



# Land Use

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**BOULDER COUNTY COMMISSIONERS  
and  
PLANNING COMMISSION**

**PUBLIC HEARING**

**January 26, 2016 - 5:00 PM**  
**Hearing Room, Third Floor, County Courthouse**

**Docket BVCP-15-0001: Boulder Valley Comprehensive Plan 2015 Major Five Year Update: Initial Screening of Public Requests for Map Changes in Area II, Area III, and Policy and Text Changes; Project Update Including BVCP Survey Results and Phase 3 Areas of Focus**

**Staff Planners:** Boulder County - Dale Case, Land Use Director; Abby Shannon, Senior Planner; Steven Giang, Planner I

City of Boulder - Leslie Ellis, Comprehensive Planning Manager; Jean Gatzka, Sustainability Planner; Courtland Hyser, Senior Planner; Jeff Hirt, Planner II;; Caitlin Zacharias, Associate Planner

**Purpose:** To take action on staff recommendations for the initial screening of Area II and III public requests for map changes, policy changes, and text changes. Planning Commission will act on January 26<sup>th</sup> at the close of the public hearing. The County Commissioners will review the Planning Commission decisions and take action on January 27<sup>th</sup>, 11:00 AM, in the Hearing Room. No additional public testimony will be taken at that time.

## **INTRODUCTION**

This docket is presented as part of Phase 3 of the 2015 update to the BVCP. The accompanying staff memo is divided into two parts. The first provides detailed information about each of the 15 land use map change requests and the criteria for recommending whether these requests should proceed or not for further study and analysis before final decisions are made. Part two includes Update information on various tasks and tracks of work that are underway or to begin soon as part of Phase 3.

Explicit and detailed information about the purpose and content of this public hearing is provided in the memo. Rather than reiterate what is well presented there, staff would like to highlight a couple of fundamental points about this step in the BVCP land use map designation change process.

1. This is an initial screening. Change requests are reviewed by city and county staff relative to their conformance with and advancement of current BVCP policies. Those requests that meet these criteria are identified in the memo and recommended for further study, including continued public input. This further study will result in a more detailed set of recommendations can be developed and presented to the decision makers. Not until the decision making bodies receive the final detailed recommendation will they take action on

the inclusion of these requests as part of the 2015 Major Update. We expect the final recommendation will be ready for public hearing and action in the late spring/early summer of this year.

2. Staff is recommending that change requests for the same properties which advocate for different outcomes move forward for more detailed study. This is one of the primary reasons for an initial screening process; seemingly contrary or opposing requests may reasonably and accurately cite consistency with BVCP policies and the other change criteria. At this point in the process, making any final decisions about changes would be premature without a deeper investigation into how fully each one might meet and fulfill BVCP policies.

**JOINT MEETING OF BOARD OF COUNTY COMMISSIONERS and  
PLANNING COMMISSION  
ON JANUARY 26, 2016**

**Followed By:  
JOINT MEETING OF CITY COUNCIL and PLANNING BOARD  
ON FEBRUARY 2, 2016**

***Please Note:***

*This memo is being provided to both the city and the county as part of four-body review for the initial screening of BVCP change requests for Area II and Area III. The timing between the county and city hearings is such that decisions made by the Planning Commission and Board of County Commissioners will not be known until after the normal memo deadline for the Feb. 2, 2016 public hearing at the city. Decisions made by the county could alter the suggested motion language for the city. By Jan. 28, staff will provide a memo supplement to City Council and Planning Board to report the results of the county deliberations and votes that are taking place on Jan. 26 and 27, and to update suggested motion language for the Feb. 2 public hearing, as needed.*

**AGENDA TITLE**

**Update and direction on the following items related to the 2015 Major Update to the Boulder Valley Comprehensive Plan (BVCP):**

- I. Initial Screening of Public Requests for Map Changes in Area II and Area III, Policy and Text Changes, and**
- II. Project Update including BVCP Survey Results and Phase 3 Areas of Focus**

**PRESENTERS**

Susan Richstone, Deputy Director, City of Boulder Planning, Housing & Sustainability (PH&S)  
Lesli Ellis, Comprehensive Planning Manager, PH&S  
Courtland Hyser, Senior Planner, PH&S  
Jean Gatza, Sustainability Planner, PH&S  
Jeff Hirt, Planner II, PH&S  
Caitlin Zacharias, Associate Planner, PH&S  
Dale Case, Land Use Director, Boulder County Land Use  
Abby Shannon, Senior Planner, Boulder County Land Use  
Pete Fogg, Senior Planner, Boulder County Land Use  
Steven Giang, Planner I, Boulder County Land Use

**EXECUTIVE SUMMARY**

The purpose of the joint meeting of the Board of County Commissioners (BOCC) and county Planning Commission on Jan. 26, and the subsequent joint meeting of City Council and city Planning Board on Feb. 2, is to hold public hearings and cover the following items related to the Boulder Valley Comprehensive Plan (BVCP):

- I. Part I – staff recommendations on the initial screening of requests from the public for**

changes to the land use map, designation of parcels in Area II and Area III, and policy or text changes in the plan (further explained below).

- II. **Part II** – BVCP project update and feedback from Board of County Commissioners and Planning Commission on BVCP survey results and focus areas for the plan update as the process enters Phase 3. (City Council and Planning Board covered this material at their Dec. 15, 2015 joint meeting.)

The purpose of the initial screening is to determine which BVCP change requests submitted by the public will receive additional study and analysis as part of the five year major update to the plan. At the initial screening phase, requests are evaluated against criteria to determine which should move forward in the process, but detailed analysis of each request does not occur until the next phase.

The city has already held hearings for the initial screening of requests in Area I, Area II enclaves, and for policy and text changes (requests #1 through 23). The results of these hearings are summarized in **Attachment B**. The memo for the Dec. 15, 2015 joint Planning Board/City Council public hearing is available [here](#). The memo for the Jan. 5, 2016 City Council meeting is available [here](#).

Following the joint public hearing on Jan. 26, the Planning Commission will deliberate and vote that day on the requests. On Jan. 27, the BOCC will decide. The results of the county actions will then be conveyed to City Council and Planning Board, with suggested motion language revised as necessary. On Feb. 2, 2016, the Planning Board and City Council will then hold a joint public hearing for Area II and Area III map change requests with Planning Board deliberation and vote that same night, and City Council deliberation and vote on Feb 29.

The Feb. 29, 2016 vote of City Council will conclude the initial screening process, and properties receiving approval for further study by the four review bodies will move forward and be analyzed in the spring and summer of 2016. Properties in Area I that were previously approved for further study by the City Council and Planning Board will move forward in the process. Properties in Area II or Area III that receive approval for further study by all four governing bodies will also move forward in the process. Policy changes require both city and county action if the policy does not make explicit reference to the city only and or the county only.

A link to the “Virtual Tour” map of requests can be found here: [link to map](#).

## **STAFF RECOMMENDATION**

After initial city and county staff review, staff recommends further analysis for select policy and map change requests in Area II and Area III that have been found to meet the evaluation criteria as noted below. The suggested motion language below applies to the vote that will be taken first by the county Planning Commission on Jan. 26, 2016. If Planning Commission decides in its motion to add or remove requests, the suggested motion language would be revised accordingly for BOCC’s deliberation and vote on Jan. 27. Similarly, if BOCC decides in its motion to add or remove requests, the suggested motion language would be revised accordingly for the city hearing on Feb. 2.

### **Suggested Motion Language**

Staff requests consideration of this matter and action in the form of the following motion:

Motion to further consider and analyze the following land use map changes for Area II and Area III properties:

- **3261 3rd St.** – *Minor Adjustment to Service Area Boundary (Area III to II) (Request 25)*
- **3000 N. 63RD St. & 6650 Valmont Rd. (“Valmont Butte” #1)** – *OSO to PUB (Request 26)*
- **2801 Jay Rd. #1** - *PUB to MR or MXR (Request 29)*
- **5399 Kewanee Dr. & 5697 South Boulder Rd. (Hogan Pancost)** – *Service Area Contraction (Area II to III) (Request 32)*
- **6655 & 6500 Twin Lakes Rd., 0 Kalua Rd. #2** - *LR & PUB to MXR (Request 35)*
- **6655 & 6500 Twin Lakes Rd., 0 Kalua Rd. #3** – *LR & PUB to OS (w/Natural Ecosystems or Environmental Preservation designation) (Request 36)*

In addition, conduct further analysis of the following policy and text requests made by the public and approved for further analysis by the City Council and Planning Board:

- **Enhance public benefit** (Chapter 2- Built Environment) *(Request 16)*
- **Clarification regarding ditches** (Chapter 2- Built Environment, Chapter 9- Agriculture and Food, VI- Urban Service Criteria and Standards) *(Request 17)*
- **Reflect public interest in renewable energy and reduction of carbon footprint** (Chapter 4- Energy and Climate) *(Request 18)*

## **PART I: CHANGE REQUESTS FOR AREA II AND AREA III**

### ***Brief Overview of the Public Request Process***

While numerous engagement opportunities exist to offer input on changes to the BVCP, the purpose of the public request process is to include an opportunity for landowners and the general public to submit requests for specific changes to the plan. Any type of change to the plan may be considered during a five-year plan update, including changes to the Land Use Map, Area I, II, III Map, and policies and text within the plan.

The city's Department of Planning, Housing, and Sustainability prepares a recommendation in consultation with the county's Land Use Department on each proposed change. All approval bodies, both city and county, provide direction on which proposals warrant further consideration. If any one governing body does not recommend a given request for further study, that request will not move forward in the process. Requests regarding properties in Area I that are approved for further study by the city move forward in the process and are not considered by the county. The city heard requests 1-23 affecting Area I, Area II enclaves, and policies/text in December and made final decisions in January. The memo for the Dec. 15, 2015 joint Planning Board/City Council public hearing is available [here](#). The memo for the Jan. 5, 2016 City Council meeting is available [here](#). City decisions on those requests are summarized in **Attachment B**.

**AREA II AND AREA III: (15 requests)**

These requests will first be heard by the county on Jan. 26 before the city hearing on Feb. 2:

- 24) **2975 3rd St.** – *Minor Adjustment to Service Area Boundary (Area III to II)*
- 25) **3261 3rd St.** – *Minor Adjustment to Service Area Boundary (Area III to II)*
- 26) **3000 N. 63RD St. & 6650 Valmont Rd.\* (“Valmont Butte”) #1** (*\*staff-initiated; portion of property*) – *OS-O to PUB*
- 27) **3000 N. 63RD St. & 6650 Valmont Rd. (“Valmont Butte”) #2** – *Minor Adjustment to Service Area Boundary (Area III to II); land use designation change appropriate for arts campus*
- 28) **1468 Cherryvale Rd.** – *VLR to LR*
- 29) **2801 Jay Rd. #1** – *PUB to MR or MXR*
- 30) **2801 Jay Rd. #2** – *Service Area Contraction (Area II to Area III- Planning Reserve)*
- 31) **7097 Jay Rd.** – *OS-O to LR*
- 32) **5399 Kewanee Dr. & 5697 South Boulder Rd. (Hogan Pancost)** - *Service Area Contraction (Area II to III)*
- 33) **4525 Palo Pkwy.** - *MR to LR*
- 34) **6655 & 6500 Twin Lakes Rd., 0 Kalua Rd. #1** – *maintain LR*
- 35) **6655 & 6500 Twin Lakes Rd., 0 Kalua Rd. #2** – *LR & PUB to MXR*
- 36) **6655 & 6500 Twin Lakes Rd., 0 Kalua Rd. #3** – *LR & PUB to OS (w/Natural Ecosystems or Environmental Preservation designation)*
- 37) **6655 Twin Lakes Rd. #4** – *Service Area Contraction (Area II to III)*
- 38) **0, 2300, & 2321 Yarmouth Ave., 4756 28th St. & 4815 N. 26th St. (Planning Reserve)** – *Service Area Expansion (Area III Planning Reserve to Area II)*

A map, list of all requests, and worksheet that includes a description of each request and staff recommendation for Area II and III properties can be found in **Attachment A, Part 1**. The complete staff evaluation for the initial screening of each request for Area II and III properties can be found in **Attachment A, Part 3**.

***Criteria for Review of Public Requests***

The Boulder Valley’s existing and future land use pattern did not occur by accident and is the result of many efforts over the years that have shaped the community. The intent of the major update is to consider requests that reflect changes in circumstances and community desires. In considering potential changes to the Land Use Map, it is important to factor in prioritizing the use of staff resources, and the significant community conversations and concerns over growth and development issues that have occurred over the past year. In review of all the requests, staff has taken a strategic approach to the requests received and instead of asking “why *not* study further?” has asked “is there a changed circumstance or community need that suggests that the request should be studied further?” In other words, a change in circumstance or other factor was necessary to suggest that the request warrants further study. In the consideration of whether to recommend a request for further study, staff considered the BVCP criteria and other factors such as area plans or neighboring intensities and context were also taken into account.

Staff evaluation of the requests also included the following criteria and considerations, adopted largely from the BVCP (See **Attachment A, Part 2**):

- Consistency with the purpose of the BVCP update (change request regarding land use

- designation or other map amendment, policies, or text);
- Consistency with BVCP policies and relevant subcommunity or area plans;
- Compatibility with adjacent land uses and neighborhood context;
- Whether the request was considered as part of a recent update to the BVCP or another planning process;
- Changes in circumstances, community needs, and any other new information; and
- Availability of resources, including city and county staffing and budget priorities.

***Board of County Commissioners and Planning Commission Initial Screening of Area II Enclave and Policy/Text Requests Approved for Further Study by City Council and Planning Board***

Of the property requests approved for further study by City Council and Planning Board, none are in Area II enclaves and therefore do not require approval by Planning Commission and the Board of County Commissioners. Three policy/text requests were advanced by City Council and Planning Board, and these do require action by the Board of County Commissioners and Planning Commission, as noted below. City decisions on these requests are summarized in **Attachment B**.

**Recommended For Further Analysis**

Based on the review criteria, staff recommends six requests in Area II or Area III for further analysis, as well as three policy requests that have been advanced for further study by Planning Board and City Council.

*Area II & III requests recommended for further analysis:*

- **3261 3rd St.** – *Minor Adjustment to Service Area Boundary (Area III to II) (Request 25)*
- **3000 N. 63RD St. & 6650 Valmont Rd. (“Valmont Butte” #1)** – *OSO to PUB (Request 26)*
- **2801 Jay Rd. #1** - *PUB to MR or MXR (Request 29)*
- **5399 Kewanee Dr. & 5697 South Boulder Rd. (Hogan Pancost)** – *Service Area Contraction (Area II to III) (Request 32)*
- **6655 & 6500 Twin Lakes Rd., 0 Kalua Rd. #2** - *LR & PUB to MXR (Request 35)*
- **6655 & 6500 Twin Lakes Rd., 0 Kalua Rd. #3** – *LR & PUB to OS (w/Natural Ecosystems or Environmental Preservation designation) (Request 36)*

*Policy requests recommended for further analysis:*

- **Enhance public benefit** (Chapter 2- Built Environment) *(Request 16)*
- **Clarification regarding ditches** (Chapter 2- Built Environment, Chapter 9- Agriculture and Food, VI- Urban Service Criteria and Standards) *(Request 17)*
- **Reflect public interest in renewable energy and reduction of carbon footprint** (Chapter 4- Energy and Climate) *(Request 18)*

## **Summary of Each Request**

This section summarizes each request. More detailed information can be found in **Attachment A**.

### **Map Changes Recommended for Further Analysis**

The following map change requests are recommended for further analysis as part of the update:

- Request 25) **3261 3rd St. – Minor Adjustment to Service Area Boundary (Area III to II)**  
Request to adjust the service area boundary from Area III to Area II for a property that has both an existing residential use and a BVCP land use designation of Low Density Residential. Further study is needed to determine if the request meets the criteria for a minor adjustment to the service area boundary and transportation access, utilities, and adjacent city open space implications. The property is currently not eligible for annexation and was recently approved for a county subdivision exemption provided they pursue annexation to the city, which represents a changed condition.
- Request 26) **3000 N. 63RD St. & 6650 Valmont Rd.\* (“Valmont Butte”) #1 (\*staff-initiated; portion of property) – OS-O to PUB**  
Request for a land use change from Open Space- Other (OS-O) to Public (PUB) at Valmont Butte. This request was submitted by the City’s Facilities and Asset Management staff with the intent to annex the property into the city, undertake historic landmark designation for the mill buildings, expand open space areas to include 12 acres of undisturbed historic areas, and to allow for the remainder of the site to be used for existing radio communications use as well as future material/equipment storage and renewable energy uses. The requested land use designation change should be considered further to support city operations and meet other climate-related goals.
- Request 29) **2801 Jay Rd. #1 – PUB to MR or MXR**  
Request for a land use change from Public (PUB) to either Medium (MR) or Mixed Density (MXR) Residential, for the purposes of creating a mixed density affordable housing project, with the applicant expressing flexibility to determine the appropriate use of the site. On October 1, 2015, Planning Board indicated that a residential use could potentially be supportable on this site and that the BVCP process may be the appropriate venue to evaluate the request. The request is part of an active land use case.
- Request 32) **5399 Kewanee Dr. & 5697 South Boulder Rd. (Hogan Pancost) – Service Area Contraction (Area II to III)**  
Request from the Southeast Boulder Neighborhood Association to change the designation from Area II to Area III. Staff also received a rebuttal from the property owner requesting that the designation remain Area II. Planning Board’s 2013 denial of a development proposal for the site points to the need for further study in order to determine if a reclassification to Area III might be appropriate, and whether the proposal would meet the BVCP’s criteria for a service area contraction (BVCP Amendment Procedures section 3.b.2).

Request 35) **6655 & 6500 Twin Lakes Rd., 0 Kalua Rd. #2 – LR & PUB to MXR**  
Two requests made by the property owners for a land use change from Low Density Residential (LR) and Public (PUB) to Mixed Density Residential (MXR). Demand for a school at this location has not materialized, which makes the PUB land use designation inconsistent with BVSD’s interest in the property. The proposal to create affordable housing on the site appears to be consistent with a variety of BVCP policies. Further study is needed on the proposed land use change alongside any alternatives that also advance that have been proposed by other parties (see requests 34, 36, and 37).

Request 36) **6655 & 6500 Twin Lakes Rd., 0 Kalua Rd. #3 – LR & PUB to OS (w/Natural Ecosystems or Environmental Preservation designation)**  
Eleven requests, which include requests from individuals as well as the Twin Lakes Action Group (TLAG), to change the land use designation of 6655 Twin Lakes Road from Low Density Residential (LR) to Open Space, and 6500 Twin Lakes Drive and 0 Kalua Drive from Public (PUB) to Open Space (OS). The stated intent for the land use change varies somewhat from one request to the next, but generally includes preserving wildlife habitat, maintaining existing neighborhood character, and meeting the open space needs of the surrounding neighborhood. Further study is needed on the proposed land use change alongside any alternatives that also advance that have been proposed by other parties (see requests 34, 35, and 37). Both Open Space and Mountain Parks (city) and Parks and Open Space (county) have indicated that the site does not meet their criteria for acquisition for community or regional open space. However, an OS land use designation could be appropriate if the site were to be privately acquired for that purpose.

***Policy and Text Changes Recommended for Further Analysis by City Bodies.***

This section summarizes each of the policy and text requests that were advanced by Planning Board on Dec. 15, 2015 and by City Council on Jan. 5, 2016.

Request 16) **Enhance public benefit (Chapter 2- Built Environment)**  
Request to enhance public benefit in the subsections throughout Chapter 2- Built Environment. The request offers several more specific suggestions, including: the effective balancing of housing and commercial development with projects offering community benefit; providing value to property owners and businesses; and using tools like landmarking or land use and zoning changes where appropriate. For the purposes of the BVCP update, enhancements to public benefit in the subsections throughout Chapter 2 will be considered for further analysis.

Request 17) **Clarification regarding ditches (Chapter 2- Built Environment, Chapter 9- Agriculture and Food, VI- Urban Service Criteria and Standards)**  
Request to clarify language regarding ditches in the plan. The request notes that not all ditches are necessarily part of the public realm and offers further contextual details on the relationship between private ditches, prescriptive easements, and potential development projects. The request offers more specific suggestions to amend the following policies: 2.20, 2.37 (b), and 9.01. Additional suggestions are to remove the mentioning of ditches or clarify to which ditches the plan is referring in Paragraph 5 of Built Environment (Chapter 2) and amend

the mentioning of “ditch company” to “ditch owner” in Section 3 of Urban Service Criteria and Standards (VI).

- Request 18) **Reflect public interest in renewable energy and reduction of carbon footprint (Chapter 4- Energy and Climate)**  
Request to expand this chapter “to reflect current public interest in renewable energy and reduction of [the] carbon footprint.” The request further suggests specific efforts the city should undertake, including: the identification of appropriate sites and establishment of funding mechanism for renewable energy projects on existing properties. For the purposes of the BVCP update, the expansion of Chapter 4 to reflect current public interest in renewable energy and reduction of the carbon footprint will be considered for further analysis.

Map Changes Not Recommended for Further Analysis

The following map change requests are not recommended for further consideration because they do not meet the criteria listed above.

- Request 24) **2975 3rd St. – Minor Adjustment to Service Area Boundary (Area III to II)**  
Request to adjust the service area boundary from Area III to Area II for a property that is divided approximately in half between these two designations. The portion of the property within Area III is also located above the blue line. Staff does not recommend studying this request further because the change would not create a more logical service area boundary (per the BVCP criteria for Minor Adjustments to the Service Area Boundary) and the property is already eligible for annexation.
- Request 27) **3000 N. 63RD St. & 6650 Valmont Rd. (“Valmont Butte”) #2 – Minor Adjustment to Service Area Boundary (Area III to II); land use designation change appropriate for arts campus**  
Request for 1) a minor change of the Service Area Boundary Map for a 10-acre portion of the Valmont Butte properties; 2) a change of the Land Use Map to a land use category that would allow for the construction of a campus for the studio arts; and 3) removal of the site from the Natural Ecosystem Overlay Map. The site does not receive the full range of services that would be needed to support an arts campus. The Valmont Butte properties are owned by the city, and the request is inconsistent with the city’s intent to annex the properties as Area III - Annexed and use a portion of them for low-impact municipal uses. The request also does not meet the criteria for a minor adjustment to the service area boundary. Furthermore, the properties have areas of residual contamination that create barriers to additional development.
- Request 28) **1468 Cherryvale Rd. – VLR to LR**  
Request for a land use change from Very Low Density Residential (VLR) to Low Density Residential (LR) for an existing single family property. The request could potentially result in subdivision of the property to create additional residential lots. Staff recommends not studying this request further due to its potential to increase density in a neighborhood with established very low density residential character in the absence of a larger plan calling for such change.

- Request 30) **2801 Jay Rd. #2** – *Service Area Contraction (Area II to Area III- Planning Reserve)*  
 Four requests were received to change the service area designation for 2801 Jay Rd. from Area II to Area III-Planning Reserve for a variety of reasons cited, including concerns related to consistency of redevelopment with neighborhood character, incremental development, traffic, and safety, among others. The property has been developed and used as a place of worship since 1990. The purpose of the Planning Reserve is to maintain the option of future service area expansion and is an interim classification until it is decided whether the property should be placed in Area III-Rural or in the Service Area (Area II). With existing urban development, Area II and Public land use designations, and contiguity with the city’s existing service area the Area II designation is more appropriate.
- Request 31) **7097 Jay Rd.** – *OS-O to LR*  
 Request to have entire 14+ acre property designated as Low Density Residential (LR). This property does not meet the requirements for annexation, which would be necessary to permit a low density residential land use designation on this property. In addition, the split Area II/Area III designations at 7097 Jay have been in place since 1978, and there are no changed conditions in the community or articulated in the request that would warrant the proposal be considered as part of this update. In addition, the request is not consistent with the rural character of the neighborhood to the west and south. The Boulder Feeder Canal to the north and east provides a logical buffer and boundary to the residential neighborhood to the north and east.
- Request 33) **4525 Palo Pkwy.** - *MR to LR*  
 Request for a land use change from Medium Density Residential (MR) to Low Density Residential (LR). The property has been through several recent planning processes, including the 2002/2003 BVCP Annual Review, wherein the land use designation was changed from Public (PUB) to the current Medium Density Residential (MR) to facilitate affordable housing development. In 2003 there was a neighborhood planning process that included this property and several other nearby properties that led to the current designation, and conditions have not changed since then to an extent that would warrant further study in the BVCP process. On Jan. 5, 2016, City Council approved the annexation request and initial zoning of Residential Mixed-2 (RMX-2).
- Request 34) **6655 & 6500 Twin Lakes Rd., 0 Kalua Rd. #1** – *maintain LR*  
 Three requests to maintain the existing BVCP Low Density Residential (LR) land use and Rural Residential zoning. Staff is recommending no further study on the grounds that a request to maintain the status quo does not constitute a change request. However, maintaining a lower intensity residential land use can be considered in the analysis for Request #35. All three also request an Open Space or Environmental Preservation designation as an option for maintaining the status quo, which will be considered in the analysis for Request #36.

- Request 37) **6655 Twin Lakes Rd. #4** – *Service Area Contraction (Area II to III)*  
Two requests for a service area contraction from Area II to Area III, in conjunction with a land use change from Low Density Residential (LR) to Open Space (OS). Staff recommends that this request not be studied further because no changed circumstance has been established to indicate that the service area should be contracted. Both Open Space and Mountain Parks (city) and Parks and Open Space (county) have indicated that the site does not meet their criteria for acquisition for community or regional open space. Therefore, although the site may have a potential future as private open space, this in and of itself is not a justification for reclassifying the site to Area III and removing all potential for future services. It should be noted that the portion of the request regarding a land use change to OS is replicated by request 36, which is recommended by staff to be considered further within the context of private acquisition of the site.
- Request 38) **0, 2300, & 2321 Yarmouth Ave., 4756 28th St. & 4815 N. 26th St. (Planning Reserve)** – *Service Area Expansion (Area III Planning Reserve to Area II)*  
Request to expand the service area by changing the designation from Area III-Planning Reserve to Area II for the purpose of addressing the community’s unmet need for permanently affordable housing. Staff recommends that this request not be considered further based on the City Council vote on August 6, 2015, which directed staff to not begin a Service Area Expansion Assessment, and therefore not process requests for service area expansions in the Planning Reserve as part of the BVCP five year major update.

## PART II – PLAN UPDATE

### *Summary of Content in Part II*

As Phase 2 of the plan update concludes, staff would like to share new and updated information with the Board of County Commissioners and Planning Commission, including the results from 937 respondents to the BVCP random sample survey, resulting in a 16.8 percent net response rate. The 95 percent confidence interval (or margin of error) is approximately +/- 3.2 percentage points. Part II also includes a summary from six focus groups, community engagement summary, and information about technical work that has been completed. Staff is seeking feedback on the approach to addressing remaining phases of the BVCP update, including proposed topic tracks and focused areas for options and analysis, as further described in **Attachment E: Phase 3 Areas of Focus Approach and Analysis**.

The BVCP survey and focus group results about topics of quality of life, plan core values, growth management, mixed use and heights, neighborhoods, and other ideas are summarized in this memo, with the full report and summary available for download [here](#).

A summary of proposed Phase 3 tracks and work plan is also further described in the memo and **Attachment E**. Areas of Focus are proposed to be:

#### **Track 1:**

1. Renew core values;
2. Add climate, energy, and resilience;
3. Address future jobs:housing balance;
4. Address middle income housing;
5. Refine the Built Environment section of the plan (e.g., design, mixed use, height, etc.);
6. Add “planning areas” (i.e., subcommunity) sections with policies reflecting local goals;
7. Plan for Boulder Community Hospital site; and
8. Plan and process for CU South land use designation change.

**Track 2** will include other policy integration (e.g., transportation, parks, and arts and culture).

**Track 3** will entail plan clean up – straightforward plan edits and format improvements.

### **Background**

The plan update has progressed through 2015 aiming for changes to the plan to ensure it remains useful and relevant. So far, the process has entailed extensive community dialogue and engagement as described in the Community Engagement Plan and summaries of events and feedback. The BVCP update has four main phases, each with community dialogue and engagement. **Attachment C** includes the project work plan and process illustration.

**Phase 1—Foundations/Community Engagement Plan (complete).** The foundations (technical) work that was completed in the first phase has been used extensively in community outreach and is available on the project webpage: [www.bouldervalleycompplan.net](http://www.bouldervalleycompplan.net).

**Phase 2—Issues Identification (nearing completion).** Phase 2 has been focused on collaboration with the community to refine and solidify priority issues to be addressed in the update through 2016. This phase included the survey, a series of check-ins with boards and commissions, and six local listening sessions in the community.

**Phase 3—Plan Analysis and Updated Policies and Maps (now beginning).** As with the first two phases, Phase 3 will entail multiple opportunities for community engagement. The planning team will develop choices and analysis, do the “housekeeping” updates, and write policy refinements and additions to better align the plan with other master plans and adopted city and county policies. Additionally, during this phase, the planning team will advance the 3D modeling and visualization tools to help convey options, scenarios, and tradeoffs and do further research and analysis to support a community conversation. Gaps in metrics to measure plan outcomes will be identified, and the full set of measurements further refined. Finally, the Land Use Plan and Area maps will be updated, reflecting input and analysis from the public request process as well as the scenario analysis.

**Phase 4—Draft Plan and IGA (Summer-Fall 2016).** Phase 4 will synthesize all the previous phase deliverables into a draft plan for consideration/adoption, again with opportunities for public review and engagement. Additionally, the “Comprehensive Development Plan Intergovernmental Agreement” (IGA) between the city and county (valid through Dec. 31, 2017) will need to be updated.

**Implementation steps**, such as changes to code and zoning map updates, would be completed following plan adoption.

## COMMUNITY ENGAGEMENT

Community engagement in the first phases aimed at getting the word out about the update, informing people about the plan and its legacy, sharing foundations information, and inviting people to participate and share ideas on areas of focus, issues and topics for the update.

Working with the BVCP Process Subcommittee, staff finalized the [Community Engagement Plan](#) for Phases 1 and 2. An initial plan for Phases 3 and 4 engagement is being developed and reviewed with the Process Subcommittee in January.

### *Measures of Community Engagement in Phases 1 and 2*

To learn from the experiences of all engagement activities and ensure the goals of the engagement plan are being met, the process subcommittee advised measuring engagement quantitatively and qualitatively. **Attachment D: Community Engagement Summary**, contains measures of engagement, including but not limited to the:

- Postcard sent to 50,000 households in the planning area;
- 5,000 email contacts who receive news and updates about the plan through the Planning, Housing and Sustainability’s weekly newsletter;
- 937 random sample survey responses, and 459 complete responses to the open link survey; and
- One kickoff event and six listening sessions with hundreds of participants.



## BVCP SURVEY AND FOCUS GROUP RESULTS

The random sample survey was a major focus of Phase 2. 937 people responded, resulting in a 16.8 percent net response rate. The 95 percent confidence interval (or margin of error) is approximately +/- 3.2 percentage points. The consultant also held six focus groups from Nov. 6 through Nov. 13 to address subjects in the survey in greater depth. The complete Survey Summary report is available for download [here](#). The report includes survey results, summaries of the focus group discussions, summaries for the open-ended responses and the full text of all responses.

### *BVCP Survey and Focus Group Takeaways*

The survey results and six focus groups addressed a variety of topics that will inform the BVCP update, including quality of life, familiarity with the plan, core values, growth management, mixed use and locations, height, and neighborhoods. The focus groups provided more detailed feedback on issues covered in the survey (i.e., building height, jobs growth, housing growth, and mixed use), as well as issues not specifically addressed in the survey (e.g., transportation, the University, resident diversity, and inclusiveness). The report in all its detail with cross tabulations and demographic information has only recently been available, so staff will continue to read comments and analyze results as Phase 3 work begins. High level takeaways include:

- **Quality of Life:** Ninety-four percent of respondents think quality of life is very good (49 percent) or good (45 percent).
- **Familiarity:** Most survey respondents (59 percent) have no or slight awareness of the plan. Eleven percent know quite a bit about it or are very familiar. However, responses generally validate policy directions of the plan and thoughtful deliberative community planning, as further noted below.
- **Core Values:** Sixty-six percent of respondents did not identify any core values in need of clarification or modification when asked that question. Respondents prioritized and added ideas related to plan core values – what needs increased attention (i.e., diversity of housing types and price ranges, all-mode transportation system, places with unique identities/neighborhoods), and added new ideas as part of their open-ended comments (e.g., diversity, governance, limit growth, safety, housing).
- **Growth Management (Jobs and Housing):** Respondents said Boulder should maintain the current potential for additional jobs (57 percent) and increase (43 percent) or maintain (39 percent) the current potential for additional housing. Open-ended comments showed nuanced thinking about the future mix of housing and jobs and tradeoffs. Context of place, quality, and design for family-friendliness were also themes.
- **Rate:** Respondents on the questions about rate of growth of housing and commercial growth favored continuing maintaining a city system of limiting rate of housing growth (43 percent) but think the city does not need to manage the rate of commercial growth (48 percent).
- **Diversity of Housing and Price:** Results of the survey showed that a greater diversity of housing types and price ranges is the highest priority. 42 percent selected it as their first core value (second was all-mode transportation system, at just 13 percent), 56 percent selected it as one of their top two, and 63 percent selected it as one of their top three values.
- **Community Benefits:** Respondents selected permanently affordable housing as the top requirement for new development (25 percent), along with limiting height and protecting views (22 percent). A wealth of open-ended comments will assist in further analysis of community benefits.
- **Neighborhoods:** Respondents described quality of life in neighborhoods as very good (47 percent) or good (44 percent), and generally noted more characteristics they liked

(i.e., trails, open space, safety, walkability, quiet, etc.) than factors they disliked (i.e., affordability, access/distance to services, noise and traffic). They would also like better information from the city about services, programs, and events (43 percent); support to improve neighborhood livability (e.g., services, amenities, infrastructure) (41 percent), and support for neighborhood events (37 percent). Thirty-four percent indicated support for land use planning at the local level.

### ***Other Outreach Efforts during Phases 1 and 2***

Other outreach events are summarized in **Attachment D**.

- **Listening Sessions.** In November and December, the city and county hosted a series of local community listening sessions in six locations around the community to hear ideas related to the BVCP and other services and programs.
- **Kick off Events** – In August, the city and county held a kickoff event at Chautauqua. Initial input was also gathered through an online poll and other events that asked people “what do you love about Boulder” (e.g., open space, natural areas, trails, creative culture) and for input on the potential focus areas. The summaries are on the project webpage.
- **Pop-Up Meetings** – The project team held 13 “pop-up” meetings (including three with bilingual staff) at recreation centers, the farmers market, grocery stores, Eben G. Fine Park and other events to share information and get feedback.
- **Culturally Sensitive Engagement** – Staff and decision-makers have been seeking a meaningful engagement process with Boulder’s immigrant communities via culturally sensitive venues and processes, including: one-on-one conversations with community leaders and spokespeople, building on their knowledge and trust within the community; working with bilingual partners at events or “pop-up” meetings using comment forms in Spanish and English; and partnering with Intercambio to get input from immigrant students in English classes.
- **Boards and Commissions** – From October to December, the planning team attending meetings of city boards and commissions and requesting feedback on the foundations works products, community engagement activities, and topics of focus for the update.
- **Outreach with Civic, Business, and Community Groups** – Staff was invited to and attended several meetings to update civic, nonprofit, and community groups on the plan process and to hear their input. The list includes but is not limited to the PLAN Boulder Board, Boulder Chamber Community Affairs Group, Urban Land Institute, Boulder Housing Partners, and Boulder Area Realtors Association.
- **Youth Engagement** – Some of the pop-up meetings and other events have been geared for younger people in the community – children, youth, and university students. YOAB and Growing Up Boulder also are partnering with the planning team to do outreach. A description will be provided on the project website.
- **BVCP Videos** – The city hired Boulder-based Balcony Nine Media to produce the first few videos in the planned series describing planning history in Boulder. Draft videos were shown at the August event. Using feedback received about their tone and content, the consultant finalized the videos which will be available for the Dec. 15 meeting.

### **TECHNICAL WORK (COMPLETION OF PHASE 1)**

Staff completed drafts of BVCP technical work in late summer and presented them at the August kickoff meeting. Since that time, staff has invited input and feedback at public meetings, check-ins with boards and commissions, and other outreach activities. Additionally, staff held two public data sessions in September for the purpose of answering questions and collecting feedback on the technical work products. Collectively, these outreach efforts and subsequent analysis have

resulted in adjustments and refinements to the foundations work. One of the more substantive refinements to the BVCP technical work has been to apply the employment estimate methodology (new for 2015) to historical jobs data. Links to current versions of technical work products are below, as are notes about substantive changes since August.

- **Trends Report** - The Trends Report has been updated to reflect edits received from Planning Board and Planning Commission at their joint meeting on Sep. 17. Employment trends have been updated to reflect data revised back to 2001 (the earliest year for which the city was able to obtain data). Staff also updated the Executive Summary to include a list and description of the top ten trends in the community. [Link here for the latest Trends Report.](#)
- **Community Profile** - The Community Profile will be updated in early 2016 to incorporate 2015 employment data, the new employment trends data back to 2002, and refined data for nonresidential square footage. [Link here for latest Profile.](#)
- **2040 Projections** - No substantive edits have been made to the 2040 projections since the August draft. [Link here for current projections and methodology.](#)
- **Subcommunity and Regional Fact Sheets** - The 10 fact sheets have been largely completed since September and now include inserts featuring the future land use map and category descriptions from the adopted (2010) BVCP. [Link here for current Fact Sheets.](#)
- **Interactive Mapping and 3D Modeling.** The planning team has been working with ESRI to develop online, interactive story board maps for the subcommunities and Area III. The story boards present existing conditions, 3D maps, topography, and a collection of other map data using an online interactive interface. [Link here for story board maps.](#)

Staff also is working with ESRI to use CityEngine software to prepare a 3D model of Boulder’s future development capacity. Current zoning regulations are the basis for “rules”. CityEngine’s rules also recognize height limits and development constraints (e.g., wetlands and high hazard floodplain) applies all rules to individual parcels, creating a three-dimensional representation of the regulatory envelope within which future development may occur. This work in progress will be refined for analysis of the future land use mix and questions about activity centers and height.

## **BVCP PHASE 3 – APPROACH AND TRACKS**

### ***BVCP Phase 3 – Approach and Tracks***

Now that the foundations work is mostly complete, survey results are available, and the community has weighed in at initial events and polling, the third phase (options and analysis) is about to begin. Staff has updated the scope of work for Phase 3 based on input and feedback from the approval bodies and community thus far, and would like to confirm the topics and approach with the four approval bodies. Forthcoming tracks for Phases 3 and 4 will include the following:

**Track 1: Areas of Focus**

**Track 2: Plan Policy Integration**

**Track 3: Plan Clean up**

**Track 4: Public Map, Policy, and Text Request Analysis** (addressed in Part I of the memo)

The updated work plan for 2016 (**Attachment C**) includes additional details about the entire process.

### ***Track 1: Areas of Focus***

Staff will move forward on the following work areas in early 2016 and seeks feedback from the four approval bodies to further refine the areas of focus. The topics in Track 1 are listed below. Additional descriptions of each topic, the reasoning and tie to survey results, approach, public process, analysis to be performed, and timeline can be found in **Attachment E**.

1. **Renew core values.** As noted in the brief survey summary above and report, most people did not suggest changes to the core values. However, respondents who did provided a number of suggestions to update core values to reflect current community ideas, such as themes of safety, resilience, climate, diversity, and others noted in the attachment.
2. **Add climate, energy, and resilience.** The community's work to achieve deep reductions in local greenhouse gas emissions, transform its energy system, and increase community resilience and response to emergencies such as floods have far-reaching implications for city policy and action that should be reflected in the plan. **Attachment E** outlines a scope of work to assess and then propose potential plan changes related to resilience (e.g., updating the sustainability framework to incorporate resilience concepts and reflect our climate commitment goals).
3. **Address future jobs:housing balance.** Survey responses, as noted above, show that greater diversity of housing types and price range is the highest priority issue. Staff proposes to prepare options (or scenarios) to improve the balance of housing and jobs in the future. Such scenarios could lead to adjustments to the land use plan and policies related to housing. Based on survey feedback, staff does not anticipate refining other growth management policies or tools (e.g., limiting rates of growth for jobs or housing) unless requested by the approval bodies.
4. **Address housing the “middle”.** Based on the *Housing Boulder Action Plan for 2015/2016*, survey results, and community input, and *The Middle Income Housing Study*, staff proposes to develop land use and policy options to identify and promote middle income housing types for different parts of Boulder.
5. **Refine Built Environment section and mixed use/height policies.** The survey results generally showed support for the mixed use concepts and locations in the plan. However, many comments addressed design, quality, height, and other issues about place-based appropriate locations and protection of neighborhoods. Using 3D modeling and visualization tools, staff proposes to provide illustrations and clearer descriptions for the Built Environment section of the plan to refine the plan’s map and description of activity centers, mixed use, heights, and character areas. Feedback from the ongoing and future listening sessions will help to further refine illustrations, maps, and policy regarding community benefits achieved from development.
6. **Add “planning areas” sections to address local issues.** Staff proposes to include subcommunity plan sections and policies to address local issues and character. Use feedback from ongoing listening sessions and the survey to help define unique characteristics and needs. Subcommunity sections of the plan can address land use and other topics such as neighborhood character (e.g., areas of stability), unique assets, land use compatibility, and address other service and infrastructure needs.

**Timeline for Track 1 topics above:**

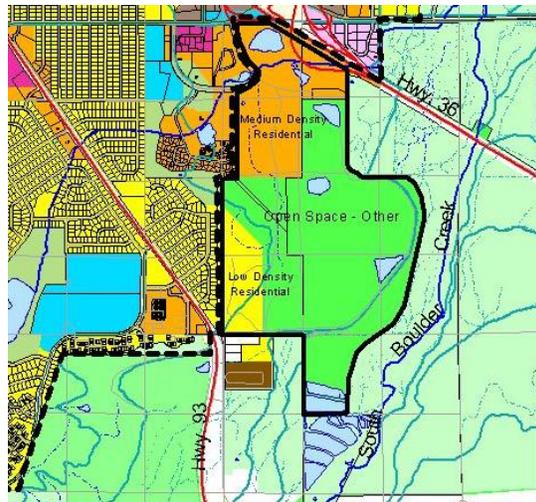
- Possible check in at City Council retreat in January, or February on refined topics.
- Initial options and public input (Feb./Mar.) Four bodies review and input (April).
- Options and Analysis – Public Input (April/May); four bodies – preferred directions (June).
- Final directions – fall 2016.

**Site Specific Analysis as part of Track 1**

In addition to the above focused topics, the planning team will be working on several site specific planning processes with distinct community engagement, technical work, and analysis. They include the former Boulder Community Health site on Broadway and processing a land use change request for CU South.

7. **Boulder Community Hospital Site Planning Process.** The City of Boulder completes purchase of the Boulder Community Hospital (BCH) site on Dec. 4, 2015. It is anticipated that focused planning for the redevelopment of the site will occur in 2016 and beyond. The planning work will leverage work completed during the Civic Area project and inventory and analysis completed during the purchase. Planning will be coordinated with the BVCP update. Staff is preparing process options for the overall BCH planning approach to have ready for discussion with City Council in January. Generally, early steps in 2016 relevant to the BVCP are anticipated to include: (a) developing an Urban Design Framework that puts BCH in context with its Central Boulder surroundings, (b) developing guiding principles for the BCH site to help guide programming and further planning, and (c) possible land use change suggestions and support for area planning. Some of the public engagement for BCH planning may be coordinated with the BVCP events, especially Central Area meetings. However, separate and focused collaboration and partnering with specific groups and localized area also will be necessary.

8. **CU South Land Use Designation Analysis Process.** As part of the 2015 plan update, the city will be working with the University of Colorado (CU) and the community to analyze possible changes to the BVCP land use designations for the CU South site (see map on the right). This work would be in advance of any land use changes, annexation, or zoning. The land use process will parallel other aspects of the BVCP request processes through spring of 2016. The first step will be a two-part site suitability study, first addressing developable and undevelopable parts of the site (e.g., natural features, wetlands, sensitive species, and habitat) through spring. The second part will address land use and urban services beginning in mid-2016. It is also likely that prior to annexation, the city and CU would need to develop an agreement describing



conditions for annexation. Site engineering for the South Boulder flood mitigation berm would happen on a separate but parallel track. **Attachment F** contains more detailed information about the process. At their joint meeting on Dec. 15, Planning Board and City Council supported further study of CU South and emphasized that it is a high

priority for the update.

## **Track 2: Plan Policy Integration**

The interdepartmental city/county planning team will work with other city departments to ensure the updated BVCP reflects all the recent adopted master plans or other policies, such as the Community Cultural Plan, Transportation Master Plan, and Parks and Recreation Master Plan. This could lead to changes to the Introduction and Implementation chapter, where master plans are summarized, and other specific sections as noted in the table below.

<b>Plan Integration Topics</b>	<b>Relevant Chapter, Sec.</b>
Add information about regional policy alignment	<i>Introduction, History</i>
Core values will need more substantive work as noted above.	<i>Sec. 1: Core Values</i>
Coordinate with the Design Excellence Initiative including outcomes from the pilot Form-Based Code, the updated Downtown Urban Design Guidelines, as well as other more substantive changes (e.g., activity centers), as noted above.	<i>Sec. 2: Built Environment</i>
Add current policies related to biodiversity (e.g., wildlife; water, wetlands, ditches; Green Infrastructure; pollinator protection). Add current policies from county’s open space element. Coordinate with the OSMP master plan process (mid-2016).	<i>Sec. 3: Natural Environment</i>
Add new Climate Commitment goal. More substantive work will be necessary as the climate commitment strategy and community engagement progresses as noted in Track 1 above.	<i>Sec. 4: Energy and Climate</i>
Add relevant Community Cultural Plan (2015) policies to the Economy section and others (2, 4, 6, and 8). Add current goals from 2013 Economic Sustainability Strategy and Primary Employer study.	<i>Sec. 5: Economy</i>
Add current Transportation Master Plan (2014) policies or descriptions, including reference to Renewed Vision for Transit, and any approved directions from the Access and Parking Management Strategy.	<i>Sec. 6: Transportation</i>
More substantive housing policy topics are noted above.	<i>Sec. 7: Housing</i>
Various plans may necessitate changes to the Community Well-being section including: <ul style="list-style-type: none"> <li>▪ Parks and Recreation Master Plan (2013)</li> <li>▪ Policies related to an aging population and aging in place</li> <li>▪ Homelessness strategy (ongoing)</li> <li>▪ Human Services Master planning (ongoing)</li> <li>▪ Library Master Plan</li> <li>▪ Fire Master Plan</li> <li>▪ Police Master Plan</li> </ul>	<i>Sec. 8: Community Well-Being</i>
Add any changes to local food programs or policies since 2010 when this chapter was added to the plan.	<i>Sec. 9: Agriculture and Food</i>

Coordinate with the city’s interdepartmental ecology team on specific changes including: updates to natural ecosystems map, the environmental protection overlay, the trails map, and the open space other land use category.

*Other Chapters:  
Amendment Procedures,  
Land Use Map Descriptions,  
Implementation, Referral  
Process and other maps*

**Timeline for Track 2:**

- Policies (non-substantive changes), completed and accepted by Jun. 2016.
- Other emerging policies, as relevant, proposed and accepted with draft plan by fall 2016.

**Track 3: Plan Organization and Clean Up**

A less exciting but important task will be the non-substantive edits to improve legibility and usability. The planning team proposes to complete such basic clean up, including:

- **Amendment Procedures.** Some clarification was proposed as part of the 2010 update, but because the substantive questions regarding four-body review took time and never reached agreement, the non-substantive clarification also did not occur. Staff proposes to bring back the clarification pieces (not proposals for changes to the review process).
- **Land Use Map Descriptions.** Planning Board reviewed and provided feedback on an early draft of the chapter with table formatting, proposed pictures, intro text, and other enhancements.

Following initial clean up, staff will do the organizational and format improvements (e.g., better contents, headings/footings, headers, etc.), to be completed by spring 2016. Substantive enhancements such as graphics and metrics will be added for the draft plan in Phase 4.

**Timeline for Track 3:**

- Edits and formatting completed by Apr. 2016; final by fall, 2016.

***City Council and Planning Board Feedback on BVCP Phase 3 – Approach and Tracks***

City Council and Planning Board reviewed the staff’s proposal for Phase 3 Approach and Tracks at their joint meeting on Dec. 15, 2015. Planning Board provided additional feedback on this topic at their Dec. 17 meeting.

- Overall, the focused topics are on track with what is needed and desired for the five year major update.
- Addressing housing issues should be a top priority for this update. The survey results reinforce the importance of this.
- Addressing CU South is another top priority.
- The proposal to include new sections in the BVCP specific to small areas (subcommunities) is viewed as positive and needed. However, staff may need to reconsider the utility of using subcommunities for this purpose. The boundaries may need to be revised, or a different scale of analysis may need to be used.
- The built environment topic should incorporate lessons learned from the form based code project. Also recognize that solutions for “housing the middle”, in part, can be identified through the built environment topic.
- Many of the issues are related to growth. In addition to addressing which areas are appropriate for change, rate of change is another important consideration in that

- conversation.
- Carbon sequestration in soil should be addressed as part of the climate, energy, and resilience topic.

## **NEXT STEPS**

Jan. 27	BOCC deliberation/vote on initial screenings for Area I, II, and III and policy and text requests from the public
Feb. 2	City Council and Planning Board joint public hearing on initial screenings for Area II and III followed by Planning Board deliberation/vote.
Feb. 29	City Council deliberation/vote on initial screenings for Area II and III
Mar. (TBD)	Joint meeting of Planning Board and Planning Commission
Apr. 12	City Council Study Session

## **ATTACHMENTS**

- A. Staff Analysis for the Initial Screening of Change Requests for Area II and Area III Map Change Requests and Policy/Text Requests**
- B. Summary of Planning Board and City Council Action on the Initial Screening of Requests 1-23**
- C. Updated BVCP Work Plan for 2016**
- D. Community Engagement Summaries**
- E. Phase 3: BVCP Areas of Focus Approach and Analysis**
- F. CU South Process**

# ATTACHMENT A: STAFF ANALYSIS FOR THE INITIAL SCREENING OF CHANGE REQUESTS

## CONTENTS:

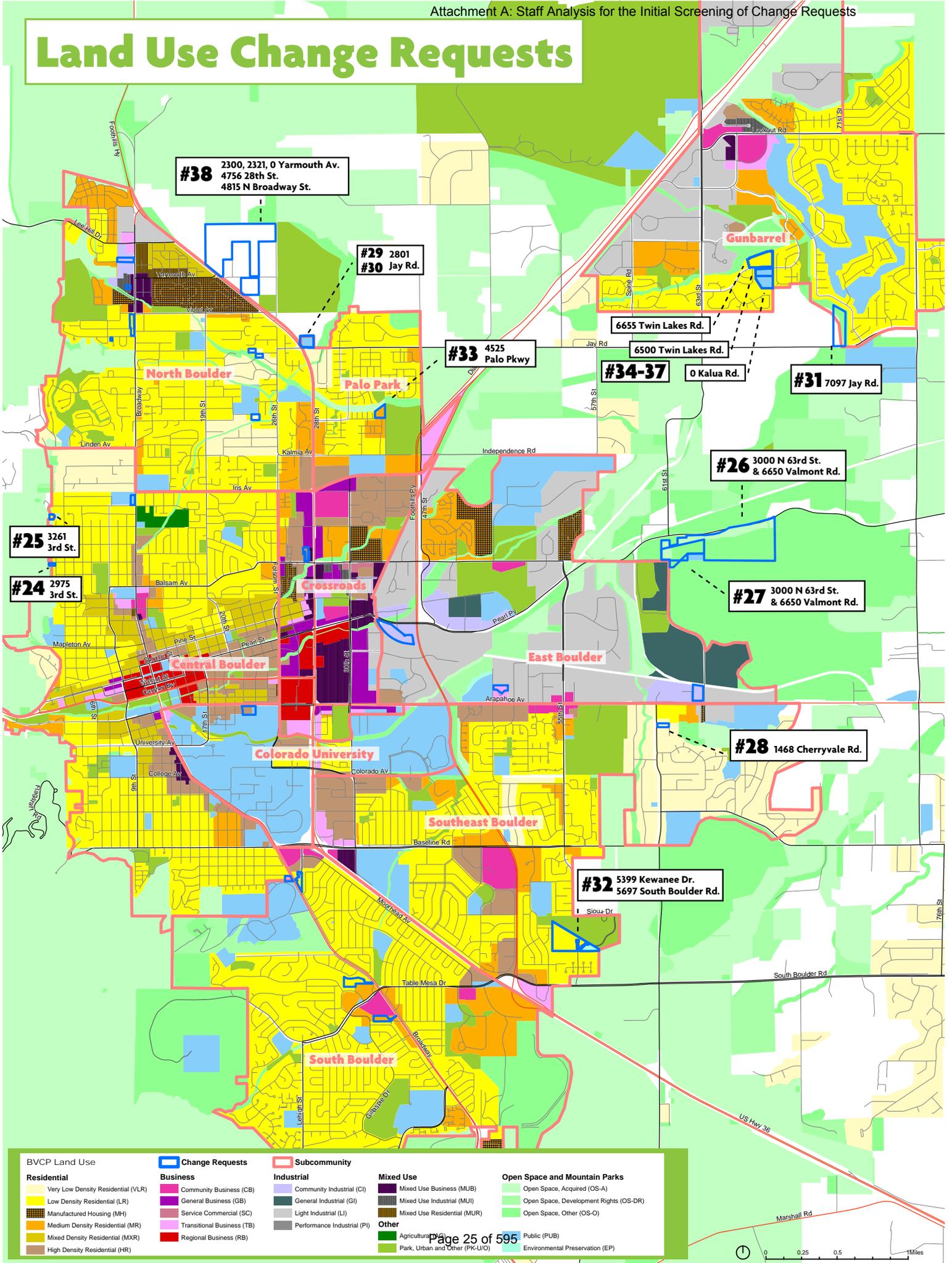
**Part 1:** Map and list of requests; worksheet of requests

**Part 2:** Criteria (from BVCP Amendment Procedures); Land Use category descriptions from BVCP

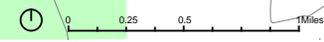
**Part 3:** Requests (including staff review and original submitted requests)

**Part 1:**  
MAP AND LIST OF REQUESTS;  
WORKSHEET OF REQUESTS

# Land Use Change Requests



BVCP Land Use		Change Requests	Subcommunity
<b>Residential</b>	Very Low Density Residential (VLR)	Community Business (CB)	<b>Industrial</b>
Low Density Residential (LR)	General Business (GB)	Community Industrial (CI)	General Industrial (GI)
Manufactured Housing (MH)	Service Commercial (SC)	Light Industrial (LI)	Performance Industrial (PI)
Medium Density Residential (MR)	Transitional Business (TB)	Performance Industrial (PI)	<b>Mixed Use</b>
Mixed Density Residential (MXR)	Regional Business (RB)	Mixed Use Business (MUB)	Mixed Use Industrial (MUI)
High Density Residential (HR)		Mixed Use Residential (MUR)	Mixed Use Residential (MUR)
		Other	<b>Open Space and Mountain Parks</b>
		Agriculture, Park, Urban and Other (PK-U/O)	Open Space, Acquired (OS-A)
		Public (PUB)	Open Space, Development Rights (OS-DR)
		Environmental Preservation (EP)	Open Space, Other (OS-O)



## SUMMARY OF REQUESTS (updated Jan. 12)

**JANUARY 26, 2016: Board of County Commissioners and Planning Commission Joint Public Hearing**

Planning Commission deliberation and motions (Jan. 26); County Commissioners' deliberation and motions (Jan. 27)

A) AREA I AND AREA II ENCLAVES: 15 requests

The county governing bodies will receive information on all Area I/Area II enclave requests as a reference but will not vote on them. Five of these requests were recommended for further analysis by City Council and Planning Board:

- 1) **2130 Arapahoe Ave. (Naropa University) – HR to PUB & 6287 Arapahoe Ave. (Naropa University) – CI to CB**
- 3) **385 Broadway – TB to LR**
- 10) **4801, 4855, 4865, 4885, & 4895 Riverbend Rd. (Boulder Community Health) – TB to PUB**
- 12) **0, 693\*, & 695\* S. Broadway (Table Mesa Shopping Center) –MR to CB (\*portion of properties)**
- 13) **3485 Stanford Ct. - LR to MR**

B) POLICY AND TEXT REQUESTS: 3 requests

Three of the eight policy and text requests were recommended for further analysis by City Council and Planning Board. The county governing bodies will deliberate and vote on these requests:

- 16) **Enhance public benefit (Chapter 2- Built Environment)**
- 17) **Clarification regarding ditches (Chapter 2- Built Environment, Chapter 9- Agriculture and Food, VI- Urban Service Criteria and Standards)**
- 18) **Reflect public interest in renewable energy and reduction of carbon footprint (Chapter 4- Energy and Climate)**

C) AREA II AND AREA III: 15 requests

These requests will first be heard by the county on Jan. 26 before the city hearing on Feb. 2.

- 24) **2975 3<sup>rd</sup> St. – Minor Adjustment to Service Area Boundary (Area III to II)**
- 25) **3261 3<sup>rd</sup> St. – Minor Adjustment to Service Area Boundary (Area III to II)**
- 26) **3000 N. 63<sup>RD</sup> St. & 6650 Valmont Rd.\* (“Valmont Butte”) #1 (\*staff-initiated; portion of property) – OS-O to PUB**
- 27) **3000 N. 63<sup>RD</sup> St. & 6650 Valmont Rd.\* (“Valmont Butte”) #2 – Minor Adjustment to Service Area Boundary (Area III to II); land use designation change appropriate for arts campus (\*portion of property)**
- 28) **1468 Cherryvale Rd. – VLR to LR**
- 29) **2801 Jay Rd. #1 – PUB to MR or MXR**
- 30) **2801 Jay Rd. #2 – Service Area Contraction (Area II to Area III- Planning Reserve)**
- 31) **7097 Jay Rd. – OS-O to LR**
- 32) **5399 Kewanee Dr. & 5697 South Boulder Rd. (Hogan Pancost) – Service Area Contraction (Area II to III)**
- 33) **4525 Palo Pkwy. – MR to LR**
- 34) **6655 & 6500 Twin Lakes Rd., 0 Kalua Rd. #1 – maintain LR**
- 35) **6655 & 6500 Twin Lakes Rd., 0 Kalua Rd. #2 – LR & PUB to MXR**
- 36) **6655 & 6500 Twin Lakes Rd., 0 Kalua Rd. #3 – LR & PUB to OS (w/Natural Ecosystems or Environmental Preservation designation)**
- 37) **6655 Twin Lakes Rd. #4 – Service Area Contraction (Area II to III)**
- 38) **0, 2300, & 2321 Yarmouth Ave., 4756 28<sup>th</sup> St. & 4815 N. 26<sup>th</sup> St. (Planning Reserve) – Service Area Expansion (Area III- Planning Reserve to Area II)**

**FEBRUARY 2, 2016: Planning Board and City Council Joint Public Hearing**A) AREA II AND AREA III: 15 requests (listed above)

These requests will first be heard by the county on Jan. 26 before the city hearing on Feb. 2.

A map of all requests and summary of each is available online: [www.bouldercolorado.gov/planning/bvcp-changes](http://www.bouldercolorado.gov/planning/bvcp-changes)

## PUBLIC REQUEST WORKSHEET

(P. 1)

<i>Land Use Map and Area Change Requests: AREA II AND AREA III (Requests 24-38)</i>							
#	Description	Staff Recommendation (further study?)	PC Direction		BOCC Direction		Notes
			Yes	No	Yes	No	
24	2975 3 <sup>rd</sup> St. – Minor Adjustment to Service Area Boundary (Area III to II)	No					
25	3261 3 <sup>rd</sup> St. – Minor Adjustment to Service Area Boundary (Area III to II)	Yes					
26	3000 N. 63 <sup>rd</sup> St. & 6650 Valmont Rd.* ("Valmont Butte") #1 – Land use designation change from Open Space – Other to Public (*staff-initiated; portion of property)	Yes					
27	3000 N. 63 <sup>rd</sup> St. & 6650 Valmont Rd.* ("Valmont Butte") #2 – Minor Adjustment to Service Area Boundary (Area III to II); Land use designation change appropriate for arts campus (*portion of property)	No					
28	1468 Cherryvale Rd. – Land use designation change from Very Low Density Residential to Low Density Residential	No					
29	2801 Jay Rd. #1 – Land use designation change from Public to Medium or Mixed Density Residential	Yes					

## PUBLIC REQUEST WORKSHEET

(P. 2)

<i>Land Use Map and Area Change Requests: AREA II AND AREA III (Requests 24-38)</i>							
#	Description	Staff Recommendation (further study?)	PC Direction		BOCC Direction		Notes
			Yes	No	Yes	No	
30	<b>2801 Jay Rd. #2</b> – Service Area Contraction (Area II to Area III - Planning Reserve) - <i>4 submissions received</i>	No					
31	<b>7097 Jay Rd.</b> – Land use designation change from Open Space – Other to Low Density Residential	No					
32	<b>5399 Kewanee Dr. &amp; 5697 South Boulder Rd. (Hogan Pancost)</b> - Service Area Contraction (Area II to III)	Yes					
33	<b>4525 Palo Pkwy.</b> - Land use designation change from Medium Density Residential to Low Density Residential	No					
34	<b>6655 &amp; 6500 Twin Lakes Rd., O Kalua Rd. #1</b> – Maintain Low Density Residential designation - <i>3 submissions received</i>	No					
35	<b>6655 &amp; 6500 Twin Lakes Rd., O Kalua Rd. #2</b> – Land use designation change from Low Density Residential and Public to Mixed Density Residential - <i>2 submissions received</i>	Yes					

## PUBLIC REQUEST WORKSHEET

(P. 3)

<i>Land Use Map and Area Change Requests: AREA II AND AREA III (Requests 24-38)</i>							
#	Description	Staff Recommendation (further study?)	PC Direction		BOCC Direction		Notes
			Yes	No	Yes	No	
36	<b>6655 &amp; 6500 Twin Lakes Rd., 0 Kalua Rd. #3</b> – Land use designation change from Low Density Residential and Public to Open Space (with Natural Ecosystems or Environmental Preservation designation) – <i>11 submissions received</i>	Yes					
37	<b>6655 Twin Lakes Rd. #4</b> – Service Area Contraction (Area II to III) – <i>2 submissions received</i>	No					
38	<b>0, 2300, &amp; 2321 Yarmouth Ave., 4756 28th St. &amp; 4815 N. 26th St. (Planning Reserve)</b> – Service Area Expansion (Area III - Planning Reserve to Area II)	No					

## PUBLIC REQUEST WORKSHEET

(P. 4)

<i>Policy &amp; Text Change Requests (Requests 16-18)</i>							
#	Description	Staff Recommendation (further study?)	PC Direction		BOCC Direction		Notes
			Yes	No	Yes	No	
16	<b>Enhance public benefit</b> ( <i>Chapter 2- Built Environment</i> ) in as many subsections of this chapter as possible	Yes					
17	<b>Clarification regarding ditches</b> ( <i>Chapter 2- Built Environment, Chapter 9- Agriculture and Food, VI- Urban Service Criteria and Standards</i> )	Yes					
18	<b>Reflect public interest in renewable energy and reduction of carbon footprint</b> ( <i>Chapter 4- Energy and Climate</i> ) by expanding this chapter	Yes					

**Part 2:**  
CRITERIA (from BVCP  
Amendment procedures);  
LAND USE CATEGORY DESCRIPTIONS  
(from BVCP)

## II. Amendment Procedures

*The Boulder Valley Comprehensive Plan* is a joint policy document that is adopted by the City of Boulder and Boulder County in their legislative capacities. Any amendment to the plan is also legislative in nature. The plan is updated periodically to respond to changed circumstances or community needs. Changes to the comprehensive plan fall into three categories:

- Changes that may be considered at any time
- Changes that may be considered during a mid-term review
- Changes that may only be considered during the five-year update

For changes to the plan:

- Where the “county” alone is referred to in the policy, the policy may be amended by the county, after referral to the city.
- Where the “city” alone is referred to in the policy, the policy may be amended by the city, after referral to the county.
- All other policies will be construed to be joint city and county statements of policy, and are to be amended by joint action.
- Where a particular “area” is not specified in the policy text, the policy will apply to all areas.

This section describes the different types of changes, the process for making changes, the criteria for determining which process to follow, and the procedures for approving proposed changes. The types of changes, when they may be considered, and whether they are subject to approval by the city (Planning Board and City Council), the county (County Planning Commission and County Commissioners), or the city and county (Planning Board, City Council, County Planning Commission, and County Commissioners) is summarized in the following table:

Type of Change	When	Process
Land Use Map	If related to rezoning or annexation, may be considered at any time All others, at Mid-term or 5 year update	City approval subject to county referral if meets criteria and related to annexation or rezoning, or in Area I  All others, city and county approval
Change from Area IIb to IIa	May be considered at any time if meets criteria	City approval subject to county referral
Changes to the Area II/III boundary	Mid-term (minor changes) 5 year	City and county approval
Policies	Mid-term (minor only) 5 year	Joint policies approved by city and county; city or county policies by relevant jurisdiction
<ul style="list-style-type: none"> <li>• Amendment Procedures</li> <li>• Referral Process</li> <li>• Land Use Map</li> <li>• Descriptions</li> </ul>	Mid-term 5 year	City and county approval
<ul style="list-style-type: none"> <li>• Plan and Program Summaries</li> <li>• Urban Service Criteria and Standards</li> </ul>	Any time	City approval

# 1. Changes that may be considered at any time

The following changes may be considered at any time and require approval by the city Planning Board and City Council.

## a. Types of changes that may be considered at any time if they meet the criteria in Subsection b below:

1. Land Use Map changes
2. Changes to the Master Plan and Program summaries
3. Changes to the Urban Service Criteria and Standards
4. Changes to the Subcommunity and Area Plan section
5. Changes in designation of land from Area IIB to Area IIA

## a. Criteria for eligibility for changes that may be considered at any time:

### (1) Land Use Map changes:

The [Land Use Map](#) is not intended to be a zoning map. It is intended to provide policy direction and definition for future land uses in the Boulder Valley. Thus, a change to the land use designations may be considered at any time if it is related to a proposed change in zoning or proposed annexation and meets all of the following criteria:

- (a) The proposed change is consistent with the policies and overall intent of the comprehensive plan.
- (b) The proposed change would not have significant cross-jurisdictional impacts that may affect residents, properties or facilities outside the city.
- (c) The proposed change would not materially affect the land use and growth projections that were the basis of the comprehensive plan.
- (d) The proposed change does not materially affect the adequacy or availability of urban facilities and services to the immediate area or to the overall service area of the City of Boulder.
- (e) The proposed change would not materially affect the adopted Capital Improvements Program of the City of Boulder.
- (f) The proposed change would not affect the Area II/Area III boundaries in the comprehensive plan.

### (2) Criteria for changes in designation of land from Area IIB to Area IIA:

- (a) The proposed change is compatible with the city's existing and planned urban facilities and service systems, as demonstrated by such factors as:
  - (i) The full range of urban facilities and services are available, or will be available within three years, as specified in the urban service standards to be provided through city capital improvements and private investment.
  - (ii) The timing, design and operation of required facility and service improvements are consistent with the city's Capital Improvements Program, master plans and urban service standards in the comprehensive plan.
  - (iii) Off-site improvements that are provided by developers ahead of scheduled capital improvements will not result in premature demand for additional city-provided improvements.
  - (iv) City off-site capital facility costs to serve the property can be recovered by development excise taxes and development exactions.
- (b) The proposed change would be consistent with the city's ability to annex within three years, as demonstrated by such factors as:
  - (i) The property is currently contiguous to the city or there is a reasonable expectation of contiguity within three years, based on expected development trends and patterns.
  - (ii) The public costs of annexation and development of Area IIA properties can be accommodated within the city's Capital Improvements Program and operating budget.

(c) The proposed change would be consistent with a logical expansion of city boundaries, as demonstrated by such factors as: encouraging a contiguous and compact development pattern; encouraging infill and redevelopment or a desired opening of a new growth area; enhancing neighborhood boundaries or edges.

### **c. Procedures for changes that may be considered at any time:**

#### **(1) Requests for changes may be initiated by the city or the property owner:**

A request initiated by the property owner must be submitted in writing to the city's Planning Department and must address the criteria for processing the request separately from a mid-term or five-year review.

#### **(2) The city will make a referral with preliminary comments to the county Land Use Department for comment:**

For land use changes and changes from Area IIB to IIA, the county will have 30 days after receipt of the referral to provide written notice to the city as to whether the proposed change meets the criteria. If the county determines that the proposed change does not meet the criteria, then the requested change will be processed at the time of the next mid-term or five-year review and will require four body review and approval.

#### **(3) Requests for land use changes and changes from Area IIB to IIA will be considered based on the criteria in Section 1.b.(2) above at a public hearing of the city Planning Board.**

If there is an accompanying rezoning application or annexation petition, this review may be concurrent with consideration of those matters. Changes determined to meet the criteria in this section may still be deferred by the city Planning Board or City Council to the mid-term or five-year review upon a finding of good cause.

## **2. Mid-term review changes**

Changes to the comprehensive plan may be proposed in a mid-term review. A mid-term review may be initiated at some point between five-year major updates as needed. The purposes of the mid-term review are to address objectives identified in the last major update and progress made in meeting those objectives, provide an opportunity for the public to request changes to the plan that do not involve significant city and county resources to evaluate, make minor additions or clarifications to the policy section and to make minor adjustments to the service area boundary. The mid-term review is not intended to be a time to consider major policy changes.

### **a. Types of changes that may be considered as part of the mid-term review:**

The following changes to the Boulder Valley Comprehensive Plan may be considered at the midterm review:

#### **(1) Changes that require approval by the city Planning Board and City Council:**

- Land Use Map changes located in Area I subject to the criteria in Section 1.b.(1) above

- Changes to the Master Plan and Program summaries
- Changes to the Urban Service Criteria and Standards
- Changes to the Subcommunity and Area Plan section
- 
- Changes in designation of land from Area IIB to Area IIA subject to the criteria in Section 1.b.(2) above

## (2) Changes that require approval by the city Planning Board, City Council, County Planning Commission and County Commissioners.

- Changes to the Land Use Map (other than those allowed by city approval in Section 2.a.(1) above)
- Changes to the Plan Amendments section
- Changes to the Land Use Map Description section
- Minor additions or clarifications to the policy section
- Minor Service Area boundary changes subject to the criteria set forth below
- Boulder Valley Planning Area expansions and contractions, i.e., changes to the Area III outer boundary subject to the criteria set forth below.

