



**MEETING OF THE PLANNING COMMISSION BOULDER COUNTY, COLORADO**

**Regular Meeting Minutes**

**July 19, 2023, 1:30 p.m.  
Third Floor Hearing Room  
County Court House  
1325 Pearl Street, Boulder**

Commissioners Present: Ann Goldfarb  
Sam Libby  
Gavin McMillan, Chair  
Mark Bloomfield, 2nd Vice Chair  
Dave Hsu, Vice Chair  
Chris Whitney  
George Gerstle

Commissioners Excused: Conor Canaday  
Rachel Medaugh

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**1. CALL TO ORDER**

**2. ROLL CALL**

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

3.1 Approval of meeting minutes from June 21, 2023

**MOTION: Mark Bloomfield MOVED that the Boulder County Planning Commission APPROVE the meeting minutes from June 21, 2023.**

**SECOND: Dave Hsu**

**VOTE: Motion PASSED {7:0}**

**4. STAFF UPDATES**

Kim Sanchez, Deputy Director of Planning, announced that Anna Milner will be moving into a different position within the Community Planning & Permitting Department. Her replacement will begin in August 2023.

5. **ITEMS**

5.1 Docket SU-23-0004/SPR-23-0034: Travis Vacation Rental and Residence

Jonathan Tardif, Planner II, presented the Special Review request for a Vacation Rental of 150 nights for up to 6 guests with a minimum stay of 3 nights and Site Plan Review to construct a 2,432-square-foot residence, 120-square-foot residential shed, and a 672-square-foot forestry barn resulting in 2,552 square feet of residential floor area on a 2.3 acre parcel where the presumptive size maximum is 2,500 square feet. The application was presented by Mike Daley (applicant) and Steven Travis (property owner) and the subject property is in Forestry zoning districts at 246 Tahosa South Road, located approximately 0.30 miles east of the intersection of Tahosa South Road and State Highway 7 on Section 13, Township 3N, Range 73W.

**PUBLIC HEARING OPENED**

**SPEAKERS:** Phil Stern - Allenspark

**PUBLIC HEARING CLOSED**

**MOTION:** Chris Whitney **MOVED** that Planning Commission **CONDITIONALLY APPROVE** and recommend to the Board of County Commissioners conditional approval of **Docket SU-23-0004/SPR-23-0034: Travis Vacation Rental and Residence** with the conditions outlined by staff.

**SECOND:** Gavin McMillan

**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 maintain a valid Boulder County Vacation Rental License while the short-term rental is in operation.
3. The subject property may not be marketed or used for weddings, receptions, or similar private or public events.
4. Per the requirements of Article 4-507.E3 of the Code, the applicants shall require all guests/visitors to park on the subject property.
5. All OWTS components must be clearly marked to prevent damage from vehicles.
6. The Vacation Rental is limited to a maximum occupancy of six (6) individuals, including children.
7. The approved number of sleeping rooms is three (3).
8. The Vacation Rental use is limited to a maximum of 150 nights per year
9. Wildfire prevention and evacuation information must be displayed for guests.
10. All outdoor fires are prohibited.
11. The applicants must maintain a valid Wildfire Partners Certificate.
12. The approved size of the proposed new residence is a maximum of 2,552 square feet of residential floor area.
13. Prior to the issuance of any building permits, the applicant must sign and submit to CPP staff a zoning affidavit stating that the forestry barn must not be used for a residential use.
14. Prior to the issuance of any building permits, the applicant must submit an updated site plan displaying that the turnaround point is relocated to an area between the entrance of the subject property and prior to the first structure on-site.
15. Prior to building permit, demonstrate support of the improvements by the

Wagener Deer Ridge Timber & Tahosa South Road Owners Association LLC, owners of the property on which the easement is located. Prior to building permit, submit additional easements for access at 74 and 204 Tahosa South Road should the road improvements occur in the current location.

16. Prior to issuance of a Certificate of Occupancy, the Community Planning & Permitting Department must verify that the access point and driveway for the new residence and accessory agricultural structures have been constructed to comply with the approved plans as well as the Multimodal Transportation Standards for residential development in the plains, including without limitation: a. Table 5.5.1 – Parcel Access Design Standards (1-Lane Mountains Access) b. Standard Drawings 11-13 – Private Access.

c. Standard Drawing 15 – Access Profiles Detail d. Standard Drawing 16 – Access & Grade Clearance e. Standard Drawing 18 – Access Turnaround f. Standard Drawing 19 – Typical Turnaround & Pullout Locations

17. At building permit, the applicant must submit a site plan detailing access and other site improvements that comply with the Multimodal Transportation Standards.

