



Community Planning & Permitting

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, APRIL 15, 2020 AT 2:00 P.M.

PLEASE NOTE: DUE TO COVID-19 CONCERNS, THIS MEETING WILL BE HELD VIRTUALLY

This agenda is subject to change. Please call ahead or check the Planning Commission webpage to confirm an item of interest (303-441- 3930 / www.boco.org/PC). 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.

Information regarding how to participate in this virtual meeting will be available on the Planning Commission webpage on April 8 (www.boco.org/PC). There will be opportunity to remotely provide public comment on the subject dockets during the respective virtual Public Hearing portions for each item. You can also provide written comments for these dockets by emailing planner@bouldercounty.org and referencing the docket number in the subject. You may call 303-441-3930 or email us at planner@bouldercounty.org for information.

Call to Order

Roll Call

Approval of Minutes/Miscellaneous Business

Approval of meeting minutes for February 19, 2020.

Items

1. Docket V-18-0005: Van Matre Vacation

Public Hearing

Request:

REVISED: Request to vacate the southern half of 3rd Street and the platted rights-of-way of Iowa Avenue, West Virginia Avenue, Indiana Avenue, and the entire east-west platted alley between the platted rights-of-way of 3rd Street and 4th Street of the Capitol Hill Townsite.

ORIGINAL: Request to vacate the platted rights-of-way of Iowa Avenue, West Virginia Avenue and Indiana Avenue between the platted rights-of-way of 3rd Street and 4th Street of the Capitol Hill Townsite and half of the platted alley which runs east to west between 3rd Street and 4th Street.

Location:

200 & 214 N. 120th Street, S 1/2 & N 1/2 of Blocks 16, 17, 18, & 19 Capitol Hill Townsite, located approximately 500 feet south of the intersection of Flagg Drive and North 120th Street, in Section 1, Township 1S, Range 69W.

Zoning:

Agricultural

Applicants/Property

Brady and Monica Van Matre

Owners:

Website:

<http://landuse.boco.solutions/boco.lu.docketlistings/app/detail.html?docket=v-18-0005>

Action Requested: Recommendation to BOCC

Public testimony will be taken

Staff Planner(s): Jean (Raini) Ott

2. Docket SU-19-0011: Nighthawk Equestrian Center

Public Hearing

Request: Special Review and Site Specific Development Plan to allow for an equestrian center use with accessory camping, the expansion and renovation of existing structures, and an accessory dwelling unit.

Location: 5555 Nelson Road, located on the north side of Nelson Road approximately 500 feet east of its intersection with 55th Street, in Section 10, Township 1N, Range 70W.

Zoning: Agricultural

Applicant/Property Owner: Nighthawk Equestrian Center LLC

Website: <http://landuse.boco.solutions/boco.lu.docketlistings/app/detail.html?docket=su-19-0011>

Action Requested: Recommendation to BOCC

Public testimony will be taken

Staff Planner(s): Jean (Raini) Ott

3. Docket SU-19-0015: Xcel Energy Community Solar Garden

Public Hearing

Request: Special Use Review for an approximately 20-acre ground mounted solar energy system on an approximately 34-acre parcel.

Location: 1808 N. 63rd Street, located east of N. 63rd Street approximately 0.25 miles north and 1 mile east of the intersection of Arapahoe Avenue/State Highway 7 and N. 63rd Street in Section 25, Township 1N, Range 70W.

Zoning: Agricultural

Applicant/Property Owner: Public Service Co Of Colorado – Xcel, c/o Jeffrey Stephens

Agent: Jon Fitzpatrick

Website: <http://landuse.boco.solutions/boco.lu.docketlistings/app/detail.html?docket=SU-19-0015>

Action Requested: Recommendation to BOCC

Public testimony will be taken

Staff Planner(s): Jean (Raini) Ott

4. Docket LE-20-0001: New Lefthand Fire Protection District Station 1

Public Hearing

Request: Location & Extent review for removal of three existing structures and construction a new 14,725-square-foot fire station on a 1.933-acre parcel at 900 Lefthand Canyon Drive.

Location: 868 & 900 Lefthand Canyon Drive, approximately 1,250 feet west of the intersection of Geer Canyon Drive & Lefthand Canyon Drive, Section 13, Township 2N, Range 71W.

Zoning: Agricultural

Applicant/Property Owner: Lefthand Fire Protection District

Agent: Michael Gordon

Website: <http://landuse.boco.solutions/boco.lu.docketlistings/app/detail.html?docket=le-20-0001>

Action Requested: Decision

Public testimony will be taken

Staff Planner(s): Sean Gambrel

5. Docket SI-20-0002: Bobtail Tungsten Pipeline Alternate Route

Public Hearing

Request: Areas and Activities of State Interest (1041) review for the

construction of a new 8-inch diameter natural gas pipeline approximately 2 miles long that will serve as an extension to the existing natural gas pipeline delivery system that is owned, operated and maintained by the Public Service Company of Colorado (PSCo), an Xcel Energy company; a control valve station will also be constructed to service the new pipeline connection.

