BOULDER COUNTY PLANNING COMMISSION AGENDA

November 28, 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. **ROLL CALL**

2. **APPROVAL OF MINUTES/MISCELLANEOUS BUSINESS**
   Approval of the *October 17, 2018* Planning Commission Minutes.

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

   Request: Request to vacate an access and utility easement within Outlot A of the Legere Estates NUPUD Subdivision.
   Location: 6010 St. Vrain Road, Outlot A of Legere Estates NUPUD, roughly 1,300 feet southeast of the intersection of St. Vrain Road and N. 59th Street, in Section 3, Township 2N, Range 70W.
   Zoning: Agricultural (A) Zoning District
   Applicant/Property Owner: Anne Elizabeth Hosier
   Agent: Harmon Zuckerman
   Action Requested: Recommendation to BOCC.
   Public Testimony Will Be Taken.
   (Staff: Jennifer Severson)

5. **Docket SU-18-0012: Zen Center**
   Request: Special Use Review and Site Specific Development Plan to establish a church and a monastic training educational center and construct a 20,001-square-foot Main Church Building and a 4,852-square-foot Resident Hall on an approximately 35 acre parcel.
   Location: 6417 S. Boulder Road, on the north side of South Boulder Road, approximately one-third of a mile west of its intersection with South 68th Street in Section 2, Township 1S, Range 70W.
   Zoning: Estate Residential (ER)
   Applicants: Chung Min Liu and Ven. Jian Tan Shi, Chung Tai Chan Monastery USA
Property Owner: Pei-Lan Wang  
Agent: Stephen Sparn, Sopher Sparn Architects  
Action Requested: Recommendation to BOCC.  
Public Testimony Will Be Taken.  
(Staff Planner: Summer Frederick)  

6. **Docket SU-18-0016: Slater - Dog Tag LLC Kennel**  
Request: Special Use Review to establish a kennel use for up to 45 dogs on a property with an existing residential use on an approximately 1.7-acre parcel.  
Location: 7440 Marshall Drive, roughly one quarter mile northwest of the intersection of Marshall Drive and S. 76th Street, in Section 13, Township 1S, Range 70W.  
Zoning: Agricultural (A)  
Applicants: Jay & Donelle Slater  
Property Owner: Danny Sohn  
Action Requested: Recommendation to BOCC.  
Public Testimony Will Be Taken.  
(Staff Planner: Jennifer Severson)  

7. **Docket DC-18-0003: Agriculture-Related Amendments**  
Staff will present proposed text amendments to the Land Use Code pertaining to agricultural uses and definitions. The proposed amendments reflect input from a multi-departmental Agriculture Outreach Project effort, from Planning Commission during a September study session, and from a public referral process. Following the staff presentation Planning Commission will hear public comment on this item, and staff will request that Planning Commission recommend the proposed text amendments for approval by the Board of County Commissioners. Primary areas of focus for the amendments include farm events, farm sales, structures to extend the growing season, and potential changes to land use review processes for producing farms.  
Action Requested: Recommendation to BOCC.  
Public Testimony Will Be Taken.  
(Staff Planners: Nicole Wobus and Jeff Moline)  

**ADJOURNED**

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.
PUBLIC HEARING
BOULDER COUNTY, COLORADO
PLANNING COMMISSION

DATE: November 28, 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 hearings and aid the Commission members in their consideration.

Docket V-18-0006: Hosier Legere Estates NUPUD Vacation (Tabled from October 17, 2018 Planning Commission Hearing)
Request to vacate an access and utility easement within Outlot A of the Legere Estates NUPUD Subdivision, submitted by Anne Elizabeth Hosier. The proposed vacation is located in the Agricultural (A) Zoning District, at 6010 St. Vrain Road, Outlot A of Legere Estates NUPUD, roughly 1,300 feet southeast of the intersection of St. Vrain Road and N. 59th Street, in Section 3, Township 2N, Range 70W.

