



Land Use

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BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM

August 4, 2009 – 4:30 PM

Hearing Room, Third Floor, County Courthouse, Boulder

PUBLIC HEARING

STAFF PLANNER: Hannah Hippely

**Docket LU-09-0010: BOULDER COUNTY Forestry Processing and Sort Yard
Limited Impact Special Review**

Request: A Limited Impact Special Review for a Forestry Processing and Sort Yard.

Location: At 291 Ridge Road, north of and adjacent to Ridge Road approximately 0.15 miles east of Highway 72 (Peak to Peak Highway) in the SE1/4 of Section 12, Township 1S, Range 73W.

Zoning: Forestry (F)

Applicant: Therese Glowacki, Boulder County Parks and Open Space

RECOMMENDATION:

Staff recommends approval, subject to conditions.

DISCUSSION:

The forests of Boulder County require routine forest management and wildfire mitigation projects to support forest health and reduce wildfire hazard; however, the tree mortality resulting from the current Mountain Pine Beetle epidemic has increased the need for forest management activities. This activity has resulted in a dramatic increase in the amount of woody biomass that is being removed from forested landscapes. The majority of this biomass is not suitable for sawmills and/or the small diameter sawmills are too far away to transport the material to. Additionally, infested trees require certain disposal methods to help reduce the spread of the beetles. In an effort to aid landowners in their forest management efforts, Boulder County has purchased an air curtain burner (ACB) to dispose of biomass materials that, once removed from a property, are otherwise difficult for residents to dispose of.

This application proposes a Forestry Processing and Sort Yard use under Section 4-504.B of the County Land Use Code, in order to locate the ACB and its associated activities at a close enough proximity that the forest management efforts of Boulder County residents may be supported. The Ridge Road property is 36.32-acre parcel owned by Boulder County; the Applicant indicates that a maximum of five acres may be cleared for the proposed use. The initial size of the clearing is expected to be approximately 2.5 acres; however, if demand requires a larger clearing for the facility,

Boulder County parks and Open Space would like the ability to expand the clearing to five acres. Access to the facility will be from Ridge Road and according to the application materials, the access will be improved with a ten foot long concrete pan and forty feet of compacted road base. Internal one way circulation routes will be created for small and large trucks; the Applicant has estimated that 340 cubic yards of grading will be necessary to create the internal roads. As shown on the site plan, occupying the western portion of the site, drop off areas will be designated within the subject property beside the internal roads. The eastern portion of the clearing is where the sorting and processing activities will take place.

The eastern portion of the clearing is where the air curtain burner, dumpster, kiln, and portable pond will be located, as shown on the site plan. The air curtain burner is used for treatment of beetle infested wood by incinerating the biomass in a firebox. The firebox has a curtain of air that is blown across the opening at the top at high velocity, this air curtain traps burned particles in the firebox where they are reburned resulting in little emissions and a high level of mass reduction. The application materials estimate that 100 tons of wood results in two to five tons of ash. The ash resulting from the incineration will be stored in the dumpster until it is removed. It is expected that much of this ash will be reused by local recyclers/landscapers as a soil amendment. The kiln will allow beetle infested wood to be heat treated and sanitized so that it may be reused as firewood. The portable pond serves as a cistern to which a pump and hose are attached; this provides the necessary on-site wildland fire suppression and prevention measure. Chippers, grinders, and debarkers will also be used on the site as they are needed to process wood. These methods for sanitization will be used in instances when the volume of wood being dropped off at the yard exceeds the air curtain burner's capability to process material, or when the air curtain burner is not able to be used; the air curtain burner will be the primary method for treating slash and beetle infested wood. The alternative methods (chipping and/or grinding) may also be used when there is a demand for the resulting biomass product.

Currently, the forests of Boulder County are experiencing beetle infestations of both the Mountain Pine Beetle and the Ips Beetle. The Mountain Pine Beetle flight period is from approximately July 15 to September 15th; and the proposed facility will not be accepting wood infested with Mountain Pine Beetles during this time. Additionally, all the Mountain Pine Beetle infested wood dropped off at the site prior to July 15th will be sanitized before beetle flight time begins. The facility will not store, process, or accept Mountain Pine Beetle infested wood during Mountain Pine Beetle flight time. The application materials indicate that this policy could change in the face of a Mountain Pine Beetle epidemic so widespread where the movement of infested wood to the site during beetle flight time would not increase the spread of Mountain Pine Beetle and so would not exacerbate the epidemic. Ips beetle infested wood will still be accepted and processed at the site during the Mountain Pine Beetle flight time. As the application materials note that pheromone traps used at the Meeker Park sort yard have been successful in preventing the spread of the Ips Beetle to the surrounding forests.

The Applicant proposes that the facility operate from April through November, six days (Monday to Saturday) per week from 7:30 am to 6:00 pm. Within this time span the facility will be open to the public for eight hours. A minimum of one employee will staff the facility. A temporary shelter/office for the facility staff may be provided (this is identified on the site plan as a shed). The Applicant indicates that once the facility is no longer needed, Parks and Open Space will remove the structure and reclaim the site by revegetating the disturbed areas.