Location: At parcel 158324000021 (control valve station) and in the public right-of-way (pipeline) along portions of State Hwy 119 between the intersection of Magnolia Drive and State Hwy 119 and the Boulder / Gilpin County line, in Sections 19, 24, 25, Township 1S, Ranges 72W and 73W.

Zoning: Forestry

Applicant: Xcel Energy, Cheryl Diedrich, ROW and Permits

Property Owners: U.S. Forest Service (parcel 158324000021) and CDOT (SH 119 ROW)

Agent: Stephanie Phippen, Tetra Tech Inc.

Website: <http://landuse.boco.solutions/boco.lu.docketlistings/app/detail.html?docket=SI-20-0002>

Action Requested: Recommendation to BOCC

Public testimony will be taken

Staff Planner(s): Summer Frederick

Adjournment



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

PUBLIC HEARING BOULDER COUNTY, COLORADO PLANNING COMMISSION

DATE: April 15, 2020

TIME: 2:00 p.m.

PLEASE NOTE: Due to COVID-19 concerns, this hearing will be held virtually.

Notice is hereby given that the following public hearings will be held by the Boulder County Planning Commission at the time specified above. All persons interested in the following items are requested to participate in such hearings and aid the Commission members in their consideration.

Information regarding how to participate in this virtual meeting will be available on the Planning Commission webpage on April 8 (www.boco.org/PC). There will be opportunity to remotely provide public comment on the subject dockets during the respective virtual Public Hearing portions for each item. You can also provide written comments for these dockets by emailing planner@bouldercounty.org and referencing the docket number in the subject. You may call 303-441-3930 or email us at planner@bouldercounty.org for information.

Docket V-18-0005: Van Matre Vacation

Request to vacate the southern half of 3rd Street and the platted rights-of-way of Iowa Avenue, West Virginia Avenue, Indiana Avenue, and the entire east-west platted alley between the platted rights-of-way of 3rd Street and 4th Street of the Capitol Hill Townsite. The application is submitted by Brady and Monica Van Matre. The proposal is in the Agricultural (A) zoning district, at 200 & 214 N. 120th Street, S 1/2 & N 1/2 of Blocks 16, 17, 18, & 19 Capitol Hill Townsite, located approximately 500 feet south of the intersection of Flagg Drive and North 120th Street, in Section 1, Township 1S, Range 69W.

Docket SU-19-0011: Nighthawk Equestrian Center

Special Review and Site Specific Development Plan to allow for an equestrian center use with accessory camping, the expansion and renovation of existing structures, and an accessory dwelling unit. The application is submitted by the Nighthawk Equestrian Center LLC. The proposal is in the Agricultural (A) zoning district at 5555 Nelson Road, located on the north side of Nelson Road approximately 500 feet east of its intersection with 55th Street, in Section 10, Township 1N, Range 70W.

Docket SU-19-0015: Xcel Energy Community Solar Garden

Special Use Review for an approximately 20-acre ground mounted solar energy system on an approximately 34-acre parcel, submitted by Public Service Co of Colorado – Xcel, c/o Jeffrey Stephens. The proposed project is in the Agricultural (A) zoning district, at 1808 N. 63rd Street, located east of N. 63rd Street approximately 0.25 miles north and 1 mile east of the intersection of Arapahoe Avenue/State Highway 7 and N. 63rd Street in Section 25, Township 1N, Range 70W.

Docket LE-20-0001: New Lefthand Fire Protection District Station 1

Location & Extent review for removal of three existing structures and construction a new 14,725 square-foot fire station on a 1.933-acre parcel at 900 Lefthand Canyon Drive. The application is

submitted by Lefthand Fire Protection District. The proposal is in the Agricultural (A) Zoning District, at 868 & 900 Lefthand Canyon Drive, approximately 1,250 feet west of the intersection of Geer Canyon Drive & Lefthand Canyon Drive, Section 13, Township 2N, Range 71W.

Docket SI-20-0002: Bobtail Tungsten Pipeline Alternate Route

Areas and Activities of State Interest (1041) review for the construction of a new 8-inch diameter natural gas pipeline approximately 2 miles long that will serve as an extension to the existing natural gas pipeline delivery system that is owned, operated and maintained by the Public Service Company of Colorado (PSCo), an Xcel Energy company; a control valve station will also be constructed to service the new pipeline connection. The application is submitted by Xcel Energy, Cheryl Diedrich, ROW and Permits, U.S. Forest Service (parcel 158324000021) and CDOT (SH 119 ROW). The proposed pipeline location is in the Forestry (F) zoning district at parcel 158324000021 (control valve station) and in the public right-of-way (pipeline) along portions of State Hwy 119 between the intersection of Magnolia Drive and State Hwy 119 and the Boulder / Gilpin County line, in Sections 19, 24, 25, Township 1S, Ranges 72W and 73W.

