



# 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](http://www.bouldercounty.org)

## BOULDER COUNTY PLANNING COMMISSION AGENDA

**August 17, 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 *June 15, 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-16-0006: FAVALORO FLESHER VACATION**

Request: Request for vacation of 30' by 152' right-of-way known as Aspen Rd. between the two subject parcels.

Location: At 364 Pinecliff Road & 340 Pinecliff Road, south and adjacent to Pinecliff Road and north of South Boulder Creek approximately 0.12 miles east of the intersection of Coal Creek Canyon Drive and Pinecliff Road, in Section 27, T1S, R72W.

Zoning: Forestry (F) Zoning District

Applicants: Carol Favaloro and Hervey & Kristie Flesher

Agents: Dennis Miller  
Elizabeth Poole

(Staff Planner: Matt Thompson)

**4. Docket SI-15-0001: Lafayette Water Supply and Transmission Improvement Project**

Request: Areas and Activities of State Interest (1041) for the upgrade of the water systems for the City of Lafayette. A 5.8 mile reuse (non-potable) pipeline from the City's Wastewater Reclamation Facility to the Goose Haven Reservoir Complex. Two segments of potable water transmission line, referred to as the Orange Zone Pipeline: segment one (1.4 miles) extends from the existing 4 million gallon buried concrete water storage tank to an existing pipeline at 95th Street; segment two (1.3 miles) extends from intersection of 95th Street and Arapahoe Road east to the US 287 and Arapahoe Road intersection.

Location: The reuse pipeline runs approximately 100 feet north of Baseline Road running from East County Line road west to the west side of Hwy 287 where approximately 2500 feet west of the highway the pipeline turns north and runs north to terminate at the east side of Goose Haven Reservoir Complex. The potable water transmission extends from the Baseline water treatment plant east

south of Baseline Road then north at Applewood Drive along the recreation path to a point where it turns east to run along the north edge of the Indian Peaks Golf Course south of Red Deer Trail then extending to an existing pipeline in 95th Street. An additional segment which extends from the north west corner of the intersection of 95th Street and Arapahoe Road east to a point approximately 1250 ft. from the intersection of Hwy 287 and Arapahoe Road, in Sections 22, 27, 32, 33, 36, of Range 69, Township 1N, and Sections 05, 06, Range 1S, Township 69.

Zoning: Rural Residential (RR) and Agricultural (A) Zoning Districts  
Applicant: Brad Dallam, City of Lafayette  
Agent: Leigh Rouse, ERO Resources Corporation  
(Staff Planner: Matt Thompson)

**5. Docket DC-15-0004: Proposed LUC Text Amendments to floodplain regulations and related provisions**

Proposed Land Use Code text amendments to amend the County's floodplain regulations, codified in Articles 4-400 et seq., and related provision of the Code in Article 3 (Processes), Article 4 (Zoning), and Article 18 (Definitions). Public Testimony will be taken.  
(Transportation Staff: Varda Blum)

**ADJOURNED**

Detailed information regarding these items is available for public examination on the Boulder County Land Use website at [www.bouldercounty.org/lu](http://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.



# 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](http://www.bouldercounty.org)

## **BOULDER COUNTY PLANNING COMMISSION AGENDA REVISED AGENDA**

**August 17, 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 *June 15, 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 BCCP-15-0001: Boulder County Comprehensive Plan Open Space Element Update**

Staff from the Parks and Open Space (POS) and Land Use Departments will present a proposed updated Boulder County Comprehensive Plan Open Space Element. The proposed update reflects input from Parks and Open Space Advisory Committee (POSAC) and Planning Commission (PC) provided at a study session on April 13, as well as additional feedback from POSAC on June 23. Staff seeks feedback on the proposed updated narrative, as well as a draft updated Open Space Element map which includes preliminary scenic roadway corridor mapping. Informational item only; no public comment or decision will be taken.

(Staff Planners: Boulder County Parks and Open Space Department – Tina Nielsen, Special Projects Manager; Jesse Rounds, Natural Resource Planner; Ernst Strenge, Natural Resource Planner; Boulder County Land Use Department– Nicole Wobus, Steven Giang, members of the Long Range Planning and Policy Team)

**4. Docket V-16-0006: FAVALORO FLESHER VACATION**

**Request:** Request for vacation of 30' by 152' right-of-way known as Aspen Rd. between the two subject parcels.

**Location:** At 364 Pinecliff Road & 340 Pinecliff Road, south and adjacent to Pinecliff Road and north of South Boulder Creek approximately 0.12 miles east of the intersection of Coal Creek Canyon Drive and Pinecliff Road, in Section 27, T1S, R72W.

