



Land Use

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

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)
Webpage: <http://landuse.boco.solutions/boco.lu.docketlistings/app/detail.html?docket=SI-18-0001>

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.

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)
Webpage: <http://landuse.boco.solutions/boco.lu.docketlistings/app/detail.html?docket=V-18-0002>

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)
Webpage: <http://landuse.boco.solutions/boco.lu.docketlistings/app/detail.html?docket=SU-16-0001>

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.

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)

Webpage: <http://landuse.boco.solutions/boco.lu.docketlistings/app/detail.html?docket=SU-18-0004>

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)

Webpage: <http://landuse.boco.solutions/boco.lu.docketlistings/app/detail.html?docket=SU-18-0006>

Detailed information regarding these items is available for public examination on the Boulder County Land Use website at 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.

ADJOURNED



Land Use

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

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 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

PUBLIC HEARING
BOULDER COUNTY, COLORADO
PLANNING COMMISSION

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

Prairie Mountain Media, LLC

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.

PUBLISHER'S AFFIDAVIT

County of Boulder
State of Colorado

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.

The undersigned, Elizabeth Maes, being first duty 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 hereto is a true copy, published in the *Longmont Times Call* in Boulder County on the following date(s):

Jun 6, 2018

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.


Signature

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.

Subscribed and sworn to me before me this
6th day of June, 2018.

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.


Notary Public

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.

SHAYLA NAJERA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174031965
MY COMMISSION EXPIRES JULY 31, 2021

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.

Account: 1050753
Ad Number: 1470923
Fee: \$94.54

Detailed information regarding these items is available for public examination at the Boulder County Land Use website at 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.



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BOULDER COUNTY PLANNING COMMISSION

MINUTES
June 20, 2018

AFTERNOON SESSION – 1:30 PM

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

2

PUBLIC HEARING

AFTERNOON SESSION – 1:30 PM

4

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.

6

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)

10

Commissioners Excused: None.

12

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), Brian James (Transportation), Helene Levaufre (Transportation).

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Others: 50 - 60

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MINUTES

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

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SECOND: Sam Fitch

28

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

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STAFF UPDATE(S) ON PROJECTS AND/OR DEVELOPMENT REVIEW ITEMS

32 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
34 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/>.

36

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

42 Erin Cooper, Floodplain Specialist, and Varda Blum, Floodplain Program Manager, presented the
staff proposal to adopt comprehensive zoning map amendments to incorporate new floodplain
44 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
46 District based upon a second phase of draft floodplain mapping from the Colorado Water
Conservation Board's Colorado Hazard Mapping Program ("CHAMP"), Federal Emergency
48 Management Agency ("FEMA"), and other best available information. The amendments include
floodplain mapping updates along approximately 70 miles of stream reaches within unincorporated
50 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
52 Road, and reaches of Floodway on lower Boulder Creek and St. Vrain Creek.

54 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
56 coordination undertaken between the County, consultants, CWCB, and FEMA.

58 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
60 improve flood risk management and mitigation throughout unincorporated Boulder County.

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

64 **PUBLIC HEARING OPENED**

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

70 **PUBLIC HEARING CLOSED**

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

80 **SECOND:** Ann Goldfarb

82 **VOTE: Motion PASSED Unanimously {8 to 0}**

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

86

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.

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

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104 **PUBLIC HEARING OPENED**

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

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110 **PUBLIC HEARING CLOSED**

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112 **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.

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118 **SECOND: Natalie Feinberg Lopez**

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120 **CONDITIONS OF APPROVAL**

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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.

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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.