Due to COVID-19 response, County offices are closed until April 30. **Detailed information regarding these items are available on-line here www.bouldercounty.org/landusedockets .**

Published: April 8, 2020-- Daily Times-Call

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PUBLIC HEARING
BOULDER COUNTY, COLORADO
PLANNING COMMISSION

DATE: April 15, 2020
TIME: 2:00 p.m.

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Location & Extent review for removal of three existing structures and construction a new 14,725 square-foot fire station on a 1.933-acre parcel at 900 Lefthand Canyon Drive. The application is submitted by Lefthand Fire Protection District. The proposal is in the Agricultural (A) Zoning District, at 868 & 900 Lefthand Canyon Drive, approximately 1,250 feet west of the intersection of Geer Canyon Drive & Lefthand Canyon Drive, Section 13, Township 2N, Range 71W.

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Published: Longmont Times Call April 8, 2020-1698379

Prairie Mountain Media, LLC

PUBLISHER'S AFFIDAVIT

County of Boulder
State of Colorado

The undersigned, Elizabeth Maes, being first duly sworn under oath, states and affirms as follows:

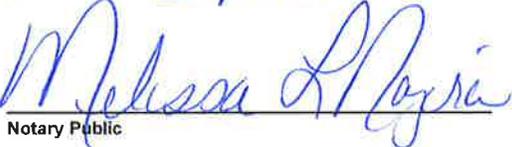
1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Longmont Times Call*.
2. The *Longmont Times Call* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Boulder County and meets 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):

Apr 8, 2020



Signature

Subscribed and sworn to me before me this 8th day of April, 2020.



Notary Public

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

(SEAL)

Account: 1050753
Ad Number: 1698379
Fee: \$85.84



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MEETING OF THE PLANNING COMMISSION BOULDER COUNTY, WEDNESDAY, APRIL 15, 2020 {Approved on May 20, 2020}

The Planning Commission of Boulder County held a regular afternoon session virtually via Microsoft Teams.

Call to Order

The meeting was called to order at 2:06 p.m. by Chair Lieschen Gargano.

Roll Call

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

Members Excused: Gavin McMillan

Approval of Minutes/Miscellaneous Business

Approval of meeting minutes for February 19, 2020.

MOTION: Ann Goldfarb MOVED that the Boulder County Planning Commission APPROVE the meeting minutes from February 19, 2020.

SECOND: Mark Bloomfield

VOTE: Motion PASSED {8:0}

Items

**1. Docket V-18-0005: Van Matre Vacation
Public Hearing**

Jean (Raini) Ott, Planner II, presented the application for Brady and Monica Van Matre, request to vacate the southern half of 3rd Street and the platted rights-of-way of Iowa Avenue, West Virginia Avenue, Indiana Avenue, and the entire east-west platted alley between the platted rights-of-way of 3rd Street and 4th Street of the Capitol Hill Townsite. The subject properties are in the Agricultural zoning district, at 200 & 214 N. 120th Street, S 1/2 & N 1/2 of Blocks 16, 17, 18, & 19 Capitol Hill Townsite, located approximately 500 feet south of the intersection of Flagg Drive and North 120th Street, in Section 1, Township 1S, Range 69W.

PUBLIC HEARING OPENED

SPEAKERS: Brady Van Matre (Applicant) -214 N. 120th Street; Liz Dawson - 82 N. 120th Street; Phil Sanchez - 12240 Flagg Drive.

PUBLIC HEARING CLOSED

MOTION: Sam Libby MOVED that Planning Commission CONDITIONALLY APPROVE and recommend that the Board of County Commissioners CONDITIONALLY APPROVE Docket V-18-0005: Van Matre Vacation with the 4 conditions listed in the staff report.

SECOND: Mark Bloomfield

CONDITIONS OF APPROVAL:

1. Prior to recordation of Resolution and deeds, the existing unpermitted storage container must either receive a building permit, which may also necessitate an additional planning process, or be removed from the subject property.
2. The new legal description for 214 N. 120th Street must reflect the previous vacation of Third Street east of Iowa Avenue approved under docket V-93-0005.
3. 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 shall also be recorded by Community Planning & Permitting staff with the County Clerk and Recorder's Office within this one-year 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 one-year timeframe (unless an extension is granted).
4. The applicants shall be subject to the terms, conditions, and commitments of record and in the file for docket V-18-0005 Van Matre Vacation.

