



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, JULY 17, 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.igmp2.com>

Call to Order

Roll Call

Approval of Minutes/Miscellaneous Business

Approval of Meeting Minutes from June 19, 2019.

Staff Updates

Items

1. **Docket BCCP-18-0003: Boulder County Comprehensive Plan Public Health Element Addition**
Public Hearing

In December 2017, Planning Commission (PC) expressed support for adding a Public Health element to the Boulder County Comprehensive Plan (BCCP). The purpose of this element is to outline the county's vision and values for the health of county residents and visitors. The element goals and policies will guide regulations, funding requests and program development by the county. This new element will assemble all public health-related BCCP content in one place while expanding the scope of topics previously addressed in other elements of the BCCP. The new public health element will explicitly link the built and natural environment and the health of residents, and establish a policy framework for supporting long-term strategies that impact behavior to enhance health outcomes. Proposed content reflects feedback from PC and Board of County Commissioners study sessions. Additional information is available at: <https://www.bouldercounty.org/property-and-land/land-use/planning/boulder-county-comprehensive-plan/update/public-health-element-bccp-18-0003/>.

Action Requested: Decision

Public testimony will be taken

Staff Planner(s): Nicole Wobus, Jose Ruano

2. **Docket LE-19-0001: Boulder Mtn. Fire Dept. Fire Barn**
Public Hearing

Request: Location and Extent review to evaluate the proposed removal of the old fire barn #2 and construction of a new fire barn #2 for the Boulder Mountain Fire Department.

Location: 50 Overlook Lane, approximately 200 feet west of the intersection of Overlook Lane and Deer Trail Rd., in Section 4,

Township 1N, Range 71W.
Zoning: Forestry (F) Zoning District
Applicant: Chief John Benson, Boulder Mountain Fire Protection District
Property Owner: Boulder Mountain Fire Protection District
Agent: Fanas Architecture

Action Requested: Decision

Public testimony will be taken

Staff Planner(s): Marc Ambrosi

**3. Docket SU-19-0007: New Cingular Wireless PCS, LLC Communication Tower
Public Hearing**

Request: Special Use Review for a 50 foot AT&T monopole cell tower to enhance cellular coverage north of the City of Boulder along US 36.

Location: 3500 Nimbus Rd., approximately 330 feet east of the intersection of Nimbus Rd. and N. 35th Street at the Left Hand Water District Water Treatment Facility, in Section 30, Township 2N, Range 70W.

Zoning: Agricultural (A) Zoning District

Applicant: New Cingular Wireless PCS, LLC by AT&T Mobility

Property Owners: Left Hand Water District

Agent: Nexius Solutions

Action Requested: Recommendation to BOCC

Public testimony will be taken

Staff Planner(s): Marc Ambrosi

**4. Docket DC-19-0001: Proposed Boulder County Land Use Code Amendments to Article 4- 514 Telecommunication Facilities
Public Hearing**

Proposed Boulder County Land Use Code Amendments to Article 4-514 to address an update of the Telecommunication Facilities Code with relevant content in Articles 3 and 4 and any other revisions to the Code necessary to integrate the changes.

Action Requested: Recommendation to BOCC

Public testimony will be taken

Staff Planner(s): Kathy Sandoval

Adjournment

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: July 17, 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 BCCP-18-0003: Boulder County Comprehensive Plan Public Health Element Addition

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Location and Extent review to evaluate the proposed removal of the old fire barn #2 and construction of a new fire barn #2 for the Boulder Mountain Fire Department, submitted by Chief John Benson, Boulder Mountain Fire Protection District, in accordance with the Boulder County Land Use Code. The proposed project is in the Forestry (F) Zoning District, at 50 Overlook Lane, approximately 200 feet west of the intersection of Overlook Lane and Deer Trail Rd., in Section 4, Township 1N, Range 71W.