## b. Criteria for minor service area boundary changes and Boulder Valley Planning Area expansions and contractions:

### (1) Minor adjustments to the service area boundary

Minor adjustments to the service area boundary are small, incremental service area expansions that create more logical service area boundaries. Changes in designation of land from Area III to Area II may be eligible to be approved as a minor service area boundary adjustment based on the following criteria:

- (a) Maximum size: The total size of the area must be no larger than ten acres.
- (b) Minimum contiguity: The area must have a minimum contiguity with the existing service area of at least 1/6 of the total perimeter of the area.
- (c) Logical Service Area boundary: The resulting Service Area boundary must provide a more logical Service Area boundary (Area III/II), as determined by factors such as more efficient service provision, a more identifiable edge to the urbanized area or neighborhood, a more functional boundary based on property ownership parcel lines or defining natural features.
- (d) Compatibility with the surrounding area and the comprehensive plan: The proposed change of Area III to II must be compatible with the surrounding area as well as the policies and overall intent of the comprehensive plan.
- (e) No major negative impacts: It must be demonstrated that no major negative impacts on transportation, environment, services, facilities, or budget will result from an expansion of the Service Area.
- (f) Minimal effect on land use and growth projections: The proposed change of Area III to II change does not materially affect the land use and growth projections that were the basis of the Comprehensive Plan.
- (g) Minimal effect on service provision: The proposed change of Area III to II does not materially affect the adequacy or availability of urban facilities and services to the immediate area or the overall Service Area of the City of Boulder.
- (h) Minimal effect on the city's Capital Improvements Program: The proposed Area III to II change does not materially affect the adopted Capital Improvements Program of the City of Boulder.
- (i) Appropriate timing: The proposed Area III to II change will not prematurely open up development potential for land that logically should be considered as part of a larger Service Area expansion.

## (2) Boulder Valley Planning Area expansions or contractions:

An Area III outer boundary change may be initiated by the city or the county and will be approved only if it is demonstrated that either expansion or contraction of the planning area is needed due to changed circumstances or past error in determining the boundary.

## c. Procedures for changes that may be considered as part of the mid-term review:

- (1) Prior to the beginning of the mid-term review, the city Planning Department and county Land Use Department will establish a process and schedule for the update. This will include an opportunity for landowners and the general public to submit request for changes to the plan. The schedule and process will be revised as needed during the review process.
- (2) For those changes eligible for approval by the city Planning Board and City Council, the city Planning Department will make a referral to the county Land Use Department for comment. For changes to the Land Use Map located in Area I, and changes from Area IIB to Area IIA, the county will have 30 days from the date of receipt of the city's referral to provide written notice to the city if the county finds that the proposed change does not meet the applicable criteria for eligibility. Such finding on the part of the county will require that the requested change be subject to approval by each of the four bodies.
- (3) All four approval bodies will hold initial meetings with their staffs to identify changes they wish to be considered as part of the mid-term review. Public attendance is welcomed, but review of public applications will not occur at this time.
- (4) Proposed changes from the public, staff and approval bodies will be reviewed by the city Planning Department, which will prepare a recommendation in consultation with the county Land Use Department on whether to include each proposed change in the mid-term review. Determination of whether to include a proposed change will be made based upon:
  - (a) consistency with the purposes of the midterm review as described in 3. above,
  - (b) available resources to evaluate the proposed change (city and county staffing and budget priorities),
  - (c) consistency with current BVCP policies and
  - (d) compatibility with adjacent land uses and neighborhood context.
- (5) The city Planning Board will consider all requests for changes together with the staff recommendations at a public hearing and will compile a list of proposed changes to be considered during the mid-term review.
- (6) Requests for changes to the comprehensive plan that affect an area designated Open Space will be reviewed by the city Open Space Board of Trustees and the county Parks and Open Space Advisory Committee. The board of trustees will make a recommendation prior to any action on that change.
- (7) After a list of proposed changes to be considered during that year's review has been determined, the city Planning Department and county Land Use Department will study, seek appropriate public input, and make recommendations concerning proposed changes. The city Planning Board will then initiate the hearings on whether to approve, modify or deny any of the proposed changes.

## 3. The five-year review

The comprehensive plan will be reviewed at least every five years for possible amendments to reflect changes in circumstances and community desires.

### a. Types of changes that may be considered at the five-year review:

Any change to the comprehensive plan may be considered at the five-year review including those that may be considered at other times pursuant to the provisions set forth above. However, certain kinds of changes will be considered only at the five-year review and must be approved by each of the four signatory bodies:

the city Planning Board, City Council, County Planning Commission and County Commissioners. Those include:

- Service area expansions or contractions (changes in the Area II/III boundary) that do not satisfy the criteria for consideration as part of a mid-term review
- Area III-Rural Preservation Area expansions or contractions
- Major changes to policy sections

## **b. Criteria for approval for Service Area and Area III expansions or contractions:**

### **(1) Service Area expansions (Area III-Planning Reserve to Area II changes)**

Following preparation of a service area expansion plan (see Sections 3.c.3 below), the city and county must determine that the proposed change from Area III - Planning Reserve to Area II meets the following criteria:

- (a) Provision of a community need: Taking into consideration an identified range of desired community needs, the proposed change must provide for a priority need that cannot be met within the existing service area.
- (b) Minimum size: In order to cohesively plan and eventually annex by neighborhoods and to build logical increments for infrastructure, it is encouraged that the minimum size of the parcel or combined parcels for Service Area expansion be at least forty acres.
- (c) Minimum contiguity: The parcel or combined parcels for Service Area expansion must have a minimum contiguity with the existing service area of at least 1/6 of the total perimeter of the area.
- (d) Logical extension of the service area: The resulting service area boundary must be a logical extension of the service area. Factors used in making this determination include but are not limited to an efficient increment for extending urban services; a desirable community edge and neighborhood boundary; and a location that contributes to the desired compact urban form.
- (e) Compatibility with the surrounding area and comprehensive plan: The proposed Area III-Planning Reserve area to Area II change must be compatible with the surrounding area and the policies and overall intent of the comprehensive plan.
- (f) No major negative impacts: The Service Area Expansion Plan must demonstrate that community benefits outweigh development costs and negative impacts from new development and that negative impacts are avoided or adequately mitigated. To this end, the Service Area Expansion Plan will set conditions for new development, and it will specify the respective roles of the city and the private sector in adequately dealing with development impacts.
- (g) Appropriate timing for annexation and development: A reasonable time frame for annexation is projected within the planning period after Area III-Planning Reserve area land is brought into the service area.

### **(2) Service Area contractions (changes from Area II to Area III-Rural Preservation Area)**

Proposed changes from Area II to Area III-Rural Preservation Area must meet the following criteria:

- (a) Changed circumstances indicate either that the development of the area is no longer in the public interest, the land has or will be purchased for open space, or, for utility-related reasons, the City of Boulder can no longer expect to extend adequate urban facilities and services to the area within 15 years;

- (b) Any changes in proposed land use are compatible with the surrounding area and the policies and overall intent of the comprehensive plan.

### (3) Area III-Rural Preservation Area expansions: Expansion of the Area III-Rural Preservation Area must meet the following criteria:

- (a) There is a desire and demonstrated need for expansion of the Area III-Rural Preservation Area due to changed circumstances, community needs, or new information on land use suitability (e.g., environmental resource or hazard constraints, feasibility of efficient extension of urban services, and compact and efficient urban form).

### (4) Area III-Rural Preservation Area to Area III – Planning Reserve

Changes of land from the Area III-Rural Preservation Area to the Area III-Planning Reserve Area must meet the following criteria: There is a demonstrated need for contraction of the Area III-Rural Preservation Area due to changed circumstances, community needs, or new information on land use suitability (e.g., environmental resource or hazard constraints, feasibility of efficient extension of urban services, and compact and efficient urban form); and land to be considered for a change from Area III-Rural Preservation Area to Area III-Planning Reserve must have a minimum contiguity with the Area III-Planning Reserve area or the existing service area (Area I or Area II) of at least 1/6 of the total perimeter of the area.

## c. Procedures for the five-year review:

### (1) Process and schedule

Prior to the beginning of the five-year review, the city Planning Department and the county Land Use Department will establish a process and schedule for the update. The schedule and process will be revised as needed during the review process. The process will include an opportunity for landowners and the general public to submit requests for changes to the plan. All submittals for proposed changes will be reviewed at initial public hearings. Staff will provide recommendations and the approval bodies will provide direction on which proposals should go forward and which proposals should receive no further consideration. During each five-year review, the city and the county will assess whether or not the service area or the Area III-Rural Preservation Area should be expanded or contracted.

### (2) Expansions or contractions of Area III – Rural Preservation Area

Prior to consideration of an expansion of the Area III– Rural Preservation Area or a change from Area III-Rural Preservation Area to Area III Planning Reserve Area, a study will be completed by the city and county demonstrating compliance with the criteria applicable to the proposed change. The city or the county will decide whether to authorize a study of the proposed change after a public hearing is held.

### (3) Changes from Area III-Planning Reserve to Area II

During each five -year review, the city and county may assess whether or not sufficient merit exists to authorize a service area expansion plan. The determination of sufficient merit will be based on demonstration that a desired community need cannot be met within the existing service area. If the city and county find that sufficient merit exists, the city and county may authorize a planning effort to develop a joint city county service area expansion plan for the area proposed to be brought into the service area in consultation with Area III property owners and the public. The Service Area Expansion Plan must address the following:

- (a) the types of development needed to meet long term community needs;
- (b) key requirements to ensure compliance with community goals and policies, and to ensure compatibility with the existing development context and surrounding area;
- (c) conceptual land use and infrastructure plan components;

- (d) requirements for development impact mitigation and offsets (both on-site and off-site); and
- (e) development phasing.

#### **(4) Reinstatement of Area III – Rural Preservation Area back to Area II – Service Area**

A property owner that has been moved from Area II to Area III may request that the change be reevaluated under the same procedures and criteria that were used to make such a change for a period ten years after the change was made. Thereafter, such properties will be subject to all of the procedural requirements of this section.

### **4. Notification**

- a. Any property owner whose property would be affected by a proposed change in land use designation or by service area expansions, contractions or boundary changes will receive timely written notice that such change or changes will be considered. Planning staff will exert its best efforts to provide such notice within 30 days of receiving a request that is to be considered. However, no hearing to approve or deny any such proposal will be held unless the affected property owner was provided with this written notice at least 30 days prior to the date set for the hearing on the proposed change.
- b. General public notice of all proposed changes will be provided in the following manner. The city Planning Department will publish a Comprehensive Plan map indicating where the proposed changes are located and a description of each change in the newspaper at least ten days prior to the first public hearing to consider the proposed changes.

### **5. Errors**

If a discrepancy is found to exist within the Boulder Valley Comprehensive Plan that is clearly a drafting error or a clerical mistake, either the city or the county, after a referral request to the other agency, may correct such error.

## III. Land Use Map Descriptions

*The Boulder Valley Comprehensive Plan Land Use Map provides a sketch plan of the desired land use pattern in the Boulder Valley. Land use categories include residential, business, industrial, public/semi-public, open space, and park use. The map also shows the location and functional classification of roads. The following descriptions are meant to be used in interpreting the map.*

### Land Use

#### **Residential Land Use and Densities**

Residential land use areas on the Boulder Valley Comprehensive Plan, for the most part, reflect the existing land use pattern or current zoning for an area. The highest density areas are generally located close to the University of Colorado or in areas planned for transit oriented redevelopment. Medium density areas are generally situated near community shopping areas or along some of the major arterials of the city. Mixed density areas surround the downtown and are located in some areas planned for new development. Lower density areas in the older section of the city consist predominantly of single-family detached structures. Many of the areas developed in the city and the county over the last 30 years are characterized by a mixture of housing types ranging from single-family detached to cluster and patio homes, townhouses and apartments. A variety of housing types will continue to be encouraged in developing areas during the planning period of the Comprehensive Plan.

Residential densities under the Comprehensive Plan range from very low density (two units or less per acre); low density (two to six units per acre); medium density (six to 14 units per acre); to high density (more than 14 units per acre). It is assumed that variations of the densities on a small area basis may occur within any particular classification, but an average density will be maintained for that classification.

Additionally, in older downtown neighborhoods that were developed with single family homes but for a time were zoned for higher densities, a variety of housing types and densities are found within a single block. The city's goal is to preserve current neighborhood character and mix of housing types, and not exacerbate traffic and parking problems. Some new housing units may be added. The average density in the downtown neighborhoods designated mixed density is in the medium density range (six to 14 units per acre). The mixed density designation is also applied in some areas planned for new development where the goal is to provide a substantial amount of affordable housing in mixed density neighborhoods that have a variety of housing types and densities. The density in the mixed density designation in newly developing areas is from six to 18 units per acre.

The manufactured housing designation is applied to existing mobile home parks. The intent of the designation is to preserve the affordable housing provided by the existing mobile home parks.

Within certain residential areas, there is also the potential for limited small neighborhood shopping facilities, offices or services through special review.

Mixed Use-Residential development may be deemed appropriate and will be encouraged in some residential areas. These areas may be designated Mixed Use-Residential. In these areas, residential character will predominate, although neighborhood scale retail and personal service

uses will be allowed. Specific zoning and other regulations will be adopted which define the desired intensity, mix, location and design characteristics of these uses.

### **Business Land Use and Intensity**

Within the Boulder Valley there are five categories of business land use, based on the intensity of development and the particular needs of the residents living in each subcommunity. The five categories are: Regional, Community, General, Transitional and Mixed Use-Business.

The two major Regional Business areas of the Boulder Valley are the Downtown and the Crossroads Area. Within these areas are located the major shopping facilities, offices, financial institutions, and government and cultural facilities serving the entire Boulder Valley and neighboring communities. These areas will continue to be refurbished and upgraded and will remain the dominant focus for major business activities in the region.

A Community Business area is the focal point for commercial activity serving a subcommunity or a collection of neighborhoods. These are designated to serve the daily convenience shopping and service needs of the local populations and are generally less than 150,000 to 200,000 square feet in area. Offices within the Community Business areas should be offices designated specifically for residents of the subcommunity. Where feasible, multiple uses will be encouraged within these centers.

The General Business areas are located, for the most part, at junctions of major arterials of the city where intensive commercial uses exist. The plan proposes that these areas continue to be used without expanding the strip character already established.

The Transitional Business designation is shown along certain major streets. These are areas usually zoned for less intensive business uses than in the General Business areas, and they often provide a transition to residential areas.

Mixed Use-Business development may be deemed appropriate and will be encouraged in some business areas. These areas may be designated Mixed Use-Business where business or residential character will predominate. Housing and public uses supporting housing will be encouraged and may be required. Specific zoning and other regulations will be adopted which define the desired intensity, mix, location and design characteristics of these uses.

Service Commercial areas provide a wide range of community and regional retail and service uses generally not accommodated in core commercial areas and which generally require automotive access for customer convenience and the servicing of vehicles.

### **Industrial Land Use and Intensity**

The Comprehensive Plan projects four classifications of industrial use within the Boulder Valley: General, Community, Light, and Mixed Use-Industrial.

The General Industrial classification is shown where the more intensive and heavy industries are located or planned.

The Community Industrial classification is shown for those areas where the predominant uses provide a direct service to the planning area. These uses often have ancillary commercial activity and are essential to the life of the Boulder community. These uses include smaller scale auto-

related uses, small printing operations, building contractors, building supply warehouses, small manufacturing operations and similar uses.

The industrial uses considered as ‘Light’ on the Comprehensive Plan are primarily research and development, light manufacturing, large scale printing and publishing, electronics, or other intensive employment uses. These uses are concentrated primarily in ‘industrial parks’ located within the Gunbarrel area along the Longmont Diagonal, and along Arapahoe Avenue between 33rd and 55th streets.

Mixed Use-Industrial development may be deemed appropriate and will be encouraged in some industrial areas where industrial character will predominate. Housing compatible with and appropriate to the industrial character will be encouraged and may be required. Neighborhood retail and service uses may be allowed. Specific zoning and other regulations will be adopted which define the desired intensity, mix, location and design characteristics of these uses.

### **Public/Semi-Public Land Use Designations**

Public/Semi-Public land use designations encompass a wide range of public and private non-profit uses that provide a community service. This category includes municipal and public utility services such as the municipal airport, water reservoirs, and water and wastewater treatment plants. Public/Semi-Public also includes: educational facilities, including public and private schools and the university; government offices such as city and county buildings, libraries, and the jail; government laboratories; and nonprofit facilities such as cemeteries, churches, hospitals, retirement complexes and may include other uses as allowed by zoning.

### **Agriculture Land Use Designation**

An Agriculture land use designation identifies land in the Service Area that is planned to remain in agricultural use. Uses that are auxiliary to agriculture, such as a home, a barn and outbuildings and the incidental sales of farm or horticultural products are expected on land with this designation. Given the urban nature of Boulder, the designation will be used rarely.

### **Environmental Preservation**

The Environmental Preservation designation includes private lands in Areas I and II with environmental values that the city and county would like to preserve through a variety of preservation methods including but not limited to intergovernmental agreements, dedications, development restrictions, rezonings, acquisitions, and density transfers.

### **Natural Ecosystem Overlay**

In order to encourage environmental preservation, a Natural Ecosystem overlay is applied over Comprehensive Plan Land Use Designations throughout the Boulder Valley Planning Area. Natural ecosystems are defined as areas that support native plants and animals or possess important ecological, biological or geological values that represent the rich natural history of the Boulder Valley. The Natural Ecosystems overlay also identifies connections and buffers that are important for sustaining biological diversity and viable habitats for native species, for protecting the ecological health of certain natural systems, and to buffer potential impacts from adjacent land uses.

A Natural Ecosystems overlay will not necessarily preclude development or human use of a particular area or supersede any other land use designation but will serve to identify certain

environmental issues in the area. The overlay will serve to guide the city and the county in decisions about public acquisition, purchase of development rights or conservation easements, promotion of private land conservation practices, density transfers, rezonings, development review, annexations and initial zonings, rezonings, service area boundary changes, and subcommunity and departmental master planning.

A description of the criteria used to identify lands suitable for a Natural Ecosystems designation can be found in the environmental resources element of the plan on the web at: [www.bouldervalleycompplan.net](http://www.bouldervalleycompplan.net).

## Open Space and Parks

### Open Space

Open Space designations on the Boulder Valley Comprehensive Plan Map include the following three categories of land:

- Open Space - Acquired: Land already acquired by the city or Boulder County for open space purposes;
- Open Space - Development Restrictions: Privately owned land with conservation easements or other development restrictions; and
- Open Space - Other: Other public and private land designated prior to 1981 that the city and county would like to preserve through various preservation methods including but not limited to intergovernmental agreements, dedications or acquisitions.

Open Space designations are not intended to limit acquisition, but to be indicative of the broad goals of the program. Other property that meets Open Space purposes and functions should be considered and may be acquired. Open Space designations indicate that the long-term use of the land is planned to serve one or more open space functions. However, Open Space designations may not reflect the current use of the land while in private ownership.

### Urban and Other Parks

Urban and Other Parks includes public lands used for a variety of active and passive recreational purposes. Urban parks provided by the city include pocket parks, neighborhood parks, community parks and city parks as defined in the *Parks and Recreation Master Plan*. The specific characteristics of each park depend on the type of park, size, topography and neighborhood preferences. Neighborhood parks typically provide a children's playground, picnic facilities, benches, walkways, landscaped areas and multi-use open grass areas. Other park uses may include recreational facilities such as basketball or tennis courts, community gardens and natural areas. There are three community park sites (Harlow Platts, East Boulder and Foothills) that are fully or partially developed. Large multi-use city parks are planned for two locations: 1) the Valmont Park site and 2) the Area III - Planning Reserve site, which will be held to meet future recreational needs. The Boulder Reservoir is a regional park that provides opportunities for fishing, swimming, boating, picnicking, etc. Other public recreational facilities, including city recreation centers, a golf course, swimming pools, ballfields, and the Eldorado Canyon State Park are also included in this category.

**Part 3:**  
REQUESTS  
(including staff review and  
original submitted requests)

AREA II AND AREA III:  
***15 Requests***

**24)**

**2975 3rd St. –**  
*Minor Adjustment to  
Service Area Boundary  
(Area III to II)*

**Request # 24**  
**2975 3<sup>rd</sup> Street**  
 Initiated by owner  
*Parcel Size: 0.5 acres*

**Request:**

Minor Adjustment to the Service Area Boundary by extending the Area II designation to the entire property, whereas approximately half of the property is currently Area III Rural Preservation. The specific request area may also include some or all of the adjacent rights-of-way and easements (see map); however, on January 12, 2016 the Board of County Commissioners denied the applicant’s request to vacate these areas.

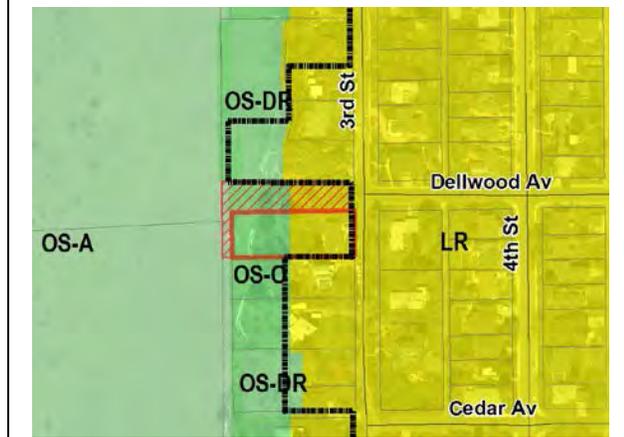
**Staff Recommendation: No**

The portion of the subject property in Area III is also above the blue line (see map). Staff does not recommend that any existing Area III portions of the subject property or adjacent right-of-way or easements change to Area II for the following reasons:

1. The request does not create a more logical service area boundary per the BVCP Minor Adjustments to the Service Area Boundary criteria; and
2. The request is to enable annexation of the entire property. The Area II portion of the property is already eligible for annexation.



*Planning Area Boundaries*



*BVCP Land Use*

**ANALYSIS:**

**1.) Consistent with the purposes of the major update as described above?**

Yes. This is a BVCP planning area change request, which is compatible with the purpose of the Five Year Major Update.

**2.) Consistent with current BVCP policies?**

The request is not consistent with current BVCP policies because it will not create a more logical service area boundary per the BVCP’s “Minor Adjustments to the Service Area Boundary” criteria. The Logical Service Area boundary criteria states that the boundary should be determined by factors such as more efficient service provision, a more identifiable edge to the urbanized area or neighborhood, and a more functional boundary based on property ownership parcel lines or defining natural features. The request will not result in a more identifiable edge to the neighborhood or urbanized area, and would be in conflict with the prevailing pattern of the Area II/III boundary aligning with the city’s blue line in the vicinity (see map above).

The city adopted the “Guidelines for Annexation Agreements-Individual Annexations of Mostly Developed Residential Properties” in 2002 that is applicable to the subject property. The General Principles section of this document states that in general, the benefits of annexing these properties

outweigh the costs, in large part because of environmental and health issues associated with well and septic systems. Despite being in the county, the property is already served by city sewer and water. The subject property is specifically listed in these guidelines as eligible for annexation subject to a dedication of the land above the blue line for a conservation easement to the city. The requester indicated that they are prepared to dedicate this conservation easement to the city at the time of annexation.

**3.) Compatible with adjacent land uses and neighborhood context?**

The request is an early step towards the annexation of the property and indicates intent to expand or redevelop the existing house but not to increase the number of units. If annexed, any request to redevelop the property would be subject to the standards in whichever zoning district assigned to the property (surrounding properties are predominately Residential Low-1) and compatible development regulations. Regardless of any future lot configuration, the area above the blue line and/or designated as Area III cannot be counted towards any allowable development potential.

**4.) Was the proposed change requested or considered as part of a recent update to the Comp Plan or other planning process?**

This specific request was not made as part of a recent Comp Plan process. The requester is the applicant to vacate the adjacent right-of-way and easement through Boulder County as a first step towards plans for an annexation request to the city, summarized below.

In April 2015, city staff held a pre-application meeting on this request. The purpose of the meeting was for the applicant to inquire about the process and feasibility of 1) vacating the adjacent rights-of-way and easements, and 2) annexing the subject property to possibly include the vacated areas. The outcome of the meeting was that the applicant needed to first apply to vacate the adjacent rights-of-way and easements through Boulder County as they are in county jurisdiction. Staff also indicated to the applicant that the property may be eligible for annexation, but that no portion of the property above the blue line or with an Area III designation may be developed or used to calculate density.

The applicant then applied for the right-of-way and easement vacation through Boulder County (Docket V-15-0003). The Board of County Commissioners denied the request on January 12, 2016.

**5.) Is there any change in circumstances, community needs, or new information that would warrant the proposal be considered as part of this update?**

There have not been any recent changes in this area, nor are there any articulated in the request that would warrant the proposal be considered as part of this update.

**6.) Are there enough available resources to evaluate the proposed change (city and county staffing and budget priorities)?**

This request would likely not require a significant amount of time. However, analysis of the surrounding area and the impact of potentially changing the planning area from Area III to Area II would need to be carefully considered.



# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input type="checkbox"/>	Land Use Map Amendment
<input checked="" type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:

Move western half of 2975 3rd Street, the Havlick property, from Area III to Area II in order to make it eligible for annexation.

See next page for complete text.

b. Brief reason or justification for the proposed amendment:

2975 3rd Street has had a home on it since 1956. The property sits immediately west of the existing city limits of Boulder. The City has recognized the importance of having properties located along its western boundary annex. There will be no increase in density +

a. Map(s) proposed for amendment: BVCP Boundary Map

b. Brief description of location of proposed amendment:

2975 3rd Street, Boulder, CO 80302

Section: 25 Township: T1N Range: R71W

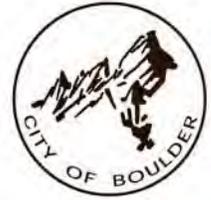
c. Size of parcel: .51 acre

(Full text cropped from previous page):

**Request 24) 2975 3<sup>rd</sup>**

*Brief reason or justification for the proposed amendment:*

2975 3rd Street has had a home on it since 1956. The property sits immediately west of the existing city limits of Boulder. The City has recognized the importance of having properties located along its western boundary annex. There will be no increase in density.



**3) Applicant:**

Name: Justin Havlick

Address: 485 College Avenue, Boulder, CO 80302

Phone: (720) 570-1065

**4) Owner:**

Name: Justin Havlick

Address: 485 College Avenue, Boulder, CO 80302

Phone: (720) 570-1065

**5) Representative/Contact:**

Name: Ed Byrne

Address: ED BYRNE, PC, 250 Arapahoe Ave., Ste. 300, Boulder, CO 80302

Phone: (303) 447-2555

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

Yes. Owner wishes to process annexation request following completion of Boulder County ROW Vacation Docket No. V-15-0003, and after Area II designation is received for western half of lot and vacated portion of ROW, if any.

**Ed Byrne, P.C.**

*A Professional Legal Services Corporation*  
250 Arapahoe Avenue, Suite 300  
Boulder, CO 80302 - 5838

October 2, 2015

City of Boulder  
Department of Community Planning and Sustainability  
attn: Caitlin Zacharias  
P.O. Box 791  
Boulder, CO 80306-0791

**Re: Boulder Valley Comprehensive Plan (BVCP) 2015 Major Update  
Request for Revision: 2975 3<sup>rd</sup> Street, Boulder, CO 80302 (Havlick  
Family)**

Dear Caitlin,

Please find enclosed herewith a copy of the 2015 BVCP Major Update Request for Revision form I am filing on behalf of the Havlick family, owners of a single family residence located at 2975 3<sup>rd</sup> Street in unincorporated Boulder County, immediately adjacent to the existing city limits of Boulder, Colorado, and immediately south of an undeveloped segment of the Dellwood Avenue right of way. On November 12, 2015, the Board of Boulder County Commissioners will consider whether to approve a Right-Of-Way (ROW) Vacation application, V-15-0003, submitted by Justin Havlick after a pre-application meeting was held with representatives of the City of Boulder. See Pre-Application Review Summary dated April 9, 2015, attached.

Brief Summary of Background Issues

The City adopted “Guidelines for Annexation Agreements” on June 25, 2002 (attached), which apply, among other properties, to so-called “Western Edge” parcels that are in Area II and are “mostly developed,” including 2975 3<sup>rd</sup> Street. See Guidelines at p. 6, ¶6.b. The land area of 2975 3<sup>rd</sup> Street lying east of the Blue Line (including the Dellwood Avenue ROW) is designated Area II on the BVCP Area I, Area II, Area III Map. See Slide 1, attached. The land area lying west of the Blue Line (including the Dellwood Avenue ROW and the alley along the west property line) is designated Area III, thus rendering this portion of 2975 3<sup>rd</sup> Street ineligible for annexation at the present time.

The BVCP Land Use Designation Map identifies the land west of the Blue Line as “Open Space, Other,” and the land east of the Blue line as “LR.” No change is required in the Land Use Designation Map at this time, but it is anticipated that the development rights on the land west of the Blue Line will be conveyed by conservation easement to the City, at which time the designation will be changed to “Open Space, Development Rights.” This redesignation will apply as well to the Dellwood Avenue ROW and the alley, if the Boulder County Commissioners approve the requested ROW Vacation, Docket No. V-15-0003.

Under BVCP Policy 1.24, as amended in the 2010 major update, redesignation of the land lying west of the Blue Line from Area III to Area II will meet BVCP policy ¶1.24 for the following reasons:

1.24(b) – The City should actively pursue annexation of Area II properties along the western boundary. 2975 3<sup>rd</sup> Street is surrounded on three sides by Area 1 land and the city owns the open space along the western border of the property. See BVCP Area I, Area II, Area III Map excerpt, Slide 3, attached. Dedication to the City of a conservation easement over the land lying west of the Blue Line at time of annexation will protect it from development in the future.

1.24(c) – The property is designated LR on the BVCP Land Use Designation map (Slide 4, attached) and has a single family residence on it. See Slides 3-4, attached. The Havlick family does not seek to add residential units, so the property is “substantially developed” and annexation terms and conditions that “respect existing lifestyles and densities” are acceptable to the family, with the expectation that the property can and will be brought up to City standards when an application for new development is submitted.

1.24(d) – The property is not believed to have significant development potential at this time, although the option of expanding the size of the residence consistent with City home size compatibility standards will be explored during the annexation process. The Havlick family does not seek greater density on the site.

1.24(e) – The residence on the property is currently connected to the City’s water and wastewater utilities. Any new home constructed on the site will also be connected to these City utilities.

The above considered, the Havlick family respectfully requests that the BVCP Area 1, Area II, Area III Map designation for the land area on 2975 3<sup>rd</sup> Street lying west of the Blue Line, including the Dellwood Avenue ROW and the existing platted alley (provided Boulder County vacates said ROW) be changed from Area III to Area II, so that annexation to the City of Boulder of the entire lot and vacated rights-of-way can be pursued in the very near future.

Thank you for your consideration of these comments and the materials enclosed herewith.

Sincerely,

  
Edward R. Byrne

enclosures

cc: Justin Havlick

Notes for evaluating 2975 3<sup>rd</sup> St:



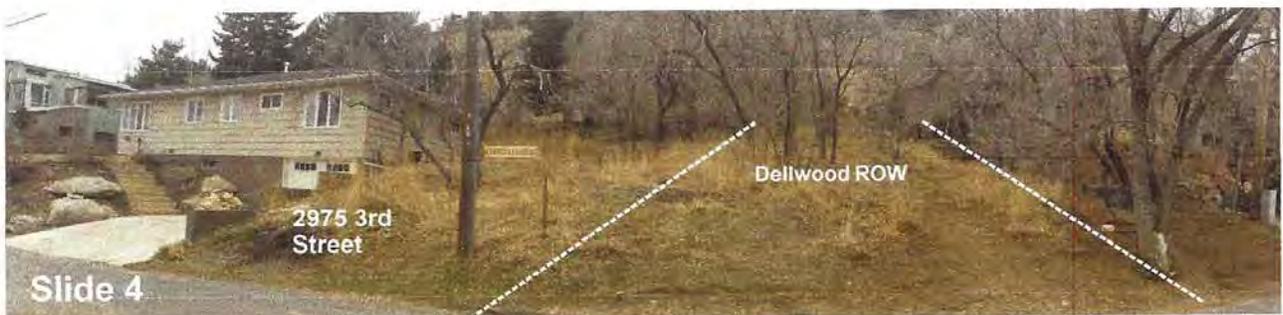
- ≠ Annexation request in 2015 before BVCP update per case # LUR2015-00093 that included vacation of adjacent right of way to north and west (alley). End goal is to build a bigger house.
- ≠ City staff advised applicant to vacate right of way through county first before formal annexation submittal to city, stated in preapp summary that any density calculations can only be made for the Area II portion of the lot, or the portion below the blue line
- ≠ BVCP request is to make whole property (including the newly acquired ROW) Area II, and dedicate the area above the blue line as a conservation easement per city annexation guidelines
- ≠ The city has not allowed this previously, as, for example the properties to the south were required to split and donate the Area III land to the city as separate lots. 96 Arapahoe may have recently done this as well.
- ≠ Important to note that coming into the city would likely enable a larger house – county zoning typically dictates the size is limited by the size of surrounding houses, and we don't have that restriction
- ≠ While further analysis is needed, the preliminary reasons this should not meet the initial screening criteria are:
  - It wouldn't meet the "minor adjustments to the service area boundary" expansion criteria in the BVCP – notably the "Logical Service Area Boundary" criteria
  - We committed to not expanding the service area with council, although this case may be an exception given its size and scale, and the fact that the city has annexation policies to support annexation of western edge properties like this
  - If the property with the newly vacated ROW all became Area II, it would have additional development potential, as the minimum lot size in RL-1 is 7,000 sq ft (i.e., they could split the lot in the future). This is based on the assumption that the property would get half of the northern ROW and half of the eastern alley ROW, per the county process (need to verify this was as approved)





Slide 3

Havlick ROW Vacation Site Plan



Slide 4

**City of Boulder**  
**Guidelines for Annexation Agreements**  
 -Individual Annexations of Mostly Developed Residential Properties  
 in Area II-

*June 25, 2002*

**I. Background:**

The purpose of these guidelines is to provide general direction for negotiating annexation agreements with individual landowners of mostly developed residential properties in Area II. They are intended to clarify city expectations in individual annexations. These guidelines have been endorsed by Planning Board and City Council and are a reference for city staff, landowners, Planning Board and City Council in future individual annexation negotiations.

The Boulder Valley Comprehensive Plan provides a framework for annexation and urban service provision. With the 2001 update to the BVCP, Annexation Policy 1.25 was amended to provide more clarity about annexations. The amendments to the policy included the following:

- Direction for the city to actively pursue annexation of county enclaves, Area II properties along the western boundary, and other mostly developed Area II properties;
- Direction to the county to attach great weight to the city's input on development in enclaves and developed Area II lands and to place emphasis on conforming to the city's standards in these areas; and
- A policy that developed parcels proposed for annexation that are seeking no greater density or building size should not be required to provide the same level of community benefit as vacant parcels until more development of the parcel is applied for.

In order to reduce the negative impacts of new development in the Boulder Valley, the BVCP states that the city shall annex Area II land with significant development or redevelopment potential only on a very limited basis. Such annexations will be supported only if the annexation provides a special opportunity to the city or community benefit.

These guidelines apply primarily to mostly developed residential properties in Area II. In most of these cases, the city would not request a community benefit with the annexation. However, a few of the properties that are currently developed in the county may have further development potential once annexed into the city. These guidelines further refine the BVCP Policy 1.25 by specifically outlining which properties will be asked to provide community benefit upon annexation and what form of community benefit may be requested by the city.

## II. General Principles of Individual Annexations of Mostly Developed Residential Properties:

- A. In terms of the city's interests, the benefits of annexing mostly developed residential properties in Area II outweigh the costs.
- B. The city has a strong desire to annex many of the residential properties in Area II because of the potential environmental and health issues associated with well and septic systems.
- C. The basic fees associated with annexation (plant investment and impact fees) should not be reduced for individual property owners seeking annexation (although financing and payback may be negotiated).
- D. The city has a legal obligation under state law to annex enclaves at the request of the property owner without terms and conditions beyond those required through existing ordinances.
- E. The city may apply additional terms and conditions to enclaves only through negotiation with the property owner. (Use caution when applying community benefit).

## III. Principles of Applying City Community Benefit Policy:

- A. Community benefit should only be applied to properties with additional development potential.
- B. For the purposes of these guidelines, additional development potential includes the ability to subdivide the property and/or build at least one additional unit on the property. Additional development potential **does not** include the ability to add on to an existing house or to replace an old house with a new one (scrape-offs).
- C. Although emphasis is placed on affordable housing, community benefit is not restricted to housing. An affordable housing benefit should be balanced with other benefits such as land or property dedications (landmarking, flood and open space easements) or other restrictions that help meet BVCP goals.
- D. The city should strive for consistency in applying the affordable housing requirement to properties with additional development potential. In areas where new affordable units are appropriate (Crestview East), restrictions should be placed on the affordability of the new units. In areas where new affordable units are not appropriate or feasible, (Gould Subdivision, 55<sup>th</sup> St. enclaves), the applicant should be requested to pay two times the cash contribution in-lieu of providing on-site affordable housing.

## IV. Framework for Basic Annexation Conditions for All Properties:

- A. Inclusion in the Boulder Municipal Subdistrict and the Northern Colorado Water Conservancy District.

- B. Assessment for waterline and sanitary sewer along street frontage (either existing or to be constructed).
- C. Development Excise Tax (DET).
- D. Storm Water and Flood Management Utility Plant Investment fees.
- E. Water and Wastewater Utility Plant Investment Fee.
- F. Dedication to the city of right-of-way for streets, alleys, water mains, and/or fire hydrants.
- G. Agreement to participate in their pro rata share of any future right-of-way improvements (paving, roadbase, curb, gutter, landscaping, sidewalks, bicycle and pedestrian path connections).
- H. Properties with Silver Lake Ditch rights: The city would ask the property owner to sell all interests in the ditch company to the city.
- I. Properties with other ditch rights: The city would ask for the Afirst Right of Refusal@ for any ditch rights associated with the property.

## V. Application of Community Benefit

### A. Guidelines for properties within the flood conveyance zone or with an open space or natural ecosystem land use designations.

- 1. The city would request dedication of an open space conservation easement for any portion of the site with a BVCP Open Space or Natural Ecosystem land use designation.
- 2. The city would request dedication to the city of a stormwater and floodplain easement for any portion of the site located within the flood conveyance zone.

### B. Guidelines for properties with additional development potential.

The guidelines below are based on the definition of development potential as the potential for a property to be subdivided or for additional units to be built on the property. Although the terms of the community benefit requirement may be negotiated on a case-by-case basis, the following are the general guidelines for requesting community benefit:

- 1. A community benefit requirement in the form of two times the cash in-lieu contribution as set forth in the city's inclusionary zoning ordinance to the Housing Trust Fund would be negotiated with property owners in ER and RR zones.
- 2. For properties in LR and MR zones, a condition would be negotiated that a certain percentage of any new dwelling units be made permanently affordable to various income groups (see specific guidelines for each property group below).

3. For enclaves, the affordable housing request should be consistent with similar annexations in the area (see specific guidelines for each property group below).
4. For edge properties, the cash-in-lieu requested would be two times that required under the inclusionary zoning ordinance.

**C. Guidelines for specific property areas.**

**1. Enclave – Crestview East**

- a. All properties:
  - Request that the applicant demonstrate compliance with the North Boulder Subcommunity Plan Design Guidelines upon redevelopment or other applicable developed zoning district standards.
- b. Properties along Fourmile Canyon Creek:
  - Attempt to secure through negotiation, dedication of conservation, trail, and floodplain and drainage utility easements to the city to meet the objectives of the Greenways Master Plan and the Stormwater and Flood Management Utility.
- c. Properties with subdivision potential – split MR/LR zoning:
  - 50% of any newly constructed units should be permanently affordable to low and middle income households.
- d. Properties with subdivision potential – split LR/ER zones:
  - 25% of any newly constructed units should be permanently affordable to middle income households; and
  - Market rate units permitted on site should pay twice the applicable cash-in-lieu amount required by inclusionary zoning provisions.
- e. Properties with subdivision potential – ER zones:
  - Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city’s inclusionary zoning ordinance for each new dwelling unit (prior to building permit).

**2. Enclave – Githens Acres and other miscellaneous North Boulder enclave properties.**

- a. All properties:
  - Request that the applicant demonstrates compliance with the North Boulder Subcommunity Plan Design Guidelines upon

redevelopment or other applicable developed zoning district standards.

- b. Properties along Fourmile Canyon Creek:
  - Attempt to secure through negotiation, dedication of conservation, trail, and floodplain and drainage utility easements to the city to meet the objectives of the Greenways Master Plan.

**3. Enclave – Pennsylvania Ave.**

- a. Three properties along the Wellman Canal (5255, 5303, and 5101):
  - Attempt to secure through negotiation, dedication of a trail easement to the city to meet the objectives of the city’s Transportation Master Plan.
- b. For all properties:
  - Request payment for share of sidewalk improvements along Pennsylvania Ave.

**4. Enclave – 55<sup>th</sup> St.**

- a. Property with an MR land use designation (1415 55<sup>th</sup> St.):  
If zoned LR-D,
  - Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city’s inclusionary zoning ordinance for each new dwelling unit. (at the time of building permit) or;
  - Any newly constructed units must be permanently affordable to middle income households.

If zoned MR-D,

  - 50% of any newly constructed units must be permanently affordable to low and middle income households.
- b. Properties with an LR land use designation and further development potential (994, 836, 830 55<sup>th</sup> St. and 5495 Baseline Rd.):
  - Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city’s inclusionary zoning ordinance for each new dwelling unit (at the time of building permit).

**5. Gould Subdivision**

- a. Three properties with additional development potential (2840 Jay Rd., 2818 Jay Rd., 4040 28<sup>th</sup> St.):
  - Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city's inclusionary zoning ordinance for each new dwelling unit.

**6. Western Edge**

- a. Two properties with a VLR land use designation and development potential (0 Linden Dr., and 3650 4<sup>th</sup> St.):
  - Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city's inclusionary zoning ordinance for each new dwelling unit. (at the time of subdivision).
- b. Properties at 3365 4<sup>th</sup> St., 3047 3<sup>rd</sup> St., 2975 3<sup>rd</sup> St., and 2835 3<sup>rd</sup> St.:
  - An open space conservation easement, for the portion of the property that is west of the "ABlue Line," should be dedicated to the city.

**7. Old Tale Rd./Cherryvale Rd.**

- a. Properties along South Boulder Creek:
  - Attempt to secure through negotiation, dedication of conservation, trail, and floodplain and drainage utility easements to the city to meet the objectives of the Greenways Master Plan and the Stormwater and Flood Management Utility.



## CITY OF BOULDER

### Community Planning & Sustainability Department

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791  
phone 303-441-1880 • fax 303-441-3241 • web www.bouldercolorado.gov

### PRE-APPLICATION REVIEW SUMMARY

- Location of Request:** 2975 3<sup>rd</sup> Street
- Applicant / Contact:** Ed Byrne
- Case Manager:** Sloane Walbert, Planner I, 303-441-4231
- Other Reviewers:** David Thompson, Civil Engineer – Transportation, 303-441-4417  
 Scott Kuhna, Civil Engineer – Utilities and Drainage, 303-441-4071  
 Elizabeth Lokocz, Landscape Architect, 303-441-3138  
 Jeff Hirt, Planner II – Long Range Planning, 303-441-4497  
 Jim Gery, Plans Examiner, 303-441-3129  
 Beth Roberts, Housing Planner, 303-441-1828
- Other Attendees:** Lisa Egger

#### **Background Information:**

The property is a 22,049 square foot parcel located on the far west boundaries of the city. Following the September 2013 floods, city staff put together a special annexation package that was offered to approximately 160 property owners impacted by the flood. The subject property owner did not pursue this offer but would like to annex now with RL-1 zoning. They are interested in requesting the vacation of Dellwood Avenue right-of way so that a new residence can be built on the property and vacated area.

The proposed annexation is supportable pursuant to state and city regulations. The parcel of land has contiguity to the existing city limits on the south and east sides for a distance of approximately 225 feet. The perimeter of the parcel is 669.08 feet, resulting in approximately a 1/3 contiguity. This is greater than the 1/6 required by State law. City services are available on 3<sup>rd</sup> Street.

The property is divided north to south by the Blue Line and the Silver Lake Ditch. The area east of the Blue Line is included in Area II with a Low Density Residential land use designation. The area west of the Blue Line is in Area III with an Open Space, Other designation. There is an existing single family home on the east portion of the property.

The blue line is defined in the legal description as follows: "thence northerly along said Boulder city limits to their intersection with Alpine Avenue projected westerly; thence easterly on said city limits to a point **150 feet west of the center of 3rd Street**; thence north to the westward projection of Kalmia Avenue." See section 128A of the Charter of the City of Boulder: \_\_\_\_\_

~~- WATER NOT TO BE SUPPLIED TO CENAL DESCRIBED STREET S.~~

Pre-Application: 2975 3<sup>rd</sup> Street  
April 9, 2015  
Page 2

**Responses to Applicant questions as numbered below:**

- 1. Does the land west of the Blue Line, which is Area III, need to be re-designated Area II during the upcoming BVCP update?**

Jeff Hirt, 303-441-4497

The site is split between Area II and Area III Planning Reserve; however, you would not need to pursue an area change in order to annex the property into the city. The Area III Planning Reserve means there is no presumption of any density in that area. Therefore, you may not calculate density based on the area on the entire site, just that which is in Area II.

- 2. Can the Dellwood ROW be attached to 2975 3rd, or must the ROW be split between 2975 and 3015 3rd?**

Sloane Walbert, 303-441-4231

It appears that the right-of-way was dedicated on the original Newlands subdivision plat and was never annexed into the city. Therefore, any vacation would be granted by Boulder County. Section 43-2-302 of the Colorado Revised Statutes states that whenever any roadway has been designated on the plat and thereafter is vacated, title to the lands included within such roadway shall vest in the owner of the land abutting the vacated roadway, in other owners of land who use the vacated roadway as access to the owners' land, or in a legal entity that represents any owners of land who use the vacated roadway as access to the owners' land. This does not mean that every vacation is split along the centerline of the right-of-way. Each portion of the right-of-way reverts to the parcel it originally came from. It is very important that each adjoining property owner record new deeds including the portion of the vacated right-of-way that accrued to their property.

Contact Mike Rogakis with Boulder County Transportation (720-564-2650) with questions regarding the right-of-way. Refer to this [vacation request](#) for information on vacations in Boulder County. Staff recommends waiting to apply to annex into the city until the vacation process is complete.

Note that the city may require the dedication of right-of-way along the east end of the Dellwood ROW in order to provide a fifty-foot wide right-of-way.

- 3. If a ROW split is required, does the owner of 3015 3rd have to be a co-applicant? What are his potential fees?**

Sloane Walbert, 303-441-4231

Please contact Boulder County.

- 4. May the existing home be deconstructed and a new home be built in its place, using some of the vacated Dellwood ROW land area?**

Sloane Walbert, 303-441-4231 and Scott Kuhna, 303-441-4071

Following vacation and annexation it appears it would be possible to build a home in the area east of the Blue Line, subject to zoning and compatible development regulations, including

Pre-Application: 2975 3<sup>rd</sup> Street  
 April 9, 2015  
 Page 3

side yard bulk plane, side yard wall articulation, maximum building coverage, and floor area ratio (FAR) requirements.

Please be advised that this property is located in an area identified as steep slope and is in an area subject to potential mass movement. Please provide a copy of a soils report and an engineered grading and drainage plan that bear the seal and signature of a Colorado licensed engineer at the time of building permit application. Any footing and/or foundation design for buildings and retaining walls should be based on the soils report findings and shall also bear the seal and signature of a Colorado licensed engineer.

**5. Applicant is already on City water and sanitary sewer. Are Stormwater and Flood PIF fees all that remain to be paid? What are other fees?**

Scott Kuhna, 303-441-4071

Stormwater and Flood Management Utility Plant Investment Fees (PIF's), Development Excise Taxes, and Housing Excise Taxes will be due at time of annexation. An Annexation Feasibility Study application must be submitted for the city to determine all of the fees that will be due.

**6. Will a conservation easement over annexed property west of the Blue Line be required? Any other easements?**

Sloane Walbert, 303-441-4231 and Scott Kuhna, 303-441-4071

Per the *Guidelines for Individual Annexations for Mostly Developed Residential Properties in Area II*, dated June 25, 2002, an open space conservation easement must be dedicated for the portion of the property that is west of the Blue Line and designated as Open Space. The purpose of these guidelines is to provide general direction for negotiating annexation agreements with individual landowners of mostly developed residential properties in Area II. They are intended to clarify city expectations in individual annexations. The guidelines have been attached for your reference.

In addition, the City would be granted the option to purchase any Silver Lake Ditch shares at the time of annexation. The applicant should contact Kim Hutton, Water Resources Specialist at the City of Boulder (303-441-3115), with questions.

**7. Will the Newlands Subdivision have to be modified to vacate the platted portion of Dellwood Avenue that was never constructed?**

Sloane Walbert, 303-441-4231

The original plat would not need to be modified to vacate right of way.

**Additional Comments**

**Access / Circulation**, David Thompson 303-441-4417

As a condition of annexation and/or subdivision, the property may be responsible for dedicating a public access easement for the construction of a curb-and-gutter and detached sidewalk along 3<sup>rd</sup> Street. Alternatively, as a condition of annexation/subdivision, the property may be responsible for constructing a detached 5' wide sidewalk, curb-and-gutter and repairing sections of 3<sup>rd</sup> Street adjacent to the property from the edge of the roadway pavement to the centerline of

Pre-Application: 2975 3<sup>rd</sup> Street  
April 9, 2015  
Page 4

3<sup>rd</sup> Street. Additional development potential on the property would be a consideration in determining whether additional community benefits are required as part of annexation.

**Affordable Housing, Beth Roberts 303 441-1828**

Note that each additional dwelling unit on the Property that is not deed restricted as a permanently affordable residence, consistent with the requirements of Chapter 9-13, "Inclusionary Housing," B.R.C. 1981, shall pay twice the applicable cash-in-lieu amount required per each market unit as required by Chapter 9-13, "Inclusionary Housing," B.R.C. 1981 to the city. This amount is payable prior to the issuance of a building permit for each new residential unit that is not deed-restricted as a permanently affordable residence consistent with the requirements of Chapter 9-13, "Inclusionary Housing.," B.R.C. 1981. The parties acknowledge that 2975 3<sup>rd</sup> Street, Boulder, CO will have the equivalent of one dwelling unit constructed after the property has been annexed into the city limits.

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*Note: comments provided by city staff are based on the information received at the time of the Pre-Application and do not constitute a formal review, conditions of approval, or an approval for the application. Additional staff comments and project requirements will be provided to the applicant after review of a formal application submittal. All development applications are required to comply with all applicable City of Boulder codes and ordinances.*

25)

**3261 3rd St. –**  
*Minor Adjustment to  
Service Area Boundary  
(Area III to II)*

## BVCP Five Year Major Update

**Request # 25**  
**3261 3<sup>rd</sup> Street**  
 Initiated by owner  
*Parcel Size: 0.6 acres*

**Request:**  
 Minor Adjustment to the Service Area Boundary by changing the property from Area III to Area II

**Staff Recommendation: Yes**  
 Staff recommends that this request be considered further as part the BVCP Five Year Major Update. More analysis is needed to determine if the request meets the BVCP criteria for a Minor Adjustment to the Service Area Boundary. Despite having an existing residential structure and a Low Density Residential (LR) designation, the property is in Area III, which makes it ineligible for annexation. The property was also recently approved for a county subdivision exemption provided they pursue annexation to the city, which represents a new condition.

**ANALYSIS:**

**1.) Consistent with the purposes of the major update as described above?**  
 Yes. This is a BVCP planning area change request, which is compatible with the purpose of the BVCP Five Year Major Update.

**2.) Consistent with current BVCP policies?**  
 More analysis is needed to determine if the request meets the BVCP criteria for a Minor Adjustment to the Service Area boundary, including:

- If it is a logical service area extension- for example, with western edge properties like this, the Area II/Area III boundary commonly follows the blue line that bisects the property (see map above); and
- Any development potential that may be created and impacts on city services, particularly water and sewer. The property is not currently served by city water or sewer.

More analysis is also needed to assess:

- Annexation scenarios related to 1) the city’s blue line that bisects the property and 2) consistency with the city’s “Guidelines for Annexation Agreements – Individual Annexations of Mostly Developed Residential Properties”; and
- Impacts on adjacent city-owned open space.



*Planning Area Boundaries*



*BVCP Land Use*

**3.) Compatible with adjacent land uses and neighborhood context?**

This request needs more analysis to determine the compatibility with adjacent land uses and neighborhood context. No additional development is proposed at this time, but the request indicates intent to annex and explore development options. The property has been a single family use since 1899 and has city-owned open space surrounding it, both in Area I and Area III. The property is also designated Low Density Residential (LR) despite being in Area III, which is unique but does exist in several parts of the BVCP planning area.

**4.) Was the proposed change requested or considered as part of a recent update to the Comp Plan or other planning process?**

This specific request was not made as part of a recent Comp Plan process.

**5.) Is there any change in circumstances, community needs, or new information that would warrant the proposal be considered as part of this update?**

Boulder County approved a subdivision exemption for the property in 2015 with a condition that the property owner pursue annexation into the city. The property is currently in Area III so it is not eligible for annexation. This represents a changed condition that would warrant consideration of this proposal with the plan update.

This request is similar to Request #24 (2975 3<sup>rd</sup> St) in that both are existing residential uses in the county and on the city's western edge. Staff is recommending that this request move forward for further analysis as distinguished from Request #24 because of the changed condition with the subdivision exemption process noted above, and because:

- No portion of the property is eligible for annexation despite the existing residential structure, whereas portions of 2975 3<sup>rd</sup> Street are in Area II that are eligible for annexation;
- The property is not served by city water or sewer, while 2975 3<sup>rd</sup> Street has both; and
- There are a number of issues that need further analysis including transportation access and impacts on city-owned adjacent open space that are more "unknown" at this time than 2975 3<sup>rd</sup> Street.

**6.) Are there enough available resources to evaluate the proposed change (city and county staffing and budget priorities)?**

This request would require a moderate amount of time. The impacts of an Area II designation and annexation scenarios as it relates to future development potential, city utility impacts, access issues, adjacent city-owned open space, and the city's blue line would need to be carefully considered.



# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input checked="" type="checkbox"/>	Land Use Map Amendment
<input checked="" type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:

Move 3261 3rd Street, the Wilson property, from Area III to Area II in order to make it eligible for annexation.

See next page for complete text.

b. Brief reason or justification for the proposed amendment:

3261 3rd Street has had a home on it since 1899. The property sits immediately west of the existing city limits of Boulder. The City has recognized the importance of having properties located along its western boundary annex. There will be no increase in density +

a. Map(s) proposed for amendment: BVCP Boundary Map

b. Brief description of location of proposed amendment:

3261 3rd Street, Boulder, CO 80302

Section: 24 Township: T1N Range: R71W

c. Size of parcel: .741 acre

(Full text cropped from previous page):

**Request 25) 3261 3<sup>rd</sup>**

*Brief reason or justification for the proposed amendment:*

3261 3rd Street has had a home on it since 1899. The property sits immediately west of the existing city limits of Boulder. The City has recognized the importance of having properties located along its western boundary annex. There will be no increase in density



**3) Applicant:**

Name: Margaret Wilson, et al. (Wilson family)

Address: 1802 18th Avenue, Longmont, CO 80501

Phone: (303) 744-2088

**4) Owner:**

Name: The Wilson Family

Address: c/o Margaret Wilson, 1802 18th Avenue, Longmont, CO 80501

Phone: (303) 744-2088

**5) Representative/Contact:**

Name: Ed Byrne

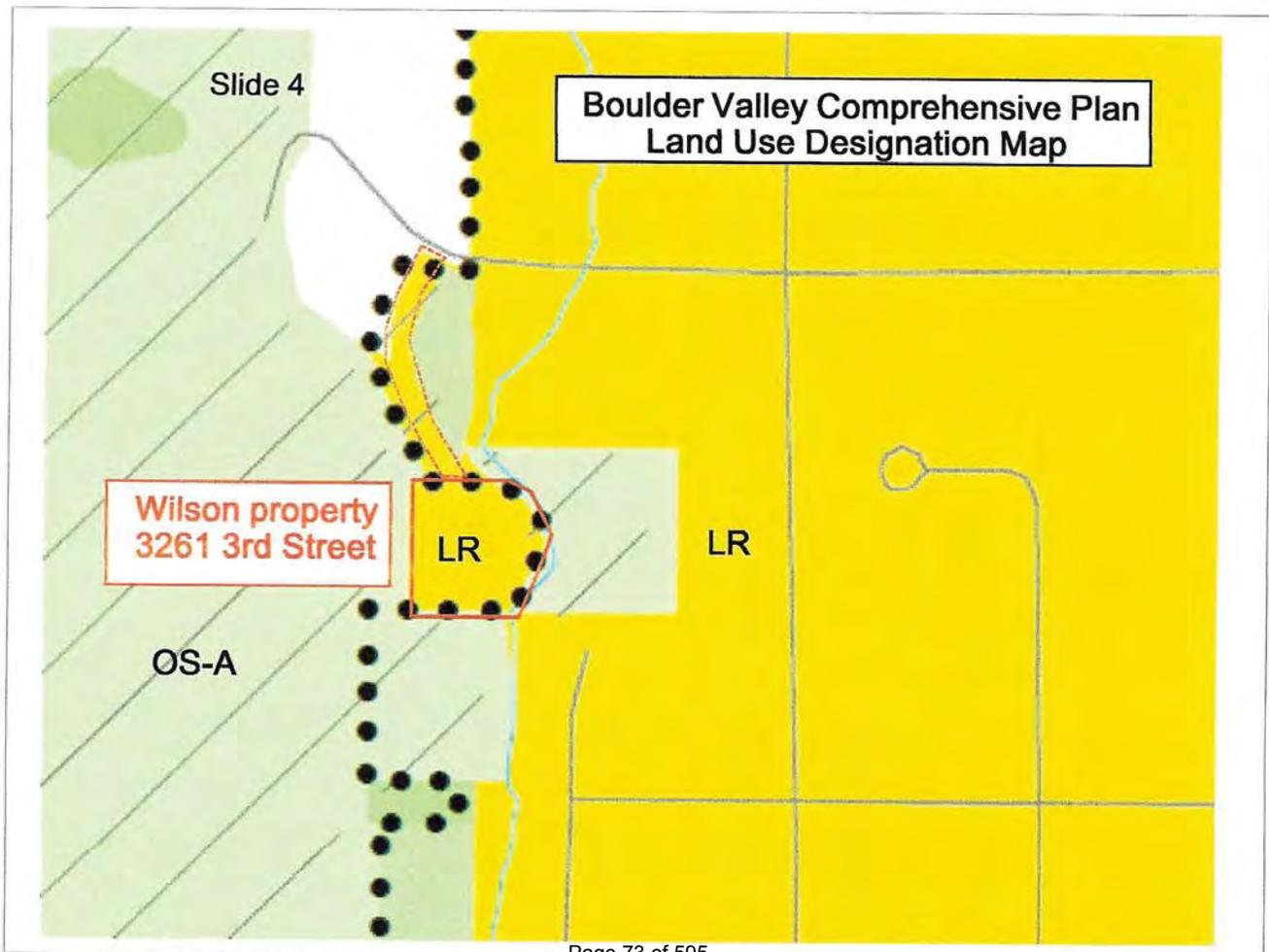
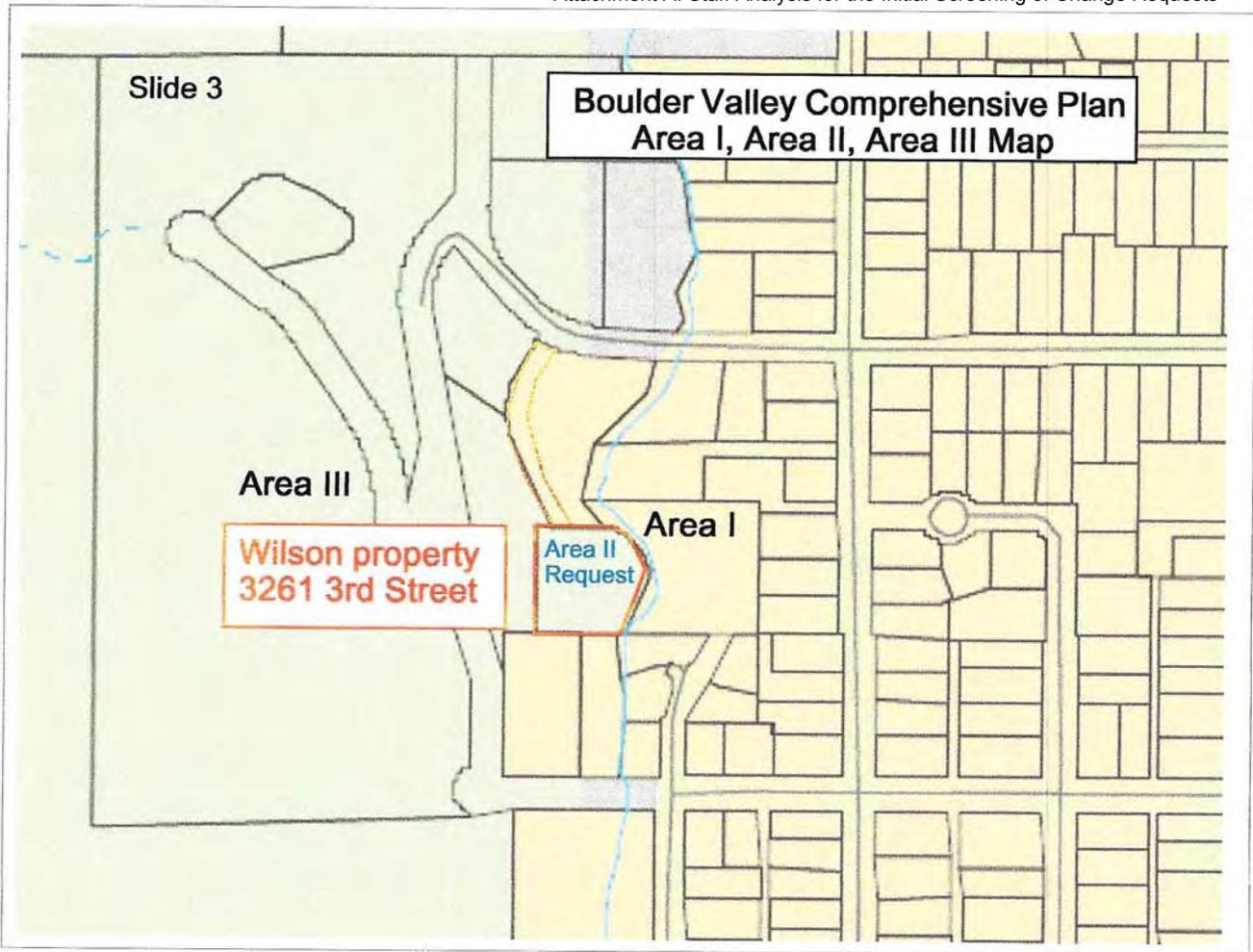
Address: ED BYRNE, PC, 250 Arapahoe Ave., Ste. 300, Boulder, CO 80302

Phone: (303) 447-2555

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

Yes. Owners wish to sell the property. Annexation is anticipated soon after Area II designation is received.





**Ed Byrne, P.C.**  
*A Professional Legal Services Corporation*  
250 Arapahoe Avenue, Suite 300  
Boulder, CO 80302 - 5838

October 2, 2015

City of Boulder  
Department of Community Planning and Sustainability  
attn: Caitlin Zacharias  
P.O. Box 791  
Boulder, CO 80306-0791

**Re: Boulder Valley Comprehensive Plan (BVCP) 2015 Major Update  
Request for Revision: 3261 3<sup>rd</sup> Street, Boulder, CO 80302 (Wilson  
Family)**

Dear Caitlin,

Please find enclosed herewith a copy of the 2015 BVCP Major Update Request for Revision form I am filing on behalf of the Wilson family, owners of a single family residence located at 3261 3<sup>rd</sup> Street in unincorporated Boulder County, immediately adjacent to the existing city limits of Boulder, Colorado. On April 16, 2015, the Board of Boulder County Commissioners voted to approve Subdivision Exemption SE-14-0006, provided the Wilson family first diligently pursued annexation to the City of Boulder. See Resolution 2015-59, attached.

Brief Summary of Background Issues

The Wilsons were placed in the position of having a “substandard” lot by Clarence New, who subdivided the surrounding land. In that process, and without bothering to survey the Wilson parcel, New left the Wilsons’ mother and father with less than an acre of land around their home, which was built in 1899.

The County approved the New Subdivision in 1961. The City then bought it from New shortly thereafter. See Slides 1 and 2, attached. The Wilson family learned that their lot was “undersized” 50 years later, long after the people responsible for the initial oversight were dead and gone.

The house was there first. The subdivider got all the benefits – the Wilsons have been told repeatedly they must now clean up *New’s* mess, even though they are the victims here, not the perpetrators.

As noted above, Boulder County conditionally recognized the Wilson parcel, but required the Wilsons to pursue annexation to the City of Boulder, which was not possible until the Boulder Valley Comprehensive Plan (BVCP) Five Year Major Update because redesignation of the parcel as Area II is a necessary prerequisite for submitting an annexation application.

The above considered, the City adopted “Guidelines for Annexation Agreements” on June 25, 2002 (attached), which applies, among other properties, to so-called “Western Edge” parcels that are in

Area II and are “mostly developed.” Although the Wilson property was not included in the short list of properties identified in the Guidelines document because it was designated Area III, in every other respect it qualifies under BVCP Policy 1.24, as amended in the 2010 major update:

1.24(b) – The City should actively pursue annexation of Area II properties along the western boundary. The failure to designate the Wilson property as Area II may have been an inadvertent omission. The property does not lie within the Area III - Planning Reserve and Area III - Rural Preservation policies and objectives do not apply to this.741-acre lot adjacent to Boulder’s city limits. It is surrounded on three sides by Area I land and the city owns the open space along the western border of the property (the New Subdivision acquired in 1961). See BVCP Area I, Area II, Area III Map excerpt, Slide 3, attached.

1.24(c) – The property is designated LR on the BVCP Land Use Designation map (Slide 4, attached) and has a single family residence in deteriorating condition on it. See Slide 2, attached. The Wilson family does not seek to add residential units, so it is “substantially developed” and annexation terms and conditions that “respect existing lifestyles and densities” are acceptable to the family, with the expectation that the property can and will be brought up to City standards when an application for new development is submitted.

1.24(d) – The property is not believed to have significant development potential at this time, although the option for exploring the site’s potential will exist during the annexation process. The Wilson family does not currently propose to seek greater density on the site.

1.24(e) – The residence on the property was using an individual septic disposal system and was not on City water when it was last occupied. Connection to the City’s water and wastewater utilities could “resolve an issue of public health without creating additional development impacts,” so redesignation of 3261 3<sup>rd</sup> Street as Area II, followed by annexation “should be encouraged.”

In conclusion, the Wilson family respectfully requests that the BVCP Area 1, Area II, Area III Map designation for 3261 3<sup>rd</sup> Street be changed from Area III to Area II, so that annexation to the City of Boulder can be pursued in the very near future.

Thank you for your consideration of these comments and the materials enclosed herewith.

Sincerely,



Edward R. Byrne

enclosures

cc: Margaret Mary Wilson  
John Raymond Wilson, Jr.  
Michael Thomas Wilson  
Catherine Ann McIntyre  
Grace Marie Page  
Hannah Hippely, Boulder County Land Use

## City of Boulder

### Guidelines for Annexation Agreements

#### -Individual Annexations of Mostly Developed Residential Properties in Area II-

*June 25, 2002*

#### **I. Background:**

The purpose of these guidelines is to provide general direction for negotiating annexation agreements with individual landowners of mostly developed residential properties in Area II. They are intended to clarify city expectations in individual annexations. These guidelines have been endorsed by Planning Board and City Council and are a reference for city staff, landowners, Planning Board and City Council in future individual annexation negotiations.

The Boulder Valley Comprehensive Plan provides a framework for annexation and urban service provision. With the 2001 update to the BVCP, Annexation Policy 1.25 was amended to provide more clarity about annexations. The amendments to the policy included the following:

- Direction for the city to actively pursue annexation of county enclaves, Area II properties along the western boundary, and other mostly developed Area II properties;
- Direction to the county to attach great weight to the city's input on development in enclaves and developed Area II lands and to place emphasis on conforming to the city's standards in these areas; and
- A policy that developed parcels proposed for annexation that are seeking no greater density or building size should not be required to provide the same level of community benefit as vacant parcels until more development of the parcel is applied for.

In order to reduce the negative impacts of new development in the Boulder Valley, the BVCP states that the city shall annex Area II land with significant development or redevelopment potential only on a very limited basis. Such annexations will be supported only if the annexation provides a special opportunity to the city or community benefit.

These guidelines apply primarily to mostly developed residential properties in Area II. In most of these cases, the city would not request a community benefit with the annexation. However, a few of the properties that are currently developed in the county may have further development potential once annexed into the city. These guidelines further refine the BVCP Policy 1.25 by specifically outlining which properties will be asked to provide community benefit upon annexation and what form of community benefit may be requested by the city.

## II. General Principles of Individual Annexations of Mostly Developed Residential Properties:

- A. In terms of the city's interests, the benefits of annexing mostly developed residential properties in Area II outweigh the costs.
- B. The city has a strong desire to annex many of the residential properties in Area II because of the potential environmental and health issues associated with well and septic systems.
- C. The basic fees associated with annexation (plant investment and impact fees) should not be reduced for individual property owners seeking annexation (although financing and payback may be negotiated).
- D. The city has a legal obligation under state law to annex enclaves at the request of the property owner without terms and conditions beyond those required through existing ordinances.
- E. The city may apply additional terms and conditions to enclaves only through negotiation with the property owner. (Use caution when applying community benefit).

## III. Principles of Applying City Community Benefit Policy:

- A. Community benefit should only be applied to properties with additional development potential.
- B. For the purposes of these guidelines, additional development potential includes the ability to subdivide the property and/or build at least one additional unit on the property. Additional development potential **does not** include the ability to add on to an existing house or to replace an old house with a new one (scrape-offs).
- C. Although emphasis is placed on affordable housing, community benefit is not restricted to housing. An affordable housing benefit should be balanced with other benefits such as land or property dedications (landmarking, flood and open space easements) or other restrictions that help meet BVCP goals.
- D. The city should strive for consistency in applying the affordable housing requirement to properties with additional development potential. In areas where new affordable units are appropriate (Crestview East), restrictions should be placed on the affordability of the new units. In areas where new affordable units are not appropriate or feasible, (Gould Subdivision, 55<sup>th</sup> St. enclaves), the applicant should be requested to pay two times the cash contribution in-lieu of providing on-site affordable housing.