VOTE: Motion PASSED {8:0}

**2. Docket SU-19-0011: Nighthawk Equestrian Center
Public Hearing**

Jean (Raini) Ott, Planner II, presented the application for Nighthawk Equestrian Center LLC, Special Review and Site Specific Development Plan to allow for an equestrian center use with accessory camping, the expansion and renovation of existing structures, and an accessory dwelling unit. The subject property is in the Agricultural zoning district, at 5555 Nelson Road, located on the north side of Nelson Road approximately 500 feet east of its intersection with 55th Street, in Section 10, Township 1N, Range 70W.

PUBLIC HEARING OPENED

SPEAKERS: Gedeon LaFarge (Applicant) - 3185 Nelson Road; Gary Rubin - 5599 Nelson Road.

PUBLIC HEARING CLOSED

MOTION: Sam Libby MOVED that Planning Commission CONDITIONALLY APPROVE and recommend that the Board of County Commissioners CONDITIONALLY APPROVE Docket SU-19-0011: Nighthawk Equestrian Center with the 27 conditions in the staff report as well as the 4 additional conditions from staff's presentation, but also we recommend removing the 8th condition and support the request for a second Accessory Dwelling Unit, which would be an Agricultural Workers Unit, that would require changes to conditions 9 and 11 - 15. Planning Commission is also recommending that the location of that unit be considered as a clustered location with the existing buildings rather than the current proposed location at the northeast of the property.

SECOND: Sam Fitch

CONDITION 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 Community Planning & Permitting Department and prior to the recordation of said agreement.

2. All applicable local, state, and federal permits must be obtained and maintained.
3. A maximum of 12 public competitive events, each up to a maximum of three days in duration, may be held in a given calendar year.
4. No amplified sound or outdoor lighting is proposed or approved for the outdoor arenas.
5. All persons, especially those participants camping on-site during public competitive events, must comply at all times with Boulder County Ordinance No. 92-28: An Ordinance Pertaining to the Regulation of Noise on Public and Private Property.
6. Camping on-site is approved only during public competitive events and only for use by participants of such events. Expansion of the number of existing camping hookups is neither proposed nor approved.
7. Adequate waste disposal accommodations, such as portable toilets, shall be provided during public competitive events and specific accommodations must be provided for participants camping on-site during events.
- ~~8. The proposed 1,200-square-foot New Accessory Dwelling Unit (Structure #29 in Table 2) is not approved.~~
9. ~~Except for Structure #29, New Accessory Dwelling Unit,~~ The existing and proposed structures are approved as they are listed in Table 2 and shown in the application materials, except for the location of Structure #29, New Accessory Dwelling Unit. The total resulting size of approximately ~~46,355~~47,555 square feet, including enlargement of the existing Accessory Dwelling Unit (Structure #2) up to 1,800 square feet, is approved.
10. The Temporary Stalls may only be used during public competitive events.
11. The existing 832-square-foot Agricultural Worker Unit is approved and future expansion or replacement of the existing Unit is approved up to a maximum of 1,800 square feet, not including unenclosed covered porches.
12. ~~For the New Accessory Dwelling Unit (Structure #29),~~ or if the existing Agricultural Worker Unit is relocated to accommodate a larger structure, an updated site plan, including emergency vehicle access requirements, must be submitted to the Community Planning & Permitting Department for review and approval. The Units must be clustered with existing structures near the existing circulation road and, for new construction, a duplex is preferred.
13. The property owner must submit a report and supporting records annually to the Community Planning & Permitting Department indicating that the inhabitants of the Agricultural Worker Units continue to be substantially employed by the Equestrian Center and that the Units continues to be occupied in accordance with this docket. This report shall be required each year on the anniversary of the approval of the docket.
14. The accessory dwellings shall only be used as an Agricultural Worker Units. Any changes to this use shall be considered a substantial modification of this approval and will require that the Unit be decommissioned.
15. If ~~the~~an Agricultural Worker Unit ceases to operate as approved and is decommissioned, it would then be considered new residential floor area and either need to be deconstructed or approved through the applicable Land Use Code process.
16. At building permit application, the applicant must submit an updated access design that complies with the Boulder County Multimodal Transportation Standards, along with nonfoundational grading information.
 - a. Prior to final inspection, the Community Planning & Permitting Department must verify that

the access and driveway comply with the Boulder County Multimodal Transportation Standards.

17. At building permit application, the applicant must submit a Manure Management Plan for review and approval by the Community Planning & Permitting and Parks & Open Space Departments.

18. At building permit application, the applicant must submit a Revegetation Plan for review and approval by the Community Planning & Permitting Department.

19. At building permit application, details regarding the placement and construction of the silt fence must be submitted to and approved by the Community Planning & Permitting Department. The placement and profile of the silt fence must 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.

a. Prior to any grading or site disturbance, the silt barrier location and materials must be installed as required per the approved plans.