Docket SU-18-0012: Zen Center
Special Use Review and Site Specific Development Plan to establish a church and a monastic training educational center and construct a 20,001-square-foot Main Church Building and a 4,852-square-foot Resident Hall on an approximately 35 acre parcel, submitted by Chung Min Liu and Ven. Jian Tan Shi, Chung Tai Chan Monastery USA, and Pei-Lan Wang. The proposal is located in the Estate Residential (ER) Zoning District, at 6417 S. Boulder Road, on the north side of South Boulder Road, approximately one-third of a mile west of its intersection with South 68th Street in Section 2, Township 1S, Range 70W.

Docket SU-18-0016: Slater - Dog Tag LLC Kennel
Special Use Review to establish a kennel use for up to 45 dogs on a property with an existing residential use on an approximately 1.7- acre parcel, submitted by Jay & Donelle Slater. The proposal is located in the Agricultural (A) Zoning District, at 7440 Marshall Drive, roughly one quarter mile northwest of the intersection of Marshall Drive and S. 76th Street, in Section 13, Township 1S, Range 70W.

Docket DC-18-0003: Agriculture-Related Amendments
Staff will present proposed text amendments to the Land Use Code pertaining to agricultural uses and definitions. The proposed amendments reflect input from a multi-departmental Agriculture Outreach Project effort, from Planning Commission during a September study session, and from a public referral process. Following the staff presentation Planning Commission will hear public comment on this item, and staff will request that Planning Commission recommend the proposed text amendments for approval by the Board of County Commissioners. Primary areas of focus for the amendments include farm events, farm sales, structures to extend the growing season, and potential changes to land use review processes for producing farms.
Detailed information regarding this item 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 meeting 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.
PUBLIC HEARING
BOULDER COUNTY, COLORADO
PLANNING COMMISSION

DATE: November 28, 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 hearings and aid the Commission members in their consideration.

Pocket V-18-0900: Hidden Legacy Estates

Request to allocate an access and utility easement within Outlot A of the Legacy Estates MAP 23 Subdivision, submitted by Anne Elizabet Blumenthal. The property is located in the Agricultural (A) Zoning District, Outlot A of Prairie Estates Map #146, Section 1, Township 19N, Range 86W.

Pocket SA-18-0017: Zen Center

Special Use Review and Site Specific Development Plan to establish a Church, a Monastic Training educational center and construct a 2,000-square-foot Main Church Building and a 4,800-square-foot Resident Hall on an approximately 39 acre parcel, submitted by Shun Lin Liu and Ven. Jiun Tien Sio, Chung Tai Chan Monastery USA, and Pu-Lan Wang. The proposal is located in the Single Family Residential (SF) Zoning District, at 3417 S. Boulder Road, on the north side of South Boulder Road, approximately one-third of a mile west of its intersection with South 65th Street in Section 9, Township 16, Range 6W.

Pocket SA-18-0016: Slater Dog Tag LLC

Request to establish a kennel for up to 45 dogs on a property with an existing residential use on an approximately 13.7 acre parcel, submitted by Jay S. Solomon. The proposal is located in the Agricultural (A) Zoning District, at 7440 Marshall Drive, roughly one-quarter mile northeast of the intersection of Marshall Drive and S. 74th Street, in Section 13, Township 15, Range 6W.

Pocket DC-18-0033: Agriculture-Related Amendments

Staff will present proposed text amendments to the Land Use Code pertaining to agricultural uses and definitions. The proposed amendments reflect input from a multi-departmental Agriculture Outreach Project effort, from Planning Commission during a September study session, and from a public referral process. Following the staff presentation Planning Commission will hear public comment on the item, and staff will review the comments to determine whether to approve the proposed text amendments for adoption by the Board of County Commissioners. Primary areas of focus for the amendment include farm events, farm sales, structures to extend the growing season, and potential changes to land use review processes for producing farms.