REFERRAL RESPONSES:

This docket was referred to the standard list of agencies, and all adjacent property owners within 1,500 feet of the subject property. Copies of the comments received are attached for review and summarized below.

Boulder County Public Health- The agency has reviewed the proposal and noted: that no drinking water is proposed for the site, that restroom facilities at the County Road Maintenance facility are proposed for use by the staff, and that an Air Pollution Emission Notice (APEN) that must be obtained from the State.

Boulder County Parks and Open Space (BCPOS)- The agency has reviewed the proposal and provided a number of comments: noting the Open Corridor Roadside Comprehensive Plan designation and other resource inventories, identified the other uses in the area; noted that the significant features of the property, the aspen stand area and the social trails, would remain undisturbed by the project; pointed out that the Open Roadside Corridor designation is not associated with Ridge Road, but with Peak to Peak Highway and that the project would not be visible from Peak to Peak Highway; noted that the on-going beetle epidemic could change the entire landscape in the vicinity of the facility.

Boulder County Transportation Department- The agency reviewed the proposal and provided the following comments: an access permit will be issued during the building permit process; a Stormwater Discharge Permit will need to be obtained from the State and a copy of the stormwater management plan sent to Boulder County; the driveway and access shall conform to Boulder County Road Standards and Specifications; the locations of the roads on site are ideal given that they minimize the amount of grading necessary for the project as they are proposed in areas with relatively flat grades and the proposed location of the facility on the site minimized the length of the driveway and thus the disturbance associated with the installation of the driveway; the traffic projected and summarized in the traffic review letter is acceptable for Ridge Road. Due to limited historical data associated with such a use this department is requesting traffic reporting and a review of the data to be performed in one year to determine if any road and/or site changes are necessary.

Boulder County Wildfire Coordinator- The proposal was reviewed and comments were provided that indicated no conflict, and noted that driveway improvements and the location of a portable cistern of approximately 3,000 gallons would be required.

Boulder County Building Division- The proposal was reviewed and comments were provided that indicated no conflict with the proposal.

Boulder County Sheriff's Office- The proposal was reviewed and comments were provided that indicated no conflict with the proposal.

US Forest Service- The agency reviewed the proposal and provided comments applauding the efforts of Boulder County to provide such a facility and noted that the facility will provide a great benefit to mountain residents. Indicated that they believe that any concerns that may exist could be addressed with Parks and Open Space in the future should the issue arise.

Adjacent Property Owners – One property owner noted support for the facility, stating the need for the facility and that the facility is for the good of the County. Nine letters were received voicing concerns regarding the sort yard. The concerns expressed in these letters relate to: noise, truck traffic on Ridge Road and Hurricane Hill east of the facility, the length of time the facility may be located on the site, the amount of time during the year that it is in operation, daily hours of operation, possible noise and air pollution, fire hazard, operation of the site during beetle flight time, questions regarding the wind speed on the site and the feasibility of operating the ACB with the existing wind conditions. One APO expressed a desire for the County to cut and dispose of infested trees located on the subject parcel, another APO suggested moving the site to the west more so that it was closer to the bus barn and requested that the site stay at the 2.5 acre size.

REVIEW STANDARDS:

Staff has reviewed this application with respect to the criteria of Article 4-601.A of the Boulder County Land Use Code for Limited Impact Special Review that states: **a use will be permitted by special review only if the Board finds that the proposed use meets the following standards and conditions:**

1. **except as otherwise noted, the use will comply with the minimum zoning requirements of the zoning district in which the use is to be established, and will also comply with all other applicable requirements;**

The subject parcel is 36.32 acres and therefore meets the minimum parcel size in the Forestry zone district. The current request proposes no changes to the boundaries of the Boulder County Open Space property. The shelter/office is the only structure proposed for the property and it will be required to obtain a building permit and to comply with all setback and height regulations of the Forestry zone district.

A Forestry Processing and Sort Yard use is allowed in the Forestry zone district by approval of a Limited Impact Special Review. Additional Provisions of the Land Use Code relating to Forestry Processing and Sort Yards (Article 4-504.B.5) were adopted when the Forestry Processing and Sort Yard use was recently added to the County Land Use Code. These additional Provisions include:

- a. **The minimum parcel size shall be 3 acres.**

As previously mentioned the subject parcel is 36.2 acres and therefore meets this requirement.

- b. **All activities, except driveways, shall be setback a minimum of 50 feet from any adjacent right-of-way or private property.**

The site plan provided by the Applicant indicates that the activities will be setback the required 50 feet. As a condition of approval, the applicant is required to abide by this commitment.

- c. **This use is not required to be located on a building lot, or comply with the minimum lot size requirements for the district in which it is located.**

Although, this use does not require a legal building lot, the subject parcel is larger than 35 acres and is a legal building lot.

- d. **Times and frequencies of operation shall be determined through limited impact special review.**

The proposed times and frequency of operation of the facility as proposed by the Parks and Open Space Department is acceptable. The hours and frequency of operation are similar to hours of operation of the adjacent facilities.