20. At building permit application, the applicant must submit to the Community Planning & Permitting Department for review and approval exterior color samples (color chips, brochure, or catalog page) to be used including roof, siding, and trim.

a. Prior to issuance of a Certificate of Occupancy, the Community Planning & Permitting Department must inspect and verify that the approved colors and materials are used on the structures.

21. At building permit application, one copy of a proposed lighting plan must be submitted to the Community Planning & Permitting Department for review and approval. Down lighting is required, and all bulbs must be fully shielded to prevent light emissions above a horizontal plane drawn from the bottom of the fixture. The lighting plan must indicate the location of all new exterior fixtures on the site and structures and must include cut sheets (manufacturer's specifications with picture or diagram) of all proposed fixtures.

a. Prior to issuance of a Certificate of Occupancy, the full installation of the approved lighting plan must be inspected and approved by the Community Planning & Permitting Department.

22. Prior to issuance of any building permits for the Unit, a signed affidavit must be recorded that recognizes the conditions of approval for the Agricultural Worker Unit.

23. Prior to issuance of any building or grading permits, the applicant must obtain a Stormwater Quality Permit from the Community Planning & Permitting Department.

24. Prior to issuance of any building or grading permits, the applicant must obtain an Access Permit.

25. Prior to issuance of any building permits for enlargement or replacement of the existing Agricultural Worker Unit, an on-site wastewater treatment system permit must be obtained from the Public Health Department for any necessary upgrades.

26. Prior to issuance of Certificates of Occupancy for new or replacement structures or Final Inspection of additions, the applicant must obtain building permits for all applicable existing unpermitted structures.

27. The applicants shall be subject to the terms, conditions, and commitments of record and in the file for docket SU-19-0011 Nighthawk Equestrian Center.

28. No tent camping is permitted.

29. Portable toilets for use by participants camping on-site shall be located in a central location, such as adjacent to the proposed Replacement Vehicle Barn (Structure #22 on Figure 1)

30. The Temporary Stalls #3 (Structure #25 in Table 2) and Storage Shed #3 (#20) must be removed from easements.

31. Prior to issuance of building or grading permits, the applicant must sign an Access Improvement and Maintenance Agreement.

VOTE: Motion PASSED {8:0}

3. Docket SU-19-0015: Xcel Energy Community Solar Garden

Public Hearing

Jean (Raini) Ott, Planner II, presented the application for Public Service Co of Colorado - Xcel, c/o Jeffrey Stephens, Special Use Review for an approximately 20-acre ground-mounted solar energy system on an approximately 34-acre parcel. The subject property is in the Agricultural zoning district, at 1808 N. 63rd Street, located east of N. 63rd Street approximately 0.25 miles north and 1 mile east of the intersection of Arapahoe Avenue/State Highway 7 and N. 63rd Street in Section 25, Township 1N, Range 70W.

PUBLIC HEARING OPENED

SPEAKERS: Jon Fitzpatrick (Applicant/Agent)- 1750 15th St., Suite 400; Carlos Real - 2147 75th St; Sydney Yapoujian - 2079 N. 75th Street; Meghann Cranford - 4710 Shoup Place; Artine Yapoujian - 2079 N. 75th Street; Luke Ilderton - 916 Jackson Street; Ryan Austin - 1800 Larimer Street; Carson Byerhof - 2232 Elmira Street; Ana Sanchez - 2147 75th St.

PUBLIC HEARING CLOSED

MOTION: Mark Bloomfield MOVED that that the Boulder County Planning Commission CONDITIONALLY APPROVE and recommend that the Board of County Commissioners CONDITIONALLY APPROVE Docket SU-19-0015: Xcel Energy Solar Community Garden, with the 17 conditions found in the staff packet with modification to condition 11 (noted as 10 in the Staff Recommendation due to numbering error), items c and d, to require that Xcel work with the residents in the noted properties to have a screening plan that best meets their desires as far as screening the view.

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 Community Planning & Permitting Department and prior to the recordation of said agreement.
2. All applicable local, state, and federal permits must be obtained and maintained.
3. No work shall be performed during wet conditions to avoid soil degradation.
4. Construction activities shall not be conducted during the osprey breeding season, between March 15 and September 15, unless it is confirmed by a qualified professional that the nest remains unoccupied or that the nest is vacated early. Evidence of a vacant nest must be submitted for review and approval by Parks & Open Space staff.
5. One additional osprey nest platform shall be constructed along the reservoir shoreline.
6. The proposed fencing around the solar energy system must be eliminated from the plan to allow continued wildlife movement on-site and the existing perimeter fence must be maintained for safety and security.

7. Prior to building permit application, a Design Exception Request Form must be signed by a qualified Colorado-licensed Professional Engineer and approved by the County Engineer for those sections of the existing and proposed access road, including the two existing bridges along the access road, that are less than the required 14-foot minimum access width. If a design exception is not approved, the roads will need to be widened. Note that the road must be widened at a minimum to the width of the existing bridges.

