



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

January 16, 2019
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 *December 19, 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
4. **Docket SU-18-0017: Phelps-Tointon Inc.**
Request: Special Review for an approximately 35,000 square foot indoor riding arena.
Location: 6871 N. 55th Street, the parcel located on the Southwest corner of the intersection of N. 55th and Niwot Rd., Section 33, Township 2N, Range 70W.
Zoning: Agricultural (A)
Applicant/Property Owner: Phelps-Tointon Inc.
Agent: Bill Tointon
Action Requested: Recommendation to BOCC.
Public Testimony Will Be Taken.
(Staff Planner: Marc Ambrosi)
Webpage: <http://landuse.boco.solutions/boco.lu.docketlistings/app/detail.html?docket=SU-18-0017>
5. **Docket DC-18-0001: Text Amendments to Article 9 and associated provisions, including Articles 1, 3, and 18 of the Boulder County Land Use Code**
Proposed text amendments to Articles 9 and associated provisions of the Boulder County Land Use Code related to Subdivision Exemptions, Exemption Plats, and Building Lot Determinations.
Action Requested: Recommendation to BOCC.
Public Testimony Will Be Taken.
(Staff: Kathy Parker (Assistant County Attorney) and Sinead O'Dwyer (Planner I))
Webpage: www.bit.ly/dc-18-0001
6. **Docket DC-18-0005: Text Amendments to the Site Plan Review Provisions in Article 4-800 of the Boulder County Land Use Code Related to Floodplain Development Permits**

Proposed text amendments to Article 4-800 of the Boulder County Land Use Code to clarify and streamline requirements for projects that require floodplain development permits.

Action Requested: Recommendation to BOCC.

Public Testimony Will Be Taken.

(Staff Planners: Nicole Wobus and Christy Wiseman)

Webpage: www.bit.ly/dc-18-0005

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.

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BOULDER COUNTY PLANNING COMMISSION AGENDA **REVISED AGENDA**

January 16, 2019
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 *December 19, 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

The below item has been tabled indefinitely.

4. ~~Docket SU-18-0017: Phelps Tointon Inc.~~

~~Request: _____ Special Review for an approximately 35,000 square foot indoor riding arena.~~

~~Location: _____ 6871 N. 55th Street, the parcel located on the Southwest corner of the intersection of N. 55th and Niwot Rd., Section 33, Township 2N, Range 70W.~~

~~Zoning: _____ Agricultural (A)~~

~~Applicant/Property Owner: Phelps Tointon Inc.~~

~~Agent: _____ Bill Tointon~~

~~_____ Action Requested: Recommendation to BOCC.~~

~~_____ Public Testimony Will Be Taken.~~

~~_____ (Staff Planner: Mare Ambrosi)~~

~~_____ Webpage: <http://landuse.boco.solutions/boco.lu.docketlistings/app/detail.html?docket=SU-18-0017>~~

5. Docket DC-18-0001: Text Amendments to Article 9 and associated provisions, including Articles 1, 3, and 18 of the Boulder County Land Use Code

Proposed text amendments to Articles 9 and associated provisions of the Boulder County Land Use Code related to Subdivision Exemptions, Exemption Plats, and Building Lot Determinations.

Action Requested: Recommendation to BOCC.

Public Testimony Will Be Taken.

(Staff: Kathy Parker (Assistant County Attorney) and Sinead O'Dwyer (Planner I))

Webpage: www.bit.ly/dc-18-0001

6. Docket DC-18-0005: Text Amendments to the Site Plan Review Provisions in Article 4-800 of the Boulder County Land Use Code Related to Floodplain Development Permits

Proposed text amendments to Article 4-800 of the Boulder County Land Use Code to clarify and streamline requirements for projects that require floodplain development permits.

Action Requested: Recommendation to BOCC.

Public Testimony Will Be Taken.

(Staff Planners: Nicole Wobus and Christy Wiseman)

Webpage: www.bit.ly/dc-18-0005

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.

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PUBLIC HEARING BOULDER COUNTY, COLORADO PLANNING COMMISSION

DATE: January 16, 2019
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 SU-18-0017: Phelps-Tointon Inc.

Special Review for an approximately 35,000 square foot indoor riding arena, submitted by Bill Tointon and Phelps-Tointon Inc. The proposal is located in the Agricultural (A) Zoning District, at 6871 N. 55th Street, the parcel located on the Southwest corner of the intersection of N. 55th and Niwot Rd., Section 33, Township 2N, Range 70W.