## IV. Framework for Basic Annexation Conditions for All Properties:

- A. Inclusion in the Boulder Municipal Subdistrict and the Northern Colorado Water Conservancy District.

- B. Assessment for waterline and sanitary sewer along street frontage (either existing or to be constructed).
- C. Development Excise Tax (DET).
- D. Storm Water and Flood Management Utility Plant Investment fees.
- E. Water and Wastewater Utility Plant Investment Fee.
- F. Dedication to the city of right-of-way for streets, alleys, water mains, and/or fire hydrants.
- G. Agreement to participate in their pro rata share of any future right-of-way improvements (paving, roadbase, curb, gutter, landscaping, sidewalks, bicycle and pedestrian path connections).
- H. Properties with Silver Lake Ditch rights: The city would ask the property owner to sell all interests in the ditch company to the city.
- I. Properties with other ditch rights: The city would ask for the Afirst Right of Refusal@ for any ditch rights associated with the property.

## V. Application of Community Benefit

### A. Guidelines for properties within the flood conveyance zone or with an open space or natural ecosystem land use designations.

- 1. The city would request dedication of an open space conservation easement for any portion of the site with a BVCP Open Space or Natural Ecosystem land use designation.
- 2. The city would request dedication to the city of a stormwater and floodplain easement for any portion of the site located within the flood conveyance zone.

### B. Guidelines for properties with additional development potential.

The guidelines below are based on the definition of development potential as the potential for a property to be subdivided or for additional units to be built on the property. Although the terms of the community benefit requirement may be negotiated on a case-by-case basis, the following are the general guidelines for requesting community benefit:

- 1. A community benefit requirement in the form of two times the cash in-lieu contribution as set forth in the city's inclusionary zoning ordinance to the Housing Trust Fund would be negotiated with property owners in ER and RR zones.
- 2. For properties in LR and MR zones, a condition would be negotiated that a certain percentage of any new dwelling units be made permanently affordable to various income groups (see specific guidelines for each property group below).

3. For enclaves, the affordable housing request should be consistent with similar annexations in the area (see specific guidelines for each property group below).
4. For edge properties, the cash-in-lieu requested would be two times that required under the inclusionary zoning ordinance.

**C. Guidelines for specific property areas.**

**1. Enclave – Crestview East**

- a. All properties:
  - Request that the applicant demonstrate compliance with the North Boulder Subcommunity Plan Design Guidelines upon redevelopment or other applicable developed zoning district standards.
- b. Properties along Fourmile Canyon Creek:
  - Attempt to secure through negotiation, dedication of conservation, trail, and floodplain and drainage utility easements to the city to meet the objectives of the Greenways Master Plan and the Stormwater and Flood Management Utility.
- c. Properties with subdivision potential – split MR/LR zoning:
  - 50% of any newly constructed units should be permanently affordable to low and middle income households.
- d. Properties with subdivision potential – split LR/ER zones:
  - 25% of any newly constructed units should be permanently affordable to middle income households; and
  - Market rate units permitted on site should pay twice the applicable cash-in-lieu amount required by inclusionary zoning provisions.
- e. Properties with subdivision potential – ER zones:
  - Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city’s inclusionary zoning ordinance for each new dwelling unit (prior to building permit).

**2. Enclave – Githens Acres and other miscellaneous North Boulder enclave properties.**

- a. All properties:
  - Request that the applicant demonstrates compliance with the North Boulder Subcommunity Plan Design Guidelines upon

redevelopment or other applicable developed zoning district standards.

- b. Properties along Fourmile Canyon Creek:
  - Attempt to secure through negotiation, dedication of conservation, trail, and floodplain and drainage utility easements to the city to meet the objectives of the Greenways Master Plan.

**3. Enclave – Pennsylvania Ave.**

- a. Three properties along the Wellman Canal (5255, 5303, and 5101):
  - Attempt to secure through negotiation, dedication of a trail easement to the city to meet the objectives of the city’s Transportation Master Plan.
- b. For all properties:
  - Request payment for share of sidewalk improvements along Pennsylvania Ave.

**4. Enclave – 55<sup>th</sup> St.**

- a. Property with an MR land use designation (1415 55<sup>th</sup> St.):  
If zoned LR-D,
  - Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city’s inclusionary zoning ordinance for each new dwelling unit. (at the time of building permit) or;
  - Any newly constructed units must be permanently affordable to middle income households.

If zoned MR-D,

  - 50% of any newly constructed units must be permanently affordable to low and middle income households.
- b. Properties with an LR land use designation and further development potential (994, 836, 830 55<sup>th</sup> St. and 5495 Baseline Rd.):
  - Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city’s inclusionary zoning ordinance for each new dwelling unit (at the time of building permit).

**5. Gould Subdivision**

- a. Three properties with additional development potential (2840 Jay Rd., 2818 Jay Rd., 4040 28<sup>th</sup> St.):
  - Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city's inclusionary zoning ordinance for each new dwelling unit.

**6. Western Edge**

- a. Two properties with a VLR land use designation and development potential (0 Linden Dr., and 3650 4<sup>th</sup> St.):
  - Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city's inclusionary zoning ordinance for each new dwelling unit. (at the time of subdivision).
- b. Properties at 3365 4<sup>th</sup> St., 3047 3<sup>rd</sup> St., 2975 3<sup>rd</sup> St., and 2835 3<sup>rd</sup> St.:
  - An open space conservation easement, for the portion of the property that is west of the "ABlue Line," should be dedicated to the city.

**7. Old Tale Rd./Cherryvale Rd.**

- a. Properties along South Boulder Creek:
  - Attempt to secure through negotiation, dedication of conservation, trail, and floodplain and drainage utility easements to the city to meet the objectives of the Greenways Master Plan and the Stormwater and Flood Management Utility.



## Land Use

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930 • Fax: 303.441.4858  
 Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • [www.bouldercounty.org](http://www.bouldercounty.org)

April 17, 2015

WILSON MARGARET MARY ET AL  
 1802 18TH AVE  
 LONGMONT, CO 80501

WILSON JOHN RAYMOND JR ET AL  
 PO Box 447  
 Berthoud, CO 80513

WILSON MICHAEL THOMAS ET AL  
 175 S. 42nd Street  
 BOULDER, CO 80305

MCINTYRE CATHERINE ANN ET AL  
 910 Latil  
 Long Beach, MS 39560

PAGE GRACE MARIE ET AL  
 8170 Highway 7  
 Allenspark, CO 80510

Dear Applicants:

This letter certifies that a hearing of the Board of County Commissioners, County of Boulder, State of Colorado, was duly called and held on August 5, 2014 and March 10, 2015, in consideration of the following request:

**Docket SE-14-0006: WILSON Lot Recognition**

Subdivision Exemption request for recognition of the property as a legal building lot; by Margaret Wilson, et al; in accordance with the Boulder County Land Use Code. The proposed property is located in the Rural Residential (RR) and Forestry (F) Zoning Districts, at 3261 3<sup>rd</sup> Street, approximately .6 miles west of the intersection of Broadway and Hawthorne Avenue, accessible via private drive south of Hawthorne Avenue, in Section 24, T1N, R71W.

The Board of County Commissioners has determined that the request be CONDITIONALLY APPROVED subject to the attached resolution.

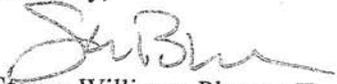
Also enclosed is an informational handout on Post-Approval Requirements. Please contact the planner who processed your docket when you receive this handout, in order to discuss the post-approval process and which of the requirements, if any, can be waived. Generally speaking, the post-approval requirements include new deeds for all involved properties, proof of property taxes paid, and the recording fee for the new deeds.

The Boulder County Land Use Code requires that the resolution of approval must be recorded within one year from the date of the commissioners' decision. If this is not done, the document will not be ratified and your approval will expire. The resolution can be recorded only after you have completed all post-approval requirements. ***Please note that the recordation of all documents***

*related to your docket must be done by your planner.* Your planner can explain in detail the documentation that you will need to supply, based on the particular attributes of your docket.

If you have any additional questions, please feel free to contact me at (303) 441-3930 or via email at [sbwilliams@bouldercounty.org](mailto:sbwilliams@bouldercounty.org).

Sincerely,



Steven Williams, Planner II  
Planning Division  
Land Use Department

c.c. Ed Byrne

DO NOT RECORD  
FOR STATUS ON APPROVAL  
CONDITIONS CALL LAND USE  
@ 303-441-3930

RESOLUTION 2015-59

**A resolution conditionally approving Boulder County Land Use Docket #SE-14-0006  
(Wilson Lot Recognition)**

Recitals

A. Property Owners Margaret Wilson, Catherine McIntyre, John R. Wilson Jr., Michael Wilson, and Grace Page (the “Applicants”) are requesting Subdivision Exemption under Article 8 of the Boulder County Land Use Code (the “Code”) to recognize as a legal building lot their property of approximately 0.6 acres located at 3261 3<sup>rd</sup> Street, in the Forestry and Rural Residential zoning districts in Section 234, T1N in R71W, in unincorporated Boulder County (the “Property”).

B. The Property became an illegal lot when it was carved off from a larger parcel and failed to meet the minimum lot size of 1 acre in 1956. The Property was the subject of a previous Subdivision Exemption request in 2012 (SE-12-0009), which also included a Limited Impact Special Use Review request (LU-12-0014) for a Historic Accessory Dwelling Unit (ADU). The result of the 2012 docket was a conditional approval of the Subdivision Exemption request for lot recognition and a denial of the Limited Impact request for an ADU. The Subdivision Exemption approval included the condition that the existing historic residence be landmarked. The 2012 docket was approved because the proposal was found to further the intent of the Comprehensive Plan because of the benefit provided from the condition that the residence be landmarked, even though the lot recognition would add an additional unit of density to the unincorporated county.

C. The Applicants did not complete the conditions of approval of SE-12-0009 because they determined that the structure was damaged such that it would be cost prohibitive to restore. The 2012 application noted that the home was built out of concrete and staff concluded that this unique construction made this residence stand out among other local architecture of the time period. The current docket materials, however, included new engineering analysis that clarified that the walls are not built of reinforced concrete, but are actually constructed out of “partially mortared stone masonry” with 1 ½ to 3 inches of stucco applied to both the interior and exterior walls. The current application also clarifies several structural defects of the existing residence, notes that the carport and second-story addition are not part of the original home construction, and explains that the Boulder County Assessor’s Office recently updated the floor area records related to this property, which resulted in a reduction of 972 sq. ft. of residential floor area.

D. The current request for Subdivision Exemption was processed and reviewed as Boulder County Land Use Docket SE-14-0006 (the “Docket”).

E. A hearing to consider the current request was originally held on August 5, 2014. There, staff recommended denial of the Docket, as shown in the memorandum and recommendation to the Board of County Commissioners (the "Board") dated August 5, 2014, with its attachments. At the August hearing, the Board tabled the hearing and requested that the Applicants reconsider their proposal and work with staff to explore alternatives further. Two options were noted as alternatives to the Applicants' proposal: landmarking and annexation. Also noted was the possibility of applying a development footprint and massing limitation to ensure that any future development was suitably located and sized with respect to the physical characteristics of the land, the character of the neighborhood, and the County's goals of preserving agricultural and forestry lands.

F. The Applicants have since modified their proposal, acknowledging their willingness to accept a building footprint and massing limitation in exchange for recognition of their lot as legal.

G. A more complete description of the Applicants' current request is set forth in the Boulder County Land Use Department Planning Staff's Memorandum and written recommendation to the Boulder County Board of County Commissioners (the "Board") dated March 10, 2015, with its attachments (the "Staff Recommendation").

H. The Staff Recommendation determined that the Applicants' proposal cannot meet the criteria for Subdivision Exemption set forth in Article 9 of the Code. Staff therefore recommended denial of the Docket.

I. On March 10, 2015, the Board held a public hearing on the Docket at which the Board considered the Staff Recommendation, and the documents and testimony presented by staff and the Applicant's agent, with numerous members of the public speaking to the Docket, all as further reflected on the official record of the public hearing.

J. Based on the Staff Recommendation and the Public Hearing, the Board finds that the Docket can meet the criteria for recognition of the Property as a legal building lot under Article 9-102.A. of the Code, and therefore, the request does not fall within the purposes of the Boulder County Subdivision Regulations (Article 5 of the Code).

K. In particular, the Board has determined that annexation to the City of Boulder should be pursued, but that if annexation is not allowed, then the lot may be recognized with massing and square footage limitations. The Board emphasizes that it had significant concerns about the whether the lot was buildable, even if recognized, based on health and safety reasons such as finding appropriate placement for a well and septic, the ability to meet setbacks, and other potential issues.

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

Therefore, the Board resolves:

The Docket is approved subject to the following conditions:

1. Recordation of deeds to finalize this lot recognition shall not happen until and unless the Applicants (or a future property owner) have completed the following:
  - a. The Applicants (or a future property owner) shall apply for and diligently pursue (through the City of Boulder 2015 Boulder Valley Comprehensive Plan update) re-designation from Planning Area III to Planning Area II.
  - b. If the Applicants (or a future property owner) are successful in a designation change, the Applicants shall also apply for and diligently pursue annexation in the City of Boulder within six (6) months of attaining re-designation.
  - c. If the Applicants (or a future property owner) are unsuccessful in their pursuits of either 1.a or 1.b outlined above and can demonstrate they made a good faith effort toward these ends, Boulder County Land Use staff shall record a new deed to effectuate this Docket, which shall reference the approval of this Docket, provided the conditions in Condition #2 below are met.
  
2. Upon good faith effort of the owner and denial in either the Boulder Valley Comprehensive Plan update (1.a) or the City of Boulder annexation (1.b), the Property shall be recognized through the recordation of a new deed with the following restrictions:
  - a. The footprint of any new residential development shall not exceed the historic footprint of the home, which measures 34.5' x 30.6', or roughly 1,050 sq. ft.
  - b. The overall square footage of any new residential development shall not exceed the square footage of the historic development which is listed per Assessor records as 1,818 sq. ft.
  - c. The overall bulk (massing) of any proposed residential development shall not exceed the bulk of the historic development, which featured a maximum roof height of 24' feet from existing grade at its peak.
  - d. The developable area of this parcel is constrained, and future development reviews may determine that stricter limitations than those outlined above are merited. Similarly, this property may not have room for any accessory structures or non-residential development given the existing site constraints. Any proposed redevelopment of this parcel shall meet setback requirements of the respective zoning districts that govern this property. Additionally, redevelopment will be subject to setback requirements from the Silver Lake irrigation ditch, setback and

- separation requirements for onsite wastewater systems and wells, and shall avoid the loss of additional forestry lands.
- e. Any future redevelopment of this parcel will be subject to the appropriate Land Use Review, which will likely include both Site Plan and Building Permit reviews. At that time, an Applicant shall demonstrate that the required water and sewer services, as well as Transportation Standards (driveway width and emergency access and turnaround) can be met.
  3. In addition to the post approval requirements related in Condition 2, the Applicants shall comply with all applicable post-approval requirements for a Subdivision Exemption (regarding taxes, title report, deeds, and the like) as listed in Article 3-206(C) of the Land Use Code.
  4. The Applicants shall meet all the post-approval requirements within 3 years after the date of the Board of County Commissioners' resolution approving this Subdivision Exemption proposal. This Resolution and associated documents shall also be recorded by Land Use Staff with the County Clerk and Recorder's Office, provided all the required conditions are met, within this three-year timeframe. This approval shall expire if recordation does not occur within this timeframe (unless an extension is granted).
  5. The Applicant shall be subject to the terms, conditions and commitments of record and in the file for **Docket SE-14-0006: WILSON Lot Recognition**.

[Signature Page to Follow]

A motion to conditionally approve the Docket was made by Commissioner Jones, seconded by Commissioner Gardner, and passed by a 2-1 vote. Commissioner Domenico dissented.

ADOPTED as a final decision of the Board on this 16 day of April, 2015.

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



Deb Gardner  
Deb Gardner, Chair

Elise Jones  
Elise Jones, Vice Chair

Cindy Domenico  
Cindy Domenico, Commissioner

ATTEST:

Cecilia G. Jacey  
Clerk to the Board

**26)**

**3000 N. 63rd St. &  
6650 Valmont Rd.\*  
("Valmont Butte") #1 –  
*OS-O to PUB*  
*(\*staff-initiated;  
portion of property)***

**BVCP Five Year Major Update**

**Request # 26**

**Request #26**

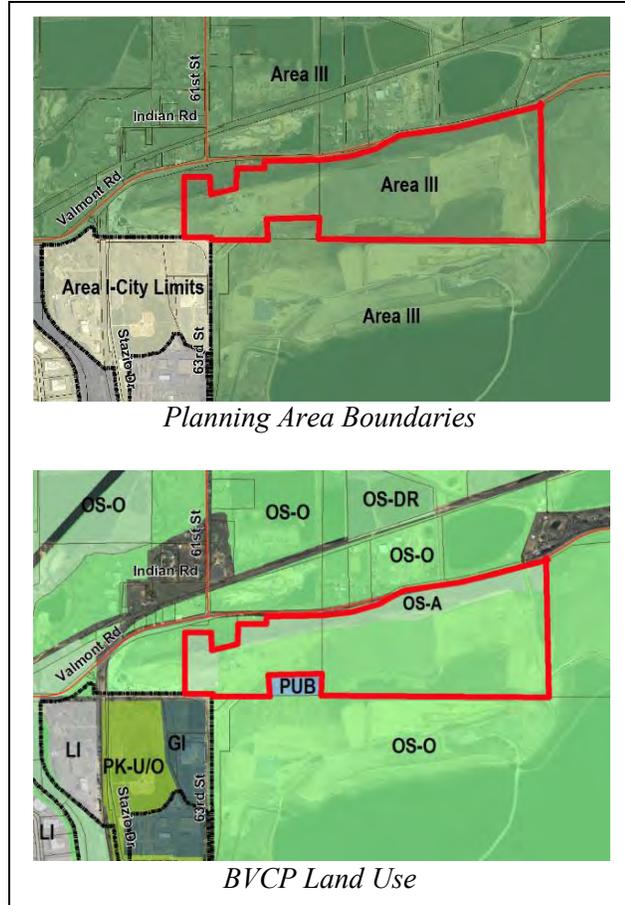
**3000 N. 63<sup>rd</sup> St. & 6650 Valmont Rd.\***  
**“Valmont Butte” (\*portion of property)**  
 Initiated by City of Boulder (Facilities and Asset Management)  
*Parcel size: 102.22 acres*

**Request:**

Change the BVCP land use designation of portions of the “Valmont Butte” properties from Open Space – Other (OS-O) to Public (PUB). *(Note: This is not a request to change the designation of portions of the property currently designated as “Open Space – Acquired.”)*

The request moreover states:

*“The intention by the City of Boulder is to concurrently annex the property into the city, undertake the historic landmark designation of the mill buildings under the city's process, expand the open space areas to include 12 acres of undisturbed historic areas, keep 25 acres available for future, low-impact city use such as material/equipment storage and renewable energy use, as well as maintain the existing radio communications use.”*



**Staff Recommendation: Yes**

Staff recommends that this request be considered further as part of the BVCP Five Year Major Update to support necessary city operations and meet other climate-related goals.

**ANALYSIS:**

**1.) Consistent with the purposes of the major update as described above?**

Yes. This is a land use designation change request, which is consistent with the purposes of the BVCP major update.

**2.) Consistent with current BVCP policies?**

The request is consistent with *Policy 1.24 – Annexation* (part g):

*Publicly owned property located in Area III and intended to remain in Area III may be annexed to the city if the property requires less than a full range of urban services or requires inclusion under city jurisdiction for health, welfare and safety reasons.*

The request is also consistent with *Policy 1.32 - Multi-Purpose Use of Public Lands*, which emphasizes “multi-purpose use of public lands, facilities and personnel services.” The request outlines the intended multi-purpose uses of the properties for materials/equipment storage and renewable energy. In addition, the intent to use a portion of the properties for renewable energy is consistent with *Policy 4.03 – Energy Conservation and Renewable Energy*.

**3.) Compatible with adjacent land uses and neighborhood context?**

Neighboring land uses include Open Space – Other and Open Space- Agriculture, General Industrial, and Park (Urban and Other). Further analysis is needed to determine compatibility, as the “Public” designation encompasses a wide range of uses.

**4.) Was the proposed change requested or considered as part of a recent update to the Comp Plan or other planning process?**

In December of 2015, the city filed an annexation petition. The annexation is tentatively scheduled for late first quarter/early second quarter of 2016, dependent on the outcome of the screening process.

**5.) Is there any change in circumstances, community needs, or new information that would warrant the proposal be considered as part of this update?**

Yes. On Feb. 24, 2014, the Colorado Department of Public Health & Environment (CDPHE) issued a No Action Determination Letter approving the Voluntary Cleanup Plan Implementation (VCUP) work completed to-date. According to the *Environmental Completion Report* (January 2014) prepared by Casey Resources, Inc., “The goals in entering the Voluntary Cleanup Program were to assure that the Property remediation would be compatible with the CDPHE’s Voluntary Cleanup Program and Radiation Control Program and protective of human health and the environment.” Amended environmental covenants for the site were signed by CDPHE on May 12, 2014, for the residual contaminant levels on the property at the consolidated tailings pile and the historic mill buildings.

The Valmont Butte Property is currently located in unincorporated Boulder County. Because of the amount of grading necessary to implement the VCUP, the city needed a limited impact special use permit. The city submitted an application to the county in March 2011. In the summer of 2011, the Boulder County Commissioners conditionally approved the city’s limited impact special use permit application that is consistent with the environmental covenants associated with the VCUP. The conditional approval required the city to submit the mill site for landmark designation within four months after amended environmental covenants were signed. The balance of the property was to be submitted within a year of that date. An extension was approved till January 1, 2016, for the city to submit for annexation of the property; whereas, the landmark designation for the mill site will continue under the city’s process.

**6.) Are there enough available resources to evaluate the proposed change (city and county staffing and budget priorities)?**

Yes. Further analysis of this request is not anticipated to require significant staff resources.



# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input checked="" type="checkbox"/>	Land Use Map Amendment
<input type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:

Re-designate the Valmont Butte Property at 3000 North 63rd Street from "commercial/light industrial" to "public."

See next page for complete text.

b. Brief reason or justification for the proposed amendment:

The intention by the City of Boulder is to concurrently annex the property into the city, undertake the historic landmark designation of the mill buildings under the city's process, expand the open space areas to include 12 acres of undisturbed historic areas, keep 25 acres available for future, low-impact city use such as

a. Map(s) proposed for amendment: Attached

b. Brief description of location of proposed amendment:

The property is located in Boulder County approx. 1.5 miles east of the Foothills Parkway and Pearl Street intersection. The property is bounded to the north by Valmont Road, to the west by North 63rd Street and to the south and east by land owned by Xcel Energy as part of the Valmont Power Plant.

Section: 22 & 23 Township: 1 North Range: 70 West of the 6th P.M.

c. Size of parcel: Parcels A, B and C total approximately 110 acres

(Full text cropped from previous page):

### Request 26) Valmont Butte

Brief reason or justification for the proposed amendment:

The intention by the City of Boulder is to concurrently annex the property into the city, undertake the historic landmark designation of the mill buildings under the city's process, expand the open space areas to include 12 acres of undisturbed historic areas, keep 25 acres available for future, low-impact city use such as material/equipment storage and renewable energy use, as well as maintain the existing radio communications use.



**3) Applicant:**

Name: Joe Castro

Address: 1720 13th Street, PO Box 791, Boulder, CO 80306-0791

Phone: (303) 441-3163

**4) Owner:**

Name: City of Boulder - same as #3

Address:

Phone: \_\_\_\_\_

**5) Representative/Contact:**

Name: Same as #3

Address:

Phone: \_\_\_\_\_

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

Yes. The City of Boulder has a limited impact special use permit from Boulder County from Aug. 15, 2011.



EXHIBIT "A"

Boulder County Clerk, CO

WD

R 15.00

D 0.00

## LEGAL DESCRIPTION

## PARCEL A:

Part of Sections 22 and 23, Township 1 North, Range 70 West of the 6th P.M., described as follows:

Beginning at the Southeast corner of said Section 22; thence Northerly along the East line of said Section 22, a distance of 214.50 feet; thence Westerly and parallel with the South line of said Section 22, a distance of 625.00 feet; thence Southerly and parallel with the East line of said Section 22, a distance of 214.50 feet to the South line of said Section 22; thence Westerly along the South line of said Section 22, a distance of 654.00 feet; thence North, 26.00 feet; thence West, 304.00 feet; thence North 720.00 feet; thence East, 304.00 feet; thence South, 215.00 feet; thence North 78°30' East, 299.88 feet; thence North 00°16'30" West, 385.00 feet to the South bank of the Housel Mill Ditch; thence Northeasterly along the South bank of said Housel Mill Ditch to the East line of said Section 22; thence Southerly along said East line to the centerline of County Road No. 1 as shown on the recorded Plat of said County Road No. 1 which is recorded in Public Roads Book C at Page 87; thence Northeasterly along the centerline of said County Road No. 1 to the East line of the SW1/4SW1/4 of said Section 23; thence Northerly along said East line to the Northwest corner of the SE1/4SW1/4 of said Section 23; thence Easterly along the North line of said SE1/4SW1/4 to the centerline of said County Road No. 1; thence Northeasterly along the centerline of said County Road No. 1 to the East line of the NE1/4SW1/4 of said Section 23; thence South along the East line of the SW1/4 of said Section 23, a distance of 1,638.90 feet to the South Quarter corner of said Section 23; thence Westerly along the South line of said Section 23, a distance of 2,626.12 feet to the POINT OF BEGINNING;

EXCEPT a parcel in the SE1/4SE1/4 of said Section 22, described as follows:

Commencing at the Northwest corner of said Southeast 1/4 of the Southeast 1/4; thence South, 21 rods; thence East, 20 rods to the TRUE POINT OF BEGINNING; thence South, 8 rods; thence East, 20 rods; thence North, 8 rods; thence West, 20 rods to the TRUE POINT OF BEGINNING.

## PARCEL B:

Part of the Southeast 1/4 of the Southwest 1/4 of Section 22, Township 1 North, Range 70 West of the 6th P.M., described as follows:

Beginning at the Southeast corner of the Southwest 1/4 of said Section 22; thence North along the East line of said Southwest 1/4, a distance of 355.26 feet; thence South 36°39' West, 433.80 feet; thence on a 20° curve to the right to the South line of said Southwest 1/4; thence East along said South line to the POINT OF BEGINNING.

## PARCEL C:

Part of the Southeast 1/4 of the Southwest 1/4 of Section 22, Township 1 North, Range 70 West of the 6th P.M., described as follows:

Beginning at the Southeast corner of the Southwest 1/4 of said Section 22; thence North along the east line of said Southwest 1/4, a distance of 355.26 feet; thence South 47° West to the South line of said Southwest 1/4; thence East along said South line to the POINT OF BEGINNING;

EXCEPT that parcel described herein as Parcel B;

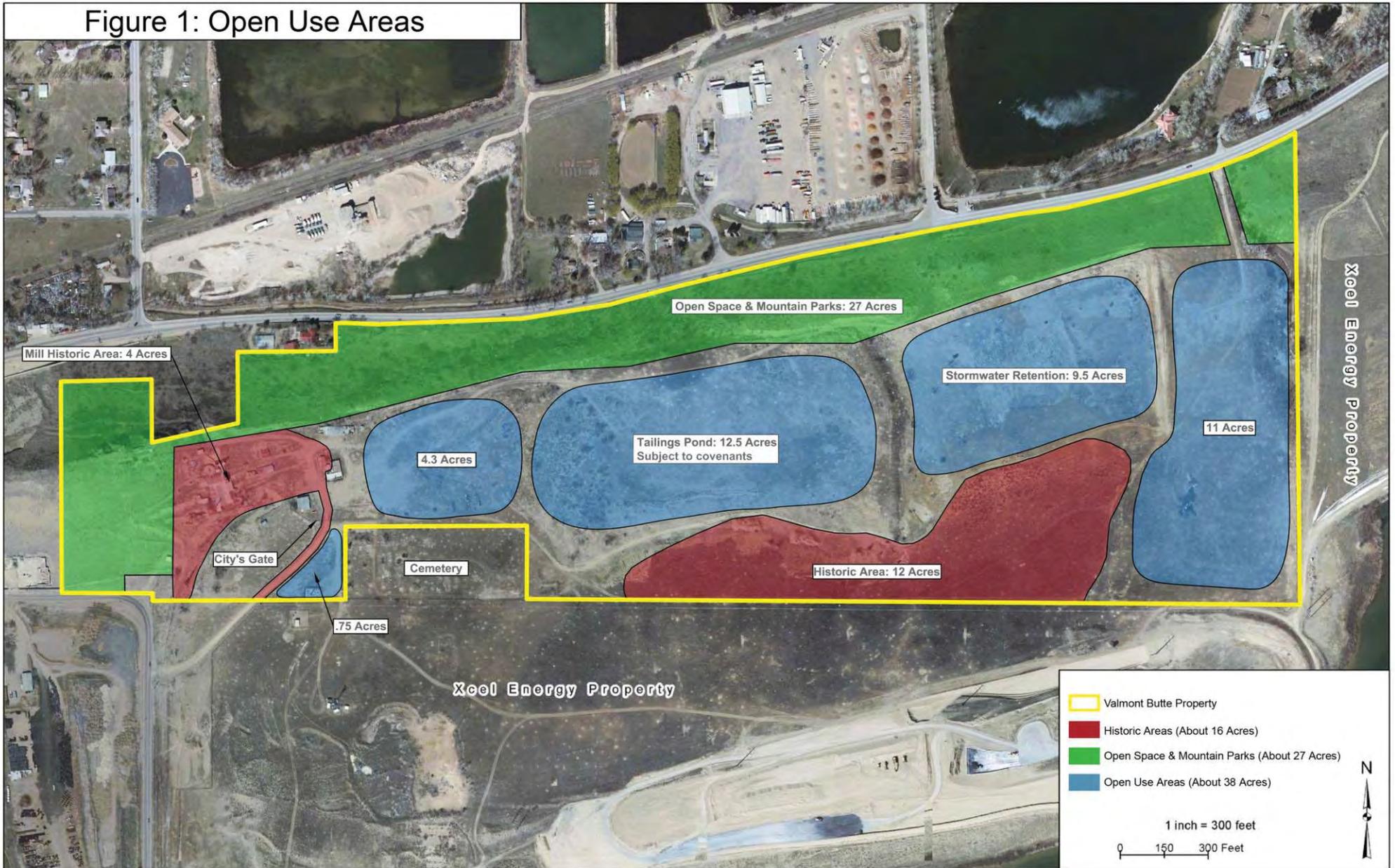
AND EXCEPT from the above tracts any portion thereof conveyed by Lucile C. Cannon to Design Products, Inc., in Deed recorded December 20, 1965 on Film 534 as Reception no. 802406.

AND EXCEPT portions deeded to Boulder County by deeds recorded May 23, 1984 on Film 1303 as Reception Nos. 622620 and 622628;

AND EXCEPT any portions thereof conveyed to The Colorado Brick Company, Inc., by deed recorded September 14, 1987 on Film 1495 as Reception No. 876679.

All being in the County of Boulder, State of Colorado.

Figure 1: Open Use Areas





05/02/2014 11:28 AM  
Boulder County Clerk, CO

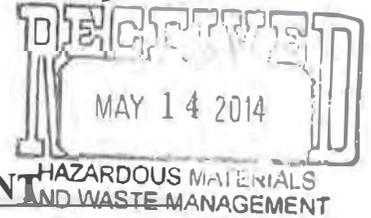
RF: \$56.00

03378129

Page: 1 of 9

DF: \$0.00

**This property is subject to an Environmental Covenant held by the Colorado Department of Public Health and Environment pursuant to section 25-15-321, C.R.S.**



**AMENDED ENVIRONMENTAL COVENANT** HAZARDOUS MATERIALS AND WASTE MANAGEMENT

The City of Boulder, State of Colorado (the "City") grants an Environmental Covenant ("Covenant") this 12 day of March, 2014 to the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and the Environment ("the Department") pursuant to § 25-15-321 of the Colorado Hazardous Waste Act, § 25-15-101, *et seq.* The Department's address is 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530.

**This covenant replaces the Agreement and Declaration of Covenants executed by the prior owner of the property and recorded with the Boulder County Clerk and Recorder on October 21, 1999, at reception number 1992513 and the First Amendment to the Agreement and Declaration of Covenants executed by the City of Boulder and recorded with the Boulder County Clerk and Recorder on August 31, 2004, at reception number 2622857.**

WHEREAS, the City is the current owner of certain property historically used for milling and processing of mineral ores commonly referred to as the Valmont Butte Property, located at 3000 North 63<sup>rd</sup> Street, Boulder, Colorado, more particularly described in Attachment A (legal description), attached hereto and incorporated herein by reference as though fully set forth (hereinafter referred to, in whole or any portion thereof, as "the Property");

WHEREAS, pursuant to the approved Voluntary Cleanup and Redevelopment Act Application for the Valmont Butte Property, dated June 2010, the Property was the subject of a cleanup action (the "VCUP Remedial Action") pursuant to Part 3 in Article 16 of Title 25 Colorado Revised Statutes (25-16-301 *et seq.* CRS), the State of Colorado Voluntary Cleanup and Redevelopment Program;

WHEREAS, the Environmental Completion Report, dated January 15, 2014, provides a description of the VCUP Remedial Action as implemented. These actions included the excavation of impacted soils, which were consolidated and placed in a tailings pile on the north central portion of the Property and covered with a 2-foot soil cap and additional rock cover (the "Tailings Pile"). Further, as part of the VCUP Remediation Action, the former mill building was left in place at the Property (the "Mill Building"). The Primary Tailings Pile and the Mill Building areas are more particularly delineated on Attachment B, attached hereto and incorporated herein by reference as though fully set forth (hereinafter collectively referred to as the "Covenant Areas");

WHEREAS, the Department issued a no action determination (NAD) for the Property dated February 24, 2014. The VCUP Remedial Action, as approved by the Department, left residual contaminant levels at the Property. Notwithstanding the residual contaminant levels, the Department has determined the Property to be safe for certain uses;

WHEREAS, the purpose of this Covenant is to maintain and ensure the integrity and protectiveness of the VCUP Remedial Action over time; and

WHEREAS, to this end, the City desires to subject the Property to certain covenants and restrictions as provided in Article 15 of Title 25, Colorado Revised Statutes, which covenants and restrictions shall burden the Property and bind the City and all parties now or subsequently having any right, title or interest in the Property, or any part thereof, and any persons using the land, as described herein, for the benefit of the Department and the City.

NOW, THEREFORE, the City hereby grants this Environmental Covenant to the Department, and declares that the Property as described in Attachment A shall hereinafter be bound by, held, sold, and conveyed subject to the following requirements set forth in paragraphs 1 through 11, below, which shall run with the Property in perpetuity and be binding on the City and all parties now or subsequently having any right, title or interest in the Property, and any persons using the land, as described herein. As used in this Environmental Covenant, the term "Owner" means the then current record owner of the Property and, if any, any other person or entity otherwise legally authorized to make decisions regarding the transfer of the Property or placement of encumbrances on the Property, other than by the exercise of eminent domain.

1) Use restrictions

- a) No Habitable Structures within the Tailings Pile. No buildings or other enclosed structures that serve as living quarters for any person ("Habitable Structures") shall be constructed within any portion of the Tailings Pile. Subject to the requirements outlined in Paragraphs 1(b), (c), and (d) below, buildings or other enclosed structures, other than Habitable Structures, may be constructed, maintained and repaired within the Tailings Pile.
- b) Tailings Pile Integrity. All work on and improvements to the Tailings Pile ("Tailings Pile Work"), other than routine maintenance and repairs, must be planned, designed and completed so as to preserve the overall integrity of the Tailings Pile and the protectiveness of the Tailings Pile cap, including maintaining the 2 foot soil cap and rock cover or suitable alternative surface.
- c) Management Plan. Prior to undertaking any Tailings Pile Work or work on, in or under the Mill Building, other than routine maintenance and repairs, Owner shall prepare an appropriate plan to ensure that such work is performed in accordance with all applicable legal requirements, is protective of human health and the environment, and is consistent with current radiation exposure limits and the ALARA (as low as reasonably achievable) radiation principles ("Management Plan"). The Management Plan is subject to review and approval by the Department prior to implementation.

- d) Compliance with Radon Guidelines and Exposure Limits. Prior to Owner's application for issuance of a final certificate of occupancy with respect to any building or other structure constructed within the Covenant Areas, Owner shall furnish to the Department (i) a true and complete report documenting the measured radiation dose within all areas of the building or structure and confirming that such building or structure meets the then-current radon guidelines recommended by the U.S. Environmental Protection Agency or its successor agency, (ii) a reasonably detailed description of the methods of radon testing, measurement and analysis utilized to achieve such results, and (iii) in the event any radon mitigation design, devices or equipment were employed or installed in the tested building or structure, a reasonably detailed description of such design, devices or equipment, together with true and complete reports of all radon testing, measurements and analyses completed with respect to such building or structure, including, without limitation, before and after the employment or installation of such radon mitigation design, devices or equipment. No occupancy shall be permitted if the measured dose exceeds EPA's most recent guidelines.
- 2) Modifications. This Covenant runs with the land and is perpetual, unless modified or terminated pursuant to this paragraph. Owner may request that the Department approve a modification or termination of the Covenant. The request shall contain information showing that the proposed modification or termination shall, if implemented, ensure protection of human health and the environment. The Department shall review any submitted information, and may request additional information. If the Department determines that the proposal to modify or terminate the Covenant will ensure protection of human health and the environment, it shall approve the proposal. No modification or termination of this Covenant shall be effective unless the Department has approved such modification or termination in writing. Information to support a request for modification or termination may include, without limitation, one or more of the following:
- a) a proposal to perform additional remedial work;
  - b) new information regarding the risks posed by the residual contamination;
  - c) information demonstrating that residual contamination has diminished;
  - d) information demonstrating that an engineered feature or structure is no longer necessary;
  - e) information demonstrating that the proposed modification would not adversely impact the remedy and is protective of human health and the environment; and
  - f) other appropriate supporting information.
- 3) Conveyances. Owner shall notify the Department at least thirty (30) days in advance of the closing on any proposed sale or other conveyance of any interest in the Property.
- 4) Notice to Lessees. Owner agrees to incorporate either in full or by reference the restrictions of this Covenant in any leases, licenses, or other instruments granting a right to use the Property.
- 5) Notification for Proposed Construction and Land Use. Owner shall notify the Department simultaneously when submitting any application to a local government for a building permit or change in land use.

- 6) Inspections. The Department shall have the right of entry to the Property at reasonable times with reasonable prior notice to the Owner for the purpose of determining compliance with the terms of this Covenant. Nothing in this Covenant shall impair any other authority the Department may otherwise have to enter and inspect the Property.
- 7) Third Party Beneficiary. The Owner of the Property is a third party beneficiary with the right to enforce the provisions of this Covenant as provided in § 25-15-322, C.R.S.
- 8) No Liability. The Department does not acquire any liability under State law by virtue of accepting this Covenant.
- 9) Enforcement. The Department may enforce the terms of this Covenant pursuant to §25-15-322, C.R.S. Owner may file suit in district court to enjoin actual or threatened violations of this Covenant.
- 10) Owner's Compliance Certification. Owner shall execute and return a certification form provided by the Department, on an annual basis, detailing Owner's compliance, and any lack of compliance, with the terms of this Covenant.
- 11) Notices Any document or communication required under this Covenant shall be sent or directed to:

Edgar Ethington  
Hazardous Materials and Waste Management Division  
Colorado Department of Public Health and the Environment  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530

[Signatures on the following pages].

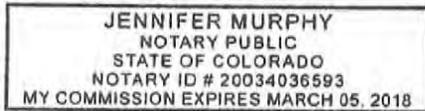
The City has caused this instrument to be executed this 12 day of March, 2014.

The City of Boulder, Colorado

By: Jane S. Brautigam  
Jane S. Brautigam, City Manager

STATE OF COLORADO )  
 ) ss:  
COUNTY OF BOULDER )

The foregoing instrument was acknowledged before me this 12 day of March, 2014 by Jane S. Brautigam on behalf of the City of Boulder, Colorado.



Jennifer Murphy  
Notary Public  
1777 Broadway  
Address  
Boulder, CO 80302

My commission expires: March 05, 2018

Attest:

for Alisa D. Lewis  
Alisa D. Lewis, City Clerk

Approved as to Form:

David J. Gehr 03-10-2014  
David J. Gehr, Deputy City Attorney

Accepted by the Colorado Department of Public Health and Environment this 21<sup>st</sup> day of April, 2014.

By: Gary W. Baughman

Title: Director, HMWMD

STATE OF COLORADO )  
 ) ss:  
COUNTY OF DENVER )

The foregoing instrument was acknowledged before me this 21 day of APRIL, 2014 by GARY W. BAUGHMAN on behalf of the Colorado Department of Public Health and Environment.

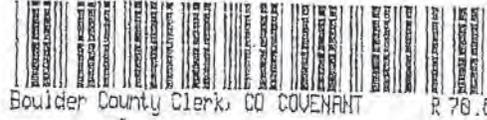
Claudia M. Turis  
Notary Public

4300 Cherry Creek Dr So  
Address

Denver, CO 80246

My commission expires: October 21, 2015

## ATTACHMENT A



1992513  
 Page: 11 of 14  
 18/21/1999 81:54P  
 D 6.88

## EXHIBIT "A"

## PARCEL A:

Part of Sections 22 and 23, Township 1 North, Range 70 West of the 6th P.M., described as follows:

Beginning at the Southeast corner of said Section 22; thence Northerly along the East line of said Section 22, a distance of 214.50 feet; thence Westerly and parallel with the South line of said Section 22, a distance of 625.00 feet; thence Southerly and parallel with the East line of said Section 22, a distance of 214.50 feet to the South line of said Section 22; thence Westerly along the South line of said Section 22, a distance of 654.00 feet; thence North, 26.00 feet; thence West, 304.00 feet; thence North 720.00 feet; thence East, 304.00 feet; thence South, 215.00 feet; thence North 78°30' East, 299.88 feet; thence North 00°15'30" West, 385.00 feet to the South bank of the Housel Mill Ditch; thence Northeasterly along the South bank of said Housel Mill Ditch to the East line of said Section 22; thence Southerly along said East line to the centerline of County Road No. 1 as shown on the recorded Plat of said County Road No. 1 which is recorded in Public Roads Book C at Page 87; thence Northeasterly along the centerline of said County Road No. 1 to the East line of the SW1/4SW1/4 of said Section 23; thence Northerly along said East line to the Northwest corner of the SE1/4SW1/4 of said Section 23; thence Easterly along the North line of said SE1/4SW1/4 to the centerline of said County Road No. 1; thence Northeasterly along the centerline of said County Road No. 1 to the East line of the NE1/4SW1/4 of said Section 23; thence South along the East line of the SW1/4 of said Section 23, a distance of 1,638.90 feet to the South Quarter corner of said Section 23; thence Westerly along the South line of said Section 23, a distance of 2,626.12 feet to the POINT OF BEGINNING;

EXCEPT a parcel in the SE1/4SE1/4 of said Section 22, described as follows:

Commencing at the Northwest corner of said Southeast 1/4 of the Southeast 1/4; thence South, 21 rods; thence East, 20 rods to the TRUE POINT OF BEGINNING; thence South, 8 rods; thence East, 20 rods; thence North, 8 rods; thence West, 20 rods to the TRUE POINT OF BEGINNING.

## PARCEL B:

Part of the Southeast 1/4 of the Southwest 1/4 of Section 22, Township 1 North, Range 70 West of the 6th P.M., described as follows:

Beginning at the Southeast corner of the Southwest 1/4 of said Section 22; thence North along the East line of said Southwest 1/4, a distance of 355.26 feet; thence South 36°39' West, 433.80 feet; thence on a 20° curve to the right to the South line of said Southwest 1/4; thence East along said South line to the POINT OF BEGINNING.

Continued....

ATTACHMENT A



1992513  
 Page: 12 of 14  
 10/21/1999 01:54F  
 Boulder County Clerk, CO COVENANT R 78.00 D 0.00

PARCEL C:

Part of the Southeast 1/4 of the Southwest 1/4 of Section 22, Township 1 North, Range 70 West of the 6th P.M., described as follows:

Beginning at the Southeast corner of the Southwest 1/4 of said Section 22; thence North along the east line of said Southwest 1/4, a distance of 355.26 feet; thence South 47° West to the South line of said Southwest 1/4; thence East along said South line to the POINT OF BEGINNING;

EXCEPT that parcel described herein as Parcel B;

AND EXCEPT from the above tracts any portion thereof conveyed by Lucile C. Cannon to Design Products, Inc., in Deed recorded December 20, 1965 on Film 534 as Reception no. 802406.

AND EXCEPT portions deeded to Boulder County by deeds recorded May 23, 1984 on Film 1303 as Reception Nos. 622620 and 622628;

AND EXCEPT any portions thereof conveyed to The Colorado Brick Company, Inc., by deed recorded September 14, 1987 on Film 1495 as Reception No. 876679.

All being in the County of Boulder, State of Colorado.

**27)**

**3000 N. 63rd St. &  
6650 Valmont Rd.\*  
("Valmont Butte") #2 –  
*Minor Adjustment to  
Service Area Boundary  
(Area III to II); land use  
designation change  
appropriate for arts  
campus***

**Request #27**

**3000 N. 63<sup>rd</sup> St. & 6650 Valmont Rd.\***  
**“Valmont Butte” (\*portion of property)**

Initiated by Studio Arts Boulder

Parcel Size: 18.93 acres

**Request:**

Minor adjustment to the service area boundary to include a 10-acre site of the Valmont Butte properties within the service area. Change the BVCP Land Use designation “to the appropriate land use category that would allow the construction of a campus for the studio arts.” In addition, the request asks for the removal of the 10-acre site from the Natural Ecosystem Overlay Map.

**Staff Recommendation: No**

Staff recommends that this request not be considered further as part of the Five Year Major Update major update for the following reasons:

1. The area does not receive the full range of services that would be needed to support an arts campus, which is an urban use. The property is city-owned, and the intent of the city is to annex from Area III- Rural Preservation to Area III-Annexed and thus remain outside the service area boundary. Facilities and Asset Management has demonstrated a desire to retain the property for “low-impact municipal uses such as material stockpiling, storage and renewable energy generation” (see Request #26).
2. The request does not meet the criteria for a minor adjustment to the service area boundary.
3. The property has areas of residual contamination that could create barriers to additional development.

**ANALYSIS:**

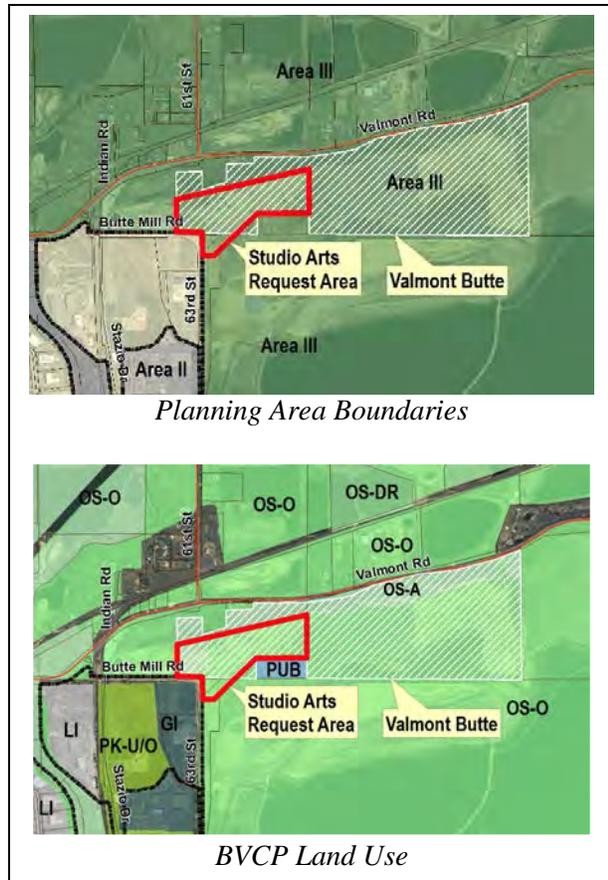
**1.) Consistent with the purposes of the major update as described above?**

This request is for a land use change and a minor adjustment to the service area boundary, which is consistent with the purposes of the BVCP major update.

**2.) Consistent with current BVCP policies?**

The concept of a campus for studio arts is consistent with *Policy 8.18 – The Arts*, which describes the importance of the arts to the Boulder community and support for the arts by the city and county, and *Policy 5.09 – Role of Arts and Cultural Programs*, which recognizes the importance of arts and cultural programs in the city to attract new business investment and visitors.

The Valmont Butte properties do not have the full range of urban services, however, that a studio arts campus would require. This will remain the case if the properties are annexed into Area III – Annexed per *Policy 1.24g*:



**BVCP Five Year Major Update****Request # 27**

*Publicly owned property located in Area III and intended to remain in Area III may be annexed to the city if the property requires less than a full range of urban services or requires inclusion under city jurisdiction for health, welfare and safety reasons.*

If the properties do remain in Area III-Rural Preservation, the request for the land use change to accommodate an arts campus could trigger an over-intensive rural development review per *Policy 1.23 - Over-Intensive Rural Development*.

The request does not meet the requirements for a minor adjustment to the service area boundary. The area indicated exceeds the maximum size of 10 acres. The requestor has indicated to staff verbally that the site shown in the request may not be accurate for the 10-acre requirement. A concept study by Blackwood & Co. (available at <http://studioartsboulder.org/our-vision/>) indicates further detail on the siting of the arts campus on the Valmont Butte properties, however it is unclear if this area is under 10 acres. This siting, however, does not meet the requirement for minimum contiguity of 1/6 of the total perimeter of the area to the service area boundary.



In addition, the request does not create a more logical boundary to the service area. The request does not offer more efficient service provision, a more identifiable edge to the urbanized area or neighborhood, or a more functional boundary based on property ownership parcel lines or defining natural features. 63<sup>rd</sup> Street provides an edge to the service area boundary; the site indicated by the request is located beyond this edge.

The request to remove the site from the Natural Ecosystem Overlay “to enable

Studio Arts Boulder and the City of Boulder to negotiate for the creation of a campus for the studio arts on this site,” however, is not consistent with the plan policies. The property is part of extensive open areas and supports plant populations and wildlife habitat in a regional context that is consistent with the natural ecosystem overlay. The property is designated as a Natural Area under the City Council approved OSMP Visitor Master Plan, a designation which is consistent with the Natural Ecosystem Overlay of the BVCP.

**3.) Compatible with adjacent land uses and neighborhood context?**

Neighboring land uses include Open Space – Other and Open Space- Agriculture, General Industrial, and Park (Urban and Other). The closest use of comparable character is the Nalanda Campus of Naropa University at 6287 Arapahoe Avenue, which is approximately one mile to the south. The introduction of a campus on the Valmont Butte properties suggests an increase in intensity out of character with the neighboring context. Therefore, further analysis would be needed to determine compatibility.

**4.) Was the proposed change requested or considered as part of a recent update to the Comp Plan or other planning process?**

In December of 2015, the city filed an annexation petition. The annexation is tentatively scheduled for late first quarter/early second quarter of 2016, dependent on the outcome of the screening process.

**5.) Is there any change in circumstances, community needs, or new information that would warrant the proposal be considered as part of this update?**

No. There is further information, however, that warrants that the proposal not be considered as part of this update. According to the *Environmental Completion Report* (January 2014) prepared by Casey Resources, Inc., the Voluntary Cleanup Plan (VCUP) has been implemented, but the property has areas where “residual contamination” was left in place. Per the Amended Environmental Covenant with the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and the Environment dated March 12, 2014, the “Owner shall notify the Department simultaneously when submitting any application to a local government for a building permit or change in land use.”

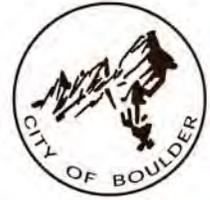
In addition, the city has had multiple correspondences over the past 18 months with Studio Arts Boulder to convey concerns about this use and the alteration of the existing intended use of these properties by the city. While the concept of an arts campus could serve as a significant benefit to the Boulder Valley, this specific location is not suitable for such a use for the reasons described above.

**6.) Are there enough available resources to evaluate the proposed change (city and county staffing and budget priorities)?**

Further analysis of this request would likely involve a large commitment of time due to issues surrounding contamination and other constraints presented by the properties.



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BOULDER VALLEY COMPREHENSIVE PLAN



**BOULDER VALLEY COMPREHENSIVE PLAN  
2015 MAJOR UPDATE :  
REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

- Land Use Map Amendment
- Changes to the Area II/III boundary
- Service Area contractions or Minor Changes to the Service Area Boundary
- Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment: See next page for complete text.

Change part of the Valmont Butte property from Area III to Area II; make a minor change of the Service Area Boundary Map to include an approximately 10 acre site on the Valmont Butte Property to be included within the Service Area Boundary, and Change the Land Use Map to the appropriate land use category that would allow the construction of a campus for the studio arts, and remove the

b. Brief reason or justification for the proposed amendment:

The purpose of this request is to provide for Land Use Map Amendment, Changes to the Area II/III boundary, and Minor Changes to the Service Area Boundary, and remove the site from the Natural Ecosystem Overlay Map to

a. Map(s) proposed for amendment: Land Use Map, Area III/Area II Boundary Map, Service Area Boundary Map, Natural Ecosystem

b. Brief description of location of proposed amendment:

The property location is in Section 22, Township 1N, Range 70 W of the 6th Principle Meridian. It is an approximately 10 acre portion of the City of Boulder's Valmont Butte property located south of Valmont Butte, north of the old Valmont Cemetery, and east of Butte Mill Drive.

Section: 22 Township: 1N Range: 70W

c. Size of parcel: Approximately 10 acres.

(Full text cropped from previous page):

## Request 27) Valmont Butte

### Brief description of the proposed amendment:

Change part of the Valmont Butte property from Area III to Area II; make a minor change of the Service Area Boundary Map to include an approximately 10 acre site on the Valmont Butte Property to be included within the Service Area Boundary, and Change the Land Use Map to the appropriate land use category that would allow the construction of a campus for the studio arts, and remove the site from the Natural Ecosystem Overlay Map.

### Brief reason or justification for the proposed amendment:

The purpose of this request is to provide for Land Use Map Amendment, Changes to the Area II/III boundary, and Minor Changes to the Service Area Boundary, and remove the site from the Natural Ecosystem Overlay Map to enable Studio Arts Boulder and the City of Boulder to negotiate for the creation of a campus for the studio arts on this site.

### Map(s) proposed for amendments:

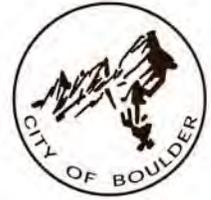
Land Use Map, Area III/Area II Boundary Map, Service Area Boundary Map, Natural Ecosystem Overlay Map.

### Brief description of location of proposed amendment:

The property location is in Section 22, Township 1N, Range 70 W of the 6th Principle Meridian. It is an approximately 10 acre portion of the City of Boulder's Valmont Butte property located south of Valmont Butte, north of the old Valmont Cemetery, and east of Butte Mill Drive.

### Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):

Studio Arts Boulder (SAB) is a 501c3 non-profit organization that is working to establish a campus for the three dimensional arts in Boulder Valley. SAB has formed a public private partnership with the City of Boulder to operate its pottery lab and SAB now seeks to expand this cooperation to establish a campus for studio arts on the southwest portion (a roughly ten acre site) of the City's Valmont Butte property. This modest campus would promote education, practice, and research in those art forms which require equipment, facilities, safety precautions, and teaching that most persons do not have access to at home. The art forms to be served would include ceramics, art blacksmithing, jewelry making, glass arts, sculpture, woodworking, fiber arts, and more.



**3) Applicant:**

Name: Studio Arts Boulder

Address: 1010 Aurora Boulder, CO

Phone: 303-443-6655 or 720-290-0147

**4) Owner:**

Name: City of Boulder

Address: P.O. Box 791, Boulder, CO, 80306

Phone: 303-441-1880

**5) Representative/Contact:**

Name: Paul Heffron or Bob Crifasi

Address: 1010 Aurora Boulder, CO

Phone: 303-443-6655 (Heffron) or 720-290-0147 (Crifasi)

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

Studio Arts Boulder (SAB) is a 501c3 non-profit organization that is working to establish a campus for the three dimensional arts in Boulder Valley. SAB has formed a public private partnership with the City of Boulder to operate its pottery lab and SAB now seeks to expand this cooperation to establish a campus for studio arts on the southwest portion (a roughly ten acre site) of the City's Valmont Butte property. This modest campus would promote



September 15, 2015

Caitlin Zacharias  
City of Boulder  
1777 Broadway  
Boulder, CO 80302

Pete Fogg  
Boulder County  
Courthouse Annex Building  
2045 13th Street  
Boulder, CO 80302

Subject: Request to change the Area III Boundary at a Portion of Valmont Butte to Either Area II or Area I

Dear Ms. Zacharias and Mr. Fogg:

The purpose of this letter is to formally request that the City of Boulder and Boulder County approve a change of boundary for a portion of the Valmont Butte property from Area III to either Area II or Area I. The purpose of this request is to establish a ten acre campus for the studio arts. The subject property with the location of the requested change is shown on the attached map.

Studio Arts Boulder (SAB) is a 501c3 non-profit organization that is working to establish a campus for the three dimensional arts in Boulder Valley. SAB has formed a public private partnership with the City of Boulder to operate its pottery lab and SAB now seeks to expand this cooperation to establish a campus for studio arts on the southwest portion (a roughly ten acre site) of the City's Valmont Butte property. This modest campus would promote education, practice, and research in those art forms which require equipment, facilities, safety precautions, and teaching that most persons do not have access to at home. The art forms to be served would include ceramics, art blacksmithing, jewelry making, glass arts, sculpture, woodworking, fiber arts, and more.

In SAB's conversations with City of Boulder staff, it has received encouragement for the campus concept. SAB has also explored various options to acquire a suitable property



from private owners without success. Even if another property were available, the Valmont Butte property has the best site characteristics for an arts campus..

If a portion of the Valmont Butte property were to have its Area designation revised, this would allow the City and SAB to negotiate a mutually acceptable plan for building a campus that would help artists across the Boulder Valley. This Area boundary change is a key enabling step to repurpose the Valmont Butte property from an idle brownfields burden to a centrally located community asset.

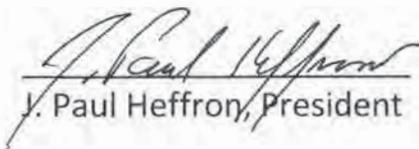
There is little, if any, downside for either the City or County to approve this change. There is a huge upside potential, however, with little risk to either the City or County. The Studio Arts campus would be an attractive, relatively low impact/high value public use which can honor and accommodate the unique historic qualities of the Valmont Butte and related interests.

The successful realization of the Studio Arts campus will help meet the extensive demand for high quality, affordable education and facilities to artists of all economic means in Boulder and surrounding communities. Similar arts facilities are being actively promoted in other Front Range communities as a basis for economic sustainability and improvement to the quality of life. We want to bring the same opportunities to Boulder.

We ask that the City of Boulder and Boulder County give strong and timely support to this boundary change request and implement the change through the revisions to the Boulder Valley Comprehensive Plan and Community Cultural Plan. The Studio Arts Board will gladly meet with you to discuss our plans in more detail. Please feel free to contact Paul Heffron at 303-443-6655 to answer any questions you may have regarding the Studio Arts campus. If there is any other information that you need to process this request, we will be happy to provide it to you.

Thank you for giving this matter your serious consideration.

The Studio Arts Board:

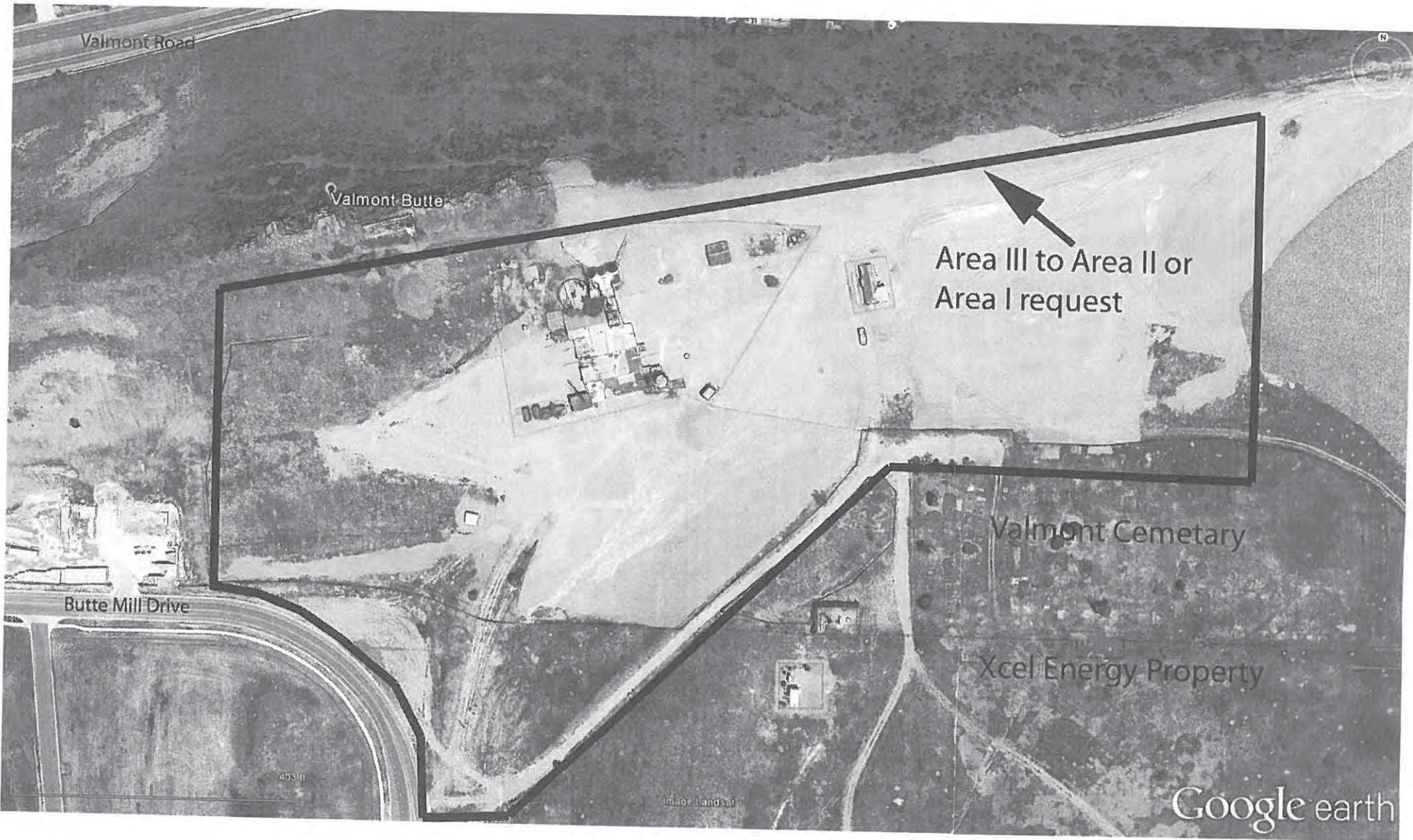
  
J. Paul Heffron, President



Studio Arts

Robert Crifasi, Vice President  
Tania Ertl, Treasurer  
Tamara Layman, Secretary  
Loretta Cihacek  
Rendl Clark  
Kari Palazzari

Attachment



28)

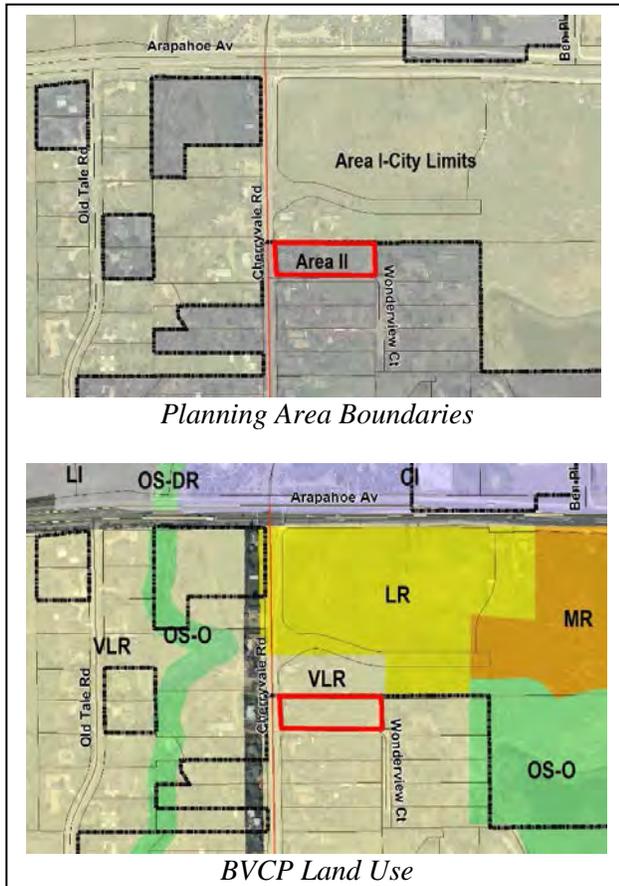
**1468 Cherryvale Rd. –**  
*VLR to LR*

**Request #28**  
**1468 Cherryvale Rd.**  
 Initiated by owner  
*Parcel size: 1.37 acres*

**Request:**  
 This is an Area II property comprised of 1.37 acres where the owners are requesting a Land Use Designation Map Change from Very Low Density-Residential (VLR) to Low Density-Residential (LR).

**Staff Recommendation: No**  
 Staff recommends that this proposal not be considered further during the BVCP Five Year Major Update for the following reasons:

- 1) The request is inconsistent with BVCP policies related to neighborhood design and maintaining established neighborhood character.
- 2) The proposal would constitute an incremental change in potential density not connected to a larger plan or design for the surrounding developed neighborhood.
- 3) The annexation and development of the JCC site does not represent a change in circumstance requiring a reevaluation of the existing BVCP land use classifications in the immediate area, nor does it warrant incremental land use changes on individual parcels that could have the effect of altering the area’s existing rural character.



**ANALYSIS:**

**1.) Consistent with the purposes of the major update as described above?**

Yes. This is a land use designation change, which is compatible with the purpose of the BVCP Major Update.

**2.) Consistent with current BVCP policies?**

This proposal is not consistent with neighborhood design and established neighborhood character policies. Specifically, *Policy 2.06 Preservation of Rural Areas and Amenities*, which states that the city and county will attempt to preserve existing rural land use and character where established rural residential areas exist.

**3.) Compatible with adjacent land uses and neighborhood context?**

The purpose of the BVCP Major Update is to take under consideration changes in circumstances and community desires. This proposal is a parcel-specific change in a neighborhood with an established very low density residential character and land use designation. Therefore, the proposal would constitute an incremental change in potential density not connected to a larger plan or design for the surrounding developed neighborhood.

**4.) Was the proposed change requested or considered as part of a recent update to the Comp Plan or other planning process?**

No.

**5.) Is there any change in circumstances, community needs, or new information that would warrant the proposal be considered as part of this update?**

The applicant has stated the city's approval and annexation of the Jewish Community Center (JCC) development to the north and the removal of farmhouse on the parcel between 1468 Cherryvale and the JCC has changed the rural nature of the area.

The city's decision to annex the JCC site was made after taking into consideration potential impacts that could be detrimental to the existing land uses and BVCP designations. The properties adjacent to and near the JCC continue to retain a rural character with established mature vegetation, Sombrero Marsh, and a large lot/very low density residential footprint to the east, west and south. Staff does not believe the presence of the JCC, which meets a community need, warrants incremental land use changes on individual parcels or has triggered a change in circumstance requiring a reevaluation of the existing BVCP land use classifications in the immediate area.

**6.) Are there enough available resources to evaluate the proposed change (city and county staffing and budget priorities)?**

This request would require a moderate to significant amount of staff time. Analysis of the surrounding area and the impact of potentially allowing for the Low Density Residential category absent a broader neighborhood discussion about density/intensity would require careful consideration.



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BOULDER VALLEY COMPREHENSIVE PLAN



## BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION

1) **Type of Amendment (check all that apply):**

Land Use Map Amendment

Changes to the Area II/III boundary

Service Area contractions or Minor Changes to the Service Area Boundary

Other Map Amendment

2) **Please provide the following information**

a. Brief description of the proposed amendment:

*change from VLR to LR*

b. Brief reason or justification for the proposed amendment:

*With the impact of the SCC and looking at natural road boundaries, we believe Cherryvale & Wonderville would be more natural boundaries -*

a. Map(s) proposed for amendment: \_\_\_\_\_

b. Brief description of location of proposed amendment:

*1468 Cherryvale Rd, Boulder, 80303.*

Section: 34 Township: 1N Range: 70W

c. Size of parcel: 1.29 acres



3) Applicant:

Name: Diana & Warren Smadbeck  
Address: 1468 Cherryvale Rd. Boulder 80303  
Phone: 303-444-1015 303-588-5575  
(W)

4) Owner:

Name: Diana & Warren Smadbeck  
Address: 1468 Cherryvale Rd  
Boulder Co. 80303  
Phone: 303-444-1015(h), 303-588-5575(W)  
303-668-6599(D)

5) Representative/Contact:

Name: same  
Address:  
Phone: \_\_\_\_\_

6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):

NO

1468 Cherryvale

RD

WONDER

VIEW  
CT

CHERRYVALE

Fri 02 Oct 2015 13:48

**Zacharias, Caitlin**

---

**From:** warren@cherryvalerealty.com  
**Sent:** Thursday, November 12, 2015 7:53 PM  
**To:** Zacharias, Caitlin  
**Subject:** RE: Link to Boulder Valley Comprehensive Plan  
**Attachments:** 1468 Cherryvale Road zoning change request based on the Boulder Valley Comprehensive Plan.docx

We're going to be out of town for a couple of weeks so I wanted to get something to you quickly. If you or Chris have any suggestions to improve this please let me know. If you have a problem with the attachment I'll copy and paste it.

Thank you.