8. At building permit application, the applicant must submit a Prairie Dog Management Plan for review and approval by Parks & Open Space and Community Planning & Permitting staff. The plan must include passive, humane, and temporary methods for the relocation of the existing colony.

9. At building permit application, the applicant must submit an updated Grading Plan that minimizes the amount of earthwork to only what is necessary for the installation of the solar energy system and supporting infrastructure.

10. At building permit application, the applicant must submit a Stormwater Quality Permit application.

11. At building permit application, the applicant must submit a Landscape and Screening Plan for review and approval by Parks & Open Space and Community Planning & Permitting staff. The Landscape and Screening Plan must include the following minimum requirements:

a. The maximum preservation of existing mature trees is required, with the exception of any existing Russian-olives. If any existing trees, including Russian-olives, are removed from the target screening area (c), they must be replaced in accordance with requirements d and e below. The plan must include the locations of all existing vegetation to be preserved or replaced.

b. No less than 12 additional trees shall be planted.

c. The additional trees shall be planted west of the properties identified as 2001, 2079, and 2147 North 75th Street (Parcel Nos. 146325000036, 146325000008, and 146325000035) and between said properties and the project site. Placement shall be coordinated with the residents of said adjacent properties (d) and (e). The tree locations must be noted on the plan.

d. The applicant must work with the residents on the noted properties to finalize a screening plan that best meets the neighbors' desires and (f). Trees shall be placed and spaced in a manner that maximizes screening with the goal of "breaking up" the view rather than completely obscuring it.

e. At the time of planting, deciduous trees shall have at least a two-and-a-half inch caliper, and coniferous trees shall be at least six feet in height.

f. Trees should be carefully selected from native species, and the proposed species must be listed on the plan.

g. Any trees installed per the Landscape and Screening Plan requirements must be maintained for the duration of the solar energy system's life.

12. At building permit application, the applicant must submit a Revegetation and Weed Control Plan for review and approval by Parks & Open Space and Community Planning & Permitting staff. Russian-olives must be identified on the plan and removed from the site and their stumps must be immediately treated with a systemic herbicide to prevent re-sprouting.

13. At building permit application, the applicant must submit a revised access design that complies with the Boulder County Multimodal Transportation Standards. Due to the flat topography and the nature of the proposal, the access road may be designed to comply with the standards for a 1-lane residential access in the plains, including without limitation: Table

5.5.1 - Parcel Access Design Standards, Standard Drawings 11 - Private Access, Standard Drawing 16 - Access Grade & Clearance, Standard Drawing 18 - Access Turnaround, and Standard Drawing 19 - Typical Turnaround & Pullout Locations. The plan must show how the proposed access extension connects to the existing access road to the south of the solar array.

a. Prior to final inspection, the Community Planning & Permitting Department must verify that the access and driveway has been constructed to comply with the Boulder County Multimodal Transportation Standards.

14. At building permit application, the applicant must submit a certification from a Colorado licensed Structural Engineer for the two existing bridges along the access road. The certification must confirm the bridges can withstand the construction traffic and materials to be imported for the construction of the solar array.

15. At building permit application, the applicant must submit details regarding the placement of construction fencing around the project area. The fence must be placed as tightly around the construction area as possible to prevent equipment and workers from disturbing additional land area or encroaching on the wetland.

a. Prior to any grading or site disturbance, the construction fence must be installed as required per the approved plans.

16. At building permit application, details regarding the placement and construction of the silt fence must be submitted to and approved by the Community Planning & Permitting Department. The placement and profile of the silt fence must 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.

a. Prior to any grading or site disturbance, the silt barrier location and materials must be installed as required per the approved plans.

17. At building permit application, submit to the Community Planning & Permitting Department for review and approval a plan depicting the routing of all utility services. The utility routing plan shall be included as part of the building plan set required at the time of permit application.

a. At the time of inspections, full installation of the utilities per the approved plan must be inspected and confirmed by the Community Planning & Permitting Department.

18. The applicants shall be subject to the terms, conditions, and commitments of record and in the file for docket SU-19-0015 Xcel Energy Solar Community Garden.

VOTE: Motion PASSED {8:0}

**4. Docket LE-20-0001: New Lefthand Fire Protection District Station 1
Public Hearing**

*****At approximately 5:22 p.m., the Planning Commission took a brief break. They resumed at approximately 5:32 p.m.*****

Sean Gambrel, Planner II, presented the application for the Lefthand Fire Protection District, a Location & Extent review for removal of three existing structures and construction a new 14,725-square-foot fire station on a 1.933-acre parcel at 900 Lefthand Canyon Drive. The subject properties are located in the Agricultural (A) zoning district, at 868 & 900 Lefthand Canyon Drive, approximately 1,250 feet east of the intersection of Geer Canyon Drive & Lefthand Canyon Drive, Section 13, Township 2N, Range 71W.

