



Land Use

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

MEETING OF THE PLANNING COMMISSION BOULDER COUNTY, COLORADO

WEDNESDAY, FEBRUARY 20, 2019 AT 1:30 P.M.

MEETINGS ARE HELD IN THE THIRD FLOOR HEARING ROOM, COUNTY COURTHOUSE
1325 PEARL STREET, BOULDER, COLORADO

This agenda is subject to change. Please call ahead to confirm an item of interest (303-441-3930). Public comments are taken at meetings designated as Public Hearings. For special assistance, contact our ADA Coordinator (303-441-3525) at least 48 hours in advance.

To access the video streams for all Planning Commission meetings, please go to
<http://bouldercountyco.igm2.com>

Call to Order

Roll Call

Approval of Minutes/Miscellaneous Business

Approval of Meeting Minutes from January 16, 2019.

Staff Updates

Items

1. **Docket V-18-0008: Heim**
Public Hearing

Request: Vacation request to vacate an unnamed, undeveloped right of way in the Brownsville Subdivision between 11711 Billings Ave and 11691 Billings Ave., Lafayette CO. This is a combined Docket with EP-18-0012, which is required to replat the subdivision upon vacation approval.

Location: 11711 and 11691 Billings Ave., 1/4 mile west of the intersection of Billings Ave and 119th St. in Section 14, Township 1N, Range 69W.

Zoning: Rural Residential (RR) Zoning District

Applicants/Property Owners: Stacy Greenlee & Vince Romano and Whitney & Gerald B. Heim

Action Requested: Recommendation to BOCC
Public testimony will be taken
Staff Planner(s): Marc Ambrosi

2. **Docket SU-18-0021: Ross Group Care Facility**
Public Hearing

Request: Special Use Review and Site Specific Development Plan to establish a Group Care Facility on an approximately 1.35-acre parcel.

Location: At 20 Lefthand Canyon Dr., at the northwest corner of the intersection of N. Foothills Hwy and Lefthand Canyon Dr., in Section 13 Township 2N, Range 71W.

Zoning: Rural Residential (RR) Zoning District

Applicants/Property Owners: Ian Ross, Linda Morton, and Montserrat Sala
Agent: Matthew Osofsky
Action Requested: Recommendation to BOCC
Public testimony will be taken
Staff Planner(s): Kathy Sandoval

**3. Docket DC-18-0004: Niwot Rural Community District Code Update
Public Hearing**

Land Use Code (the "Code") text amendments to amend the County's Land Use Code Article 4-116 Niwot Rural Community District and related provisions.

Action Requested: Recommendation to BOCC

Public testimony will be taken

Staff Planner(s): Dale Case, Denise Grimm

Adjournment

Planning Commission Annual Dinner immediately following.

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: February 20, 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 V-18-0008: Heim

Request to vacate an unnamed, undeveloped right of way in the Brownsville Subdivision between 11711 Billings Ave and 11691 Billings Ave. in Lafayette, submitted by Stacy Greenlee & Vince Romano and Whitney & Gerald B. Heim. The proposed vacation is located in the Rural Residential (RR) Zoning District, at 11711 and 11691 Billings Ave., 1/4 mile west of the intersection of Billings Ave and 119th St. in Section 14, Township 1N, Range 69.

Docket SU-18-0021: Ross Group Care Facility

Special Use Review to establish a Group Care Facility on an approximately 1.35-acre parcel, located at 20 Left Hand Canyon Drive, submitted by Ian Ross, Linda Morton, and Montserrat Sala. The proposal is located in the Rural Residential (RR) Zoning District, at 20 Lefthand Canyon Rd., at the northeast corner of the intersection of N. Foothills Hwy and Lefthand Canyon Dr, in Section 13, Township 2N, Range 71W.

Docket DC-18-0004: Niwot Rural Community District Code Update

Land Use Code (the "Code") text amendments to amend the County's Land Use Code Article 4-116 Niwot Rural Community District and related provisions.

