



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

March 16, 2016
Afternoon Session – 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 *February 17, 2016* 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-16-0001: BOULDER HEIGHTS 3 Vacation**
Request: Request for the vacation of approximately half of the cul-de-sac measuring approximately 150'x75' right-of-way to correct existing encroachments.
Location: At 276 Forrest Lane, Lot 32 of Boulder Heights 3, approximately 1,250 feet west of the intersection of Deer Trail, Sentinel Rock Lane and Forrest Drive, in Section 04, T1N, R71W.
Zoning: Forestry (F) Zoning District
Applicant: Ann Blonston and David Glosser
Action Requested: Recommendation to BOCC on proposed Docket following staff and applicant presentations and public hearing.
Public testimony will be taken
(Staff Planner: [Michelle Hoshide](#))
Docket Webpage: www.bouldercounty.org/property/build/pages/docketdetails.aspx?docid=1181

Approximate start time of DC-16-0002 is 3:00 p.m. We sincerely value everyone's time and make every effort to project the timing of agenda items. However, the length of time each item takes is quite situational and issue dependent and can't always be accurately guessed so please be aware that this docket may begin sooner or later, depending on the timing of the items before it.

4. **Docket DC-16-0002: Proposed LUC Text Amendments to Marijuana Processing and Cultivation Regulations**
Text Amendments to Article 4 and Article 18 of the Boulder County Land Use Code Text to address the cultivation and processing of marijuana as a Residential Accessory Use.
Action Requested: Recommendation of approval and certification of the docket by the Planning Commission to the Board of County Commissioners, following staff presentation and public hearing.
Public testimony will be taken

(Staff Planner: [Bryan Harding](#))
Docket Webpage: www.bouldercounty.org/property/build/pages/lucodeupdatedc160002.aspx

ADJOURNED

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: March 16, 2016
TIME: 1:30 P.M. (Afternoon Session)
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-16-0001: BOULDER HEIGHTS 3 Vacation

Request for the vacation of approximately half of the cul-de-sac measuring approximately 150'x75' right-of-way to correct existing encroachments, by Ann Blonston and David Glosser, in accordance with the Boulder County Land Use Code. The proposed project is located in the Forestry (F) Zoning District, at 276 Forrest Lane, Lot 32 of Boulder Heights 3, approximately 1,250 feet west of the intersection of Deer Trail, Sentinel Rock Lane and Forrest Drive, in Section 04, T1N, R71W. *Action Requested: Recommendation to BOCC on proposed Docket following staff and applicant presentations and public hearing.* Public testimony will be taken.

Approximate start time of DC-16-0002 is 3:00 p.m. We sincerely value everyone's time and make every effort to project the timing of agenda items. However, the length of time each item takes is quite situational and issue dependent and can't always be accurately guessed so please be aware that this docket may begin sooner or later, depending on the timing of the items before it.

Docket DC-16-0002: Proposed LUC Text Amendments to Marijuana Processing and Cultivation Regulations

Text Amendments to Article 4 and Article 18 of the Boulder County Land Use Code Text to address the cultivation and processing of marijuana as a Residential Accessory Use. *Action Requested: Recommendation of approval and certification of the docket by the Planning Commission to the Board of County Commissioners, following staff presentation and public hearing.* Public testimony will be taken.

ADJOURNED

Detailed information regarding these items is available for public examination at the Boulder County Land Use website at <http://www.bouldercounty.org/landusedockets.aspx> 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 hearing for city parking vouchers.

PC Public Notice

March 16, 2016

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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: March 2, 2016-- Daily Times-Call

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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 **March 2, 2016**.

TEARBY CONVE

Agent

Subscribed and sworn to before me this *3rd* day of **March, 2016** in the County of Boulder, State of Colorado.

Melissa L. Najera
Notary Public

Account #220246
Ad #5666157
Fee \$32.83

MELISSA L NAJERA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20064049936
MY COMMISSION EXPIRES DEC 11, 2018

PUBLIC HEARING BOULDER COUNTY, COLORADO PLANNING COMMISSION

DATE: March 16, 2016
TIME: 1:30 P.M. (Afternoon Session)
PLACE: Commissioners Hearing Room,
Third Floor, Boulder County
Courthouse, 1325 Pearl Street

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AFTERNOON SESSION - 1:30 P.M.

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Approximate start time of DC-16-0002 is 3:00 p.m.