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3. All phases of construction shall be done in compliance with applicable federal, state, and local statutes 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

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- 136 filed with the Colorado Department of Water Resources. Prior to any construction
138 activities, the applicant shall obtain all necessary federal, state, and local permits and
140 comply with the conditions of these permits throughout the life of the project, as
142 applicable.
- 144 4. Prior to submitting a Utility Construction Permit, the following shall be submitted to
146 the County's Land Use and Transportation Departments for review and approval:
- 148 a. Plans that include the following information:
- 150 i. The Apple Valley Road right-of-way and the location of the
152 proposed pipeline and all existing utilities within County right-of-
154 way.
- 156 ii. Stockpiling, staging and worker parking areas, including access to
158 the project area and any private property from County roads, and all
160 relevant permissions for the use of these areas.
- 162 iii. Potential road closures at existing and proposed sections of the
164 approved alignment.
- 166 iv. Depth of proposed pipeline and maximum proposed trench depth.
- 168 v. Exact locations of tie-ins to the existing line.
- 170 vi. Temporary and permanent erosion control and a fugitive dust control
172 plan.
- 174 b. A Transportation Management Plan.
- 176 c. A revegetation plan for the project area identifying existing vegetation to be
178 protected and to be removed, species to be used for revegetation, and areas to
180 be restored. See Parks and Open Space referral letter dated June 7, 2018
182 (attached) for more details about vegetation protection and restoration
184 requirements.
- 186 d. A weed management plan with the aim of preventing the spread of noxious
188 weed species.
- 190 e. See Transportation referral letter dated June 5, 2018 (attached) for more
192 details about the above permitting requirements.
- 194 5. The Utility Construction Permit application shall be submitted to the County's
196 Transportation Department and shall address and/or include the following:
- 198 a. The submission of final construction documents.
- 200 b. The submittal of a Traffic Control Plan and haul route information.
- 202 c. A pre-construction meeting with the Transportation Department is required
204 prior to the commencement of construction activities.
- 206 6. Construction drawings must be submitted for review and approval at 60% completion
208 prior to Utility Construction Permit application, and at 90% completion prior to
210 issuance of County permits.

- 186 7. Work hours shall be between 8:30am and 4:30pm (3:30pm during the school year),
188 Monday through Friday, unless explicitly approved by the Transportation
Department.
- 190 8. Emergency and local vehicle access must be maintained through the work zone at all
192 times. Apple Valley Road must remain open from both the north and south. The road
194 must be opened to two-way traffic at the end of each work day. Fire Districts shall be
196 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.
- 198 9. No open excavation is allowed in right-of-way outside work hours. A temporary
200 patch must be applied at the end of each workday unless otherwise exempt by the
Utility Construction Permit.
- 202 10. Staging and materials stockpiling shall not occur in the right-of-way.
- 204 11. If any work is approved on the property at 384 Apple Valley Road, including staging
206 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.
- 208 12. Prior to commencement of site disturbance, the applicant's contractor must identify
210 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
212 residences.
- 214 13. All utilities must be located and marked prior to construction. Hand digging is
216 strongly recommended within 18 inches of marked facilities. Notes should be added
to the plans cautioning work near existing utility infrastructure.
- 218 14. Proof of clearance from the US Fish and Wildlife Service (USFWS) is required for
permitting.
- 220 15. Within five years of approval of this proposal, those sections of the existing pipeline
222 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
224 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
226 streambed and surrounding vegetation shall be thereafter restored. The Land Use
Director may consider extending the five year timeframe if the applicant
228 demonstrates extenuating circumstances.
- 230 16. The applicant must hire a project overseer, to be approved by the County Engineer, to
232 monitor and inspect the project and ensure compliance with Utility Construction
Permit conditions and all other County requirements specific to the Transportation
234 Department issues and concerns. This overseer must be both independent of the
primary construction contractor and project engineer and have the authority to alter,
236 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.

238 17. As-built plans must be submitted to the Boulder County Transportation Department
240 upon completion of the project.

242 For Your Information: Longmont Power and Communications (LPC) requests the
244 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.

246 **VOTE: Motion PASSED Unanimously {8 to 0}**

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

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

254 Christian Martin, Planner II, presented the application for Smiling Daisy Farms LLC and Tollgate
256 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
258 numbers 131717003001 and 131717002002); approximately 800 feet south of the intersection of
Nelson Road and Tollgate Drive, in Section 17, Township 2N, Range 70W.

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

PUBLIC HEARING OPENED

264 **SPEAKERS:** None.