Docket DC-18-0001: Text Amendments to Article 9 and associated provisions, including Articles 1, 3, and 18 of the Boulder County Land Use Code

Proposed text amendments to Articles 9 and associated provisions of the Boulder County Land Use Code related to Subdivision Exemptions, Exemption Plats, and Building Lot Determinations.

Docket DC-18-0005: Text Amendments to the Site Plan Review Provisions in Article 4-800 of the Boulder County Land Use Code Related to Floodplain Development Permits

Proposed text amendments to Article 4-800 of the Boulder County Land Use Code to clarify and streamline requirements for projects that require floodplain development permits.

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.

Published: January 2, 2019-- Daily Times-Call

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PUBLIC HEARING
BOULDER COUNTY, COLORADO
PLANNING COMMISSION

DATE: January 16, 2019
TIME: 1:30 P.M.
PLACE: Commissioners' Hearing
Room, Third Floor,
Boulder County Courthouse,
1325 Pearl Street

Notice is hereby given that a public hearing will be held by the Boulder County Board of Adjustment at the time and place specified above. All persons interested in the following item(s) are requested to attend such hearing and aid the Board members in their consideration.

Docket SU-18-0017: Phelps-Tointon Inc.

Special Review for an approximately 35,000 square foot indoor riding arena, submitted by Bill Tointon and Phelps-Tointon Inc. The proposal is located in the Agricultural (A) Zoning District, at 6871 N. 55th Street, the parcel located on the Southwest corner of the intersection of N. 55th and Niwot Rd., Section 33, Township 2N, Range 70W.

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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.

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County of Boulder
State of Colorado

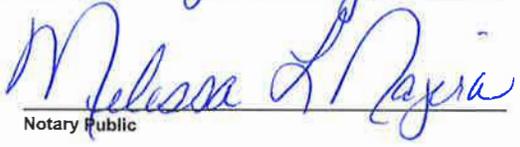
The undersigned, Crystal Musser, being first duly sworn under oath, states and affirms as follows:

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 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):

Jan 2, 2019


Signature

Subscribed and sworn to me before me this 2nd day of January, 2019.


Notary Public

MELISSA L NAJERA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20064049936
MY COMMISSION EXPIRES DECEMBER 11, 2022

(SEAL)

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MEETING OF THE PLANNING COMMISSION BOULDER COUNTY, WEDNESDAY, JANUARY 16, 2019

{Approved on February 20, 2019}

The Planning Commission of Boulder County held a regular afternoon session in the Board of County Commissioners' Hearing Room, Third Floor, Courthouse, Boulder Colorado, on Wednesday, January 16, 2019.

Call to Order

The meeting was called to order at 1:31 p.m. by Chair Daniel Hilton.

Roll Call

Members Present: Second Vice-Chair Ann Goldfarb
 Chair Daniel Hilton
 Gavin McMillan
 Mark Bloomfield
 Sam Fitch
 Sam Libby

Members Excused: Doug Young,
 Lieschen Gargano, Vice-Chair
 Natalie Lopez

Staff Present: Dale Case, Kim Sanchez, Kathy Parker (Assistant County Attorney), Sinead O'Dwyer, Christy Wiseman, Harry Katz (Transportation), Jasmine Rodenburg, Jacey Cerda, Rick Hackett

Approval of Minutes/Miscellaneous Business

Approval of Meeting Minutes for December 19, 2018

MOTION: Sam Fitch MOVED that the Boulder County Planning Commission APPROVE the minutes for December 19, 2018.

SECOND: Mark Bloomfield

VOTE: Motion PASSED {6:0}

Staff Updates

Nicole Wobus provided an update on Docket DC-18-0004 and the moratorium on business development in Niwot. She let Planning Commission know that the docket would be coming before them for consideration in February and that they could review information in the meantime at the docket webpage:

<https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-18-0004/>.

Kathy Parker, Assistant County Attorney, announced her departure from Boulder County. She introduced two new Assistant County Attorneys with whom the Land Use Department will be working: Jacey Cerda and Jasmine Rodenburg.

Items

Deb Gardner County Commissioner

Elise Jones County Commissioner

Matt Jones County Commissioner

1. **[TABLED INDEFINITELY] Docket SU-18-0017: Phelps-Tointon Inc.**

Public Hearing

Request: Special Review for an approximately 35,000 square foot indoor riding arena.
Location: 6871 N. 55th Street, the parcel located on the Southwest corner of the intersection of N. 55th and Niwot Rd., Section 33, Township 2N, Range 70W.
Zoning: Agricultural (A)
Applicant/Property Owner: Phelps-Tointon Inc.
Agent: Bill Tointon

Docket Item SU-18-0017: Phelps-Tointon Inc. has been Tabled Indefinitely.

