



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, DECEMBER 18, 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.ig2.com>

Call to Order

Roll Call

Approval of Minutes/Miscellaneous Business

Approval of Meeting Minutes from November 20, 2019.

Staff Updates

1. Docket V-19-0001: Eyster Vacation

Public Hearing

Request: Request to vacate one half of a portion of the platted right-of-way for Spencer Avenue and the full platted right-of-way for a portion of the alley located between Spencer Avenue and Eldorado Avenue in the Eldora Townsite.

Location: 960 Eldorado Avenue, approximately 400 feet west of the intersection of Eldorado Avenue and 9th Street in the Eldora townsite, Section 21, Township 1S, Range 73W.

Zoning: Forestry

Applicant/

Property Owner: Eyster Properties LLC c/o Brad Eyster, Managing Member

Website: <http://landuse.boco.solutions/boco.lu.docketlistings/app/detail.html?docket=V-19-0001>

Action Requested: Recommendation to BOCC

Public testimony will be taken

Staff Planner(s): Sean Gambrel

2. Docket SU-18-0011: Mackintosh Academy

Public Hearing

Request: Special Use and Site Specific Development Plan review to amend an existing Special Use approval (SU-06-015) to allow an expanded use of the property, and to construct a new 9,109-square-foot building and new parking facilities, on a 22.5 acre parcel.

Location: 6717 S. Boulder Road, on the northwest corner of the intersection of S. Boulder Road and EDS Way (a private road), in Section 2, Township 1S, Range 70W.

Zoning: Estate Residential

Applicant/

Property Owner: JJ Morrow, Mackintosh Academy
Agent: Danica Powell
Website: <http://landuse.boco.solutions/boco.lu.docketlistings/app/detail.html?docket=SU-18-0011>
Action Requested: Recommendation to BOCC
Public testimony will be taken
Staff Planner(s): Summer Frederick

3. Docket SU-19-0006: Eldora Property LLC

Public Hearing

Request: Request to amend Special Use Review (SU-94-17) to allow for the construction of a 568-space parking lot located at 2861 Lake Eldora Ski Road.

Location: 2861 Lake Eldora Ski Road, parcel #s 158300300022 and 158300301001, at the end of Lake Eldora Ski Road, approximately 2.6 miles west of its intersection with Eldora Road, in Sections 29 & 30, Township 1S, Range 73W.

Zoning: Forestry

Applicants/

Property Owners: Ertl, Inc. c/o Donna Cartwright & Eldora Mountain Resort c/o Bret Tregaskis

Website: <http://landuse.boco.solutions/boco.lu.docketlistings/app/detail.html?docket=SU-19-0006>

Action Requested: Recommendation to BOCC

Public testimony will be taken

Staff Planner(s): Summer Frederick

4. Transportation Master Plan Update

Public Hearing

Boulder County Transportation Staff will present to the Planning Commission the final Transportation Master Plan (TMP). Staff will summarize changes since the draft document, including responding to Planning Commission feedback.

Website: <https://www.bouldercounty.org/transportation/plans-and-projects/transportation-master-plan/>

Action Requested: Recommendation to BOCC

Public testimony will be taken

Staff Planner(s): Stacey Proctor, Scott McCarey

5. Public Hearing for Docket BCCP-19-0003: Decision on BCCP Passive Recreation Definition Update to include E-Bikes

Public Hearing

In the Open Space Element of the Boulder County Comprehensive Plan, passive recreation is defined, in part, as non-motorized. In the wake of a 2017 change in Colorado state law addressing how e-bikes are classified and where they are allowed, county staff conducted public outreach about e-bikes in 2018 and conducted research and outreach during an e-bike pilot project in 2019. Based on research and outreach results during the e-bike pilot, the Boulder County Commissioners made a policy decision to allow e-bikes on plains trails where conventional bikes are allowed. Staff will bring updated recommendations for amending the passive recreation definition based on the Planning Commission study session discussion and input from the Board of Commissioners.

