure. The property in question is located in the Niwot Rural Community District at 304 Franklin Street, in the eastern corner of 3rd Avenue and Franklin Street in the Niwot Townsite, in Section 25, Township 2N, Range 71W.

Staff recommended CONDITIONAL APPROVAL as outlined in the staff recommendation, dated June 20, 2018.

PUBLIC HEARING OPENED

SPEAKERS:

Sean McMurray (Agent) – 4520 Broadway, Suite E, Dr. Nancy Bureau (applicant) – P.O. Box 725; Marc Beran - 308 3rd Avenue; Robert Kerr – 3203 4th Street; David Snow – 301 3rd Avenue; Victoria Keen – 285 3rd Avenue; Alan Schwarz – 304 Franklin Street; Kim Schwarz – 304 Franklin Street; Karen Andries Lumpe – 260 3rd Avenue; William H. Tyree – 1977 Senda Rocosa; Chuck Klueber – 8206 Sawtooth Lane; Kathy Koehler – 8884 Morton Road; Kim Badgett – 2000 5th Street; Sherrie Glogosh – 6906 Totara Place; Margaret Estabrooks – 4448 Driftwood Place; Nan Jenner-Bryant – 2510 Glenwood Drive; Melinda Helmick – 7786 Nikau Drive; Karen Gruber – 1027 Pine Street #1; Robert Strand – 2489 Santa Fe Drive; Christi Walsh – 330 N. 120th Street; Arlene Baldwin – 460 Murray Street.

PUBLIC HEARING CLOSED
MOTION: Sam Fitch MOVED that the Boulder County Planning Commission CONDITIONALLY APPROVE and recommend to the Board of County Commissioners CONDITIONAL APPROVAL of Docket SU-18-0004: LEFT HAND ANIMAL HOSPITAL Veterinary Clinic with the five (5) conditions as described by staff.

SECOND: Ann Goldfarb

CONDITIONS OF APPROVAL

1. The applicant shall provide a Development Agreement, for review and approval by County staff, prior to the issuance of any permits by the Boulder County Land Use Department and prior to the recordation of said agreement.

2. The applicant must obtain and maintain all applicable permits, including but not limited to building permits for any construction or renovation and for the change in use and sign permits for proposed sign.

3. At Building Permit application, the applicant shall submit a plan showing delineated parking spaces, compliant with ADA parking requirements and Boulder County Bicycle parking requirements.

4. At the time of final inspection, all areas of exposed soil shall be revegetated. If weather is not conducive to seeding or if adequate revegetation efforts have not occurred and vegetation is not adequately established at the time of final inspection request, an irrevocable letter of credit or monies deposited into a County Treasurer account must be provided to assure completion of revegetation.

5. The applicant shall be subject to the terms, conditions, and commitments of record and in the file for Docket SU-18-0004: LEFT HAND ANIMAL HOSPITAL SU/SSDP.

VOTE: Motion PASSED Unanimously {7 to 0}

Docket SU-18-0006: Elevations Ethernet, LLC

Christian Martin, Planner II, presented the application for Phillip C. & Cheryl W. Quigley and Elevations Ethernet LLC, application for Special Use Review to install a 50-foot telecommunications tower on 185 Overland Drive, 43 Tilghman Road and 362 Ridge Road, including ground support equipment, to provide local broadband internet services. The property in question is located in the Forestry (F) Zoning District at 185 Overland Drive, 43 Tilghman Road, and 362 Ridge Road; approximately 3 to 4 miles west of Jamestown, in Sections 15 and 22, Township 2N, Range 72W.

Staff recommended CONDITIONAL APPROVAL as outlined in the staff recommendation, dated June 20, 2018.

PUBLIC HEARING OPENED

SPEAKERS: Shane, Philip, and Cheri Quigley (applicants) – 211 Overland Drive; Brad Fancher – 95 Cody Trail; Kelly Roberts – 511 Overland Drive; Helen Andrews – 66 Carson Court; Larry Oldstein – 665 Overland Drive; Don Grant – 312 Ridge Road; Tamiko Roberts - 511 Overland Drive.