PUBLIC HEARING CLOSED

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

274 **SECOND: Lieschen Gargano**

CONDITIONS OF APPROVAL

278 1. The applicant shall meet all the post approval requirements within one year after the
280 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
282 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
284 recordation. Finally, this vacation approval shall expire if recordation does not occur
within the required one year timeframe (unless an extension is granted).

286 2. The existing culvert under the undeveloped Hardt Road near its junction with
288 Tollgate Drive shall be removed and the informal access decommissioned in
accordance with Boulder County Multimodal Transportation Standards.

290 **VOTE: Motion PASSED Unanimously {8 to 0}**

292

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|----------------------------------------------------------|
| <u>Docket SU-16-0001: The Old Gallery SU-SSDP</u> |
|----------------------------------------------------------|

294

296 Summer Frederick, Senior Planner, presented the application for The Old Gallery and Allenspark
298 Community Cultures Council, application for Special Use Review and Site Specific Development
300 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.

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

PUBLIC HEARING OPENED

306

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

PUBLIC HEARING CLOSED

316

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

324 **SECOND: Sam Fitch**

CONDITIONS OF APPROVAL

- 328 1. The applicant shall provide a Development Agreement, for review and approval by
330 County staff, prior to the issuance of any permits by the Boulder County Land Use
Department and prior to the recordation of said agreement.
- 332 2. The approval is limited to the uses, intensity, and frequency described in the table
334 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
336 Kitchen Uses” of the Revised Submittal #5 Narrative/Development Report. If
additional uses or changes in intensity or frequency are proposed, The Old Gallery
338 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.
- 340 3. Use of the facility shall not generate more than 150 daily vehicle trips.
- 342 4. The on-site wastewater treatment system shall not be used beyond its known capacity
of 960 gallons per day.

- 344 5. Monthly water flow reading reports with high use days indicated shall be submitted
346 to Boulder County staff.
- 348 6. Activities are restricted to the area of the subject property located within the Business
350 zoning district.
- 352 7. If the configuration of the proposed overflow parking areas changes in any way, the
354 Applicant shall inform Boulder County Land Use staff immediately, and the uses
356 approved through this application (SU-16-0001) shall be reviewed and amended as
358 appropriate.
- 360 8. No amplified sound outside of main structure is permitted.
- 362 9. All events shall end by 10:00pm and the site shall be vacated by 10:30pm each
364 evening.
- 366 10. The Applicant shall be subject to the terms, conditions, and commitments of record
368 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

370 Summer Frederick, Senior Planner, presented the application for Alan F. & Kim C. Schwarz
372 Applicants: Dr. Nancy Bureau & Dr. Katie Thomas, application for Special Review and Site Specific
374 Development Plan to establish a Veterinary Clinic use and construct a 1,050-square-foot addition to
376 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.

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

PUBLIC HEARING OPENED

382 **SPEAKERS:** Sean McMurray (Agent) – 4520 Broadway, Suite E, Dr. Nancy Bureau
384 (applicant) – P.O. Box 725 ; Marc Beran - 308 3rd Avenue; Robert Kerr –
386 3203 4th Street; David Snow – 301 3rd Avenue; Victoria Keen – 285 3rd
388 Avenue; Alan Schwarz – 304 Franklin Street; Kim Schwarz – 304 Franklin
390 Street; Karen Andries Lumpe – 260 3rd Avenue; William H. Tyree – 1977
392 Senda Rocosa; Chuck Klueber – 8206 Sawtooth Lane; Kathy Koehler – 8884
394 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

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

404 **SECOND:** **Ann Goldfarb**

406 **CONDITIONS OF APPROVAL**

- 408 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.
- 410 2. The applicant must obtain and maintain all applicable permits, including but not
412 limited to building permits for any construction or renovation and for the change in
 use and sign permits for proposed sign.
- 414 3. At Building Permit application, the applicant shall submit a plan showing delineated
416 parking spaces, compliant with ADA parking requirements and Boulder County
 Bicycle parking requirements.
- 418 4. At the time of final inspection, all areas of exposed soil shall be revegetated. If
420 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
422 request, an irrevocable letter of credit or monies deposited into a County Treasurer
 account must be provided to assure completion of revegetation.
- 424 5. The applicant shall be subject to the terms, conditions, and commitments of record
426 and in the file for Docket SU-18-0004: LEFT HAND ANIMAL HOSPITAL
 SU/SSDP.