Warren

----- Original Message -----

Subject: RE: Link to Boulder Valley Comprehensive Plan  
From: "Zacharias, Caitlin" <ZachariasC@bouldercolorado.gov>  
Date: Mon, November 09, 2015 1:54 pm  
To: "warren@cherryvalerealty.com" <warren@cherryvalerealty.com>

Hi Warren,

You can just send it to me electronically. I'll ensure it gets attached to your previous request.

Best,  
Caitlin

1468 Cherryvale Road zoning change request based on the Boulder Valley Comprehensive Plan.

## 2.05 Design of edges and entryways

Well designed edges and entryways for the city. To support understanding and appreciation, create a clear sense of arrival and departure.

As Wonderview Court is a natural boundary way on the southern side of the Jewish Community Center, this would make more sense to actually be the boundary. The road leading into the JCC from Cherryvale and the removal of the farm house in that area formerly owned by Ray and Verda Oram, has changed the rural nature of the property immediately to the south of it which is 1468 Cherryvale.

## 2.14 Mix of Complementary land uses

Mix of land use types, housing sizes if properly mitigated

The proposal here is for low density rural residential ( 3 lots on 1.29 acres ) This would add residences to Boulder housing inventory without a major change to the surrounding area.

## 2.21, 6.05 and 8.07 Commitment to a walkable and accessible city

The land at 1468 Cherryvale Road has easy and safe access to the Jewish Community Center, public transportation (the bus stop at Arapahoe and Cherryvale) and a relatively short walk to Centennial Trail and Bob-o-link Trail.

## 7.03 Housing Population with special needs.

The property at 1468 Cherryvale is flat making it accessible to members with physical limitations.

## 7.10 Additional units would help balance Boulder's housing needs with employment..

## II Amendment Procedures

B This would be a minimal adjustment to the service area.

a-The parcel is less than 10 acres

b-It is more than 1/6 contiguous to the city.

c- Wonderview is a more logical service area boundary

d- The proposed zoning change would be compatible with the surrounding area.

e- There are no major negative impacts.

f- no impact on land use and growth projections.

g-minimal effect on service provisions.

29)

**2801 Jay Rd. #1 –**  
*PUB to MR or MXR*

**BVCP Five Year Major Update****Request #29****Request #29****2801 Jay Rd.**

Initiated by applicant for case no. LUR2015-00074.

*Parcel Size: 4.9 acres*

**Request:**

Change the BVCP land use designation from Public (P) to either Medium (MR) or Mixed (MXR) Density Residential, with the applicant expressing flexibility to determine the appropriate use of the site.

**Staff Recommendation: Yes**

Staff recommends that this request be considered further as part of the BVCP Five Year Major Update for the following reasons:

1. On October 1, 2015, Planning Board indicated that a residential use could potentially be supportable on this site as part of case no LUR2015-00074 (concept plan), and that the BVCP Five Year Major Update may be the appropriate venue to consider a land use change;
2. The request cites advancement of several housing-specific BVCP policies and Housing Boulder goals that warrant more analysis; and
3. The current land use designation of Public is inconsistent with the property owner's interest in selling the property for private development.



*Planning Area Boundaries*



*BVCP Land Use*

**ANALYSIS:****1.) Consistent with the purposes of the major update as described above?**

Yes. This is a land use designation change request, which is compatible with the purpose of the BVCP Five Year Major Update.

**2.) Consistent with current BVCP policies?**

Additional analysis is needed to determine the types, locations, and intensities of land uses that may be appropriate at this location. The request cites advancement of several housing-specific BVCP policies and Housing Boulder goals that staff recommends further analyzing in the next phase of the BVCP land use amendment process.

**3.) Compatible with adjacent land uses and neighborhood context?**

Additional analysis needed. See #2 above.

**4.) Was the proposed change requested or considered as part of a recent update to the Comp Plan or other planning process?**

The request is part of an active concept plan review case.

**BVCP Five Year Major Update****Request #29****5.) Is there any change in circumstances, community needs, or new information that would warrant the proposal be considered as part of this update?**

The potential acquisition of the site by a private entity and an active land use case with a site plan under review represents a changed condition. The current owner of the site is a church that is more consistent with the Public land use category, but the property may transition to a private use pending the outcome of the active land use case.

While the request needs more analysis, it may advance Housing Boulder goals and housing-specific BVCP policies that promote a diversity of housing types and housing types conducive to middle income families. The recent Housing Boulder process resulted in some new city housing goals and priorities that may be addressed on this site (e.g., support for middle income housing), as outlined in the request.

This property is not within any area plan, nor has any adopted area-specific, broader vision for future land use, transportation connections, or infrastructure investment. The only exception is the city-owned properties to the north and west of the subject property for a future park site that encompasses a significant portion of the Planning Reserve. The city does not have any resources allocated or work plan prioritization currently in place for an area-specific planning effort so it will likely be at least two years before any such effort could take place.

It is also important to note that when the city established the Planning Reserve, this property already had an existing church that represented existing urban development. With this, an Area II designation is appropriate per BVCP policies. The purpose of the Area III designation is to preserve existing rural land uses and the Area II designation is primarily for existing or anticipated urban development.

**6.) Are there enough available resources to evaluate the proposed change (city and county staffing and budget priorities)?**

The request may require a significant amount of staff time, depending on the scope of the process. If the request moves forward for further analysis staff may initiate a discussion with Planning Board on the scope and prioritization of this request. A scope that includes community engagement and analysis of the site in the context of a broader area will require more staff resources than a more site-specific analysis. If the applicant for case no. LUR2015-00074 moves forward, that specific proposal will also be evaluated against BVCP and other city policies.



# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input checked="" type="checkbox"/>	Land Use Map Amendment
<input checked="" type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:

Annex parcel from Area II. Amend land use from Public to RMX-2.

b. Brief reason or justification for the proposed amendment:

Opportunity to provide family-orientated affordable housing with direct access to multi-modal transportation and close proximity to recreation and retail amenities. Location would not impact existing residential development.

a. Map(s) proposed for amendment: \_\_\_\_\_

b. Brief description of location of proposed amendment:

Northwest corner of the intersection of 28th Street and Jay Road.

Section: 17 Township: 1N Range: 70

c. Size of parcel: 4.76 acres



**3) Applicant:**

Name: Margaret Freund

Address: 3139 7th Street Boulder CO 80304-2511

Phone: (804) 536-9800

**4) Owner:**

Name: First Church of the Nazarene

Address: 12021 Pennsylvania St Suite 206 Thornton CO 80241

Phone: \_\_\_\_\_

**5) Representative/Contact:**

Name: Fulton Hill Properties

Address: 1000 Carlisle Avenue Richmond VA 23221

Phone: (804) 226-9555

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

Yes, the applicant would like to develop this parcel into family-orientated affordable housing units in tandem with the development at 3303 Broadway.

## **Boulder Valley Comprehensive Plan Request for Revision**

### **Supplemental Narrative**

Parcel Address: 2801 Jay Road

Applicant: Margaret Freund

#### **1. Reason or justification for proposal**

Annexation by the city of 2801 Jay Road with Residential Mixed 2 (RMX-2) zoning would allow for the development of family-focused affordable housing at a mix of densities for a flexible and successful residential development. This is the last remaining piece of Area II and all the other Area II parcels were added as RMX-2.

The large size of the parcel (4.76 acres) provides enough space to develop multi-bedroom units to accommodate large households as well as family-focused amenities. Due to the location of the parcel, the comparatively lower land value makes the development economically feasible for the developer to provide large affordable units.

The parcel at 2801 Jay Road provides a perfect opportunity for affordable, family-orientated housing due to its location that is:

- (1) On the 205 bus line, which provides direct service to major employment areas including Gunbarrel and Downtown;
- (2) Directly connected into the bicycle network, including the multi-use path that will travel along 28<sup>th</sup> Street when completed;
- (3) On two major arterials, therefore all traffic generated by development will not travel through existing neighborhoods;
- (4) Within less than two miles, or a five minute drive, are two grocery stores and numerous retail amenities;
- (5) Less than half of a mile from the recreation opportunities at Elks Park and North Palo Park.

The site has sufficient contiguous border with existing city property to meet the mandated 1/6<sup>th</sup> contiguous border with the municipality to allow annexation.

RMX-2 zoning is appropriate for the Jay Road site. RMX-2 is a common zone designation in the north Boulder area and occurs at three nearby sites: Northfield Commons between Palo Parkway and Kalmia, Northfield Village at 47<sup>th</sup> and Jay Road, and the Holiday Neighborhood along US 36 between Yarmouth and Lee Hill.

#### **2. Relationship to the goals, policies, elements, and amendment criteria of the Boulder Valley Comprehensive Plan**

Annexing 2801 Jay Road with the RMX-2 designation allows for the development of family-focused affordable housing and meets the following goals, policies, elements, and amendment criteria:

- a. **Housing Boulder Goal #1: Strength Our Current Commitment** – The city has a goal to achieve 10% affordable units in the housing stock. There are currently 3,594 affordable units in Boulder. An additional 906 affordable units are need to reach the 4,500 affordable unit goal. By providing 94 family-focused affordable units, this project will meet 10.6% of the 906 unit gap.
- b. **Housing Boulder Goal #2: Maintain the Middle** – Annexation and land use change are both tools identified by Housing Boulder to address the Maintain the Middle goal. By annexing 2801 Jay Road as a RMX-2, rental and for sale affordable housing will be permanently added to Boulder's housing stock.
- c. **Housing Boulder Goal #3: Diverse Housing Choices** – RMX-2 allows for a mix of residential densities on site. Developer proposes 1- and 2-bedroom apartments as well as 3- and 4-bedroom row homes and townhomes.
- d. **Housing Boulder Goal #4: Create a 15-Minute Neighborhood** – The site itself is not within a fully developed 15-minute neighborhood, but certainly adds to the formation of one. Site has direct access to 205 bus which connects to employment centers. Recreation opportunities within a half-mile and developer proposes recreation uses on site. Bike lane runs in front of the site and has strong connections to the bicycle network. Grocery stores and retail services are not within a 15-minute walk, but are less than 2 miles away.
- e. **Housing Boulder Goal #5: Strengthening Partnerships** – By approving this land use change, the city is a partner in addressing the shortage of family-focused affordable housing in Boulder.
- f. **Housing Boulder Goal #6: Enable Aging in Place** – The 1- and 2-bedroom apartments in the project enable retirees to downsize and age in place.
- g. **BVCP 1.24 Annexation** – Annexation request meets applicable state annexation requirements.
- h. **BVCP 2.10 Preservation and Support for Residential Neighborhoods** – The location of Jay Road does not abut to any residential neighborhoods are therefore will not impact the character of the neighborhoods.
- i. **BVCP 2.31 Design of Newly-Developing Areas** – Developer proposes a diversity of permanently affordable housing units.
- j. **BVCP 7.06 Mixture of Housing Types and BVCP 7.09 Housing for a Full Range of Households** – Developer proposes a wide range of household sizes.
- k. **BVCP 8.05 Diversity** – Developer proposes permanently affordable, diverse housing types which will promote socioeconomic diversity.

- 3. Location map** – In an email dated September 28, 2015, Jeff Hirt said we have provided enough maps in the Concept Plan to show the project location. The maps included with this Land Use Change Request are from the Concept Plan submitted on June 15, 2015.
- 4. Detailed map** – In an email dated September 28, 2015, Jeff Hirt said we have provided enough maps in the Concept Plan to show the project details. The maps included with this Land Use Change Request are from the Concept Plan submitted on June 15, 2015.

## 2801 Jay Road Concept

### 2801 Jay Road: family focused affordable housing

2801 Jay Road will be a family oriented residential neighborhood with a mixture of row houses and apartments. Approximately one half of the row houses on site will be large three-bedroom units providing affordable living space for families. The remainder will be primarily two-bedroom row house and apartment units with only a small number of one-bedroom apartments. This focus on larger units is dramatically different from what is happening in affordable housing across the City of Boulder today.

A portion of the row houses will have attached garages, some with alley access.

Neighborhood amenities will include a community room dedicated to serving both the residents of the development and residents of surrounding neighborhoods.

The neighborhood will have a streetscape that encourages resident interaction and a small pocket park with playground and open space.

2801 Jay Road is currently outside the city boundaries but the site is designated as Area II which indicates that the site is planned to be annexed into the city.

### 2801 Jay Road Program:

**21 three-bedroom row houses**

**30 two-bedroom row houses**

**38 two-bedroom apartments**

**5 one-bedroom apartments**

**142 parking spaces**



## 2801 Jay Road Concept: *site plan*



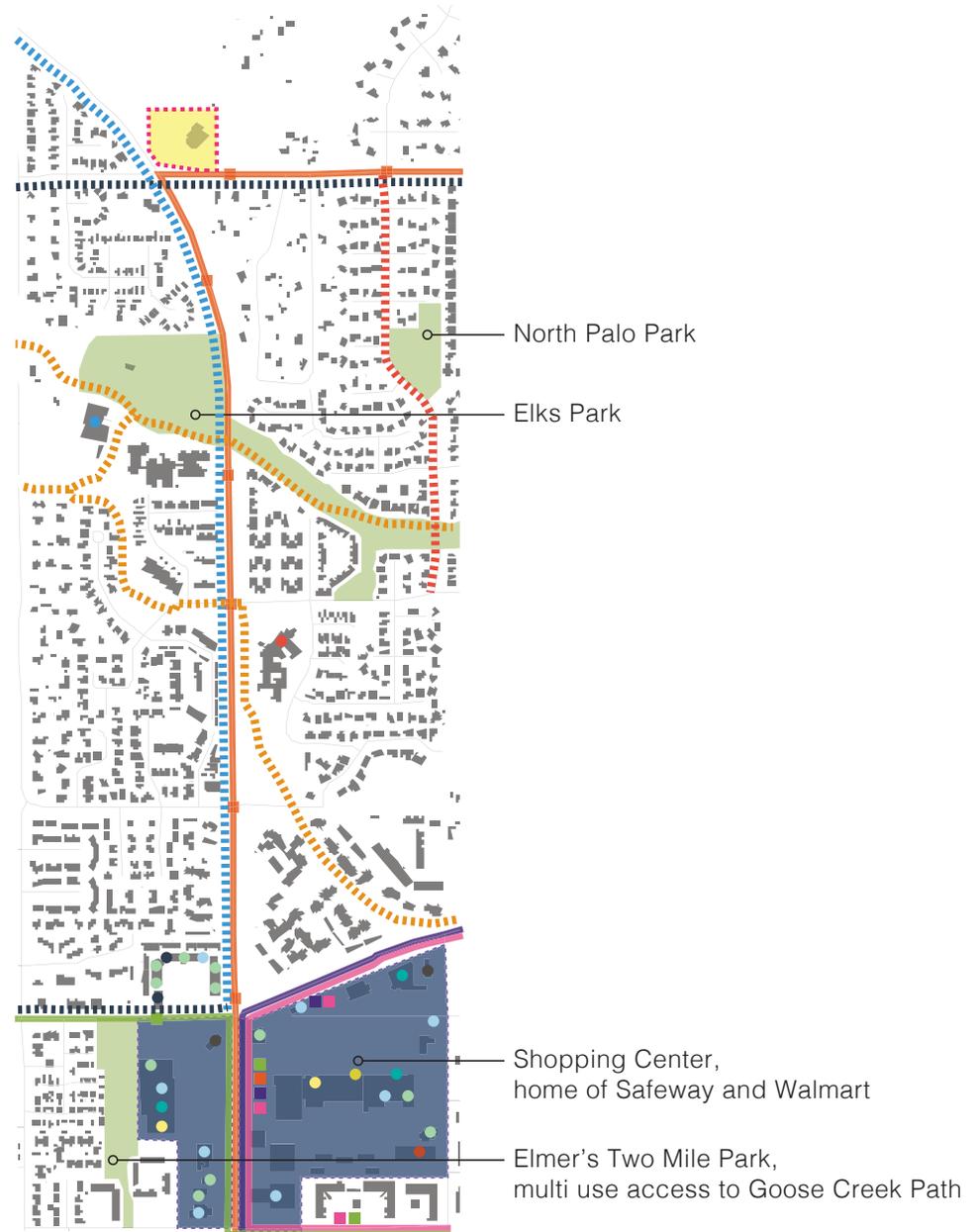
- 2 bedroom row house on street parking
- 3 bedroom row house alley access garage
- 3 bedroom row house with attached garage
- apartment block 1 & 2 bedroom flats
- community park
- dog park
- yoga park
- private yard
- woonerf

## Highest and Best Use: *Affordable Multi-family Housing*

Analysis of the site conditions and opportunities, discussions with City staff and consultation with the Church of the Nazarene, the current owner of the site, indicates that the highest and best use of the site is as an affordable residential neighborhood tailored to families. Development of the site with the proposed mix of residential units is supported by the following factors:

- **Continues an existing pattern of development on US 36 north of Iris**
- **Zoning and land use appropriate to surrounding properties**
- **Multi-modal transit opportunities to minimize vehicular traffic: bus route and bike lanes connect the site to commercial centers**
- **Close proximity to commercial and retail services at 28th and Iris.**
- **Quick and easy access to major employment centers: Center Green, 29th Street, Downtown**
- **Close to recreational assets: Open Space, Boulder Reservoir, Palo Park, Pleasant View soccer fields.**

- ▬ Onstreet Bike Lane
- ▬ Designated Bike Route
- ▬ Multi Use Path
- ▬ Paved Shoulder
- ▬ 205 Bus Route
- ▬ 208 Bus Route
- ▬ BOLT Bus Route
- ▬ BOUND Bus Route
- school
- rec center
- market
- cafe or restaurant
- bank
- beauty salon
- small specialty retail
- medical center
- outdoor swimming
- gas station
- open space
- shopping center



## Multi-modal Access



This site offers excellent multi-modal access. It is served every 30 minutes by the 205 bus route along Jay Road. The 205 bus connects the site to the downtown transit center with linkages to nearly the entire RTD service area. The 205 provides access to job centers in the Gunbarrel area, the 29th Street area and Downtown.

The site is adjacent to or nearby several bike routes, on-street bike lanes and multi-use paths.



- ..... Onstreet Bike Lane
- ..... Designated Bike Route
- ..... Multi Use Path
- ..... Paved Shoulder
- ..... Underpass
- ..... 205 Bus Route

## Proximity to Shopping

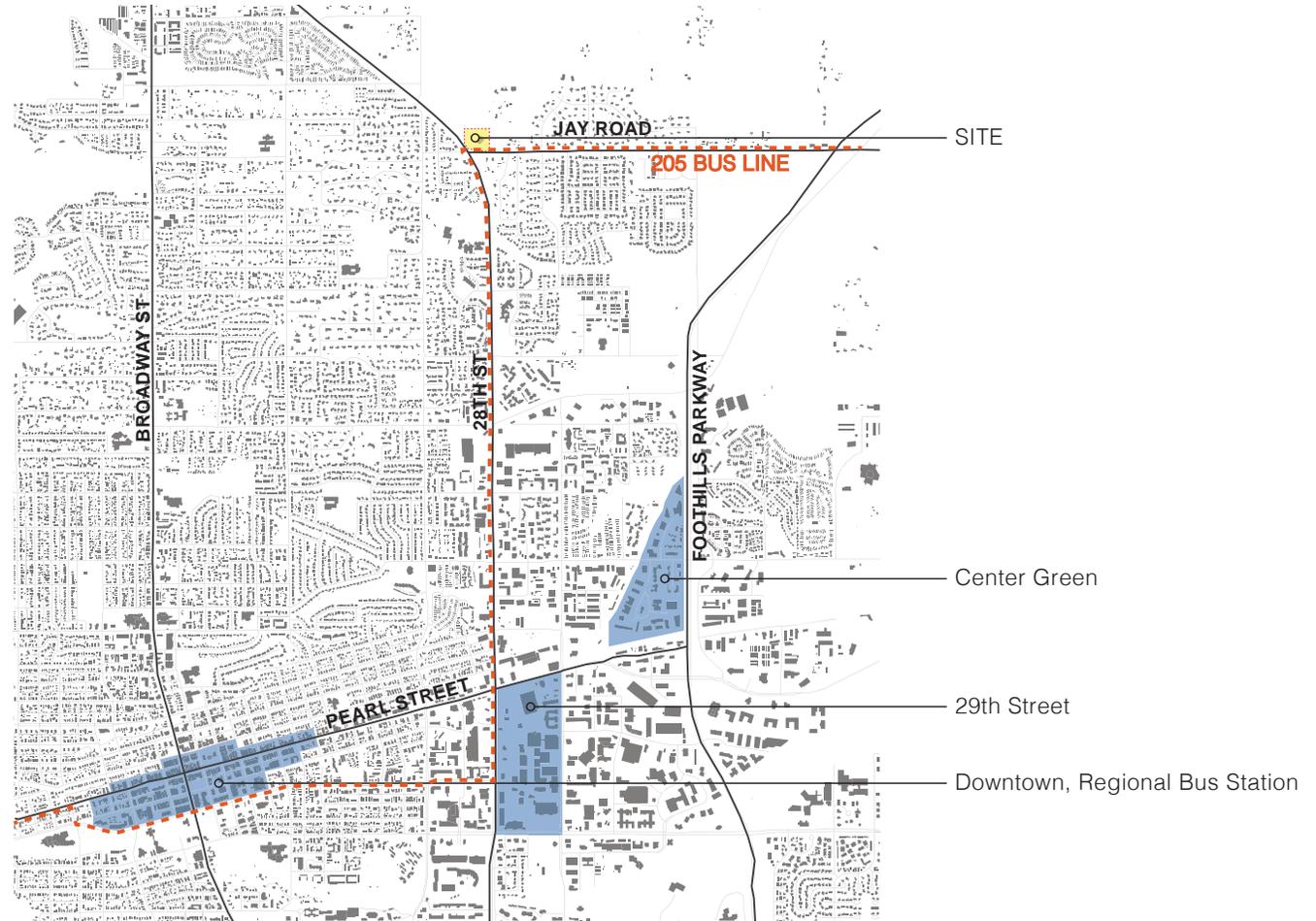
A wide range of commercial services are available on 28th Street. Within one mile south of the site are two grocery stores, a pharmacy, a laundromat, a dry cleaner, an urgent care facility, a fitness center, a bank, a hair salon, and cafes and restaurants.



Shopping Center, home of Safeway and Walmart

## *Proximity to Employment Centers*

Within a single bus ride or short bike ride of the site are the following employment centers: Downtown, the University of Colorado, 29th Street, Center Green. A single bus ride also takes riders to the Downtown transit center with easy connections to buses accessing all parts of Boulder and regional service to Denver, Longmont, Golden and Denver International Airport.



## *Proximity to Recreation*

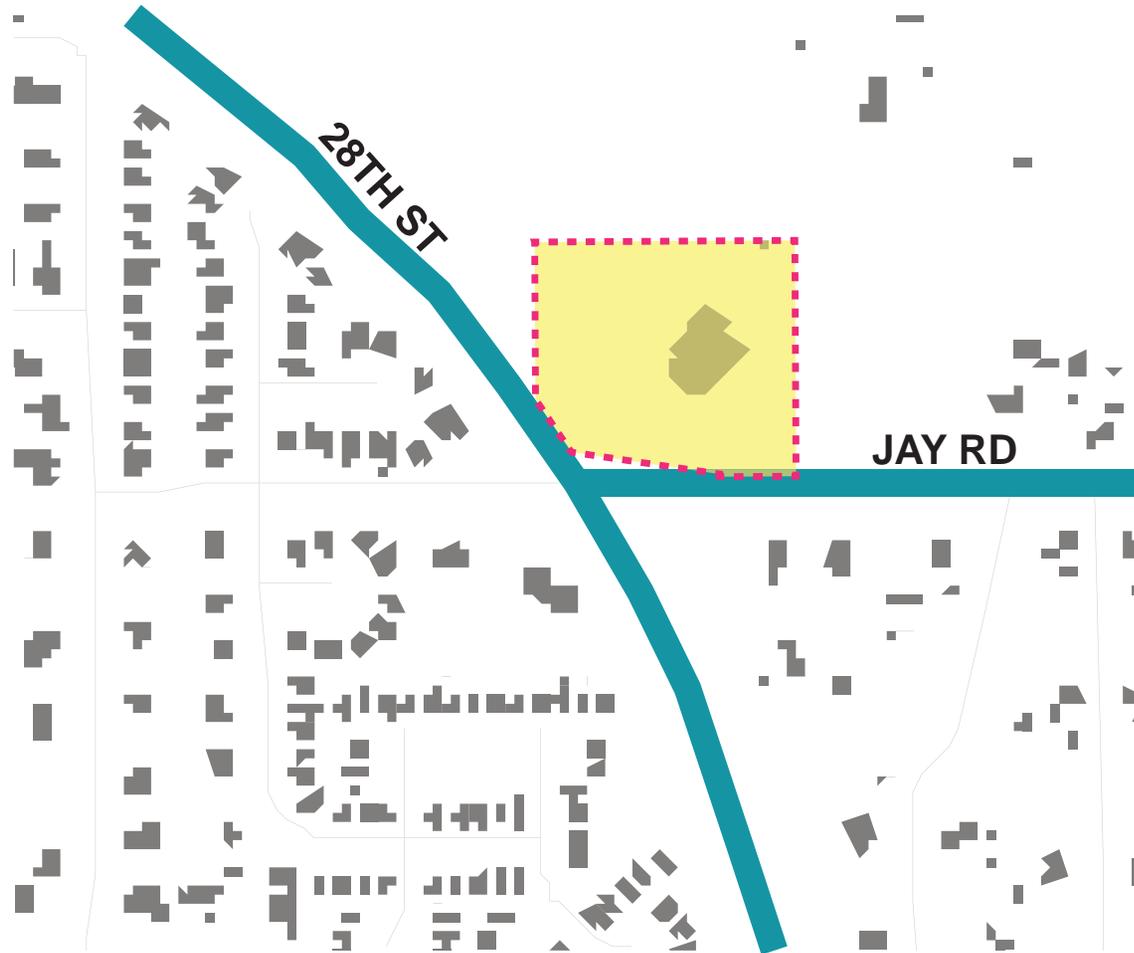
Nearby is the Four Mile Creek path which links to hiking trails on OSMP land both west of Broadway and east of the Diagonal Highway. Along this path are also Pleasant View soccer fields and the Elks Club pool. A little farther away is the Boulder Reservoir with links to open space.

Palo Park is within five blocks to the south of the site.



## Site Access

The site is easily accessed by two major arterial roads, US 36/28th Street and Jay Road. US 36 provides easy access to much of central Boulder's commercial core. Jay Road provides a convenient connection to Foothills Parkway and the Diagonal Highway providing linkages to the greater Front Range metro area.



## *Annexation/Planning Reserve*

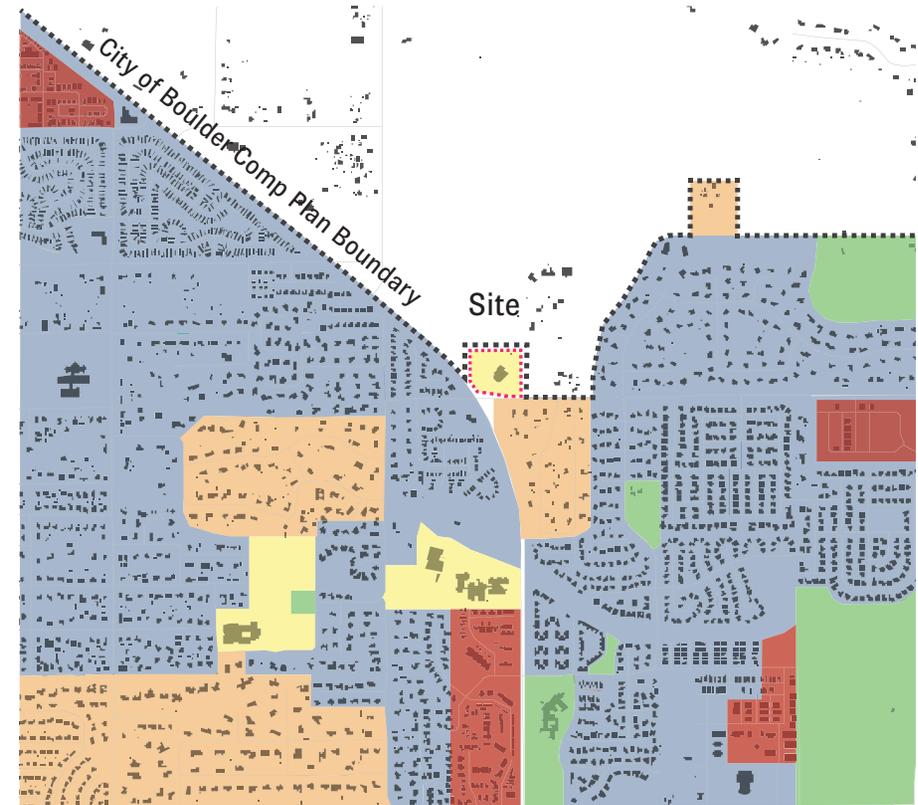
The project site currently sits outside of the city limits. Land to the west and south is within the City of Boulder. The site is currently served by an out of city utility agreement and has sufficient contiguous boundary with existing city property to meet the state mandated 1/6th contiguous border with the municipality to allow annexation. No additional right-of-way along Jay Road will need to be annexed into the city.

The City of Boulder and the Boulder Valley Comprehensive Plan have designated the land as Area II, within the service area of the city, and eligible for future annexation into the city.

Annexation of the site fits within both the city's long term goals and objectives of careful, limited and carefully planned growth while addressing its short term goals as well.

Development of this site today in no way limits or diminishes the

future development possibilities of the Area III Planning reserve to the north. Given the city's current need for housing and the likelihood of a continuing need for housing in the future, it seems that development of the Planning Reserve will contain some form of housing within its program. It seems equally unlikely that the Planning Reserve would ever be developed with low density single family residential. Viewed through this lens, the medium density multi-family housing proposed for the site at 2801 Jay Road acts as an appropriate transition between the single family neighborhoods to the west and south and a future development of the Planning Reserve whether that be as a commercial, mixed use or medium to high density residential use. The program proposed at 2801 Jay Road addresses the City of Boulder's current needs while leaving many options open for the Planning Reserve in the future.



- Very Low Density Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Public
- Park, Urban and Other

## Existing and Proposed Zoning

The current zoning designation of the site is P / Public.

In order to provide affordable housing, a stated high-priority goal of the Boulder Valley Comprehensive Plan, the development team proposes the site be annexed into the City of Boulder and assigned a zoning designation that allows a mix of densities that will provide a framework for a flexible and successful residential development. The RMX-2 zone classification meets these requirements as stated in 9-5-2 of the Boulder Land Use Code:

**RMX-2 (Residential - Mixed 2):** Medium density residential areas which have a mix of densities from low density to high density and where complementary uses may be permitted.

This is a common zone designation in the north Boulder area where new medium density multi-family housing is to be constructed adjacent to or nearby low density single family neighborhoods. Three sites near 2801 Jay: Northfield Commons between Palo Parkway and Kalmia, Northfield Village at 47th and Jay Road and the Holiday Neighborhood along US 36 between Yarmouth and Lee Hill have been recently developed with an RMX-2 zone designation.



Existing Zoning



Proposed Zoning

## *Existing Pattern of Multi-family Development Along 28th Street and Jay Road*

Twenty-eighth Street between Iris and Jay is characterized by a substantial amount of multi-family housing along both sides of the street. Farther to the north on the west side of US 36 is the multi-family development at Holiday.

Although development of the Planning Reserve remains out in the future it will in all likelihood contain some housing, probably at densities greater than what is proposed at 2801 Jay Road.



30)

**2801 Jay Rd. #2 –**  
*Service Area Contraction*  
*(Area II to III)*

**Request #30**

**2801 Jay Rd.**

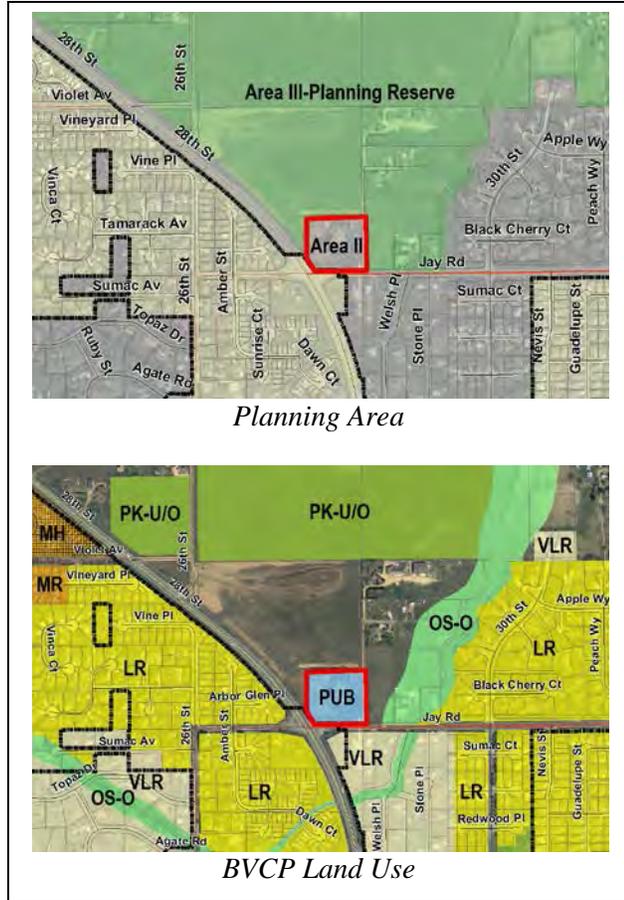
Four requests initiated by nearby property owners

*Parcel Size: 4.9 acres*

**Requests (4):**

To change the BVCP planning area designation from Area II to Area III-Planning Reserve. One of the four requests is for Area III generally without specifying the Planning Reserve. Reasons cited in the four requests include concerns that without inclusion in the Planning Reserve or Area III:

- Redevelopment may be inconsistent with existing neighborhood character;
- Development may occur that is inconsistent with the BVCP and incremental development in this area will occur via annexation;
- There may be traffic and safety impacts on the 28<sup>th</sup> and Jay Road intersection with redevelopment; and
- The property’s topography and location that would better act as a view shed and gateway with an Area III designation.



**Staff Recommendation: No**

Staff recommends that a change from Area II to Area III-Planning Reserve on this property not be considered further as part of the BVCP Five Year Major Update for the following reason:

1. The property has been developed and used as a place of worship since 1990. The purpose of the Planning Reserve is to maintain the option of future service area expansion and is an interim classification until it is decided whether the property should be placed in Area III-Rural or in the Service Area (Area II). With existing urban development, Area II and Public land use designations, and contiguity with the city’s existing service area the Area II designation is more appropriate.

**ANALYSIS:**

**1.) Consistent with the purposes of the major update as described above?**

Yes. This is a BVCP planning area designation change request, which is compatible with the purpose of the Five Year Major Update.

**2.) Consistent with current BVCP policies?**

No, the requests are not consistent with the purposes of the Area III-Planning Reserve designation. The current Area II designation is appropriate because the property is already developed and contiguous with the city’s service area. The property is also unique in that it is the only property in the Planning Reserve with any city utilities, which also indicates the Area II designation is appropriate. The property is currently served by city water but not sewer, while no other property in the Planning Reserve is served by either city sewer or water.

**3.) Compatible with adjacent land uses and neighborhood context?**

The surrounding area north of Jay Road and east of 28<sup>th</sup> Street in the Planning Reserve is primarily of rural character. Some requests cite the desire to preserve this rural character with an Area III designation. These requests are consistent with the rural character of the surrounding parcels, but are not consistent with existing conditions on the subject property. Other requests cite the general need to more comprehensively plan for a broader area rather than piecemeal development, but the city currently has no work plan item prioritized to do this type of planning.

**4.) Was the proposed change requested or considered as part of a recent update to the Comp Plan or other planning process?**

The property (not any of the four requesters of Request #30) is part of an active concept plan review case.

**5.) Is there any change in circumstances, community needs, or new information that would warrant the proposal be considered as part of this update?**

The active land use case that is proposing new residential on the subject property (case no. LUR2015-00074) represents a new condition that would warrant the proposal to be considered as part of this update.

**6.) Are there enough available resources to evaluate the proposed change (city and county staffing and budget priorities)?**

This request would require a moderate amount of time to analyze the impacts of modifying the Planning Reserve, particularly as it relates to making the property ineligible for annexation while the existing public use may transition to private development pending the outcome of the active land use case.



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**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input type="checkbox"/>	Land Use Map Amendment
<input checked="" type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment: **See next page for complete text.**

Requesting a change to an Area II boundary located at 2801 Jay Road to be included in adjacent Area III for long-term development and planning consideration.

b. Brief reason or justification for the proposed amendment:

Area II property under consideration is a relatively small property adjacent to a much larger Area III to the North and East of 28th. Development of the 2801 property independently of the Area III section would most likely end up as inconsistent with future plans for the Area III and may set bad precedent for future.

a. Map(s) proposed for amendment: attached following pages

b. Brief description of location of proposed amendment:

Location: 2801 Jay Rd.  
Northeast corner of Jay Rd. and 28th St. (U.S. 36).  
Parcel ID: 146317200006  
Zoning: Existing – County Zoning of RR – Rural Residential

Section: 17 Township: 1N Range: 70

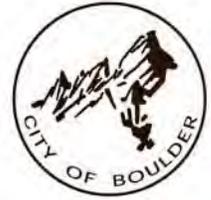
c. Size of parcel: 217,000 square feet (4.76 acres)

(Full text cropped from previous page):

**Request 30) 2801 Jay Rd – Carlos Espinosa**

*Brief reason or justification for the proposed amendment:*

Area II property under consideration is a relatively small property adjacent to a much larger Area III to the North and East of 28th. Development of the 2801 property independently of the Area III section would most likely end up as inconsistent with future plans for the Area III and may set bad precedent for future development along the Area III. Recent development requests have been proposed for this property pitching it as a standalone area without consideration for the adjacent neighborhoods and without any long-term consideration of the BVCP in regard to the Area III property to the North.



**3) Applicant:**

Name: Carlos Espinosa

Address: 2892 Jay Road, Boulder, CO, 80301

Phone: 303.717.5877

**4) Owner:**

Name: Colorado District of the Church of the Nazarene

Address: 12021 Pennsylvania St. STE 206, Thornton, CO, 80241

Phone: \_\_\_\_\_

**5) Representative/Contact:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

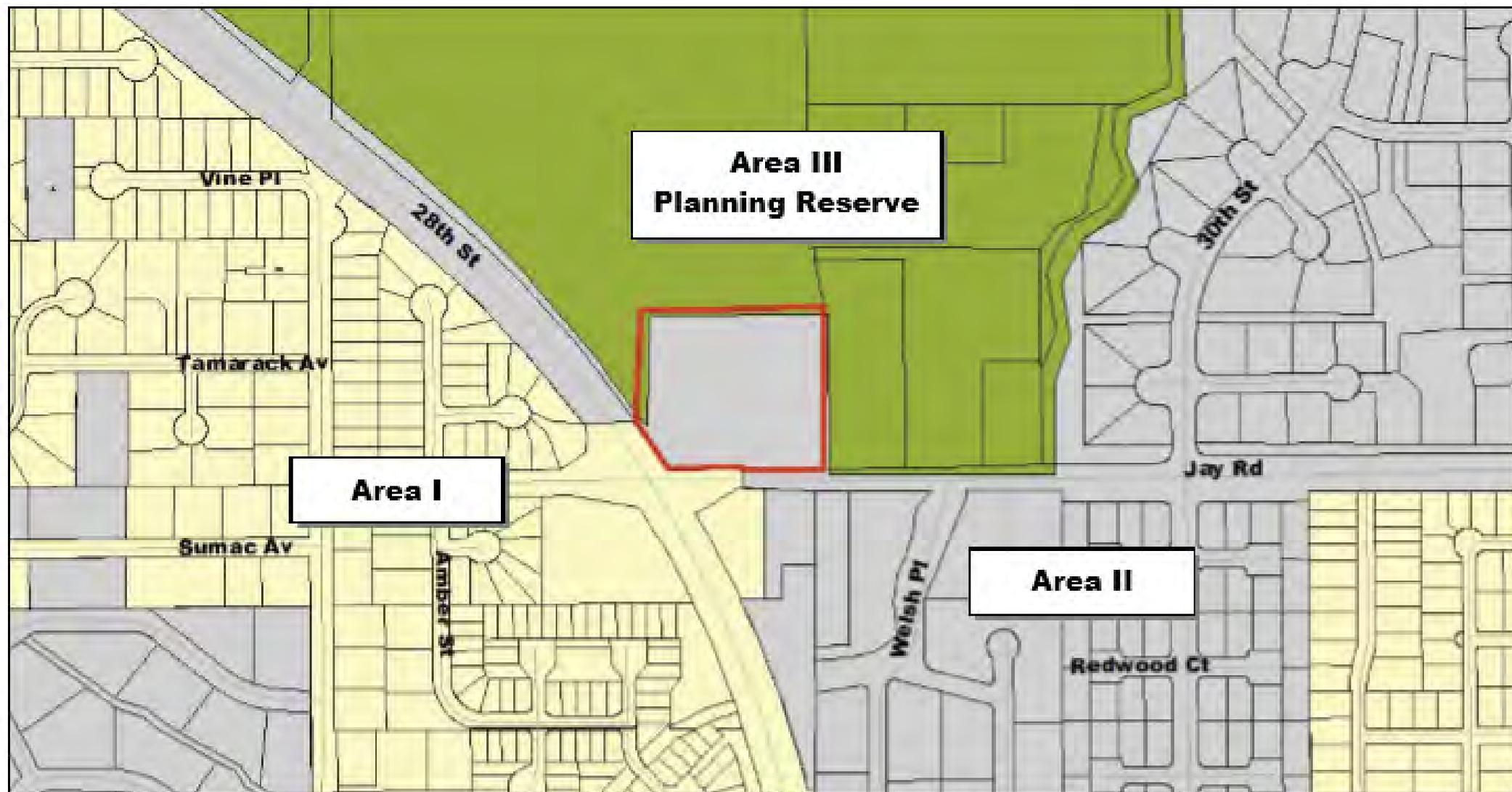
Phone: \_\_\_\_\_

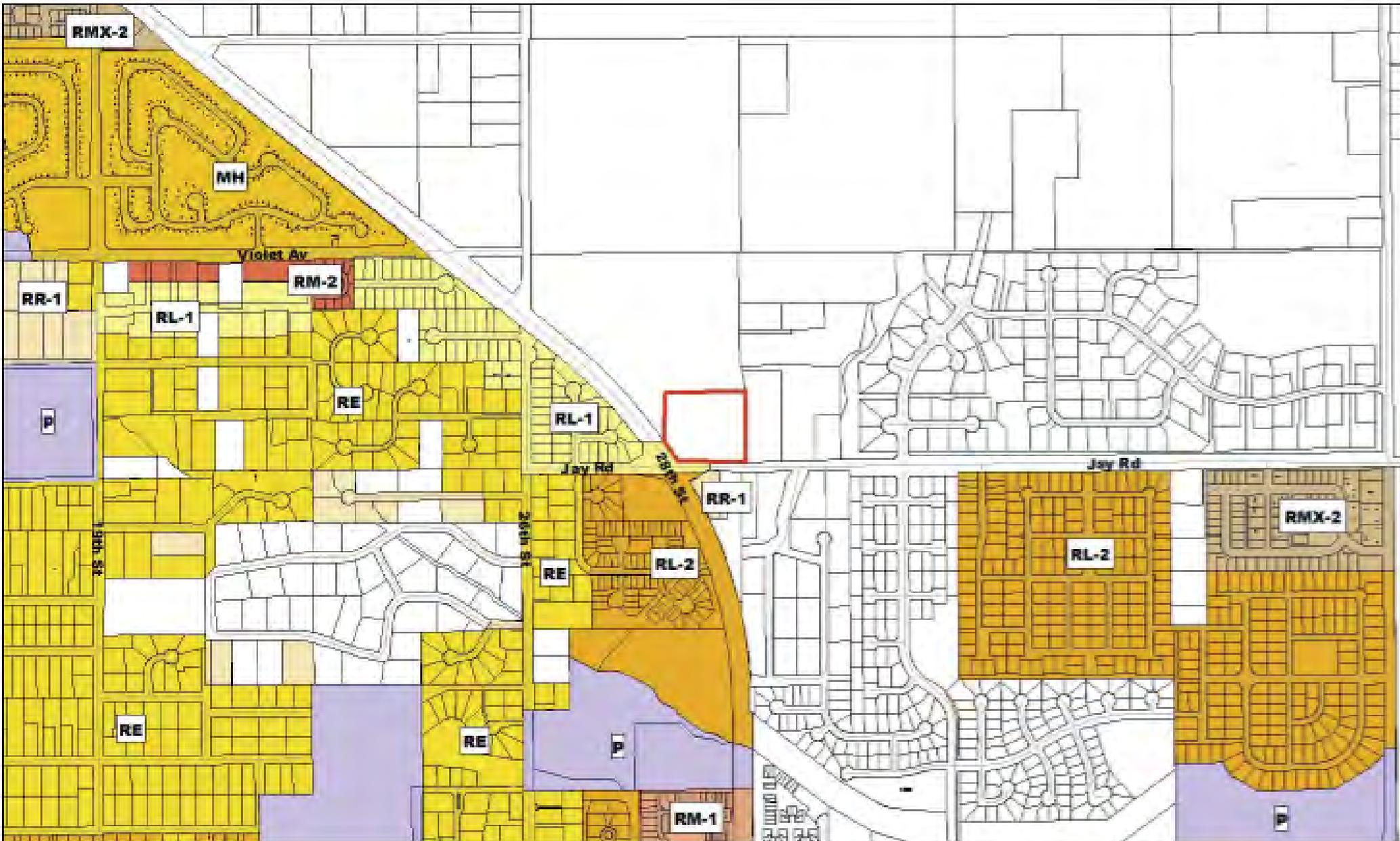
**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

NO.











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BOULDER VALLEY COMPREHENSIVE PLAN



**BOULDER VALLEY COMPREHENSIVE PLAN  
2015 MAJOR UPDATE :  
REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input checked="" type="checkbox"/>	Land Use Map Amendment
<input checked="" type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:

Redesignate the property at 2810 Jay Rd (New Day Church) from Area II to the Area III Planning Reserve. This property lies at the corner of Jay Rd. and 28th St. and is currently under County jurisdiction.

See next page for complete text.

b. Brief reason or justification for the proposed amendment:

The proposed amendment is necessary to ensure that future development of this property is consistent with the Boulder Valley Comprehensive Plan and not developed "piecemeal" via annexation by the City of Boulder. Not only is the land in question adjacent/contiguous to Area III existing uses surrounding it are +

a. Map(s) proposed for amendment: See maps contained in materials associated with Agenda item 5B of the Oct. 1st 2015 City of Boulder

b. Brief description of location of proposed amendment:

New Day Church and parking lot  
2810 Jay Rd. Boulder, CO (Intersection of Jay Rd. and 28th St.)

Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_

c. Size of parcel: 207,274 square feet (4.76 acres)

(Full text cropped from previous page):

### Request 30) 2801 Jay Rd – Andrea Grant

Brief reason or justification for the proposed amendment:

The proposed amendment is necessary to ensure that future development of this property is consistent with the Boulder Valley Comprehensive Plan and not developed "piecemeal" via annexation by the City of Boulder. Not only is the land in question adjacent/contiguous to Area III, existing uses surrounding it are compatible with Area III as described in existing the Comp Plan. Moreover, the topography of the property makes it best suited for inclusion in Area III. The potential annexing of this property by the City of Boulder could well set new development precedents and create a domino and checkerboard effect that is inconsistent with development patterns and types along this carefully preserved and relatively rural corridor to the north of 28th St and NW along 36 toward Lyons. Redesignating the property into Area III will protect the valuable viewshed of the NW foothills which is the gateway to Northwest Boulder and a key element of the County aesthetic. Finally, this redesignation will reduce or hopefully eliminate continual development requests that require time and investment to consider.

Map(s) proposed for amendments:

See maps contained in materials associated with Agenda item 5B of the Oct. 1st 2015 City of Boulder Planning Board Meeting

Brief description of the proposed amendment:

Change part of the Valmont Butte property from Area III to Area II; make a minor change of the Service Area Boundary Map to include an approximately 10 acre site on the Valmont Butte Property to be included within the Service Area Boundary, and Change the Land Use Map to the appropriate land use category that would allow the construction of a campus for the studio arts, and remove the site from the Natural Ecosystem Overlay Map.



**3) Applicant:**

Name: Andrea J Grant

Address: 4384 Apple Court, Boulder, CO

Phone: 303-817-3373

**4) Owner:**

Name: New Day Church

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**5) Representative/Contact:**

Name: Andrea J Grant

Address: \_\_\_\_\_

Phone: 303-817-3373

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

NO - However, I live in a mile away

**Zacharias, Caitlin**

---

**From:** AJ Grant [ajgrant@teameca.com]  
**Sent:** Friday, October 02, 2015 5:36 PM  
**To:** BVCPchanges  
**Cc:** AJ Grant; Ellis, Lesli; Kate Fay  
**Subject:** BVCP Request for Revision Application  
**Attachments:** bvcp-land-use-changes-request-form-1-201509151724.pdf

To whom it may concern,

Attached is the Boulder Valley Comprehensive Plan *Request for Revision* Application.

Detailed maps are referenced and available in the City of Boulder Agenda Item Planning Board Meeting: October 1, 2015.

Please let me know if you need more information or if you would like larger maps suitable for copying and I will deliver to you Monday.

Thank you for your consideration on this very important matter.

Sincerely,

Andrea (AJ) Grant

AJ Grant  
President  
Environmental Communications Associates, Inc  
2400 Spruce St. #200  
Boulder, CO 80302  
303-444-1428  
303-817-3373 (mobile)  
[ajgrant@teameca.com](mailto:ajgrant@teameca.com)  
[www.teameca.com](http://www.teameca.com)



# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input type="checkbox"/>	Land Use Map Amendment
<input checked="" type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:

We propose to change the 2801 Jay Road property from the current Area II boundary to the Area III Planning Reserve boundary.

b. Brief reason or justification for the proposed amendment:

The 2801 Jay Road property is surrounded to the north and east by the Area III Planning Reserve. This amendment would create a continuous and consistent boundary for the Planning Reserve, mitigate uncertainty and risk of piecemeal development on the edge of the Planning Reserve, and ensure an adequate process for future development of this property +

a. Map(s) proposed for amendment: BVCP Land Use Map

b. Brief description of location of proposed amendment:

2801 Jay Road is on the northeast corner of Jay Road and 28th Street.

Section: 17 Township: 1N Range: 70

c. Size of parcel: 4.76 acres



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BOULDER VALLEY COMPREHENSIVE PLAN



**3) Applicant:**

Name: Wyley Hodgson & Heather Hosterman

Address: 2823 Jay Road, Boulder, CO 80301

Phone: 970-390-4275

**4) Owner:**

Name: First Church of the Nazarene

Address: 12021 Pennsylvania Street, Suite 206, Thornton, CO 80241

Phone: \_\_\_\_\_

**5) Representative/Contact:**

Name: Wyley Hodgson & Heather Hosterman

Address: 2823 Jay Road, Boulder, CO 80301

Phone: 970-390-4275

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

No.

## SUPPLEMENTAL INFORMATION TO BE SUBMITTED WITH REQUEST FORM

### 1. Narrative addressing the details of the proposed amendment, including:

#### a. Reason or justification for proposal

The 2801 Jay Road property is surrounded to the north and east by the Area III Planning Reserve (Figure 1). This amendment – to change the 2801 Jay Road property from the current Area II boundary to the Area III Planning Reserve – would (1) create a continuous and consistent boundary for the Area III Planning Reserve, (2) mitigate uncertainty and risk of piecemeal development on edge of Area III Planning Reserve that could potentially serve as a precedent for future Area III Planning Reserve development absent a comprehensive plan, (3) ensure land surrounded by the Area III Planning Reserve cannot be developed without larger comprehensive planning process that adequately involves the public, and (4) maintain an urban-rural corridor and gateway to the City of Boulder that supports the city’s image and preserves the city’s natural setting.

#### b. Its relationship to the goals, policies, elements, and amendment criteria of the Boulder Valley Comprehensive Plan.

This amendment supports several goals, policies, elements, and amendment criteria of the Boulder Valley Comprehensive Plan:

#### **Policy 2.03 Compact Development Pattern**

As shown in Figures 1 and 2, the property at 2801 Jay Road is surrounded to the north and east by the Area III Planning Reserve; to the south and west, the property is surrounded by Jay Road and 28th Street, respectively. As such, this property is separated from other residential developments in the city and the development of this property will likely result in a *“noncontiguous, scattered development within the Boulder Valley”* (BVCP Policy 2.03). In addition, any potential developers of 2801 Jay Road will need to extend city sewer to the site; according to the city, the extension of a wastewater main will likely require crossing the 28th Street right-of-way. Changing the boundary of this property from Area II to Area III Planning Reserve will ensure that future developments *“take place in an orderly fashion, take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Boulder Valley”* (BVCP Policy 2.03). This amendment supports the city’s desires to *“prevent urban sprawl and create a compact community”* (BVCP Policy 2.03).

#### **Policy 2.04 Open Space Preservation**

The area to the north of 2801 Jay Road is planned for long-term future park needs. This amendment provides the city with long-term flexibility to ensure the development of this site is consistent with future park needs (e.g. adequate multi-use paths, bike lanes, bus stops, and parking), develop a larger park for passive and/or active recreation use, or preserve the 2801 Jay Road property as an open space area.

### **Policy 2.05 Design of Community Edges and Entryways**

The 2801 Jay Road property is considered a gateway site; as such, development on the site must “*support an understanding and appreciation of the city’s image, emphasize and preserve its natural setting, and create a clear sense of arrival and departure...*” (BVCP Policy 2.05). Incorporating the 2801 Jay Road property into the Area III Planning Reserve would emphasize and preserve the City of Boulder’s natural setting and would protect view sheds of the Foothills for those entering the city from Jay Road. Moreover, when the city decides to consider Service Area Expansion for the Area III Planning Reserve, this amendment allows the city to work with the public to determine the best use for the 2801 Jay Road property in conjunction with the surrounding Area III Planning Reserve and ensure that the 2801 Jay Road gateway property is designed to meet Policy 2.05.

### **Policy 2.06 Preservation of Rural Areas and Amenities & Policy 2.10 Preservation and Support for Residential Neighborhoods**

The neighborhood surrounding the 2801 Jay Road property consists of single-family homes on one- to eight-acres of land, dirt roads, and horse property. As shown in Figure 2, the property is surrounded by open space, rural residential areas, and very low density residential. Changing the property from Area II to Area III Planning Reserve boundary will “*preserve existing rural land use and character in and adjacent to the Boulder Valley where... established rural residential areas exist*” (BVCP Policy 2.06) and “*protect and enhance neighborhood character and livability...*” (BVCP Policy 2.10). Many residents were drawn to the neighborhood because of its aesthetics in an open, quiet area of Boulder and the rural residential feel of the neighborhood. This amendment would preserve and support the existing rural area and rural residential neighborhood.

2. **Name and contact information** of person who prepared submittal information.

Heather Hosterman, 2823 Jay Road, Boulder, CO 80301

3. **Location map showing size and context of the area proposed for amendment**, including relationship to surrounding roads, existing and planned land uses, natural features, and present Comprehensive Plan designations. Dimensions should be 8 ½” x 11” with color or grayscale contrast suitable for photocopying.

See Figures 1 and 2 on Pages 3 and 4.

4. **Detailed map** (larger scale than location map) of site showing topographic contours, structures or improvements, and physical features, if required. Dimensions should be 8 ½” x11” with color or grayscale contrast suitable for photocopying.

See Figure 3 on Page 5.

Location map showing size and context of the area proposed for amendment



Figure 1: BVCP Planning Areas

Location map showing size and context of the area proposed for amendment

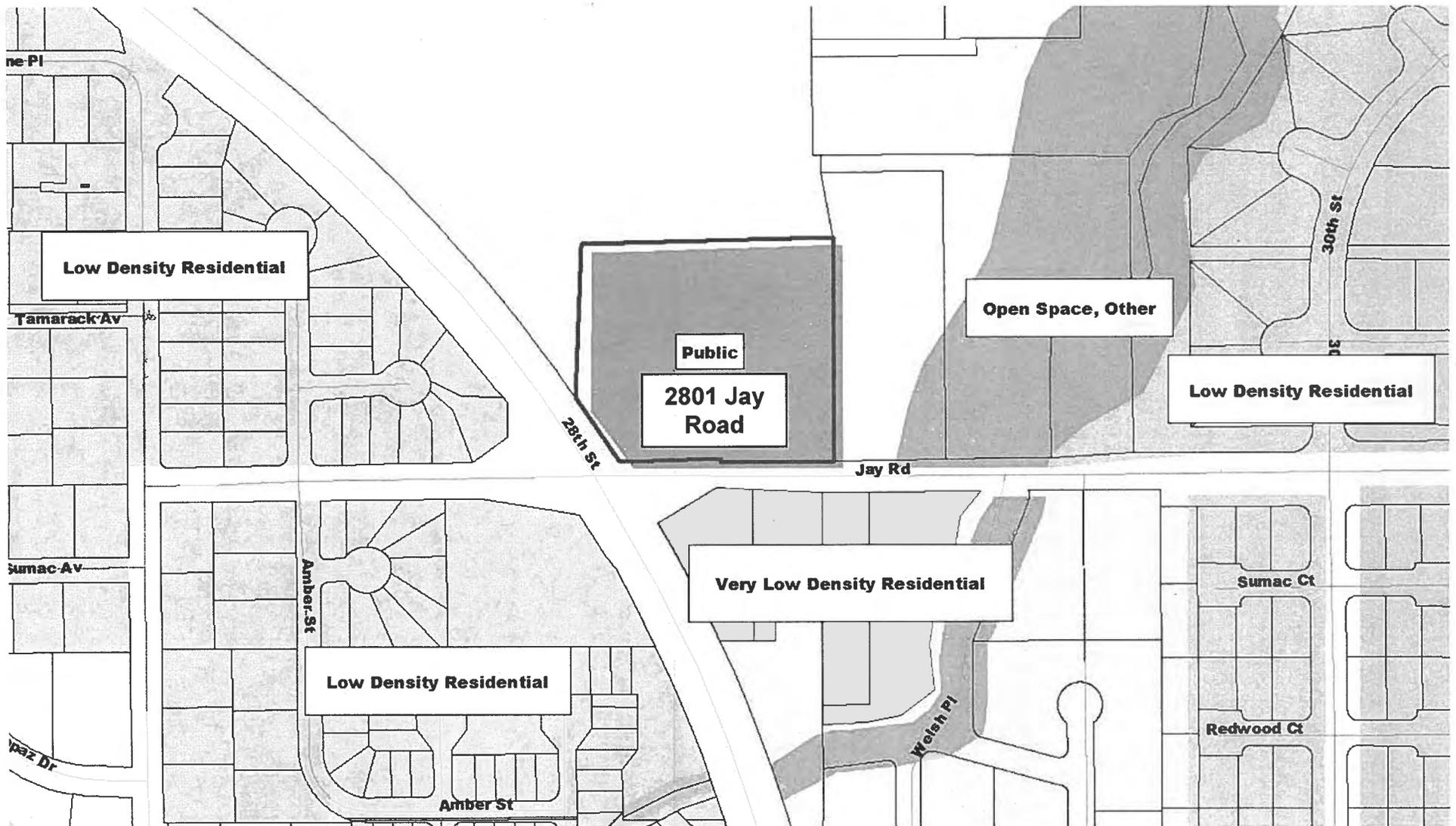


Figure 2. BVCP Land Use

Detailed map



Figure 3. Google Earth Image of 2801 Jay Road, Boulder, CO



# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input type="checkbox"/>	Land Use Map Amendment
<input checked="" type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:

See next page for complete text.

b. Brief reason or justification for the proposed amendment:

I would like to see us improve the Northern Gateway to Boulder. Many people enter our City from the North and yet we only spend money on the Eastern Gateway.

Let's stop and think how do we want our City to be perceived by ourselves and +

a. Map(s) proposed for amendment: \_\_\_\_\_

b. Brief description of location of proposed amendment:

28th and Jay is a very busy intersection with more than its fair share of accidents, Even fatal ones. Building on the site will not only increase accidents but increase deaths. Line of site needs to be preserved to reduce accidents. A three story apartment complex might be profitable to the developer and the current land +

Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_

c. Size of parcel: \_\_\_\_\_

(Full text cropped from previous page):

### Request 30) 2801 Jay Rd – Ed Sampson

Brief description of the proposed amendment:

Change the parcel at 2801 Jay st from area II to Area III

Brief reason or justification for the proposed amendment:

I would like to see us improve the Northern Gateway to Boulder. Many people enter our City from the North and yet we only spend money on the Eastern Gateway. Let's stop and think how do we want our City to be perceived by ourselves and others. Shouldn't we be raising Buffalo on Open space coming into town. Buffalos are native to this landscape, cows are not. Shouldn't we be planting native drought resistant Flowers...

Map(s) proposed for amendments:

you have a bunch of these

Brief description of location of proposed amendment:

28th and Jay is a very busy intersection with more than its fair share of accidents, Even fatal ones. Building on the site will not only increase accidents but increase deaths. Line of site needs to be preserved to reduce accidents. A three story apartment complex might be profitable to the developer and the current land owner (who do not live in Boulder) but not to the people of Boulder.

Currently this a church site, public use, the Elks club #566 want to sell their current site and build a new complex on the property. Great idea right? Problem was no good way for kids to get there. Currently kids ride their bikes to the Elks club. But some other public use church, park, community center, open space...should be looked into.

Size of Parcel:

4.6a

Name:

Ed Sampson



**3) Applicant:**

Name: \_\_\_\_\_

Address:

Phone: \_\_\_\_\_

**4) Owner:**

Name: \_\_\_\_\_

Address:

Phone: \_\_\_\_\_

**5) Representative/Contact:**

Name: \_\_\_\_\_

Address:

Phone: \_\_\_\_\_

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

**31)**

**7097 Jay Rd. –**  
*Minor Adjustment to  
Service Area Boundary  
(Area III to II); OS-O to LR*

**BVCP Five Year Major Update****Request # 31****Request #31****7097 Jay Rd.**

Initiated by owner

Parcel Size: 14.32 acres

**Request:**

Change the BVCP land use designation for entire site to Low Density Residential.

**Staff Recommendation: No**

Staff recommends that this proposal not be considered further as part of the BVCP Five Year Major Update for the following reasons:

1. This property does not meet the requirements for annexation, which would be necessary to permit a low density residential land use designation on this property.
2. The split Area II/Area III designations at 7097 Jay have been in place since 1978, and there are no changed conditions in the community or articulated in the request that would warrant the proposal to be considered as part of this update.
3. A low density residential designation on this property would be inconsistent with BVCP policies regarding compact urban form and well-defined community edges and not compatible with rural character of the neighborhood to the west and south.

*Planning Area Boundaries**BVCP Land Use***ANALYSIS:****1.) Consistent with the purposes of the major update as described above?**

Yes. This is a land use designation change request, which is consistent with the purposes of the BVCP major update.

**2.) Consistent with current BVCP policies?**

A low density residential land use designation is inconsistent with the intent of the BVCP for the Area III – Rural Preservation Area, “where the city and county intend to preserve existing rural land uses and character.” A potential change in the land use designation to Low Density Residential would require a minor adjustment to the service area boundary (Area III to Area II), followed by annexation (Area II to Area I), as the low density residential designation articulated in the request is not permitted in the county.

An Area II designation is required to be eligible for annexation. Roughly 60% of the property, or close to 9 acres, is currently in Area II, with the remaining portion in Area III - Rural Preservation. This remaining portion would require a minor adjustment to the service area boundary and be subject to the applicable BVCP criteria. At this location, a minor adjustment to the service area boundary would be inconsistent with BVCP policies regarding compact urban form and well-defined community edges. Another requirement to be eligible for annexation is contiguity to the city service area. The property does not meet these criteria, as it is contiguous to properties in Area II and Area III only.

**BVCP Five Year Major Update**

**Request # 31**

**3.) Compatible with adjacent land uses and neighborhood context?**

The request is not compatible with adjacent rural Area III land uses to the west and south or the Jay Road corridor. The Boulder Feeder Canal to the north and east provides a logical buffer and boundary between the Area II Gunbarrel development and 7079 Jay Road.

**4.) Was the proposed change requested or considered as part of a recent update to the Comp Plan or other planning process?**

No.

**5.) Is there any change in circumstances, community needs, or new information that would warrant the proposal be considered as part of this update?**

No. The split Area II/Area III designations at 7097 Jay have been in place since 1978, and there are no changed conditions in the community or articulated in the request that would warrant the proposal be considered as part of this update.

**6.) Are there enough available resources to evaluate the proposed change (city and county staffing and budget priorities)?**

The request would require a significant amount of time to evaluate and need to include a broader neighborhood discussion about increased density in a rural area.



# OUR LEGACY. OUR FUTURE.

BOULDER VALLEY COMPREHENSIVE PLAN



## BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION

**1) Type of Amendment (check all that apply):**

- Land Use Map Amendment
- Changes to the Area II/III boundary
- Service Area contractions or Minor Changes to the Service Area Boundary
- Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:  
Property is approximately 14.32 acres. Approximately 9 acres is zoned low density residential, the other 5.32 acres is zoned rural residential. We would like the entire property to be zoned low density residential.

b. Brief reason or justification for the proposed amendment:  
This property was bought by Edward and Mary Pancost in 1977 for the sole purpose of building low density residential housing. The City of Boulder Sewer main is located on the property. City of Boulder water is located just North of the Property. Left Hand water is located along the property.

BVCP Area II/III.

a. Map(s) proposed for amendment: \_\_\_\_\_

b. Brief description of location of proposed amendment:  
Property located at 7097 Jay Road. Property is located on the North Side of Jay Road Between 63rd Street and 75th Street. The legal description is: TR 3337 LESS 1/2 MIN 14-1N-70 13.22 AC M/L. The Parcel Number is: 146314000001. The Schedule Account number is R0036876.

Section: 14 Township: 1N Range: 70  
14.32

c. Size of parcel: \_\_\_\_\_



**3) Applicant:**

Brent and Natalie Aanerud

Name: \_\_\_\_\_

Address: 7097 Jay Road, Boulder, CO 80301

720-371-0004

Phone: \_\_\_\_\_

**4) Owner:**

Brent and Natalie Aanerud & Edward and Mary Pancost

Name: \_\_\_\_\_

7097 Jay Road, Boulder, CO 80301

Address:

720-371-0004

Phone: \_\_\_\_\_

**5) Representative/Contact:**

Natalie Aanerud

Name: \_\_\_\_\_

7097 Jay Road, Boulder, CO 80301

Address:

720-371-0004

Phone: \_\_\_\_\_

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

No development application has been submitted. We are the owners of the property.

## Supplemental Information

### Narrative:

We would like to request an amendment to the land use designation on our property. Currently, approximately 9 acres are zoned low density residential, and the other 5.32 acres are zoned rural residential. The first map attached, provided by Boulder County, shows this designation. The second map attached shows the zoomed in version of the same map.

Edward and Mary Pancost purchased the property in approximately 1977, for the sole purpose of building low-density residential housing. The developers of Gunbarrel Greens advised Edward and Mary Pancost to buy this property because of the potential of the property. Attached is a potential concept that was drawn up around 1979. However, the property owners have never applied for an application for this property, and we understand that this is not the process for getting this approved. However, we would like to show the history of the property.

There are several reasons why this property is ideal to be turned into low-density residential. The main reason is that all critical utilities are either on the property, adjacent to the property or very near the property. The City of Boulder sewer "T9A", a 27" sewer main runs through the North end of the property, to a point on the East property line, then along the East property line to the South. Two maps are attached to show the general area of the sewer line. Also, the plot map, which was done in 1979, shows the placement of the sewer reference the property. When the City of Boulder installed the sewer main, they put in five, manholes, indicating that they were planning for future development use. Secondly, there are two sources of public water. The City of Boulder water is near the property and Left Hand Water is along Jay Road, adjacent to the property. Natural Gas is located on the property as is Electricity.

Additionally, Boulder County has future plans to build and expand the bicycle path along the North and East property lines. The proposed plan would connect the current Longmont-Boulder Path at Lookout Road along the Federal Water Supply Cannel, run South along the canal, and eventually go under Jay Road and hook up to

the Boulder Creek Bike Path system. This would give future residents easy access to the Bike Path System for increased safety and use of the system.

**Contact Information:**

Natalie and Brent Aanerud  
7097 Jay Road  
Boulder, CO 80301  
720-371-0004

**Location Map:**

Many Maps are included.