PUBLIC HEARING CLOSED
MOTION: Gavin McMillan MOVED that the Boulder County Planning Commission CONDITIONALLY APPROVE and recommend to the Board of County Commissioners CONDITIONAL APPROVAL of Docket SU-18-0006: Elevations Ethernet LLC with the (10) conditions outlined in the staff report, with the additional request that Land Use staff revise Conditions of Approval 6b, 7b, and 8b to be less prescriptive and to reflect the Planning Commission’s desire to meet 3 objectives:

1. Provide defensible space.
2. Provide visual landscape buffer or visual mitigation to the tower itself to improve the views of surrounding property owners.
3. That this be accomplished through a site visit from Left Hand Fire District, Boulder County Land Use, and Wildfire Mitigation staff.

Friendly Amendment: Mark Broomfield made a friendly amendment to the Motion and Condition 2 that the applicant is allowed to remove the existing tower within 48 hours of the 185 Overland Drive tower becoming operational.

SECOND: Lieschen Gargano

CONDITIONS OF APPROVAL

1. The Applicant is subject to all applicable County Building Division requirements for building permits and grading permits.
2. The existing tower at 211 Overland Drive shall be removed and the site reclaimed within 48 hours of the final inspection of the tower at 185 Overland Drive that is replacing it.
3. During construction, all construction-related equipment and materials shall be staged and stored onsite. No items may be stored or staged in the County ROW, or in a way that impedes the travel way.
4. During construction (i.e. during the day while work is being performed), all vehicles shall be parked on-site or on one side of the County ROW outside of the travel way.
5. The applicant must submit a staging plan for each property, showing the construction methodology that will be used to build the towers.
6. On the Building Permit Wildfire mitigation is required as part of the building permit.
   (a) Since the proposed development is located within a potentially hazardous area, all exterior building materials (including any proposed fencing) is required to be of ignition-resistant construction or better.
   (b) The applicant must submit a wildfire mitigation plan for review and approval by the Land Use Department, based on a site visit including staff from the County’s Wildfire Mitigation team and Boulder County Land Use staff, as well as a representative from the Left Hand Fire Protection District. The wildfire mitigation plan shall provide 30 feet of defensible space and maximum visual buffering of towers from adjacent properties.
Prior to issuance of any permits, a Wildfire Partners or Regulatory Wildfire Mitigation assessment and defensible space marking shall be completed. Based upon the compliance path selected, either a Wildfire Partners Assessment report or a Wildfire Mitigation Plan will be created which will describe the wildfire mitigation requirements.

Before scheduling rough framing inspections, the defensible space portion of the plan must be implemented and inspected by the Land Use Department. All trees marked for removal must be cut and all slash, cuttings, and debris must be removed and/or properly disposed.

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 new structures, and at least 2 feet beyond the driplines of fencing and decks, must be covered with an allowable noncombustible ground cover over a weed barrier material.

Because of the visible location of the tower at 362 Ridge Road, the applicant must submit a Landscape and Screening Plan to the Land Use Department for review and approval. The plan must provide:

(a) The maximum preservation of existing mature trees, subject to wildfire mitigation requirements.

(b) The placement of vegetation to provide visual buffering of the telecommunications tower from adjacent property, as determined by the site visit required by condition 6(b).

(c) In addition, the applicant shall investigate the possibility of moving the tower to a location at least 35 feet from the southern boundary to enable to retention of more existing trees to aid in the screening.

(d) At the time of final inspection, the full installation of the approved Landscape and Screening Plan must be inspected and approved by the Land Use Department.

Because of the visible location of the tower at 43 Tilghman Road, the applicant must submit a Landscape and Screening Plan to the Land Use Department for review and approval.

The plan must provide:

(a) The maximum preservation of existing mature trees, subject to wildfire mitigation requirements.

(b) The placement of vegetation to provide visual buffering of the telecommunications tower from adjacent property, as determined by the site visit required by condition 6(b).

(c) At the time of final inspection, the full installation of the approved Landscape and Screening Plan must be inspected and approved by the Land Use Department.
9. As outlined in the application, the towers and all components shall be painted recessive green to reduce prominence. Other methods to reduce prominence are also recommended. The final color and any other amendments shall be provided to the Land Use Department for review and approval prior to the issuance of building permits.

10. The Applicant shall be subject to the terms, conditions and commitments of record and in the file for Docket SU-18-0006: Elevations Ethernet LLC.

VOTE: Motion PASSED Unanimously {7 to 0}

ADJOURNED

Detailed information regarding these items, including maps and legal descriptions, is available for public examination at the Boulder County Land Use Department, 2045 13th St., Boulder, Colorado 303-441-3930.