428 **VOTE:** **Motion PASSED Unanimously {7 to 0}**

430

Docket SU-18-0006: Elevations Ethernet, LLC

432 Christian Martin, Planner II, presented the application for Phillip C. & Cheryl W. Quigley and
434 Elevations Ethernet LLC, application for Special Use Review to install a 50-foot telecommunications
436 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
438 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.

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

444 **PUBLIC HEARING OPENED**

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

450 **PUBLIC HEARING CLOSED**

452 **MOTION:** **Gavin McMillan MOVED that the Boulder County Planning**
454 **Commission CONDITIONALLY APPROVE and recommend to the**
456 **Board of County Commissioners CONDITIONAL APPROVAL**
458 **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:

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

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

470 **SECOND: Lieschen Gargano**

472 **CONDITIONS OF APPROVAL**

- 474 1. The Applicant is subject to all applicable County Building Division requirements for
476 building permits and grading permits.
- 478 2. The existing tower at 211 Overland Drive shall be removed and the site reclaimed
480 within 48 hours of the final inspection of the tower at 185 Overland Drive that is
 replacing it.
- 482 3. During construction, all construction-related equipment and materials shall be staged
484 and stored onsite. No items may be stored or staged in the County ROW, or in a way
 that impedes the travel way.
- 486 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.
- 488 5. The applicant must submit a staging plan for each property, showing the construction
490 methodology that will be used to build the towers.
- 492 6. On the Building Permit Wildfire mitigation is required as part of the building permit.
- 494 (a) Since the proposed development is located within a potentially hazardous
496 area, all exterior building materials (including any proposed fencing) is
 required to be of ignition-resistant construction or better.
- 498 (b) The applicant must submit a wildfire mitigation plan for review and approval
500 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
502 well as a representative from the Lefthand Fire Protection District. The
 wildfire mitigation plan shall provide 30 feet of defensible space and
 maximum visual buffering of towers from adjacent properties.

- 504 (c) Prior to issuance of any permits, a Wildfire Partners or Regulatory Wildfire
506 Mitigation assessment and defensible space marking shall be completed.
508 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.
- 510 (d) Before scheduling rough framing inspections, the defensible space portion of
512 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
514 must be removed and/or properly disposed.
- 516 (e) At the time of final inspection, all remaining required items in the Wildfire
518 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
520 be covered with an allowable noncombustible ground cover over a weed
barrier material.
- 522 7. Because of the visible location of the tower at 362 Ridge Road, the applicant must
524 submit a Landscape and Screening Plan to the Land Use Department for review and
approval. The plan must provide:
- 526 (a) The maximum preservation of existing mature trees, subject to wildfire
528 mitigation requirements.
- 530 (b) The placement of vegetation to provide visual buffering of the
532 telecommunications tower from adjacent property, as determined by the site
visit required by condition 6(b).
- 534 (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
536 retention of more existing trees to aid in the screening
- 538 (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
540 Use Department.
- 542 8. Because of the visible location of the tower at 43 Tilghman Road, the applicant must
544 submit a Landscape and Screening Plan to the Land Use Department for review and
approval.
- 546 The plan must provide:
- 548 (a) The maximum preservation of existing mature trees, subject to wildfire
mitigation requirements.
- 550 (b) The placement of vegetation to provide visual buffering of the
552 telecommunications tower from adjacent property, as determined by the site
visit required by condition 6(b).
- 554 (c) At the time of final inspection, the full installation of the approved
556 Landscape and Screening Plan must be inspected and approved by the Land
Use Department.

- 558 9. As outlined in the application, the towers and all components shall be painted
560 recessive green to reduce prominence. Other methods to reduce prominence are also
562 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.
- 564 10. The Applicant shall be subject to the terms, conditions and commitments of record
566 and in the file for Docket SU-18-0006: Elevations Ethernet LLC.

568 **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.

570