Docket SU-19-0007: New Cingular Wireless PCS, LLC Communication Tower

Special Use Review for a 50-foot AT&T monopole cell tower to enhance cellular coverage north of the City of Boulder along US 36, submitted by New Cingular Wireless PCS, LLC by AT&T Mobility and Left Hand Water District in accordance with the Boulder County Land Use Code. The proposed project is in the Agricultural (A) Zoning District, at 3500 Nimbus Rd., approximately 330 feet east of the intersection of Nimbus Rd. and N. 35th Street at the Left Hand Water District Water Treatment Facility, in Section 30, Township 2N, Range 70W.

Docket DC-19-0001: Docket DC-19-0001: Proposed Boulder County Land Use Code Amendments to Article 4- 514 Telecommunication Facilities

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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.

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: July 3, 2019-- Daily Times-Call

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BOULDER COUNTY, COLORADO
PLANNING COMMISSION

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Published: Longmont Times Call July 3, 2019--1613745

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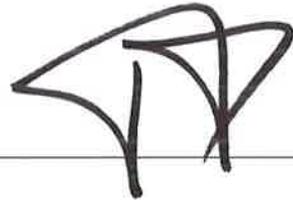
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County of Boulder
State of Colorado

The undersigned, JD Geddes, 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):

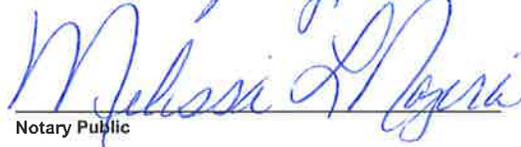
Jul 3, 2019



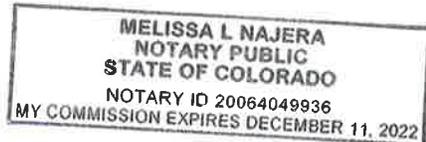
Signature

Subscribed and sworn to me before me this

3rd day of July, 2019.



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**MEETING OF THE PLANNING COMMISSION
BOULDER COUNTY, WEDNESDAY, JULY 17, 2019
{Approved August 21, 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, July 17, 2019.

Call to Order

The meeting was called to order at 1:31 p.m. by Chair Lieschen Gargano.

Roll Call

Members Present: Daniel Hilton
Gavin McMillan
Chair Lieschen Gargano
Mark Bloomfield
Sam Fitch
Second Vice-Chair Sam Libby
Melanie Nieske
Todd Quigley

Members Excused: Ann Goldfarb Vice-Chair

Approval of Minutes/Miscellaneous Business

Approval of Meeting Minutes from June 19, 2019.

MOTION: Mark Bloomfield MOVED that the Boulder County Planning Commission APPROVE the minutes from June 19, 2019 Planning Commission meeting.

SECOND: Dan Hilton

VOTE: Motion PASSED Unanimously {8:0}

Staff Updates

Kim Sanchez, Chief Planner, gave an update on oil and gas, namely that the BOCC enacted a moratorium on oil and gas development applications and seismic testing operations through March 28, 2020 while staff updates the Art. 12 Land Use Code regulations in light of S.B.19-181.

Items

1. **Docket BCCP-18-0003: Boulder County Comprehensive Plan Public Health Element Addition**

Public Hearing

Jose Ruano, Long Range Planner, and Rachel Arndt, Built Environment and HEAL Coordinator with Public Health, presented the proposed addition of a Public Health Element to the Boulder County Comprehensive Plan.

PUBLIC HEARING OPENED

SPEAKERS: None.

