



## MEETING OF THE PLANNING COMMISSION BOULDER COUNTY, COLORADO

### Regular Meeting Minutes

April 20, 2022, 1:30 p.m.

Virtual PC Meeting

Commissioners Present: Sam Fitch  
Gavin McMillan  
Mark Bloomfield, Vice Chair  
Dave Hsu  
Lieschen Gargano  
Conor Canaday  
Chris Whitney

Commissioners Excused: Ann Goldfarb  
Sam Libby, Chair

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#### 1. **CALL TO ORDER**

The meeting was called to order at approximately 1:38 p.m. by Vice Chair Mark Bloomfield.

#### 2. **ROLL CALL**

#### 3. **APPROVAL OF MINUTES/MISCELLANEOUS BUSINESS**

##### 3.1 Approval of meeting minutes from March 16, 2022

**MOTION:** Lieschen Gargano **MOVED** that the Boulder County Planning Commission **APPROVE** the meeting minutes from March 16, 2022.

**SECOND:** Gavin McMillan

**VOTE:** Motion **PASSED (6:0)**

#### 4. **STAFF UPDATES**

None.

#### 5. **ITEMS**

##### 5.1 Docket SU-22-0001: Jacobs Vacation Rental

Commissioner Fitch joined the Planning Commission meeting at approximately 1:50 p.m.

Ian Brighton, Planner II, presented the application for Emily Beth & Kellen Michael Jacobs, Special Review request for a Vacation Rental of 150 days per year for up to 4 guests with a minimum stay of 2 nights on a 0.33 acres parcel. The proposal is located in the Forestry zoning district at 1301 County RD. 84W, located approximately 726 feet west of the intersection of SH 7 and CR 84W on Lots 11-12 on Block 2 in the Copeland Lake Subdivision, in Section 14, Township 3N Range 73W.

**PUBLIC HEARING OPENED**

**SPEAKERS:** Emily and Kellen Jacobs (applicants) - 904 Crestview Drive, Norton, KS; Ilona Dotterer - 2705 Regis Drive

**PUBLIC HEARING CLOSED**

**MOTION: Gavin McMillan MOVED that the Boulder County Planning Commission CONDITIONALLY APPROVE and recommend to the Board of County Commissioners CONDITIONAL APPROVAL of Docket SU-22-0001: Jacobs Vacation Rental with the 15 conditions of approval in the staff report.**

**SECOND: David Hsu**

**CONDITIONS OF APPROVAL:**

1. The applicants shall provide a Development Agreement, for review and approval by County staff, prior to the issuance of a license or permits by the Boulder County Community Planning & Permitting Department and prior to the recordation of said agreement within one year of approval.
2. The applicants must obtain a building permit for the recent reroof prior to receiving a Vacation Rental License.
3. The applicants must maintain a valid Boulder County Vacation Rental License while the short-term rental is in operation.
4. The subject property may not be marketed or used for weddings, receptions, or similar private or public events.
5. The Vacation Rental is approved to be rented for up to 150 nights per year.
6. The Vacation Rental must be rented for a minimum of 2 nights per rental period.
7. The Vacation Rental is limited to a maximum occupancy of four individuals, including children.
8. The approved number of sleeping rooms is two. The living room is not to be used as a sleeping room and any additional bedrooms must be inaccessible to guests.
9. All guests must park on-site.
10. Prior to issuance of the Vacation Rental License, the applicant must submit a letter from the Allenspark Fire Protection District that confirms the access can accommodate the district's emergency access needs.
11. Wildfire prevention and evacuation information must be displayed for guests.
12. All outdoor fires are prohibited.
13. The applicants must maintain a valid Wildfire Partners Certificate.
14. Prior to issuance of a license, the property owner(s) must sign an Access Improvement and Maintenance Agreement, which will be prepared by CPP staff.
15. The applicants shall be subject to the terms, conditions, and commitments of record and in the file for docket SU-22-0001 Jacobs Vacation Rental.

**VOTE: Motion PASSED (7:0)**

5.2 Docket SU-17-0006: Rocky Mountain Pathways Ranch

Summer Frederick, Planning Division Manager, presented the application for Rocky Mountain Pathways Inc., Special Review to expand the existing Resort Lodge/Guest Ranch use to allow for the construction of an Indoor Horse Barn, a Hay Storage Barn, and four Duplex Cabins, the remodel and addition to the Main Lodge and Recreational Center, and an increase in occupancy to 80 students and 40 staff during the day and 80 students and 8 staff overnight, and the rental of cabins to the public during summer months. The proposal is in the Forestry zoning district at 15747 State Highway 7, on the north side of SH 7, directly across from its northern intersection with SH 7 Business Route in Allenspark, in Section 25, Township 3N, Range 73W.