PLANNING COMMISSION ANNUAL DINNER - IMMEDIATELY FOLLOWING

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: February 6, 2019-- Daily Times-Call

G:\Boards & Commissions\PC\PC Agendas & Minutes\PC 2019\pc-hearing-notice-20190220.DOC



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

PUBLIC HEARING - AMENDED BOULDER COUNTY, COLORADO PLANNING COMMISSION

DATE: February 20, 2019
TIME: 1:30 P.M.
PLACE: Commissioners' Hearing Room, Third Floor,
Boulder County Courthouse, 1325 Pearl Street

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Docket SU-18-0021: Ross Group Care Facility

Special Use Review to establish a Group Care Facility on an approximately 1.35-acre parcel, located at 20 Lefthand Canyon Drive, submitted by Ian Ross, Linda Morton, and Montserrat Sala. The proposal is located in the Rural Residential (RR) Zoning District, at 20 Lefthand Canyon Dr., at the northwest corner of the intersection of N. Foothills Hwy and Lefthand Canyon Dr., in Section 13 Township 2N, Range 71W.

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Published: February 8, 2019-- Daily Times-Call

G:\Boards & Commissions\PC\PC Agendas & Minutes\PC 2019\pc-hearing-notice-20190220 -amended.DOC

**PUBLIC HEARING
BOULDER COUNTY, COLORADO
PLANNING COMMISSION**

DATE: February 20, 2019
TIME: 1:30 P.M.
PLACE: Commissioners' Hearing
Room, Third Floor,
Boulder County Courthouse,
1325 Pearl Street

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Docket SU-18-0021: Ross Group Care Facility

Special Use Review to establish a Group Care Facility on an approximately 1.25-acre parcel, located at 20 Left Hand Canyon Drive, submitted by Ian Ross, Linda Morton, and Montserrat Sala. The proposal is located in the Rural Residential (RR) Zoning District, at 20 Left Hand Canyon Rd., at the northeast corner of the intersection of N. Foothills Hwy and Left Hand Canyon Dr, in Section 13, Township 2N, Range 71W.

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Published: Longmont Times-Call February 6, 2019 - 1562753

Prairie Mountain Media, LLC

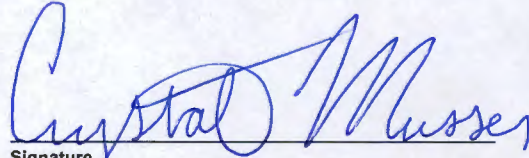
PUBLISHER'S AFFIDAVIT

**County of Boulder
State of Colorado**

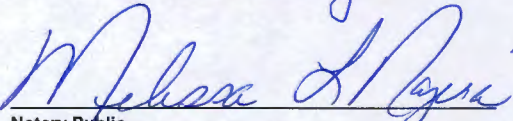
The undersigned, Crystal Musser, being first duly sworn under oath, states and affirms as follows:

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):

Feb 6, 2019


Signature

Subscribed and sworn to me before me this
4th day of February, 2019.


Notary Public

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

(SEAL)

Account: 1050753
Ad Number: 1562753
Fee: \$48.43

**PUBLIC HEARING - AMENDED
BOULDER COUNTY, COLORADO
PLANNING COMMISSION**

DATE: February 20, 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 V-18-008: Heim

Request to vacate an unnamed, undeveloped right of way in the Brownsville Subdivision between 11711 Billings Ave and 11691 Billings Ave. in Lafayette, submitted by Stacy Greenlee & Vince Romano and Whitney & Gerald B. Heim. The proposed vacation is located in the Rural Residential (RR) Zoning District, at 11711 and 11691 Billings Ave., 1/4 mile west of the intersection of Billings Ave and 119th St. in Section 14, Township 1N, Range 69W.

