



MEETING OF THE PLANNING COMMISSION BOULDER COUNTY, COLORADO

Regular Meeting Minutes

February 21, 2024, 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

1. CALL TO ORDER

The meeting was called to order at approximately 1:35 p.m. by Chair Gavin McMillan.

2. ROLL CALL

3. APPROVAL OF MINUTES/MISCELLANEOUS BUSINESS

3.1 Approval of Meeting Minutes for January 17, 2024

MOTION: Sam Libby MOVED that the Boulder County Planning Commission APPROVE the meeting minutes from January 17, 2024. SECOND: George Gerstle VOTE: Motion PASSED {7:0}

4. STAFF UPDATES

Kim Sanchez, Deputy Director of Community Planning and Permitting, presented the following updates on the composition of the Planning Commission Board:

- Rachel Awalt (formerly Medaugh) has resigned from Planning Commission, as she recently moved to the Western Slope and is no longer a resident of Boulder County.
- Dave Hsu's last meeting with the Planning Commission is today. Kim thanked him for his dedication and thoughtful participation over the years.
- Gavin McMillan and Mark Bloomfield have both been re-appointed to the Planning Commission by the Board of County Commissioners.
- Rachel Lee was appointed to the Planning Commission by the Board of County Commissioners and will start next month.

5. **ITEMS**

5.1 Docket V-23-0002: Frick Vacation

Sam Walker, Planner II, presented the application for the request to vacate portions of the alley rights-of-way that bisect 940 Eldorado Avenue (Parcel 158320011003) and 0 Bryan Avenue (Parcel 158320016003) as well as the portion of Spencer Avenue that divides the two parcels. The proposal is located at 940 Eldorado Avenue, on the south side of Eldorado Avenue approximately 300 feet west of the intersection of Eldorado Avenue and 9th Street in the Eldora Townsite in Section 21, Township 1S, Range 73W.

PUBLIC HEARING OPENED

SPEAKERS: Robert Frick (Applicant)

PUBLIC HEARING CLOSED

MOTION: Chris Whitney **MOVED** that the Boulder County Planning Commission **APPROVE** and recommend to the Board of County Commissioners **APPROVAL** of **Docket V-23-0002: Frick Vacation** with the following conditions outlined in the Staff Recommendation:

1. **In addition to the two alley sections to be vacated, only the northern half (or northern 25 feet) of the Spencer Avenue right-of-way shall be vacated. The southern half (or southern 25 feet) of the Spencer Avenue right-of-way must remain public to preserve physical access to all parcels on the south side of the right-of-way.**
2. **The applicant shall meet all the post approval requirements within one year after the date of the Board of County Commissioners' Resolution approving this vacation. This Resolution and associated documents shall also be recorded by Community Planning & Permitting Staff with the County Clerk and Recorder's Office within this one-year timeframe. This vacation approval shall not be considered final or effective until this recordation. Finally, this vacation approval shall expire if recordation does not occur within the required one-year timeframe (unless an extension is granted).**
3. **The applicant shall be subject to the terms, conditions, and commitments of record and in the file for docket V-23-0002: Frick Vacation.**

SECOND: Mark Bloomfield
VOTE: Motion PASSED {7:0}

5.2 Docket DC-24-0001: Text Amendment to the Land Use Code related to Temporary Fireworks Sales

Cayley Byrne, Long Range Planner, presented Docket DC-24-0001, Temporary Fireworks Sales Text Amendment. Staff proposed text amendments to the Boulder County Land Use Code related to Temporary Fireworks Sales in Article 4-517.H Temporary Fireworks and Christmas Tree Sales, and any other related Articles and provisions necessary to integrate the proposed changes. The proposed change to the Land Use Code would disallow the Temporary Fireworks Sale use, removing language from Article 4-517.H that refers to temporary fireworks sales, leaving allowances for Temporary Christmas Tree Sales. The proposed change aims to reflect the awareness of wildfire risk in Boulder County, promote public safety and wildfire prevention, and align the Land Use Code with restrictions on fireworks found in other jurisdictions within Boulder County, by reducing risk of accidental fire by fireworks through the removal this temporary use from the Land Use Code.

PUBLIC HEARING OPENED

SPEAKERS: Joseph Encinias (Boulder, CO), Nancy Encinias (Boulder, CO), Brad Witherell (Boulder, CO), Dean Rogers (Boulder, CO)

PUBLIC HEARING CLOSED

MOTION: David Hsu MOVED that Planning Commission enter an Executive Session pursuant to C.R.S. 24-6-402(4)(b) for legal advice related to the docket.

SECOND: Ann Goldfarb
VOTE: Motion PASSED {7:0}

Planning Commission departed the meeting to enter Executive Session at approximately 2:27 p.m. They reconvened at approximately 2:46 p.m.

MEETING CALLED BACK TO ORDER

At approximately 2:47 p.m., Commissioner George Gerstle recused himself from the hearing for Docket DC-24-0001.

The Planning Commission then discussed Docket DC-24-0001 and made a recommendation to the Board of County Commissioners.

MOTION: Sam Libby MOVED that Planning Commission APPROVE and recommend to the Board of County Commissioners approval of Docket DC-24-0001 Temporary Fireworks Sales Text Amendment and certify that docket for action to the Board of County Commissioners, with the request that the Board of County Commissioners verify that the fireworks stand operated by Encinias has an application in process at the time of the hearing.

SECOND: Chris Whitney
VOTE: Motion PASSED {6:0}

Commissioner George Gerstle re-entered the hearing room at approximately 3:02 p.m.

5.3 Docket Z-23-0002: Lyons Area Zoning Map Amendment

Hannah Hippely, Long Range Planning Manager, presented the application for Comprehensive Zoning Amendment to the Boulder County Zoning Map, rezoning of higher intensity (Commercial, Business, Transitional, and General Industrial) zone districts within a three-mile radius of the Town of Lyons in unincorporated Boulder County.

PUBLIC HEARING OPENED

SPEAKERS: Paul Frysig (Lyons, CO), David Eisenstein (Lafayette, CO), Victoria Simonsen (Lyons, CO)

PUBLIC HEARING CLOSED

MOTION: Gavin McMillan **MOVED** that the Boulder County Planning Commission **APPROVE** and recommend to the Board of County Commissioners **APPROVAL** of Docket Z-23-0002: Lyons Area Zoning Map Amendment with the following amendments to the approved text of the Staff Recommendation:

1. Properties that are currently zoned as Commercial or Transitional and have commercial uses active on them be reconsidered for a Zoning designation other than Agricultural.
2. The intent of the Intergovernmental Agreement between the Town of Lyons and Boulder County should be honored in that consideration.

SECOND: Sam Libby

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

6. ADJOURNMENT