

## **RESOLUTION 2024-034**

### **A resolution conditionally approving Boulder County Community Planning & Permitting Docket LU-23-0028: Boulder Country Club Use of Community Significance Designation**

#### Recitals

A. Boulder Municipal Sports Center d/b/a Boulder County Club (the “Applicant”), applied to Boulder County for Limited Impact Special Use Review under Article 4-600 of the Boulder County Land Use Code (the “Code”) to recognize an existing nonconforming membership club as a Use of Community Significance on an approximately 190-acre parcel known as the Boulder Country Club.

B. The subject property is located at 7350 Clubhouse Road, approximately 1.4 miles north of the intersection of Jay Road and N. 75th Street, in Sections 11-14, Township 1 North, Range 70 W, in a Rural Residential zoning district in unincorporated Boulder County (the “Property”).

C. The Property is generally located southeast of Gunbarrel and east of Diagonal Highway and is surrounded by several subdivisions within the unincorporated County. The Property is a legal building lot because it exceeds the 35-acre threshold required for permit eligibility. Currently, the vast majority of the Property is taken up with the existing golf course that was originally constructed in 1964 and has remained largely unchanged since that time. The Assessor’s record also includes several structures totaling 91,651 square feet of floor area.

D. There are several access points to the Property where the subdivision roads around it intersect with the golf course, but the primary access is at 7350 Clubhouse Road, where most of the physical structures for the country club are located. This primary access is located approximately 0.3 miles west of the intersection of Clubhouse Road and N. 75th Street.

E. The Applicant requested that the existing country club, which is classified as a Membership Club under the Code, be recognized as a Use of Community Significance. Under the Code, a Membership Club is not an allowed use in the Rural Residential zoning district. As such, the existing Membership Club is a nonconforming use, which limits the type and scope of any modifications or alterations that the Applicant may wish to undertake. To facilitate current and future plans for the country club, the Applicant requested that it be recognized as a Use of Community Significance, which is defined as “an existing nonconforming use that the Board of County Commissioners determines to have at least two of the following characteristics: historic, cultural, economic, social, or environmental value” (Article 4-504.H.1). Designation as a Use of Community Significance would make the country club a conforming use, potentially allowing for current and future modifications and alterations to the country club, including new structures.

F. The application as originally submitted included a request to allow for the construction of a seasonal structure over the existing tennis/pickleball courts south of the athletic club building and a request to approve a conceptual master plan for the country club. However, based on conversations with staff and referral agencies, the Applicant withdrew that request on December 19, 2023. Therefore, neither the seasonal structure nor the master plan requests are included in staff's review and analysis, and staff's analysis is limited to the request to recognize the country club as a Use of Community Significance.

G. The Boulder County Comprehensive Plan does not identify any relevant resources of note on the Property. However, there are some identified Riparian areas and there are view protection scores associated with several nearby roadways.

H. There are a few parcels identified as public lands near the Property. There are a number of parcels identified as Boulder County open space to the southeast, some County-held conservation easements to the northeast, and multiple City of Boulder Open Space and Mountain Park properties to the east of the Property. However, there are no conservation easements on the Property.

I. The above-described request was processed and reviewed as Boulder County Community Planning & Permitting Docket LU-23-0028 (the "Docket"), as further described in the memorandum and written recommendation to the Board of County Commissioners (the "Board") by Boulder County Community Planning & Permitting Department planning staff dated April 2, 2024, together with its attachments (the "Staff Recommendation"). The Staff Recommendation found that the Docket could meet the criteria for approval with recommended conditions, and therefore, recommended that the Board conditionally approve the Docket.

J. At a public hearing on the Docket held on April 2, 2024 (the "Public Hearing"), as further reflected on the official record of the Public Hearing, the Board considered the Staff Recommendation as well as the documents and testimony presented by Boulder County Community Planning & Permitting Department staff. The Board also heard testimony from Michael Larson and Braden Mark on behalf of the Applicant. Five members of the public spoke at the Public Hearing.

K. Based on the Public Hearing, the Board finds that the Docket meets the criteria for Limited Impact Special Use approval for a Use of Community Significance as set forth in Article 4-602.E of the Code, subject to the conditions stated below.