Docket SU-18-0021: Ross Group Care Facility
Special Use Review to establish a Group Care Facility on an approximately 1.35-acre parcel, located at 20 Lefthand Canyon Drive, submitted by Ian Ross, Linda Morton, and Montserrat Sala. The proposal is located in the Rural Residential (RR) Zoning District, at 20 Lefthand Canyon Dr., at the northwest corner of the intersection of N. Foothills Hwy and Lefthand Canyon Dr., in Section 13 Township 2N, Range 71W.

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Published: Longmont Times-Call February 8, 2019 - 1563373

Prairie Mountain Media, LLC

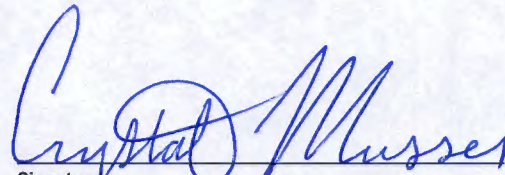
PUBLISHER'S AFFIDAVIT

**County of Boulder
State of Colorado**

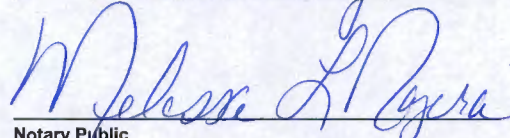
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1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Longmont Times Call*.
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3. The notice that is attached hereto is a true copy, published in the *Longmont Times Call* in Boulder County on the following date(s):

Feb 8, 2019


Signature

Subscribed and sworn to me before me this
8th day of February, 2019.


Notary Public

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

(SEAL)

Account: 1050753
Ad Number: 1563373
Fee: \$47.56



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**MEETING OF THE PLANNING COMMISSION
BOULDER COUNTY, WEDNESDAY, FEBRUARY 20, 2019
{Approved March 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, February 20, 2019.

Call to Order

The meeting was called to order at 1:32 p.m. by Chair Daniel Hilton.

Roll Call

Members Present: Second Vice-Chair Ann Goldfarb
 Chair Daniel Hilton
 Doug Young
 Mark Bloomfield
 Natalie Lopez
 Sam Fitch
 Sam Libby

Members Excused: Gavin McMillan,
 Lieschen Gargano, Vice-Chair

Approval of Minutes/Miscellaneous Business

Approval of Meeting Minutes from January 16, 2019.

MOTION: Ann Goldfarb MOVED that the Boulder County Planning Commission APPROVE the minutes from January 16, 2019.

SECOND: Mark Bloomfield

VOTE: Motion PASSED {5 to 0} Abstained: Doug Young and Natalie Feinberg

Staff Updates

Kim Sanchez, Chief Planner, noted she would provide an update on Oil & Gas next month. She also recognized Doug Young for his 8 1/2 years of service on Planning Commission. Given term limits, the February 20, 2019 Planning Commission hearing was his last meeting serving on the Planning Commission.

Items

**1. Docket V-18-0008: Heim
Public Hearing**

Marc Ambrosi, Planner II, presented the application for Stacy Greenlee & Vince Romano and Whitney & Gerald B. Heim, Request to vacate an unnamed, undeveloped right of way in the Brownsville Subdivision between 11711 Billings Ave and 11691 Billings Ave. in Lafayette. The proposed vacation is located in the Rural Residential (RR) Zoning District, at 11711 and 11691 Billings Ave., 1/4 mile west of the intersection of Billings Ave and 119th St. in Section 14, Township 1N, Range 69W.

PUBLIC HEARING OPENED

SPEAKERS: None.

PUBLIC HEARING CLOSED

MOTION: Doug Young **MOVED** that the Boulder County Planning Commission recommend **CONDITIONAL APPROVAL** of Docket V-18-0008: Heim and recommend that the Board of Commissioners **CONDITIONALLY APPROVE** Docket V-18-0008: Heim Vacation request, with the six (6) conditions specified in the Staff Packet, with the two updates that condition 5 should have the address corrected to 11711 Billings Avenue and that condition 2 should be clarified to specify not only the total width but parenthetically the width on either side of ditch center line, pending staff following up with the ditch company to understand their explicit intent.