**PUBLIC HEARING OPENED**

**SPEAKERS:** Heather Clark, Rocky Mountain Pathways Inc. (applicant) - 320 N Halstead St., Pasadena, CA; Ilona Dotterer - 2705 Regis Drive

**PUBLIC HEARING CLOSED**

**MOTION:** Gavin McMillan **MOVED** that the Boulder County Planning Commission **CONDITIONALLY APPROVE** and recommend to the Board of County Commissioners **CONDITIONAL APPROVAL** of Docket SU-17-0006: Rocky Mountain Pathways Ranch subject to the recommended conditions of approval found in the staff recommendation with the following amendments to conditions 10 and 11. Condition 10 would be revised to read "Prior to submission of building permit applications, a new site plan shall be submitted to CP&P for review and approval showing the proposed duplexes in locations close to the existing development *in order to minimize site disturbance and reduce visibility from Peak to Peak Highway*" and Condition 11 amended as follows "Prior to submission of building permits, new elevations for the Main Lodge and Recreation Center will be submitted to CP&P for review and approval showing ~~a significant reduction in glazing~~ *a reduction in glazing with the intent of reducing both the reflective glare from Highway 7/Peak to Peak Highway during the day, and the visibility of the interior lights from the Peak to Peak highway in the nighttime.*"

**SECOND:** Sam Fitch

**CONDITIONS OF APPROVAL:**

1. Within one-year of the signing of the Resolution, the applicant shall provide a Development Agreement, for review and approval by County staff, prior to the issuance of any permits by the Boulder County Land Use Department and prior to the recordation of said agreement.
2. All applicable local, state, and federal permits must be obtained and maintained.
3. No more than 35,000 square feet shall be developed on the subject property.
4. Prior to the issuance of building permits, the applicant shall submit a transportation management plan for review and approval by the Community Planning & Permitting staff that includes specifics related to the use of shuttles as the primary mode of transportation to and from the subject property for the majority of the guests.
5. All building permit applications must include the total amount of existing square footage onsite at time of application, as well as the amount of square footage that will be on-site after the structure that is the subject of the building permit is constructed.
6. Any building permit application that is submitted for a structure that will result in total site square footage over 30,000 square feet must include a Transfer Development Credit for each 500 square feet above 30,000 square feet.
7. Prior to issuance of building permits, if deemed necessary, a change in use permit shall be applied for and obtained from the Boulder County Department of Public Health

– Environmental Division.

8. Prior to issuance of any permits, a Wildfire Partners or Regulatory Wildfire Mitigation assessment and defensible space marking shall be completed. Based upon the compliance path selected, either a Wildfire Partners Assessment report or a Wildfire Mitigation Plan will be created which will describe the wildfire mitigation requirements. A Tree Preservation Plan must be incorporated into the Wildfire Mitigation Plan.

9. The location of proposed new structures is approved according to site plans submitted with application materials, except for the location of the proposed duplexes.

10. Prior to submission of building permit applications, a new site plan shall be submitted showing the proposed duplexes in locations close to the existing development in order to minimize site disturbance and reduce visibility from Peak to Peak Highway.

11. Prior to submission of building permits, new elevations for the Main Lodge and Recreation Center shall be submitted to CP&P for review and approval showing a ~~significant reduction in glazing~~, a reduction in glazing with the intent of reducing both the reflective glare from Highway 7/Peak to Peak Highway during the day, and the visibility of the interior lights from the Peak to Peak Highway in the nighttime.

12. All new windows in the Main Lodge and Recreation Center must have low-reflectivity and low-transmittance glass.

13. The maximum occupancy on the subject property is limited to 80 guests and 40 staff during the day and 80 guests and 8 staff at night.

14. The frequency of camps, retreats, or events is limited to the chart submitted by the applicant and included in the staff recommendation document.

15. The Applicant shall be subject to the terms, conditions, and commitments of record and in the file for Docket SU-17-0006: Rocky Mountain Pathways Ranch.

**VOTE: Motion PASSED (7:0)**

### 5.3 Docket SU-21-0008: Boulder County - Allenspark Waste Transfer Station Expansion

Sam Walker, Planner II, presented the application for Seth Jacobs, Boulder County Public Works, Special Use Review for the expansion of an existing 7,800-squarefoot waste transfer station by 8,537 square feet on an approximately 1-acre portion of a 440-acre parcel. The waste transfer station proposal includes the addition of multiple supporting waste structures, the construction of a vault restroom and an office/storage building, and ADA accessibility improvements. The proposal is in the Forestry zoning district at 14857 State Highway 7 located at the intersection of State Highway 7 and County Road 84W, Section 26, Township 3N, Range 73W.

**PUBLIC HEARING OPENED**

**SPEAKERS:** Seth Jacobs, Boulder County Public Works (applicant) - 2525 13th St.; Zach Street - 14877 Highway 7; Cheri Yost, National Park Service - 1000 US Hwy 36.