PUBLIC HEARING OPENED

SPEAKERS: Russell Leadingham (Applicant) - 900 Lefthand Canyon Drive and Michael Gordon (Agent) - 1300 Jackson Street - Suite 200; Richard Windhausen - 845 Lefthand

Canyon Drive.

PUBLIC HEARING CLOSED

MOTION: Dan Hilton MOVED that the Boulder County Planning Commission CONDITIONALLY APPROVE and recommend to the Board of County Commissioners CONDITIONAL APPROVAL of Docket LE-20-0001: Lefthand Fire Protection District Station 1 subject to the conditions presented in the staff packet.

SECOND: Sam Fitch

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 Community Planning & Permitting 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. Prior to submittal of the building permit, details for the detention area must be submitted to the Engineering Development Review team for review and approval.
6. At the time of building permit application, an access permit will be required. An Access Permit will be issued for each access at the time of building permit review. No special application procedure is necessary; the Access Permits will be issued concurrently with the Building Permit.
7. Accesses to parking areas must be between 20 and 30 feet in width to comply with the Boulder County Multimodal Transportation Standards (“the Standards”) for commercial access. Access widths must be shown on plans submitted for permitting.
8. At the time of building permit application, the applicant shall provide easements for all construction activities occurring off the subject property. If off-site improvements are required, those must be included on the plans and an easement must be obtained from the impacted property owner. All work in the Lefthand Canyon Drive ROW requires permission from the Boulder County Public Works Department.
9. During construction, all materials, machinery, dumpsters, and other items shall be staged on the subject property or to one side of Lefthand Canyon Drive so as to not impede the travel way, including bicycle traffic.
10. During construction (i.e. during the day while work is being performed), all vehicles shall be parked on site or to one side of Lefthand Canyon Drive so as to not impede the travel way.
11. If the area of disturbance exceeds one acre in size, a SWQP is required. The SWQP application shall be submitted with any building or grading permit applications and obtained prior to any work beginning on this project.
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 Community Planning & Permitting 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 Community Planning & Permitting 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 Community Planning & Permitting 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 in the disturbed soil.

14. The applicant shall work with Boulder County Parks & Open Space Staff to develop a visual screening plan to mitigate visual impacts to the adjacent Altona Schoolhouse, which may include locating visual screening elements on the Schoolhouse parcel. This plan shall be agreed upon by both parties. Installation of all elements of the visual screening plan shall be the responsibility of the District. Additionally, continuing maintenance of all elements of the visual screening plan may be the responsibility of the District if Parks & Open Space staff deems necessary. Installation of all elements of the screening plan shall be complete prior to the new fire station obtaining a Certificate of Occupancy.

15. The applicant shall be subject to the terms, conditions, and commitments of record and in the file for Docket LE-20-0001: Lefthand Fire Protection District Station 1.

VOTE: Motion PASSED {8:0}

**5. Docket SI-20-0002: Bobtail Tungsten Pipeline Alternate Route
Public Hearing**

Summer Frederick, Planning Division Manager, presented the application for Xcel Energy an Areas and Activities of State Interest (1041) review for the construction of a new 8-inch diameter natural gas pipeline approximately 2 miles long that will serve as an extension to the existing natural gas pipeline delivery system that is owned, operated and maintained by the Public Service Company of Colorado (PSCO), an Xcel Energy company; a control valve station will also be constructed to service the new pipeline connection. The project area is in the Forestry zoning district, at parcel 158324000021 (control valve station) and in the public right-of-way (pipeline) along portions of State Hwy 119 between the intersection of Magnolia Drive and State Hwy 119 and the Boulder / Gilpin County line, in Sections 19, 24, 25, Township 1S, Ranges 72W and 73W.

PUBLIC HEARING OPENED

SPEAKERS: Craig Eicher, Excel Energy (Applicant) - 1123 W. 3rd Avenue; and Stephanie Phippen, Tetra Tech (Agent) - 350 Indiana Street, Suite 500.

PUBLIC HEARING CLOSED

MOTION: Lieschen Gargano **MOVED** that the Boulder County Planning Commission **CONDITIONALLY APPROVE** and recommend that the Board of County Commissioners **CONDITIONALLY APPROVE** Docket SI-20-0002: Bobtail Tungsten Pipeline Alternate Route with the conditions as listed in the staff presentation but with Condition 15 edited to reflect the applicant's changes.