Detailed information regarding this item is available for public examination at the Boulder County Land Use website at www.countyopendata.org/lul/ or at our office located at 2450 11th Street, corner of 11th and Spruce Street, in Boulder or by calling (303) 441-3930.

Free Parking in the City of Boulder CASP lots is available for Planning Commission hearing participants. See staff at meeting for city parking vouchers.

Persons needing special services provided under the Americans with Disabilities Act, should contact the Boulder County Planning Commission office at (303) 441-3930, no later than 48 hours before the scheduled hearing.

Published: Longmont Times-Call November 14, 2018 - 1533629

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County of Boulder
State of Colorado

The undersigned, Crystal Musser, 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 requirements 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):

Nov 14, 2018

Subscribed and sworn to me before me this 14th day of November, 2018.

Shayla Najera
Notary Public

(Seal)

Account: 1050753
Ad Number: 1533628
Fee: $67.57

Expiry: July 31, 2021
MOTION: Sam Fitch MOVED that the Boulder County Planning Commission APPROVE the Minutes from the October 17, 2018 Planning
Commission Hearing as written.

SECOND: Gavin McMillan

VOTE: Motion PASSED Unanimously {7 to 0} Abstained: Doug Young

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

Nicole Wobus, Long Range Planning Manager, informed Planning Commission that on October 25 the Board of County Commissioners approved the solar-related Land Use Code amendments that Planning Commission had recommended for approval at the September meeting. The BOCC requested that staff monitor outcomes from the Code update in years 1, 2 and 3 following implementation to explore whether further refinements are needed. The resolution for the text amendments (Docket DC-18-0002) is available at: https://assets.bouldercounty.org/wp-content/uploads/2018/12/resolution-2018-118-dc-18-0002.pdf

Docket V-18-0006: Hosier_Legere Estates NUPUD Vacation (Tabled from October 17, 2018 Planning Commission Hearing)

Jennifer Severson, Senior Planner, presented the application for Anne Elizabeth Hosier, a request to vacate an access and utility easement within Outlot A of the Legere Estates NUPUD Subdivision. The proposed vacation is located in the Agricultural (A) Zoning District, located at 6010 St. Vrain Road, Outlot A of Legere Estates NUPUD, roughly 1,300 feet southeast of the intersection of St. Vrain Road and N. 59th Street, in Section 3, Township 2N, Range 70W.

PUBLIC HEARING OPENED

SPEAKERS: Cody Trevithick – 1829 Cambridge; Ben Gilmore - 6000 St. Vrain Road; Rob McRae – 6048 St. Vrain Road; Jerilyn Rooney – Lot 4, 6036 St. Vrain Road.

PUBLIC HEARING CLOSED

MOTION: Lieschen Gargano MOVED that the Planning Commission CONDITIONALLY APPROVE and recommend that the Board of County Commissioners CONDITIONALLY APPROVE Docket V-18-0006: Hosier Legere Estates NUPUD Vacation with the following six (6) conditions as listed in the recommendation slides of staff's presentation.

SECOND: Natalie Feinberg Lopez

CONDITIONS OF APPROVAL:

1. The 60-foot wide utility easement is not vacated and must be maintained in its current location on Outlot A.

2. The 60-foot wide access easement is vacated along the westernmost 420 linear feet of the easement through Outlot A, subject to a private easement in the same location to provide access to the adjacent parcel at 6000 Saint Vrain Road. The utility and private access easement will be designated on the exemption plat. The applicant must ensure that access to the utility easement
is available to utility companies by means acceptable to the utility companies and the applicant.

3. Emergency turnouts must be installed no more than 400 feet apart along the private access easement through Outlot A.

4. The existing emergency turnaround located at the current gate location at the western end of the easement shall be retained.

5. A new emergency turnaround shall be installed at the gate’s proposed new location on the east end of the proposed vacated easement.
   a. The new turnaround can use a “Y” configuration, and a Design Exception is required for the small corners that extend beyond the 60-foot easement, so that the turnaround is fully contained within the width of the easement.
   b. The forks of the turnaround shall be fully contained within the proposed vacated segment, so as to not cause undue burden on Lot 5. Staff anticipates this will require a minimum of 38 feet of distance west of the outlot boundary at Lot 5.

