



Land Use

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930 • Fax: 303.441.4856
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

BOULDER COUNTY PLANNING COMMISSION AGENDA

February 15, 2017
1:30 P.M.

**Commissioners Hearing Room, Third Floor,
Boulder County Courthouse, 1325 Pearl Street**

PUBLIC HEARING

AFTERNOON SESSION – 1:30 P.M.*

1. APPROVAL OF MINUTES/MISCELLANEOUS BUSINESS

Approval of the *January 18, 2017* Planning Commission Minutes.

2. STAFF UPDATE(S) ON PROJECTS AND/OR DEVELOPMENT REVIEW ITEMS (IF NECESSARY)

Informational Item - Public Testimony Will Not Be Taken

3. Docket V-16-0011: BEGLEY VACATION

Request: Vacation request for approximately a 72' by 15' portion of Primos Rd.

Location: At 1111 Primos Road, Lot 36 Silver Springs, approximately 1,035 feet west of the intersection of Nightshade Dr. and Primos Rd., in Section 28, T1N, R72W.

Zoning: Forestry (F) Zoning District

Applicant: Keegan Begley

Action Requested: *Recommendation to BOCC following staff and applicant presentations and public hearing.*

Public testimony will be taken.

(Staff Planner: Michelle McNamara)

Docket Webpage: www.bouldercounty.org/property/build/pages/docketdetails.aspx?docid=1452

4. Docket V-16-0007: OLSGARD VACATION

Request: Request to vacate the alley between Parcel #14614003001 (Lots 1-6, BLK 6, Canfield Wise End) and Parcel #146514003002 (Lots 19-21, BLK 6, Canfield Wise End.), and the alley to the south between Parcel #146514003004 (LOTS 16-17-18 BLK 6 CANFIELD WISE 1 & ELY 40 FT VAC WISE AVE PER VO 7/93 END.) and Parcel #146514003002 (Lots 19-21, BLK 6, Canfield Wise End.)

Location: At 11874 Juniper Street, 11880 Juniper Street, and 11869 Jade Street, West of and adjacent to N. 119th Street and 0.07 of a mile south of Jasper Road, in Section 14, T1N, R69W.

Zoning: Rural Residential (RR) Zoning District

Applicants: Robert & Rita Olsgard & Angela Olsgard Tiernan & Michael James Lennon

Action Requested: Recommendation to BOCC following staff and applicant presentations and public hearing.

Public testimony will be taken.

(Staff Planner: Matthew Thompson)

Docket Webpage: www.bouldercounty.org/property/build/pages/docketdetails.aspx?docid=1374

5. Docket BVCP-15-0001: Boulder Valley Comprehensive Plan

Land Use staff will provide updates and background on one item, and will request decision on reconsideration of two land use designation change requests as part of the Boulder Valley Comprehensive Plan Five Year Major Update:

- **Key policy choices related to land use and jobs-housing balance.** Staff will provide background and updates on recent analysis on scenarios, results from a second survey, directions toward land use changes, and city decision-makers' input on housing and land use policy alternatives. *Action requested: None. Study session only.*

No public testimony will be taken.

- **3261 3rd Street land use map change, decision to reconsider.** The City's request for the County to reconsider this request will be heard by the Board of County Commissioners at their January 31, 2017 meeting. Pending a decision to proceed with reconsideration of this item, Planning Commission will reconsider its previous land use designation change decision for this property due to a change in circumstances related to the location of the Blue Line (Land Use Change Request #25). *Action requested: Decision.*

Only written public testimony will be taken for this hearing. Written testimony must be submitted by mail, in person or via the online public comment form by 8:00 a.m. on Tuesday, February 14, 2017. Online public comments can be submitted here:

<http://www.bouldercounty.org/property/build/pages/lubvcp150001.aspx>.

