

RESOLUTION 2024-030

A resolution conditionally approving Boulder County Community Planning & Permitting Docket Z-23-0002: Lyons Area Zoning Map Amendment

Recitals

A. The Boulder County Board of County Commissioners (the “Board”) is authorized to amend the County’s Zoning Map and text of the County’s Zoning Regulations according to the procedures in the regulations and C.R.S. § 30-28-112, -116, and -133.

B. Under other statutory authority, the Board is empowered to adopt regulations related to the control of land use, including but not limited to Article 65.1 of Title 24 (Areas and Activities of State Interest); Articles 67 and 68 of Title 24 (Planned Unit Developments and Vested Rights); Article 20 of Title 29 (Local Land Use Enabling Act); Articles 11 and 15 of Title 30 (County Powers and Police Power); Article 1 of Title 32 (Special District Control); and Article 2 of Title 43 (County Highways), C.R.S.

C. By Resolution 94-185, adopted October 18, 1994, the Board approved a unified Boulder County Land Use Code (the “Land Use Code”), which the Board has amended on subsequent occasions.

D. The Boulder County Community Planning & Permitting Department Director administers the zoning regulations as set forth within the Land Use Code.

E. In the present Docket Z-23-0002, authorized by the Board at a public meeting on September 5, 2023 (the “Docket”), Community Planning & Permitting Department staff proposed comprehensive zoning map amendments to the Boulder County Zoning Map that would rezone higher intensity zoning districts (Commercial, Business, Transitional, and General Industrial) within a three-mile radius of the Town of Lyons in unincorporated Boulder County (the “Proposed Map Amendments”), as set forth in the Community Planning & Permitting Department’s memorandum and recommendations dated March 7, 2024 (the “Staff Recommendation”).

F. The Boulder County Planning Commission (the “Planning Commission”) held a duly noticed public hearing on the Proposed Map Amendments on February 21, 2024. At the close of the hearing, the Planning Commission recommended approval of the Proposed Map Amendments with amendments to the approved text of the recommendation presented by Community Planning & Permitting Department staff and certified the Docket for action to the Board.

G. On March 7, 2024, the Board held a duly noticed public hearing on the Docket, as further reflected in the official record of the public hearing, and considered the Staff Recommendation as well as the documents and testimony presented by Community Planning & Permitting Department staff. Due to technical issues with the video conference portion of the public hearing, no public testimony was taken, and the Board voted to table the Docket to a date certain to allow full participation by those participating remotely via video conference.

H. The Board again heard the Docket during a duly noticed public hearing on March 12, 2024, as further reflected in the official record of the public hearing, and considered the Staff Recommendation as well as the documents and testimony presented by Community Planning & Permitting Department staff. The Board also heard testimony from 6 members of the public.

I. Based on the public hearings, the Board finds that the Proposed Map Amendments included in Exhibit A meet the criteria for zoning map amendments in Article 4-1102 of the Land Use Code as set forth in the Staff Recommendation and stated on the record during the public hearings.

Therefore, the Board resolves:

Docket Z-23-0002 is approved on the basis and terms set forth in this Resolution, above, and subject to the following conditions:

1. The Proposed Map Amendments, as outlined in Exhibit A, are approved for incorporation into the Boulder County Zoning Map, effective March 12, 2024.

A motion to approve the Docket was made by Commissioner Marta Loachamin, seconded by Commissioner Ashley Stolzmann, and passed by a 3-0 vote.

[Signature Page to Follow]

ADOPTED as a final decision of the Board on this ____ day of April 2024.

The signatures below indicate approval of the text of the Resolution but are not necessarily reflective of the votes taken at the Public Hearing.

**BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY:**

Ashley Stolzmann, Chair

Marta Loachamin, Vice Chair

Claire Levy, Commissioner

ATTEST:

Clerk to the Board

Exhibit A ZONING MAP AMENDMENT TABLE

Map ID	Parcel Number	Site Address	Owner Name	Acres	Curent Zoning	Current Zoning 2*	Proposed Zoning	Current Use**
1	120112000047	18668 N St Vrain	RIVER MINISTRIES	2.50	Business		Rural Residential	Church
2	120321000038	4964 Highland Dr	COUNTY OF BOULDER	11.56	Transitional	Agricultural	Agricultural	Open Space
3	120321000036	4720 Ute Hwy	BLUE MOUNTAIN STONE INC	5.22	Transitional	Agricultural	Agricultural	2 Dwellings, Blue Mountain Stone
4	120320100020	4592 Ute Hwy	DIRKES FRED DAVID & DOROTHY BETH	1.50	Commercial		Agricultural	Residential
5	120320100021	13050 N Foothills Hwy	DIRKES FRED DAVID & DOROTHY BETH	0.84	Commercial		Agricultural	None
6	120320100018	4602 Highland Dr	TEBO STEPHEN D	3.78	Commercial	Agricultural	Agricultural	Agricultural, Residential
7	120320100024	4545 Ute Hwy, 4559 Ute Hwy	TEBO STEPHEN D	1.22	Commercial	Agricultural	Agricultural	Retail/Personal Service
8	120320100005	4497 Ute Hwy	AER INVESTMENTS LLC	0.31	Commercial	Agricultural	Agricultural	Marijuana Establishment
9	120320100004	4435 Ute Hwy	DMRR LLC	2.99	Commercial	Agricultural	Agricultural	Retail/Personal Service
10	120320200015	4278 Ute Hwy	FRYSIG PAUL W	0.56	Commercial		Agricultural	Residential, Frysig Stone Yard
11	120320200006	4099 Ute Hwy	MCCONNELL TRACY LEE & LAURA A	0.85	Commercial		Agricultural	None
12	120320200017	0 Ute Rd	NORTHERN COLORADO WATER CONSERVANCY DIST	1.12	Commercial	Agricultural	Agricultural	Ditch Facilities
13	120317000042	520 Eagle Ridge Rd	LIVING UNIVERSE TRUST	22.81	Commercial	Agricultural	Agricultural	Residential
14	120320200010	0 Ute Hwy	UNITED STATES OF AMERICA	0.02	General Industrial		Agricultural	None
15	120320200013	4108 Ute Hwy	HIGHLAND DITCH CO	1.95	General Industrial		Agricultural	Ditch Facilities
16	120320200014	0 Ute Hwy	HIGHLAND DITCH COMPANY INC	1.90	General Industrial		Agricultural	Ditch Facilities
17	120320200012	4078 Ute Hwy	NORTHERN COLORADO WATER CONSERVANCY DIST	1.32	General Industrial	Lyons	Agricultural	Ditch Facilities
18	120320200021	0 Ute Hwy	NORTHERN COLORADO WATER CONSERVANCY DIST	13.56	General Industrial	Agricultural	Agricultural	Ditch Facilities
19	120320000038	4324 Ute Hwy, 12993 N Foothills Hwy, 13051 N Foothills Hwy	LOUKONEN FAMILY LLC	89.56	General Industrial	Agricultural	Agricultural	Loukonen Stone Yard
20	120328000001	5134 Ute Hwy, 12350 N Foothills Hwy	CEMEX INC	866.36	General Industrial	Agricultural	Agricultural	Cemex Plant

*Parcels have multiple zone districts within the property

**Uses based on property research, windshield survey and property owner supplied information