6. 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).

VOTE: Motion PASSED {7 to 1}

YES
Natalie Feinberg Lopez
Lieschen Gargano (Vice-Chair)
Dan Hilton (Chair)
Ann Goldfarb (Second Vice-Chair)
Sam Fitch
Gavin McMillan
Mark Bloomfield

NO
Doug Young

Docket SU-18-0012: Zen Center

Summer Frederick, Senior Planner, presented the application for Chung Min Liu and Ven. Jian Tan Shi, Chung Tai Chan Monastery USA, Pei-Lan Wang, Special Use Review and Site Specific Development Plan to establish a church and a monastic training educational center and construct a 20,001-square-foot Main Church Building and a 4,852-square-foot Resident Hall on an approximately 35 acre parcel. The proposed vacation is located in the Estate Residential (ER) Zoning District, located at 6417 S. Boulder Road, on the north side of South Boulder Road, approximately one-third of a mile west of its intersection with South 68th Street in Section 2, Township 1S, Range 70W.

PUBLIC HEARING OPENED
SPEAKERS: Stephen Sparn (Agent for applicant) - 1731 15th Street, Suite #250; Craig Parsons – 2730 South Coors Court, Lakewood; Luke Sanzone (Marpa Landscape Architecture) - 1701 15th Street Suite C

PUBLIC HEARING CLOSED

SUMMARY:

MOTION: Gavin McMillan MOVED the Boulder County Planning Commission CONDITIONALLY APPROVE and recommend to the Board of County Commissioners CONDITIONAL APPROVAL of Docket SU-18-0012: Zen Center SU/SSDP as described in the application materials, subject to the fourteen (14) conditions listed in the Staff Report.

SECOND: Lieschen Gargano

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. All applicable local, state, and federal permits must be obtained and maintained.

3. Prior to the issuance of any permits by the Boulder County Land Use department, legal access shall be established, and confirmed by Land Use staff.

4. Prior to issuance of building permits by the Boulder County Land Use department, written consent from the McGinn Ditch Company for proposed new ditch crossing shall be submitted.

5. Prior to issuance of building permits, an onsite wastewater treatment system permit shall be applied for and obtained from the Boulder County Department of Public Health – Environmental Division.

6. Prior to final inspections, the onsite wastewater treatment system must be installed, inspected, and approved.

7. Plan Review and a Retail Food License from the Boulder County Department of Public Health – Environmental Division are required.

8. At building permit application, underground electric distribution facilities shall be shown on site plans.

9. At building permit application, the applicant shall verify if wells operated under permit numbers 24775, 577, and 3510 are located on the subject property. If wells are located on the subject property, the applicant shall inform the Colorado Division of Water Resources if the wells will continue to be used, or if they will be plugged and abandoned.
10. 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.

11. At building permit application, the applicant shall submit a Drainage Plan for review and approval by Boulder County Transportation and Land Use departments.

12. At building permit application, the applicant shall submit a Revegetation and Weed Control Plan for review and approval by Boulder County Parks and Open Space Natural Resource Planner and Land Use staff.

13. Prior to the issuance of a Certificate of Occupancy, confirmation from Rocky Mountain Fire Protection District that all requirements of the Fire Code have been met shall be provided to the Boulder County Land Use Department.

14. The Applicant shall be subject to the terms, conditions, and commitments of record and in the file for **Docket SU-18-0012: ZEN CENTER SU/SSDP**.