Website: <https://www.bouldercounty.org/open-space/management/e-bikes/>

Action Requested: Decision

Public testimony will be taken

Staff Planner(s): Tina Nielsen

Items

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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Zoning: Forestry

Applicant/

Property Owner: Eyster Properties LLC c/o Brad Eyster, Managing Member

Website: <http://landuse.boco.solutions/boco.lu.docketlistings/app/detail.html?docket=V-19-0001>

Action Requested: Recommendation to BOCC

Public testimony will be taken

Staff Planner(s): Sean Gambrel

2. Docket SU-18-0011: Mackintosh Academy [ITEM WILL BE TABLED TO JANUARY 15, 2020 PLANNING COMMISSION]

Public Hearing

Request: ~~Special Use and Site Specific Development Plan review to amend an existing Special Use approval (SU-06-015) to allow an expanded use of the property, and to construct a new 9,100 square foot building and new parking facilities, on a 22.5 acre parcel.~~

Location: ~~6717 S. Boulder Road, on the northwest corner of the intersection of S. Boulder Road and EDS Way (a private road), in Section 2, Township 1S, Range 70W.~~

Zoning: ~~Estate Residential~~

Applicant/
Property Owner: ~~JJ Morrow, Mackintosh Academy~~
Agent: ~~Danica Powell~~
Website: ~~<http://landuse.boco.solutions/boco.lu.docketlistings/app/detail.html?docket=SU-18-0014>~~
Action Requested: Recommendation to BOCC
Public testimony will be taken
Staff Planner(s): Summer Frederick

3. Docket SU-19-0006: Eldora Property LLC

Public Hearing

Request: Request to amend Special Use Review (SU-94-17) to allow for the construction of a 568-space parking lot located at 2861 Lake Eldora Ski Road.

Location: 2861 Lake Eldora Ski Road, parcel #s 158300300022 and 158300301001, at the end of Lake Eldora Ski Road, approximately 2.6 miles west of its intersection with Eldora Road, in Sections 29 & 30, Township 1S, Range 73W.

Zoning: Forestry

Applicants/
Property Owners: Ertl, Inc. c/o Donna Cartwright & Eldora Mountain Resort c/o Bret Tregaskis

Website: <http://landuse.boco.solutions/boco.lu.docketlistings/app/detail.html?docket=SU-19-0006>
Action Requested: Recommendation to BOCC
Public testimony will be taken
Staff Planner(s): Summer Frederick

4. Transportation Master Plan Update

Public Hearing

Boulder County Transportation Staff will present to the Planning Commission the final Transportation Master Plan (TMP). Staff will summarize changes since the draft document, including responding to Planning Commission feedback.

Website: <https://www.bouldercounty.org/transportation/plans-and-projects/transportation-master-plan/>
Action Requested: Recommendation to BOCC
Public testimony will be taken
Staff Planner(s): Stacey Proctor, Scott McCarey

5. Public Hearing for Docket BCCP-19-0003: Decision on BCCP Passive Recreation

Definition Update to include E-Bikes
Public Hearing

In the Open Space Element of the Boulder County Comprehensive Plan, passive recreation is defined, in part, as non-motorized. In the wake of a 2017 change in Colorado state law addressing how e-bikes are classified and where they are allowed, county staff conducted public outreach about e-bikes in 2018 and conducted research and outreach during an e-bike pilot project in 2019. Based on research and outreach results during the e-bike pilot, the Boulder County Commissioners made a policy decision to allow e-bikes on plains trails where conventional bikes are allowed. Staff will bring updated recommendations for amending the passive recreation definition based on the Planning Commission study session discussion and input from the Board of Commissioners.

Website: <https://www.bouldercounty.org/open-space/management/e-bikes/>
Action Requested: Decision
Public testimony will be taken
Staff Planner(s): Tina Nielsen

Items

Adjournment

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PUBLIC HEARING BOULDER COUNTY, COLORADO PLANNING COMMISSION

DATE: December 18, 2019
TIME: 1:30 P.M.
PLACE: Commissioners' Hearing Room, Third Floor,
Boulder County Courthouse, 1325 Pearl Street, Boulder, CO

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-19-0001: Eyster Vacation

Request to vacate one half of a portion of the platted right-of-way for Spencer Avenue and the full platted right-of-way for a portion of the alley located between Spencer Avenue and Eldorado Avenue in the Eldora Townsite, submitted by Eyster Properties LLC c/o Brad Eyster, Managing Member. The proposal is in the Forestry zoning district, at 960 Eldorado Avenue, approximately 400 feet west of the intersection of Eldorado Avenue and 9th street in the Eldora townsite, Section 21, Township 1S, Range 73W.

