



MEETING OF THE PLANNING COMMISSION BOULDER COUNTY, COLORADO

Regular Meeting Minutes

February 15, 2023, 3:00 p.m.
Third Floor Hearing Room
County Court House
1325 Pearl Street, Boulder

Commissioners Present: Ann Goldfarb
Sam Fitch
Mark Bloomfield, Chair
Dave Hsu
Lieschen Gargano
Conor Canaday

Commissioners Excused: Sam Libby, Chair
Gavin McMillan, Vice Chair
Chris Whitney

1. **CALL TO ORDER**

2. **ROLL CALL**

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

3.1 Approval of meeting minutes for December 14, 2022

MOTION: Lieschen Gargano MOVED that the Boulder County Planning Commission APPROVE the meeting minutes from December 14, 2022.

SECOND: Sam Fitch

VOTE: Motion PASSED (6:0)

4. **STAFF UPDATES**

Kim Sanchez, Deputy Director of Planning, thanked Planning Commissioners Sam Fitch and Lieschen Gargano for their service as this was their last Planning Commission meeting. Kim also announced that the Planning Commission Annual Dinner will be rescheduled to a later date.

Kelly Watson, Principal Floodplain Planner, updated the Planning Commission on an upcoming docket related to Land Use Code text amendments related to floodplain regulations. The docket is primarily meant to comply with recent changes to Federal Emergency Management Agency (FEMA) and Mile High Flood District (MHFD) policies. Staff expect to bring this docket to the March Planning Commission hearing. A public informational meeting was held on February 9th.

5. ITEMS

5.1 Adoption of Planning Commission Resolution PC-2022-02 (for Docket BCCP-22-0001: Environmental Resources Element Maps Update and Reprint of Comprehensive Plan Maps)

Ethan Abner, Long Range Planner, presented the resolution to be adopted.

MOTION: Sam Fitch MOVED that Planning Commission ADOPT Planning Commission Resolution PC-2022-02 (for Docket BCCP-22-0001: Environmental Resources Element Maps Update and Reprint of Comprehensive Plan Maps).

SECOND: Mark Bloomfield

VOTE: Motion PASSED (6:0)

5.2 Docket RE-21-0001: Horst Estate NUPUD Replat

Sam Walker, Planner II, presented docket RE-21-0001: Horst Estate NUPUD Replat, request to replat the Horst Estate NUPUD to create a second building lot and three total lots. The application is submitted by applicants Mark Rockwell & Kelly Sexton. The subject properties are in the Agricultural zoning district at 2801 and 2853 N. 111th Street, Lots 1A and 2B Horst Estate Replat A, approximately .5 miles south of the intersection of Isabelle Road and N. 111th Street, in Section 27, Township 1N, Range 69W.

PUBLIC HEARING OPENED

SPEAKERS: Mark Rockwell (applicant) - 2801 N 111th Street; Christine Hackett - 798 Limestone Drive, pooling with Robert Eisenberg- Erie, CO, Thelma Bishopp-Lafayette, CO, Victoria Feliton-Erie, CO, for 10 minutes; Michael Olszowy - 872 Limestone Drive, pooling with Michelle Carpentier for 6 minutes; Collin Peters - 814 Limestone Drive; Janet Ruzich - 2418 Flats St.; Eric Schlorff - 936 Limestone Drive; Erica Hake - 1032 Limestone Drive.

PUBLIC HEARING CLOSED

MOTION: Ann Goldfarb MOVED that the Planning Commission enter Executive Session to receive legal advice pursuant to C.R.S. § 24-6-402(4)b.

SECOND: Sam Fitch

VOTE: Motion PASSED (6:0)

At approximately 5:08 p.m., Planning Commission entered Executive Session. They reconvened at approximately 5:25 p.m.

MOTION: Lieschen Gargano MOVED that the Planning Commission CONDITIONALLY APPROVE Docket RE-210001 Horst Estate NUPUD Replat to the Board of County Commissioners, subject to the conditions outlined in the staff recommendation.

SECOND: Sam Fitch

CONDITIONS OF APPROVAL:

1. Prior to the issuance of any permits by the Boulder County Community Planning & Permitting Department and within one-year of the signing of the Resolution, the

applicants shall provide a Development Agreement for review and approval by County staff. Once approved by County staff, the Development Agreement shall be signed and notarized by the applicant, and will be recorded by County staff.

2. Restrictive covenants that run with the land are required for Lot 2 and Lot 3 of the NUPUD Replat. These covenants must limit development on each parcel to one single-family residence and associated accessory structures. The covenant for Lot 2 must include a restriction that limits above-grade residential floor area on the parcel to 2,500 square feet above-grade. The covenant for Lot 3 must include a restriction that limits above-grade residential floor area on the parcel to 3,520 square feet above-grade. a. These covenants must be recorded as part of the NUPUD plat.

3. Uses on the agricultural outlot are restricted to agricultural uses as described in the Code. Only accessory agricultural structures can be built on the parcel, subject to county approval through the appropriate permitting or planning process. This restriction must be recorded on the plat and reflected in the required Conservation Easement.

4. Uses on Lots 2 and 3 are restricted to single-family residential, open agriculture, or intensive agriculture as described in the Code. This restriction must be recorded on the plat.

5. The final plat must include easements for all existing ditches or laterals that cross the NUPUD. These easements must meet all standards described in Art. 7-1000 of the Code.

6. A revised access easement must be included on the plat such that vehicular access is provided to all three lots.

7. The final plat must note a utility easement within the revised access easement to ensure future availability of utility services to both residences within the NUPUD.

8. The applicant must sign an amended and restated conservation easement that updates the Conservation Easement to the county's current standards and satisfies Boulder County's requirements for restrictions on this property, and confining agricultural structures to a designated building envelope.

9. The applicants shall be subject to the terms, conditions, and commitments of record and in the file for docket RE-21-0001 Horst Estate NUPUD Replat.

VOTE: Motion PASSED (6:0)

6. ADJOURNMENT