**Zoning:** Forestry (F) Zoning District

**Applicants:** Carol Favaloro and Hervey & Kristie Flesher

**Agents:** Dennis Miller  
Elizabeth Poole

(Staff Planner: Matt Thompson)

**5. Docket SI-15-0001: Lafayette Water Supply and Transmission Improvement Project**

**Request:** Areas and Activities of State Interest (1041) for the upgrade of the water systems for the City of Lafayette. A 5.8 mile reuse (non-potable) pipeline from the City's Wastewater Reclamation Facility to the Goose Haven Reservoir Complex. Two segments of potable water transmission line, referred to as the Orange Zone Pipeline: segment one (1.4 miles) extends from the existing 4 million gallon buried concrete water storage tank to an existing pipeline at 95th Street; segment two (1.3 miles) extends from intersection of 95th Street and Arapahoe Road east to the US 287 and Arapahoe Road intersection.

**Location:** The reuse pipeline runs approximately 100 feet north of Baseline Road running from East County Line road west to the west side of Hwy 287 where approximately 2500 feet west of the highway the pipeline turns north and runs north to terminate at the east side of Goose Haven Reservoir Complex. The potable water transmission extends from the Baseline water treatment plant east south of Baseline Road then north at Applewood Drive along the recreation path to a point where it turns east to run along the north edge of the Indian Peaks Golf Course south of Red Deer Trail then extending to an existing pipeline in 95th Street. An additional segment which extends from the north west corner of the intersection of 95th Street and Arapahoe Road east to a point approximately 1250 ft. from the intersection of Hwy 287 and Arapahoe Road, in Sections 22, 27, 32, 33, 36, of Range 69, Township 1N, and Sections 05, 06, Range 1S, Township 69.

**Zoning:** Rural Residential (RR) and Agricultural (A) Zoning Districts

**Applicant:** Brad Dallam, City of Lafayette

**Agent:** Leigh Rouse, ERO Resources Corporation  
(Staff Planner: Matt Thompson)

**6. Docket DC-15-0004: Proposed LUC Text Amendments to floodplain regulations and related provisions**

Proposed Land Use Code text amendments to amend the County's floodplain regulations, codified in Articles 4-400 et seq., and related provision of the Code in Article 3 (Processes), Article 4 (Zoning), and Article 18 (Definitions). Public Testimony will be taken.  
(Transportation Staff: Varda Blum)

**ADJOURNED**

Detailed information regarding these items is available for public examination on the Boulder County Land Use website at [www.bouldercounty.org/lu](http://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.



# 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](http://www.bouldercounty.org)

## PUBLIC HEARING BOULDER COUNTY, COLORADO PLANNING COMMISSION

DATE: August 17, 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-16-0006: FAVALORO FLESHER VACATION**

Request for vacation of 30' by 152' right-of-way known as Aspen Rd. between the two subject parcels, by Carol Favaloro and Hervey & Kristie Flesher, in accordance with the Boulder County Land Use Code. The proposed project is located in the Forestry (F) Zoning District, at 364 Pinecliff Road & 340 Pinecliff Road, south and adjacent to Pinecliff Road and north of South Boulder Creek approximately 0.12 miles east of the intersection of Coal Creek Canyon Drive and Pinecliff Road, in Section 27, T1S, R72W.

#### **Docket SI-15-0001: Lafayette Water Supply and Transmission Improvement Project**

Request for Areas and Activities of State Interest (1041) for the upgrade of the water systems for the City of Lafayette. Project includes a 5.8 mile reuse (non-potable) pipeline from the City's Wastewater Reclamation Facility to the Goose Haven Reservoir Complex and two segments of potable water transmission line, referred to as the Orange Zone Pipeline. Segment one (1.4 miles) extends from the existing 4 million gallon buried concrete water storage tank to an existing pipeline at 95th Street, and segment two (1.3 miles) extends from intersection of 95th Street and Arapahoe Road east to the US 287 and Arapahoe Road intersection. The project is proposed by Brad Dallam, City of Lafayette, in accordance with the Boulder County Land Use Code. The proposed project is located in the Rural Residential (RR) and Agricultural (A) Zoning Districts. The reuse pipeline runs approximately 100 feet north of Baseline Road running from East County Line road west to the west side of Hwy 287 where approximately 2500 feet west of the highway the pipeline turns north and runs north to terminate at the east side of Goose Haven Reservoir Complex. The potable water transmission extends from the Baseline water treatment plant east south of Baseline Road then north at Applewood Drive along the recreation path to a point where it turns east to run along the north edge of the Indian Peaks Golf Course south of Red Deer Trail then extending to an existing pipeline in 95th Street. An additional segment which extends from the north west corner of the intersection of 95th Street and Arapahoe Road east to a point approximately 1250 ft. from the intersection of Hwy 287 and Arapahoe Road, in Sections 22, 27, 32, 33, 36, of Range 69, Township 1N, and Sections 05, 06, Range 1S, Township 69.