- **Boulder Valley Comprehensive Plan Public Land Use Change Requests – Reconsideration of the Twin Lakes Decision**

Planning Commission will reconsider its September 21, 2016 decision to change the land use map designation for the parcels at 6655 Twin Lakes Road, 6500 Twin Lakes Road, and 0 Kahlua Road (Requests # 35 and #36). A rehearing of this item took place at the Jan. 18, 2017 Planning Commission meeting, and the deliberation and decision will take place at the Feb. 15 meeting. *Action requested: Decision.*

No public testimony will be taken.

(Staff Planners: Nicole Wobus, Pete Fogg Amy Oeth, Steven Giang, Boulder County Land Use; Jay Sugnet, Lesli Ellis, City of Boulder Planning, Housing and Sustainability)

Docket Webpage: www.bouldercounty.org/property/build/pages/lubvcp150001.aspx

**Due to the situational nature of these agenda items it is difficult for staff to provide accurate time estimates for each item. Please also note that items may be withdrawn or removed from the agenda for various reasons which would impact the timing of subsequent items. Staff may be able to provide a better estimate closer to the hearing. Please contact Planner@bouldercounty.org with any questions.*

ADJOURNED

PLANNING COMMISSION ANNUAL DINNER AT 7:00 P.M.

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 page approximately one week prior to the hearing.



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PUBLIC HEARING BOULDER COUNTY, COLORADO PLANNING COMMISSION

DATE: February 15, 2017
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 hearing and aid the Commission members in their consideration.

AFTERNOON SESSION – 1:30 P.M.

Docket V-16-0011: BEGLEY VACATION

Vacation request for approximately a 72' by 15' portion of Primos Rd, by Keegan Begley, in accordance with the Boulder County Land Use Code. The proposed project is located in the Forestry (F) Zoning District, at 1111 Primos Road, Lot 36 Silver Springs, approximately 1,035 feet west of the intersection of Nightshade Dr. and Primos Rd., in Section 28, T1N, R72W. *Action Requested: Recommendation to BOCC following staff and applicant presentations and public hearing.* Public testimony will be taken.

Docket V-16-0007: OLSGARD VACATION

Request to vacate the alley between Parcel #14614003001 (Lots 1-6, BLK 6, Canfield Wise End) and Parcel #146514003002 (Lots 19-21, BLK 6, Canfield Wise End.), and the alley to the south between Parcel #146514003004 (LOTS 16-17-18 BLK 6 CANFIELD WISE 1 & ELY 40 FT VAC WISE AVE PER VO 7/93 END.) and Parcel #146514003002 (Lots 19-21, BLK 6, Canfield Wise End.), by Robert & Rita Olsgard and Angela Olsgard Tiernan & Michael James Lennon, in accordance with the Boulder County Land Use Code. The proposed project is located in the Rural Residential (RR) Zoning District, at 11874 Juniper Street, 11880 Juniper Street, and 11869 Jade Street, West of and adjacent to N. 119th Street and 0.07 of a mile south of Jasper Road, in Section 14, T1N, R69W. *Action Requested: Recommendation to BOCC following staff and applicant presentations and public hearing.* Public testimony will be taken.

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- **Boulder Valley Comprehensive Plan Public Land Use Change Requests – Reconsideration of the Twin Lakes Decision**
Planning Commission will reconsider its September 21, 2016 decision to change the land use map designation for the parcels at 6655 Twin Lakes Road, 6500 Twin Lakes Road, and 0 Kahlua Road (Requests # 35 and #36). A rehearing of this item took place at the Jan. 18, 2017 Planning Commission meeting, and the deliberation and decision will take place at the Feb. 15 meeting. *Action requested: Decision.* No public testimony will be taken.

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Persons needing special services provided under the Americans with Disabilities Act, please contact Julia Yager, ADA Coordinator, for the Boulder County Human Resources Office at (303-441-3525) at least 48 hours before the scheduled hearing.