SECOND: Ann Goldfarb

CONDITIONS OF APPROVAL

1. A 20-foot wide ditch easement in conjunction with the historic prescriptive easement to access and maintain the ditch must be maintained for the length of the unnamed ROW. The area in the easement will be kept clear of fences, structures, landscaping or other obstructions unless the Company's prior written approval is obtained.
2. A 30-foot wide permanent, non-exclusive easement on both sides of the ditch center line for the extent of the ditch that crosses the northwest corner of the proposed area to be vacated must be maintained.
3. The existing 20-foot drainage and utility easement to cover the existing overhead electrical distribution facilities along the northern property lines must be maintained.
4. A 12-foot wide pedestrian access easement will be maintained through the ROW that would allow for future construction of a multiuse path.
5. The OWTS on 11711 Billings Avenue is approved for three bedrooms, when the Assessor's records show the residence has four bedrooms. This discrepancy must be resolved prior to recordation of the resolution, deeds, and final replat.
6. The applicant shall meet all the post approval requirements within one year of 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 Unanimously {7 to 0}**

**2. Docket SU-18-0021: Ross Group Care Facility
Public Hearing**

Kathy Sandoval, Planner II, submitted the application for Ian Ross, Linda Morton, and Montserrat Sala, a Special Review for a Group Care Home on a 1.35-acre property at 20 Lefthand Canyon Drive. The property is located in the Rural Residential Zoning District, at 20 Lefthand Canyon Drive, located on the northwest corner of the intersection of North Foothills Highway and Lefthand Canyon Drive in Section 13, Township 2N, Range 71W.

PUBLIC HEARING OPENED

SPEAKERS: Matthew Osofsky (Agent for Applicant) - 285 Spruce Court; Ronald Barber - 2988 S. Lakeridge Trail; Larry Koenigsberg - 2978 S. Lakeridge Trail; David Kramer - 151 Stone Canyon Drive; Rachael Wilder - 8864 Prairie Knoll Drive; Ginny Robinson - 8864 Prairie Knoll Drive; Trinidad Arguimbau - 151 Stone Canyon Drive.

PUBLIC HEARING CLOSED

MOTION: Sam Libby **MOVED** that the Boulder County Planning Commission

CONDITIONALLY APPROVE and recommend to the Board of County Commissioners CONDITIONAL APPROVAL of Docket SU-18-0021: Ross Group Care Facility as described in the application materials, with the conditions provided in the Staff Packet, with the amendment that the line regarding CDHPE Health Facility Licensing in condition seven be moved into condition two.

SECOND: Natalie Feinberg Lopez

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 Group Care Home must obtain and maintain all applicable local, state, and federal permits. The facility requires a license and inspections from CDHPE Health Facilities and Emergency Medical Services Division.
3. A building permit, plan review, inspections approvals, are required for this Change in Occupancy.
4. Recommend the property owner obtain a Wildfire Partners certification to mitigate the property against wildfires.
5. The applicant must complete a fire inspection and obtain approval for the change in use from the Lefthand Fire Protection District.
6. The property owner has two options for compliance with the Boulder County Multimodal Transportation Standards. First, the applicant shall either submit a new plan with a proposed location for a new emergency turnaround or remove the overflow parking component of the current parking proposal and maintain the existing turnaround as a standalone area. Prior to issuance of building or grading permits, submit two copies of an access design for review and approval by the Boulder County Land Use and Transportation Departments.
7. The applicant must get an onsite wastewater treatment system change of use permit from Boulder County Public Health. An engineer assessment of the wastewater to be generated by the Group Care Home is required for permit application. Prior to issuance of building or grading permits, submit a copy of the change of use permit from Boulder County Public Health.
8. The Applicant shall be subject to the terms, conditions, and commitments of record and in the file for Docket SU-18-0021: Ross Group Care Home.