#### **Docket DC-15-0004: Proposed LUC Text Amendments to floodplain regulations and related provisions**

Proposed Land Use Code text amendments to amend the County's floodplain regulations, codified in

Articles 4-400 et seq., and related provision of the Code in Article 3 (Processes), Article 4 (Zoning), and Article 18 (Definitions). 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 13<sup>th</sup> 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: August 3, 2016-- Daily Times-Call

G:\Boards & Commissions\PC\PC Agendas & Minutes\PC 2016



# 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](http://www.bouldercounty.org)

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

DATE: August 17, 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 BCCP-15-0001: Boulder County Comprehensive Plan Open Space Element Update**

Staff from the Parks and Open Space (POS) and Land Use Departments will present a proposed updated Boulder County Comprehensive Plan Open Space Element. The proposed update reflects input from Parks and Open Space Advisory Committee (POSAC) and Planning Commission (PC) provided at a study session on April 13, as well as additional feedback from POSAC on June 23. Staff seeks feedback on the proposed updated narrative, as well as a draft updated Open Space Element map which includes preliminary scenic roadway corridor mapping. Informational item only; no public comment or decision will be taken.

#### **Docket V-16-0006: FAVALORO FLESHER VACATION**

Request for vacation of 30' by 152' right-of-way known as Aspen Rd. between the two subject parcels, by Carol Favaloro and Hervey & Kristie Flesher, in accordance with the Boulder County Land Use Code. The proposed project is located in the Forestry (F) Zoning District, at 364 Pinecliff Road & 340 Pinecliff Road, south and adjacent to Pinecliff Road and north of South Boulder Creek approximately 0.12 miles east of the intersection of Coal Creek Canyon Drive and Pinecliff Road, in Section 27, T1S, R72W.

#### **Docket SI-15-0001: Lafayette Water Supply and Transmission Improvement Project**

Request for Areas and Activities of State Interest (1041) for the upgrade of the water systems for the City of Lafayette. Project includes a 5.8 mile reuse (non-potable) pipeline from the City's Wastewater Reclamation Facility to the Goose Haven Reservoir Complex and two segments of potable water transmission line, referred to as the Orange Zone Pipeline. Segment one (1.4 miles) extends from the existing 4 million gallon buried concrete water storage tank to an existing pipeline at 95th Street, and segment two (1.3 miles) extends from intersection of 95th Street and Arapahoe Road east to the US 287 and Arapahoe Road intersection. The project is proposed by Brad Dallam, City of Lafayette, in accordance with the Boulder County Land Use Code. The proposed project is located in the Rural Residential (RR) and Agricultural (A) Zoning Districts. The reuse pipeline runs approximately 100 feet north of Baseline Road running from East County Line road west to the west side of Hwy 287 where approximately 2500 feet west of the highway the pipeline turns north and runs north to terminate at the east side of Goose Haven Reservoir Complex. The potable water transmission extends from the Baseline water treatment plant east south of Baseline Road then north at Applewood Drive along the recreation path to a point where it turns east to run along the north

edge of the Indian Peaks Golf Course south of Red Deer Trail then extending to an existing pipeline in 95th Street. An additional segment which extends from the north west corner of the intersection of 95th Street and Arapahoe Road east to a point approximately 1250 ft. from the intersection of Hwy 287 and Arapahoe Road, in Sections 22, 27, 32, 33, 36, of Range 69, Township 1N, and Sections 05, 06, Range 1S, Township 69.

**Docket DC-15-0004: Proposed LUC Text Amendments to floodplain regulations and related provisions**

Proposed Land Use Code text amendments to amend the County's floodplain regulations, codified in Articles 4-400 et seq., and related provision of the Code in Article 3 (Processes), Article 4 (Zoning), and Article 18 (Definitions). 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 13<sup>th</sup> 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: August 5, 2016-- 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 **August 3, 2016**.

*JEFFREY COVE*

Agent

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

*Melissa L Najera*

Notary Public

ACCOUNT # 220246  
AD # 5676648  
FEE \$43.64

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: August 17, 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-16-0006: FAVALORO FLESHER VACATION

Request for vacation of 30' by 152' right-of-way known as Aspen Rd. between the two subject parcels, by Carol Favaloro and Hervey & Kristie Flesher, in accordance with the Boulder County Land Use Code. The proposed project is located in the Forestry (F) Zoning District, at 364 Pinecliff Road & 340 Pinecliff Road, south and adjacent to Pinecliff Road and north of South Boulder Creek approximately 0.12 miles east of the intersection of Coal Creek Canyon Drive and Pinecliff Road, in Section 27, T1S, R72W.