Published: February 1, 2017-- Daily Times-Call

AFFIDAVIT OF PUBLICATION

TIMES-CALL

State of Colorado
County of Boulder

I, the undersigned agent, do solemnly swear that the LONGMONT TIMES-CALL is a daily newspaper printed, in whole or in part, and published in the City of Longmont, County of Boulder, State of Colorado, and which has general circulation therein and in parts of Boulder and Weld counties; that said newspaper has been continuously and uninterruptedly published for a period of more than six months next prior to the first publication of the annexed legal notice of advertisement, that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any, amendments thereof, and that said newspaper is a daily newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado; that a copy of each number of said newspaper, in which said notice of advertisement was published, was transmitted by mail or carrier to each of the subscribers of said newspaper, according to the accustomed mode of business in this office.

The annexed legal notice or advertisement was published in the regular and entire edition of said daily newspaper once; and that one publication of said notice was in the issue of said newspaper dated **February 1, 2017**.

TERRY LOVE

Agent

Subscribed and sworn to before me this 15th day of
February, 2017 in the County of Boulder, State of Colorado.

Melissa L Najera
Notary Public

ACCOUNT # 1050753
AD # 1261528
FEE \$103.24



PUBLIC HEARING BOULDER COUNTY, COLORADO PLANNING COMMISSION

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- **3261 3rd Street land use map change, decision to reconsider.** The City's request for the County to reconsider this request will be heard by the Board of County Commissioners at their January 31, 2017 meeting. Pending a decision to proceed with reconsideration of this item, Planning Commission will reconsider its previous land use designation change decision for this property due to a change in circumstances related to the location of the Blue Line (Land Use Change Request #25). Action Requested: Decision. **Only written public testimony will be taken for this hearing. Written testimony must be submitted by mail, in person or via the online public comment form by 8:00 a.m. on Tuesday, February 14, 2017. Online public comments can be submitted here: <http://www.bouldercounty.org/property/build/pages/lubvcp150001.aspx>.**
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BOULDER COUNTY PLANNING COMMISSION

MINUTES

February 15, 2017

AFTERNOON SESSION – 1:30 PM

**Hearing Room, Third Floor,
County Courthouse, Boulder**

{Approved March 15, 2017}

PUBLIC HEARING

AFTERNOON SESSION – 1:30 PM

On Wednesday, February 15, 2017, the Boulder County Planning Commission held a regular afternoon session, convening at approximately 1:31 p.m. and adjourning at approximately 6:33 p.m.

Commissioners Present: Ann Goldfarb, Natalie Feinberg Lopez, W.C. Pat Shanks, Ben Blaugrund, Leah Martinsson, Doug Young, Michael Baker, Lieschen Gargano, Dan Hilton

Commissioners Excused: None

Boulder County Staff Present: Kim Sanchez, Summer Frederick, Michelle McNamara, Matt Thompson, Kathy Parker and Ben Doyle (County Attorneys), Anna Milner, Steven Giang, Nicole Wobus, Pete Fogg, Amy Oeth, Rick Hackett, Ron West and Janis Whisman (Parks and Open Space), George Gerstle (Transportation)

Others: 90-100

MINUTES

MOTION: Doug Young MOVED that the Boulder County Planning Commission APPROVE the Minutes from January 18, 2017 as written.

SECOND: Leah Martinsson

VOTE: Motion PASSED {8 to 0} Abstained: Dan Hilton

STAFF UPDATE(S) ON PROJECTS AND/OR DEVELOPMENT REVIEW ITEMS

Kim Sanchez, Chief Planner, provided two brief updates:

- 1) Acknowledgement of Pat's last Planning Commission hearing and gratitude for Pat's service over the many years (since 2008).

- 32 2) Status of lawsuit from the Attorney General and summary of Boulder County's official
34 response to the suit.

Docket V-16-0011: BEGLEY VACATION

36 Michelle McNamara, Planner II, presented the application for Keegan Begley, vacation request for
38 approximately a 72 foot by 15 foot portion of Primos Rd. The proposed project is located in the
Forestry (F) Zoning District, at 1111 Primos Road, Lot 36 Silver Springs, approximately 1,035 feet
west of the intersection of Nightshade Drive and Primos Road, in Section 28, T1N, R72W.