L. Therefore, the Docket can be approved, subject to the conditions stated below.

Therefore, the Board resolves:

Docket LU-23-0028 is approved on the basis and terms set forth in this Resolution, above, and subject to the following conditions:

1. All conditions of approval for docket LU-23-0008 as set forth in Resolution 2023-058 shall continue to apply.
  - a. The development is subject to the requirements of the Boulder County Building Safety and Inspection Services Team and adopted County Building Codes, as outlined in the referral comments, including but not limited to permitting, plan review, inspection approvals, and observation reports.
  - b. The locations of earthwork and revegetation are approved as proposed in the submitted Grading and Grassing Plan illustrated on Pages 10-13 of the application materials dated March 6, 2023.
  - c. At grading permit submittal, the submitted plans must include documentation for sizes and locations of staging and fueling areas, as well as verification of fueling practices and spill containment protocols.
  - d. At grading permit submittal, the Applicant must submit a Traffic Control Plan completed by a Traffic Control Supervisor.
  - e. At grading permit submittal, the Applicant must submit a Transportation Management Plan that details how progress and other information (such as commute interruptions) will be communicated to the public, indicates the anticipated routes for construction vehicles, and includes a parking plan for worker vehicles as appropriate.
  - f. Worker vehicles must be parked in designated approved areas outside of the travel way that do not conflict with project work.
  - g. Construction traffic is limited to the hours between 8:30 AM and 3:30 PM, Monday through Friday.
  - h. On-site work hours are limited to the hours between 8:00 AM and 6:00 PM, Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday.
  - i. At grading permit submittal, the application must include a narrative detailing the actions that will be taken to minimize construction noise for the duration of the project.
  - j. Prior to the issuance of a grading permit, the Applicant must obtain an approved Stormwater Quality Permit.
  - k. At grading permit submittal, the Applicant must submit a final drainage report, for review and approval, that includes design calculations for the forebays shown in the Storm Drainage Plans that comply with Mile High Flood District Standards. The report must comply with the comments contained in the initial Development Review Team – Access & Engineering referral response dated April 18, 2023.
  - l. The Applicant shall be subject to the terms, conditions, and commitments of record and in the file for docket LU-23-0008: Boulder Country Club Course Improvements.

2. All conditions of approval for docket SU-19-0003 as set forth in Resolution 2019-73 shall continue to apply.

- a. Building permits are required for the proposed renovation and expansions.
- b. Prior to issuance of a building permit, the clubhouse structure must be landmarked.
- c. The proposed food service area remodel requires plan review by Boulder County Public Health prior to permitting.
- d. The pool area remodel must comply with Colorado Department of Public Health and Environment standards for swimming pools.
- e. The club shall be subject to the terms, conditions, and commitments of record and in the file for docket SU-19-0003: Boulder County Club.

3. All conditions of approval for docket SU-93-0018 as set forth in Resolution 94-5 and Resolution 94-201 shall continue to apply.

- a. The Applicant's withdrawal from the docket the requests for lighted tennis courts and the proposed lake on the Second Fairway is accepted.
- b. The Applicant cannot proceed with construction of the two new clay tennis courts or with any realignment of the current golf cart path in the vicinity of the new courts, until the Board, at a future public hearing, approves appropriate screening and other visual and noise mitigation measures that protect the western views and privacy of the neighbors to the east of the proposed courts, and that reduce the existing noise impacts of the Applicant's tennis facility.
- c. The use of the outdoor tennis courts shall be limited to the hours between 8:00 AM and 9:00 PM.
- d. The Applicant shall coordinate with the City of Boulder on the questions raised regarding the acid system and shall resolve the issue with the irrigation lateral.
- e. Sound mitigation will be installed on the existing courts.
- f. New courts will be depressed two feet into the ground and have a maximum fence elevation of 107 feet. Such fences are to be removed seasonally.
- g. The new courts are to be built as far north as possible.
- h. Once details of these conditions are finalized, this plan will be brought back for approval at a business meeting.

4. The Applicant shall be subject to the terms, conditions, and commitments of record in the file for Docket LU-23-0028: Boulder Country Club Use of Community Significance Designation.

A motion to approve the Docket was made by Commissioner Marta Loachamin, seconded by Commissioner Ashley Stolzmann, and passed by a 2-0 vote. Commissioner Claire Levy was excused from the Public Hearing.

**[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