18. The applicant must obtain an OWTS permit for the construction of the new residence and once the use on site transfers to residential use, the property owner must apply for a OWTS Use permit.

19. The applicant must obtain the Wildfire Partners Certification and shall comply with wildfire mitigation requirements identified in the referral response dated June 28, 2023.

20. Prior to building permit, the applicant must submit area of disturbance calculations and apply for a stormwater quality permit.

21. The elevations and height for the residence is approved as proposed in the elevations submitted for review on 4/11/2023.

22. Prior to the issuance of building permits, the applicant must submit updated elevations for the forestry barn and residential shed displaying the proposed height of the structures for review and approval by CPP staff.

23. Prior to issuance of building or grading permits, the first part of the Height Survey Verification form (included as an attachment to this letter) must be completed and submitted to the Community Planning & Permitting Department for review and approval. Prior to rough frame inspection, the second part of the form (provided upon building permit application) must be submitted to the Community Planning & Permitting Department for review and approval.

24. Prior to the issuance of building permits, the applicant must submit material samples for all new structures (residence, forestry barn, and residential shed) to CPP staff for review and approval.

25. Prior to issuance of building permits, submit to the Community Planning & Permitting Department for review and approval, one set of exterior color samples (color chips, brochure, or catalog page) and material samples to be used including roof, siding and trim for all new structures (residence, forestry barn, and residential shed). Samples should be included as part of the building plan set required at the time of permit application. Samples of the exterior colors and metallic materials must be provided to ensure visual impacts of the development are minimized and that the development blends in with the natural environment and neighborhood character of the surrounding area. Colors should have a matte finish. Prior to issuance of a Certificate of Occupancy/At the final inspection, the Community Planning & Permitting Department must inspect and verify that the approved color samples are used on the new structure.

26. 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. The lighting plan must be included as part of the building plan set required at the time of permit application. Prior to issuance of a Certificate of Occupancy/At the final inspection, the full installation of the approved lighting plan must be inspected and approved by the Community Planning & Permitting Department.
27. The locations of the residence and accessory structures are approved as proposed on the site plan dated 4/6/2023.
28. Prior to building permit, submit a grading plan, signed and stamped by a Professional Engineer registered in the State of Colorado, that either shows the road improvements within the existing easement or in the current location. Revised grading calculations must also be submitted for review and approval by CPP staff at permitting.
29. Prior to issuance of building and grading permits, submit to the Community Planning and Permitting Department for review and approval a plan depicting the routing of all utility services. The utility routing plan must be included as part of the building plan set required at the time of permit application. To minimize disturbances to the site, all utility service lines must be routed underground (see Article 7-1200 of the Boulder County Land Use Code) and should be located in areas already disturbed or proposed to be disturbed (e.g., along driveway). a. At the time of building inspections, full installation of the utilities per the approved plan must be inspected and confirmed by the Community Planning and Permitting Department.
30. Prior to issuance of a Certificate of Occupancy /At the time of final inspection, all areas of exposed soil must be revegetated. 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 must be provided to assure completion of revegetation. What is considered "adequate revegetation" is influenced by the amount of site disturbance, potential for significant erosion (steep slopes), and visibility. In all cases some level of germination and growth is required. Note that areas of disturbance not included on the revegetation plan are still subject to reseeding and matting. Please note that no species on List A, B or C in the county's Noxious Weed Management Plan may be used to meet Revegetation requirements. Site disturbance must be minimized, and final grading and seeding must be conducted prior to the issuance of a Certificate of Occupancy. Incomplete revegetation is the leading cause for delays in obtaining Occupancy.
31. Prior to issuance of building or grading permits, details regarding the placement and construction of the silt fence must be submitted to and approved by the Community Planning & Permitting Department. The placement and profile of the silt fence may be shown on the Revegetation Plan. 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.
32. The applicants shall be subject to the terms, conditions, and commitments of record and in the file for docket SU-23-0004 / SPR-23-0034 Travis Vacation Rental and

Residence.