40
42 Staff recommended **CONDITIONAL APPROVAL** as outlined in the staff recommendation, dated
February 15, 2017.

44 **PUBLIC HEARING OPENED**

46 **SPEAKERS:** Joe and Kathleen Mantione – 1051 Primos Road (Pooled time)

48 **PUBLIC HEARING CLOSED**

50 **MOTION:** Doug Young **MOVED** that the Boulder County Planning Commission
52 **CONDITIONALLY APPROVE** and recommend to the Board of County
Commissioners **CONDITIONAL APPROVAL** of **Docket V-16-0011:**
54 **BEGLEY VACATION** subject to the one condition as stated in the staff
recommendation.

56 **MOTION TO AMEND:** Ben Blaugrund **MOVED** to amend the above motion
58 with language strongly encouraging the applicant to pursue a Variance

60 **SECOND:** Pat Shanks

62 **VOTE:** Motion **FAILED** {2 to 7}

64 **MOTION:** Doug Young **MOVED** that the Boulder County Planning Commission
CONDITIONALLY APPROVE and recommend to the Board of County
Commissioners **CONDITIONAL APPROVAL** of **Docket V-16-0011:**
66 **BEGLEY VACATION** subject to the one condition as stated in the staff
recommendation.

68 **SECOND:** Ben Blaugrund

70 **CONDITION OF APPROVAL**

72 1. The applicants shall meet all the post approval requirements within one year after the date
74 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
76 County Clerk and Recorder's Office within this one year time-frame. This vacation
approval shall not be considered final or effective until this recordation. Finally, this
78 vacation approval shall expire if recordation does not occur within the required one year
timeframe (unless an extension is granted).

80 **VOTE:** Motion **PASSED Unanimously** {9 to 0}

Docket V-16-0007: OLSGARD VACATION

82 Matthew Thompson, Planner II, presented the application for Robert & Rita Olsgard & Angela
84 Olsgard, request to vacate the alley between Parcel #14614003001 (Lots 1-6, BLK 6, Canfield Wise
86 End) and Parcel #146514003002 (Lots 19-21, BLK 6, Canfield Wise End.), and the alley to the south
88 between Parcel #146514003004 (LOTS 16-17-18 BLK 6 CANFIELD WISE 1 & ELY 40 FT VAC
90 WISE AVE PER VO 7/93 END.) and Parcel #146514003002 (Lots 19-21, BLK 6, Canfield Wise
End.). The proposed project is located in the Rural Residential (RR) Zoning District, at 11874 Juniper
Street, 11880 Juniper Street, and 11869 Jade Street, West of and adjacent to N. 119th Street and 0.07
of a mile south of Jasper Road, in Section 14, T1N, R69W.

92 Staff recommended **CONDITIONAL APPROVAL** as outlined in the staff recommendation, dated
94 February 15, 2017.

PUBLIC HEARING OPENED

SPEAKERS: None

PUBLIC HEARING CLOSED

100 **MOTION:** Pat Shanks **MOVED** that the Boulder County Planning Commission
102 **CONDITIONALLY APPROVE** and recommend to the Board of County
104 **Commissioners CONDITIONAL APPROVAL of Docket V-16-0007:**
OLSGARD VACATION subject to the three (3) conditions listed in the
staff recommendation.

