



## MEETING OF THE PLANNING COMMISSION BOULDER COUNTY, COLORADO

### Regular Meeting Minutes

July 17, 2024, 1:00 p.m.  
Third Floor Hearing Room  
County Court House  
1325 Pearl Street, Boulder

Commissioners Present: Ann Goldfarb  
Gavin McMillan  
Mark Bloomfield, 2nd Vice Chair  
Rachel Lee  
Rita Manna

Commissioners Excused: Sam Libby, Vice Chair  
Chris Whitney, Chair  
Conor Canaday  
George Gerstle

---

1. **CALL TO ORDER**

The meeting was called to order at approximately 1:14 p.m. by 2nd Vice Chair Mark Bloomfield.

2. **ROLL CALL**

3. **JOINT WORKSHOP WITH THE BOARD OF COUNTY COMMISSIONERS AND PLANNING COMMISSION REGARDING 2025 BOULDER VALLEY COMPREHENSIVE PLAN MAJOR UPDATE (1-2 p.m.)**

Hannah Hippely, Long Range Planning Division Manager, presented an overview of the BVCP, reviewed the project timeline and led a discussion regarding the 2025 Boulder Valley Comprehensive Plan Major Update. A discussion followed the presentation and County Commissioners and Planning Commissioners asked questions and provided initial thoughts about the BVCP update.

At approximately 1:55 p.m., the Board of County Commissioners departed the meeting and the Planning Commissioners went into recess. The Planning Commissioners reconvened at approximately 2:00 p.m.

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

4.1 Approval of meeting minutes for June 12, 2024

**MOTION: Gavin McMillan MOVED that the Boulder County Planning Commission APPROVE the meeting minutes from June 12, 2024.**

**SECOND: Ann Goldfarb**

**VOTE: Motion PASSED {5:0}**

**5. STAFF UPDATES**

5.1 Staff Update on Boulder County Comprehensive Plan Maps

Ethan Abner, Long Range Planner, provided information on updates and reformatting that has been completed on the Boulder County Comprehensive Plan Maps.

**6. ITEMS**

6.1 Docket SU-24-0002: Pivot Solar Energy Facility

Pete L'Orange, Planner II, presented the application for Dewire Family Trust (owner) and Pivot Solar 48 LLC (applicant) for Special Use Review for an approximately 4-acre solar energy facility on a 13-acre parcel in the Rural Residential (RR) zoning district at 9215 Arapahoe Road, located on the north side of Arapahoe Road approximately 0.3 miles west of the intersection of Arapahoe Road and N. 95th Street, in Section 29, Township 1N, Range 69W.

**PUBLIC HEARING OPENED**

**SPEAKERS:** Bradley Thomas - Pivot Solar (Applicant), Kyle Sundman - Pivot Solar (Applicant), Brett Dewire (Property Owner), Fred Kessler – Boulder, CO (Pooled with Isabelle Kessler), George Phillips – Lafayette, CO (Pooled with Julie Dickinson), Suzie Bruch – Boulder, CO (Pooled with Josh Sachs), Tom Razo – Boulder, CO, Becky Ralston – Lafayette, CO, Byron Kominek – Longmont, CO, Matthew Ralston – Lafayette, CO, Susan Inslee - Lafayette, CO, Ethan Johan – Westminster, CO, Bob Nihan – Lafayette, CO

**PUBLIC HEARING CLOSED**

At approximately 5:10 p.m., the Planning Commissioners went into recess. They reconvened at approximately 5:15 p.m.

**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-24-0002: Pivot Solar Energy Facility subject to the conditions outlined in the Staff Recommendation Packet, with the amendments and additions stated below.**