##### Docket SI-15-0001: Lafayette Water Supply and Transmission Improvement Project

Request for Areas and Activities of State Interest (1041) for the upgrade of the water systems for the City of Lafayette. Project includes a 5.8 mile reuse (non-potable) pipeline from the City's Wastewater Reclamation Facility to the Goose Haven Reservoir Complex and two segments of potable water transmission line, referred to as the Orange Zone Pipeline. Segment one (1.4 miles) extends from the existing 4 million gallon buried concrete water storage tank to an existing pipeline at 95th Street, and segment two (1.3 miles) extends from intersection of 95th Street and Arapahoe Road east to the US 287 and Arapahoe Road intersection. The project is proposed by Brad Dallam, City of Lafayette, in accordance with the Boulder County Land Use Code. The proposed project is located in the Rural Residential (RR) and Agricultural (A) Zoning Districts. The reuse pipeline runs approximately 100 feet north of Baseline Road running from East County Line road west to the west side of Hwy 287 where approximately 2500 feet west of the highway the pipeline turns north and runs north to terminate at the east side of Goose Haven Reservoir Complex. The potable water transmission extends from the Baseline water treatment plant east south of Baseline Road then north at Applewood Drive along the recreation path to a point where it turns east to run along the north edge of the Indian Peaks Golf Course south of Red Deer Trail then extending to an existing pipeline in 95th Street. An additional segment which extends from the north west corner of the intersection of 95th Street and Arapahoe Road east to a point approximately 1250 ft. from the intersection of Hwy 287 and Arapahoe Road, in Sections 22, 27, 32, 33, 36, of Range 69, Township 1N, and Sections 05, 06, Range 1S, Township 69.

##### Docket DC-15-0004: Proposed LUC Text Amendments to floodplain regulations and related provisions

Proposed Land Use Code text amendments to amend the County's floodplain regulations, codified in Articles 4-400 et seq., and related provision of the Code in Article 3 (Processes), Article 4 (Zoning), and Article 18 (Definitions). 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 August 3,  
2016 - 5676648

# 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 August 5, 2016.

HERBY COVE

Agent

Subscribed and sworn to before me this 5th day of  
August, 2016 in the County of Boulder, State of Colorado.

Melissa L. Najera  
Notary Public

ACCOUNT # 220246  
AD # 5676837  
FEE \$50.85

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

### PUBLIC HEARING - AMENDED BOULDER COUNTY, COLORADO PLANNING COMMISSION

DATE: August 17, 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 BCCP-15-0001: Boulder County Comprehensive Plan Open Space Element Update

Staff from the Parks and Open Space (POS) and Land Use Departments will present a proposed updated Boulder County Comprehensive Plan Open Space Element. The proposed update reflects input from Parks and Open Space Advisory Committee (POSAC) and Planning Commission (PC) provided at a study session on April 13, as well as additional feedback from POSAC on June 23. Staff seeks feedback on the proposed updated narrative, as well as a draft updated Open Space Element map which includes preliminary scenic roadway corridor mapping. Informational item only; no public comment or decision will be taken.

##### Docket V-16-0006: FAVALORO FLESHER VACATION

Request for vacation of 30' by 152' right-of-way known as Aspen Rd. between the two subject parcels, by Carol Favaloro and Hervey & Kristie Flesher, in accordance with the Boulder County Land Use Code. The proposed project is located in the Forestry (F) Zoning District, at 364 Pinecliff Road & 340 Pinecliff Road, south and adjacent to Pinecliff Road and north of South Boulder Creek approximately 0.12 miles east of the intersection of Coal Creek Canyon Drive and Pinecliff Road, in Section 27, T1S, R72W.

##### Docket SI-15-0001: Lafayette Water Supply and Transmission Improvement Project

Request for Areas and Activities of State Interest (1041) for the upgrade of the water systems for the City of Lafayette. Project includes a 5.8 mile reuse (non-potable) pipeline from the City's Wastewater Reclamation Facility to the Goose Haven Reservoir Complex and two segments of potable water transmission line, referred to as the Orange Zone Pipeline. Segment one (1.4 miles) extends from the existing 4 million gallon buried concrete water storage tank to an existing pipeline at 95th Street, and segment two (1.3 miles) extends from intersection of 95th Street and Arapahoe Road east to the US 287 and Arapahoe Road intersection. The project is proposed by Brad Dallam, City of Lafayette, in accordance with the Boulder County Land Use Code. The proposed project is located in the Rural Residential (RR) and Agricultural (A) Zoning Districts. The reuse pipeline runs approximately 100 feet north of Baseline Road running from East County Line road west to the west side of Hwy 287 where approximately 2500 feet west of the highway the pipeline turns north and runs north to terminate at the east side of Goose Haven Reservoir Complex. The potable water transmission extends from the Baseline water treatment plant east south of Baseline Road then north at Applewood Drive along the recreation path to a point where it turns east to run along the north edge of the Indian Peaks Golf Course south of Red Deer Trail then extending to an existing pipeline in 95th Street. An additional segment which extends from the north west corner of the intersection of 95th Street and Arapahoe Road east to a point approximately 1250 ft. from the intersection of Hwy 287 and Arapahoe Road, in Sections 22, 27, 32, 33, 36, of Range 69, Township 1N, and Sections 05, 06, Range 1S, Township 69.