PUBLIC HEARING CLOSED

MOTION: Gavin McMillan MOVED that the Boulder County Planning Commission APPROVE Docket BCCP-18-0003: Boulder County Comprehensive Plan Public Health Element Addition the addition to the Boulder County Comprehensive Plan of the Public Health element as proposed in attachment A of the staff report, with the one minor amendment to PH 2.02 Outdoor Access and Programing to read as follows:

PH 2.02 Outdoor Access and Programing. Boulder County strives to understand and meet the preferences and needs of all visitors and residents for nature access and programing with particular attention to *providing access and programming to historically marginalized, elderly, differently abled, young, and low-income populations.*

SECOND: Lieschen Gargano

VOTE: Motion PASSED Unanimously {8:0}

**2. Docket LE-19-0001: Boulder Mtn. Fire Dept. Fire Barn
Public Hearing**

****At this time, Commissioner Mark Bloomfield recused himself from Docket LE-19-0001.****

Marc Ambrosi, Planner II, presented the application for Boulder Mountain Fire Protection District, a Location and Extent review to evaluate the proposed removal of the old fire barn #2 and construction of a new fire barn #2 for the Boulder Mountain Fire Department.

Staff recommended CONDITIONAL APPROVAL of Docket LE-19-0001: Boulder Mtn. Fire Dept. Fire Barn.

PUBLIC HEARING OPENED

SPEAKERS: John Benson (Applicant) - 615 Glenwood Drive.

PUBLIC HEARING CLOSED

MOTION: Melanie Nieske MOVED that the Boulder County Planning Commission CONDITIONALLY APPROVE and recommend to the Board of County Commissioners CONDITIONAL APPROVAL of Docket LE-19-0001: Boulder Mtn. Fire Dept. Fire Barn subject to the conditions listed in the Staff Report.

SECOND: Lieschen Gargano

CONDITIONS OF APPROVAL:

1. Prior to issuance of any permits, a Wildfire Partners or Regulatory Wildfire Mitigation assessment and defensible space marking shall be completed.
2. Before scheduling rough framing inspections, the defensible space portion of the Wildfire Plan must be implemented and inspected by the Land Use Department.
3. At the time of final inspections, the Wildfire Partners Assessment report or Wildfire Mitigation Plan must be fully implemented and inspected.
4. The Applicant must obtain all necessary building and grading permits as required by the County Building Code.
5. At the time of building permit application, site plans must be provided showing locations of Xcel facilities, the telecommunications tower, the OWTS, and the well.
6. At the time of building permit application, the applicant shall provide easements for all materials, installations, and impacts that will impact sites off the subject property including without limitation guywires, drainage onto adjacent properties, and for access.
7. Appropriate erosion control measures for all disturbed areas must be shown downslope and parallel with contours on the grading plan submitted with the building permit application.
8. Final grade cuts and fills must not be steeper than a 1½ to 1 slope; steeper slopes will require a retaining wall. If competent bedrock is encountered, a steeper slope will be accepted per geotechnical recommendations.

9. Per the Standards, if retaining walls over 4 feet tall, as measured from the bottom of the footer to the top of the wall are necessary, designs for retaining walls must be signed and sealed by Professional Engineer licensed in the State of Colorado. Calculations must be submitted for all retaining wall heights over 6 feet in height.

10. During construction, all construction-related equipment and materials must be staged and stored onsite.

11. During construction (i.e. during the day while work is being performed), all vehicles must be parked on-site.

12. Prior to the issuance of any grading or building permits, an onsite wastewater treatment system (OWTS) permit is required. Public Health must conduct an onsite investigation and review plans and specifications prior to OWTS permit issuance. The OWTS absorption field must be located a minimum distance of 100 feet from all wells, 25 feet from waterlines, 50 feet from driveways, and 10 feet from property lines.

13. Prior to issuance of permits, the applicant must submit to the Land Use Department for review and approval one copy of the proposed Revegetation Plan. The Revegetation Plan is required to include native grass species to be used, an explanation of the treatment of excavated topsoils, mapped delineation of all disturbance areas (this includes construction staging and soil stockpiling areas and utility lines), and methods and location of erosion control.

a. Prior to issuance of a Certificate of Occupancy for the new structure, the full installation of the approved revegetation plan must be inspected and approved by the Land Use Department. If weather is not conducive to seeding or if adequate revegetation efforts have not occurred and vegetation is not adequately established at the time of final inspection request, an irrevocable letter of credit or monies deposited into a County Treasurer account will be required to assure the success of revegetation. Prior to issuance of building or grading permits, details regarding the placement and construction of the silt fence must be submitted to and approved by the Land Use Department. The placement and profile of the silt fence may be shown on the Revegetation Plan. The silt fence must be installed before construction commences and remain in place until vegetation is sufficiently established on the disturbed soil.