Boulder Valley Comprehensive Map's of Area II/III

City of Boulder Archive Map of the City Sewer

Google Map – Showing Property in the lower left hand corner

Subdivision Map 1979 – Showing Utilities and complete legal description of the property



# Boulder County Land Use Department

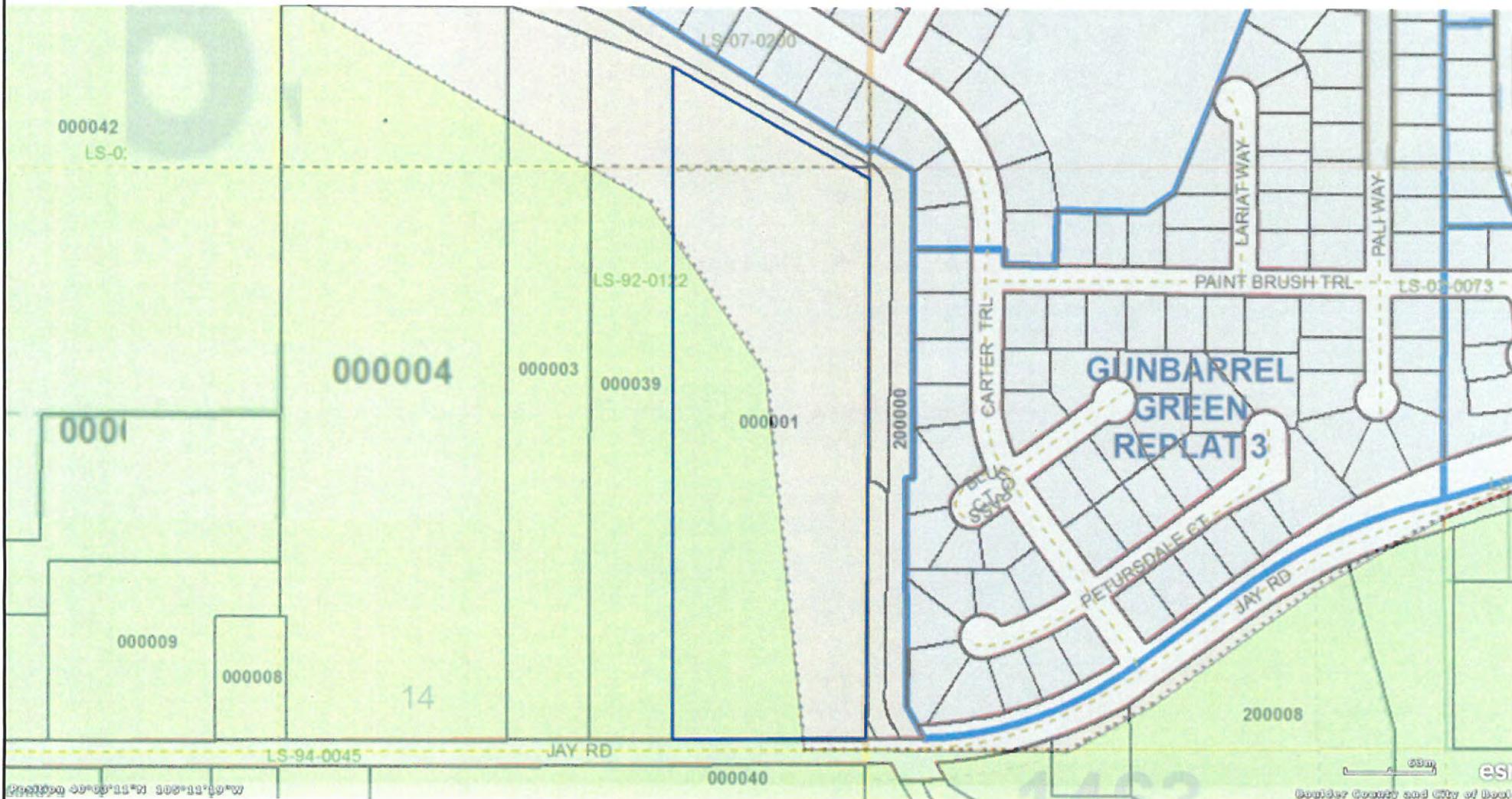
2045 13th Street, Boulder, Co 80304

303-441-3930

www.bouldercounty.org

# 7097 JAY

BVCP Area 11/111



1 inch = 200 feet

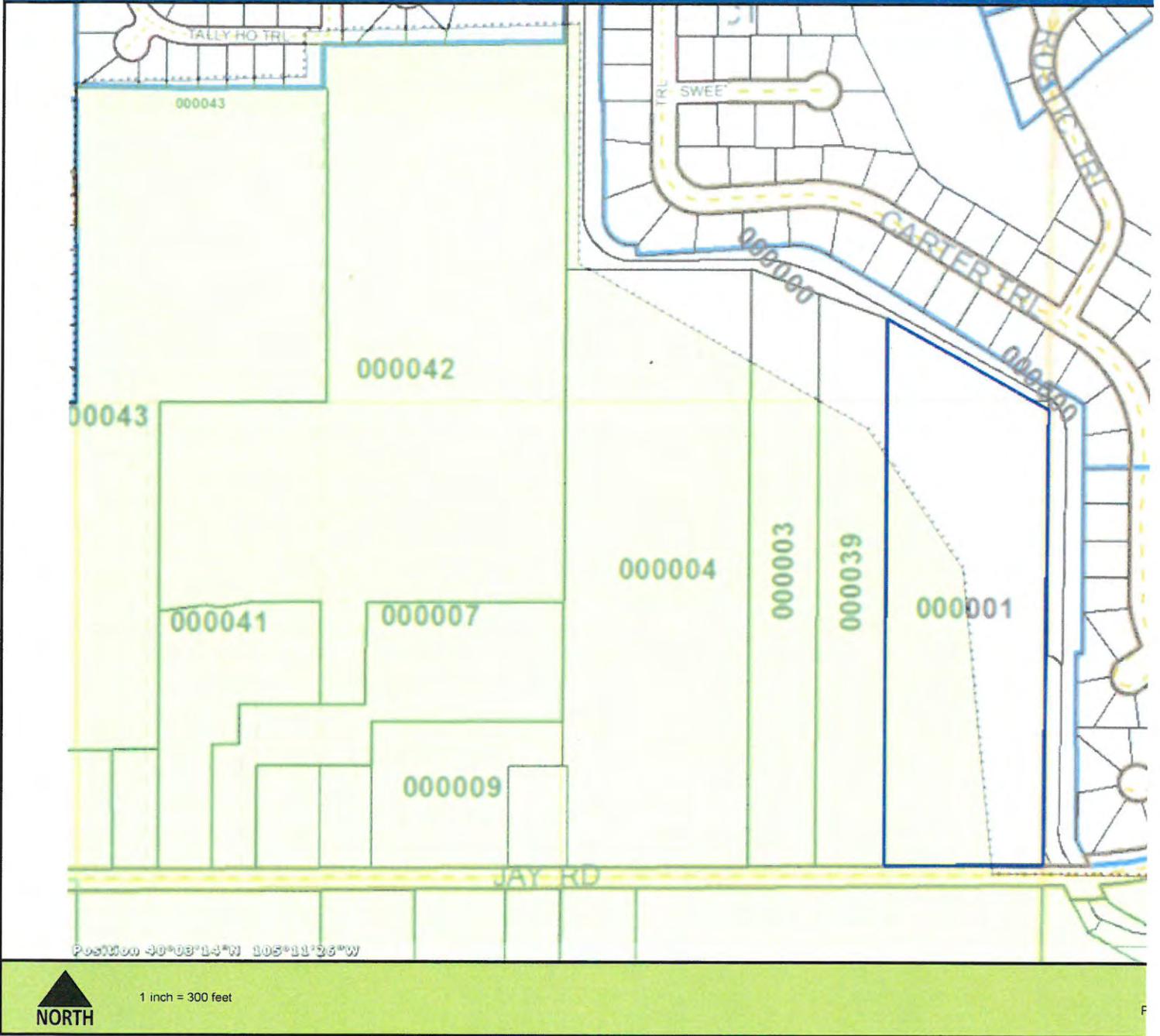


# Boulder County Land Use Department

2045 13th Street, Boulder, Co 80304

303-441-3930

[www.bouldercounty.org](http://www.bouldercounty.org)



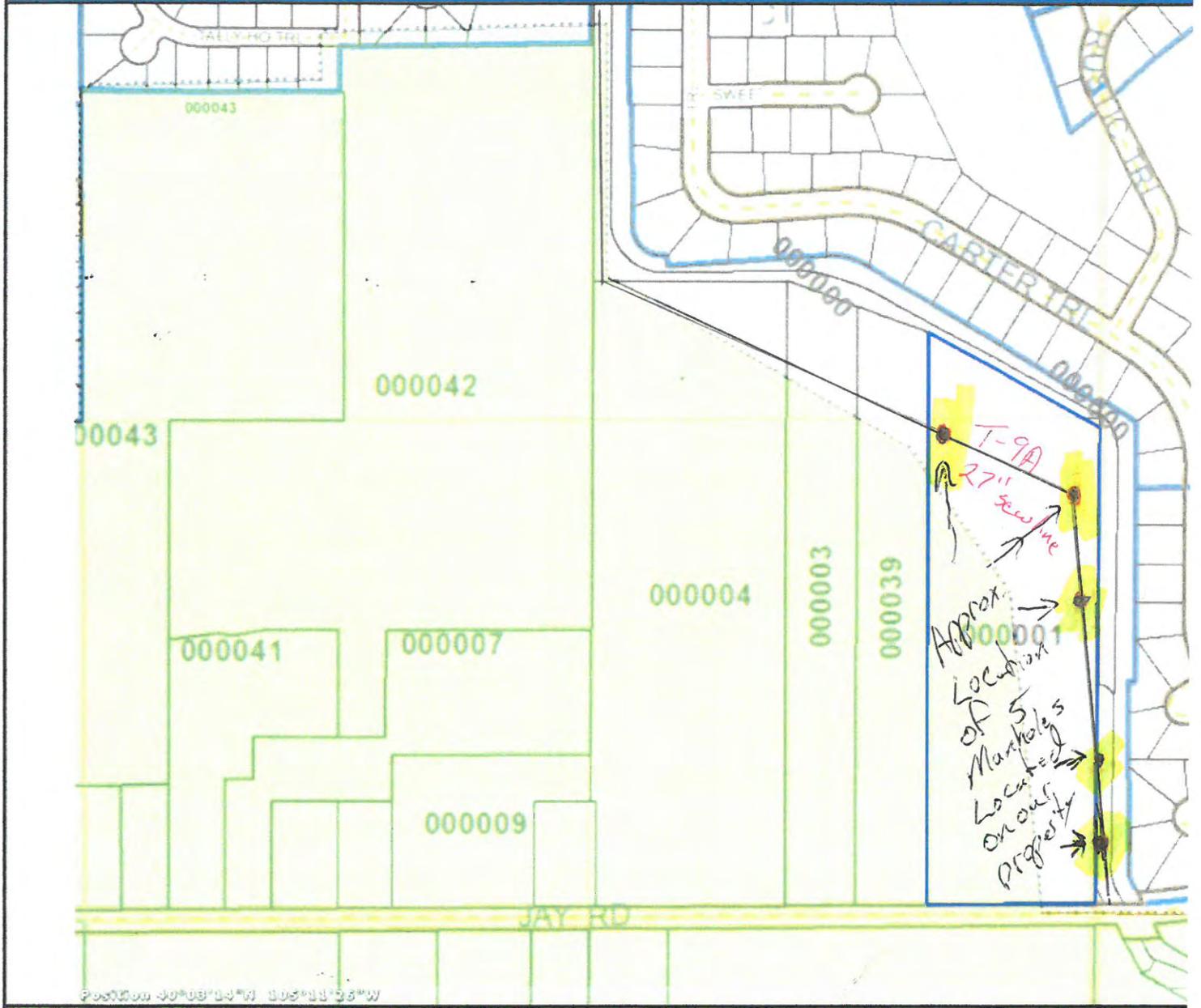


# Boulder County Land Use Department

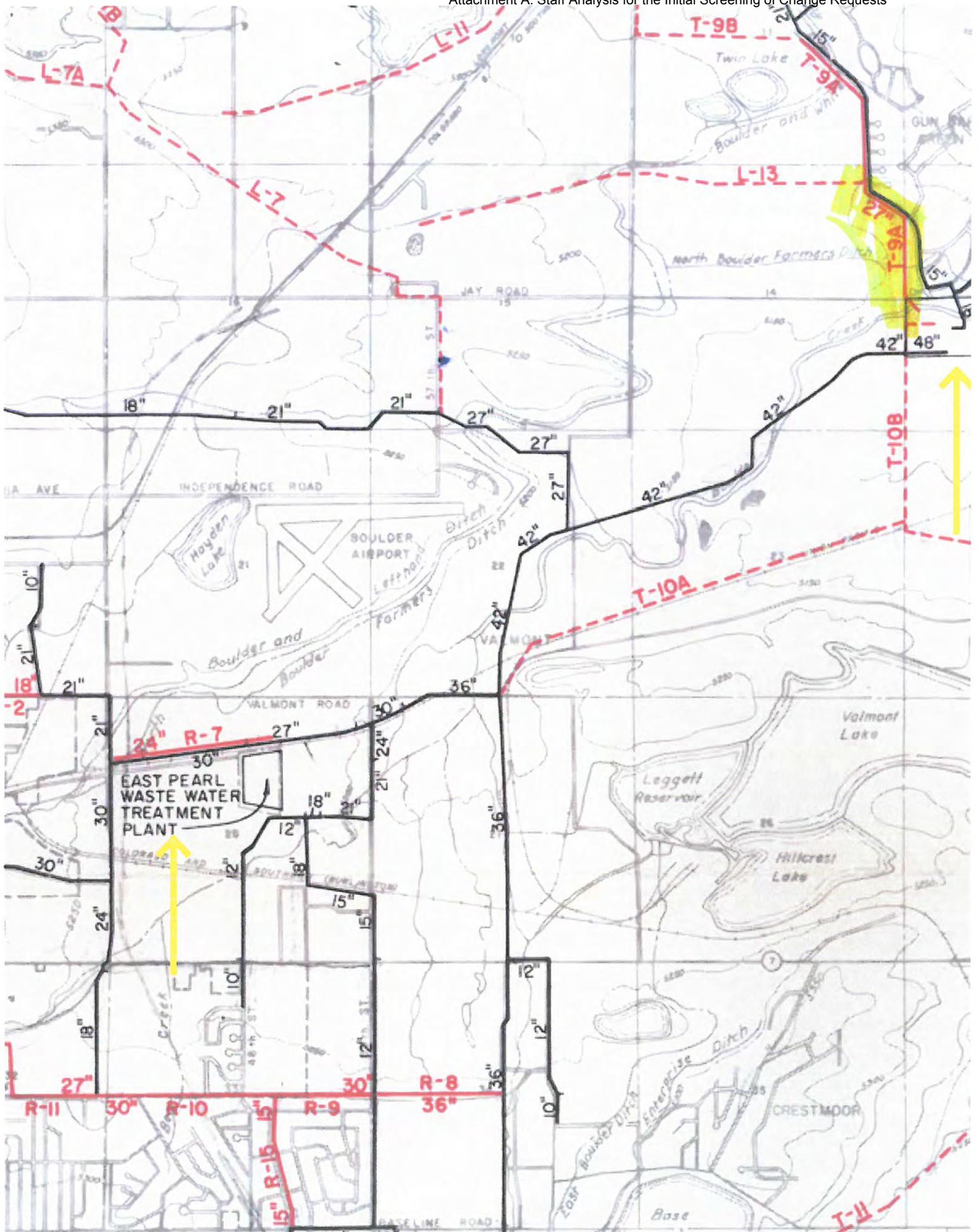
2045 13th Street, Boulder, Co 80304

303-441-3930

www.bouldercounty.org



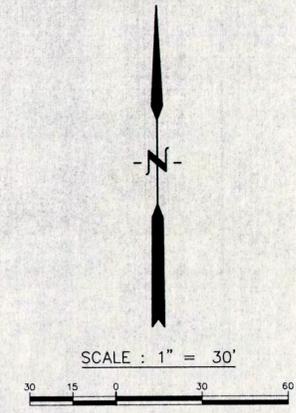
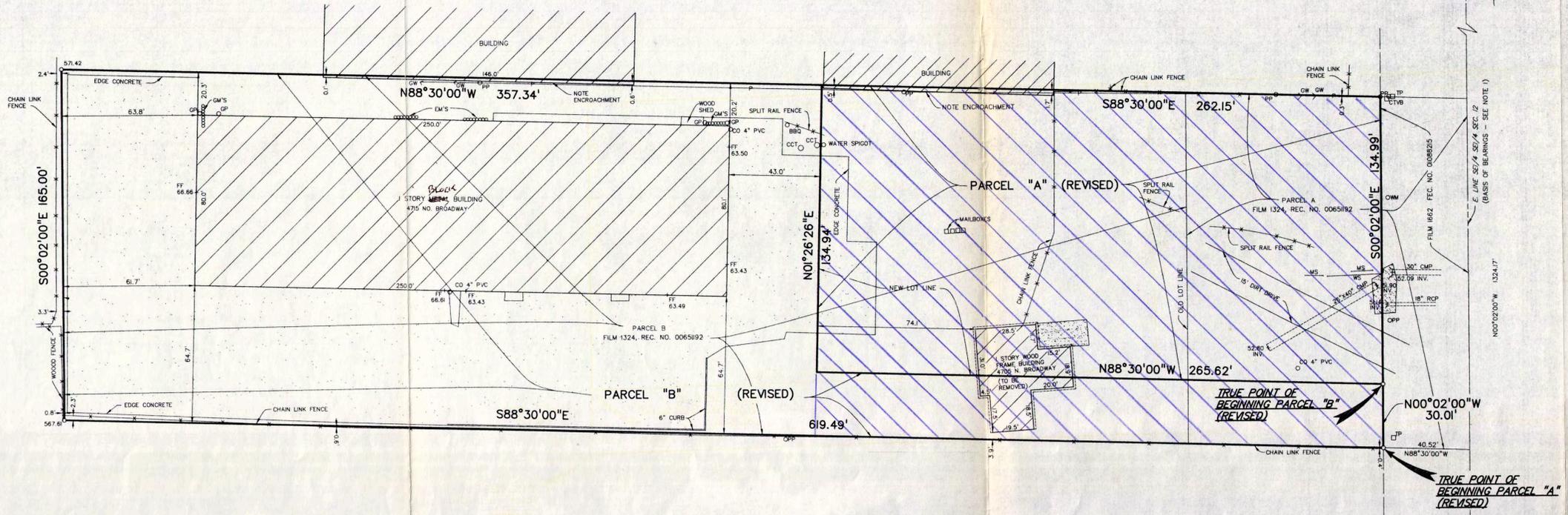
1 inch = 300 feet





4705 Broadway

NE COR SE1/4  
SE1/4 SEC. 12  
FOUND 2-1/2" ALUM. CAP  
(MARKINGS ILLEGIBLE)  
0.3' BELOW ASPHALT SURFACE



- LEGEND
BBQ . . . . . METAL BARBECUE PIT
CCT . . . . . CONCRETE CISTERN TOP
CMP . . . . . CORRUGATED METAL PIPE
CO . . . . . CLEANOUT
CTVB . . . . . CABLE TV BOX
EM . . . . . ELECTRIC METER
FF . . . . . FINISHED FLOOR
GM . . . . . GAS METER
GP . . . . . GUARD POST
GW . . . . . GUY WIRE
MS . . . . . METAL SIGN
PP . . . . . POWER POLE
PVC . . . . . POLYVINYL CHLORIDE PIPE
RCP . . . . . REINFORCED CONCRETE PIPE
TP . . . . . TELEPHONE PEDESTAL
WM . . . . . WATER METER
WS . . . . . WOOD SIGN
X . . . . . FENCE
P . . . . . OVERHEAD POWER LINE
CONCRETE

[Hatched box symbol] = LAND USE MAP AMENDMENT AREA

SE COR. SEC. 12, T1N, R7W OF THE 6TH P.M.
FOUND 2-1/2" BRASS CAP IN "WATER" BOX 0.8' BELOW ASPHALT SURFACE MARKED.



LEGAL DESCRIPTIONS

PARCEL "A" (REVISED)
A TRACT OF LAND LOCATED IN THE SE1/4 OF THE SE1/4 OF SECTION 12, T1N, R7W OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 12, THENCE N00°02'00"W, 592.50 FEET ALONG THE EAST LINE OF THE SE1/4 OF SAID SECTION 12 TO THE SOUTHEAST CORNER OF PARCEL "A" CONVEYED TO ROBERT C. NAUMANN AS DESCRIBED IN WARRANTY DEED RECORDED ON FILM 1324 AS RECEPTION NO. 0065192 OF THE RECORDS OF BOULDER COUNTY, COLORADO; THENCE N88°30'00"W, 40.52 FEET ALONG THE SOUTH LINE OF SAID PARCEL "A" TO THE WEST LINE OF THAT TRACT OF LAND CONVEYED TO THE CITY OF BOULDER AS DESCRIBED IN QUIT CLAIM DEED RECORDED ON FILM 1662 AS RECEPTION NO. 0088215 OF THE RECORDS OF BOULDER COUNTY, COLORADO; THENCE N00°02'00"W, 30.01 FEET ALONG THE WEST LINE OF THAT TRACT OF LAND AS DESCRIBED ON SAID FILM 1662 AS RECEPTION NO. 0088215 TO THE TRUE POINT OF BEGINNING.

PARCEL "B" (REVISED)
A TRACT OF LAND LOCATED IN THE SE1/4 OF THE SE1/4 OF SECTION 12, T1N, R7W OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 12, THENCE N00°02'00"W, 592.50 FEET ALONG THE EAST LINE OF THE SE1/4 OF SAID SECTION 12 TO THE SOUTHEAST CORNER OF PARCEL "A" CONVEYED TO ROBERT C. NAUMANN AS DESCRIBED IN WARRANTY DEED RECORDED ON FILM 1324 AS RECEPTION NO. 0065192 OF THE RECORDS OF BOULDER COUNTY, COLORADO; THENCE N88°30'00"W, 40.52 FEET ALONG THE SOUTH LINE OF SAID PARCEL "A" TO THE WEST LINE OF THAT TRACT OF LAND CONVEYED TO THE CITY OF BOULDER AS DESCRIBED IN QUIT CLAIM DEED RECORDED ON FILM 1662 AS RECEPTION NO. 0088215 OF THE RECORDS OF BOULDER COUNTY, COLORADO; AND THE TRUE POINT OF BEGINNING.

AREA CALCULATIONS

Table with 2 columns: Description and Area. Includes calculations for Parcel A (15,090 sq. ft.), Parcel B (87,088 sq. ft.), and total areas.

STATEMENT OF OWNERSHIP

I, ROBERT C. NAUMANN, AM THE OWNER OF PARCEL "A" AND PARCEL "B" DESCRIBED ON FILM 1324 AS RECEPTION NO. 0065192, AS DESCRIBED ON THIS MAP.

Robert C. Naumann
Director 4705 Broadway LLC

ACKNOWLEDGEMENT

STATE OF COLORADO )
COUNTY OF BOULDER )
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT 10:00 A.M., THIS 4th DAY OF APRIL, 1999, BY ROBERT C. NAUMANN.

NOTARY PUBLIC

PLANNING COMMISSION APPROVAL

THIS MAP IS AN EXHIBIT TO THE CITY REVIEW CERTIFICATE.

DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

SURVEYOR'S CERTIFICATE

I, WILLIAM K. WRIGHT, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS MAP REFLECTS THE RESULTS OF A SURVEY MADE UNDER MY DIRECT RESPONSIBILITY, SUPERVISION AND CHECKING AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE: 4/14/99
WILLIAM K. WRIGHT
COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR NO. 23529

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO )
COUNTY OF BOULDER )
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT 10:00 A.M., THIS 4th DAY OF APRIL, 1999, BY ROBERT C. NAUMANN.

CLERK AND RECORDER

BY: DEPUTY

SURVEYOR: WILLIAM K. WRIGHT
4840 PEARL EAST CIRCLE, SUITE #14
BOULDER, COLORADO 80301-2475
(303) 442-4338

CERTIFIED TO:

I HEREBY CERTIFY THAT THIS IMPROVEMENT SURVEY PLAT WAS MADE UNDER MY DIRECT RESPONSIBILITY, SUPERVISION, AND CHECKING ON THE DAY OF APRIL 19, 1999, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 38-51-100.3, ET SEQ., C.R.S., AS AMENDED; THAT THE REAL PROPERTY SURVEYED IS LOCATED IN THE CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS SHOWN ON THE ACCOMPANYING MAP; THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS MAP OR PLAT OF THE SURVEY CORRECTLY AND ACCURATELY SHOWS THE BOUNDARY LINES, PROPERTY LINES, AND THE LOCATIONS OF THE IMPROVEMENTS, IF ANY; AND THAT THE LOCATIONS AND DIMENSIONS OF ALL BOUNDARIES, LOT LINES, PROPERTY LINES, BUILDINGS, IMPROVEMENTS, EASEMENTS, STREETS, AND RIGHTS-OF-WAY IN EVIDENCE OR KNOWN TO ME AND ENCROACHMENTS BY OR ON THE PREMISES ARE ACCURATELY SHOWN.

WILLIAM K. WRIGHT
COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR NO. 23529

DATE: 4/14/99

LOT LINE ADJUSTMENT ON 2 TRACTS OF LAND LOCATED IN THE SE1/4 OF THE SE1/4 OF SECTION 12, T1N, R7W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO FOR: ROBERT C. NAUMANN

IN ACCORDANCE WITH ORS 13-80-105, NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

Drexel Barrell Engineers/Surveyors Incorporated
4840 Pearl East Cr., #14 Boulder, Co 80501 (303)442-4338
740 Wooten Rd., #108 Colorado Springs, Co 80905 (719) 591-6151

Table with 4 columns: Revisions - Date, Date, Drawn By, Job No. Includes entry for 4/14/99, SDS, 1002-8.

**32)**

**5399 Kewanee Dr. & 5697  
South Boulder Rd.  
("Hogan Pancost") –  
*Service Area Contraction  
(Area II to III)***

**Request #32**

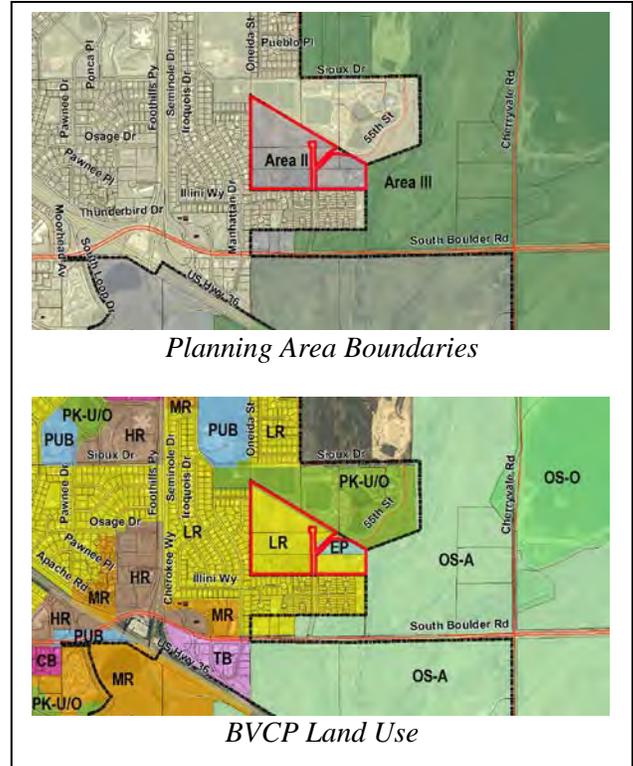
**5399 Kewanee Dr. & 5697 South Boulder Rd.  
“Hogan Pancost”**

Initiated by the Southeast Boulder Neighborhood Association with response from owner.

*Parcel size: 22.3 acres*

**Request:**

This is an Area II property comprised of approximately 22.3 acres. SE Boulder Neighborhood Association is proposing to reclassify this property from Area II to Area III for a number of reasons including but not limited to flood risk, groundwater and basement flooding, loss of wildlife habitat, the need to extend city services, and congestion impacts to the local street network. The property owner’s response to this proposal points out, among other rationale, that the property has had Area II designation since 1977, that moving it to Area III would create a geographic enclave of open space surrounded by land with city services, and that there is no indication of interest or intent to purchase the land for open space. The owner also points out that there have been extensive environmental studies conducted on the property that support the site’s suitability for development. Therefore, the two alternatives presented at this time include: 1) reclassify the property to Area III, or 2) leave the classification as it currently is (Area II).



**Staff Recommendation: Yes**

Staff recommends that this request be considered further as part of the BVCP Five Year Major Update for the following reasons:

1. To determine if the proposed change from Area II to Area III meets BVCP criteria for a service area contraction (BVCP Amendment Procedures section 3.b.2).
2. To consider the possible change in circumstances presented by Planning Board’s 2013 recommendation of denial of a proposed annexation and site review application for this property.

**ANALYSIS:**

**1.) Consistent with the purposes of the major update as described above?**

Yes. This is a proposed service area contraction, which is compatible with the purpose of the BVCP Major Update.

**2.) Consistent with current BVCP policies?**

Undetermined at this time and requires further analysis. A 2013 proposal to develop a residential neighborhood on the property was evaluated against current BVCP policies and was found by staff to be consistent. Planning Board, while finding the community benefits associated with the proposal consistent with the BVCP, also found that the proposal did not fully meet the BVCP with respect to other cited policies- namely the natural environment and built environment policies.

In the next phase of the change request process, this proposal would need to be evaluated against specific BVCP guidance regarding the criteria for considering a reclassification from Area II to Area III (BVCP Amendment Procedures section 3.b.2).

(2) Service Area contractions (changes from Area II to Area III-Rural Preservation Area)

Proposed changes from Area II to Area III-Rural Preservation Area must meet the following criteria:

(a) Changed circumstances indicate either that the development of the area is no longer in the public interest, the land has or will be purchased for open space, or, for utility-related reasons, the City of Boulder can no longer expect to extend adequate urban facilities and services to the area within 15 years;

(b) Any changes in proposed land use are compatible with the surrounding area and the policies and overall intent of the comprehensive plan.

### **3.) Compatible with adjacent land uses and neighborhood context?**

The site currently has a land use designation of Low Density Residential, which is the same designation as the adjacent residential areas. Therefore, the existing land use designation is compatible with the surrounding area. If the property were reclassified to Area III, the land use designation would presumably need to change to a rural or open space designation, which would also be compatible.

### **4.) Was the proposed change requested or considered as part of a recent update to the Comp Plan or other planning process?**

Yes. The subject property has been a focus of conversation for many years, including previous BVCP updates as summarized below:

Staff conducted an Area II land use suitability study for the Year 2000 Major Update to the BVCP. The conclusion of the suitability study for this property was that the portion of the site west of 55<sup>th</sup> St. is suitable for residential development while the portion east of 55<sup>th</sup> St. may be more appropriate as open space. As a result of the study, staff recommended a medium density residential land use designation for a majority of the site west of 55<sup>th</sup> St. and an open space designation for the portion east of 55<sup>th</sup> St. After an extensive public hearing and concerns raised by the neighborhood, a Low Density Residential land use was retained on the western portion of the site while the eastern portion was changed to an Environmental Protection land use designation.

During the 2005 BVCP major update, neighboring property owners again proposed that the property be changed from Area IIA to Area III-Rural Preservation. While findings from the South Boulder Creek Flood Study suggested increased flood hazards for the western edge and eastern portion of the property, staff recommended that the proposal not be considered further as part of the 2005 update process due to the fact that the new floodplain information from the study had not been finalized.

In the 2010 BVCP major update, SEBNA submitted a request to change the designation to Area III- rural preservation, which was not considered past the initial screening due to a lack of new information to suggest that staff would reach a different conclusion about the land use designation of the property.

### **5.) Is there any change in circumstances, community needs, or new information that would warrant the proposal be considered as part of this update?**

In 2013 Planning Board considered an annexation proposal for the site alongside a development proposal for the Boulder Creek Commons project. Following three days of public hearings, Planning Board

recommended denial of the proposed annexation and site review application by a 7-0 vote. Planning Board, while finding the community benefits associated with the proposal consistent with the BVCP, also found that the proposal did not fully meet the BVCP with respect to other cited policies- namely the natural environment and built environment policies. The application was subsequently withdrawn by the applicant and did not proceed to a vote by city council.

Much of the analysis that took place in 2013 focused on the site design that was proposed at the time, including associated engineering to mitigate environmental impacts. It remains to be determined if a different development proposal would be found to be consistent with the BVCP, or if the issues cited by Planning Board in the 2013 denial may be inherent to any development that is proposed beyond the low-intensity development that is already allowed by county zoning. If the latter, then reclassification of the property to Area III may be appropriate. It is primarily for this reason that the change request to Area III is recommended to continue on for further consideration and analysis as part of the 2015 BVCP update.

**6.) Are there enough available resources to evaluate the proposed change (city and county staffing and budget priorities)?**

Staff time constraints are an issue, as there is a large amount of history and detail of analysis presented by both sides that could exceed staff resources for evaluation and analysis. To address these resource limitations, analysis in the next phase will be limited to an evaluation of the proposal's consistency with the BVCP's criteria for a service area contraction (BVCP Amendment Procedures section 3.b.2), and consideration of the possible change in circumstances affecting the property in light of Planning Board's 2013 recommendation of denial of the proposed annexation and site review application. This would include review of existing information and not include new studies.



# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input type="checkbox"/>	Land Use Map Amendment
<input checked="" type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:

Change the land use designation to Area-III for the properties located at 5399 Kewanee and 5697 South Boulder Road (aka the Hogan-Pancost property)

b. Brief reason or justification for the proposed amendment:

Current Area II designation is inappropriate. See attached narrative for details.

a. Map(s) proposed for amendment: BVCP Area II/Area III Map

b. Brief description of location of proposed amendment:

Southeast Boulder southwest of the East Boulder Community Center

Section: 04 Township: 1S Range: 70

c. Size of parcel: App. 22 acres



**3) Applicant:**

Name: Southeast Boulder Neighborhoods Association (SEBNA) \_\_\_\_\_

Address: 5435 Illini Way, Boulder CO 80303

Phone: 303-898-2413 \_\_\_\_\_

**4) Owner:**

Name: East Boulder Properties LLC \_\_\_\_\_

Address: 1526 SPRUCE ST STE 260, Boulder CO, 80302

Phone: \_\_\_\_\_

**5) Representative/Contact:**

Name: Michael Boyers \_\_\_\_\_

Address: 1526 SPRUCE ST STE 260, Boulder CO, 80302

Phone: \_\_\_\_\_

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

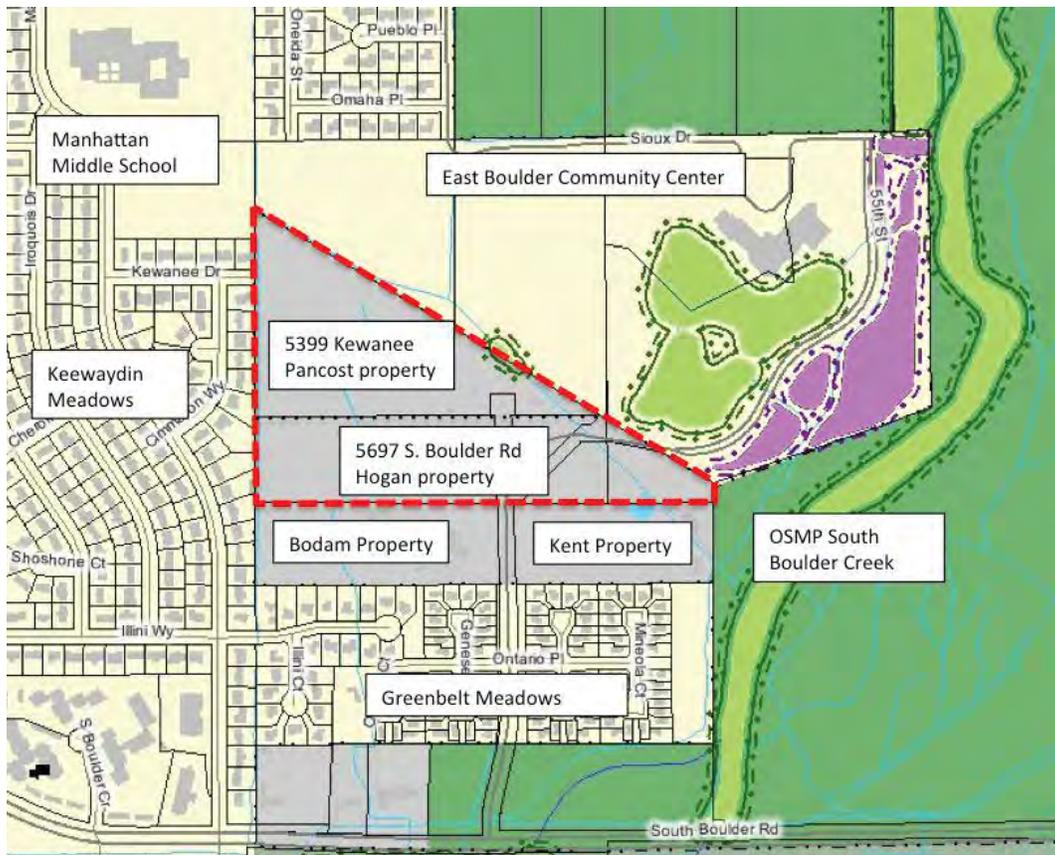
No

## Request for Revision: Hogan-Pancost Area III-Rural Preservation Area Expansion Southeast Boulder Neighborhoods Association

Contact: Jeff McWhirter, [jeff.mcwhirter@gmail.com](mailto:jeff.mcwhirter@gmail.com), 303-898-2413

### 1.0 Introduction and Background

The Southeast Boulder Neighborhoods Association (SEBNA) is formally requesting a revision to the Boulder Valley Comprehensive Plan (BVCP) as part of the 2015 Major Update. We request the expansion of the Area III-Rural Preservation Area to include the properties located at 5399 Kewanee and 5697 South Boulder Road, aka the Hogan-Pancost property. The current land use designation under the BVCP is Low Density Residential, and the property is within Area II-A.



**Figure 1: Site location**

Few properties in the Boulder Valley Planning Area bring with them as many issues and have undergone such intense scrutiny as the Hogan-Pancost property. Concerns about the development of this property have been voiced for over 25 years. As documented by Urban Drainage and Flood Control [UDFCD], the property has experienced numerous large floods - in 1938, the 1950s, 1969, 1973 and 2013. The results of the South Boulder Creek Flood Study show an extensive High Hazard Flood Zone on the property. There are also deep and potentially intractable problems around groundwater and basement flooding [McCurry-2012]. Development on this 22 acre meadow, located on the edge of the city, would be far removed from most services and would rely on already congested local neighborhood streets for access [BCC-Traffic-2012].



**Figure 2: View of property looking west**

There exists a host of environmental issues, both onsite as well as on adjacent sensitive Open Space property [COB-BVCP-2005]. While many acres of wetlands have been destroyed on the property [SEBNA-Wetlands], it still provides many acres of important wetland meadows habitat [BCC-Wetlands-2010]. A prairie dog colony, the most extensive in the entire area, continues to expand on the site. Birds of prey are frequent visitors. The entire eastern portion of the property is under the Boulder County Critical Habitat for the Preble's Meadow Jumping Mouse, a Federally listed Threatened Species [Meaney-2001, Ruggles-2003] and abuts the US Fish and Wildlife Service (USFWS) Preble's Critical Habitat [USFWS-Habitat]. Breeding habitat for the Northern Spotted Leopard Frog, a Boulder County Species of Concern facing regional decline [Johnson-2011], has been found on City wetland areas immediately adjacent to the property. As documented by the Ditch Project [Ditch-Project], over 1 mile of 150 year old historic and environmentally important ditches surround and bisect the property. The property also plays an important aesthetic role for the many people that drive, walk, bike and live in the area.

The Hogan-Pancost property is located in southeast Boulder and is approximately 22 acres in size. Two large rural estates lie to the south, City of Boulder Open Space and Mountain Parks (OSMP) property is to the east, the East Boulder Community Center soccer fields and park are to the north and the Keewaydin Meadows neighborhood lies to the west. The property has been designated Area II-A of the BVCP since the inception of the plan in 1977. According to Boulder County records there are 2 separate parcels, purchased in 2007 from the original Hogan and Pancost families for a total of \$4.5 million by East Boulder Properties LLC. In 2007 the property was (unsuccessfully) offered for sale by East Boulder Properties to the City of Boulder Open Space and Mountain Parks (OSMP) department with an appraised value of \$8.3 million. Under current Boulder County land use regulations one home may be built on each 11 acre estate sized parcel.

In 2010 SEBNA requested that the BVCP land use designation for the Hogan-Pancost property be changed to Area III – Rural Preservation. The Boulder City Council was advised that a development plan was under review and that any change in designation of the property should wait until the review process was complete. The Site Review and Annexation request was heard before the Planning Board in April 2013 (overview included below). After a 3 day hearing, the Board voted unanimously 7-0 against the Site Review and Annexation. Moving the Hogan-Pancost property to Area III is the next step in a very long process. This change is the only legislative act that the City of Boulder can take at this time in order to ensure an adequate level of protection for this property and the community and environment as a whole.

This document presents an overview of the property along with the key elements of the BVCP, and discusses why designation of this property as Area III-Rural Preservation Area is in line with the goals and priorities of the BVCP and the community.

## 2.0 Alignment with Definitions and Key Policies of the BVCP

Since the initial designation of the Hogan-Pancost property in 1977 as Area II-A our understanding of the overall impacts of growth, the specific groundwater and flood hazards associated with the property and the sensitive environment and species in the area has substantially evolved. These changed circumstances and the position of the property adjacent to private rural estate and City Open Space and wetlands are in line with the requirements of the BVCP Amendment Procedures for Service Area contractions (changes from Area II to Area III-Rural Preservation Area):

*Proposed changes from Area II to Area III-Rural Preservation Area must meet the following criteria:*

*(a) Changed circumstances indicate either that the development of the area is no longer in the public interest, the land has or will be purchased for open space, or, for utility-related reasons, the City of Boulder can no longer expect to extend adequate urban facilities and services to the area within 15 years;*

*(b) Any changes in proposed land use are compatible with the surrounding area and the policies and overall intent of the comprehensive plan.*

Areas I, II and III of the BVCP are defined as:

### ***BVCP 1.20 Definition of Comprehensive Planning Areas I, II and III.***

*Area I is that area within the City of Boulder, which has adequate urban facilities and services and is expected to continue to accommodate urban development.*

*Area II is the area now under county jurisdiction, where annexation to the city can be considered consistent with policies 1.16 Adapting to Limits on Physical Expansion, 1.18 Growth Requirements, & 1.24 Annexation. New urban development may only occur coincident with the availability of adequate facilities and services and not otherwise. Master plans project the provision of services to this area within the planning period.*

*Area III is the remaining area in the Boulder Valley, generally under county jurisdiction. Area III is divided into the Area III-Rural Preservation Area, where the city and county intend to preserve existing rural land uses and character and the Area III-Planning Reserve Area, where the city and county intend to maintain the option of future Service Area expansion.*

And the sections referenced:

### ***BVCP 1.16 Adapting to Limits on Physical Expansion***

*As the community expands to its planned physical boundaries, the city and county will increasingly emphasize preservation and enhancement of the physical, social and economic assets of the community. Cooperative efforts and resources will be focused on maintaining and improving the quality of life within defined physical boundaries, with only limited expansion of the city.*

### ***BVCP 1.18 Growth Requirements.***

*The overall effect of urban growth must add significant value to the community, improving quality of life. The city will require development and redevelopment as a whole to provide significant community benefits and to maintain or improve environmental quality as a precondition for further housing and community growth.*

**BVCP 2.07 Delineation of Rural Lands - a) Area III-Rural Preservation Area**

*“The Area III-Rural Preservation Area is that portion of Area III where rural land uses and character will be preserved through existing and new rural land use preservation techniques and no new urban development will be allowed during the planning period. Rural land uses to be preserved to the greatest possible extent include: [...] sensitive environmental areas and hazard areas that are unsuitable for urban development; significant agricultural lands; and lands that are unsuitable for urban development because of a high cost of extending urban services or scattered locations, which are not conducive to maintaining a compact community.”*

This property fails to meet a key criteria for Area II designation, that *“New urban development may only occur coincident with the availability of adequate facilities and services and not otherwise.”* Critical infrastructure to manage groundwater and flooding impacts is lacking and transportation services are not adequate. The property, if designated as Area III-Rural Preservation, would more than meet the criteria for land preservation as spelled out in Section BVCP 2.07 - *“sensitive environmental areas and hazard areas that are unsuitable for urban development;”*

In addition to the above Area II and III definitions there are 2 key provisions that need to be taken into consideration and are of critical importance with regards to safety and equity:

**BVCP 3.16 Hazardous Areas.**

*Hazardous areas that present danger to life and property from flood, forest fire, steep slopes, erosion, unstable soil, subsidence or similar geological development constraints will be delineated, and development in such areas will be carefully controlled or prohibited.*

**BVCP 8.03 Equitable Distribution of Resources**

*[...] The city and county will consider the impacts of policies and planning efforts on low and moderate income and special needs populations and ensure impacts and costs of sustainable decision making do not unfairly burden any one geographic or socio-economic group in the city.*

These two provisions concerning safety and fairness embody beliefs that are deeply held by the community. In the case of the Hogan-Pancost property, these two concerns overlap. On the existing streets adjacent to the property there is a small group of 23 families - ranging from seniors who have lived in their homes for 50 years to young families who can afford their first home in this modest neighborhood. Many of them face long-term hazards from groundwater and surface flooding and the very real hazards from the increase in traffic that development will bring.

**3.0 Flood Hazards**

Adequate services are not in place to either manage the current regulatory FEMA 100 year flood or to manage the far greater flooding that the non-regulatory 100 year floods can bring. Nor are there adequate services in place in the Annexation review process to identify and possibly mitigate the risks that larger scale flooding can bring and the effect that development will have on the severity of the flooding.

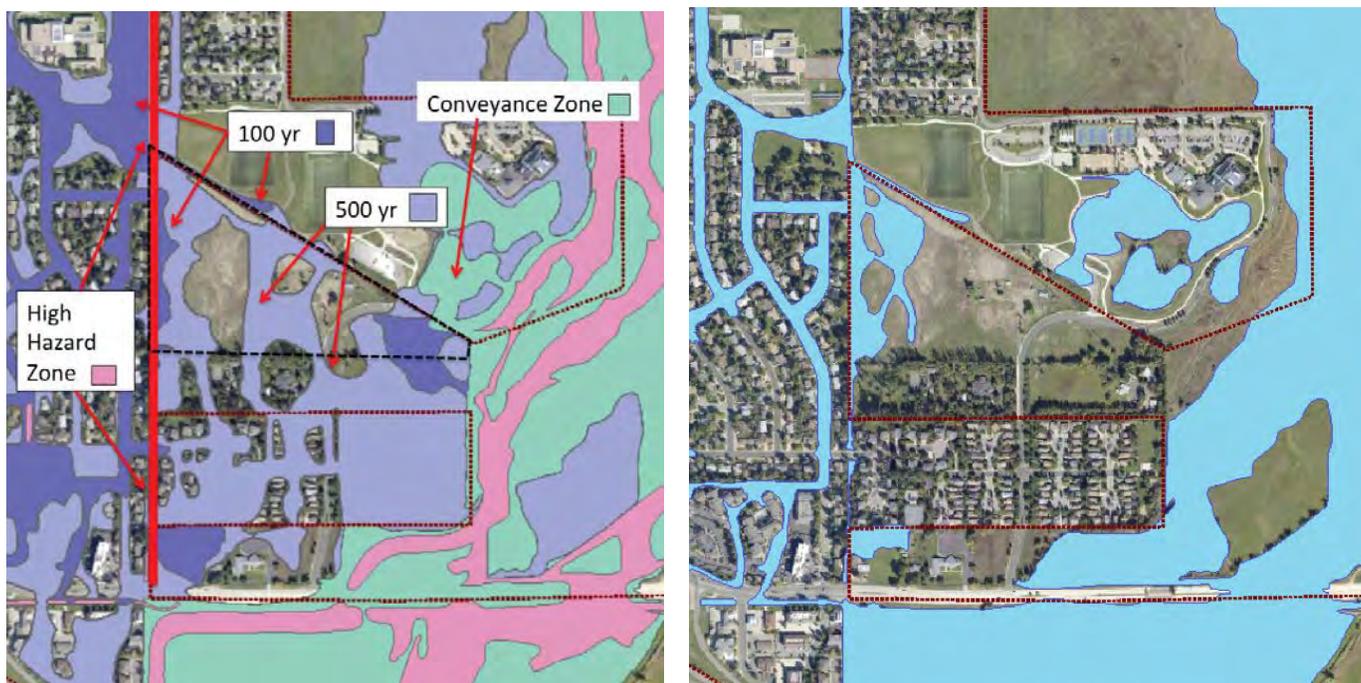
As seen in the figures below, the Hogan-Pancost property is in the South Boulder Creek floodplain. Portions of the property are in the designated 100 year and 500 year flood zones and the entire western border of the property consists of a designated High Hazard Flood zone. There are currently no flood water management services in place to adequately mitigate flood impacts on this property or on the adjacent properties. While there has been an ongoing effort for many years to define and adopt a floodplain mitigation plan ([COB-SBC-Mitigation]), currently there is no plan adopted and the funding for the plan (approximately \$40 million) has not been procured.

Flooding on this property has been an all too frequent occurrence. Since the development of Keewaydin Meadows, there have been 3 major flood events. The figure below shows photographs of the two flood events on the property in 1969 and 1973, taken from the backyards of adjacent homes.



**Figure 3: Flooding on the Hogan Pancost property in 1969 and 1973.**

The September 2013 floods heavily impacted this property and the surrounding homes. The flood has been estimated by the City to be approximately a 50-75 year event, well below the 100 year FEMA flood level for the South Boulder creek drainage. However there was extensive flooding on the property, far more than is shown for the official 100 year regulatory flood. Figure 3 below shows City flood mapping (<http://gisweb.ci.boulder.co.us/agswebsites/pds/floodmap/>). On the left shows the 100 and 500 year FEMA flood zones. On the right is shown the much more extensive flooding on the property from the 2013 event.



**Figure 4: South Boulder Creek FEMA flood zones and September 2013 flood extents**



**Figure 5: Flooding on the Hogan Pancost property during the September 2013 flood**

Section 3.22 of the BVCP specifically calls out the need to protect undeveloped high hazard flood areas -

*“Undeveloped high hazard flood areas will be retained in their natural state whenever possible”.*

The Hogan-Pancost property contains over 1100 linear feet of a designated High Hazard flood zone along the open undeveloped Dry Creek #2 Ditch corridor. All development proposals to date call for substantially narrowing and channelizing this High Hazard flood zone. This also runs counter to the wishes of the (40% City owned) Dry Creek #2 Ditch company:

*“However, the company has met with the developer and has articulated a series of measures, including protecting the ditch from use as a flood conveyance channel, that the company believes is necessary to protect the ditch and its ability to convey water to its shareholders.”* Bob Crifasi. Water Resources Administrator. OSMP. 2/26/2008.

Maintaining this High Hazard flood zone in its current state is only possible if the property is not annexed and developed.

***BVCP 3.22 Protection of High Hazard Areas***

*The city will prevent redevelopment of significantly flood-damaged properties in high hazard areas. The city will prepare a plan for property acquisition and other forms of mitigation for flood-damaged and undeveloped land in high hazard flood areas. Undeveloped high hazard flood areas will be retained in their natural state whenever possible. Compatible uses of riparian corridors, such as natural ecosystems, wildlife habitat and wetlands will be encouraged wherever appropriate. Trails or other open recreational facilities may be feasible in certain areas.*

Lower basin storms [SEBNA-Lower-Basin] and storms larger than the 100 year regulatory limit pose risks far different and far greater than the FEMA 100 year flood. As documented by the City’s 2005 *Hydrologic Impacts of Downstream Storm Centers* report [COB-Lowerbasin] :

*... the location of the storm center not only affected flows along the mainstem, but, in many cases, profoundly affected the runoff from the tributary watershed.*

...

*It is important to remember that the flood hazard associated with localized storms falling on other parts of the watershed should be defined and factored into any floodplain management and flood mitigation strategies.*

Estimates from the City of Boulder [COB-SBC-Mitigation] put the flood risk from these non-regulatory 100 year floods to be the same as the regulatory 500 year flood:

*“The 500-year damage estimates from the floodplain study may approximate the 100-year peak flows in the lower storm center analysis.”*

A key provision of the BVCP specifically addresses this issue:

***BVCP 3.23 Larger Flooding Events***

*The city recognizes that floods larger than the 100-year event will occur resulting in greater risks and flood damage that will affect even improvements constructed with standard flood protection measures. The city will seek to better understand the impact of larger flood events and consider necessary floodplain management strategies including the protection of critical facilities.*

Many times during the years of the Hogan-Pancost development review process City staff have repeatedly stated that there are not adequate tools in the current regulatory framework that allow the City to consider **any** flood other than the 100 year FEMA regulatory flood, including those cited above that can bring serious hazards to the community. The City regulations are narrowly focused on the 100 year FEMA flood and do not even call for identification of other flood hazards. This is in direct contradiction to BVCP Section 3.23. The same lack of regulatory tools applies to groundwater hazards as well.

There are a number of other relevant provisions in the BVCP regarding floodplains. Section BVCP 3.19 calls for preserving high hazard properties. Section BVCP 3.20 calls for preserving floodplains. Section BVCP 3.21 calls for a non-structural approach to floodplains. Any development on this property would require extensive alteration of the natural flood regime, including raising the property at least 2 feet above the current flood levels by bringing in 30000+ cubic yards of fill. The Dry Creek Ditch High Hazard Flood corridor would be channelized or piped, thus limiting its capacity. The impacts that these alterations would have on the existing floodplain in a flood other than the regulatory FEMA 100 year flood are unknown but is likely to increase flood hazards for the existing properties.

***BVCP 3.19 Preservation of Floodplains.***

*Undeveloped floodplains will be preserved or restored where possible through public land acquisition of high hazard properties, private land dedication and multiple program coordination. Comprehensive planning and management of floodplain lands will promote the preservation of natural and beneficial functions of floodplains whenever possible.*

***BVCP 3.20 Flood Management.***

*The city and county will protect the public and property from the impacts of flooding in a timely and cost-effective manner while balancing community interests with public safety needs. The city and county will manage the potential for floods by implementing the following guiding principles: a) Preserve floodplains b) Be prepared for floods c) Help people protect themselves from flood hazards d) Prevent unwise uses and adverse impacts in the floodplain e) Seek to accommodate floods, not control them. The city seeks to manage flood recovery by protecting critical facilities in the 500-year floodplain and implementing multi hazard mitigation and flood response and recovery plans.*

***BVCP 3.21 Non-Structural Approach.***

The city will seek to preserve the natural and beneficial functions of floodplains by emphasizing and balancing the use of non-structural measures with structural mitigation. Where drainageway improvements are proposed, a non-structural approach should be applied wherever possible to preserve the natural values of local waterways while balancing private property interests and associated cost to the city.

#### 4.0 Groundwater Hazards

Groundwater levels on this property are exceedingly high. As shown in Figure 5, the property owner's engineering reports [BCC-Wetlands-2010] and their groundwater monitoring wells on the property show a high water table that seasonally extends to within 6 inches of the surface. The measurements show these high groundwater levels occurring in both the Spring/Summer irrigation season as well as during the winter months.

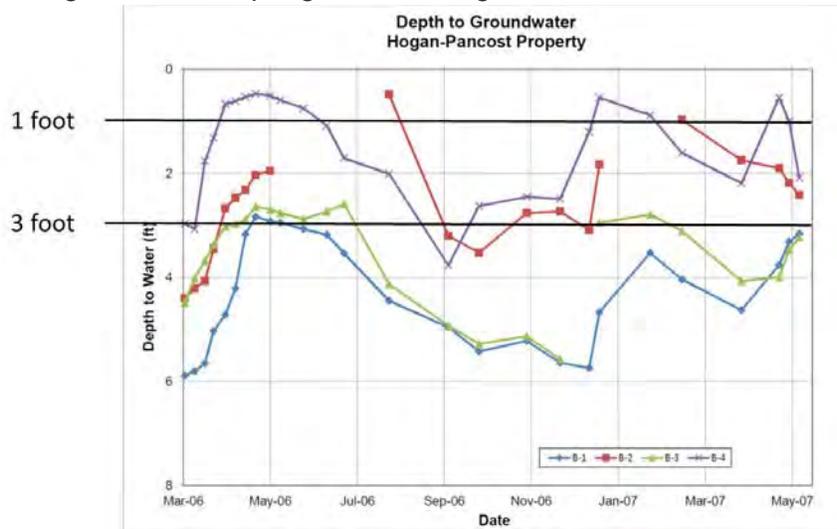


Figure 6: Groundwater levels

As the below map shows numerous homes adjacent to the property have had extensive and ongoing basement flooding problems due to high groundwater in the area. All of the homes to the west and south suffered severe basement flooding in the September 2013 flood event.

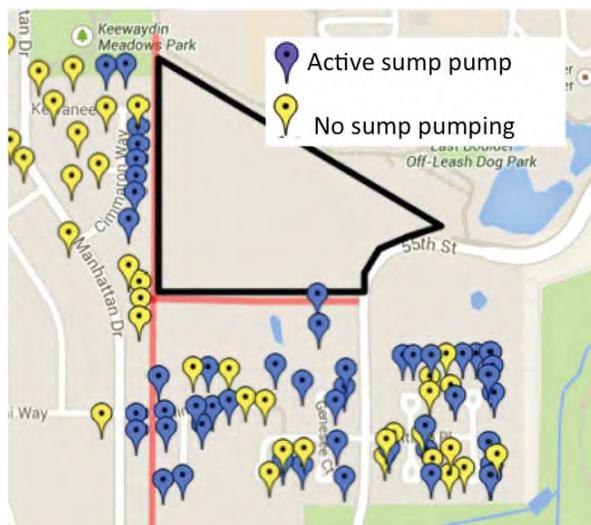
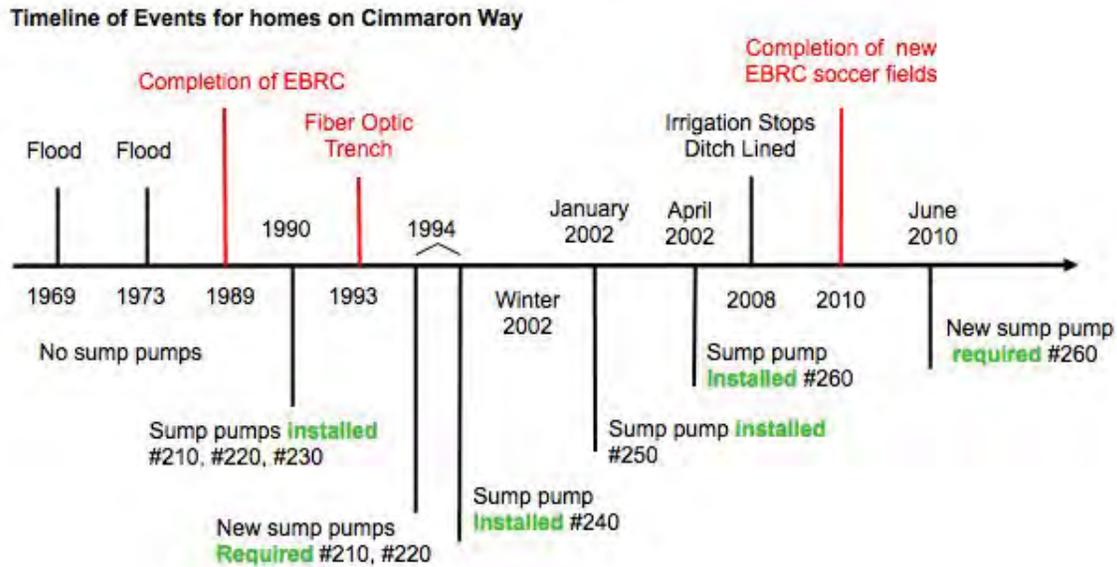


Figure 7: Pre-2013 sump pumping in the area

A resident on Cimmaron stated in June, 2005:

*"I am still pumping water at 5 gallons every 20 to 25 seconds. That is over 20,000 per 24 hours! There are about 4 houses on my street alone that are probably pumping that amount."*

As the timeline below shows, the sump pumping and basement flooding problems started immediately after the initial excavation and construction of the East Boulder Community Center soccer fields. For the 25 years leading up to that event there were no sump pumps on Cimmaron Way. Subsequent work installing fiber optic lines and the redevelopment of the EBRC soccer fields have been followed by increased sump pumping.



**Figure 8: Correlation of sump pump installations with construction in the area.**

The Hogan-Pancost property owner states in their 2003 Hogan Development Report [BCC-Grading-2003]:

*Apparent man made hazards that affect this site are*

- 1) a large detention pond to the northeast that was constructed some 12 years ago that may have caused a change in flow patterns for surface water on the site; and*
- 2) filling of the City soccer fields to the north, which appear to have been filled by some 3 to 4 feet, causing some cessation of the natural drainage from this site to the north, and perhaps causing a higher water table on the site as well.*

City staff have documented an area underdrain system that has been in place in the adjacent Keewaydin Meadows neighborhood since the early 1960s. There currently exists no active maintenance plan for this system and City staff have attributed the groundwater problems in the area to the drain system silting up and not being maintained.

As documented during the Hogan-Pancost 2013 Site Review, any proposed development of the Hogan-Pancost property would necessitate the installation of an underdrain system to manage the high groundwater on the site with no guarantees that it would even be successful. There is currently not an adequate drainage facility in place to accept this drainage water. This runs counter to Section 3.28 of the BVCP.

**BVCP 3.28 Surface and Groundwater.**

*Surface and groundwater resources will be managed to prevent their degradation and to protect and enhance aquatic, wetland and riparian ecosystems. Land use and development planning and public land management practices will consider the interdependency of surface and groundwater and potential impacts to these resources from pollutant sources, changes in hydrology, and dewatering activities.*

To provide minimum services for surface drainage as required by City of Boulder regulations, drainage water on the site must be contained through the use of detention ponds. However, the ability of the site to perform this key service is compromised by the high groundwater levels in the area as stated by senior City of Boulder engineering staff-

*"Groundwater levels are between 6 inches and 2 feet below the ground based on previous studies. Therefore any excavation of this area would naturally fill with water unless a lining material was installed to prevent this from occurring."* Robert Harberg, Principal Engineer City of Boulder Utilities

## 5.0 Environmental Impacts

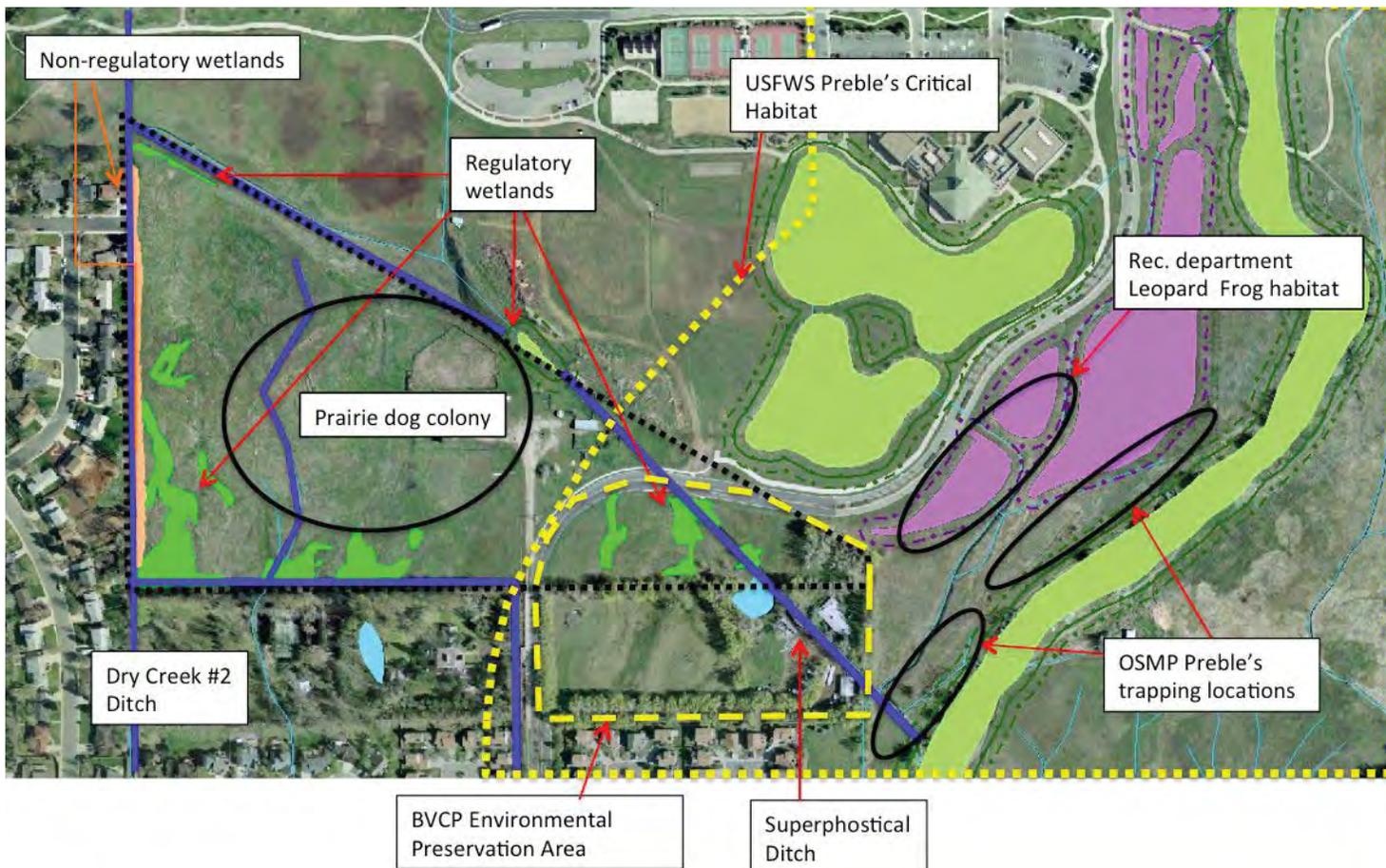


**Figure 9: Area ditches, wetlands and wildlife habitat (photos taken prior to 2008)**

The Hogan/Pancost property is a 22 acre wetland/meadow complex. The City of Boulder Open Space and Mountain Park (OSMP) South Boulder Creek corridor is immediately adjacent east of the property. The wetlands to the northeast are Recreation Department property. There are 2 rural estate size properties to the south containing ponds and wetland areas.

There are a number of environmental land-use designations that are relevant:

- *USFWS Critical Habitat Zone for the Preble's Meadow Jumping Mouse [USFWS-Habitat]*
- *Boulder County Critical Wildlife Habitat zone #89 - South Boulder Creek Floodplain and Terrace*
- *Boulder County Comprehensive Plan [BCCP-ERE-Supplement]*
- *Boulder County Habitat Conservation Area for Prebles Meadow Jumping Mouse*
- *City of Boulder Recreation Department Northern Spotted Leopard Frog Habitat Closure Area [COB-Frog]*
- *Boulder Valley Comprehensive Plan (BVCP) Environmental Preservation area.*
- *South Boulder Creek Natural Area - Colorado Natural Areas Program [CNAP]*



**Figure 10: Area environmental assets**

Wetlands

The BVCP recognizes the important role that wetlands play in our environment:

***BVCP 3.06 Wetland and Riparian Protection.***

*Natural and human-made wetlands and riparian areas are valuable for their ecological and, where appropriate, recreational functions, including their ability to enhance water and air quality. Wetlands and riparian areas also function as important wildlife habitat, especially for rare, threatened and endangered plants, fish and wildlife. The city and county will continue to develop programs to protect and enhance wetlands and riparian areas in the Boulder Valley. The city will strive for no net loss of wetlands and riparian areas by discouraging their destruction or requiring the creation and restoration of wetland and riparian areas in the rare cases when development is permitted and the filling of wetlands or destruction of riparian areas cannot be avoided.*

The City of Boulder Planning Board expressed a number of concerns regarding wetlands during the 2013 Site Review. In particular there were concerns regarding the baseline. To quote from the recorded transcript [COB-Sitereview-2013] -

*“I think that taking away those wetlands is the single biggest problem this project faces and it’s the hardest one for me to square with the BVCP”*

*“I think one of the broad points of agreement among the members was the baseline. What amount of wetlands we were going to base our mitigation of them on”*



**Figure 11: Wetlands on the property (photos taken prior to 2008)**

Wetlands on the site have been documented dating back to 1988. However, the extent and location of the wetlands has undergone major changes over time. There have been cases of illegal fill (1994) as well as unpermitted excavation on the wetland corridors (2008) and decades long flood irrigation practices have been stopped (2008). There have been a wide range of published wetlands reports ranging from a “a *small, low-quality, drainage swale*” in 2002 to reports showing increasing wetlands in 2008 and then again more major changes in 2011.

#### Sensitive Species

The property and the adjacent OSMP lands provide critical habitat to a number of species. Protecting and preserving habitat for sensitive species is a key component of the BVCP:

#### ***BVCP 3.03 Natural Ecosystems.***

*The city and county will protect and restore significant native ecosystems on public and private lands through land use planning, development review, conservation easements, acquisition and public land management practices. The protection and enhancement of biological diversity and habitat for federal endangered and threatened species and state, county and local species of concern will be emphasized. Degraded habitat may be restored and selected extirpated species may be reintroduced as a means of enhancing native flora and fauna in the Boulder Valley.*

#### Preble's Meadow Jumping Mouse

The City of Boulder's Open Space and Mountain Parks (OSMP) Department states in their South Boulder Creek Area Management Plan [COB-SBC-Plan]:

*The Management Area has the most concentrated population of Preble's meadow jumping mice (*Zapus hudsonius preblei*) in Boulder County.*

...

*In addition to affecting orchids and birds, irrigation may play an important role in the preferred habitat of Preble's meadow jumping mouse. The Preble's meadow jumping mouse is found in wet meadow and willow/shrub habitat. This type of habitat is common along irrigation ditches in the riparian, floodplain, and terrace vegetation associations in the area. Preble's have been captured at several locations within the southern end of the Management Area. Presently, little is known about how management, in particular agricultural operations, affect this mouse. ... The ditches that deliver water often support riparian zone vegetation such as cottonwood trees and coyote willows that provide important habitat for raptors and the Preble's meadow jumping mouse.*

The observation that the South Boulder Creek corridor is an important habitat area for the Preble's is backed up by a number of City commissioned surveys - [Meaney-2001, Meaney-2003, Ruggles-2003]. This study states:

*Irrigation ditches in the area are intensely used by the Preble's Mouse. ... The ability to travel long distances is of great utility to these mice, which inhabit linear habitats subject to flooding.*

The reach of South Boulder Creek immediately east of the Hogan-Pancost property was shown to contain the second highest average density of Preble's in the study area. This habitat area is very close to the Hogan/Pancost property and active ditch corridors lead directly to the property. While no trapping has been done along the ditches that run to the west, studies show that the Preble's makes extensive use of the ditches and that the Preble's is known to regularly travel long distances along ditch corridors.

A field trapping survey was done by the City of Boulder Open Space and Mountain Parks staff in 2014 to determine the impacts of the 2013 flood on this species. The report has not been produced yet, but preliminary results show a continued healthy population of the Preble's along this corridor:

*"... a total of 12 transects along South Boulder Creek between area north of US 36 to Baseline Road and on 2 transects along the Enterprise and East Boulder ditches we captured a total of 72 unique individuals. This was during June and August."*

*-Heather Swanson, Senior Wildlife Ecologist, City of Boulder Open Space and Mountain Parks*

It is unknown whether the Preble's inhabit the Hogan-Pancost property since the property was granted a trapping exemption requested by the owning group from the US Fish and Wildlife service in 2003 and has never been the subject of a trapping survey.