##### Docket DC-15-0004: Proposed LUC Text Amendments to floodplain regulations and related provisions

Proposed Land Use Code text amendments to amend the County's floodplain regulations, codified in Articles 4-400 et seq., and related provision of the Code in Article 3 (Processes), Article 4 (Zoning), and Article 18 (Definitions). 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 August 5,  
2016 - 5676837



# 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](http://www.bouldercounty.org)

## BOULDER COUNTY PLANNING COMMISSION

### MINUTES

August 17, 2016

**AFTERNOON SESSION – 1:30 PM**

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

*{Approved on September 21, 2016}*

### PUBLIC HEARING

**AFTERNOON SESSION – 1:30 PM**

On Wednesday, August 17, 2016, the Boulder County Planning Commission held a regular afternoon session, convening at 1:35p.m. and adjourning at 5:17p.m.

Commissioners Present: Ann Goldfarb, Lieschen Gargano, Ben Blaugrund, Natalie Feinberg Lopez, Doug Young, Michael Baker.

Commissioners Excused: Dan Hilton, W.C. Pat Shanks, Leah Martinsson

Staff Present: Kim Sanchez, Rick Hackett, Tina Nielsen (POS), Therese Glowacki (POS), Nicole Wobus, David Haines, Steven Giang, Anna Milner, Amy Oeth, Ron West (POS), Kathy Parker, George Gerstle (Transportation).

Others: 15-20

### MINUTES

**MOTION:** Doug Young **MOVED** that the Boulder County Planning Commission **APPROVE** the Minutes from June 15, 2016 as written.

**SECOND:** Ben Blaugrund

**VOTE:** Motion **PASSED** {5 to 0}

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

Kim Sanchez, Chief Planner in the Land Use Department, noted that staff is working on the draft of the oil and gas regulations but the schedule has shifted and the first Planning Commission where

32 these regulations will be heard will be in mid-October. Kim will send an email to the Planning  
Commissioners with dates and roll call to ensure a quorum.  
34 Kim also introduced our new Administrative Lead Technician, Anna Milner.

**Docket BCCP-15-0001: Boulder County Comprehensive Plan Open Space Element Update**

36 Tina Nielsen of the Parks and Open Space Department presented a summary of the draft updated  
38 Boulder County Comprehensive Plan Open Space Element, reviewing the draft updated narrative,  
goals, and policies. Planning Commission members asked questions about passive recreation  
40 definition and stakeholders. Planning Commission members provided feedback on a staff question  
regarding POSAC's proposed new policy OS 5.03.01, indicating agreement with staff assessment that  
42 it is unnecessarily restrictive and might have unintended implications. Nicole Wobus of the Land Use  
Department presented an overview of the map update, including mapping of scenic roadway  
44 corridors. David Haines, Land Use GIS manager, presented the methodology and preliminary  
outcomes from scenic roadway corridor mapping. Planning Commission members asked questions  
46 and provided feedback on topics including: implications of the scenic roadway corridor designations,  
and ways in which Land Use staff use the current equivalent designation ("open corridor-roadside");  
48 potential consequences of being overly restrictive when applying a scenic roadway corridor  
designation; and the advantages and disadvantages of various components of the initial draft criteria.  
50 Kim Sanchez, Chief Planner for the Land Use Department, provided input regarding current practices  
for view mitigation during the development review process. This was a discussion item only, with no  
public testimony or decision.

52  
54 Next steps include: presentation to Board of County Commissioners on Aug. 25 for feedback and  
suggestions, referral to planning and open space agencies, and presentation and public hearing at the  
Sept. 21 Planning Commission meeting, in anticipation of final approval.