**SECOND: Mark Bloomfield**

**CONDITIONS OF APPROVAL:**

1. The site plans dated June 20, 2024, are approved as submitted, subject to all additional conditions of approval.

2. 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.
3. The solar energy facility as proposed is subject to a sunset date of 40 years after construction is complete or at the end of the effective lifespan of the facility, whichever is sooner.
4. Prior to the recordation of the Development Agreement, the applicants must submit a detailed decommissioning plan for the proposed project for review and approval by Community Planning & Permitting staff. This plan must include details on the removal of all equipment and infrastructure.
5. Prior to the issuance of any deconstruction permits, the applicants must submit a full post-decommission revegetation plan to be reviewed and approved by Community Planning & Permitting staff. This plan must include details on soil restoration and revegetation of all disturbed areas.
6. 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.
7. 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. The amount of the bond must be based on documented anticipated costs for removal of all above and below ground infrastructure as described in the decommissioning plan submitted by the applicants and all required post-decommissioning revegetation. The bond amount must be reviewed and approved by Community Planning & Permitting staff. **The bond must be reviewed by county staff periodically to ensure that amount continues to be adequate.**
8. Prior to the recordation of the Development Agreement, the applicants must submit a full farm management plan for review and approval by Community Planning & Permitting staff. If the applicants determine that agrivoltaics are not feasible, the farm management plan must provide a detailed explanation as to why agrivoltaics cannot be carried out on the subject parcel. **The plan must include information on how the land will be used, generally what types of plants will be grown, what water use will be required, irrigation information, and weed management.**
9. No construction is permitted occur under wet soil conditions.
10. At building permit, plans submitted for permitting must demonstrate a Boulder County Multimodal Transportation Standards compliant access. At final inspection, the Community Planning & Permitting Department must verify that the access and driveway has been constructed to comply with the Standards.

11. At building permit, the applicant must provide documentation from the Colorado Department of Transportation that the access from Arapahoe Road meets CDOT requirements.
12. During construction, all materials, machinery, dumpsters, vehicles, and other items associated with the project should be staged on the subject parcel.
13. During construction, construction traffic to and from the subject parcel shall be limited to between 8:30 a.m. and 3:30 p.m., Monday through Friday.
14. The construction trailer and portable toilet must be removed from the subject property within 30 days of completion of construction.
15. 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, for county staff review and approval. **The landscape plan must demonstrate complete, year-round screening. The size of plants installed must provide adequate screening within 5 years of installation.**
16. The applicants must remove and replace any of the vegetative screening that dies or fails throughout the life span of the facility.
17. The maximum height of the panels shall be limited to no more than **10'6"** feet above existing grade.
18. At permitting, the applicants must submit revised runoff calculations and detention requirements in light of the pending MHFD criteria for solar fields, which use imperviousness of 5% when panels are parallel to contours (maximum tilt), 20% when diagonal, and 40% when perpendicular (minimum tilt). Post-development runoff numbers must account for the change in runoff from the solar panels.
19. At building permit, the applicants must submit plans that demonstrate compliance with Section 1200 of the Boulder County Storm Drainage Criteria Manual.
20. At building permit, the applicants must submit a Boulder County Stormwater Quality Permit application; the Stormwater Quality Permit must be issued before work can commence.
21. The applicants are subject to the terms, conditions, and commitments of record and in the file for docket SU-24-0002 Pivot Solar Energy Facility.
22. **The applicant must submit a fire and safety mitigation plan before the Board of County Commissioners Hearing.**
23. **Solar Panels must not be installed in the Riparian area.**
24. **The applicant must provide a second-floor visual glare assessment prior to the Board of County Commissioners Hearing.**

25. **The applicant must provide a site-specific sound study to provide further clarification of noise emitted by equipment.**

26. **The solar energy facility must comply with the Boulder County Noise Ordinance.**

**VOTE: Motion PASSED {5:0}**

6.2 Docket DC-19-0003: Land Use Code Text Amendment to Articles 3, 9, and 18

Jack Sheehan, Long Range Planner, presented Text Amendments to Articles 3, 9, and 18 of the Boulder County Land Use Code, to simplify, clarify, and streamline the Subdivision Exemption (SE) and Exemption Plat (EP) processes, make clarifications for lot mergers and the treatment of Townsites relative to the definitions of Subdivided and Unsubdivided Land, and other revisions necessary to integrate the changes.

**PUBLIC HEARING OPENED**

**SPEAKERS:** None

**PUBLIC HEARING CLOSED**

**MOTION:** Rachel Lee **MOVED** that the Boulder County Planning Commission **APPROVE** and recommend to the Board of County Commissioners **APPROVAL** of Docket DC-19-0003: Land Use Code Text Amendments to Articles 3, 9, and 18.

**SECOND:** Mark Bloomfield

**VOTE: Motion PASSED {5:0}**

7. **ADJOURNMENT**

The meeting was adjourned at approximately 6:21 p.m.