We sincerely value everyone's time and make every effort to project the timing of agenda items. However, the length of time each item takes is quite situational and issue dependent and can't always be accurately guessed so please be aware that this docket may begin sooner or later, depending on the timing of the items before it.

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Text Amendments to Article 4 and Article 18 of the Boulder County Land Use Code Text to address the cultivation and processing of marijuana as a Residential Accessory Use. Action Requested: Recommendation of approval and certification of the docket by the Planning Commission to the Board of County Commissioners, following staff presentation and public hearing. Public testimony will be taken.

ADJOURNED

Detailed information regarding these items is available for public examination at the Boulder County Land Use website at <http://www.bouldercounty.org/landusedockets.aspx> 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 hearing 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: Longmont Times-Call
March 2, 2016-5666157



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BOULDER COUNTY PLANNING COMMISSION

MINUTES
March 16, 2016

AFTERNOON SESSION – 1:30 PM

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

{Approved on April 20, 2016}

2

PUBLIC HEARING

AFTERNOON SESSION – 1:30 PM

4

On Wednesday, March 16, 2016, the Boulder County Planning Commission held a regular afternoon session, convening at 1:32 p.m. and adjourning at 5:53 p.m.

6

Commissioners Present: Doug Young (Chair), Michael Baker, Ben Blaugrund, Natalie Feinberg-Lopez, Lieschen Gargano, Daniel Hilton, and Pat Shanks.

8

10

Commissioners Excused: Leah Martinsson

12

Staff Present: Dale Case, Peter Fogg, Liz Graves, Rick Hackett, Hannah Hippely, Meredith Lanning, Michelle McNamara, Kathy Parker, Ben Pearlman, Kim Sanchez, Abby Shannon, and Ron West.

14

16

Others: 35-40

MINUTES

18

MOTION: Pat Shanks **MOVED** that the Boulder County Planning Commission **APPROVE** the Minutes from February 17, 2016 as amended.

20

22

SECOND: Natalie Feinberg-Lopez

24

VOTE: Motion **PASSED** {6 to 0} Abstained: Ben Blaugrund

26

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

28

Peter Fogg, Long Range Senior Planner, gave a brief update on the Boulder Valley Comprehensive Plan update process.

30

32 Ben Pearlman, County Attorney and Kim Sanchez, Chief Planner gave an update on their efforts at
34 the recent Governor's Task Force Rulemaking hearings on large-scale oil and gas facilities.

Docket V-16-0001: BOULDER HEIGHTS 3 Vacation

36 Michelle McNamara, Planner II, presented the application for Ann Blonston and David Glosser,
38 Request for the vacation of approximately half of the cul-de-sac measuring approximately 150'x75'
40 right-of-way to correct existing encroachments. The proposed project is located in the Forestry (F)
42 Zoning District, at 276 Forrest Lane, Lot 32 of Boulder Heights 3, approximately 1,250 feet west
of the intersection of Deer Trail, Sentinel Rock Lane and Forrest Drive, in Section 04, T1N,
R71W. Staff recommended **CONDITIONAL APPROVAL** as outlined in the staff
recommendation, dated March 16, 2016.

44 **SPEAKERS:** Ann Blonston (Applicant) – 276 Forrest Lane

46 **PUBLIC HEARING OPENED**

48 **SPEAKERS:** None.

50 **PUBLIC HEARING CLOSED**

52 **MOTION:** **Pat Shanks MOVED that the Boulder County Planning Commission**
54 **CONDITIONALLY APPROVE and recommend that the Board of**
County Commissioners CONDITIONAL APPROVAL of V-16-0001:
56 **BOULDER HEIGHTS 3 Vacation, subject to the six (6) conditions listed**
in the staff recommendation including the edit, made by staff, to
58 **condition number one:**

60 **SECOND:** Lieschen Gargano

62 **Friendly Amendment:** Commissioner Blaugrund asked to correct the docket number
listed in the motion.

64 **CONDITIONS OF APPROVAL**

- 66 1. The approved vacation shall only incorporate the area recommended to be vacated by
68 Boulder County Transportation Department and further described in staffs presentation
from the public hearing.
- 70 2. After all other post-approval requirements for a vacation are complete; Land Use staff
72 shall record the Board of County Commissioners' resolution approving this vacation with
74 the County Clerk and Recorder's Office within **one year** after the date of the Board's
adoption of the resolution. This vacation approval shall not be considered to be final or
effective until this recordation occurs, and shall expire if recordation does not occur
within the required **one year**.
- 76 3. Prior to the recordation of the vacation resolution, the existing 100 sq. ft. shed shall be
78 moved, if necessary, to meet the required 15 foot front yard Forestry zoning setback. If
the shed is within 20% of the required setback, a setback survey shall be required.