56 Staff:  
58 Tina Nielsen  
Nicole Wobus  
60 David Haines

**Docket V-16-0006: FAVALORO FLESHER VACATION**

62 Matthew Thompson, planner from the Land Use Department, made a presentation on the request for  
64 vacation of a 30' by 152' right-of-way known as Aspen Rd. between the two subject parcels, by Carol  
Favaloro and Hervey & Kristi Flesher, in accordance with the Boulder County Land Use Code. The  
66 proposed project is located in the Forestry (F) Zoning District, at 364 and 340 Pinecliff Road, south  
and adjacent to Pinecliff Road and north of South Boulder Creek approximately 0.12 miles east of the  
68 intersection of Coal Creek Canyon Drive and Pinecliff Road. Aspen Road was never developed or  
maintained by Boulder County and is currently improved with grass sod, trees and a fence by the  
70 Fleshers as owners of the property located at 340 Pinecliff Road. The previous owner of 340  
Pinecliff Road began landscaping improvements and added a fence the western one-half  
72 (approximately) of Aspen Road since the mid 1960's when the property was purchased by Milford  
Flesher and Geraldine Flesher, the parents of applicants Hervey S. Flesher and Kristi K. Flesher.

74  
76

**RECOMMENDATION**

78

The Land Use staff finds that this application can meet the criteria for a Vacation and therefore recommends that the Planning Commission recommend that the Board of County Commissioners **Conditionally Approve Docket V-16-0006: Favaloro Flesher Vacation** with the following conditions:

80

82

84

1. The applicants 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 the staff reviewed and approved deeds for 340 and 364 Pinecliff Road that reflect the new parcel boundaries shall be recorded in the real property records of the Boulder County Clerk and Recorder. This vacation approval shall not be considered final or effective until recording occurs. Finally, this vacation approval shall expire if recording does not occur within the required one-year timeframe.

86

88

90

92

2. Prior to recording the Resolution effectuating this approval, the owners of 340 Pinecliff Road will obtain a building permit for the unpermitted shed that has electric utilities extended to it.

94

96

**SPEAKERS:** Tom Wolf– 717 17<sup>th</sup> Street, Suite 2800, Denver, CO, Attorney for Carol Favaloro

98

**PUBLIC HEARING OPENED**

100

**SPEAKERS:** Tom Wolf – 717 17<sup>th</sup> Street, Suite 2800, Denver, CO, Attorney for Carol Favaloro  
Tom Wolf (representing Carol Favaloro) made a short presentation. He expressed Carol Favaloro's desire to move her property line out to the centerline of Aspen Road right-of-way since it has never been used as a road. Also, he noted the neighboring property has a fence down the middle of the right-of-way, now owned by Hervey and Kristi Flesher.

102

104

106

**PUBLIC HEARING CLOSED**

108

**MOTION:** Ben Blaugrund **MOVED** that the Boulder County Planning Commission **CONDITIONALLY APPROVE** and recommend that the Board of County Commissioners **CONDITIONALLY APPROVE** **Docket V-16-0006: Favaloro Flesher Vacation** subject to the two conditions in the staff recommendation packet.

110

112

114

**SECOND:** Lieschen Gargano

116

**VOTE:** Motion **PASSED** Unanimously {6:0}

118

120

**Docket SI-15-0001: Lafayette Water Supply And Transmission Improvement Project**

122

Matthew Thompson, planner from the Land Use Department made a presentation on the Lafayette Water Supply and Transmission Project. Areas and Activities of State Interest (1041) review of proposal to upgrade of the water and wastewater systems for the City of Lafayette. Proposed is a 5.8-mile reuse (non-potable) pipeline from the City's Wastewater Reclamation Facility to the Goose Haven Reservoir Complex. The portion of the reuse pipeline that is within unincorporated Boulder County is 3.63 miles or 19,166 feet. Also proposed are two segments of potable water transmission line, referred to as the Orange Zone Pipeline. Segment one (1.4 miles) extends from the existing 4 million gallon buried concrete water storage tank to an existing pipeline at 95th Street. Segment two

124

126

128

130

132 (1.3 miles) extends from intersection of 95th Street and Arapahoe Road east to the US 287 and  
134 Arapahoe Road intersection. Approximately 0.73 mile or 3,854 feet of segment one is within  
136 unincorporated Boulder County, and 0.39 mile or 2,059 feet of segment two are within  
138 unincorporated Boulder County. The City of Lafayette is proposing a water reuse and potable water  
140 transmission project to improve and enhance the City's overall water system. Lafayette is proposing  
142 to build a combined pipeline project that is considered an activity of state interest by Boulder County  
144 and for which the City is seeking a 1041 permit from Boulder County. Construction of the proposed  
146 project falls under Boulder County's designated activities of state interest because it is part of a  
148 municipal water supply, partially located in unincorporated portions of Boulder County and would be  
located partly on land that is owned or managed for open space. Approval of the application will help  
Boulder County's ability to irrigate agricultural open space properties in the vicinity of the pipeline  
and will enable Boulder County to receive augmentation water the county needs for the Kenosha  
Ponds open space property. Paragraph 6 of the "Intergovernmental Agreement Between The City of  
Lafayette and The County of Boulder", dated July 2, 2013 ("IGA") and attached to the application as  
Appendix A, states that Boulder County will work with the City of Lafayette and take all reasonable  
steps to accommodate the City of Lafayette's desire that the 1041 permit not expire before the City of  
Lafayette is prepared to construct the pipeline. It also states that the City of Lafayette has the right to  
unilaterally terminate the IGA if the county denies the 1041 application, conditions the application in  
ways that are not acceptable to the City of Lafayette, or unduly delays the application, or if the City of  
Lafayette is unable to obtain all other permits required to build the pipeline. Lafayette is requesting  
the 1041 permit for an extended period of up to 15 years, because the exact timing of construction is  
currently unknown.