#### Northern Spotted Leopard Frog

The Northern Spotted Leopard Frog is a Boulder County Species of Concern [COB-Frog]. In 2012, populations of the frog were discovered on the Recreation Department wetlands adjacent to Hogan-Pancost property. Portions of this property have been fenced off to protect this breeding habitat. According to the 2012 report "Habitat Use of Northern Leopard Frogs Along the Front Range" [Joseph-Johnson-2012], the Leopard Frog, like the Preble's Mouse, uses irrigation ditches to travel from one site to another and makes use of both permanent and ephemeral ponds for habitat. As noted by OSMP wildlife staff the South Boulder Creek corridor provides an important movement corridor:

*"A few years ago, the USFWS decided not to list the frog under the Endangered Species Act (USFWS 2010). However, they noted that the western population is in decline, particularly in Colorado (Johnson et al 2011). The decline of the species is one reason that we feel this species requires local protection and therefore do not release specific detection locations to the public. I can say though, that from our most recent monitoring, we know that South Boulder Creek represents an important movement corridor for the frog and we have detected the species between S Boulder Rd and Baseline Road, and more specifically, from the South Boulder creek bridge north to S Bldr Rd."*

No survey has been done for the existence of the Northern Spotted Leopard Frog on the Hogan-Pancost property and City staff did not address this issue during the 2013 Site Review and Annexation hearings.

#### Black-tailed Prairie dog

The property contains an extensive colony of Black-tailed Prairie Dogs, one of the few in the area. The Prairie dog plays an important role as both prey for the many birds of prey in the area as well as providing nesting habitat for Burrowing Owls and other species. No survey has been done on the property for the existence of associated sensitive species.

### Off-site Impacts

The BVCP calls out the importance of preserving undeveloped lands and taking an ecosystem-based perspective of the overall impacts of development:

***BVCP 3.04 Ecosystem Connections and Buffers.***

*The city and county recognize the importance of preserving large areas of unfragmented habitat in supporting the biodiversity of its natural lands and viable habitat for native species. The city and county will work together to preserve, enhance, restore and maintain undeveloped lands critical for providing ecosystem connections and buffers for joining significant ecosystems.*

The environmental impacts that annexation and development of the Hogan-Pancost property would bring extend far beyond the property itself. City of Boulder staff have stated:

*The general area has some of the most sensitive habitat among Area II. Of major concern for this area is the impact of residential uses on several species of concern and two species listed on the Federal Endangered Species List in this area. Domestic cats have been found to have one of the most significant impacts on native bird and mouse populations. Further residential land use in this area could impact protection of the Preble's meadow jumping mouse as well as several grassland bird species using this area.*

*-City of Boulder Staff Response #12, BVCP 2005 Review*

There are many acres of wetlands on and adjacent to the Hogan-Pancost property. Development would destroy the wetland meadow complex on the property and would also negatively impact adjacent wetland areas as attested to by City staff:

*Boulder has experienced similar problems in the past where large wet meadows were destroyed due to changes in groundwater hydrology from adjacent development. A study completed in 1992 on the Burke II Open Space property just north of Baseline Road showed that development of the County Meadows subdivision to the west resulted in impacts to the open space wetlands as far as 300 feet from the property line of the subdivision. Nearly 1/3 of the open space wetland habitat which supports rare plant communities and animals species was lost. [COB-BVCP-2005]*

## **6.0 Transportation Impacts**

This parcel is not well served by the current transportation system. As the below map shows, there are approximately 12,000 car trips/day throughout the area with poor connectivity. The build-out of the East Boulder Community Center Park and expanded parking capacity has created further traffic impacts in the area. Traffic studies [BCC-Traffic-2012] for the property show 3 access roads - 55th St. south, 55th St. north and Kewanee Drive - with over 50% of the site traffic traveling west through Kewanee, and 30% traveling north through 55th St (see below). During the past Site Review no mitigation options were offered in spite of the BVCP provision that calls for mitigation of unacceptable community impacts.

***BVCP 6.08 Transportation Impact.***

*Traffic impacts from a proposed development that cause unacceptable community or environmental impacts or unacceptable reduction in level of service will be mitigated...*

The East Boulder Community Center Master Plan states very clearly that 55th St. through the recreation center is “not intended to be used as a through street” and therefore should not be considered an access road for any future development. Kewanee Drive, to the west, would be transformed from a quiet residential street into a

major neighborhood access road and would see a substantial increase in traffic if any proposed development goes forward. Relying on a non-through street and a residential street to provide over 80% of transportation services violates one of the core provisions of the Area II definition -

*New urban development may only occur coincident with the availability of adequate facilities and services and not otherwise.*

Limited road access and major use by the neighborhood middle school and the East Boulder Community Center leads to major congestion at the peripheral intersections which suffer from some of the worst Levels of Service of any neighborhood arterial in the City of Boulder.

**BVCP 6.03 Congestion**

*The city and county will strive to limit the extent and duration of congestion, defined as Level of Service (LOS) F, to 20 percent of the roadway system within the Boulder Valley while providing for increased mobility.*

**BVCP 6.02 Reduction of Single Occupancy Auto Trips.**

*The city and county will support greater use of alternatives to single occupancy automobile travel. It is the city's specific objective to continue progress toward 'no long-term growth in traffic' from 1994 levels through the year 2025 within the Boulder Valley. Both the city and county are committed to reductions in greenhouse gas emissions. These efforts will include other communities and entities and will include developing and implementing integrated travel demand management programs and new services. Within the city, new developments will be required to include travel demand management to reduce the vehicle miles traveled produced by the development.*

This property is located on the far edge of the City, far removed from any major commercial, retail or office service areas. While there are transit lines in the area, they are inconveniently located and would likely have a minimal impact on residents' transportation use.



Figure 12: Transportation services



Figure 13: Traffic conditions on Manhattan

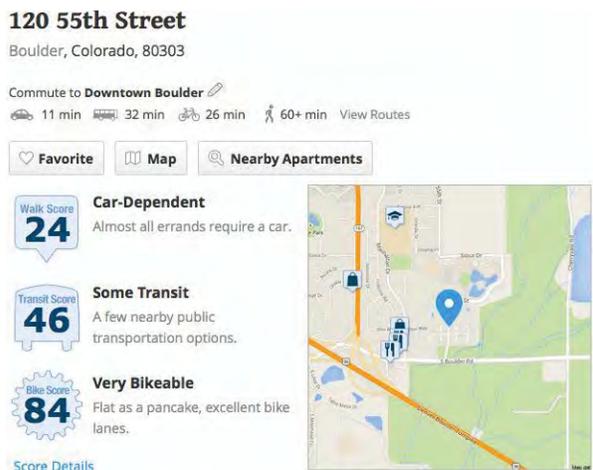


Figure 14: Walkability score from walkscore.com

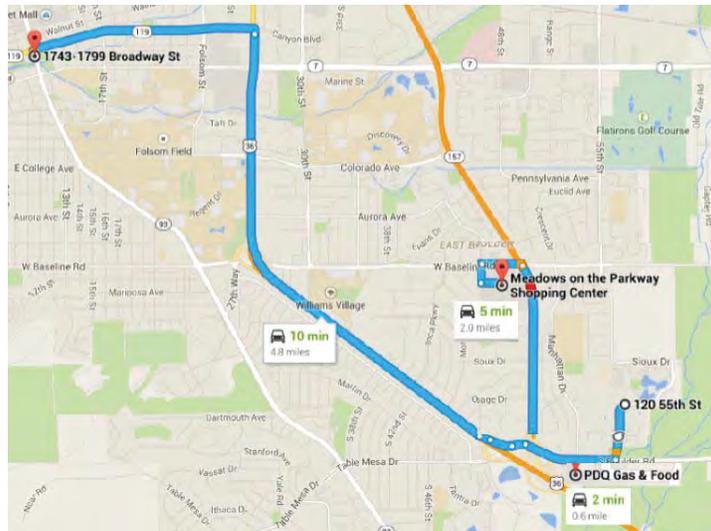
**BVCP 2.21 Commitment to a Walkable City.**

*The city and county will promote the development of a walkable city by designing neighborhoods and business areas to provide easy and safe access by foot to places such as neighborhood centers, community facilities, transit stops or centers, and shared public spaces and amenities.*

While the recreational needs of the local community are well served by the nearby East Boulder Community Center and Open Space trails access, most required services are located far distances from this property. The property’s walkability score from walkscore.com succinctly and accurately describes the situation and shows that almost all errands require a car.

The map below shows distances from the property to nearby services. These would be some of the farthest drives to services of any neighborhood in Boulder.

- 0.6 miles to the nearest gas station and convenience store
- 2 miles to the Meadows Shopping Center.
- 2.4 miles to the nearest elementary school (Eisenhower)
- 4.8 miles to downtown Boulder



**Figure 15: Transportation access**

With increased congestion on local highways and roads into central Boulder, many local residents find it easier and quicker to drive to Superior or Broomfield via Highway 36 than it is to drive into Boulder for services. Unlike opportunities for development and redevelopment that are closer to core city services, increased residential development on this property would greatly encourage car use, far more than would be offset by providing new housing for the City work-force.

**7.0 General Policies of the BVCP**

The BVCP spells out 11 key policies that guide Boulder’s future and that represent “long-standing community values.” Changing the designation of this property to Area III is in line with these policies and serves to further the overall goals of the Comprehensive Plan.

- **Recognition of sustainability as a unifying goal to secure Boulder’s future economic, ecological and social health.**

Annexation and development of these 22 acres of wetland meadows and agricultural land adjacent to sensitive Open Space does not serve to address sustainability issues and secure our “economic, ecological, and social health.”

- **Commitment to open space preservation and the use of open space buffers to define the community.**

The Hogan-Pancost property serves an important role for the local neighborhood as a buffer between neighborhoods to the west and south, the recreational development to the north and the Open Space properties to the east. The property serves to define and delineate this transition zone and provides an important viewshed for the many visitors to the area.

- **Encouragement of compact, contiguous development and a preference for infill land redevelopment as opposed to sprawl.**

Concern has been voiced around Hogan-Pancost site's unique and environmentally sensitive location for many years. The City of Boulder memo to Planning Board from 1995 [COB-CRG-1995] describes the importance of the site:

*Well-defined edges for the City's boundaries are important as they support and understanding and appreciation of the City's image and create a clear sense of arrival and departure. While the property is surrounded by annexed land on two sides (with a small site to the south separating it from other annexed land), it is essential that any development on this site is designed with sensitivity to the eastern boundary. Since property to the east is City open space, staff does not expect that this area will be developed in the future. Natural features provide the most effective edges, delineating the built environment from the natural, undeveloped environment. The existing mature cottonwood trees to the south of the site provide a natural edge between development on this site and existing residential development to the south.*

The property is an important nexus of ditch systems. As the below map shows, the property is literally surrounded by irrigation ditches and their concomitant wetland corridors. There are also myriad lateral ditches that intersect the property. The major ditches include the Dry Creek Ditch #2 to the west, the Bodam Lateral Ditch along the southern edge of the property, and the Superphostical Ditch which forms the northern border.

The staff memo for the 2013 Annexation hearing (*City of Boulder Hogan-Pancost Annexation Council Memo, September 3rd, 2013 - Jane S. Brautigam, City Manager*) lays out the criteria for Annexation. The Hogan-Pancost property meets the basic legal criteria but, as the Staff memo describes, the property is only contiguous with developed City of Boulder properties on 20% of its perimeter. 40% (> 1/3 mile) of the property abuts rural Boulder County land - 2 estate sized parcels to the south and City of Boulder OSMP property to the east. The remaining 40% of the property is adjacent to the wetlands along the Superphostical ditch and the open soccer fields.



### Figure 16: Area ditches

The staff memo goes on to state that “*no development is proposed for the eastern parcel*” and describes the concerns voiced around impacts to wildlife on the site.

“... *impact to wildlife on the site, including but not limited to prairie dogs and Preble mice [SIC].*”

These concerns are well founded considering the entire eastern portion of the site and part of the western parcel are part of the Boulder County Critical Habitat Zone for the Preble’s Meadow Jumping Mouse, a Federally listed Threatened Species.

- ***Provision of quality urban spaces, parks and recreation that serve all sectors of the community and trails and walkways that connect the community.***

Hundreds of people walk, jog, bike and drive past this property every day. The property’s openness and natural features serve as an important transition between the Community Center, Open Space lands and neighborhoods. The viewshed that this property protects plays an important role in the overall aesthetics and experience of the surrounding area.

- ***Commitment to preservation of natural, cultural and historic features that contribute to defining the unique sense of place in Boulder.***

For the many residents and visitors to this area, the Hogan-Pancost property is an important natural and historic feature that affects their experience of the natural environment every day. The 2013 Staff memo describes the historic uses of the property:

*“The Hogan-Pancost properties have been historically used for grazing and agricultural purposes”*

The agricultural nature of the area provides a glimpse of what the Boulder Valley was once like. There are not many places adjacent to neighborhoods and parks that allow our children to have these kinds of experiences.



**Figure 17: Preserving natural, cultural, and historic community features**

***BVCP 2.06 Preservation of Rural Areas and Amenities.***

*The city and county will attempt to preserve existing rural land use and character in and adjacent to the Boulder Valley where environmentally sensitive areas, hazard areas, agriculturally significant lands, vistas, significant historic resources, and established rural residential areas exist. A clear boundary between urban and rural areas at the periphery of the city will be maintained, where possible. Existing tools and programs for rural preservation will be strengthened and new tools and programs will be put in place.*

***BVCP 9.01 Support for Agriculture.***

*The city and county will encourage the preservation and sustainable use of agricultural lands as a current and renewable source of both food and fuel and for their contribution to cultural, environmental and economic diversity. The city and county will encourage the protection of significant agricultural areas and related water supplies and facilities, including the historic and existing ditch systems, through a variety of means, which may include public acquisition, land use planning, and sale or lease of water for agricultural use.*

As noted above approximately 1 mile of historic ditches surround and bisect the property. The Hogan-Pancost property has been used as irrigated grazing land for decades. The proximity of this agricultural land to the built environment of the City offers a unique experience and exposure to our shared agricultural past. As City of Boulder Staff points out, there is a long and historic use of this site. The current historic buildings exhibit a unique post-war dude ranch vernacular.

**8.0 Planning Board Recommendations**

In April 2013 the City of Boulder Planning Board heard a Site Review and Annexation Application for the Boulder Creek Commons project on the Hogan-Pancost property. The review process was exhaustive - spanning three days with many hours of technical testimony and discussion. At the end of the review the

Planning Board voted unanimously (7-0) against the Site Review and Annexation application. A summary of their findings based on the provisions of the Boulder Valley Comprehensive Plan is given below. The audio recordings of the deliberations can be accessed at:

<https://bouldercolorado.gov/channel8/city-council-video-player-and-archive>

***BVCP Section 3.06: Wetland and Riparian Protection***

The applicant had not demonstrated that filling of the wetlands was unavoidable. There was concern that the illegal earthwork performed on the site impacted the mapping of the wetlands and created a new baseline for the amount of wetlands impacted by development; the board did not want to see this become a precedent for development of future projects on similar sites.

***BVCP Section 8.03: Equitable Distribution of Resources***

The board felt that given all the uncertainties associated with the high water table at the site, the development proposal violated the intent of this section by unfairly burdening a geographic group *i.e* the adjacent neighbors.

***BVCP Section 3.28: Surface and Groundwater***

There were concerns about the lack of data and information about the impacts of groundwater and that engineering solutions would be “fraught with other challenges.”

***BVCP Section 3.23: Larger Flood Events***

With one exception, the board did not want to see the costs and impacts of floods due to the development moved off site to the adjacent neighborhoods. They were concerned about putting a critical facility for a vulnerable population, the proposed senior congregate care center, in a floodplain. The board also felt that the development proposal used historical data for their flood mitigation plans, but felt that it was necessary to consider the probability of a larger flood event in the future. The board pointed out that there are other flood risks including local drainage problems.

***Community Benefit***

The board felt that while there was community benefit from the project *e.g.* wetland enhancement on the eastern parcel, it was outweighed by the potential negative impacts of the project. Though senior housing is a high priority in Boulder, this site was not the appropriate location for it.

The planning board voted unanimously that:

- The City Council reject the application for the annexation of the Boulder Creek Commons.
- The City Council deny the application for Site Review based on the finding that it failed to meet Site Review Criteria 1A: Consistency with the Boulder Valley Comprehensive Plan.

**9.0 Conclusion**

SEBNA believes that there are compelling reasons to change the BVCP land use designation of this property to Area III. There are few policies and elements of the BVCP that future annexation and development of this property would satisfy. However, as we have documented in this revision request, moving this property to Area III clearly furthers the goals of the BVCP.

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FORMAL REBUTTAL COMMENTS

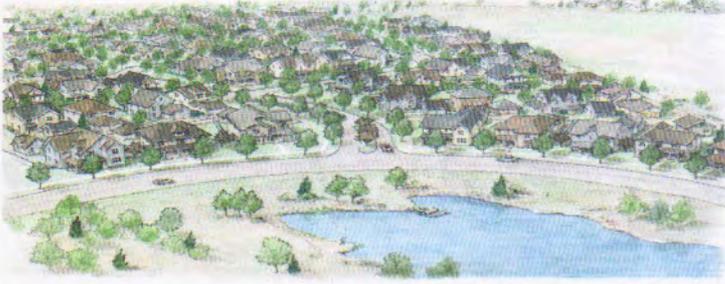
FOR THE APPLICATION

TO REVISE THE LAND DESIGNATION

OF 5399 KEWANEE AND 5697 S. BOULDER RD.

IN THE BOULDER VALLEY COMPREHENSIVE PLAN

FROM AREA II TO AREA III



## Boulder Creek Commons, LLC

October 1, 2015

To: City of Boulder

From: Boulder Creek Commons, LLC

Re: Change of BVCP Land Designation

Mayor and members of Council,

We write today in response to (another) neighborhood application to change the BVCP Land Designation of OUR property from its long standing Classification of Area II to Area III. This land parcel has been owned by a group of local citizens for some 13 years now, with several attempts to get approvals to build on it, as is the purpose of Area II land, including the South Boulder Creek Flood Study which took more than 3 years to complete (during which time we were not allowed to submit for a Concept Plan), in addition to requiring us to perform detailed and extensive engineering and environmental studies (this had not been ever been done before our project to the best of our knowledge). All of these requirements combined to effectively delay our project submittals by more than 4 years!

The criteria for making such a change in classification under the BVCP is as follows:

***Proposed changes from Area II to Area III – Rural Preservation Area must meet the following criteria:***

***(a) Changed circumstances indicate either that the development of the area is no longer in the public interest, the land has or will be purchased for open space, or, for utility-related reasons, the City of Boulder can no longer expect to extend adequate urban facilities and services to the area within 15 years;***

***(b) Any changes in proposed land use are compatible with the surrounding area and the policies and overall intent of the comprehensive plan.***

We will address each of the criteria in detail:

- (a) There have been NO changed circumstances that indicate that the development of our land is no longer in the public interest. Our land has been designated as Area II land for nearly 40 years and is one of the last larger parcels that could support affordable single-family housing in the City. It should be developed and it absolutely can be developed without any harm to the surrounding area. This land would be developed now if not for the long and drawn out effort by a small group of citizens to prevent any development on land that they believe is theirs to control. Neighborhood resistance has been fear-driven and not backed up by any factual engineering analysis.

Our land has been considered as potential open space land by the City, but there was no effort on the City's part to purchase the land for such use. We had a couple of meetings with the Open Space department during which they expressed no interest in acquiring our land for Open Space at any price. In fact, our land is surrounded by large amounts of usable open space now, and the highest and best use of this land is for development and not open space;

There are more than adequate utilities adjacent to this land and therefore, this is not a factor for determining a change in classification.

- (b) To change our land to Area III would effectively "spot zone" one parcel. Land that is surrounded by developed City land, i.e. residential neighborhoods, a large City Park, the East Boulder Recreation Center, and City open space. The City through its intergovernmental agreements has declared that this land should become part of the City. To carve out an exception and designate our land as Area III is contrary to sound land use planning. This land parcel is virtually an enclave and development of our land is compatible with the surrounding area.

**This land is NOT suitable for Area III and should be developed, as the four governing bodies in the County have agreed upon for nearly 40 years.**

We purchased this land in 2002 because of the following:

1. It was identified as Area II in the BVCP, and had been Designated as Area II since 1977;
2. It survived a challenge to place it in into Area III (brought by the neighborhood);
3. The land, for all intents and purposes is an Enclave, surrounded almost entirely by City land;
4. It was, and still is, located within the City "Service Area Boundary", making it a logical parcel of land to annex and develop;

5. AND, most importantly, the proposed development of this land was strongly supported by City Planning Staff, from the first meeting with them, all through the entitlement process.

The only issue to be considered here is that the surrounding neighborhoods decided some 15 years ago that they did not want our land developed, for any use. They have spent years trying to convince the City that it is not developable for many reasons, i.e. flood problems, ground water problems, environmental problems, and anything else that might support their claims that this land is not developable.

The South East Boulder Neighborhood Association (SEBNA) has fabricated constant claims of all of the so-called "problems" on our land. However they have failed to provide ANY factual engineering studies to back up the claims they have made, and continue to make, about our land. Our attorney asked SEBNA's representative to meet to review the claims made in their request. His response was, "***I don't think that would be appropriate or productive at this time. If there are any errors or inaccuracies in the request we'd be more than happy to correct them.***" Jeff McWhirter, September 23, 2015 email.

This refusal to substantiate SEBNA's claims is critical. For example, page 1 of their request contains eight (8) claims that are irrelevant and do not address the criteria. The first paragraph contains irrelevant and inflammatory statements such as "*...the property brings many issues...*" and "*... has undergone intense scrutiny...*" without providing any explanation. We had hoped to ask SEBNA what issues it meant. The groundwater concerns have been satisfactorily addressed by experts and so have any flood concerns. Despite the expert's analysis and reports, SEBNA goes on to state that "*...the property has experienced a large number of floods...*" attempting to imply that these conditions exists today. They do not.

Nearly 25% of all land inside the City limits of Boulder is located in the 100 year Flood Plain. Less than 5% of the BCC land is located within the 100-year floodplain. And yet, much of the land within the City that is in the 100-year floodplain, has been successfully developed and is now providing homes and offices for residents of Boulder.

Most important, is that during the September 2013 flood, our land did not suffer the flooding that much of the surrounding area did. Our flood expert, Alan Taylor, formerly of the City Staff, walked our land on Thursday (the day the rain finally stopped) of that devastating week, took photos of the standing water on that day, and wrote a report on his findings. His report as well as his rebuttal to the current neighborhood claims that our land has flood "*problems*" is attached here. As you will see, there are very little flood or floodplain problems on our land.

In fact, the neighbors to the west had many more problems caused by this flood than did our land. And by using modern construction methods such as Clay

Dikes surrounding all underground utilities, Attachment A Staff Analysis for the Initial Screening of Change Requests  
new development can take place on our land.

Also on page one of the SEBNA request, they allude to "... deep and potentially intractable problems around groundwater..." and "... problems with basement flooding..."

Nearly 100% of the land in the City of Boulder is subject to high groundwater tables, due to the nature of the shale "shelf" that resides some 20 +/- feet below grade, and keeps groundwater levels high. Many houses, offices, a new hospital, downtown mixed-use buildings, etc. have been built under the same conditions that our land experiences. And, they are inhabited everyday by local citizens who experience no problems living or working in these buildings. The groundwater flow in the area of our land is flowing from the mountains (at the west) "downhill", northeast to the plains. Our land is located east of the SEBNA neighborhoods that are complaining about future groundwater problems. Engineering will show that all of our groundwater (present and future) will flow away from these neighborhoods.

We discovered early that our land has a higher than average groundwater level much of the spring and summer, and therefore never proposed to build any basements in any buildings there. Due to that above average groundwater level, basements very likely should not have been built anywhere in the area. However, the lack of testing, and other factors, many basements were built in this area and have experienced many drainage, basement flooding, and sump pump problems.

Specifically to the neighborhood to our due west, those people also have a large farmer's ditch running next to several of their homes. This ditch leaks considerably in the spring and summer and may add to the existing problem of an above average groundwater level, that was there before any houses were built in the area. The bottom line is that the houses located to our west already have groundwater and flooding problems and through extensive engineering, we have proven beyond a doubt that any development as proposed to date on our land will not exacerbate the already existing problems these neighbors are having.

The last two SEBNA claims on page one are self-serving statements that are simply untrue. Our property is no "...further removed from most services..." than those of SEBNA. The streets are not "...already congested local neighborhood streets..." Staff has reviewed these claims during their reviews and found no problems with proximity to services and congestion.

On page 2, SEBNA continues to make vague unsubstantiated claims about "...a host of environmental issues both onsite and adjacent..." The attempt to call out so-called environmental issues adjacent to our property is irrelevant to the City's decision before the City. And, our expert consultants have performed extensive environmental studies on this land and have found NO environmental problems. Those reports are attached to this letter.

SEBNA's wetlands claims are internally contradictory. First they claim that "...many acres of important wetlands have been destroyed..." and then state that our property "...still provides many acres of important wetland meadows habitat..." Then SEBNA proceeds to list an array of birds and animals that would be impacted by development of our property, from "...prairie dogs, birds of prey, Prebbles Jumping mice to frogs..." They conclude with a reference to a "...1 mile historic ditch that bisects the property..." as if to imply that a culturally significant historic feature would be lost.

Finally, SEBNA focuses on what appears to be their main goal, preserving our property to **"...play an important aesthetic role of many people that drive, walk, bike and live in the area..."** the neighbors.

In some 2,000+ pages, our expert engineers and expert environmental consultants outlined exactly why this land is (very) developable (copies of all such reports are attached here for review). To date, we have seen no fact-based reports to back up the SEBNA's claims that our land is not developable. It appears that there are two different standards of performance that are in play here, which are patently unfair. The owners of the land have been forced into spending large sums of money and large amounts of time to produce engineering and environmental studies and reports showing that the land is developable. The neighbors are not being held to anything approaching that standard. They are free to make any claims they choose to make without ANY detailed analyses of those claims. This double standard needs to stop now. If the neighbors are going to submit an application for a Major change in land use for OUR land (taking away our property rights), then they should be required to supply the same levels of engineering and environmental studies to support their claims. They have NOT done so, or at least are unwilling to share them if they have them, and therefore they should NOT be allowed to submit their application at all.

As long time owners of this land that was designated as developable, we have been frustrated that development has not come close to being approved here, and we feel that it is high time that our property rights are recognized, and development to be permitted to commence.

IF this land is deemed undevelopable, then much of the land in the City of Boulder that experiences the same (or worse) engineering issues should not have been developed at all, and further, this would mean that the City has major liabilities to face by allowing "undevelopable land" to be developed based on the claims of a small group of neighbors and citizens.

Using the vehicle of changing the BVCP land classification is simply not appropriate here, under the BVCP Criteria for making such a change. We hope that the four governing bodies will make the correct, and legal, decision on this matter.

## Growth Management

### 1.17 City's Role in Managing Growth and Development.

In order to achieve community goals and policies, the city will implement growth management tools that control the scale, location, type, intensity and timing of new development and redevelopment. Where appropriate, the county will work with the city in developing and implementing growth management tools.

### 1.18 Adapting to Limits on Physical Expansion.

As the community expands to its planned physical boundaries, the city and county will increasingly emphasize preservation and enhancement of the physical, social and economic assets of the community. Cooperative efforts and resources will be focused on maintaining and improving the quality of life within defined physical boundaries, with only limited expansion of the city.

### 1.19 Growth Projections.

In order to ensure that past and projected growth impacts can be better mitigated or avoided, and to maintain a desirable community size, the city will set projections for population and employment for the year 2030. Projected growth will be limited unless sufficient progress is made in reducing the cumulative negative growth impacts to an acceptable level and other significant community benefits can be achieved.

### 1.20 Growth Requirements.

The overall effect of urban growth must add significant value to the community, improving quality of life. The city will require development and redevelopment as a whole to provide significant community benefits and to maintain or improve environmental quality as a precondition for further housing and community growth.

### 1.21 Jobs:Housing Balance.

Boulder is a major employment center, with more jobs than housing for people who work here. This has resulted in both positive and negative impacts including economic prosperity, significant in-commuting, and high demand on existing housing. The city will continue to be a major employment center and will seek opportunities to improve the balance of jobs and housing while maintaining a healthy economy. This will be accomplished by encouraging new mixed use neighborhoods in areas close to where people work, encouraging transit-oriented development in appropriate locations, preserving service commercial uses, converting industrial uses to residential uses in appropriate locations, and mitigating the impacts of traffic congestion.

This is an important paragraph as it agrees that Boulder needs MORE housing.



## Framework for Annexation and Urban Service Provision

### 1.22 Definition of Comprehensive Planning Areas I, II and III.

The Boulder Valley Planning Area is divided into three major areas.

**Area I** is that area within the city of Boulder, which has adequate urban facilities and services and is expected to continue to accommodate urban development.

**Area II** is the area now under county jurisdiction, where annexation to the city can be considered consistent with Policies 1.18, 1.20, & 1.27. New urban development may only occur coincident with the availability of adequate facilities and services and not otherwise. Departmental master plans project the provision of services to this area within the planning period. **Area IIA** is the area of immediate focus within the first three years, and **Area IIB** is available to accommodate development within the balance of the planning period.

**DEFINITION OF AREA IIA CONTAINED HERE.**

02 October 2015

Michael Boyers  
**BCC, LLC**  
1526 Spruce St., Suite 260  
Boulder, CO 80302

Re: **Hogan-Pancost Property**  
2015 Major Update to Boulder Valley Comprehensive Plan (BVCP)  
Boulder, CO

File: B1006

Dear Mr. Boyers:

Per your request, The Sanitas Group reviewed the Southeast Boulder Neighborhood Association (SEBNA) request to revise the Hogan-Pancost property land use designation from Area II-A to Area III- Rural Preservation Area.

The Hogan-Pancost property is comprised of two separate properties and are addressed as 5399 Kewanee Drive and 5697 South Boulder Road. The Boulder Creek Commons is the proposed name for the development of the Hogan-Pancost property. For clarity, the two names refer to the same property. Since the adoption of the Boulder Valley Comprehensive Plan (BVCP) in 1977, the Hogan-Pancost property has been included in Area II-A. The BVCP further designates the area west of 55<sup>th</sup> Street for Low Density Residential development and the area east of 55<sup>th</sup> Street as Environmental Preservation with development restricted.

The SEBNA current request to change the Hogan-Pancost property designation to Area III-Rural Preservation is largely based on the assertion by the adjacent neighborhood that the property cannot be reasonably developed due to traffic concerns, flood hazards, ground water hazards and environmental impacts. The SEBNA request includes misrepresentations of the Traffic Impact Assessment for the Hogan-Pancost property, exaggerations with regard to floodplain impacts and completely disregards several property specific environmental studies regarding wetlands, vegetation and wildlife assessments, ground water studies and flood hazard mitigation.

### **Transportation/Traffic**

The SEBNA request wrongly cites the 2012 Boulder Creek Commons Traffic Impact Assessment as the source stating the development ... “would be far removed from most services and would rely on already congested local neighborhood streets for access”. The Traffic Impact Assessment neither states nor implies these conclusions.

The Hogan-Pancost property is located within a mile of several retail businesses, service providers, grocery store, gas stations, restaurants, bank, a major transportation hub and

community facilities and open space. The property is immediately adjacent to the East Boulder Community Center, East Boulder Community Park and Manhattan Middle School. Within half a mile of the property at Manhattan Circle, there are services that include medical services providers, a restaurant, and a gas station with convenience store are located at Manhattan Circle. Within a mile, the Meadows Shopping Center includes Safeway grocery store and other retail businesses. Table Mesa Park and Ride is a major regional transit hub and is located within a mile of the Hogan-Pancost property.

Further, the 2012 Boulder Creek Commons Traffic Impact Assessment stated that the “site is located near Boulder’s extensive network of on-street and off-street bikeways. The proximity to this network and to several bus routes will likely reduce the number of vehicle-trips generated by Boulder Creek Commons”. The Traffic Impact Assessment concluded that “traffic associated with the Boulder Creek Commons can be safely accommodated by the adjacent roadway network”.

### **Flood Hazards**

The SEBNA request misrepresents the flood hazards on and adjacent to the Hogan-Pancost property and states “the results of South Boulder Creek Flood Study show an extensive High Hazard Flood Zone on the property”. The mapped High Hazard Zone is not extensive and is a narrow band located along the Dry Creek Ditch No. 2 channel at the far western edge of the property. The SEBNA request includes a quote from the ditch company stating that the Dry Creek Ditch No. 2 should be protected from use as a flood conveyance channel. Yet SBNA, is requesting that the High Hazard Zone remain in its current state and cites a BVCP 3.22 “Protection of High Hazard Areas” as the basis. The High Hazard Zone is not following natural drainageway but is associated with Dry Creek Ditch No. 2. The SBNA request runs counter to the ditch company’s desire to protect the ditch from flood waters. The development proposal presented to the City included piping Dry Creek Ditch No. 2 through the Hogan-Pancost property to separate ditch flows from flood waters. A separate flood mitigation channel was proposed to safely convey the floodwaters through the property. The flood channel included wetland areas for flood storage and provide water quality treatment of lower frequency storm run-off from the adjacent neighborhood.

Site planning studies have shown that the Hogan-Pancost property can be reasonably developed under the following scenarios:

1. Using flood mitigation measures to safely manage and convey the flood water through the property and piping the Dry Creek Ditch No. 2 to protect the ditch from floodwaters.
2. Preserving the existing 100-year floodplain and the ditch in its current state and locating development beyond the mapped 100-year flood plain limits.

In each scenario, that portion of the Hogan-Pancost property east of 55<sup>th</sup> Street, the South Boulder Creek floodplain will be preserved.

As part of the South Boulder Creek Flood Hazard Mitigation Study, the current preferred mitigation plan includes piping the 100-year flood flows through the Hogan-Pancost property which will effectively eliminate the High Hazard Zone and substantially reduce or eliminate the 100-year floodplain along the western boundary of the Hogan-Pancost property.

### **Environmental Impact**

The SEBNA request asserts that because the Hogan-Pancost property is adjacent to the South Boulder Creek corridor, the property is not developable based on habitats found within the corridor. Assessments conducted specifically on the Hogan-Pancost property are not cited.

The 2010 study of “Vegetation & Wildlife Habitat Existing Conditions, Hogan Pancost Property” by Western Ecological Resource, Inc. found:

*“In its current degraded state, most of the property does not offer useable habitat to most wildlife species except those capable of existing within highly modified landscapes. Since these species are generalists, they are capable of existing across a wide range of the landscape. Therefore, development of this property is likely not to have a negative impact on the local wildlife population.”*

The Hogan-Pancost property does not have suitable habitats for either the Preble’s Meadow Jumping Mouse or the Northern Spotted Leopard Frog. The US Fish and Wildlife Service agreed that the Hogan-Pancost property was not suitable habitat for the Preble’s Meadow Jumping Mouse and exempted the property from a trapping survey.

Hogan-Pancost property can be reasonably developed without adversely affecting Northern Spotted Leopard Frog habitat including potential travel routes. The report “Habitat Use of Northern Leopard Frogs Along The Front Range” cited by the SEBNA request also includes the following statement relevant to the Hogan-Pancost property:

*“Based on surveys of known leopard frog habitat and extensive surveys stratified by land use type, our research group has found that large wetlands that are not surrounded by urban or suburban development are important for leopard frog population persistence in the Front Range”.*

The Hogan-Pancost property west of 55<sup>th</sup> Street is surrounded by suburban development and does not include large wetlands. The study found that the leopard frogs used the irrigation ditch systems to move between aquatic water bodies. There are no aquatic water bodies located west of the Hogan-Pancost property which would make Dry Creek Ditch No. 2 and the western portion of the Howard-Superphostical ditch unsuitable for the leopard frog migration.

The wetlands on the Hogan-Pancost property are ephemeral, irrigation feed and fluctuate in response to variations in irrigation rates applied on the property and adjacent properties. Several wetland delineations surveys have been conducted on the Hogan-Pancost property

since 1995 and show the wetland areas changing over time. With each delineation study, the U.S. Army Corp of Engineers and City of Boulder staff walk the property and review the wetland limits and the study findings. The most recent wetland delineation survey was conducted in 2011 “City of Boulder Wetland Delineation Report, Boulder Creek Commons Property” by Western Ecological Resources, Inc. The report found that the wetland areas on the Hogan-Pancost property were not naturally occurring and were irrigation fed. As a result, the wetlands were low functioning with respect to vegetation and habitat. In 2012, Western Ecological Resources prepared a “Wetland Mitigation Plan, Boulder Creek Commons Property” to document how the property could be reasonably developed in accordance with the City of Boulder “Stream, Wetland and Water Body Regulations” through a combination of wetland avoidance, wetland enhancement and wetland mitigation. The existing wetland areas on the Hogan-Pancost property are anticipated to continue to fluctuate over time.

In 2012, as part of the Site Review process, Western Ecological Resources prepared a “Black-tailed Prairie Dog Removal Plan” for the Hogan-Pancost property. The study found that the “black-tailed prairie dog (*Cynomys ludovicianus*) colony located on the Boulder Creek Commons property is directly adjacent to the area identified in the 2006 City of Boulder Urban Wildlife Management Plan (UWMP) as part of the East Boulder Community Center Colony (Colony #13). The City’s Management Classification/Action Plan for the private portion of Colony #13 is lacking and does not provide guidance; the portion of the colony that occurs on City of Boulder property was slated in 2006 for ‘Near-term Removal.’” The colony occurring on the City property has since been removed and prairie dog barriers have been constructed by the City to prevent the prairie dog colony from repopulating on City lands. The 2012 removal plan outlined the steps for removing the prairie dog colony that were in compliance with the Boulder Revised Code.

In conclusion, based on the scientific and engineering studies noted previously, the Hogan-Pancost property can reasonably support low density residential development as allowed under the current BVCP land use designation and within Area II-A. The SEBNA request to move the Hogan-Pancost property from Area II-A to Area III- Rural Preservation Area includes misrepresentations of studies specific to the Hogan-Pancost property and completely ignores or disregards the findings engineering and scientific studies on public record supporting the development of the Hogan-Pancost property.

Sincerely,  
**THE SANITAS GROUP, LLC**

**Leslie R. Ewy, P.E.**  
Principal/Civil Engineer

# TECHNICAL REBUTTAL TO PROPOSED BVCP REVISION

to

## Request for Revision: Hogan-Pancost Area III-Rural Preservation Area Expansion Submitted by Southeast Neighborhood s Association

(October 1, 2015)

The Southeast Neighborhoods Association (SEBNA) submitted a “Request for Revision” under the Boulder Valley Comprehensive Plan (BVCP) 2015 Major Update process. The request proposes changing the BVCP designation for 5399 Kewanee Drive and 5697 South Boulder Road (formerly known as the Hogan-Pancost property) from Area II to Area III – Rural Preservation Area. The application states, in part, the revision is based on critical flood hazards and lack of adequate services.

This technical rebuttal demonstrates that the BVCP revision requested is unwarranted. The SEBNA request offers an assessment biased towards a few local neighborhood residents. It relies on the gullibility of city and county decision makers to accept a self-serving argument to prevent neighborhood change at the expense of the Boulder community and private property owner.

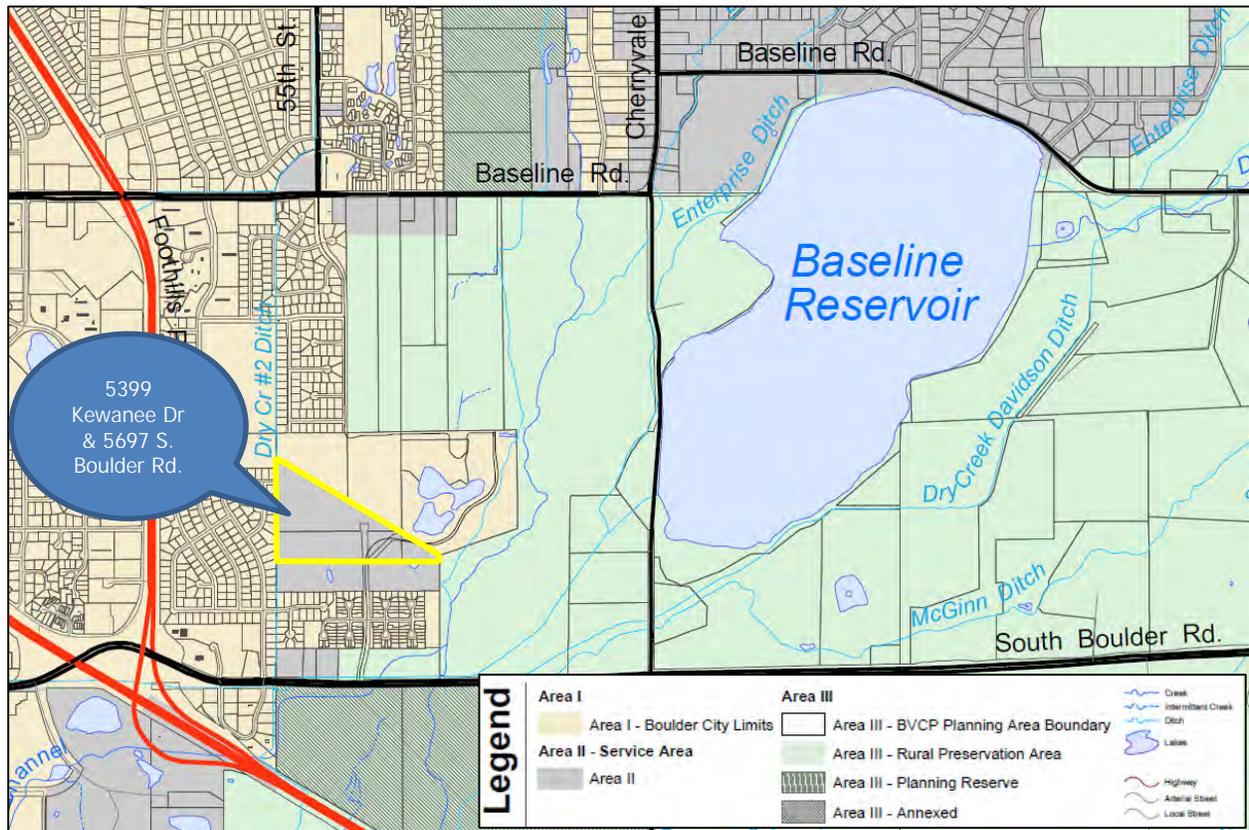


Figure 1- Excerpt BVCP Area I, Area II, Area III Map

## LAND CONTIGUITY

The property located at 5399 Kewanee Drive and 5697 South Boulder Road is bordered by the East Boulder Community Center and Park to the north, Keewaydin Meadows and Dry Creek No. 2 Ditch to the west, two developed rural estate residential properties to the south, and City of Boulder Open Space to the east. The property perimeter totals 4,922 feet of which:

- 3,122 feet on the north and west borders Area I land.
- 1,728 feet on the south borders Area II land.
- 72 feet on the east borders Area III land.

Less than two percent of the property's border is contiguous with Area III land. The remaining border is surrounded by Area I and Area II lands that will ultimately become Area I land annexed into the city. If revised to Area III, this property could become a virtual enclave of Area III inside the corporate limits. This would be unprecedented. It appears senseless to designate a 22 acre site surrounded by community development as an Area III – Preservation Area when tens of thousands of connected acres of Open Space surround the city.

## FLOOD HAZARDS

SEBNA argues in their Request for Revision that critical flood hazards exist at 5399 Kewanee Drive and 5697 South Boulder Road that call for a re-designation to Area III under the BVCP policies. Based on my 35-year background in floodplain management, license as a Colorado registered Professional Engineer (PE), and continued standing as a nationally Certified Floodplain Manager (CFM), it appears SEBNA's assessment of flood hazards is technically disingenuous. Many of their assertions are inconsistent with the accomplishments, measures, studies, planning activities, and standard practices of our national and local floodplain management programs.

SEBNA calls out several flood hazards at 5399 Kewanee Drive and 5697 South Boulder Road that they assert should preclude annexation and development of the property. These include:

- Adequate services are not in place to manage:
  - The regulatory FEMA 100-year flood,
  - Flooding from larger storm events.
  - The effects development will have on the severity of flooding.
- Adequate services are not in place to mitigate the flood impacts on this or adjacent properties.
- No community plan has been adopted or funding set up for flood mitigation.
- 2013 flooding on the property was greater than the 100-year regulatory flood.
- Over 1,100 feet of high hazard zone flooding occurs along Dry Creek No. 2 Ditch on the property.

It may be noted that there are SEBNA members supporting the Request for Revision that currently reside in the immediate area and are subject to the same flood hazard as 5399 Kewanee Drive and 5697 South Boulder Road.

## Adequate Services

*Floodplain Studies.* Adequate floodplain information services are in place for flood hazards at 5399 Kewanee Drive and 5697 South Boulder Road. The projected regulatory 100-year and 500-year floodplain and observed flooding in September 2013 indicate minimal flood impact without property damage or high hazard conditions. The Floodplain Conditions at Hogan-Pancost Property White Paper – September 15, 2013, prepared by Alan Taylor Consulting, LLC (ATC), offers a detailed report detailing the history, studies, regulation and observed impacts of 2013 flooding for South Boulder Creek at the property.

Flood impacts observed and recorded at this property in 2013 were minimal, with limited short duration surface ponding of depths less than one foot in a few depressed areas, and no indication of erosive scouring or defined flow channels on the site. Photographs from the ATC white paper taken the morning of September 12, 2013, following an overnight of heavy rainfall and runoff in South Boulder Creek and Viele Channel showed no indication of hazardous flooding at the property.



Figure 2- West Side of Hagan-Pancost Property Looking South Along Dry Creek No. 2 Ditch (2013)



Figure 3- Hagan-Pancost Property Looking West from SE Corner at 55th Street (2013)



Figure 4 - Hogan-Pancost Property Looking NW from 55th Street (2013)



Figure 5 - Hogan-Pancost Property Looking SW from East Boulder Soccer Field Area (2013)

The observed conditions in the 2013 flood were consistent with the South Boulder Creek Flood Mapping Study findings and projections for the property. Site flooding in 2013 occurred substantially within modeled areas and calculated depths from the study.

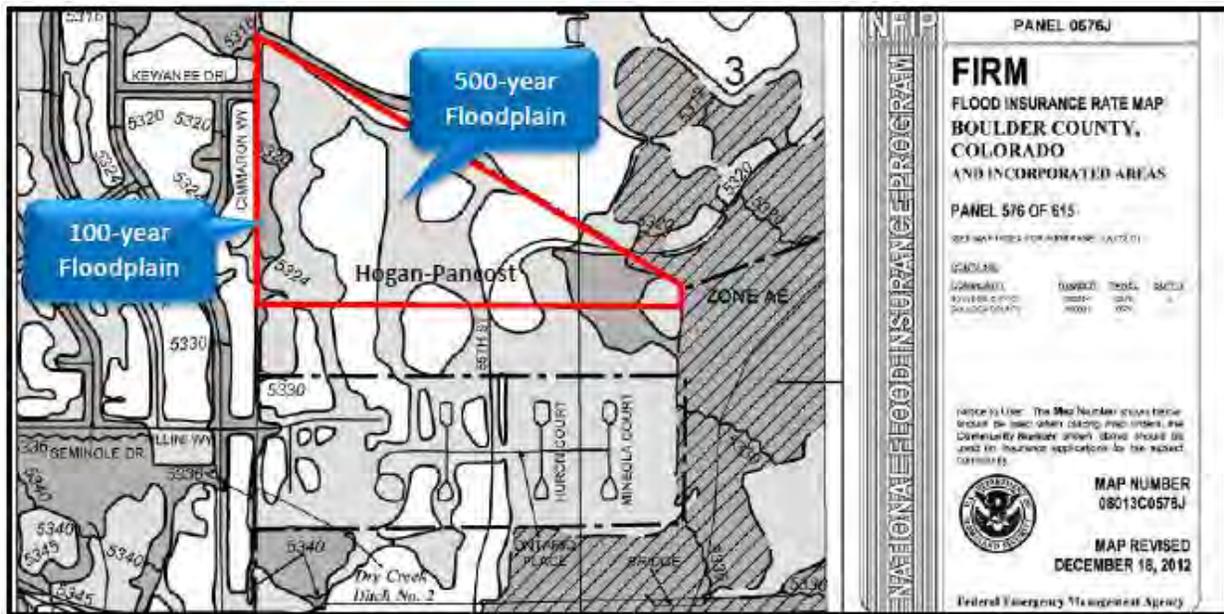


Figure 6 - FEMA Regulatory Floodplain Map

The Flood Insurance Rate Map (FIRM), revised December 18, 2012, provides adequate information to support regulatory services by assessing and identifying the flood risk on a community-wide basis. It establishes zoning standards and requirements for land use and development to ensure flood protection measures are provided. The flood study maps below illustrate the flood risk used to develop the FIRM based on modeled flooding areas and depths. The shallow flood depths indicate the flood risks are manageable, especially when compared with neighboring lands.



Figure 7- 100-year Flood Depths



Figure 8 - 500-year Flood Depths

*Floodplain Regulations.* The City of Boulder provides adequate regulatory services to manage and mitigate flood impacts on this and adjacent properties by virtue of stringent local floodplain regulations. City regulations exceed FEMA standards, offering greater protection measures and prohibiting development in high hazard flood zones.

Local floodplain regulations require that residential structures (in the regulatory 100-year floodplain) be elevated such that the lowest (or first) floor, including basement, is constructed at or above the flood protection elevation; two feet above the 100-year flood elevation. Site filling and elevating the ground may also be used to mitigate possible flood and drainage impacts, and offers a benefit to better avoid high groundwater conditions. Future building on a filled site could eliminate any flood potential altogether, including both 100-year and 500-year flood conditions.

A standard requirement for all city development is to convey drainage from the property in an historic manner that will not adversely affect neighboring properties. This regulation serves to mitigate onsite impacts and prevent adverse offsite flooding impacts. It requires that future development includes measures and improvements to accept and pass historic drainage and flooding patterns entering the property, crossing the property, and leaving the property consistent with historic conditions. Onsite runoff generated in excess of historic conditions is required to be managed to ensure historic flow rates are not exceeded and that required storm water quality standards are maintained.

*Annexation Conditions.* Conditions of annexation offer adequate services to address an expanded range of flood concerns. Restricting basement construction at 5399 Kewanee Drive and 5697 South Boulder Road, whether in a regulatory floodplain or not, can prevent the potential for basement flooding on this site, avoiding flood hazards experienced by the neighboring areas. Basement flooding was the major problem that affected many existing dwellings in the Keewaydin Meadows and Greenbelt Meadows during the 2013 flood. Avoiding future basement construction in this high groundwater area adequately mitigates basement flooding problem.

Preserving the Dry Creek No. 2 Ditch corridor can ensure that irrigation and drainage conveyance along the existing facility will be maintained and allows for system improvement.

*Floodplain Management Programs and Facilities.* Following the major flooding Boulder experienced in 1969, the City adopted a major drainageway master plan for Viele Channel and other citywide drainageways. Viele Channel was intended to mitigate flooding from the Table Mesa area that drained to the intersection of US 36 and South Boulder Road and into the Frasier Meadows and Keewaydin Meadows neighborhoods (referred to as the South Boulder Creek West Valley). Viele Channel collects and conveys flood waters to South Boulder Creek east of 55<sup>th</sup> Street. These publicly funded drainageway improvements were completed in the mid-1970s and have helped to mitigate the severity of flooding along the Dry Creek No. 2 Ditch corridor.

The SEBNA Request for Revision presents historical photographs from 1969 and 1973 to emphasize the impact of past flooding at 5399 Kewanee Drive and 5697 South Boulder Road.



Figure 9- Historic Flooding on the Hogan-Pancost Property in 1969 and 1973 (from SEBNA Report)

These photos offer an impressive perspective of past flooding along the Dry Creek No. 2 Ditch corridor. However they are misleading because they do not demonstrate the specific location and extent of flooding at the “Hogan-Pancost” property, or define the current (2013 and future) flood hazard that may occur at this site. The 1969 photo is aimed northeast across Dry Creek No. 2 Ditch and likely captures a portion of the Hogan-Pancost property. The 1973 photo is aimed southeast and does not include the Hogan-Pancost property considering the existing buildings that can be identified along South Boulder Road.



Figure 10- Dry Creek No. 2 Ditch at Kewanee Drive Looking West (1969)

The Dry Creek No. 2 Ditch is shown in the SEBNA 1969 flood photo overflowing its banks along the east border of Keewaydin Meadows. The western edge of 5399 Kewanee Drive and

5697 South Boulder Road can be seen in the 1969 aerial photo (Figure 10) receiving shallow flooding from ditch overflows. The aerial view offers a clear perspective of the extent of past flooding on this property.



*Figure 11 - South Boulder Road East of US 36 Looking West (1969)*

The buildings on the north side of South Boulder Road in the foreground of the aerial photo above are captured in the SEBNA 1973 flood photo demonstrating that the photo was not taken of the Hogan-Pancost property. In the 1969 aerial photo (Figure 11) it is clear that flooding overtopped South Boulder Road near the Dry Creek No. 2 Ditch crossing and flowed in a shallow widely dispersed path to the north. This area has changed significantly since 1969.

Today, Viele Channel collects and channels flood waters east along the south side of South Boulder Road and crosses east of 55<sup>th</sup> Street to its confluence with South Boulder Creek. In addition, the reconstruction and expansion of South Boulder Road modified street grades to eliminate roadway overtopping at Dry Creek No. 2 Ditch and relocated roadway overtopping east of 55<sup>th</sup> Street near the main creek bridge. The US 36 interchange has dramatically changed the highway layout from the historical South Boulder Road flyover. The development of Greenbelt Meadows in the mid-1980s filled and raised the land north of the historical buildings obstructing most overland flood flows moving north, leaving the ditch corridor as the only open flow path. Figure 12 provides a current view of this area to compare with the 1969 aerial.



Figure 12 - Google Earth Image of Viele Channel, South Boulder Road and Part of Greenbelt Meadows (2015)



Figure 13 - South Boulder Road Overtopping at Dry Creek No. 2 Ditch During 1969 Flood



Figure 14 - South Boulder Road Overtopping Near South Boulder Creek (2013)

Greenbelt Meadows Subdivision south of 5399 Kewanee Drive and 5697 South Boulder Road was developed in 1984. This development was an extension of the Keewaydin Meadows neighborhood connecting to a planned Illini Way street extension like original planning for Kewanee Drive. The development encroached the Dry Creek No. 2 Ditch floodplain corridor with land fill in the same manner that could be proposed at 5399 Kewanee Drive and 5697 South Boulder Road.

Note that Greenbelt Meadows suffered flood damages to basements and garden levels in 2013 without significant surface flooding. If construction activities at Greenbelt Meadows had precluded basements and below grade floor levels there would have been minimal flood impacts or damages in that area. Today, the raised Greenbelt Meadows land grades serve to obstruct the northerly flowing overland flood potential for areas east of the Dry Creek No. 2 Ditch corridor.



Figure 15 - Initial Development of Greenbelt Meadows in 1984

### Community Mitigation Plan

SEBNA states in the Request for Revision that “currently there is no [floodplain mitigation] plan adopted and the funding for the plan (approximately \$40 million) has not been procured.” SEBNA may have been unaware at the time of preparing their request that the City of Boulder adopted the South Boulder Creek Flood Mitigation Study on August 4, 2015.

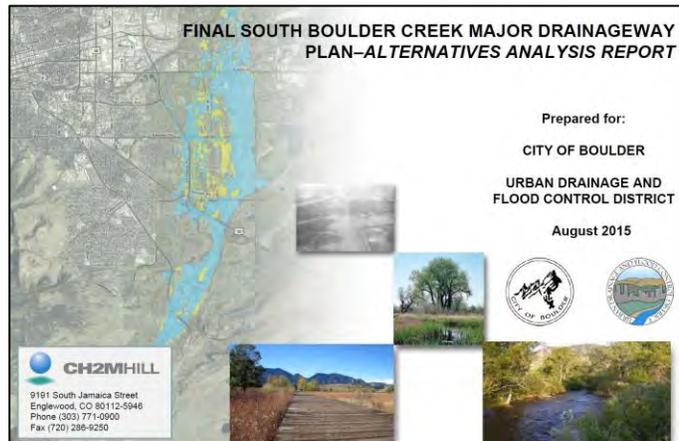


Figure 16 - South Boulder Creek Flood Mitigation Study

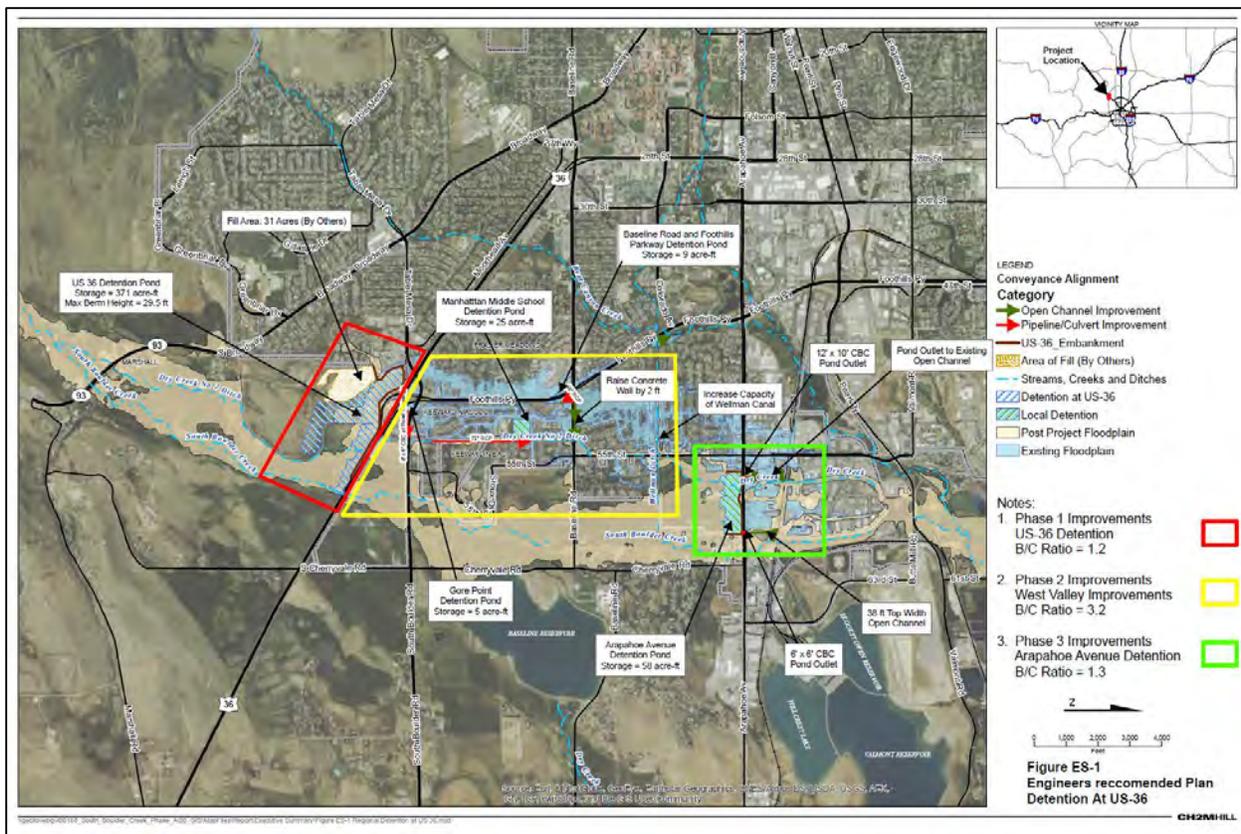


Figure 17 - Recommended Flood Mitigation Plan Project Elements

The flood mitigation study proposes West Valley Improvements that include Dry Creek No. 2 Ditch. These improvements will ultimately eliminate flooding in the West Valley.

**Priority 2 – Local West Valley Improvements**

The proposed improvements in the West Valley address a number of different flood related issues and are comprised of several smaller elements including:

- Local detention at Manhattan Middle School (or an adjacent feasible location),
- Dry Creek No. 2 Ditch improvements,
- Local detention at Baseline Road and Foothills Parkway,
- Floodwall improvements along Baseline Road,
- Improvements to the New Anderson Ditch, and
- Improvements to the Wellman Canal.

Implementation of these elements should generally follow broad drainage facility implementation guidance. That is, detention should be implemented early in the process to fully exploit the flow reduction realized through these facilities. Then the flood control measures such as the pipeline improvements along Dry Creek No. 2 Ditch and along Baseline Road should be implemented to provide adequate conveyance of the remaining flows. The improvements to the other irrigation ditches are intended to prevent overflows and contain those flows in the original system. These can often be done independently of any other improvements and can be implemented as need or opportunities arise. In aggregate, these improvements are expected to cost \$11.0 million to implement and result in a benefit-cost ratio of 3.2. A total of 134 structures (386 dwelling units) would no longer be located within the 100-year floodplain if this phase were implemented.

Figure 18 - Flood Mitigation Plan Local West Valley Improvements Overview

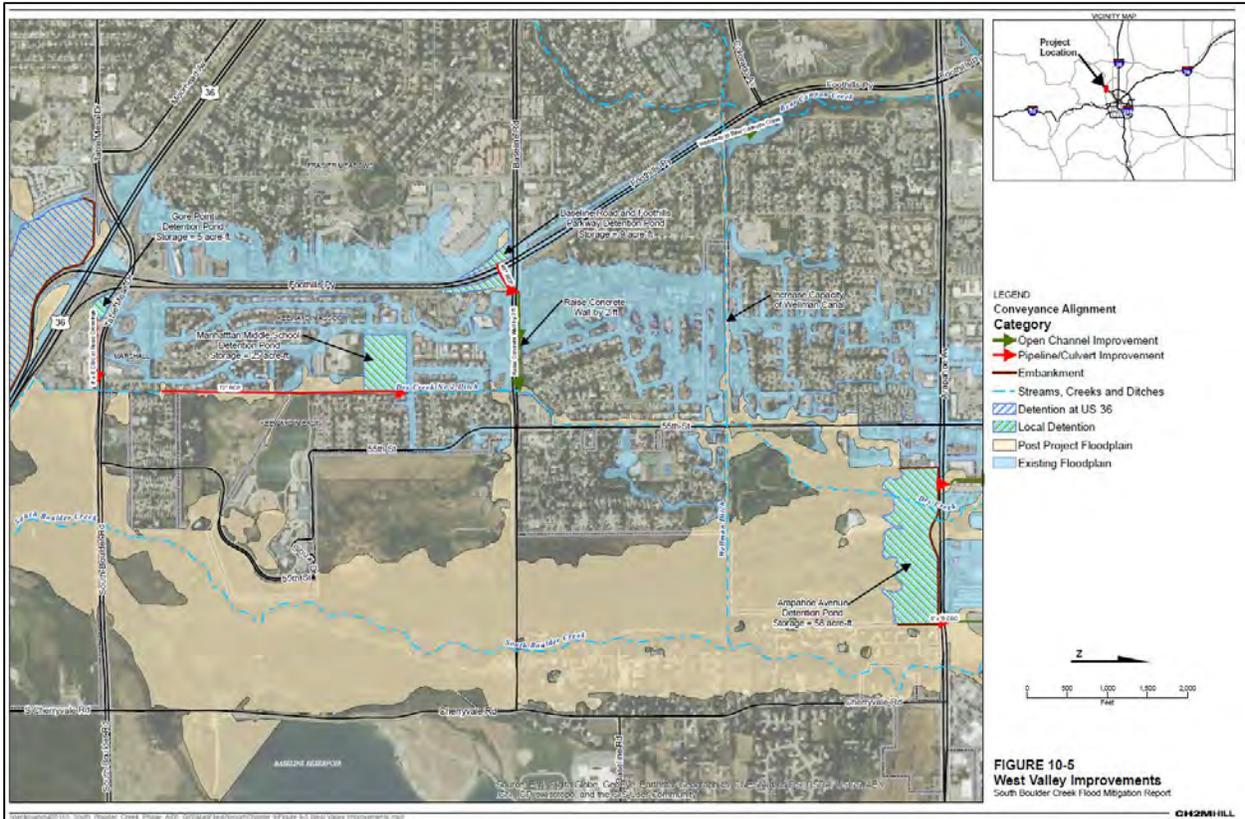


Figure 19 - Flood Mitigation Plan West Valley Improvements Plan View

Dry Creek No. 2 Ditch is planned to be conveyed in a 72-inch diameter reinforced concrete pipe from Illini way to a 25 acre-ft detention pond at Manhattan Middle School. This improvement will not deter from future land use activities at 5399 Kewanee Drive and 5697 South Boulder Road. It will provide for adequate surface flood mitigation services to this property as well as for the surrounding neighborhoods.



Figure 20 - Close Up of Flood Mitigation Plan West Valley Improvements

### 2013 Flood Exceeded 100-year Regulatory Flood

SEBNA claims in the Request for Revision that flooding in 2013 at 5399 Kewanee Drive and 5697 South Boulder Road was greater than the official 100-year regulatory flood. SEBNA uses this claim as an emphasis for revising the BVCP land designation from Area II to Area III – Rural Preservation. SEBNA included two maps from the City of Boulder Web site. The first map reflects the Regulatory Floodplains and the other reflects the 2013 Urban Flooding Extents.

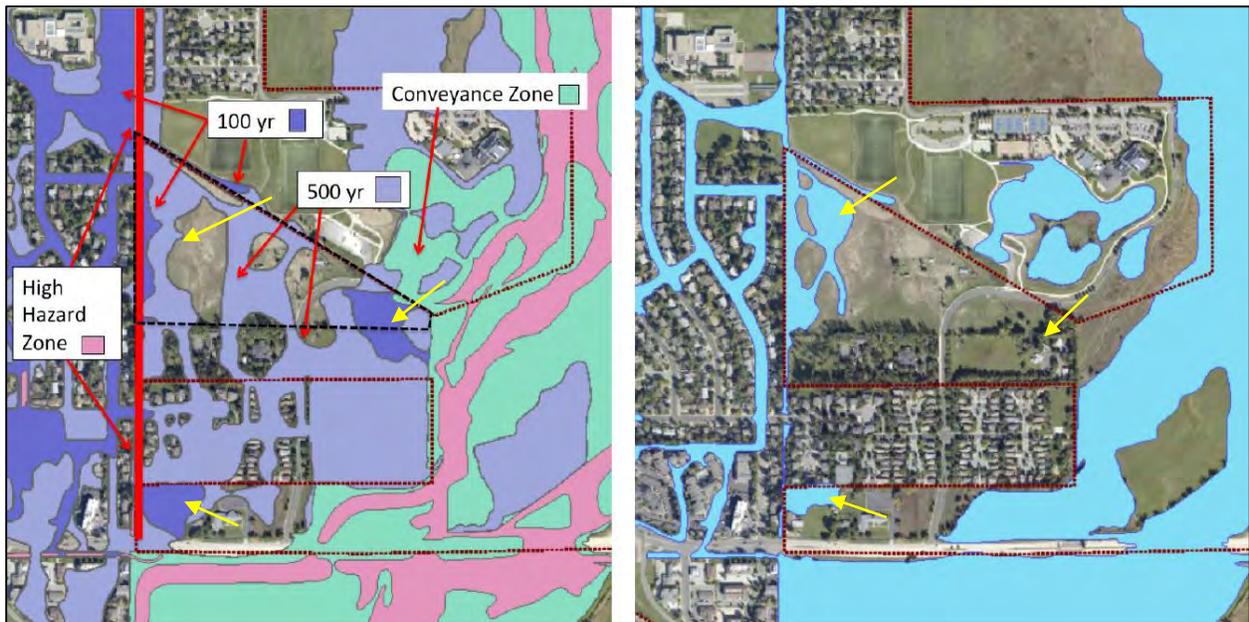


Figure 20 - South Boulder Creek FEMA Flood Zones and September 2013 Flood Extents (SEBNA Reference)

The 2013 flood extent map indicates a larger area of flooding on the property at 5399 Kewanee Drive and 5697 South Boulder Road than reflected on the 100-year regulatory floodplain map. The 2013 flood extent map also reflects smaller flooding south of Greenbelt Meadows at Dry Creek No. 2 Ditch and east of 55<sup>th</sup> Street on this and the Kent Estate property than reflected on the 100-year regulatory floodplain map. This appears to be incongruous.



Figure 21 - "Hogan-Pancost" Photo from SEBNA Report

A photo of "Flooding on the Hogan-Pancost property during the September 2013 flood" was referenced in the SEBNA Request for Revision as emphasis to the larger level of flooding 5399 Kewanee Drive and 5697 South Boulder Road experienced. There is no dispute the photo captures an area of the "Hogan-Pancost" property. However closer inspection of the photo reveals it does not show the true extent of flooding on the entire property. The view in the photo is misleading given it doesn't offer real evidence of greater flooding onsite than past events indicate and regulatory mapping predicts. Detailed review demonstrates concern about the validity of the increased flood hazard assertion.



Figure 22 - Close Up of SEBNA "Hogan-Pancost" Photo to Determine Camera Position and Flooding Location

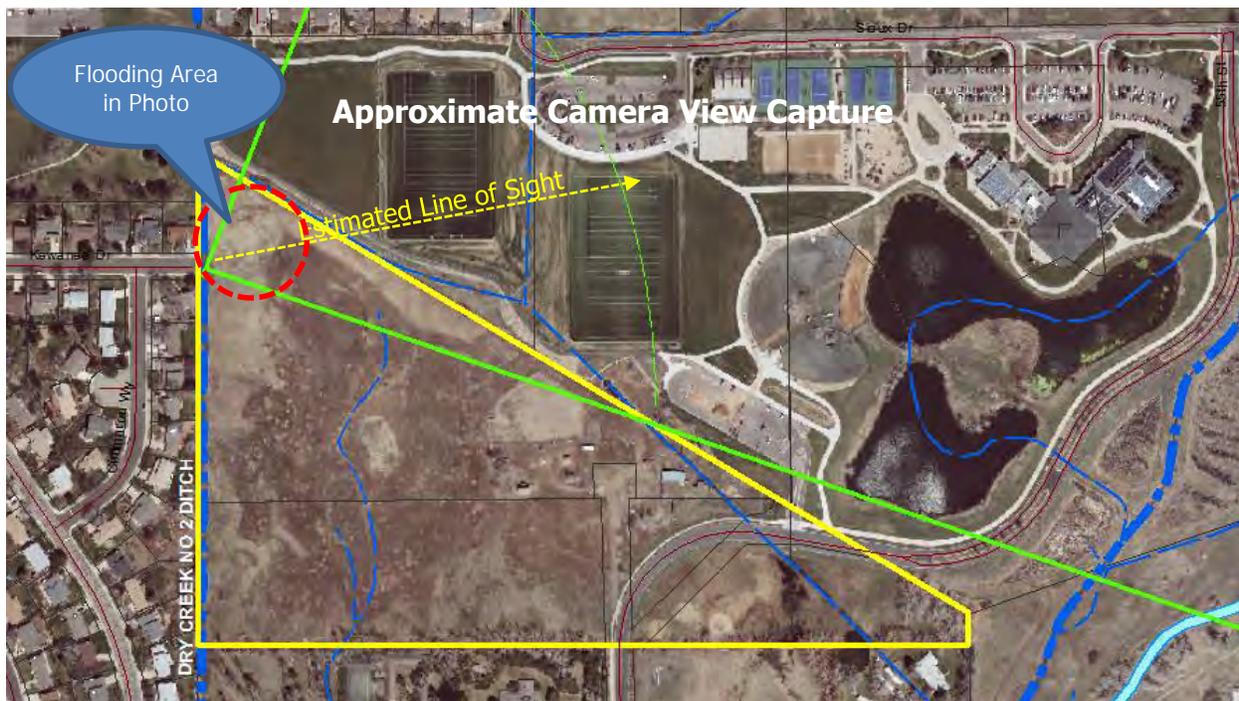


Figure 23 - Estimated Camera View Range of SEBNA "Hogan-Pancost" Photo

The photo included in the SEBNA Request for Revision appears to be taken from the east end of Kewanee Drive at Dry Creek No. 2 Ditch. Ponding of water on the property at 5399 Kewanee Drive and 5697 South Boulder Road is evident but is limited to the area located adjacent to the ditch at the north end of the site where surface waters tend to backup. Ponding depths in the photo outside the ditch itself are shallow and not fully inundated. The ground surface reflected in the aerial image above shows evidence of surface ponding in the northeast corner that may be from occasional flooding, storm runoff, ditch overflows and irrigation practices. Proof of a greater flood hazard is not evident from this photograph.