- 80 4. Prior to the recordation of the vacation resolution, the existing six foot utility easement
82 shall be relocated to incorporate the existing Xcel utilities in the area. Xcel must approve
any proposed utility easements.
- 84 5. Prior to the recordation of the vacation resolution, a wildfire mitigation plan shall be
86 approved the Boulder County Wildfire Mitigation Team.
- 88 6. The Applicants shall be subject to the terms, conditions, and commitments of record and
in the file for **Docket V-16-0001: BOULDER HEIGHTS 3 Vacation.**
- 90 7. Prior to the recordation of the vacation resolution, a wildfire mitigation plan shall be
92 approved the Boulder County Wildfire Mitigation Team.
- 94 8. The Applicants shall be subject to the terms, conditions, and commitments of record and
in the file for **Docket V-16-0001: BOULDER HEIGHTS 3 Vacation.**

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

98

**Docket DC-16-0002: Proposed Land Use Code Text Amendments to Marijuana Processing
and Cultivation Regulations**

100 Bryan Harding, Senior Planner, presented the proposed text amendments to Article 4 and Article 18
102 of the Boulder County Land Use Code Text to address the cultivation and processing of marijuana as
a Residential Accessory Use. Staff recommended that the Boulder County Planning
104 Commission APPROVE and recommend to the Board of County Commissioners APPROVAL of
Docket DC-16-0002 as outlined in the staff recommendation and addendum, dated March 16, 2016.

106 **PUBLIC HEARING OPENED**

108 **SPEAKERS:** Michael Mussler – 536 Hurricane Hill Drive; John Benson – 1905 Linden Drive;
110 Duke Snyder – 289 Deer Trail Circle; R. Allen Saville – 1579 Linden Drive; Brian
Wahlert – 25 Alpine Way; Stephen Zanowick – 755 Bow Mountain Road; Kate
112 Wilson – 721 West Coach Road; Fred Wolf – 168 Alder Lane; Jim Eyster – 50
Wildwood Lane; Richard Hlasnicek – 197 Skytrail Road; Alex Green – 785
114 Fourmile; Kathleen Chippi – PO Box 1794; Lee Sutherland - 12368 N 75th Street;
3250; Shawn Coleman – Oneal Circle; Joyce Coleson - 54 Wildwood Lane; Tim
116 Green - 4654 Whiterock Circle; Bret Gibson - 1740 Four Mile Canyon; Jan Mussler
– 536 Hurricane Hill.

118 **PUBLIC HEARING CLOSED**

120 *Commissioners Gargano and Blaugrund left prior to the motion for this docket.*

122 **MOTION: Pat Shanks MOVED that the Boulder County Planning Commission**
124 **TABLE Docket DC-16-0002: Text Amendments to Article 4 and Article**
18 of the Boulder County Land Use Code to address the cultivation and
126 **processing of marijuana as a Residential Accessory Use, until the April**
20, 2016 Planning Commission meeting for further discussion to
128 **consider additional items and detail requested from Land Use staff.**
These items include:

- 130
- Possibilities for allowing caregiver growing in residential areas and what conflicts or opportunities this might present
- 132
- Additional information on proposed prohibitions on extraction technologies and methods, and whether such limitations are necessary
- 134
- Summary of plant count limits in other jurisdictions in Colorado including local jurisdictions
- 136
- Additional possibilities for enhanced enforcement of existing marijuana cultivation regulations
- 138
- More information regarding hazards and threats associated with marijuana cultivation in multi-family structures
- 140
- Suggestions for implementing a tiered approach to additional requirements or oversight that could be implemented if more than 6 plants per parcel are allowed such as building permit requirements or registration.
- 142
- Additional community input from health and safety stakeholders as well as the caregiver, patient and medical marijuana community
- 144
- Revised proposed language to clarify that processing of marijuana is limited to those plants grown on the property
- 146
- Suggestions for education options for growers such as building permit requirements, health and safety threats, etc.
- 148

SECOND: Natalie Feinberg-Lopez

150

VOTE: Motion PASSED Unanimously. {5 to 0}

152

ADJOURNED

154

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.

156