106 **SECOND:** Leah Martinsson

CONDITIONS OF APPROVAL

- 110 1. The applicants shall remove the tiny house from the subject property prior to the
112 recordation of the Board of County Commissioners' resolution approving this vacation.
- 114 2. The applicants shall meet all the post approval requirements within one year after the date
116 of the Board of County Commissioners' resolution approving this vacation. Upon
118 completion of all requirements, Staff shall record in the real property records of the
120 Boulder County Clerk and Recorder the resolution and new deeds that reflect the new
122 parcel boundaries for 11880 Juniper Street and 11874 Juniper Street. This vacation
124 approval shall not be considered final or effective staff completes recording. Finally, this
126 vacation approval shall expire if recording does not occur within the required one-year
timeframe.
 - a. As an alternative to deeds that reflect the new boundaries for the two properties, as
noted above, the applicants may submit to staff a single deed for the combined
parcels and vacated rights-of-way together with a request to the County to merge the
parcels. If the applicants choose to merge the parcels, they should contact the Land
Use Department for additional requirements.
- 128 3. Public Service Company of Colorado (PSCo) owns and operates an existing overhead
130 electric distribution facility in the north-south alley right-of-way between 11880 Juniper
132 Street and 11874 Juniper Street. Prior to recordation of the Board of County
Commissioners' resolution approving this vacation the applicant must submit a
replacement easement for the existing facilities that include a certified survey of the

134 vacation area with an exhibit that contains the legal description with metes and bounds
135 measurements.

136 **VOTE: Motion PASSED Unanimously {9 to 0}**

138 *Planning Commission took a short break between agenda items 4 and 5 (from approximately 2:18*
139 *p.m. to 2:26 p.m.).*

140

Docket BVCP-15-0001: Boulder Valley Comprehensive Plan Major Update (BVCP)

142 **Key policy choices related to land use and jobs-housing balance**

143 Lesli Ellis, City of Boulder Comprehensive Planning Manager, provided a detailed overview of
144 findings from the 2016 BVCP Survey, the second community survey with statistically significant
145 sampling to be completed as part of the BVCP Update. Lesli also reviewed the four land use and
146 policy scenarios under consideration to guide changes to the comprehensive plan, potential extension
147 of the height ordinance moratorium, neighborhood center area plans, other action plan items, and key
148 dates as the BVCP update process moves forward. Planning Commission questions and discussion
149 pertained to the timeline of the height moratorium, use of community benefits to approve height
150 variances, the survey participant scope and response rate, affordable housing in industrial areas,
151 subcommunity planning, and questions regarding the infill studies.

152

153 Ms. Ellis then provided a summary of on key policy updates. This includes new policies relating to
154 community benefit, jobs:housing balance, housing , revised subcommunity/area planning, and urban
155 design and character. Lesli also presented eight land use policy questions to planning commission and
156 shared a summary of the feedback staff has received to date from City Council, Planning Board and
157 Board of County Commissioners.

158

159 Planning Commission asked questions and provided feedback related to the non-residential
160 management system in place in the 1990s, how the cash in lieu program relates to the 2008 recession,
161 monetary limits and incentives of the cash in lieu program, the requirement for deed restrictions for
162 properties in relation to rent control laws at the state level, middle market housing prices in relation to
163 the middle income housing strategy, and examples of cash in lieu being a success in places outside of
164 Boulder County.

166 **3261 3rd Street land use map change - reconsideration**

167 Caitlin Zacharias, City of Boulder Planner, provided an overview of the need for Planning
168 Commission to reconsider the Sept. 21 decision related to this property and presented the amended
169 staff recommendation related to reconsideration of the land use and area map change request for 3261
170 3rd street. Reconsideration was requested by the City of Boulder as a result of a change in the location
171 of the blue line following the Nov. 2016 election. This change in circumstances resulted in a change
172 in the staff recommendation from that which was put forward to county decision makers in Sept.
173 2016. Planning Commission asked questions related to the new blue line and its relation to this
174 property. Staff explained that a broader study is underway to address other properties affected by the
175 blue line change, and that the rationale for the amended staff recommendation follows the same
176 rationale as the previous staff recommendation for a more logical service area boundary and
177 maintaining the character of surrounding area.