14. The applicant must be subject to the terms, conditions, and commitments of records and in the file for Docket LE-19-0001: Boulder Mountain Fire Protection District.

VOTE: Motion PASSED Unanimously {7:0} Recused: Mark Bloomfield

**3. Docket SU-19-0007: New Cingular Wireless PCS, LLC Communication Tower
Public Hearing**

****At this time, Commissioner Mark Bloomfield reentered the hearing room.****

Marc Ambrosi, Planner II, presented the application for New Cingular Wireless PCS, LLC by AT&T Mobility and Left Hand Water District, a Special Use Review for a 50-foot AT&T monopole cell tower to enhance cellular coverage north of the City of Boulder along US 36. The proposed project is in the Agricultural (A) Zoning District, at 3500 Nimbus Rd., approximately 330 feet east of the intersection of Nimbus Rd. and N. 35th Street at the Left Hand Water District Water Treatment Facility, in Section 30, Township 2N, Range 70W.

PUBLIC HEARING OPENED

SPEAKERS: Jessica Druga - 290 Elk Ridge Lane; Courtney Cuff - 7675 35th Street; Sydney Keith - 3487 Nebo Road; Catherine A. Corona - 7679 34th Court; Jessica Newman - 7675 35th Street; Laura Poirot - 3887 Nimbus Road; Amos Barclay - 8355 N. 39th Street.

PUBLIC HEARING CLOSED

Discussion ensued regarding the adequacy of the alternatives analysis that was performed by the applicant and regarding possibilities for alternative tower designs that would support colocation of telecom facilities on the subject parcel. The Planning Commissioners also requested that Boulder County Land Use Staff provide additional background about state and federal regulations for telecom facilities in a study session for both the Planning Commission

and Board of County Commissioners.

MOTION: Mark Bloomfield MOVED that the Boulder County Planning Commission CONDITIONALLY APPROVE and recommend to the Board of County Commissioners CONDITIONAL APPROVAL of Docket SU-19-0007: New Cingular Wireless PCS, LLC Communication Tower subject to the eight conditions outlined in the Staff Packet.

SECOND: Sam Fitch

CONDITIONS OF APPROVAL

1. The Applicant shall provide a Development Agreement, for review and approval by County staff, prior to the issuance of any permits by the Boulder County Land Use Department and prior to the recordation of said agreement.
2. The Applicant is subject to all applicable County Building Division requirements for a building permit.
3. In accordance with the applicant's commitment of record, the applicant shall reasonably accommodate colocation requests for future use of the approved facility. Any such requests that substantially modify this approval shall require an amendment to this Special Use Review.
4. Prior to issuance of a building permit, color samples for the monopole, cannister antennas, and the screening fence shall be submitted to the Land Use Department for review and approval.
5. At building permit application, the applicant shall submit plans for a fence around the project area that adequately screens the equipment and shed at ground level and that is more aesthetically pleasing.
6. At building permit application, the applicant shall submit a revegetation plan for disturbed areas associated with the project.
7. Prior to final inspection, areas disturbed during construction shall be revegetated and otherwise returned to its pre-construction condition.
8. The Applicant shall be subject to the terms, conditions and commitments of record and in the file for Docket SU-19-0007: NEW CINGULAR WIRELESS PCS, LLC COMMUNICATION.