It is not clear that greater flooding of the property than projected in the regulatory mapping occurred in 2013. Photographs of the site taken the morning of September 12, 2013, included in the ATC White Paper, do not indicate greater flooding of the property or that the flood hazards are so significant that future development should be prevented and the property should become rural preserve.

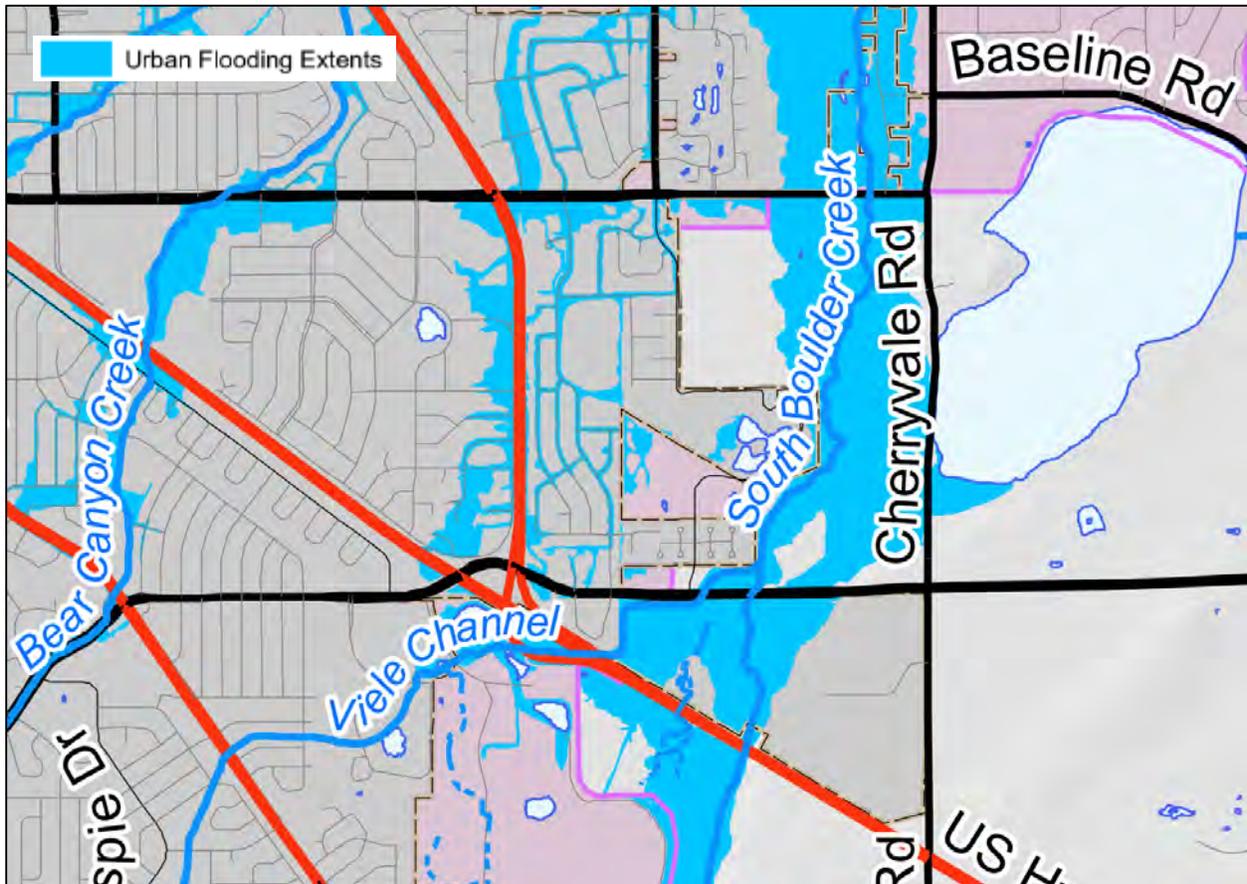


Figure 24 - Excerpt from City of Boulder Flood Extent Maps - Map 1 - September 2013 Flood (Map Revision Date: 03/28/14)

The map above (Figure 24) is available on the City of Boulder 2013 Flood Maps Web page. It reflects the onsite flood extent information SEBNA presented in their Request for Revision. The City Web page notes that “All Mapping Data is Draft and Subject to Revisions.” Closer research of the mapping finds the following disclaimer:

**Map Revision Date: 04/01/14**

**NOTE:** The 2013 urban flood extent data was developed using field surveys completed by City of Boulder staff and consultants, Digital Globe Worldview-2 satellite imagery (9/13/13), Boulder County Pictometry imagery (10/3/13), public input from the Boulder Crowd Sourcing online map, public input from community meetings, online flood survey data, and input from discussions with affected property owners. Only drainages with a FEMA mapped floodplain were surveyed. Other areas of Open Space and Mountain Parks land without a regulatory floodplain were not included. The City of Boulder will continue to make updates to this data as necessary.

The 2013 urban flood extent data does not supersede the Special Flood Hazard Area Designation (SFHA), or 100 yr floodplain, used by FEMA for Digital Flood Insurance Rate Maps or the proposed floodplain delineations from ongoing flood studies. This data is provided as graphical representation only. The City of Boulder provides no warranty, expressed or implied, as to the accuracy and/or completeness of the information contained herein.

© 2014 City of Boulder, CO Subject to Revision

Figure 25 - Disclaimer Note for Flood Extent Data

The 2013 flood extents mapping and information presented on the City of Boulder’s Web site does not include access to any detailed survey or satellite imagery, photographic records, or detailed accounts of flooding that occurred at 5399 Kewanee Drive and 5697 South Boulder Road. Based on this it appears that the information used to define the extent of flooding that occurred at the “Hogan-Pancost” property in 2013 may have been based only on voluntary public input without technical field verification.

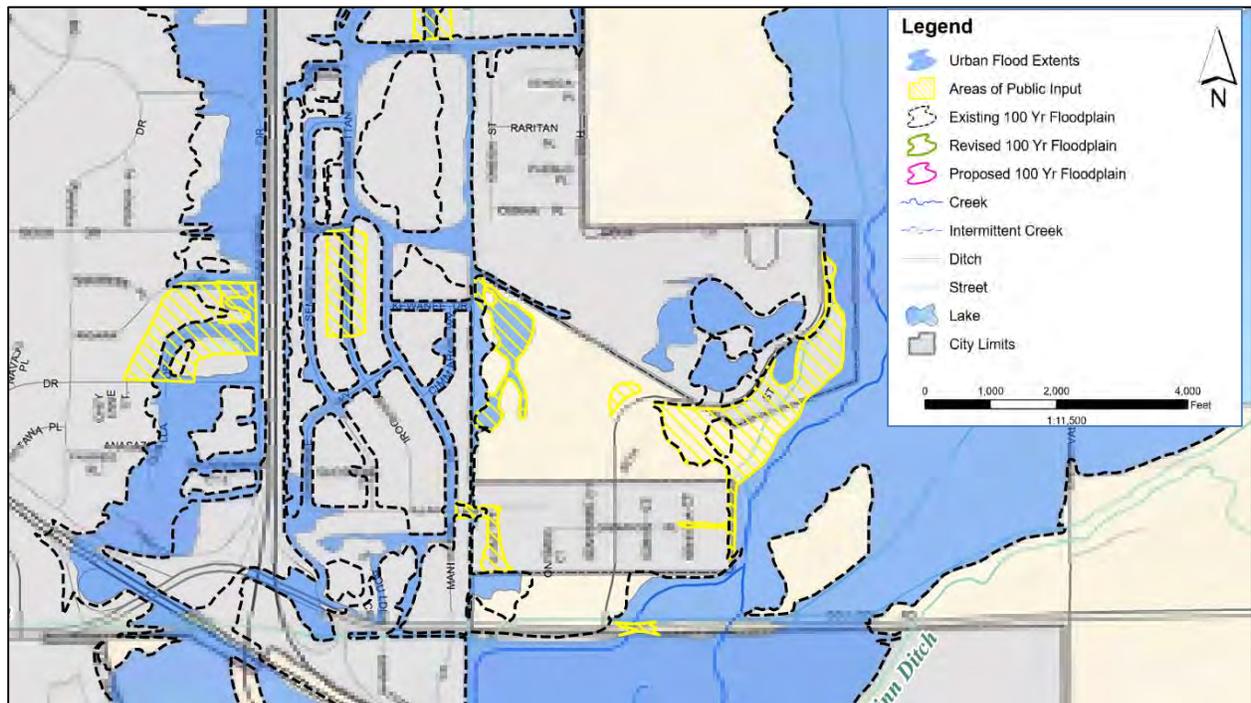


Figure 26 - Excerpt from September 2013 Urban Flood Extents and 100-Year Floodplains, Revised April 1, 2014



The argument by SEBNA that flooding in 2013 was greater than 100-year regulatory flood projections appears to be unfounded, and may actually be suggestive to support their Request for Revision. This claim is not supported by objective technical analysis or documentation, and the City 2013 Flood Extents Map should be accurately revised to avoid any biased or detrimental public decision making for this property and its ownership in the 2015 BVCP Update process. Possible future development at 5399 Kewanee Drive and 5697 South Boulder Road and implementation of the City's South Boulder Creek Mitigation Plan can eliminate any flood potential through improvements to raise site grades as part of development or convey flood waters through the provision of adequate mitigation services and facilities.

### **High Hazard Flood Zone**

The SEBNA Request for Revision states that “The Hogan-Pancost property contains over 1,100 linear feet of a designated High Hazard flood zone along the open undeveloped Dry Creek # 2 Ditch corridor. All development proposals to date call for substantially narrowing and channelizing this High Hazard flood zone. This also runs counter to the wishes of the (40% City owned) Dry Creek #2 Ditch company.”

The 1,100 linear feet of “high hazard zone” occurs within the banks of Dry Creek No. 2 Ditch only which is less than 20 feet wide. The ditch is privately owned by the Dry Creek No. 2 Ditch Company, has existed for a century, and is well defined as a water resources irrigation facility. The ditch will remain in its location within a dedicated 60-foot wide conservation corridor and is not subject to future development. The ditch also extends upstream through Greenbelt Meadows and downstream through Keewaydin Meadows and Country Club Estates. Dry Creek No. 2 Ditch has no bearing on the existing BVCP Area II land designation.

### **FINDINGS**

The SEBNA Request for Revision to the BVCP 2015 Update is disingenuous and is not based on technically factual information or analysis for flood hazards. My review finds that a BVCP revision for 5399 Kewanee Drive and 5697 South Boulder Road is unwarranted based on demonstrable flood hazards at this location. The property is surrounded by developed lands, and has full access to adequate services and community plans for area flood mitigation.

Assertions made by SEBNA about flood hazards, adequate services, and mitigation planning are inaccurate and appear biased towards the interest of a few local neighborhood residents who wish to prevent future development of the property. The Request for Revision relies on the gullibility of city and county decision makers to accept a selfish argument to preserve this property at the expense of the greater Boulder community and private property owner.

I recommend against consideration of the BVCP Request for Revision based on flood hazards at the property and failure to demonstrate a need for the change under BVCP flood hazard policies.

Alan R. Taylor, P.E., CFM  
Alan Taylor Consulting, LLC  
Colorado P.E. #27075



**Additional rebuttal materials:** (Physical copies available at City of Boulder Planning, Housing + Sustainability, 1739 Broadway, 4th Floor, Boulder, CO 80302)

- **Floodplain reports**
  - *Floodplain Conditions at Hogan-Pancost Property* (White Paper – September 2013, Alan Taylor Consulting, LLC)
  - *Conceptual Drainage and Floodplain Report for Boulder Creek Commons* (August 2007, Drexel, Barrel & Co.)
- **Groundwater hydrology reports**
  - *Boulder Creek Commons Ground Water Recharge Evaluation* (June 2012, Telesto Solutions, Inc.)
  - *Ground Water Evaluation for the Hogan-Pancost Property – Revision 3* (June 2010, Telesto Solutions, Inc.)
  - *Memorandum: Boulder Creek Commons Ground Water Engineering Peer Review* (March 2013, Anderson Consulting Engineers, Inc)
  - *Land Use Review Results and Comments* (July 13 2012, City of Boulder)
- **Traffic impact study report**
  - *Traffic Impact Study for Boulder Creek Commons* (June 2006, Drexel, Barrell & Co.)
  - *Traffic Comments- 1/19/2012 Planning Board Meeting*
- **Environmental reports**
  - *Memorandum- Review of Environmental & Engineering Assessment & Feasibility Study for Hogan-Pancost Property* (August 2010, Land Stewardship Consulting, Inc.)
  - *Preliminary Subsurface Investigation* (June 2003, Western Soils, Inc. Geotechnical Engineering)
  - *Letter from Department of the Army RE: Piping and Realignment of the Dry Creek Ditch #2 with its Abutting 0.261 acre of Wetlands Located on the Hogan Pancost Property* (October 2010)
  - *Letter from Stoecker Ecological Consultants, Inc. RE: Request for exclusion of Preble's jumping mouse live-trapping survey* (August 2003)
  - *Letter from Department of the Army* (December 1995)
  - *Letter from United States Department of the Interior Fish and Wildlife Service* (November 1992)
  - *City of Boulder Wetland Delineation Report* (October 2011, Western Ecological Resource, Inc.)
- **Geotechnical report**
  - *Preliminary Geotechnical Engineering and Geologic Hazard Study- Hogan-Pancost Property Southwest of Intersection of 55<sup>th</sup> Street and Sioux Drive* (April 2006, Kumar & Associates, Inc.)
- **Engineering rebuttal reports**
  - *Letter from Telesto Solutions, Inc. RE: Hogan-Pancost Property: Response to Public Comments from Planning Board Meeting on January 19<sup>th</sup>, 2012*
  - *Letter from the Sanitas Group RE: Rebuttal to Public Comments- Boulder Creek Commons 01/19/12 Planning Board Hearing* (February 6<sup>th</sup> 2012)
  - *Letter from the Sanitas Group RE: Rebuttal to Public Comments- Boulder Creek Commons 01/19/12 Planning Board Hearing* (February 14<sup>th</sup> 2012)



**4525 Palo Pkwy. –**  
*MR to LR*

## BVCP Five Year Major Update

### Request #33

#### **4525 Palo Parkway**

Initiated by member of the public

*Parcel Size: 3.2 acres*

### Request:

Change the BVCP land use designation from Medium Density Residential (MR) to Low Density Residential (LR)

### Staff Recommendation: No

Staff recommends that this request not be considered further as part of the BVCP Five Year Major Update because the subject property was changed from a Public (P) land use designation to Medium Density Residential (MR) as part of the 2002/2003 BVCP Annual Review. The purpose of this change was to ensure a mix of housing types, provide compatibility with adjacent land uses, and to provide for a significant amount of affordable housing. Additionally, on January 5, 2016 City Council approved the annexation request and initial zoning of Residential Mixed-2 (RMX-2).

### ANALYSIS:

#### **1.) Consistent with the purposes of the major update as described above?**

Yes. This is a land use designation change request, which is compatible with the purpose of the BVCP Five Year Major Update.

#### **2.) Consistent with current BVCP policies?**

The request is not consistent with BVCP policies regarding affordable housing. Reducing the allowable density on the property will reduce the potential for affordable housing units, which was one of the outcomes from recent planning processes described in this report.

The Medium Density (MR) category matches existing conditions in the immediate area. As stated in the November 19, 2015 Planning Board memo for case no. LUR2015-00081, residential densities in Northfield Commons and the “Palo Park 4 Replat” to the west are in the BVCP-defined medium density range of six to 14 dwelling units per acre.

#### **3.) Compatible with adjacent land uses and neighborhood context?**

See #2 above.

#### **4.) Was the proposed change requested or considered as part of a recent update to the Comp Plan or other planning process?**

Yes, the property has been through recent planning processes that have led to and followed the Medium Density Residential (MR) land use designation. In 2003, there was a neighborhood planning process that included this property and several nearby properties. This process led to a 2006 city purchase of the land



for affordable housing and subsequent transfer to Boulder Housing Partners (2014), who is the applicant for case no. LUR2015-00081, a proposal to annex the property with an initial zoning of Residential Mixed-2. On November 19, 2015, Planning Board unanimously recommended approval of the annexation and initial zoning. On January 5, 2016 City Council approved the annexation request and initial zoning of Residential Mixed-2 (RMX-2).

**5.) Is there any change in circumstances, community needs, or new information that would warrant the proposal be considered as part of this update?**

No, there is not any new information that warrants the proposal to be considered as part of this update.

**6.) Are there enough available resources to evaluate the proposed change (city and county staffing and budget priorities)?**

This request would likely not require a significant amount of time. However, analysis of the surrounding area and the impact of potentially changing the land use designation to low density residential category would need to be carefully considered.



# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input checked="" type="checkbox"/>	Land Use Map Amendment
<input type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:

Requesting that the land use designation in the BVCP for 4525 Palo be changed from medium density residential to low density residential.

See next page for complete text.

b. Brief reason or justification for the proposed amendment:

This location is at the end of Palo Parkway, a dead end street. It is across the street and backs up to numerous single family residential homes. It is not located near a major arterial or community shopping and requires access through existing residential areas. A medium density zone in this location presents severe safety.

a. Map(s) proposed for amendment: Low density residential

b. Brief description of location of proposed amendment:

This location is at the end of Palo Parkway, a dead end street. It is only accessible by passing through four residential neighborhood, Northfield Commons.

Section: Palo Park Township: Boulder/Bou Range: \_\_\_\_\_

c. Size of parcel: 3.2 acres

(Full text cropped from previous page):

**Request 33) 4525 Palo**

Brief reason or justification for the proposed amendment:

This location is at the end of Palo Parkway, a dead end street. It is across the street and backs up to numerous single family residential homes. It is not located near a major arterial or community shopping and requires access through existing residential areas. A medium density zone in this location presents severe safety hazards due to an increase of vehicular traffic through our residential streets at an average rate of 230-287 cars per day (based upon recent study). It appears that this location should not have been zoned as medium density, and that this is an error in the BVCP, as it is inconsistent with all other medium density properties in Northeast Boulder given its location and poor access.

Township:

Boulder/Boulder County



**3) Applicant:**

Name: Sara Toole

Address: 3159 Ouray St

Phone: 404-906-6979

**4) Owner:**

Name: City Of Boulder

Address: 777 Broadway, Boulder, CO 80302

Phone: \_\_\_\_\_

**5) Representative/Contact:**

Name: Sara Toole

Address: 3159 Ouray St

Phone: 404-906-6979

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

I am a homeowner in Northfield Commons neighborhood.

# Narrative addressing the details of the proposed amendment

## 1. Reason or justification for proposal

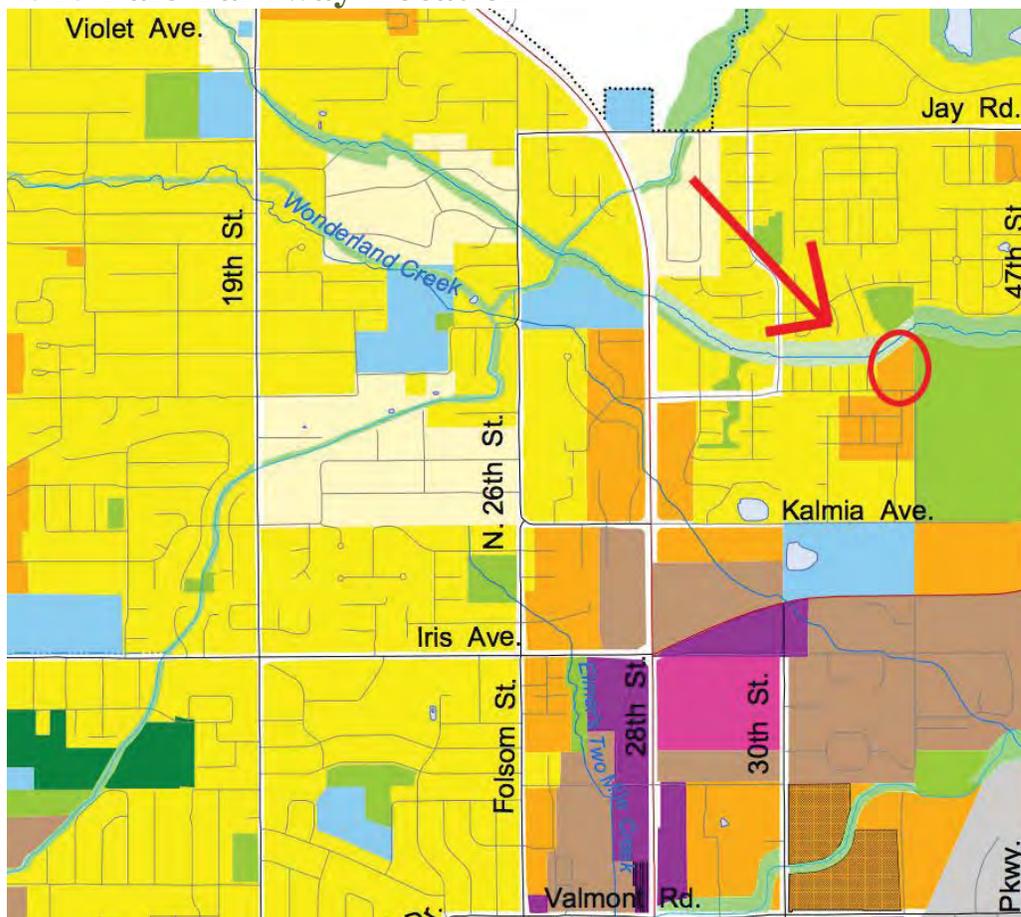
The BVCP land use designation currently allocates the 4525 Palo Parkway parcel as a medium density area. This classification appears to be an error for some reason. **The parcel does not meet the BVCP's own definition of a medium density property:**

**“Medium density areas are generally situated near community shopping areas or along some of the major arterials of the city.”**

This corner parcel of land is not located along a major arterial. In fact, it's located at the end of a dead end street in our neighborhood. To reach this parcel, it requires ALL vehicular traffic to pass through our neighborhood streets by our homes. Because of its location, it is ineligible for public transport pickup, as well.

It is also not located near any community shopping areas, and has a poor walkability score, so vehicular traffic will be high with a medium density land use designation.

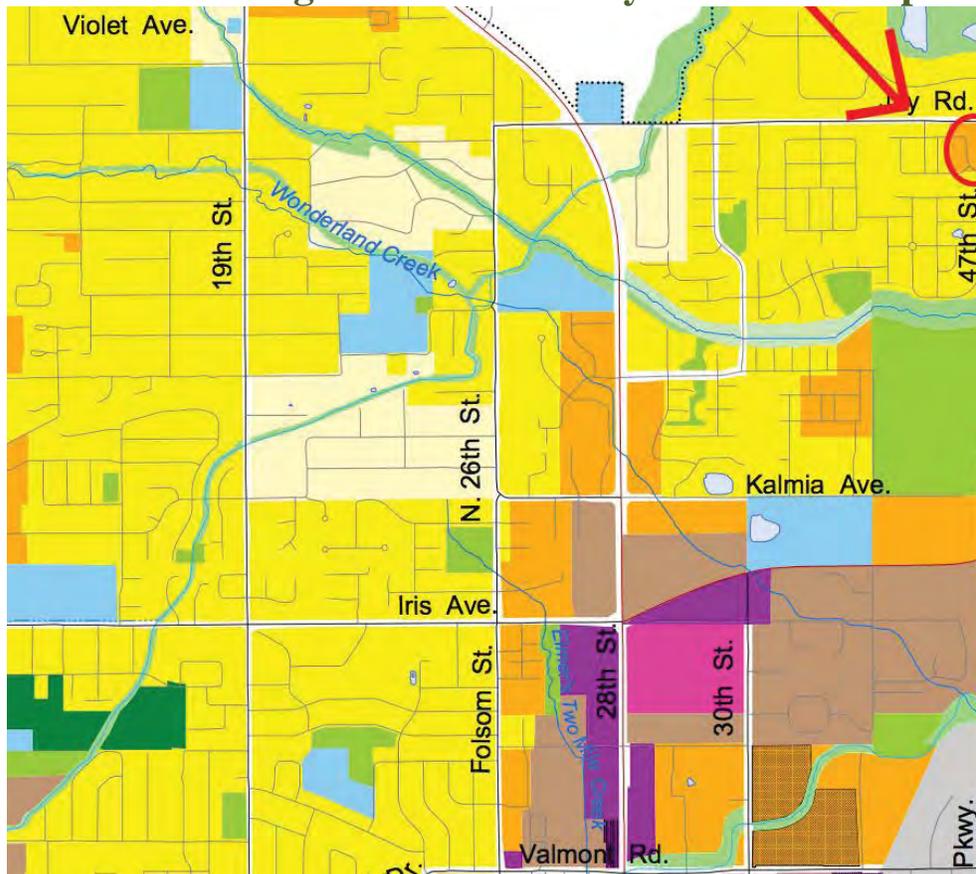
## 4525 Palo Parkway Location



You can see from the map that the little orange (medium density) swatch of land at 4525 Palo (circled in red) is located in a sea of yellow extending via the neighborhoods all the way to Jay Road, except for a small area to the south, which is our neighborhood, Northfield Commons. Other orange areas east of Folsom Street /north of Valmont are all located strategically alongside of major arterials. **This is the only exception.**

Our sister neighborhood, Northfield Village, based upon the same conceptual design, has a small medium density area: it is located adjacent to Jay Road and 47<sup>th</sup> street and actually does meet the criteria for a medium density property in terms of being located on a major arterial.

### Northfield Village Medium Density Land Use Map:



4525 Palo does not meet this criteria; nor does the area south of 4525 Palo meet this criteria.

It is significant to note that although the zoning allowed for up to 14 units per acre, the builders of the Northfield Commons, just south of this parcel, had the sense to build at the very low end of the medium density classification, as opposed to the uppermost end bordering on high density, based upon this particular location. Northfield Commons has a density of 7.2 units per acre, closer to low density housing, although it is more dense than the typical Boulder neighborhood. The builders designed this neighborhood like an old style village, with very narrow streets, onstreet parking, and homes just over 20 feet from the roads.

It does not make sense to build out the highest density in this area in a location that has the least amount of street access, and requires that much traffic to pass through adjacent neighborhoods with narrow streets. It does not make sense because it is not close to a major arterial, or to community shopping that would prevent the need for a vehicle. There is no way to add any additional roads to get to this location and thus our neighborhood streets will become a cut through for a lot of traffic. This is a safety hazard for our neighborhood, particularly for the many children who live and play here.

Can the planning department explain why this land is classified as a medium density parcel when it does not meet the BVCP criteria of being near a major arterial or close to shopping?

Given the development of the surrounding neighborhoods at close to low density (7.2 acres), this piece of land should be low density, as much of the surrounding neighborhoods are.

## **2. Relationship to the goals, policies, elements, and amendment criteria of the Boulder Valley Comprehensive Plan.**

The Boulder Valley Comprehensive Plan places a high value on preserving the character of neighborhoods, on maintaining the safety of neighborhoods, and on open space, too.

### **8.06 Safety**

**The city will promote safety by fostering good neighborhood relations, building a sense of community pride and involvement, and promoting safe and attractive neighborhoods. The city**

**and county will provide police, fire protection and emergency management services and preparedness education to ensure a safe community.**

Recommending that this parcel be a medium density area (6-14 units per acre) is unsafe, given it's location at the end of a dead end street. It requires all traffic to pass through the Northfield Commons, Kalmia 38 and Palo residential neighborhoods where many children play: cut through traffic through our neighborhood would be a nightmare. We already have issues with speeding cars and pets being killed in this exact area as cars speed down Palo to get to Ridgeway Street, where there is a lot of dense housing. Our neighborhood signed a petition objecting to a proposed medium density development on this parcel (14 units per acre) due to safety concerns, but no one is listening so far!

## **2.04 Open Space Preservation**

**The city and county will permanently preserve lands with open space values by purchasing or accepting donations of fee simple interests, conservation easements or development rights and other measures as appropriate and financially feasible. Open space values include use of land for urban shaping and preservation of natural areas, environmental and cultural resources, critical ecosystems, water resources, agricultural land, scenic vistas and land for passive recreational use.**

This is the last open space in our neighborhood, and is near a sensitive environmental area (wetlands/4 mile creek). Placing a medium density development on this parcel is inconsistent with the BVCP: this parcel really should be designated as open space. I am requesting a change to low density out of consideration for

the City of Boulder and the BVCP, which places a high value on affordable housing. I do, as well, as long as it does not present safety issues, create excessive noise/traffic problems or compromise neighborhood character/quality of life .

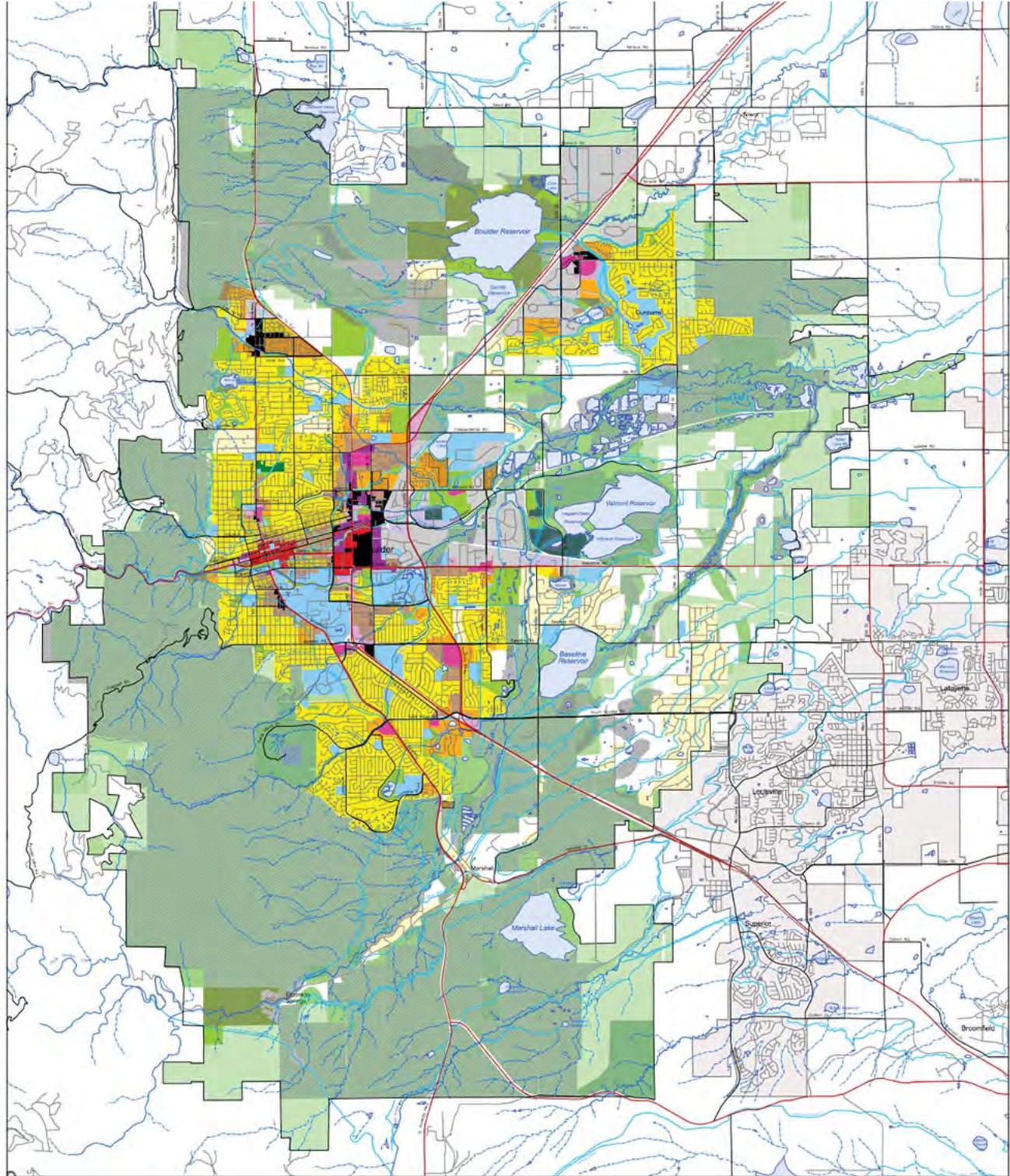
## **2.09 Neighborhoods as Building Blocks**

**The city and county will foster the role of neighborhoods to establish community character, provide services needed on a day-to-day basis, foster community interaction, and plan for urban design and amenities. All neighborhoods, whether residential areas, business districts, or mixed land use areas, should offer unique physical elements of neighborhood character and identity, such as distinctive development patterns or architecture; historic or cultural resources; amenities such as views, open space, creeks, irrigation ditches, and varied topography; and distinctive community facilities and business areas.**

This piece of open space, and the trail that goes alongside of it, is an element of neighborhood character that should be preserved, at least by lowering the density, if it is to be developed. A medium density development on this parcel is uncharacteristic with the surrounding neighborhoods. Although Northfield Commons is also zoned medium density (which was also inappropriate, according to the Plan's own definition), it was built out at an average of only 7 units per acre, at the low end. A current development proposes 14 units per acre based upon the BVCP classification, and it is out of character with the surrounding neighborhoods.

## **My Contact Details:**

Sara Toole  
3159 Ouray St.  
Boulder, CO 80301  
[saratoole@gmail.com](mailto:saratoole@gmail.com)  
404-906-6979



**Legend**

<p><b>Land Use</b></p> <p><b>Residential</b></p> <ul style="list-style-type: none"> <li> Very Low Density Residential</li> <li> Low Density Residential</li> <li> Manufactured Housing</li> <li> Medium Density Residential</li> <li> Mixed Density Residential</li> <li> High Density Residential</li> </ul>	<p><b>Business</b></p> <ul style="list-style-type: none"> <li> Community Business</li> <li> General Business</li> <li> Service Commercial</li> <li> Transitional Business</li> <li> Regional Business</li> <li> Community Industrial</li> </ul>	<p><b>General Industrial</b></p> <ul style="list-style-type: none"> <li> Light Industrial</li> <li> Performance Industrial</li> </ul> <p><b>Mixed Use</b></p> <ul style="list-style-type: none"> <li> Mixed Use Business</li> <li> Mixed Use Industrial</li> <li> Mixed Use Residential</li> </ul>	<p><b>Open Space and Mountain Parks</b></p> <ul style="list-style-type: none"> <li> Open Space, Acquired</li> <li> Open Space, Development Rights</li> <li> Open Space, Other</li> </ul> <p><b>Other</b></p> <ul style="list-style-type: none"> <li> Agricultural</li> <li> Park, Urban and Other</li> <li> Public</li> <li> Environmental Preservation</li> </ul>	<p><b>Area II Boundary</b></p> <ul style="list-style-type: none"> <li> Area II Boundary</li> <li> Natural Ecosystem Overlay</li> </ul> <p><b>Other City Limits</b></p> <ul style="list-style-type: none"> <li> Street</li> <li> Major Road, Transit Road</li> <li> Local Street</li> <li> Intersecting Street</li> <li> Other</li> <li> Other</li> </ul>
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1:25,000

0 1 2 Miles

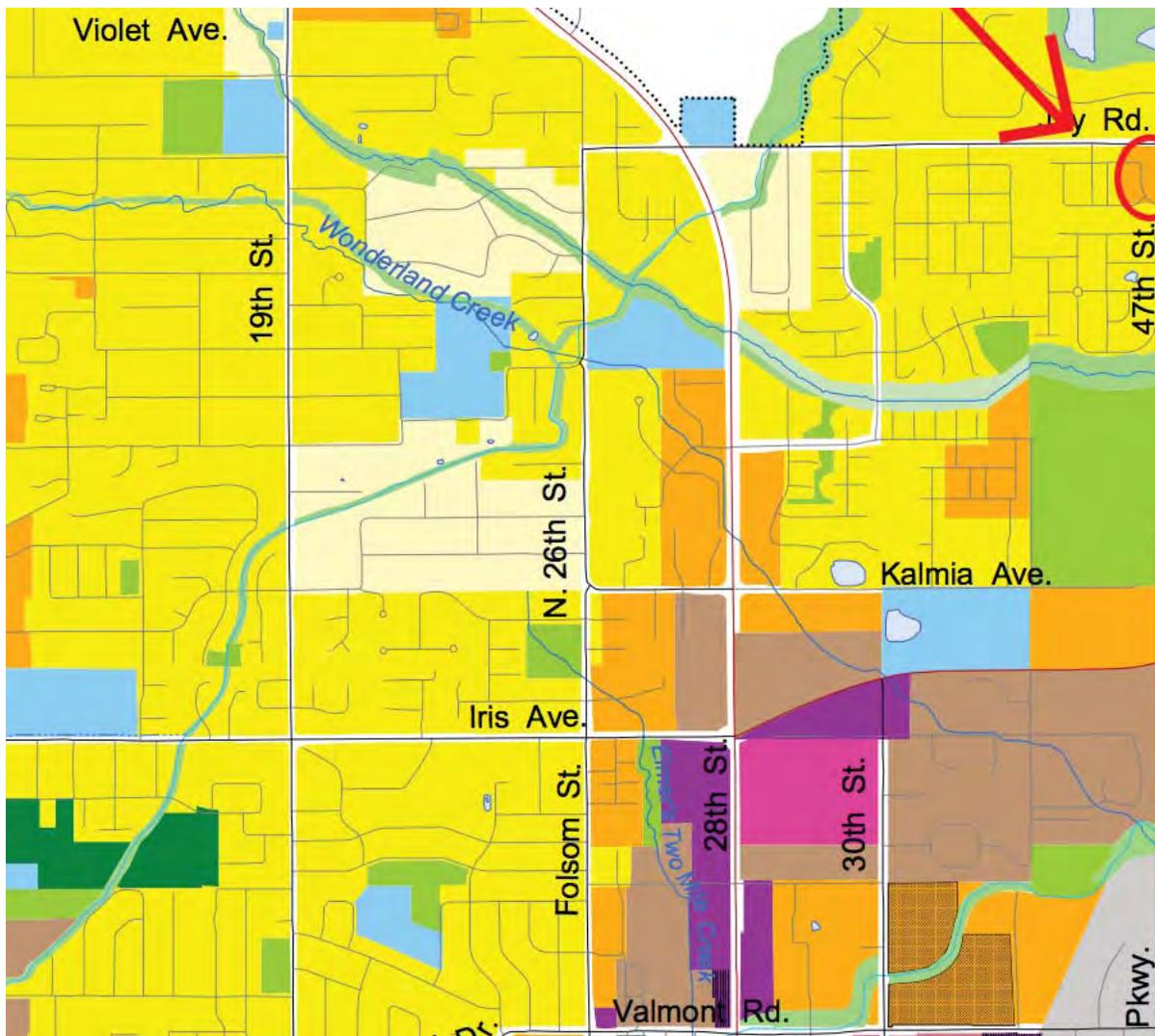
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**96**

SUBJECT TO REVISION

The information reported is provided as a graphical representation of a source document. The City of Boulder provides no guarantee, expressed or implied, as to the accuracy or completeness of the information contained herein.

Map published by the City of Boulder Planning and Development Services Information-Resources Group.  
For information call (303)441-3131 or visit us on the web at [www.bouldercolorado.gov](http://www.bouldercolorado.gov)



**34)**

**6655 & 6500 Twin Lakes Rd.,  
0 Kalua Rd. #1 –  
*maintain LR***

**Request #34**

**6655 Twin Lakes Rd., 6500 Twin Lakes Rd., 0 Kalua Dr.**

Initiated by members of the public (Brian Lay – 6655 Twin Lakes Rd;  
Juliet Gopinath – 6655 Twin Lakes Rd;  
Gwynneth Aten – 6655/6500 Twin Lakes Rd)  
Parcel size: 19.7 acres

**Requests (3):**

Three requests to maintain the existing BVCP land use designation of Low Density Residential (LR) as well as the existing Rural Residential (RR) zoning. Alternatively, change the land use designation to Open Space (OS) as an option for maintaining the de facto status quo.

**Staff Recommendation: No**

Staff recommends that these requests not be considered further as part of the BVCP Five Year Major Update for the following reasons:

1. All three requests are to maintain the status quo of the LR land use designation and RR county zoning. Therefore, they do not constitute change requests.
2. All three request an Open Space or Environmental Preservation designation as an option for maintaining the status quo. This is duplicative of 11 other Land Use Change requests that are being addressed as part of Request #36.

**ANALYSIS:**

**1.) Consistent with the purposes of the major update as described above?**

No. Maintaining the existing land use requires no change to the BVCP; therefore it does not constitute a change that needs evaluation. The alternative to change the land use to Open Space is being addressed as part of Request #36.

**2.) Consistent with current BVCP policies?**

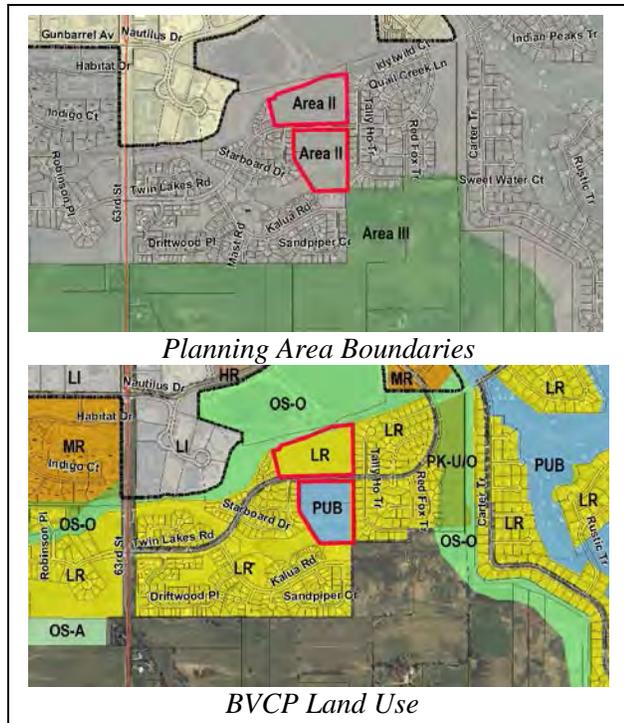
The request to maintain the existing land use map designation represents no change from current policy and therefore does not need to be evaluated. The alternative to change the land use to Open Space is being addressed as part of Request #36.

**3.) Compatible with adjacent land uses and neighborhood context?**

Retention of the current land use designation, county zoning, and undeveloped condition of the parcels is historically compatible with adjacent land uses and the neighborhood context, but given the LR designation and RR zoning, does not anticipate a permanent vacant status nor preclude development.

**4.) Was the proposed change requested or considered as part of a recent update to the Comp Plan or other planning process?**

No.



**5.) Is there any change in circumstances, community needs, or new information that would warrant the proposal be considered as part of this update?**

Not applicable. As mentioned above, retention of the current designation and zoning does not constitute a change request. The Open Space/Environmental Preservation alternative is being addressed as part of Request #36.

**6.) Are there enough available resources to evaluate the proposed change (city and county staffing and budget priorities)?**

Not applicable. The request to maintain the existing land use map designation represents no change from current policy and therefore does not need to be evaluated.



# OUR LEGACY. OUR FUTURE.

BOULDER VALLEY COMPREHENSIVE PLAN



## BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION

1) **Type of Amendment (check all that apply):**

<input type="checkbox"/>	Land Use Map Amendment
<input type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input checked="" type="checkbox"/>	Other Map Amendment

2) **Please provide the following information**

a. Brief description of the proposed amendment:

*Maintain low density zoning and add open-space*

b. Brief reason or justification for the proposed amendment:

*This land, currently zoned low-residential is adjacent to wildlife habitat, in a rural setting. Development of this parcel at a greater density is not compatible with the existing community and is detrimental in several ways*

a. Map(s) proposed for amendment: *see maps*

b. Brief description of location of proposed amendment:

Section: 11 Township: 1N Range: 70

c. Size of parcel: 9.97 acres

*Gwynneth Aten*



# OUR LEGACY. OUR FUTURE.

BOULDER VALLEY COMPREHENSIVE PLAN



**3) Applicant:**

Name: *GWYNNETH ATEN*

Address: *4870 TwinLakes Rd, #2  
Boulder, CO 80301*

Phone: *303-817-2732*

**4) Owner:**

Name: *Boulder County*

Address:

Phone: *Peter Fogg - 303-441-3930*

**5) Representative/Contact:**

Name: *GWYNNETH ATEN*

Address: *4870 TwinLakes Rd, #2  
Boulder, CO 80301*

Phone: *303-817-2732*

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

## LAND USE NARRATIVE-GWYN ATEN

I AM OPPOSED TO THE ANNEXATION, REZONING AND CONSTRUCTION OF MULTI-FAMILY HOUSING ON 6655 (AND 6650) TWIN LAKES ROAD.

I moved to Heatherwood/Gunbarrel in 1989 and raised my family there for 14 years. Two years ago I returned to a condo in annexed-Gunbarrell. I know the area and people well. I have also been a home builder for 30 years and have learned much about how healthy developments are created. Apartments are located around the shopping centers and busy streets (ie: 64<sup>th</sup>, Lookout and Spine). Then multifamily dwelling and townhomes work their way toward small homes and a core of single family dwellings. This degrades traffic flow, protects property values and encourages community. (They HAVE quite community.) In this case it also provides a rural quiet zone for the Twin Lakes wildlife.

Rezoning is a step on the treacherous road to annexation. Together they threaten the health and stability of the Twin Lakes communities. To PLOP a BIT of URBANIZED BOURLER into the center of this community violates several guiding principles. As the county miraculously acquired this 10-acre parcel for a mere \$470,0000 it seems to feel driven to pack as much housing as it can on this site (AND the one across the street 6650, owned by BVSD, so double all figures) regardless of the obstacles.

1) To Annex: I understand there must be a contiguous connection between Boulder and the property in question equal to 1/6 of the circumference of said property. Note on MAP #1 that the City does not abut this property at all!! The County plans to squirrel a connective line along its' property on the south side of the lakes to provide a link. A straight line, mind you, is not long enough, so they're doing some creative zig-zagging. They seem to feel this is legal, but it certainly is designed to circumvent the intent of the law and reflects on the integrity of our Public representatives.

Is this an example of "maintaining the rural character and function of unincorporated area of Boulder County?? Just grab it and go.

2) Protection of Wildlife Habitat is another major issue. If you view MAP #2, You will see that the existing Twin Lakes is made up largely of trails. A pair of WE enjoy a diversity of waterfowl (Egrets, cranes and a Great Horned Owls nests at the "X"). As well as coyotes, fox, and minks. There is little ground for wildlife to hunt As around the Lakes themselves as it's mostly trail, (which is open to the public). loss of this area to dense housing would curtail hunting, and endanger the peace and quiet which allows this system to exist. By "achieving reduction in "or" environmental footprint, Boulder is putting it's overflow footprint down hard in the wrong spot. I suggest instead a playground and a joining of the land with the existing Twin Lakes Preserve.

3) The water table especially on the south side of the lakes is extremely high. I have seen a hydrology report which states that it is ill advisable to build high density construction at all. Others have covered this in detail I'm sure.

3) Affordable housing brings in its own issues. A few tasteful single family affordable houses might be in keeping with existing the community of single family homes, if hydrology permits. However it has become apparent that high density apartments increase the likelihood of low-to-little-income occupants. Even the Gunbarrel shopping area lacks services such as food banks, job services, and mental health services. This sets up an isolated community doomed to failure and further risks the integrity of the current neighborhood. Unlike traffic lanes THIS RITE-SIZING project CAN NOT BE UNDONE.

I'm also concerned that of the new 600 +/- apartments in the Gunbarrell Shopping area NONE are affordable housing . I'm told the builders requiremet of 20% can be bought off.

BCHA likes to play this all down as though it will be a nice, quiet community, but if it comes, the busses will surely follow, the density will create noise, the 3-story structures illustrated on their website (brown, flat rooves, to get the most out of 3 stories),the wildlife will be affected and Urban Boulder will be born in the center of a County community. Such "shove-it-down-their-throats" policies create great mistrust.

I reiterate use of 6655 Twin Lakes Road is a logical spot for open space and a playground. I also strongly urge the Councils and planning Boards to stop ruining “wonderful Boulder” neighborhoods with inappropriate infill. I urge you to look ahead to Rich Lopez’s suggestion of utilizing the “Planning Reserve” north of Jay, east of the Diagonal. This project belongs there and it is time!.

Sincerely,

Gwynneth Aten

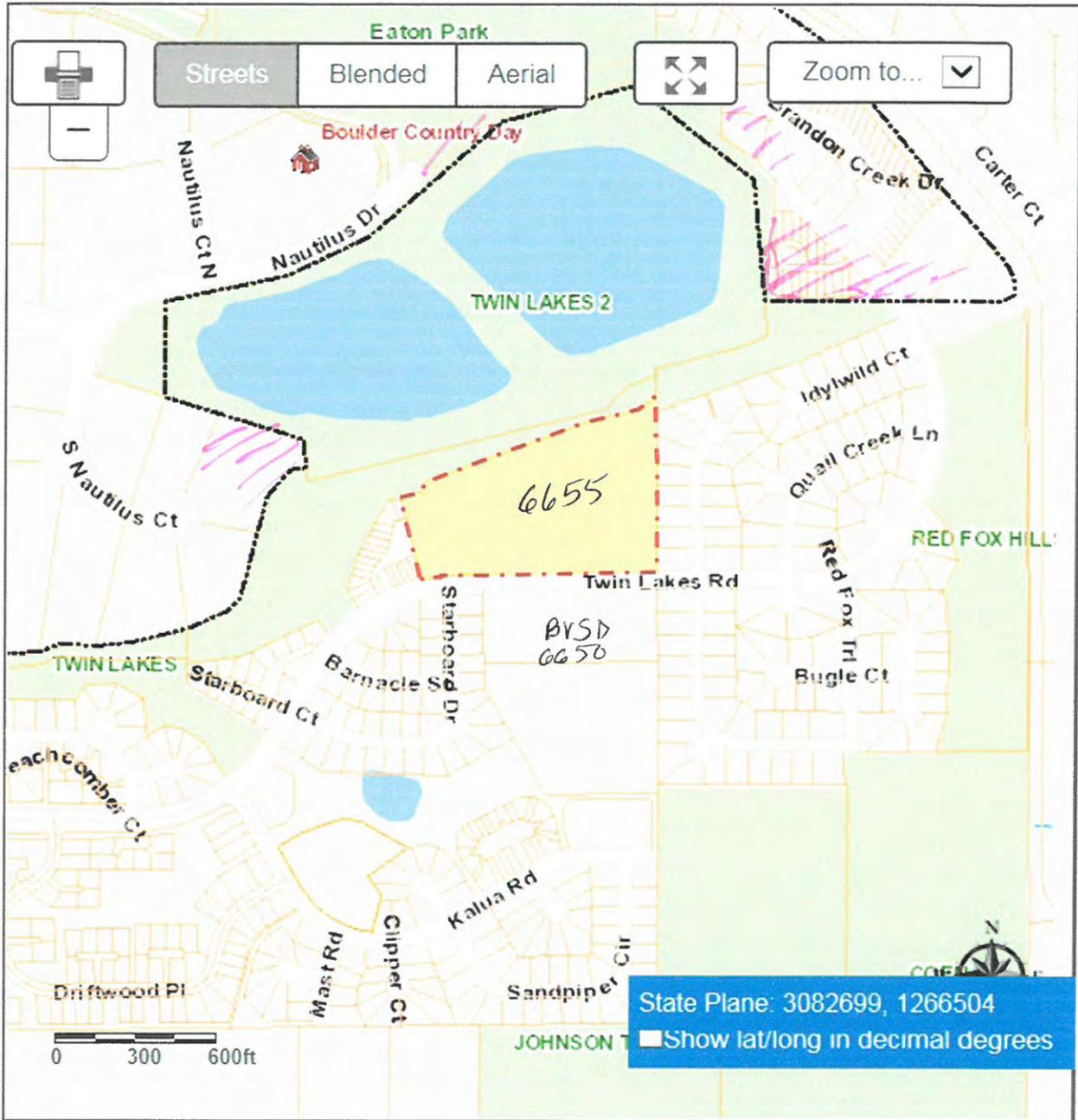
4870 Twin Lakes Rd, #2

Boulder, CO 80301

*Gwynn Aton*

MAP # 1

**Location map showing size and context of the area proposed for amendment**



# 6655 Twin Lakes Topo 2 Detail

*Street  
Household units*



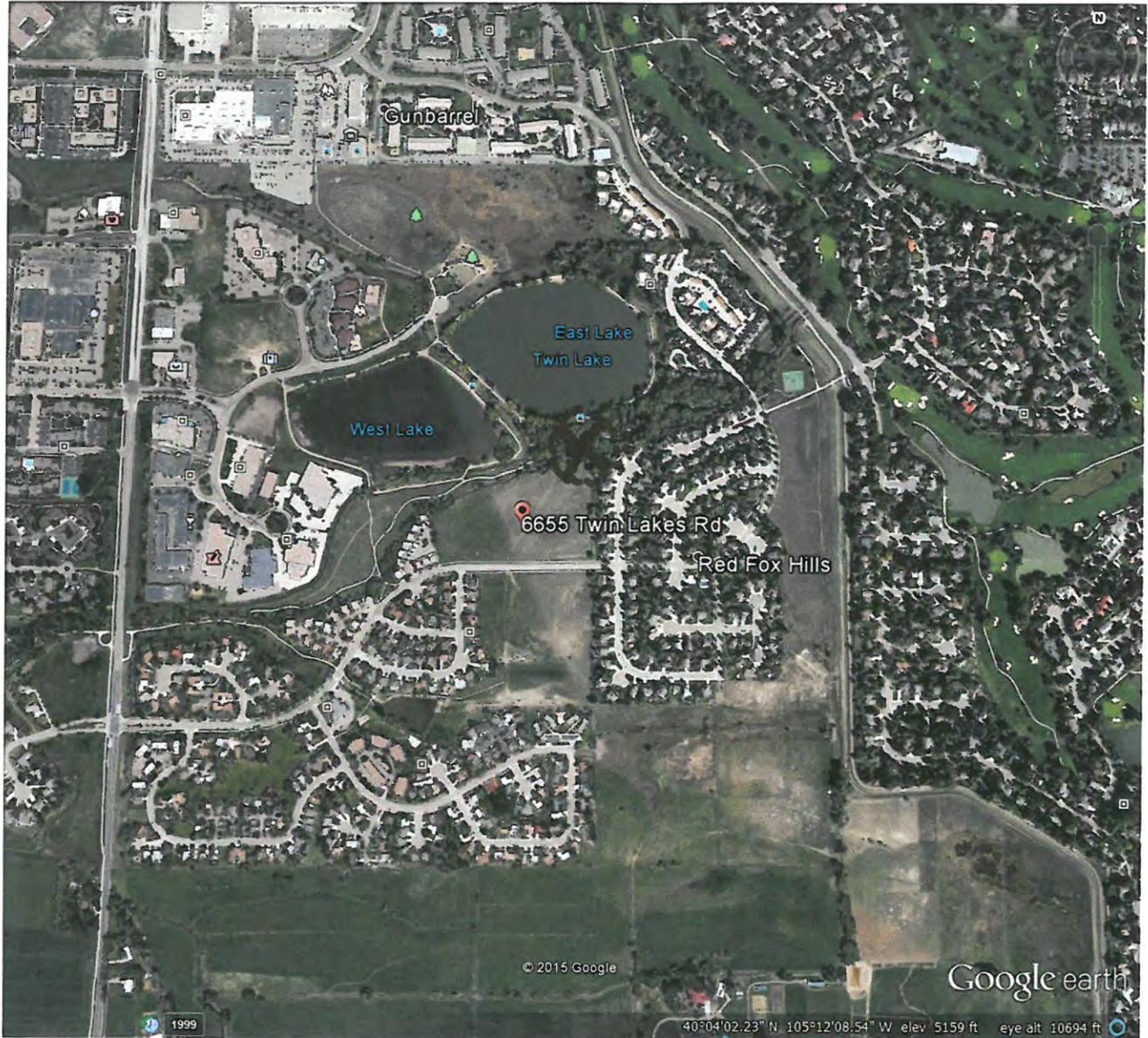
05/01/2011

*Suzanne Aron*

MAP #3



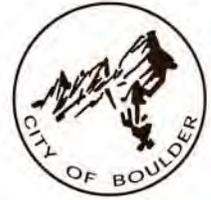
Great Horned Owl





# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input type="checkbox"/>	Land Use Map Amendment
<input type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input checked="" type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:

maintain low density residential zoning or add open space

b. Brief reason or justification for the proposed amendment:

This land provides a necessary path for wildlife to traverse from existing Boulder County open space to the lakes. Developing this parcel of land beyond low density residential can have drastic effects on wildlife and this rural community.

a. Map(s) proposed for amendment: see attached map

b. Brief description of location of proposed amendment:

6655 Twin Lakes Road

Section: 11 Township: 1N Range: 70

c. Size of parcel: 9.97 acres



**3) Applicant:**

Name: Juliet Gopinath

Address: 4555 Tally Ho Trail, Boulder CO 80301

Phone: 6173085567

**4) Owner:**

Name: Boulder County

Address:

Phone: Peter Fogg 303-441-3930

**5) Representative/Contact:**

Name: Juliet Gopinath

Address: 4555 Tally Ho Trail, Boulder CO 80301

Phone: 6173085567

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

No

## Land Use Change Narrative

This proposal is intended to do the following:

1. **Preserve the rural nature of surrounding areas** I have chosen to live in rural unincorporated Boulder County, zoned at 2-4 houses per acre. The proposal would preserve the rural nature of the area that makes Boulder County one of the most sought after places in the country. *Please do not export city problems (affordable housing) to rural unincorporated Boulder County. Instead, you should consider using the Planning Reserve, that consists of more than 200 acres of undeveloped land at ~\$4 square foot.* Please see the recent Daily Camera article on this topic, “Rich Lopez: Time for Boulder to look at Planning Reserve”.
2. **Utilize the recent development of Gunbarrel Center rather than developing further land in Gunbarrel** Gunbarrel Center, rather than Twin Lakes Road, is the ideal location for high density housing, due to its proximity to public transportation and retail shops. Recently, Gunbarrel Center has seen the development of 251 market-rate apartments. This proposal will ensure that further high density development be encouraged near Gunbarrel Center, rather than in the middle of land zoned at 2-4 houses per acre.
3. **Maintain the diverse wildlife population** The 6655 Twin Lakes Road parcel sits adjacent to the two Twin Lakes, earthen dams that are homes to a plethora of wildlife including herons, a pair of great-horned owls who have been nesting at the site for 25 years, coyotes, foxes, and many other species. The proposal will preserve this unique and special coexistence of area residents and wildlife.
4. **Keep the fragile hydrology of the area undisturbed** The area already has a high water table, as seen in a recent hydrology report commissioned by the Twin Lakes Action Group, representing area residents. Boulder County is already aware of these issues, requesting a waterproof fabric that was placed under Twin Lakes Road, due to the high water table. The current proposal will enable the hydrology of the area to be preserved without damaging neighboring homes.

The charter of the Boulder County Comprehensive Plan includes the following (<http://www.bouldercounty.org/env/sustainability/pages/compplan.aspx>). Developing this parcel of land achieve none of these goals.

- 1) **Parks and open space.** “Open space shall be used as a means of preserving the rural character of the unincorporated county and as a means of protecting from development those areas which have significant environmental, scenic or cultural value.” This is land resides on unincorporated Boulder County and as such should be maintained as open space to preserve the rural character of this community. Many people from Boulder

come to enjoy the Twin Lakes area. **Developing this land would be counter to this principle.**

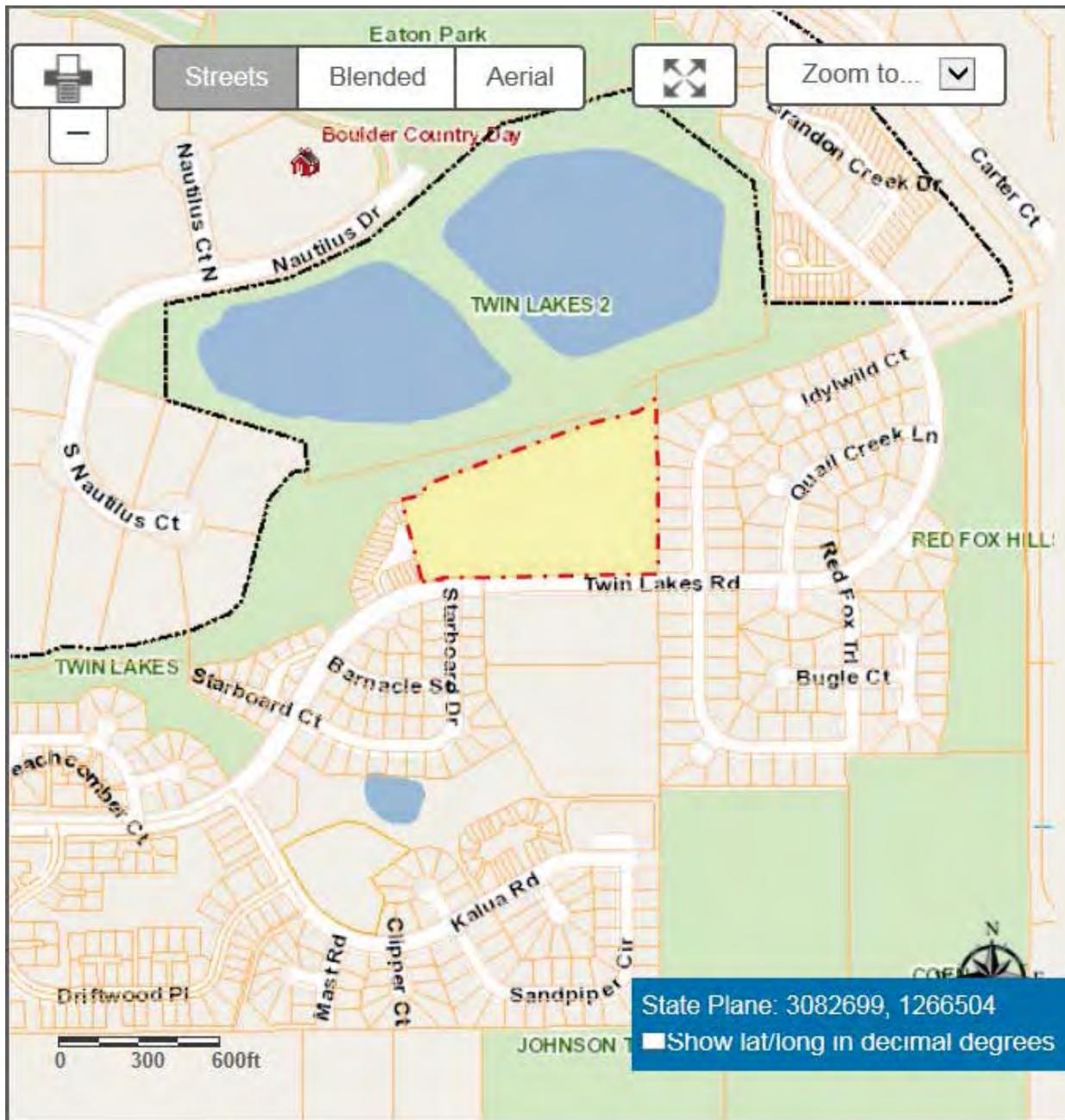
- 2) **Community sustainability.** “Sustainability isn't just about protecting our natural environment; it also addresses establishment of a sustainable, healthy community, including affordable housing, resources such as schools and parks, and support of cultural and social facilities. The Comprehensive Plan addresses this aspect of sustainability through directives that touch upon residential land use, community facilities and economic standards:” There is **no public playground in ALL of Gunbarrel.** I have small children and miss a “neighborhood” park where we can bring our kids to play after school and on the weekends. Often we visit the Scott Carpenter Park while doing errands in Boulder. This doesn’t build our community or facilitate relationships with people that live in our neighborhood. **Converting this space into a park would positively service the community by maintaining the rural character of our community, protect the native wildlife, maintain current traffic levels, and have no effect on the hydrology.** That is an idea that makes sense.
- 3) **Smart development.** “Existing communities should grow at whatever rate they consider desirable, within the limits of what is acceptable to the citizens of areas potentially affected by that growth, and to the citizens of the county, while preserving and improving the quality of life and the aesthetic and functional fitness of land uses within the county”. This is a rural community and we strongly desire to maintain that status. **Increasing the density zoning of this land is not compatible with our community.**
- 4) **Environmental Management.** “Unique or distinctive natural features and ecosystems, and cultural features and sites should be conserved and preserved in recognition of the irreplaceable character of such resources and their importance to the quality of life in Boulder County. Natural resources should be managed in a manner which is consistent with sound conservation practices and ecological principles.” The abundance of wildlife in the open space to the south of the proposed land and the twin lakes is undisputable. **Developing the last parcel of land that provides these animals access to the lakes would clearly be counter to this principle.**

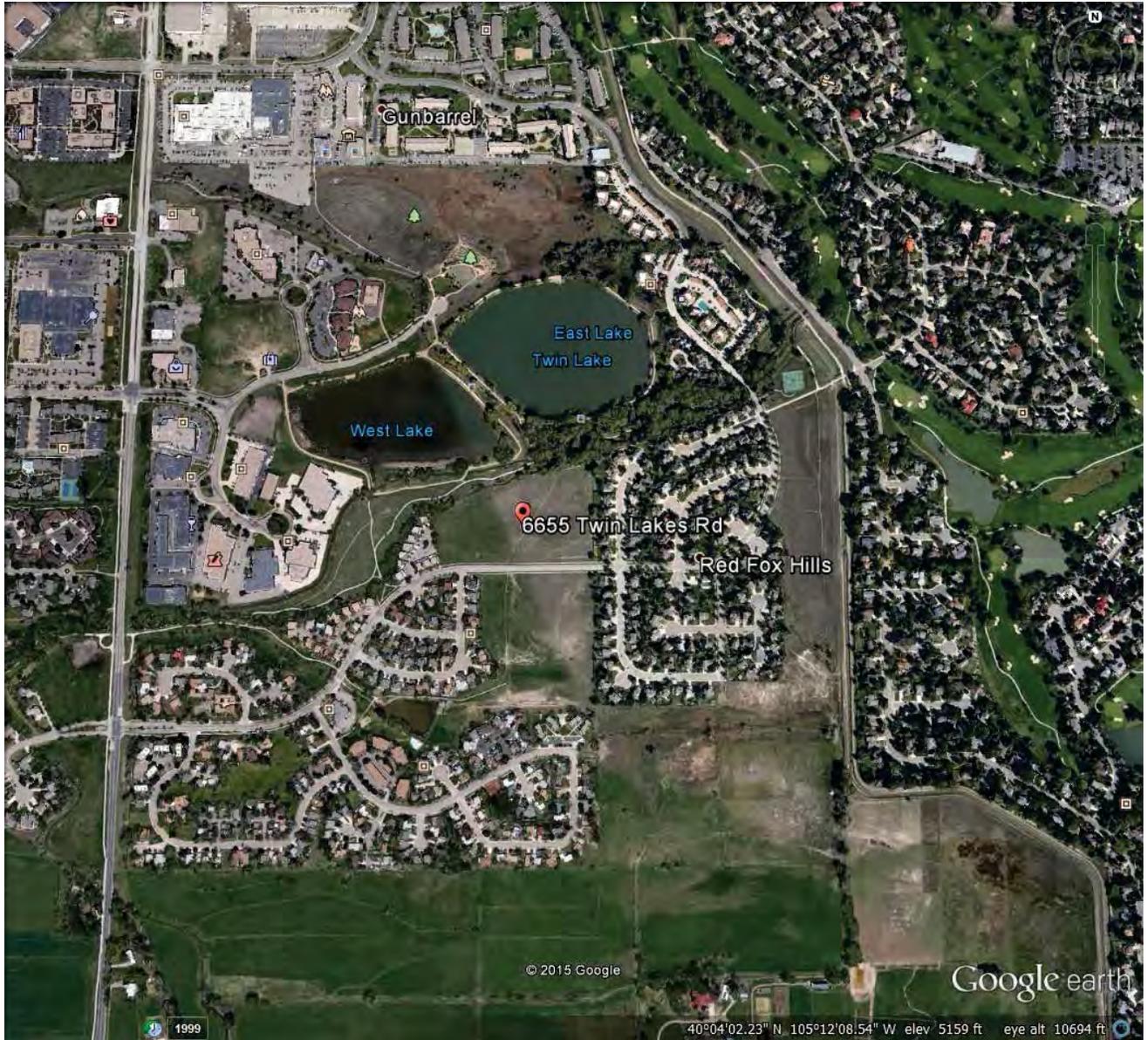
Thank you for accepting this land use changes request form. If you have any questions, please do not hesitate to contact me.

#### **Name and contact information**

Juliet Gopinath  
4555 Tally Ho Trail  
Boulder, CO 80301  
617-308-5567

### Location map showing size and context of the area proposed for amendment





## Detailed Maps





# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input type="checkbox"/>	Land Use Map Amendment
<input type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input checked="" type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:

maintain low density residential zoning or add open space

b. Brief reason or justification for the proposed amendment:

This land provides a necessary path for wildlife to traverse from existing Boulder County open space to the lakes. Developing this parcel of land beyond low density residential can have drastic effects on wildlife and this rural community.