178

179 **MOTION: Leah Martinsson MOVED that the Planning Commission APPROVE**
180 **staff's amended recommendation for the Area II-III Boundary and land**
181 **use designation previously approved for 3261 3rd street as described in**
182 **the February 15, 2017 staff report to Planning Commission.**

184 **SECOND: Dan Hilton**

186 **VOTE: Motion PASSED {9 to 0}**

188 **6655 Twin Lakes Road, 6500 Twin Lakes Road, and 0 Kalua Road - reconsideration**

190 This agenda item was a continuation of a Jan. 18 Public Hearing for the reconsideration of Planning
192 Commission's Sept. 2016 decision regarding land use change requests for parcels along Twin Lakes
194 Rd. in Gunbarrel. Nicole Wobus introduced the agenda item and provided clarification to follow up
196 on a question regarding jobs and housing projections for Gunbarrel that Planning Commission asked
198 at the Jan. 18 Public Hearing.

200 Staff, requesters and experts were available to answer questions from Planning Commission. Planning
202 Commission asked questions regarding the following topics: clarification of potential motion
204 language in the staff report; open space acquisition in relation to the Gunbarrel Improvement District;
206 dedication and annexation of the subject parcels; the type of development that could take place on the
208 BVSD parcel; BVSD's employee survey results; potential for utilizing athletic fields and other space
210 adjacent to schools for housing; how the Twin Lakes Rd. parcels could gain contiguity for
212 annexation; availability of city services; county regulations and zoning of the properties; past
214 discussions of potential annexation of the 6655 Twin Lakes Rd. parcel previously owned by the
216 Archdiocese of Denver; history of water main breaks in the area; the proposed wildlife corridor; the
218 potential for development to affect great horned owls that live in the vicinity; the community benefit
220 of using the parcels to address the shortage of affordable housing; the mix of housing types under
222 consideration for the parcels; the amount of land proposed to be set aside for buffers and corridors;
224 and the relationship between development intensity and project finances and feasibility.

226 Planning Commission deliberated and discussed topics such as: the scope and level of detail for
228 consideration as part of the land use designation change decision; whether development on the parcels
230 would be considered infill; advantages and disadvantages of the proposed Medium Density
232 Residential land use designation in comparison to the current land use designations; the appropriate
234 dimensions of land proposed to be set aside for buffers, and for use as a wildlife corridor and trail;
236 wildlife and hydrology considerations related to the parcels; walkability and proximity to services;
238 considerations related to urban design and compatibility with the broader Gunbarrel area; potential for
240 land banking the property until the affordable housing crisis intensifies; the lost opportunity to
242 preserve the ecology of these parcels through the wildlife corridor if these parcels are land banked
244 and developed at greater density in the future; teacher salaries in the Boulder Valley School District
246 and school district employees' need for affordable housing; the BVCP's guidance related to compact
248 development and affordable housing.

250 **MOTION: Leah Martinsson MOVED to approve the BVCP Land Use Map Change**
252 **to Medium Density Residential and Environmental Preservation for**
254 **6500 Twin Lakes Road, 6655 Twin Lakes Road, and 0 Kalua Road, as**
256 **shown and described in the Jan. 18, 2017 staff report, subject to two**
258 **recommendations: 1) that the total maximum units to be calculated be**
260 **based on the acreage designated Medium Density and 2) that any future**
262 **annexation requests and site review processes adhere to the guiding**
264 **principles established by the Twin Lakes Stakeholder Group.**

266 **SECOND: Lieschen Gargano**

268 **VOTE: Motion FAILED {4 to 5}**

270

236 **MOTION:** **Ben Blaugrund MOVED there be no land use map changes to 6655 Twin
Lakes Road, 6500 Twin Lakes Road, and 0 Kalua Road.**

238 **SECOND:** **Natalie Feinberg Lopez**

240 **VOTE:** **Motion PASSED {5 to 4}**

242 Commissioner Ben Blaugrund created the initial motion, then Commissioner Leah Martinsson created
244 a second motion for consideration. Planning Commission voted on Commissioner Leah Martinsson's
motion first and Commissioner Ben Blaugrund's motion afterward.

ADJOURNED

246

<i>Detailed information regarding these items, including maps and legal descriptions, is available for public examination at the Boulder County Land Use Department, 2045 13th St., Boulder, Colorado 303-441- 3930.</i>

248