SECOND: Mark Bloomfield

CONDITIONS OF APPROVAL:

1. Boulder County recognizes that the USFS has final authority related to any structures constructed on property owned by the USFS.
2. Boulder County requires the Tungsten Control Valve Station must be located at the alternate site proposed, on USFS land at the northwest corner of the junction of SH 119 and CR 132.
 - a. Color samples and fencing treatments must be provided to the Community Planning & Permitting Department for approval prior to permitting
 - b. Instead of a standard chain link fence, a chain link with opaque "backing" along the chain link rows to better screen the facility.
3. If the USFS does not allow the Tungsten Control Valve Station to be built in this location, the Applicants shall provide documentation from the USFS expressing this determination and a site plan showing the location approved by USFS.
4. Prior to any construction activities, the applicant shall obtain all necessary federal, state, and local permits and comply with the conditions of these permits throughout the life of the project, as applicable. All phases of construction shall be done in compliance with applicable federal, state, and local statutes and regulations, including these conditions of approval. All applicable required permits shall be obtained prior to construction (as related to each stage of construction) including, without limitation: a County Building Permit; a County Utility Construction Permit; a state Stormwater Quality Permit (SWQP); an Oversize/Overweight Permit; and a Grading Permit. A State Construction Dewatering Permit may also be required.
5. A Building Permit, plan review and inspections approvals are required for all structures and electrical equipment that are part of the proposal, including the meter building, valve building, and control valve buildings as well as any other enclosed structure.
 - a. The Control Valve Station site must be appropriately mitigated for wildfire and the proposed structures must be constructed with ignition-resistant materials. Coordination with a County Wildfire Specialist is required prior to building permit issuance.
 - b. Design Wind and Snow loads should be verified prior to the design of all structures based on actual location along the proposed pipeline.
6. A Grading Permit, plan review and inspections approvals are required proposed work. Engineering observation reports from the design engineer or another qualified engineer stating that the grading work has been accomplished in substantial conformance with the approved grading plans will be required to be submitted to Building Safety & Inspection Services for review and approval prior final approval of the work covered by the grading permit.
7. A Utility Construction Permit (UCP) is required for work in the Boulder County ROW and must be obtained from the Boulder County Engineering Development Review Department prior to construction commencement.
8. If any staging areas are to be located in County ROW, a staging plan shall be provided as part of the final design proposal.
9. Construction notes on the final plan shall reflect that work in Boulder County ROW must conform to the Boulder County Multimodal Transportation Standards.
10. Boulder County and CDOT ROW must be clearly delineated on final plans. Plans must identify and show all existing utilities in the Boulder County ROW.
11. Upon completion of the project, as-built plans must be submitted for all construction within

County ROW to the Engineering Development Review team.

12. Construction drawings at 60% and 90% completion must be submitted to the Engineering Development Review team prior to the submittal of required permit applications.

13. Prior to transporting equipment to the sites, all machinery must be power washed to remove mud and possible noxious weed seeds, including any that could have been acquired in Gilpin County.

14. A "spill kit" for emergency pollutant isolation must be onsite at all times during construction activity.

~~15. If trees are to be removed, this should be completed between September 1 and February 15, to comply with the federal Migratory Bird Treaty Act.~~

15. If trees are to be removed, this should be completed between September 1 and February 15, if practicable. Otherwise, to comply with the federal Migratory Bird Treaty Act, a nesting bird survey shall be completed within two weeks of planned tree removal to confirm no active nests are present.

16. As called for in the Boulder County Storm Drainage Criteria Manual, biodegradable hydraulic fluids must be used in all equipment and machinery operating in surface waters.

a. All other applicable requirements in the SDCM must be observed

17. Groundwater mitigation measures for the project must be reviewed by a qualified third party, approved by the County, who shall recommend changes or improvements to the plans to ensure that groundwater is not impacted by the project.

18. The Colorado Division of Water Resources requires the applicant to submit a monitoring hole notice or obtain a monitoring well permit for any bore holes or pits that will expose groundwater.

19. If necessary, a Notice of Intent to Construct Dewatering Wells must be filed with the Colorado Department of Water Resources. If such a Notice is not required by the Colorado Department of Water Resources, the Applicant shall provide written documentation stating as such.

20. The source of water to be used for construction and related haul routes must be identified prior to issuance of the UCP.

21. Restoration and revegetation of the project area is required. All areas disturbed by construction must be restored to an equivalent or better condition than existed before project construction commenced.

22. PSCo must comply with applicable CDPHE and Public Utility Commission (PUC) requirements related to fugitive dust and air pollution emissions.

23. Any reports submitted to meet federal and state requirements shall also be submitted to Boulder County Land Use staff.

24. The applicant shall provide Boulder County Land Use staff with information related to any leak, and any work occurring to fix said leak in a timely manner.

25. The Applicant shall be subject to the terms, conditions, and commitments of record in the file for Docket SI-20-0002: Bobtail Tungsten Pipeline Alternate Route.

VOTE: Motion PASSED {8:0}

Adjournment

The meeting was closed at 6:49 p.m.