- e. **All approved facilities shall be reviewed by the Board of County Commissioners every three years to ensure continued compliance with the special use criteria.**

Condition of Approval 9 requires that “this facility shall be reviewed by the Board of County Commissioners in three years in order to determine if the Special Use Criteria continue to be met and to determine if the facility continues to be needed by the community.”

- f. Access to the site shall be secured so that unauthorized persons may not use the facility when it is closed.**

The Applicant has proposed to install a fence that will prevent access to the facility so that it may not be used by unauthorized persons when it is closed. As a Condition of Approval the fence is required to be installed prior to the facility beginning operations.

- g. Upon permanent cessation of this use, the disturbed area must be reclaimed and revegetated.**

The Applicants have proposed to reclaim and revegetate the property upon cessation of the use and this commitment has been included as a Condition of Approval.

- h. These facilities shall not be the final disposal place for woody biomass materials and shall promote the recycling of all received materials to the maximum extent possible.**

To ensure the facility does not become the final disposal place for woody biomass, as a Condition of Approval all biomass is required to be removed from the property at the end of an operational season, the last day of November.

Staff has determined that the applicable additional requirements of the zoning code can be satisfied.

- 2. will be in harmony with the character of the neighborhood and compatible with the surrounding area;**

Land uses along Ridge Road in the vicinity of the site include the Boulder County Road Maintenance facility and recycling center to the south, a CDOT maintenance facility and a US Forest Service work center to the southeast, vacant US Forest Service land to the east, and the Boulder Valley School District’s bus barn to the west. Staff finds that the proposed use will be in harmony with and compatible with these adjacent public uses. The Additional Provisions of the Land Use Code relating to Forestry Processing and Sort Yards (Article 4-504.B.5) require that such facilities be reviewed every three years.

- 3. will be in accordance with the Comprehensive Plan;**

The parcel under consideration has the Open Corridor Roadside Comprehensive Plan designation. This designation is associated with the Peak to Peak Highway, not Ridge Road. The facility would not be visible from Peak to Peak Highway.

Goal E.6 of the Boulder County Comprehensive Plan states “adequate facilities to assure the health safety, and welfare of all citizens should be promoted.” The current forest management crisis facing landowners in the mountains of Boulder County has created a need for the proposed forestry processing and sort yard. Forest managers are actively pursuing wildfire mitigation fuel reduction projects and ecosystem restoration projects in an attempt to increase forest health and reduce susceptibility to stand replacing wildfires. The creation of the proposed ‘yard’ will assure that Boulder County is promoting the health safety, and

welfare of all citizens by facilitating the efforts of landowners to manage the consequences and mitigate the health and safety impacts of the ongoing beetle epidemics.

4. will not result in an over-intensive use of land or excessive depletion of natural resources;

No agency referral responses have indicated that this project would be considered an over-intensive use of the land or excessive depletion of natural resources. At a maximum, the facility would occupy five acres of the (approximately) 36-acre property. A single structure is proposed, which would be removed when the facility ceases to exist. The amount of earthwork being proposed has been minimized by locating the facility in the flattest area of the site. Once the site is reclaimed and revegetated, the mid-term impact would be a loss of trees in the area where the facility once was, over time, this area will regain its stand of trees as it is reseeded from the surrounding forest. The referral from Parks and Open Space dated June 23, 2009 states "a pure stand of lodgepole is the least diverse and the least important wildlife community type in the montane zone of the mountains." From this statement staff has concluded that the clearing of trees necessary for the facility is not an excessive depletion of natural resources. Recommended Conditions of Approval regarding site restoration and revegetation would ensure that the facility does not have a long term negative impact on the land. Additionally, staff is recommending that the same pheromone traps used at the Meeker Park Sort yard be used at the Ridge Road Sort Yard to prevent the Ips Beetle from impacting the adjacent forests.

5. will not have a material adverse effect on community capital improvement programs;

No publicly funded improvements will be required by the proposal. No referral response received by staff indicates any adverse effects on community capital facility programs in the area.

6. will not require a level of community facilities and services greater than that which is available;

No service provider indicated any increases in community facilities would be required as a result of this proposal. Fire protection facilities will be provided on site; no referral response was received from the Nederland Fire Protection District.

7. will not result in undue traffic congestion or traffic hazards;

Anticipated traffic to the site is estimated to be 100 trips per day (50 vehicles entering and 50 exiting). The majority of this traffic is expected to be personal trucks or SUVs, perhaps some pulling a trailer. Large semi-truck traffic is expected to average less than six trips per week. An access point from Ridge Road will be constructed; as a condition of approval this access point shall meet all applicable Boulder County Road Standards. Once a vehicle has entered the site, a one way circular drive provides access to the drop off area and the exit. For large trucks, a separate internal road provides access to pick up and drop off materials and provides the proper turning radii necessary for safe operations. The referral response received from the Transportation Department noted that the interior circulation roads were ideally located for minimizing grading and the length of the driveway.

Transportation staff also noted that the projected trip generation level of the sort yard is acceptable for Ridge Road. Given that the sort yard is a new use with limited historical traffic data the Transportation Department has requested that a log detailing the total trips to