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

**At approximately 3:55 p.m., the Planning Commissioners took a 10-minute break, returning at 4:05 p.m.**

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**Docket SU-18-0016: Slater - Dog Tag LLC Kennel**

Jennifer Severson, Senior Planner, presented the application for Jay & Donelle Slater and Danny Sohn, Special Use Review to establish a kennel use for up to 45 dogs on a property with an existing residential use on an approximately 1.7-acre parcel. The proposed use is located in the Agricultural (A) Zoning District, located at 7440 Marshall Drive, roughly one quarter mile northwest of the intersection of Marshall Drive and S. 76th Street, in Section 13, Township 1S, Range 70W.

**PUBLIC HEARING OPENED**

**SPEAKERS:** Everett Wiehe – 2255 Schooner Street, Lafayette; Danny Sohn – 7440 Marshall Road.

**PUBLIC HEARING CLOSED**

**SUMMARY:**

**MOTION:** Lieschen Gargano MOVED the Boulder County Planning Commission CONDITIONALLY APPROVE and recommend to the Board of County Commissioners CONDITIONAL APPROVAL of **Docket SU-18-0016: Slater - Dog Tag LLC Kennel** subject to the following nine (9) conditions listed in the Staff Report.

**SECOND:** Natalie Feinberg Lopez

**CONDITIONS OF APPROVAL:**

1. A building permit is required for the remodeling work proposed to convert the existing residential structures to commercial kennel space.

3. A sign permit is required for any signage that is not a wall sign with an area of 2 square feet or less.

4. At time of building permit application, a parking plan must be submitted that shows delineated parking spaces and that is compliant with the Americans with Disabilities Act (ADA) requirements and Section 5.6.2 of the Standards for Parking Lot Design.

5. A CDOT access permit is required and must be submitted at time of building permit application. If CDOT does not require the existing 12-foot wide access to be improved, the access must be corrected to meet County Standards for commercial access.

6. A change of use permit to serve a commercial facility is required for the existing OWTS. The OWTS change of use permit must be issued prior to issuance of a Certificate of Occupancy.

7. Staff strongly recommends that the applicant use a wood fence around the outdoor areas instead of chain link or other “mesh” fencing to prevent potential injury to wildlife and to provide a more pleasing visual aesthetic.

8. The applicant must comply with all State of Colorado Pet Animal Care and Facilities Act (PACFA) licensing requirements, rules and regulations.

9. The Applicant shall be subject to the terms, conditions, and commitments of record and in the file for Docket SU-18-0016: Slater - Dog Tag LLC Kennel.

VOTE: Motion PASSED Unanimously {8 to 0}
Planning Commissioners favored the proposed Code changes, and agreed that there is much more to be done in order to support the county’s agricultural community. Planning Commissioners requested that staff monitor the effects of the Code changes and report back after developing plans for monitoring progress under the updated Code provisions.

After voting on the Code amendments PC member Natalie Feinberg Lopez shared policy ideas developed by Brian Coppom of Boulder County Farmers’ Markets. The wide-ranging policy ideas included building soil and habitat quality, piloting carbon sequestration techniques, using the local food system to confront food injustice and inequality, among others. She recommended the county create an incentive program that rewards agricultural producers for using innovative, sustainable methods. Other PC members also made comments highlighting the importance of taking a broader approach to supporting a thriving agricultural community in the county, citing the critical recent information about projected climate change impacts as an impetus to take bold action that goes beyond Land Use Code updates.

Staff agreed to collaborate with the Sustainability Office to begin drafting ideas related to Natalie Feinberg Lopez’s request; these ideas will be presented to Planning Commission at a future study session yet to be scheduled.

MOTION: Lieschen Gargano MOVED the Boulder County Planning Commission APPROVE and recommend to the Board of County Commissioners APPROVAL of the proposed Land Use Text Amendments to the agriculture-related provisions in Docket DC-18-0003: Agriculture-Related Amendments as presented to Planning Commission in Attachment A of the Staff Report.

SECOND: Natalie Feinberg Lopez

VOTE: Motion PASSED Unanimously {8 to 0}

**Planning Commissioner Sam Fitch exited the hearing room at approximately 6:15 p.m.**

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.