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Transportation Master Plan Update

Boulder County Transportation Staff will present to the Planning Commission the final Transportation Master Plan (TMP). Staff will summarize changes since the draft document, including responding to Planning Commission feedback.

Public Hearing for Docket BCCP-19-0003: Decision on BCCP Passive Recreation Definition Update to include E-Bikes

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how e-bikes are classified and where they are allowed, county staff conducted public outreach about e-bikes in 2018 and conducted research and outreach during an e-bike pilot project in 2019. Based on research and outreach results during the e-bike pilot, the Boulder County Commissioners made a policy decision to allow e-bikes on plains trails where conventional bikes are allowed. Staff will bring updated recommendations for amending the passive recreation definition based on the Planning Commission study session discussion and input from the Board of Commissioners.

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: December 4, 2019-- Daily Times-Call

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

DATE: December 18, 2019
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PLACE: Commissioners' Hearing Room, Third Floor,
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Published: December 12, 2019-- Daily Times-Call

G:\Boards & Commissions\PC\PC Agendas & Minutes\PC 2019\pc-hearing-notice-revised-20191218.DOC

PUBLIC HEARING
BOULDER COUNTY, COLORADO
PLANNING COMMISSION

DATE: December 18, 2019
TIME: 1:30 P.M.
PLACE: Commissioners' Hearing Room, Third Floor,
Boulder County Courthouse, 1325 Pearl Street, Boulder, CO

Prairie Mountain Media, LLC

PUBLISHER'S AFFIDAVIT

County of Boulder
State of Colorado

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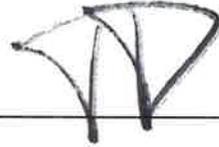
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Published: Longmont Times Call December 4, 2019--1663687

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):

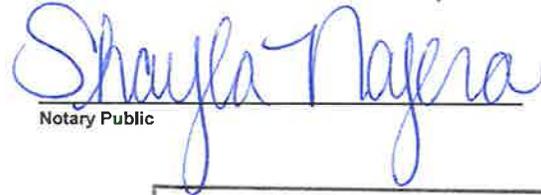
Dec 4, 2019



Signature

Subscribed and sworn to me before me this

4th day of December, 2019.



Notary Public

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

(SEAL)

Account: 1050753
Ad Number: 1663687
Fee: \$78.30

PUBLIC HEARING - AMENDED
BOULDER COUNTY, COLORADO
PLANNING COMMISSION

DATE: December 18, 2019
TIME: 1:30 P.M.
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Published: Longmont Times Call December 12, 2019--1666111

Prairie Mountain Media, LLC

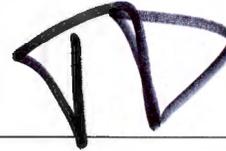
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County of Boulder
State of Colorado

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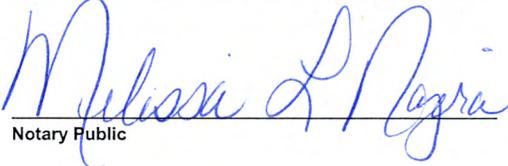
Dec 12, 2019



Signature

Subscribed and sworn to me before me this

12th day of December, 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: 1666111
Fee: \$80.04



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930
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MEETING OF THE PLANNING COMMISSION BOULDER COUNTY, WEDNESDAY, DECEMBER 18, 2019 {Approved on February 19, 2020}

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, December 18, 2019.

Call to Order

The meeting was called to order at 1:30 p.m. by Chair Lieschen Gargano.

Roll Call

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

Members Excused: Melanie Nieske

Approval of Minutes/Miscellaneous Business

Approval of Meeting Minutes from November 20, 2019.

MOTION: Ann Goldfarb MOVED that the Boulder County Planning Commission APPROVE the Meeting Minutes from November 20, 2019.