**PUBLIC HEARING CLOSED**

**MOTION: Gavin McMillan MOVED that the Boulder County Planning Commission CONDITIONALLY APPROVE and recommend to the Board of County Commissioners CONDITIONAL APPROVAL of Docket SU-21-0008: Boulder County - Allenspark Waste Transfer Station Expansion with the 12 conditions in the staff report and one additional condition that the applicant work with staff to present an option with a fence that provides visual screening in addition to protection to the site.**

**SECOND: Sam Fitch**

**CONDITIONS OF APPROVAL:**

1. The applicants shall provide a Development Agreement, for review and approval by County staff, prior to the issuance of a license or permits by the Boulder County Community Planning & Permitting Department and prior to the recordation of said agreement within one year of approval.
2. Prior to the final inspection, the owner or their agent must submit evidence that the waste transfer station has obtained all applicable local, state, and federal permits.
3. At building or grading permit submittal, a revised site plan is required that shows the proposed fencing will meet all applicable parcel boundary setbacks.
4. The development must meet all requirements outlined in the Building Safety and Inspection Services Team referral response and the Building Code, including but not limited to:
  - a. Building Permits;
  - b. Minimum Plumbing Fixtures;
  - c. Accessibility;
  - d. Design Wind and Snow Loads; and
  - e. Plan Review
5. Prior to issuance of building or grading permits, details regarding the placement and construction of silt fencing or other appropriate erosion control measures must be submitted to, and approved by, the Community Planning & Permitting Department. The silt fence must be installed before construction commences and remain in place until vegetation is sufficiently established on the disturbed soil.

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

At the time of the footing foundation inspection and all subsequent inspections, the Community Planning & Permitting Department must confirm the silt barrier location and materials have been installed as required per the approved plans. Any other areas on site are subject to installation of silt fences, if needed.
6. At building or grading permit submittal, a Revegetation Plan must be submitted for approval. This plan should include native grass species to be used, an explanation of how topsoils will be stockpiled and reused, mapped delineation of all disturbance areas (this includes construction staging areas, driveway, utility lines, and septic system), and locations of silt fences or erosion control measures downslope of disturbed areas.

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

Prior to issuance of a final inspection, the full installation of the approved Revegetation Plan must be inspected and approved by the Community Planning & Permitting Department. If weather is not conducive to seeding or if adequate revegetation efforts have not occurred and vegetation is not adequately established at the time of final inspection request, an irrevocable letter of credit or monies deposited into a County Treasurer account will be required to assure the success of revegetation. You should consider the following well in advance of your revegetation inspection:

  - a. Whether you are applying for a Certificate of Occupancy, final inspection, or the return of funds held in escrow for completion of revegetation, some level of germination and growth of grass seed is required.
  - b. Keep in mind that the steeper the slopes and dryer the soil, the greater the attention needed to establish a level of germination adequate to obtain revegetation approval.
  - c. Areas of disturbance found at inspection not included on the revegetation plan are still subject to reseeding and matting.

Incomplete revegetation is the leading cause for delays in obtaining a Certificate of Occupancy.

7. Prior to the issuance of any building or grading permits, the owner or their agent must apply for an OWTS permit. The permit must be issued prior to installation and before a building permit can be obtained. Prior to the final inspection, the vaulted restroom must be installed, inspected, and approved.

8. At the time of permitting, a copy of the CDOT Access Permit for the point of access to SH7 must be submitted. A Boulder County Access Permit is also required for the point of access to County Road 84W. The Access Permit will be issued concurrently with the Building Permit.

9. Prior to the issuance of any building or grading permits, the applicant must submit a revised vegetative screening plan for staff approval. The plan must include screening along the northern and southern boundaries of the facility as well as an increased density of vegetation along the western boundary.

Prior to the final inspection, the full installation of the approved vegetative screening plan must be verified by Community Planning & Permitting.

10. Prior to issuance of building permits, one copy of a proposed lighting plan must be submitted to the Community Planning & Permitting Department for review and approval.

Down lighting is required, meaning that all bulbs must be fully shielded to prevent light emissions above a horizontal plane drawn from the bottom of the fixture. The lighting plan must indicate the location of all exterior fixtures on the site and structures, and must include cut sheets (manufacturer's specifications with picture or diagram) of all proposed fixtures. The lighting plan shall be included as part of the building plan set required at the time of

permit application. At the final inspection, the full installation of the approved lighting plan must be inspected and approved by the Community Planning & Permitting Department.

11. The Preliminary Grading, Drainage, and Revegetation Plan is approved as proposed, subject to the additional requirements approved by staff as part of Conditions 6 and 9.

12. The applicants shall be subject to the terms, conditions, and commitments of record and in the file for docket SU-21-0008 Boulder County – Allenspark Waste Transfer Station Expansion.

13. The applicants will work with staff to present an option with a fence that provides visual screening in addition to protection to the site.

**VOTE: Motion PASSED (7:0)**

## **6. ADJOURNMENT**

Vice Chair Bloomfield adjourned the meeting at approximately 4:24 p.m.