VOTE: Motion PASSED Unanimously {8:0}

4. Docket DC-19-0001: Proposed Boulder County Land Use Code Amendments to Article 4- 514 Telecommunication Facilities

Public Hearing

****At this time, the Planning Commissioners took a brief 5-minute recess.**

Commissioner Quigley excused himself for this hearing.**

Kathy Sandoval, Planner, and Jacey Cerda, Assistant County Attorney, presented the proposed Boulder County Land Use Code Amendments to Article 4-514 to address an update of the Telecommunication Facilities Code with relevant content in Articles 3 and 4 along with other minor revisions to the Code necessary to integrate the changes.

PUBLIC HEARING OPENED

SPEAKERS: Chris Harrington (representing Verizon) - 633 17th Street, Suite 3000, Denver ; Debbie Essert - 3131 S. Vaughn Way #550, Aurora

PUBLIC HEARING CLOSED

MOTION: Gavin McMillan MOVED that the Boulder County Planning Commission recommend that the Board of County Commissioners APPROVE Docket DC-19-0001: Proposed Boulder County Land Use Code Amendments to Article 4- 514 Telecommunication Facilities, as represented in Attachment A of the staff report and also to include the below recommendations to the Board of County Commissioners:

1. Add language to permit the Director to grant additional height in instances of co-location and density.

2. Add language to the text that introduces a public process to update the Design Requirements and Guidelines at most annually and at the discretion of staff.

3. Planning Commission requests a study session with Board of County Commissioners to discuss topics related to the Design Requirements and Guidelines. Public comment would be taken during this study session.

SECOND: Sam Libby

VOTE: Motion PASSED Unanimously {7:0}

Summary:

Staff presented the proposed Boulder County Land Use Code Amendments to Article 4-514, updating the Telecommunications Facilities Code to include a definition and review process for Small Cell Wireless Facilities (SCWF), relevant content in Articles 3 and 4, and other associated Code revisions necessary to integrate the proposed changes. Staff requested the Planning Commission recommend approval by the Board of County Commissioners. Following the staff presentation, the Planning Commission heard public comments from Verizon representatives regarding the following issues: Verizon is concerned with the SCWF height limitations in the proposed Code language, because it limits collocation and Verizon's propagation studies indicate a more dense network of towers will be required if height limits are less than 40 feet. Verizon is also concerned with the limitation of SCWF in open space areas. Verizon thus recommended Boulder County adopt a height limit following the federal definition of 50 ft for SCWF, and note that SCWF may be in open space subject to specific and certain standards.

After the close of public comment, the Planning Commission asked questions related to the proposed Administrative Review process, appeals, potential conflict with the Boulder County Comprehensive Plan (BCCP), and review of the SCWF Design Requirements and Guidelines. With regards to the Administrative Review process, the Planning Commission inquired as to whether it would include any public hearings with the Planning Commission or the Board of County Commissioners. Staff responded that the Administrative Review process would not include public hearings, and that it was chosen as the correct review process given the federal and state regulations and shot clock requirements. Regarding the appeals process, staff indicated that as with other Land Use Director determinations, the Board of Adjustment would review any appeals. With regards to the BCCP, staff noted that the BCCP includes support for telecommunications and thus the review process and Design Requirements and Guidelines would balance the different concerns in the BCCP. After answering the above questions, the Planning Commission recommended that staff include additional language allowing the Land Use Director to have discretion to waive the height limitations on SCWF based on considerations of co-location and density (e.g., to address circumstances in which an additional 8' above the zoning height limit is allowed to avoid the need to install an additional tower). The Planning Commission also recommended that staff include language in the Code requiring review the Design Requirements and Guidelines regularly, at most annually, and include a public process within that review, to determine if the requirements and guidelines are appropriate given technological developments, additional regulations, and public concern. Finally, the Planning Commission recommended that open space requirements apply to all types of open space, regardless of jurisdiction.

Gavin McMillian then made a motion to approve the docket as presented subject to the recommended additions and conditions of approval. Sam Libby seconded the motion, and the motion passed with a unanimous vote.

Adjournment

The meeting was closed at 5:48 p.m.