154 **SPEAKERS:** Brad Dallam – 1290 S. Public Road, City of Lafayette

156 **PUBLIC HEARING OPENED**

158 **SPEAKERS:** Frank Schwartz – 10461 Isabelle Road and 10503 Isabelle Road; Mr. Schwartz  
160 expressed support for the project in general. Although he did have concerns that  
162 untreated water would not be put into the ditch behind his property. (Staff notes the  
water will have been treated at the Lafayette Waste Water Reclamation Facility).

164 **PUBLIC HEARING CLOSED**

166 **MOTION:** Lieschen Gargano **MOVED** that Planning Commission recommend to  
168 the Board of County Commissioners **CONDITIONAL APPROVAL**  
**of SI-15-0001: Lafayette Water Supply and Transmission Improvement**  
**Project** subject to the 25 conditions as recommended by staff.

170 **SECOND:** Ben Blaugrund

172 **VOTE:** Motion **PASSED Unanimously {6:0}**

174 **Docket DC-15-0004: Proposed LUC Text Amendments to floodplain regulations and**  
176 **related provisions**

178 Varda Blum, Floodplain Manager, presented on changes made since the first Planning Commission  
180 hearing on June 15, 2016 to the proposed text amendments to Article 4-400 and related provisions of  
182 the Code in 4-800, Article 3 (Processes) and Article 18 (Definitions) of the Boulder County Land Use  
Code. Changes to FO District provisions within the code are being proposed to create transparent  
processes for use of new flood hazard studies and best available data, clarify existing regulations,

184 meet FEMA and CWCB minimum requirements for floodplain management, and other changes to  
186 allow County staff to better protect the health, safety, and welfare of the residents of and visitors to  
188 the unincorporated areas of Boulder County. Varda also clarified for the Commission and the public  
in attendance that no proposed changes to the FO District maps are included with this code text  
amendment, and explained minor edits made since the Planning Commission documents were posted  
on August 10th.

190 Varda then presented an overview of outreach efforts performed by the County since June 15 hearing,  
192 as a result of comments made at that hearing, and included discussion on some of the major comment  
topics and the County's responses to certain comments received since the June hearing. There were  
194 some comments on proposed text changes and new FO District requirements, but many comments  
were on existing FO District requirements.

196 Varda acknowledged that existing requirements, including Substantial Improvement criteria and  
198 guidance, can be considered under a separate code text amendment effort.

200 Varda recommended that Planning Commission recommend that the Board of County Commissioners  
202 adopt the floodplain code text amendments proposed in Docket DC-15-0004, as outlined in the staff  
report dated August 17, 2016 (with supplemental errata sheet).

#### 204 **STAFF PRESENTATION CONCLUDED**

206 Question from the Board (Ben Blaugrund): How does the comment letter received today align with  
208 comments received since last hearing?

210 Varda responded to the Board's question.

#### 212 **PUBLIC HEARING OPENED**

##### 214 **SPEAKERS:**

216 Chris Wiorek – 7955 Oxford Road (81<sup>st</sup> and Oxford); Mr. Wiorek lauded the County's efforts to  
coordinate with the watershed groups and the public. His focus turned to the  
218 Substantial Improvement language in the proposed text, and appreciated the  
willingness of the County to look closer at Substantial Improvement requirements  
moving forward. Mr. Wiorek main comment before he ran out of time was that  
220 cumulative tracking of Substantial Improvements is costly to homeowners, especially  
when everything over \$1,000 must count.

222 John M. Brown – 7950 N. 81<sup>ST</sup> Street; Mr. Brown offered copies of the Lower Lefthand Watershed  
224 Association (LLWA) position paper dated 8/17/2016 to the Commission and to the  
public. LLWA proposes to PC that PC NOT recommend that BOCC adopt the code  
226 changes, based on the factors laid out in the position paper. Mr. Brown did commend  
County staff on their attempts to work with members of the public to answer  
228 questions and consider comments on the proposed text amendments. Mr. Brown's  
main comment at the podium was that the scale at which humans do work within the  
230 stream corridor should not and does not affect what may occur during a large flood  
event.