SECOND: Sam Fitch

VOTE: Motion PASSED {8:0}

Staff Updates

Jacey Cerda, Assistant County Attorney, announced that she is leaving her position with Boulder County. She introduced Erica Rogers, her replacement as Assistant County Attorney.

1. Docket V-19-0001: Eyster Vacation Public Hearing

Sean Gambrel, Planner II, presented the application for Eyster Properties LLC, an application for a vacation request to vacate one half of a portion of the platted right-of-way for Spencer Avenue and the full platted right of way for a portion of the alley located between Spencer Avenue and Eldorado Avenue in the Eldora Townsite. The subject property is in the Forestry zoning district, at 960 Eldorado Avenue, approximately 400 feet west of the intersection of Eldorado Avenue and 9th Street in the Eldora townsite, Section 21 Township 1S, Range 73W.

PUBLIC HEARING OPENED

SPEAKERS: Robert Frick - 940 Eldorado Avenue; Matt Phillips - 706 Copperdale Lane.

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 V-19-0001: Eyster Vacation subject to the two conditions listed in the Staff Report.

SECOND: Mark Bloomfield

Conditions of Approval:

1. The applicant shall grant an easement to Xcel allowing access to property for the purposes of operation and maintenance of Xcel's existing facilities.
2. The applicant shall meet all the post approval requirements within 45 days after the date of the Board of County Commissioners' Resolution approving this vacation. This Resolution and associated documents shall also be recorded by Land Use Staff with the County Clerk and Recorder's Office within this 45-day timeframe. 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 45-day timeframe (unless an extension is granted).

VOTE: Motion **PASSED** Unanimously

2. Docket SU-18-0011: Mackintosh Academy [ITEM WILL BE TABLED TO JANUARY 15, 2020 PLANNING COMMISSION]

Public Hearing

MOTION: Lieschen Gargano **MOVED** to **TABLE** Docket SU-18-0011: Mackintosh Academy until the next regularly scheduled January 15, 2020 meeting.

SECOND: Ann Goldfarb

VOTE: Motion **PASSED** Unanimously

3. Docket SU-19-0006: Eldora Property LLC

Public Hearing

Summer Frederick, Principal Planner, presented the application for Ertl Inc. c/o Donna Cartwright & Eldora Mountain Resort, c/o Bret Tregaskis, a request to amend Special use Review (SU-94-17) to allow for the construction of a 568-space parking lot. The subject property is in the Forestry zoning district, at 2861 Lake Eldora Ski Road, Parcel #s 158300301001 & 158300300022, at the end of Lake Eldora Ski Road, approximately 2.6 miles west of its intersection with Eldora Road, in Sections 29 & 30, Township 1S, Range 73W.

PUBLIC HEARING OPENED

SPEAKERS: Brent Tregaskis, Eldora Mountain Resort (Applicant) - 2861 Eldora Ski Road #140; Nolan Rosall - 14th Street; Gabi Boler, SE group (consulting firm)- 323 W. Main Street, Ste. 201; Don Ash, Scott Cox & Associates - 1530 55th Street; Rik Henrikson, Nederland Fire - PO Box 155; Matt Tomasko - 866 Inca Parkway; Carol Nickel - 10366 Arapahoe Road; John Tayer, Boulder Chamber-2440 Pearl Street; Matt Phillips - 706 Copperdale Lane; Kelli Keith - Chestnut Lane.

PUBLIC HEARING CLOSED

MOTION: Ann Goldfarb **MOVED** that the Boulder County Planning Commission **CONDITIONALLY APPROVE** and recommend to the Board of County Commissioners **CONDITIONAL APPROVAL** of Docket SU-19-0006: Eldora Property LLC subject to the conditions set out in the Staff Recommendation, conditions 1 - 16 as amended.

SECOND: Lieschen Gargano

1. All applicable local, state, and federal permits must be obtained and maintained.
2. The construction of parking lots and number of parking spaces must be in accordance with application materials dated October 3, 2019.