2. **Docket DC-18-0001: Text Amendments to Article 9 and associated provisions, including Articles 1, 3, and 18 of the Boulder County Land Use Code**

Public Hearing

Proposed text amendments to Articles 9 and associated provisions of the Boulder County Land Use Code related to Subdivision Exemptions, Exemption Plats, and Building Lot Determinations.

On January 16, 2019, Staff Planner Sinead O'Dwyer presented the proposed amendments to Planning Commission at a public hearing. Staff presented an Amended Attachment B, as well as comments received after the staff report was posted. Planning Commission asked for clarification on a few topics including the scenarios when the county considers itself estopped from enforcing the subdivision regulation policies in 9-100.A.6 and 7. Staff clarified that the intent of those sections is to allow for the county to issue health and safety permits for minor work the non-conforming structures, without recognizing the associated lots as a legal building lots. Additional questions were posed regarding how the amendments will affect density. In response, staff explained that Exemption Plats cannot recognize new units of density, only a formal subdivision process can add density to subdivisions. Planning Commission offered a few minor grammatical edits. Further, Planning Commission understood that staff would be conducting additional minor grammatical editing prior to the public hearing before the Board of County Commissioners.

PUBLIC HEARING OPENED

SPEAKERS: None.

PUBLIC HEARING CLOSED

MOTION: Gavin McMillan **MOVED** that the Boulder County Planning Commission recommend that the Board of County Commissioners **APPROVE** the Land Use Code text amendments in **Docket DC-18-0001: Text Amendments to Article 9 and associated provisions, including Articles 1, 3, and 18 of the Boulder County Land Use Code** as presented in the amended Attachment B.

SECOND: Sam Fitch

VOTE: Motion **PASSED** {6:0}

3. **Docket DC-18-0005: Text Amendments to the Site Plan Review Provisions in Article 4-800 of the Boulder County Land Use Code Related to Floodplain Development Permits**
Public Hearing

Proposed text amendments to Article 4-800 of the Boulder County Land Use Code to clarify and streamline requirements for projects that require floodplain development permits. Christy Wiseman and Harry Katz presented the staff presentation for DC-18-0005 and addressed questions from the Commisisoners. The proposed Code amendments are intended to help streamline processes while still representing the Land Use Department's responsibility to mitigate against natural hazards.

A commissioner asked about the appeal process for the Land Use Director's determination. Staff noted that all proposed Code amendments are contained within Article 4-802, Applicability and Scope of the Site Plan Review Process for Development. The SPR

regulations have very specific call-up and appeal procedures that are outlined in Article 4-800.

A commissioner asked why staff proposes to add reference to the Multimodal Transportation Standards (MMTS) in Article 4-802.B.3. Staff explained that the MMTS address transportation design standards and regulations beyond those in the Boulder County Storm Drainage Criteria Manual (SDCM).

A commissioner asked which types of projects may be covered under a new General FDP. Staff explained that some types of projects that currently require Individual FDPs may be covered by the updated General FDP, but not all, due to FEMA's Substantial Improvement cost-tracking processes.

A commissioner requested clarification on what the one year timeline for restoration commencement in Article 4-802.B.3 refers to. Staff clarified that it refers to the time between the date on which the structure was damaged or destroyed (or a latent defect discovered) and when applicants must get applicable permits, such as building permits.

PUBLIC HEARING OPENED

No members of the public commented during the Public Hearing.

PUBLIC HEARING CLOSED

SUMMARY:

Planning Commission agreed that the proposed Code amendments help to streamline processes while still representing the Land Use Department's responsibility to mitigate against natural hazards.

MOTION: Sam Fitch **MOVED** that the Boulder County Planning Commission recommend that the Board of County Commissioners **APPROVE** the proposed Land Use Code text amendments in Docket DC-18-0005: Text Amendments to the Site Plan Review Provisions in Article 4-800 of the Boulder County Land Use Code Related to Floodplain Development Permits as presented to Planning Commission in Attachment A of the staff report.

SECOND: Ann Goldfarb

VOTE: Motion **PASSED** {6:0}

Adjournment

The meeting was closed at 2:39 p.m.