**VOTE: Motion PASSED {7:0}**

5.2 Docket SU-23-0005: HARVEST MOON Solar Energy

Pete L'Orange, Planner II, presented the Special Review to construct an approximately 10.3-acre Solar Energy facility on an approximately 35.5-acre parcel at 9770 Isabelle Road. The application was presented by CBEP Solar 21, LLC (applicant) and the subject property is in Agricultural zoning district at 9770 Isabelle Road, approximately 0.4-mile east of the intersection of N. 95th Street and Isabelle Road in Section 21, Township 1N, Range 69W.

**PUBLIC HEARING OPENED**

**SPEAKERS:** Daniel Swires - Lafayette; Ann Mattson - Boulder; Jay Jakosky - Lafayette; Natalie Condon - Lafayette; Elisabeth Leistikow - Lafayette; David Leistikow - Lafayette.

**PUBLIC HEARING CLOSED**

**MOTION:** George Gerstle **MOVED** that Planning Commission **CONDITIONALLY APPROVE** and recommend to the Board of County Commissioners conditional approval of Docket SU-23-0005: HARVEST MOON Solar Energy with the conditions identified by staff.

**Commissioner Bloomfield requested an amendment to the motion to add the requirement of grazing sheep as part of the approval process. Commissioner Gerstle amended his motion to include this requirement.**

**SECOND:** Mark Bloomfield

**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 must provide a Development Agreement for review and approval by County staff. Once approved by County staff, the Development Agreement must be signed and notarized by the applicants, and will be recorded by County staff.
2. The maximum height of any given panel in the system is not to exceed 11 feet above existing grade.
3. Plans submitted for permitting must show that all fencing of more than 6 feet in height meets the applicable setbacks for the Agricultural Zoning District and is issued a building permit.
4. The area of disturbance must not exceed 7 acres. Plans submitted for permitting must include detailed information on all areas of disturbance, including delineating the extent of all areas of the land's surface disturbed or in any way changed as a result of construction activity, including but not limited to new structures, access, and areas used for access or parking during and following the construction process.
5. All utility lines from the project area to where they transition to the existing Xcel infrastructure must be located underground, in compliance with Article 7-1200.B.1 of the Code.
6. The solar energy facility as proposed is subject to a sunset date of 35 years after construction is complete or at the end of the effective lifespan of the facility, whichever is sooner.
7. Prior to issuance of any permit for deconstruction/decommission, the applicants must submit a full post-decommission revegetation plan to be reviewed and approved by Community Planning & Permitting staff.
8. Decommissioning and remediation of the facility and project area must begin within 90 days of the project sunset, and must be completed within 1 year of decommissioning commencing.

9. Prior to the recordation of the development agreement, the applicants must provide Boulder County with a security bond for the cost of removing the system and remediation of the project area.
10. No construction is permitted occur under wet soil conditions.
11. The access drive to the project area be reduce to 18 feet in width.
12. The proposed access must be designed according to the Boulder County Multimodal Transportation Standards (MMTS), including but not limited to: a. Standard Drawing 11 – Private Access b. Standard Drawing 18 – Access Turnaround c. Standard Drawing 19 – Typical Turnaround & Pullout Locations At building permit, the applicant must submit plans that delineate and note the revised access requirements, including revised width, access cross section, and revised emergency vehicle turnaround.
13. During construction, all materials, machinery, dumpsters, vehicles, and other items associated with the project should be staged on the subject parcel.
14. The storage containers shall be neutral or earth-tone in color.
15. The construction trailer and portable toilet must be removed from the subject property within 30 days of completion of construction.
16. Vegetative screening (the juniper trees as proposed in application materials) is required along all of the eastern, northern, and western edges of the project area, with the exception of access drive to the facility.
17. Prior to the issuance of any building or grading permit, the applicants must submit a detailed landscaping plan, showing the location of all landscape plantings, information on the specific species to be used, and watering and maintenance information.
18. The applicants must remove and replace any of the vegetative screening that dies or fails throughout the life span of the facility.
19. At permitting, the applicants must submit revised runoff calculations and detention requirements in light of this information. Post-development runoff numbers must account for the change in runoff from the solar panels.
20. At building permit, the applicants must submit plans that demonstrate compliance with Section 1200 of the Boulder County Storm Drainage Criteria Manual.
21. At building permit, the applicants must submit Boulder County Stormwater Quality Permit application.
22. The applicants are subject to the terms, conditions, and commitments of record and in the file for docket SU-23-0005 Harvest Moon Solar Energy Facility.

**VOTE: Motion PASSED {7:0}**

**6. ADJOURNMENT**