3. At building or grading permit application, the applicant shall submit a Sediment Basin Management Plan.
4. At building or grading permit application, the applicant shall submit a Drainage Plan which addresses issues raised in the Transportation Department referral memo dated November 14, 2019, as well as provides analysis of the drainage basins and how proposed parking improvements will impact the existing drainage patterns.
5. At building permit application, the application shall submit plans indicating how both vehicular traffic and pedestrians will move through and around the site.
6. At building permit application, the applicant shall submit plans showing grading and drainage associated with the electric vehicle parking.
7. Required revised parking plans shall include labelled ADA parking spaces, the number of which shall reflect appropriate van spaces, and provide spaces that are sited appropriately to provide convenient access to amenities and services.
8. At building permit application, a Stormwater Quality Permit application shall be submitted.
9. At building permit application, a design exception shall be submitted to address the exclusion of bicycle parking facilities.
10. 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 Community Planning & Permitting staff.
11. All tree removal shall occur during the non-nesting season for migratory birds. No tree removal shall occur between May 15 and July 31.
12. The Applicant shall continue discussions with County staff regarding natural resource conservation and mitigation measures, with agreed upon plans related to conservation and mitigation to be submitted with building permit application.
13. All construction machinery shall be power washed prior to arrival at the site to remove mud, vegetation, and potentially noxious weed seeds, as well as existing lubricants or leaking hydraulic fluids.
14. For machinery that will be working in Peterson Creek, or in any wet drainages or ditches leading to Peterson Creek or Peterson Lake, cleaning of the machinery must be in accordance with the state Division of Parks and Wildlife Aquatic Nuisance Species parameters.
15. Prior to submission of building or grading permit applications, the applicant shall contact the Public Service Company to facilitate an engineering review of the proposed plans.
16. Prior to the issuance of a Certificate of Occupancy, confirmation from Nederland Fire Protection District that all requirements of the Fire Code have been met shall be provided to the Boulder County Community Planning & Permitting Department.
17. The Applicant shall be subject to the terms, conditions, and commitments of record and in the file for Docket SU 19-0006: ELDORA PROPERTIES LLC SU/SSDP.

VOTE: Motion PASSED Unanimously

4. Transportation Master Plan Update

Public Hearing

Stacey Proctor and Scott McCarey presented to the Planning Commission the final Transportation Master Plan (TMP). Staff summarized changes since the draft document, including responding to Planning Commission feedback.

PUBLIC HEARING OPENED

SPEAKERS: Donna George - 4661 Tally Ho (Pooling time with Dinah McKay - 4695 Portside Way); Alexey Davies - 2406 Bluff Street; Matt Phillips - 706 Copperdale Lane.

PUBLIC HEARING CLOSED

MOTION: Mark Bloomfield **MOVED** that the Boulder County Planning Commission recommend **APPROVAL** of the Transportation Master Plan Update to the Board of

County Commissioners.

SECOND: Sam Fitch

VOTE: Motion PASSED Unanimously

At this time the Planning Commission took a brief break and returned at approximately 4:00 p.m.

5. **Public Hearing for Docket BCCP-19-0003: Decision on BCCP Passive Recreation Definition Update to include E-Bikes**

Public Hearing

Tina Nielsen, Special Projects Manager with Parks & Open Space, presented the staff recommendation for updating the passive recreation definition in the Open Space Element of the Boulder County Comprehensive Plan in order to provide consistency with the newly adopted e-bike policy. This recommendation reflects input from the Oct. 16, 2019 Planning Commission study session.

PUBLIC HEARING OPENED

SPEAKERS: Mike Barrow - 1103 Alexandria Street; Donna George - 4661 Tally Ho Court (Pooling time with Dinah McKay - 4695 Portside Way and Sara George - 4661 Tally Ho Court), Wendi Sweet - 3600 Dartmouth.

PUBLIC HEARING CLOSED

MOTION: Sam Libby **MOVED** that the Boulder County Planning Commission **ADOPT** the staff proposed update to the definition of passive recreation for the Open Space Element of the Boulder County Comprehensive Plan with the three amendments discussed during this discussion, the first to remove the words "certain low-powered" from the new fourth bullet, and second to add the word "and" after the first three bullets and that fourth bullet, and also to strike the words "and other permitted" from the first bullet.

SECOND: Mark Bloomfield

VOTE: Motion PASSED {8:0}

Items

Adjournment

The meeting was closed at 5:25 p.m.