232 Terry Parrish – 15720 Parrish Rd, Berthoud (Boulder County). Mr. Parrish acknowledged changes to  
234 the floodplain as a result of the flood, but cautioned that floodplains can get smaller  
(not only larger) over time. Mr. Parrish's comments focused on OWTS regulations  
236 through the Public Health Department. He felt that OWTS, even in the floodplain,

238 should be handled by PH, and took issue with the new OWTS requirements. Mr.  
Parrish also asked for section correlation between existing and proposed code.

240 **PUBLIC HEARING CLOSED**

242 **STAFF RESPONSE**

244 Varda and Ryan took turns addressing comments and questions posed by the public.

246 Concerning OWTS: Some OWTS regulation is new, but many aspects (especially for replacement  
systems) exist in current code in section 4-403(D).

248 Concerning Substantial Improvements: We agree that we can and should look closer at the  
250 Substantial Improvement requirements in the near future.

252 Concerning scalability: As a participant in FEMA's National Flood Insurance Program, we must  
require permits for all development in the floodplain; however, we understand the burden on the  
254 public and on County staff to process permits for very minor projects. The reason for the creation of  
the General FDP in the proposed text amendments was to do just that- provide permit coverage for  
256 minor projects with minimal to no burden on the public or county staff.

258 **ADDITIONAL COMMENTS FROM PLANNING COMMISSION:**

260 Planning Commission generally approved of the amount of public outreach performed by County  
Staff following the June hearing, and thought that the outreach was successful in capturing public  
262 comment and making text edits accordingly; however, Ben Blaugrund thought that the LLWA  
position paper received today gives exactly the opposite opinion. The commission agreed that there  
264 is a fine balance between satisfying completely both constituents and FEMA. Lieschen Gargano  
noted that many of the bigger issues, some which are raised by LLWA in their position paper, require  
266 much further and deeper discussion. She also asked if staff feels that the proposed text amendments  
will alleviate any previous concerns about the public's ability to understand FO District requirements.

268 **STAFF RESPONSE**

270 Varda thanked the public for their continued involvement in the process. Staff agreed that certain  
272 topics, like Substantial Improvement requirements, require further discussion and potential changes to  
code requirements. Staff is willing to take on these efforts, but at a later point in time. Staff  
274 acknowledges that the Land Use Code in general, and specifically the FO District provisions, is  
difficult to understand for individual property owners. The proposed text amendments will certainly  
276 help property owners, but many times will require that a professional read and interpret the code for a  
particular project. Further, the proposed text amendments have added a requirement for a Pre-  
278 Application Conference for floodplain development, meant to assist property owners with identifying  
which requirements apply to them.

280 **FURTHER DISCUSSION**

282 Ben Blaugrund, Planning Commission: Noted that staff made good efforts to solicit public comment,  
284 and asked the County Attorney's office if the Commission can approve the text amendments with the  
caveat that changes get made prior to BOCC. The Attorney's office (Ben Doyle) responded that  
286 some minor edits are OK, but substantive changes would need to come back to Planning  
Commission.

288

290 George Gerstle, Boulder County Director of Transportation: Acknowledged that Floodplain  
292 regulations are incredibly complex, and noted that a major component of these text amendments was  
to 'Focus on what matters', and noted that the current proposed text provides more certainty for  
floodplain management and development requirements than we've ever had before.

294 Doug Young, Planning Commission: Admitted that this text amendment is the most complex PC has  
had to deal with in some time. Staff has shown good balance of expedience, thoroughness, and public  
296 inclusion. At the June hearing, Planning Commission and Staff promised to take more time and be  
more inclusive. He thought of the June version of the proposed text amendments as a Beta version.  
298 The version being recommended for approval today is release 1.0. Version 1.1 is necessary and will  
be coming. Doug also mentioned that he takes issue with some comments in LLWA letter. He  
300 summarized with the fact that as we gain a better understanding of flood potential, development in  
mountain canyons is going to be more complex, more expensive, and more difficult as a result of  
302 natural hazards, and that there is a grieving process associated with those challenges.

304 **MOTION:** Doug Young **MOVED** that the Boulder County Planning Commission  
**APPROVE AND RECOMMEND** Docket **DC-15-0004 Proposed Boulder**  
306 **County Land Use Code Text Amendments to Floodplain Regulations**  
**and related provisions and certify the docket for action to the BOCC.**

308 **SECOND:** Ben Blaugrund

310 **VOTE:** Motion **PASSED Unanimously {6:0}**

312

**ADJOURNED**

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

314