VOTE: Motion PASSED Unanimously {7 to 0}

****At approximately 4:10 p.m., the Planning Commission took a 5-minute break. The hearing resumed at 4:15 p.m.****

**3. Docket DC-18-0004: Niwot Rural Community District Code Update
Public Hearing**

Staff presented the staff presentation for docket DC-18-0004: Amendments to Niwot Rural Community District (Article 4-116) and related Land Use Code provisions. Twenty-four members of the public commented during the public hearing. Public comments given at the hearing closely reflected those received previously, both through written comments and at community meetings.

PUBLIC HEARING OPENED

SPEAKERS: Elaine C. Erb - 7955 Countryside Drive #117; David Meisner, DDS - 376 2nd Avenue; W. Cotton Burden - 263 2nd Avenue; Ana Maria Hernando - 256 Murray Street; Dave Snow - 301 3rd Avenue (Bx 1012); Catherine McHale - 7151 Dry Creek Court; Frank Goodknight - 357 3rd Avenue; Mary Coonce - 6604 Bird Cliff Way (Pooled time with Tim Coonce - 6604 Bird Cliff Way); Mike Selak - 285 3rd Avenue; Karen Lumpe - 260 3rd Avenue (Pooled time with Jerry Lumpe - 260 3rd Avenue); Eivaldo Valdez - 361 2nd Avenue; Chuck Klueber - 8206 Sawtooth Lane; Jill Whitener - 7757 Country Creek Drive (Pooled time with

Shari Kalm - 8456 Strawberry Lane); Michelle Henzel - 6833 Camelia Court; Josh Morin - 8885 Marathon Road; Bradford Heap - 210 Franklin Street (Pooled time with Michal Nushawg and Daniel Wilson - 210 Franklin Street); Steve Rollman - 291 2nd Avenue; Paula Deemer - 8536 Foxhaven Court; Jim Kalinski - 343 3rd Avenue (Pooled time with Kim Kalinski and Amy Kalinski - 343 3rd Avenue); Nick Dunbar - 165 2nd Avenue; Margo Leach - 263 2nd Avenue; Catherine McCall - 350 3rd Avenue; Robyn Kube - 2060 Broadway, #400; Satir Demarco - 333 3rd Avenue.

PUBLIC HEARING CLOSED

SUMMARY:

The primary topics of discussion among the PC members included: 1) whether additional alley use is appropriate, and the interrelatedness of alley use, curb cuts, walkability and safety on 2nd Avenue; 2) the proposed lot coverage and FAR provisions, and how the two mechanisms relate to one another, as well as other provisions such as height limits and setbacks; and 3) the importance of retaining retail and restaurant uses, particularly existing businesses.

Sam Fitch made a motion, but it failed for lack of a second. His motion was to forward the proposed land use changes to BOCC with expression of:

1. Strong reservations about the development and use of the alley in question.
2. A recommendation to look at possible negative interactions between FARs and lot coverage.
3. A request for staff to look at the idea of incentivizing retail, and the specifically the legality and examples of supporting legacy businesses.

MOTION: **Sam Libby MOVED that the Boulder County Planning Commission APPROVE and recommend to the Board of County Commissioners APPROVAL of the proposed Land Use Text Amendments to Article 4-116 and associated provisions of the Boulder County Land Use Code in docket DC-18-0004: Amendments to Niwot Rural Community District (Article 4-116) and related Land Use Code provisions as presented to Planning Commission in Attachment A of the Staff Report, with an amendment removing the last sentence in Section E.1.a. of the NRC Design Requirements, and with strong encouragement that the Land Use Department and Board of County Commissioners investigate better methods for creating incentives for retail and restaurant businesses to stay in the NRC and be developed there, and also to preserve legacy businesses within the NRC.**

SECOND: **Natalie Feinberg Lopez**

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

Adjournment

The meeting was closed at 7:45 p.m.