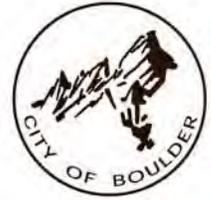
a. Map(s) proposed for amendment: see attached map

b. Brief description of location of proposed amendment:

6500 Twin Lakes Road

Section: 11 Township: 1N Range: 70

c. Size of parcel: 3.95 acres



**3) Applicant:**

Name: Juliet Gopinath

Address: 4555 Tally Ho Trail, Boulder CO 80301

Phone: 6173085567

**4) Owner:**

Name: Boulder Valley School District RE-2J

Address: 6500 Arapahoe Ave Boulder CO 80303

Phone: 3034471010

**5) Representative/Contact:**

Name: Juliet Gopinath

Address: 4555 Tally Ho Trail, Boulder CO 80301

Phone: 6173085567

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

No

## Land Use Change Narrative

This proposal is intended to do the following:

1. **Preserve the rural nature of surrounding areas** I have chosen to live in rural unincorporated Boulder County, zoned at 2-4 houses per acre. The proposal would preserve the rural nature of the area that makes Boulder County one of the most sought after places in the country.
2. **Utilize the recent development of Gunbarrel Center rather than developing further land in Gunbarrel** Gunbarrel Center, rather than Twin Lakes Road, is the ideal location for high density housing, due to its proximity to public transportation and retail shops. Recently, Gunbarrel Center has seen the development of 251 market-rate apartments. This proposal will ensure that further high density development be encouraged near Gunbarrel Center, rather than in the middle of land zoned at 2-4 houses per acre.
3. **Maintain the diverse wildlife population** The 6500 Twin Lakes Road parcel sits adjacent to the two Twin Lakes, earthen dams that are homes to a plethora of wildlife including herons, a pair of great-horned owls who have been nesting at the site for 25 years, coyotes, foxes, and many other species. The proposal will preserve this unique and special coexistence of area residents and wildlife.
4. **Keep the fragile hydrology of the area undisturbed** The area already has a high water table, as seen in a recent hydrology report commissioned by the Twin Lakes Action Group, representing area residents. Boulder County is already aware of these issues, requesting a waterproof fabric that was placed under Twin Lakes Road, due to the high water table. The current proposal will enable the hydrology of the area to be preserved without damaging neighboring homes.

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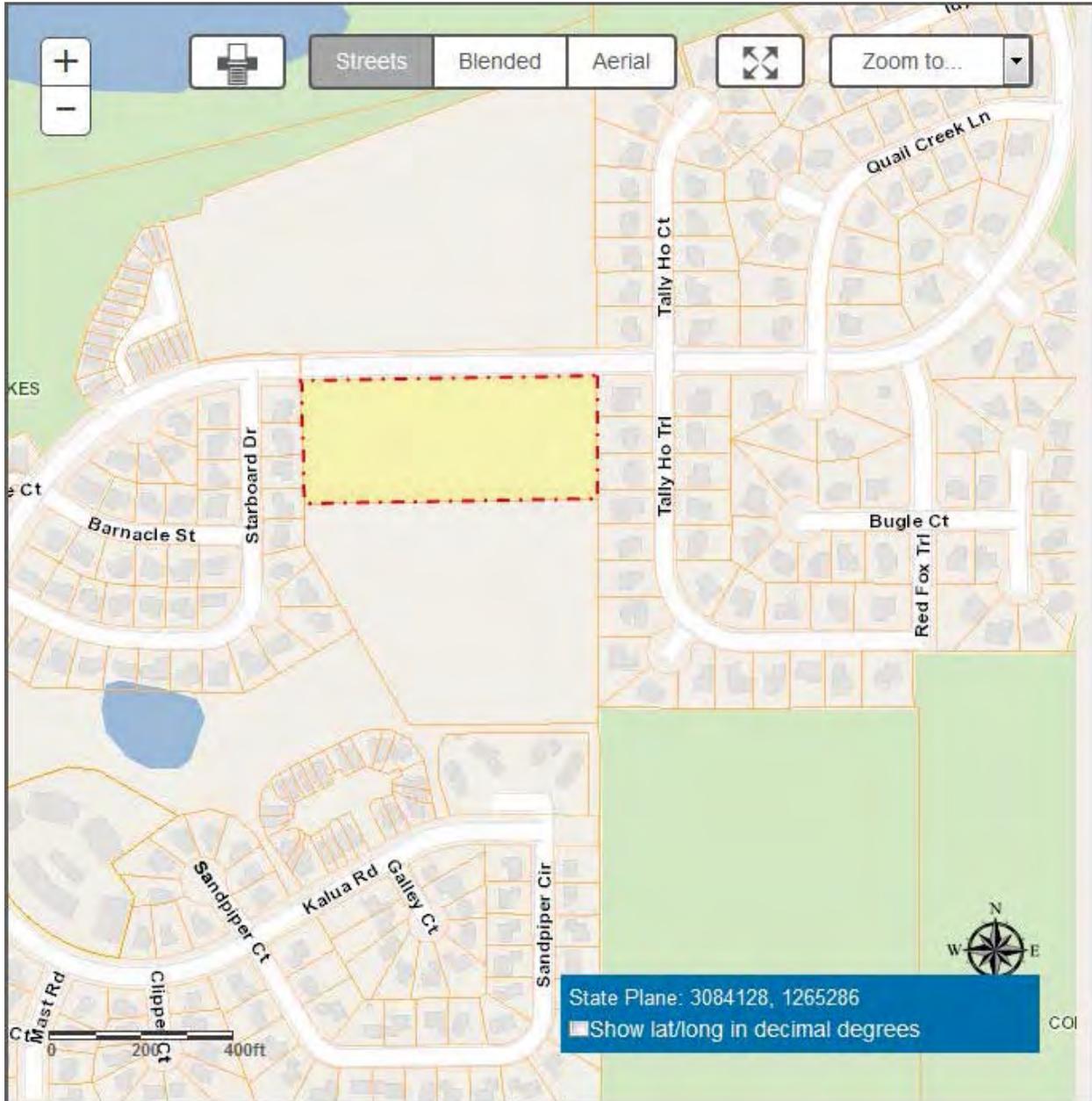
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Thank you for accepting this land use changes request form. If you have any questions, please do not hesitate to contact me.

#### **Name and contact information**

Juliet Gopinath  
 4555 Tally Ho Trail  
 Boulder, CO 80301  
 617-308-5567

## Location map showing size and context of the area proposed for amendment





## Detailed Maps





# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input type="checkbox"/>	Land Use Map Amendment
<input type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input checked="" type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:

maintain low density residential zoning or add open space

b. Brief reason or justification for the proposed amendment:

This land provides a necessary path for wildlife to traverse from existing Boulder County open space to the lakes. Developing this parcel of land beyond low density residential can have drastic effects on wildlife and this rural community.

a. Map(s) proposed for amendment: see attached map

b. Brief description of location of proposed amendment:

0 Kalua Road

Section: 14 Township: 1N Range: 70

c. Size of parcel: 6.08 acres



**3) Applicant:**

Name: Juliet Gopinath

Address: 4555 Tally Ho Trail, Boulder CO 80301

Phone: 6173085567

**4) Owner:**

Name: Boulder Valley School District RE-2J

Address: 6500 Arapahoe Ave Boulder CO 80303

Phone: 3034471010

**5) Representative/Contact:**

Name: Juliet Gopinath

Address: 4555 Tally Ho Trail, Boulder CO 80301

Phone: 6173085567

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

No

## Land Use Change Narrative

This proposal is intended to do the following:

1. **Preserve the rural nature of surrounding areas** I have chosen to live in rural unincorporated Boulder County, zoned at 2-4 houses per acre. The proposal would preserve the rural nature of the area that makes Boulder County one of the most sought after places in the country.
2. **Utilize the recent development of Gunbarrel Center rather than developing further land in Gunbarrel** Gunbarrel Center, rather than Twin Lakes Road, is the ideal location for high density housing, due to its proximity to public transportation and retail shops. Recently, Gunbarrel Center has seen the development of 251 market-rate apartments. This proposal will ensure that further high density development be encouraged near Gunbarrel Center, rather than in the middle of land zoned at 2-4 houses per acre.
3. **Maintain the diverse wildlife population** The 0 Kalua Road parcel sits adjacent to the two Twin Lakes, earthen dams that are homes to a plethora of wildlife including herons, a pair of great-horned owls who have been nesting at the site for 25 years, coyotes, foxes, and many other species. The proposal will preserve this unique and special coexistence of area residents and wildlife.
4. **Keep the fragile hydrology of the area undisturbed** The area already has a high water table, as seen in a recent hydrology report commissioned by the Twin Lakes Action Group, representing area residents. Boulder County is already aware of these issues, requesting a waterproof fabric that was placed under Twin Lakes Road, due to the high water table. The current proposal will enable the hydrology of the area to be preserved without damaging neighboring homes.

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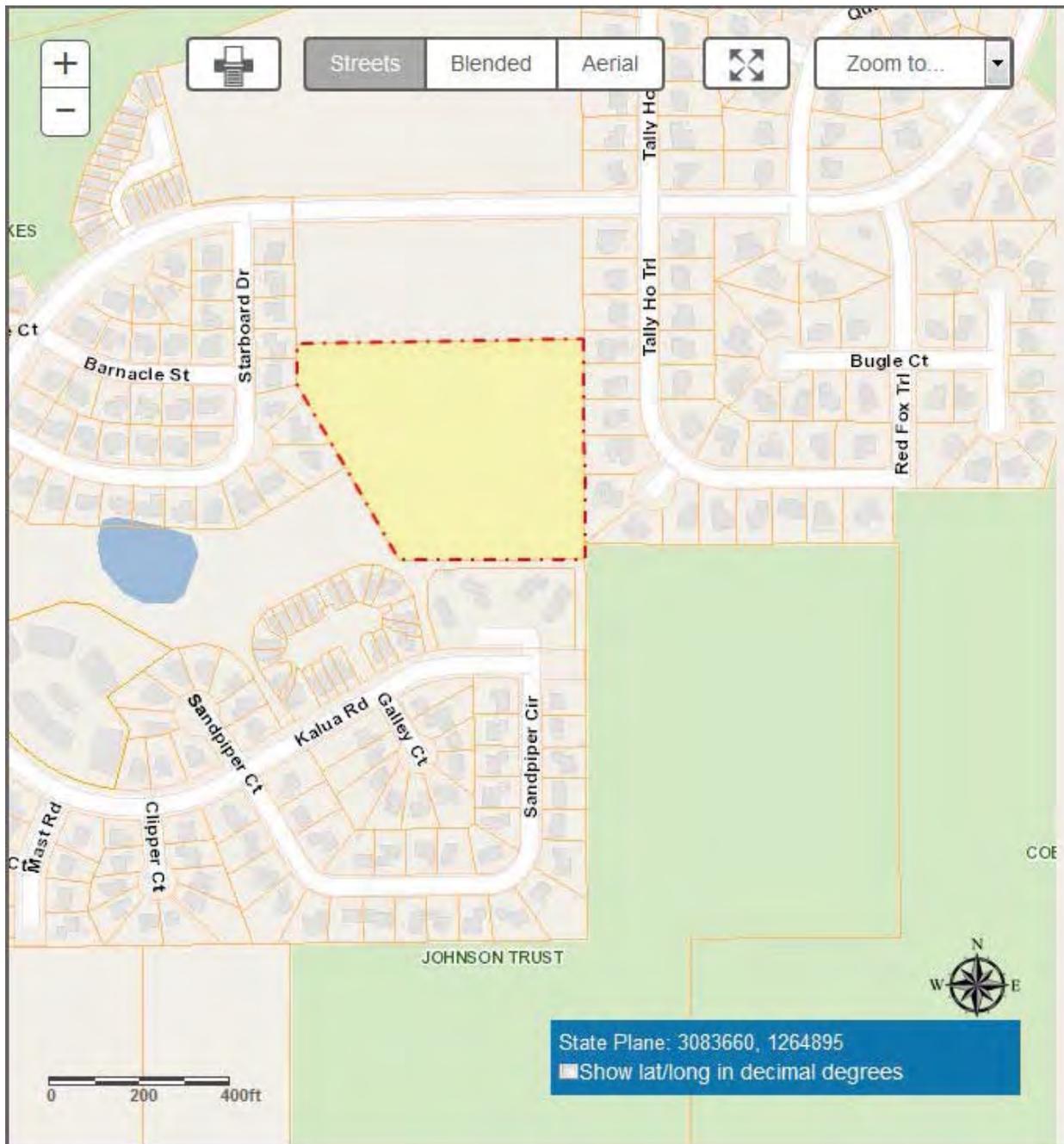
- 2) **Community sustainability.** “Sustainability isn't just about protecting our natural environment; it also addresses establishment of a sustainable, healthy community, including affordable housing, resources such as schools and parks, and support of cultural and social facilities. The Comprehensive Plan addresses this aspect of sustainability through directives that touch upon residential land use, community facilities and economic standards:” There is **no public playground in ALL of Gunbarrel.** I have small children and miss a “neighborhood” park where we can bring our kids to play after school and on the weekends. Often we visit the Scott Carpenter Park while doing errands in Boulder. This doesn’t build our community or facilitate relationships with people that live in our neighborhood. **Converting this space into a park would positively service the community by maintaining the rural character of our community, protect the native wildlife, maintain current traffic levels, and have no effect on the hydrology.** That is an idea that makes sense.
- 3) **Smart development.** “Existing communities should grow at whatever rate they consider desirable, within the limits of what is acceptable to the citizens of areas potentially affected by that growth, and to the citizens of the county, while preserving and improving the quality of life and the aesthetic and functional fitness of land uses within the county”. This is a rural community and we strongly desire to maintain that status. **Increasing the density zoning of this land is not compatible with our community.**
- 4) **Environmental Management.** “Unique or distinctive natural features and ecosystems, and cultural features and sites should be conserved and preserved in recognition of the irreplaceable character of such resources and their importance to the quality of life in Boulder County. Natural resources should be managed in a manner which is consistent with sound conservation practices and ecological principles.” The abundance of wildlife in the open space to the south of the proposed land and the twin lakes is undisputable. **Developing the last parcel of land that provides these animals access to the lakes would clearly be counter to this principle.**

Thank you for accepting this land use changes request form. If you have any questions, please do not hesitate to contact me.

#### **Name and contact information**

Juliet Gopinath  
4555 Tally Ho Trail  
Boulder, CO 80301  
617-308-5567

### Location map showing size and context of the area proposed for amendment





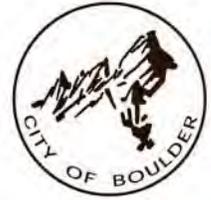
## Detailed Maps





# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input type="checkbox"/>	Land Use Map Amendment
<input type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input checked="" type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:

maintain low density residential zoning or add open space

b. Brief reason or justification for the proposed amendment:

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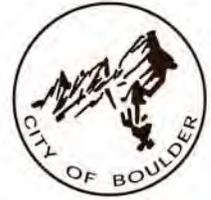
a. Map(s) proposed for amendment: see attached map

b. Brief description of location of proposed amendment:

6655 Twin Lakes Road

Section: 11 Township: 1N Range: 70

c. Size of parcel: 9.97 acres



**3) Applicant:**

Name: Brian Lay

Address: 4555 Tally Ho Trail, Boulder CO 80301

Phone: 7816409356

**4) Owner:**

Name: Boulder County

Address:

Phone: Peter Fogg 303-441-3930

**5) Representative/Contact:**

Name: Brian Lay

Address: 4555 Tally Ho Trail, Boulder CO 80301

Phone: 7816409356

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

No

## Land Use Change Narrative

This proposal is intended to do the following:

- 1) **Maintain the rural character of this community.** The areas surrounding this land are zoned as rural residential and are built with approximately 2-4 houses per acre of land. This proposal would maintain this character by allowing development in-line with those numbers or prevent any further development by converting the land to open space.
- 2) **Preserve the ecosystem for the abundant wildlife in this area.** The area surrounding this land is abundant in wildlife. Owls nest annually very close to this property and are often heard hunting during the evening hours. Coyotes, red fox, and many birds reside and migrate through the twin lakes area. Any development of this land without an ecological impact study should be considered detrimental to the preservation of the Boulder ecosystem.
- 3) **Prevent unnecessary traffic congestion through a narrow neighborhood corridor.** This land has only a single access road that traverses through neighborhoods in both the easterly and westerly directions. Increasing the density of this land would adversely affect the traffic through these neighborhoods. This proposal would maintain the rural zoning of the land to prevent additional traffic on these roads.
- 4) **Prevent property damage to existing neighborhoods due to complex hydrology.** This is a very hydrologically sensitive area. There are two dams to the north of the property and ditches to the north and east of the property. A dam inspection conducted in 2013 indicated several issues with the dams and characterized them as in moderate to poor condition. To my knowledge and to date those issues have not been addressed. Additionally a recent hydrology report indicates potential damage due to ground water increase if the land was developed that could negatively impact existing homes in the surrounding communities.
- 5) **Contest the effectiveness of Affordable housing being suggested at this location.** Affordable housing should be mindful of tenants income level by being close to the places people work, be accessible by public transportation, and walkable to necessary amenities. The parcel of land achieves none of these. To call this affordable housing for the city of Boulder is nothing more than a fallacy. If you want affordable housing in Boulder, then build it in Boulder. Don't annex a portion of Boulder County, to call it Boulder, to meet some artificial Affordable Housing goal. Find the housing close to where the tenants work. The nearest public transportation to this property is over .5 miles away (don't forget the winter months) and is available reliably only during peak hours. Many affordable housing tenants do not work traditional hours. This will effectively leave them without public transportation and no option for biking after hours. Finally, amenities are no less than 1 mile away in Gunbarrel center. Many apartment complexes have been recently built or are nearing completion in Gunbarrel center. Not a single unit in these complexes was designated for affordable housing. These locations would've perfectly satisfied the three requirements listed above (<http://www.apex5510.com/>, <http://www.boulderviewapartments.com/>, <http://www.gunbarrelcenter.com/>). Obviously, the Boulder Comprehensive Plan is not serving its purpose and should consider being a little more introspective. Three properties which are undeveloped which would be better suited for Affordable housing in Gunbarrel include:  
 6570 Gunpark (11-1N-70)  
 6560 Gunpark (11-1N-70)  
 6944 Cordwood CT (02-1N-70)

The charter of the Boulder County Comprehensive Plan includes the following (<http://www.bouldercounty.org/env/sustainability/pages/compplan.aspx>). Developing this parcel of land achieve none of these goals.

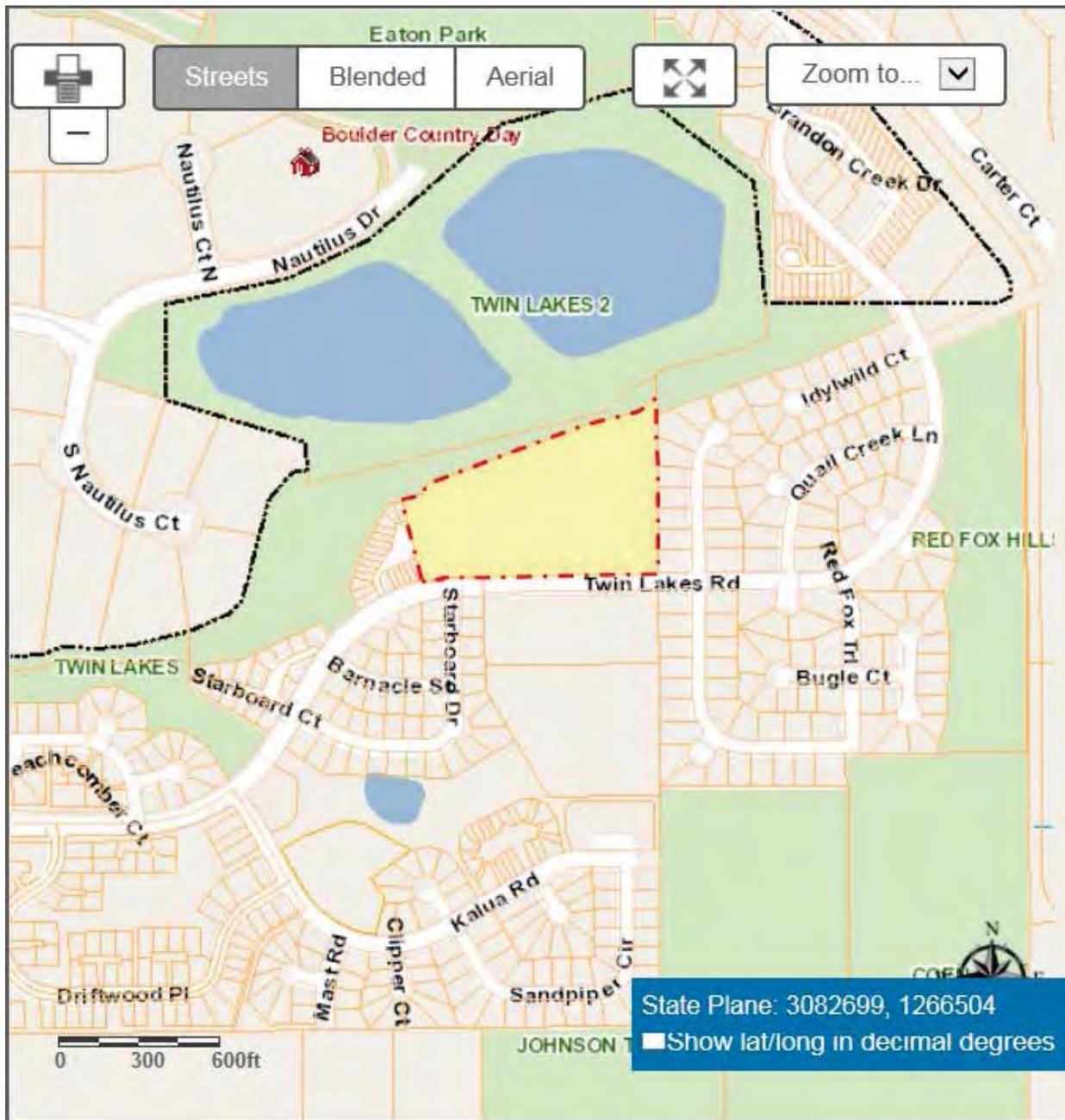
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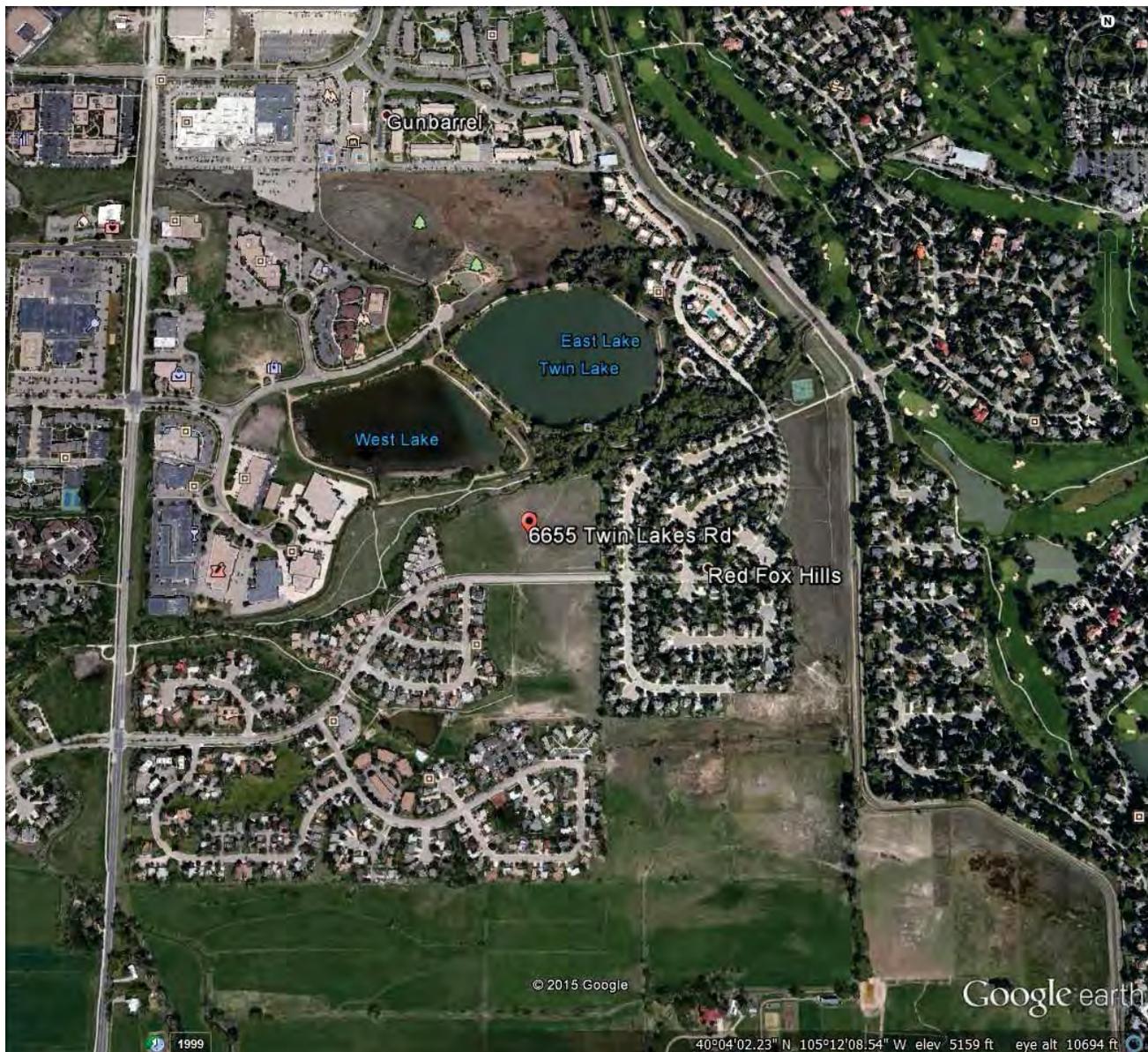
Thank you for accepting this land use changes request form. If you have any questions, please do not hesitate to contact me.

## Name and contact information

Brian Lay  
4555 Tally Ho Trail  
Boulder, CO 80301  
781-640-9356

### Location map showing size and context of the area proposed for amendment





## Detailed Maps





# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

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**2) Please provide the following information**

a. Brief description of the proposed amendment:

maintain low density residential zoning or add open space

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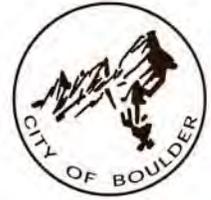
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Section: 11 Township: 1N Range: 70

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**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

No

## Land Use Change Narrative

This proposal is intended to do the following:

- 1) **Maintain the rural character of this community.** The areas surrounding this land are zoned as rural residential and are built with approximately 2-4 houses per acre of land. This proposal would maintain this character by allowing development in-line with those numbers or prevent any further development by converting the land to open space.
- 2) **Preserve the ecosystem for the abundant wildlife in this area.** The area surrounding this land is abundant in wildlife. Owls nest annually very close to this property and are often heard hunting during the evening hours. Coyotes, red fox, and many birds reside and migrate through the twin lakes area. Any development of this land without an ecological impact study should be considered detrimental to the preservation of the Boulder ecosystem.
- 3) **Prevent unnecessary traffic congestion through a narrow neighborhood corridor.** This land has only a single access road that traverses through neighborhoods in both the easterly and westerly directions. Increasing the density of this land would adversely affect the traffic through these neighborhoods. This proposal would maintain the rural zoning of the land to prevent additional traffic on these roads.
- 4) **Prevent property damage to existing neighborhoods due to complex hydrology.** This is a very hydrologically sensitive area. There are two dams to the north of the property and ditches to the north and east of the property. A dam inspection conducted in 2013 indicated several issues with the dams and characterized them as in moderate to poor condition. To my knowledge and to date those issues have not been addressed. Additionally a recent hydrology report indicates potential damage due to ground water increase if the land was developed that could negatively impact existing homes in the surrounding communities.

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- 1) **Smart development.** “Existing communities should grow at whatever rate they consider desirable, within the limits of what is acceptable to the citizens of areas potentially affected by that growth, and to the citizens of the county, while preserving and improving the quality of life and the aesthetic and functional fitness of land uses within the county”. This is a rural community and we strongly desire to maintain that status. **Increasing the density zoning of this land is not compatible with our community.**
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- 3) **Parks and open space.** “Open space shall be used as a means of preserving the rural character of the unincorporated county and as a means of protecting from development those areas which have significant environmental, scenic or cultural value.” This is land resides on unincorporated Boulder County and as such should be maintained as open space to preserve the rural character of this

community. Many people from Boulder come to enjoy the Twin Lakes area. **Developing this land would be counter to this principle.**

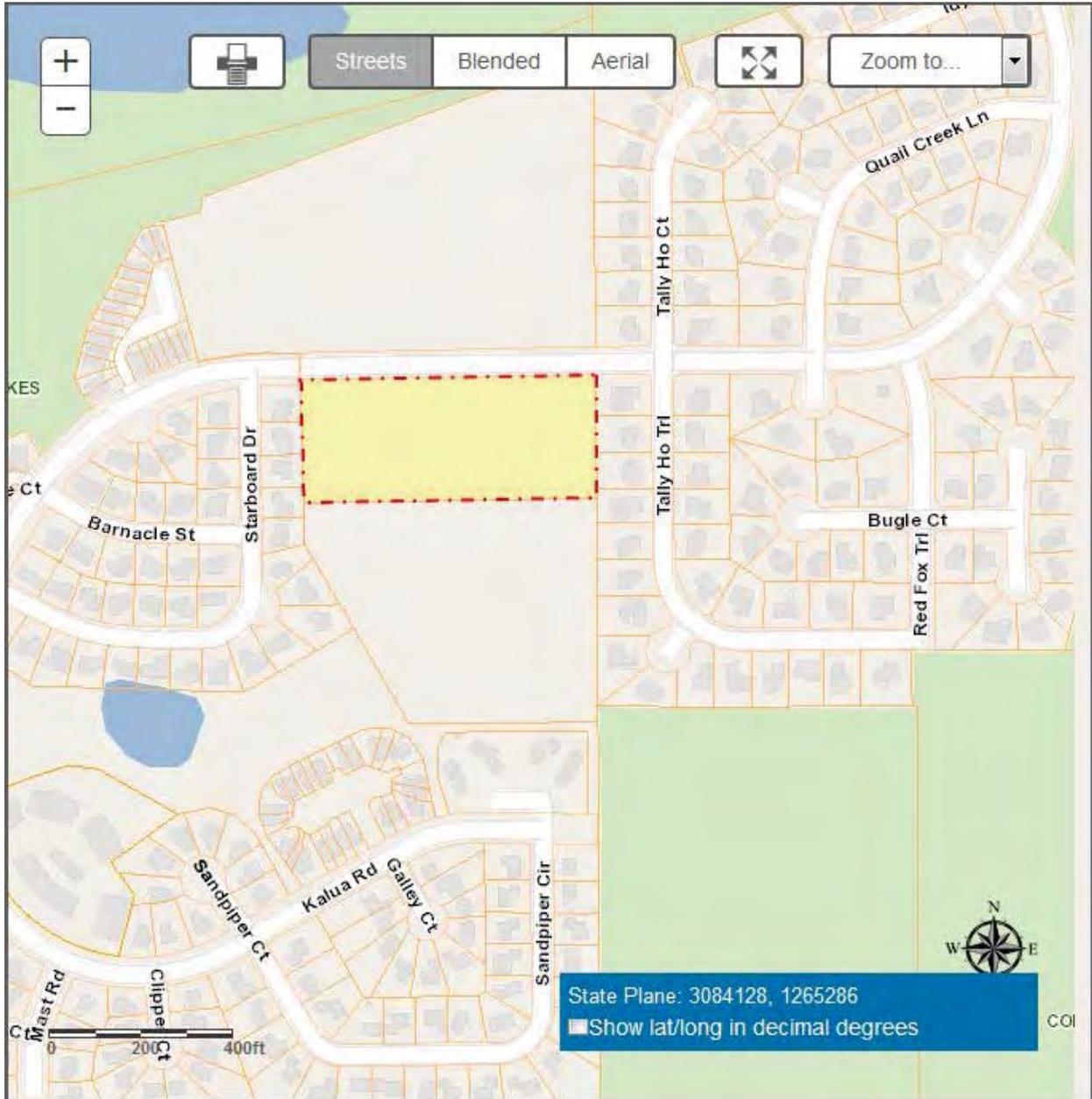
- 4) **Community sustainability.** “Sustainability isn't just about protecting our natural environment; it also addresses establishment of a sustainable, healthy community, including affordable housing, resources such as schools and parks, and support of cultural and social facilities. The Comprehensive Plan addresses this aspect of sustainability through directives that touch upon residential land use, community facilities and economic standards:” There is ***no public playground in ALL of Gunbarre!***. I have small children and miss a “neighborhood” park where we can bring our kids to play after school and on the weekends. Often we visit the Scott Carpenter Park while doing errands in Boulder. This doesn’t build our community. This doesn’t facilitate relationships with people that live in our neighborhood. ***Converting this space into a park would positively service the community by maintaining the rural character of our community, protect the native wildlife, maintain current traffic levels, and have no effect on the hydrology.*** That is an idea that makes sense.

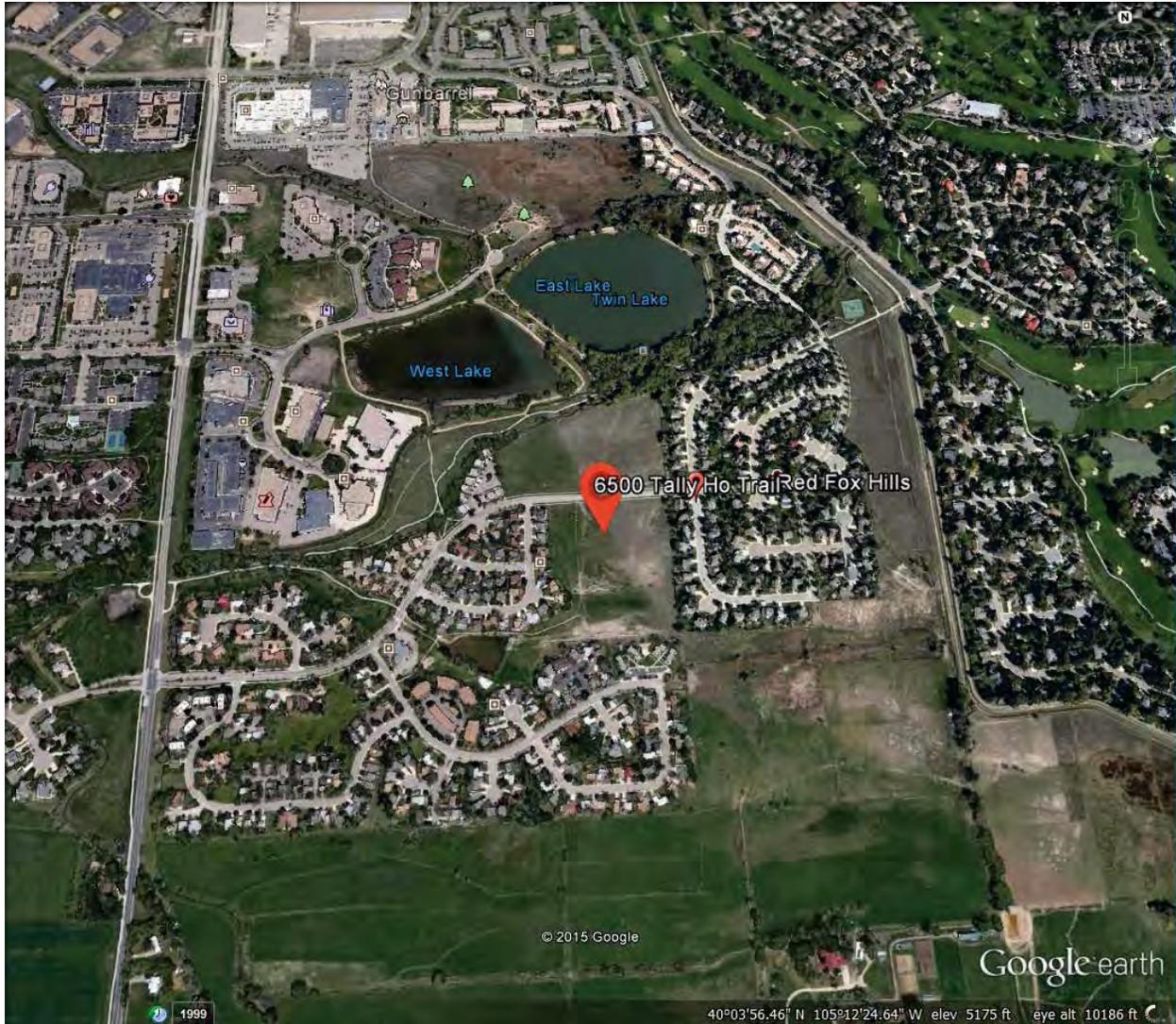
Thank you for accepting this land use changes request form. If you have any questions, please do not hesitate to contact me.

## **Name and contact information**

Brian Lay  
4555 Tally Ho Trail  
Boulder, CO 80301  
781-640-9356

### Location map showing size and context of the area proposed for amendment





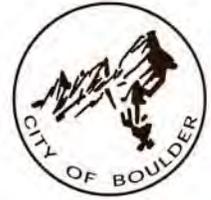
## Detailed Maps





# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input type="checkbox"/>	Land Use Map Amendment
<input type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input checked="" type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:

maintain low density residential zoning or add open space

b. Brief reason or justification for the proposed amendment:

This land provides a necessary path for wildlife to traverse from existing Boulder County open space to the lakes. Developing this parcel of land beyond low density residential can have drastic effects on wildlife and this rural community.

a. Map(s) proposed for amendment: see attached map

b. Brief description of location of proposed amendment:

0 Kalua Road

Section: 14 Township: 1N Range: 70

c. Size of parcel: 6.08 acres



**3) Applicant:**

Name: Brian Lay

Address: 4555 Tally Ho Trail, Boulder CO 80301

Phone: 7816409356

**4) Owner:**

Name: Boulder Valley School District RE-2J

Address: 6500 Arapahoe Ave Boulder CO 80303

Phone: 3034471010

**5) Representative/Contact:**

Name: Brian Lay

Address: 4555 Tally Ho Trail, Boulder CO 80301

Phone: 7816409356

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

No

## Land Use Change Narrative

This proposal is intended to do the following:

- 1) **Maintain the rural character of this community.** The areas surrounding this land are zoned as rural residential and are built with approximately 2-4 houses per acre of land. This proposal would maintain this character by allowing development in-line with those numbers or prevent any further development by converting the land to open space.
- 2) **Preserve the ecosystem for the abundant wildlife in this area.** The area surrounding this land is abundant in wildlife. Owls nest annually very close this property and are often heard hunting during the evening hours. Coyotes, red fox, and many birds reside and migrate through the twin lakes area. Any development of this land without an ecological impact study should be considered detrimental to the preservation of the Boulder ecosystem.
- 3) **Prevent unnecessary traffic congestion through a narrow neighborhood corridor.** This land has only a single access road that traverses through neighborhoods in both the easterly and westerly directions. Increasing the density of this land would adversely affect the traffic through these neighborhoods. This proposal would maintain the rural zoning of the land to prevent additional traffic on these roads.
- 4) **Prevent property damage to existing neighborhoods due to complex hydrology.** This is a very hydrologically sensitive area. There are two dams to the north of the property and ditches to the north and east of the property. A dam inspection conducted in 2013 indicated several issues with the dams and characterized them as in moderate to poor condition. To my knowledge and to date those issues have not been addressed. Additionally a recent hydrology report indicates potential damage due to ground water increase if the land was developed that could negatively impact existing homes in the surrounding communities.

The charter of the Boulder County Comprehensive Plan includes the following

(<http://www.bouldercounty.org/env/sustainability/pages/compplan.aspx>). Developing this parcel of land achieve none of these goals.

- 1) **Smart development.** “Existing communities should grow at whatever rate they consider desirable, within the limits of what is acceptable to the citizens of areas potentially affected by that growth, and to the citizens of the county, while preserving and improving the quality of life and the aesthetic and functional fitness of land uses within the county”. This is a rural community and we strongly desire to maintain that status. **Increasing the density zoning of this land is not compatible with our community.**
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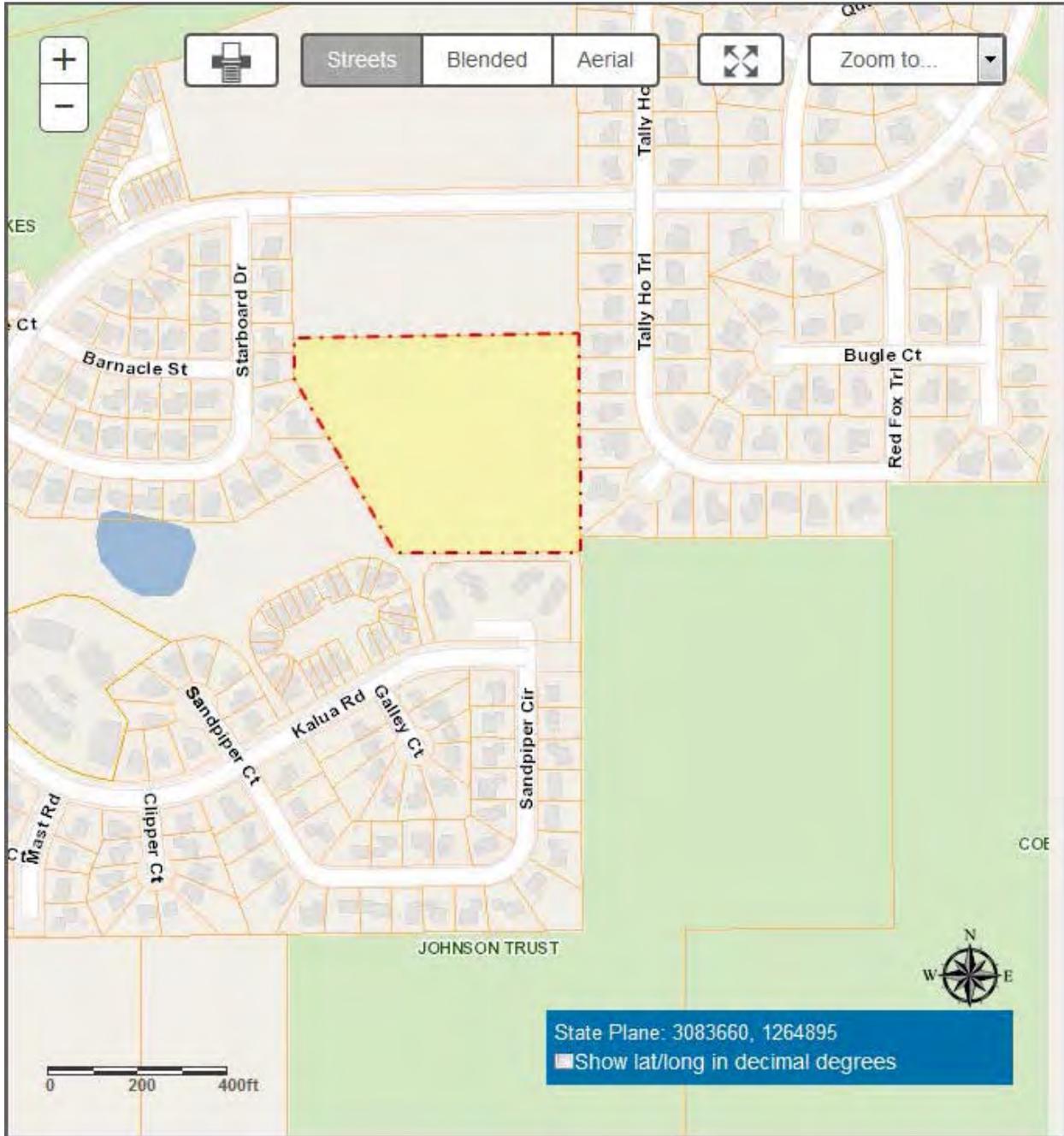
- 4) **Community sustainability.** “Sustainability isn't just about protecting our natural environment; it also addresses establishment of a sustainable, healthy community, including affordable housing, resources such as schools and parks, and support of cultural and social facilities. The Comprehensive Plan addresses this aspect of sustainability through directives that touch upon residential land use, community facilities and economic standards:” There is ***no public playground in ALL of Gunbarrel!***. I have small children and miss a “neighborhood” park where we can bring our kids to play after school and on the weekends. Often we visit the Scott Carpenter Park while doing errands in Boulder. This doesn’t build our community. This doesn’t facilitate relationships with people that live in our neighborhood. ***Converting this space into a park would positively service the community by maintaining the rural character of our community, protect the native wildlife, maintain current traffic levels, and have no effect on the hydrology.*** That is an idea that makes sense.

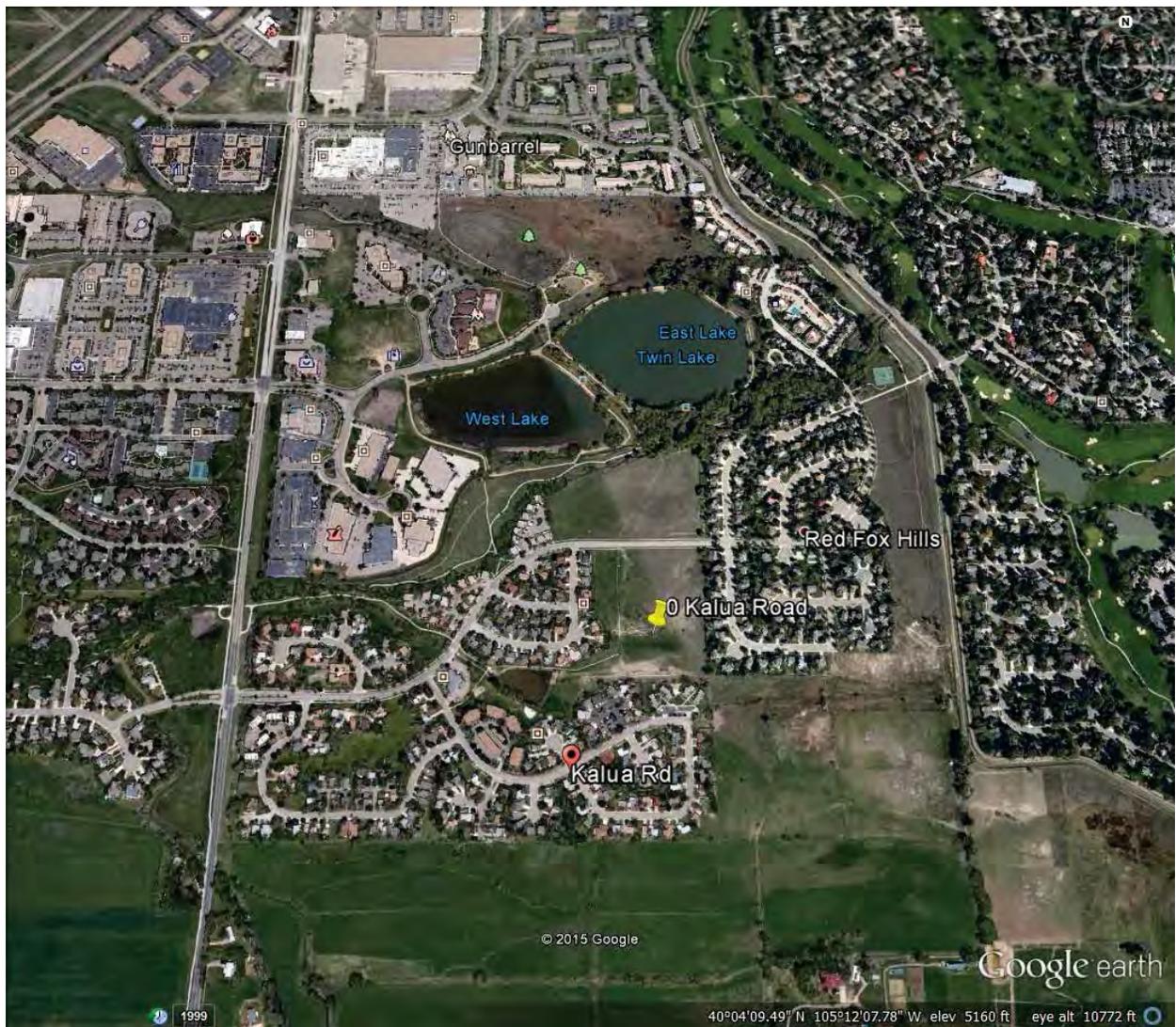
Thank you for accepting this land use changes request form. If you have any questions, please do not hesitate to contact me.

## **Name and contact information**

Brian Lay  
4555 Tally Ho Trail  
Boulder, CO 80301  
781-640-9356

### Location map showing size and context of the area proposed for amendment





## Detailed Maps



35)

**6655 & 6500 Twin Lakes Rd.,  
0 Kalua Rd. #2 –**  
*LR & PUB to MXR*

**Request #35**

**6655 Twin Lakes Rd., 6500 Twin Lakes Rd., 0 Kalua Dr.**

Initiated by owners (Boulder County Housing Authority and Boulder Valley School District)  
*Parcel size: 19.7 acres*

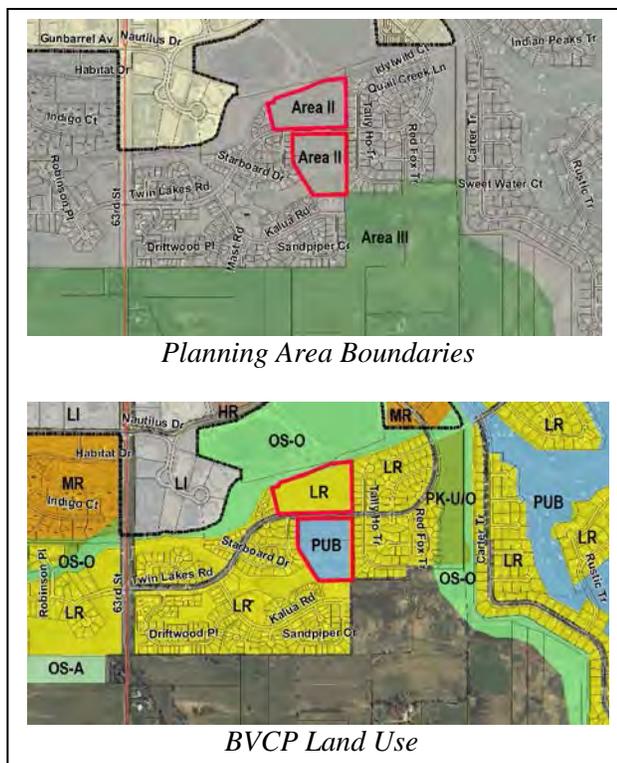
**Requests (2):**

Change the land use designations of the Boulder County Housing Authority property at 6655 Twin Lakes Rd. (9.7 acres) from Low Density Residential (LR) to Mixed Density Residential (MXR) and Boulder Valley School District properties at 6500 Twin Lakes Rd. and 0 Kalua Dr. (10 acres total) from Public (PUB) to Mixed Density Residential (MXR).

**Staff Recommendation: Yes**

Staff recommends that these requests be considered further as part of the BVCP Five Year Major Update for the following reasons:

1. The proposal is consistent with a number of BVCP policies related to housing mix, economic/social sustainability, and affordable housing, among others.
2. Demand for a school at this location has not materialized, which makes the PUB land use designation inconsistent with BVSD’s interest in the property. Further study is needed to identify the appropriate land use for the site.
3. Further study of site characteristics and compatibility issues is needed as part of the next phase of analysis. Additional analysis of appropriate land uses and intensity would occur as part of that effort.



**ANALYSIS:**

**1.) Consistent with the purposes of the major update as described above?**

Yes. This is a land use designation change request, which is consistent with the purposes of the BVCP Major Update.

**2.) Consistent with current BVCP policies?**

Permanently affordable workforce housing has been identified as a major community need in both the current BVPC and earlier iterations of the plan. In their request, BHCA and BVSD cite 31 policies taken from Sections 1 – 9 of the 2010 BVCP to support their request. These include affirmatively responding to the Principles of Economic and Social Sustainability; Jobs:Housing Balance; Compact Development Pattern; Mixture of Housing Types; Community Engagement; Preservation and Support for Residential Neighborhoods; and Local Solutions to Affordable Housing.

**3.) Compatible with adjacent land uses and neighborhood context?**

The request for a BVCP Mixed Density Residential (6 to 18 units per acre) land use designation has drawn significant concern and opposition from the adjacent neighborhood, which has a BVCP land use designation of Low Density Residential (2 to 6 units per acre). However, existing conditions differ somewhat from the BVCP land use map, as the LR areas abutting the site contain a mixture of subdivided

residential densities: Red Fox Hills (1980) - 3 du/acre, Twin Lakes 2 (1976) - 9 du/acre), Sagecrest (1977) - 13 du/acre, Starboard (1977) - 5 du/acre, and Portal Estates (1978) - 15 dus/acre. Therefore, the densities associated with the requested MXR land use is within the range of existing developments in the vicinity.

**4.) Was the proposed change requested or considered as part of a recent update to the Comp Plan or other planning process?**

No.

**5.) Is there any change in circumstances, community needs, or new information that would warrant the proposal be considered as part of this update?**

6500 Twin Lakes Road is owned by the Boulder Valley School District and has a BVCP land use of Public (PUB), as the property was originally intended to be a future school site. However, BVSD notes in their application that the demand for a new school has not materialized, and BVSD not intends to partner with BCHA to use the site for affordable housing.

Affordable housing has been and continues to be identified by city policy makers, decision makers, and residents as a significant community need, yet its provision has not been able to keep up with the demand, and the goal of increasing the proportion of permanently affordable housing to at least 10% of the total existing housing stock has not yet been met.

**6.) Are there enough available resources to evaluate the proposed change (city and county staffing and budget priorities)?**

Evaluating this request will likely require a significant amount of staff resources. The impacts of transitioning to Mixed Density Residential would need to be thoroughly evaluated and will entail additional community outreach.



# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input checked="" type="checkbox"/>	Land Use Map Amendment
<input type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:

The proposed amendment seeks to change the land use designation for 6655 Twin Lakes Rd from it's current Low-Density residential designation to the Mixed-Density residential designation.

b. Brief reason or justification for the proposed amendment:

The proposed amendment will allow BCHA to provide permanently affordable housing that responds to the wide variety of housing types in the Gunbarrel area while providing important community amenities.

a. Map(s) proposed for amendment: BVCP Land Use Designation Map

b. Brief description of location of proposed amendment:

The property in question is located at 6655 Twin Lakes Rd, Boulder, CO 80301.

Section: 11 Township: 1N Range: 70W

c. Size of parcel: 9.792



**3) Applicant:**

Name: Boulder County Housing Authority

Address: PO Box 471, Boulder, CO 80306

Phone: 303-413-7030

**4) Owner:**

Name: Boulder County Housing Authority

Address: PO Box 471, Boulder, CO 80306

Phone: 303-413-7030

**5) Representative/Contact:**

Name: Ian Swallow, Boulder County Housing Authority

Address: PO Box 471, Boulder, CO 80306

Phone: 303-413-7030

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

Yes, Boulder County Housing Authority is seeking to develop the property as permanently affordable housing.



# Housing Authority

2525 13<sup>th</sup> Street, Suite 204 • Boulder, Colorado 80304 • Tel: 303.441.3929 Fax: 720.564.2283  
www.bouldercountyhhs.org

2525 13<sup>th</sup> Street, Suite 2014  
Boulder, Colorado 80304

October 2, 2015

Ms. Lesli Ellis, Comprehensive Planning Manager  
City of Boulder Community Planning & Sustainability  
1739 Broadway, 3<sup>rd</sup> Floor  
Boulder, Colorado 80302

**Re: Boulder County Housing Authority and Boulder Valley School District's applications for a BVCP Land Use Designation Change for 6655 Twin Lakes Road**

Dear Ms. Ellis:

Boulder County Housing Authority is pleased to submit a request for a land use designation change as part of the 2015 Boulder Valley Comprehensive Plan Update for the parcel of land located at 6655 Twin Lakes Rd from low-density residential to mixed-density residential. The intent of this request is to provide permanently affordable housing to help address the unmet housing needs in Boulder County.

BCHA believes that a BVCP land use designation of mixed-density residential provides the flexibility and opportunity to create a community that matches the context of the surrounding area, is made up of a variety of housing types, and provides significant amenities. BCHA is committed to furthering the policies and goals of the Boulder Valley Comprehensive Plan, and the enclosed application outlines the many goals that our request fulfills and furthers.

As you review our land use designation change request, please be aware of our intent to partner with the Boulder Valley School District, which owns the parcel of land directly to the south of 6655 Twin Lakes Rd, in the planning of our two adjacent parcels. We believe that the opportunity to plan the two parcels together will create a tremendous benefit to the Gunbarrel community, the city and the county as we seek to provide housing for low- and moderate-income households and Boulder Valley School District employees.

We look forward to working closely with the Gunbarrel community, the City, the County, and the Boulder Valley School District on this proposal.

Sincerely,

Frank Alexander, Executive Director  
Boulder County Housing Authority

## Narrative addressing the details of the proposed amendment

### 1) Reason or justification for proposal

BCHA's request to change the Land Use Designation at 6655 Twin Lakes Road is the result of two key factors; providing affordable housing in an area that has seen a 41% increase in the average rental costs since 2011, and designing the community to reflect the wide variety of housing types in the Gunbarrel area while providing important community amenities.

In order to develop the property as affordable housing, BCHA will seek annexation to the City of Boulder. The initial zoning of the parcel will be determined, in part, by the BVCP Land Use Designation. The current BVCP Land Use Designation for the 6655 Twin Lakes Rd parcel is 'Low-Density Residential' which would suggest an eventual City of Boulder zoning designation as Residential Low – 1 (RL-1) or Residential Low -2 (RL-2). These zoning designations would limit the type and number of units in such a way that would make providing affordable housing difficult. These designations would require low-density building types that can be cost-prohibitive for an affordable housing developer to provide, limit the amount of potential open space, and prevent the inclusion of certain community amenities that greatly add to affordable housing communities.

BCHA believes that a BVCP Land Use Designation of 'Mixed-Density Residential' provides the flexibility and opportunity to create a community that matches the context of the surrounding area, is made up of a variety of housing types, and provides significant amenities. As defined in the BVCP, Mixed-Density Residential is "applied in some areas planned for new development where the goal is to provide a substantial amount of affordable housing in mixed-density neighborhoods that have a variety of housing types and densities". In reviewing the surrounding neighborhood, BCHA finds that a wide variety of housing types and densities exist within a ¼ mile of 6655 Twin Lakes Rd. This variety ranges from single-family homes to multi-family apartment buildings with densities ranging from 3 dwelling units/acre (du/ac) up to 15 du/ac (See Attachment A – Adjacent Densities). Through a Land Use Designation change to 'Mixed-Density Residential', BCHA would be able to match and respond to the variety of housing types and densities while providing a substantial amount of affordable housing.

The Mixed-Density Land Use Designation would suggest an eventual City of Boulder zone district of Residential – Mixed 2 (RMX-2), which, unlike the RL-1 or RL-2 zone districts provides for "residential areas which have a mix of densities from low density to high density and where complimentary uses may be permitted". While BCHA does not believe that any high-density residential uses are appropriate for 6655 Twin Lakes Rd, and would only seek to provide housing that ranged from low to medium density, the ability to provide different housing types at varying densities will greatly increase the quality of future development at 6655 Twin Lakes Rd. Providing for both low- and medium-density housing will allow BCHA to match the density surrounding the site, cluster homes together creating additional open space and reduce the cost per unit to build affordable housing allowing for increased community amenities and a higher quality design.

2) Relationship to the goals, policies, elements, and amendment criteria of the Boulder Valley Comprehensive Plan

BCHA finds that the requested land use designation change for 6655 Twin Lakes Rd is in compliance with the amendment criteria of the Boulder Valley Comprehensive Plan and furthers many of the goals, policies and elements of the BVCP.

*Amendment Criteria*

***(a) The proposed change is consistent with the policies and overall intent of the comprehensive plan.***

BCHA finds that the proposed land use designation change is consistent with the policies and overall intent of the comprehensive plan. Please see justification below.

***(b) The proposed change would not have significant cross-jurisdictional impacts that may affect residents, properties or facilities outside the city.***

BCHA does not anticipate any significant cross-jurisdiction impacts resulting from the proposed land use designation amendment. The parcel is located in Area II in the Gunbarrel Subcommunity, an area that currently has shared jurisdiction for planning and service provision among the county, the city, the Gunbarrel Public Improvement District and other special districts. Area II has been recognized by both the city and county as an area of eventual annexation to the City of Boulder.

***(c) The proposed change would not materially affect the land use and growth projections that were the basis of the comprehensive plan.***

The proposed land use designation change would not materially affect the land use and growth projects that were the basis of the comprehensive plan. The land use would remain residential in nature and would not provide a meaningful increase in the growth projections included in the comprehensive plan.

***(d) The proposed change does not materially affect the adequacy or availability of urban facilities and services to the immediate area or to the overall service area of the City of Boulder.***

BCHA does not anticipate that the land use designation change would affect the adequacy or availability of urban facilities and services to the immediate area or to the overall service area of the City of Boulder. The parcel is located in Area II in the Gunbarrel Subcommunity, an area that currently has shared jurisdiction for planning and service provision among the county, the city, the Gunbarrel Public Improvement District and other special districts.

***(e) The proposed change would not materially affect the adopted Capital Improvements Program of the City of Boulder.***

BCHA's request would not materially affect the adopted Capital Improvements Program of the City of Boulder.

***(f) The proposed change would not affect the Area II/Area III boundaries in the comprehensive plan.***

BCHA's request would not affect the Area II/Area III boundaries.

***Policies and Goals of the Boulder Valley Comprehensive Plan***

BCHA finds that the requested land use designation change furthers many of the policies, goals and elements of the Boulder Valley Comprehensive Plan. At the heart of BCHA's proposed BVCP Land Use Designation Change request is the mission to provide new permanently affordable housing to serve the Boulder County community.

***1. Core Values, Sustainability Framework and General Policies***

***1.03 Principles of Economic Sustainability***

Affordable housing is a key component to maintaining a healthy and adaptable economy in the Boulder Valley. Providing housing for the workforce continues to be a challenge in the Boulder Valley, and locating new affordable housing near an area that has significant job expansion potential will help ensure that employers are able to attract and retain employees.

***1.04 Principles of Social Sustainability***

The addition of new affordable housing in Gunbarrel will increase the housing and social diversity of an area that currently has less than .25% of its housing stock restricted as permanently affordable.

***1.05 Community Engagement***

BCHA is committed to an open and transparent process and will continue to engage with the Gunbarrel and Boulder County community.

***1.11 Regional and Statewide Cooperation***

The proposed land use designation change will offer a rare opportunity for the City and County to collaborate on providing affordable housing, an issue that requires effective cooperation between local and regional governments. In this spirit, BCHA has been coordinating closely with Boulder Housing Partners (BHP) around the project and has received a resolution supporting the project from BHP.

***1.19 Jobs:Housing Balance***

Gunbarrel is, and will continue to be, a regional jobs center in the Boulder Valley. The opportunity to provide affordable housing in an area that currently has a severe shortage will help to alleviate the current jobs:housing imbalance and provide a critical resource to both employers and employees.

### **1.24 Annexation**

In order to develop the property as affordable housing, BCHA will seek annexation to the City of Boulder. This would meet several of the annexation policies in the BVCP, including:

- Support the community benefit provision for annexation, specifically as it relates to the provision of permanently affordable housing.
- Annexation of an Area II parcel in the Gunbarrel Subcommunity. The city and county continue to support the eventual annexation of Gunbarrel.

## **2. Built Environment**

### **2.03 Compact Development Pattern**

Development of the parcel at 6655 Twin Lakes Rd would connect two neighborhoods, take advantage of existing city services, and would not expand the service area.

### **2.09 Neighborhoods as Building Blocks**

BCHA is committed to ensuring that development of 6655 Twin Lakes Rd furthers the Gunbarrel community character and is responsive to the surrounding context. The proposed mixed-density designation would allow BCHA to provide a variety of housing types and densities that respond to the unique character of Gunbarrel.

### **2.10 Preservation and Support for Residential Neighborhoods**

The proposed land use map amendment would allow for development to be more responsive to the existing residential neighborhood than the current designation. This would be done through building types that reflect the character of the surrounding community, allowing significant amenities to be included in the site design, and providing for a diverse range of incomes in the neighborhood.

### **2.23 Trail Corridors/Linkages**

The Twin Lakes Open Space sits directly north of 6655 Twin Lakes Rd and trail connectivity to Twin Lakes and the surrounding open space will be a key component of any future development. The land use designation change would increase BCHA's ability to provide such a connection by allowing for mixed-densities that allow a greater proportion of the site to be dedicated to trails and open space.

### **2.31 Design of Newly-Developing Areas**

The proposed land use designation change would allow for 6655 Twin Lakes Rd to include a variety of residential densities and housing types while providing permanently affordable housing.

### **2.32 Physical Design for People**

BCHA is committed to including design elements that are pedestrian scale, provide transportation options for all modes, and create buildings that are the appropriate scale and massing. Additionally, BCHA strives to provide a significant number of homes for people with disabilities, and consistently provides accessible homes in excess of requirements.

### ***2.33 Environmentally Sensitive Urban Design***

BCHA is committed to ensuring that our housing communities are environmentally sensitive. We strive to include green building technology such as geothermal heating and cooling and solar energy generation. A mixed-density land use designation would allow BCHA to provide a more environmentally sensitive design through density clustering to respect the adjacent open space and more cost effective building types which would allow for greater green building features to be included.

### ***2.36 Design Excellence for Public Projects***

The proposed land use designation change would ensure that 6655 Twin Lakes Rd would exhibit design excellence for a public project. By allowing for a variety of building types, the mixed-density designation ensures that the design responds to the surrounding context and is visually attractive.

## ***3. Natural Environment***

### ***3.12 Water Conservation***

BCHA is committed to ensuring that our housing communities are equipped with water conserving fixtures and that residents are educated on water usage and conservation.

## ***4. Energy and Climate***

### ***4.03 Energy Conservation and Renewable Energy***

BCHA is committed to ensuring that our buildings and housing communities are at the forefront of energy conservation and renewable energy production. A land use designation change to mixed-density would allow for more cost-effective building types which in turn allows for greater energy conservation measures and renewable energy production to be included in our site and building designs.

### ***4.05 Energy-Efficient Building Design***

A land use designation change to mixed-density would allow for more cost-effective building types which in turn allows for greater resources to fund energy-efficient building technologies such as geothermal heating and cooling and solar energy generation.

## ***5. Economy***

### ***5.05 Support for Local Business and Business Retention***

The availability of affordable housing for low and moderate income households directly affects the ability for businesses to retain employees. Gunbarrel will continue to be a regional job center for the Boulder Valley, and the provision of affordable housing in Gunbarrel will help ensure that future and current low to moderate income employees have access to affordable housing near where they work.

## **6. *Transportation***

### **6.01 *All-Mode Transportation System***

The mixed-density land use designation provides the best ability to include transportation options for a variety of modes, including a focus on pedestrian and bicycle connections to adjacent open space.

## **7. *Housing***

### **7.01 *Local Solutions to Affordable Housing***

The BVCP recognizes the critical importance that affordable housing plays in the Boulder Valley. This land use designation change request presents an opportunity to provide a significant community benefit and help to further the city and county's affordable housing goals. The mixed-density residential designation will allow for an appropriate number of units in building types that are more cost-effective to build compared to what would likely be allowed as part of the current land use designation.

### **7.02 *Permanently Affordable Housing***

The proposed land use designation change at 6655 Twin Lakes Rd presents a tremendous opportunity for the city to increase the proportion of permanently affordable housing units in an area that has less than .25% of its housing stock restricted as permanently affordable.

### **7.05 *Strengthening Regional Housing Cooperation***

The proposed land use designation change for 6655 Twin Lakes Rd will provide a tremendous opportunity for regional housing collaboration and cooperation between the city and county. BCHA is fully committed to working closely with the city to ensure that any development fully meets the goals and objectives of all stakeholders.

### **7.06 *Mixture of Housing Types***

At the heart of BCHA's proposed land use designation change is the desire to provide a mixture of housing types at various densities and sizes that will allow BCHA to serve a diverse set of incomes.

### **7.09 *Housing for a Full Range of Households***

The mixed-density land use designation will give BCHA the flexibility to provide housing that meets the needs of a variety of households including seniors and families.

### **7.10 *Balancing Housing Supply with Employment Base***

The Gunbarrel Subcommunity is currently a job center for the Boulder Valley and is projected to expand that role over the next decade. Providing affordable housing now will help meet the current demand and ensure that adequate housing is provided as Gunbarrel continues to add to its job base.

### ***7.13 Integration of Permanently Affordable Housing***

The mixed-density land use designation provides BCHA with the best opportunity to ensure that new affordable housing is designed to be compatible and integrated with the Gunbarrel community.

## **8. Community Well-Being**

### ***8.01 Providing for a Broad Spectrum of Human Needs***

Housing is a critical safety net service in a household's path to self-sufficiency. BCHA firmly believes that early intervention and prevention through the provision of quality, affordable housing is the key to a household's success. The proposed land use designation change will allow BCHA to provide for this critical need in our community.

### ***8.02 Regional Approach to Human Services***

BCHA is fully integrated into the Boulder County Department of Housing and Human Services allowing our agency to provide the full spectrum of services that households may need. The land use designation change will ensure that BCHA and BCDHHS are able to provide services to our current and future clients in Gunbarrel. The collaboration between the city and county on this project will continue to address the need for regional approaches to human service needs.

### ***8.04 Addressing Community Deficiencies***

Through a land use designation change to mixed-density residential BCHA believes that we will be well positioned to include amenities that address current community deficiencies in Gunbarrel. This includes access to housing options for low-income households, potential for a community building with resident services, and public open space.

### ***8.05 Diversity***

The proposed land use designation change will facilitate a more diverse Gunbarrel community by providing affordable housing for a variety of socio-economic groups.

## **9. Agriculture and Food**

### ***9.02 Local Food Production***

BCHA has a strong belief in providing opportunities for food production and nutrition education at our housing communities. The land use designation change request will increase the potential for local food production by allowing for a more thoughtful site plan that incorporates design principles such as density clustering to allow space for amenities such as community gardens.

### ***9.05 Urban Gardening and Food Production***

The proposed land use designation change will allow for greater opportunities for urban gardening and food production through a more responsive site design that incorporates ample opportunities for garden and food production space.

**Name and contact information of person who prepared submittal information**

Ian Swallow, Boulder County Housing Authority

[iswallow@bouldercounty.org](mailto:iswallow@bouldercounty.org)

303-413-7030

PO Box 471

Boulder, CO 80306

# 6655 Twin Lakes Rd - Detailed Map

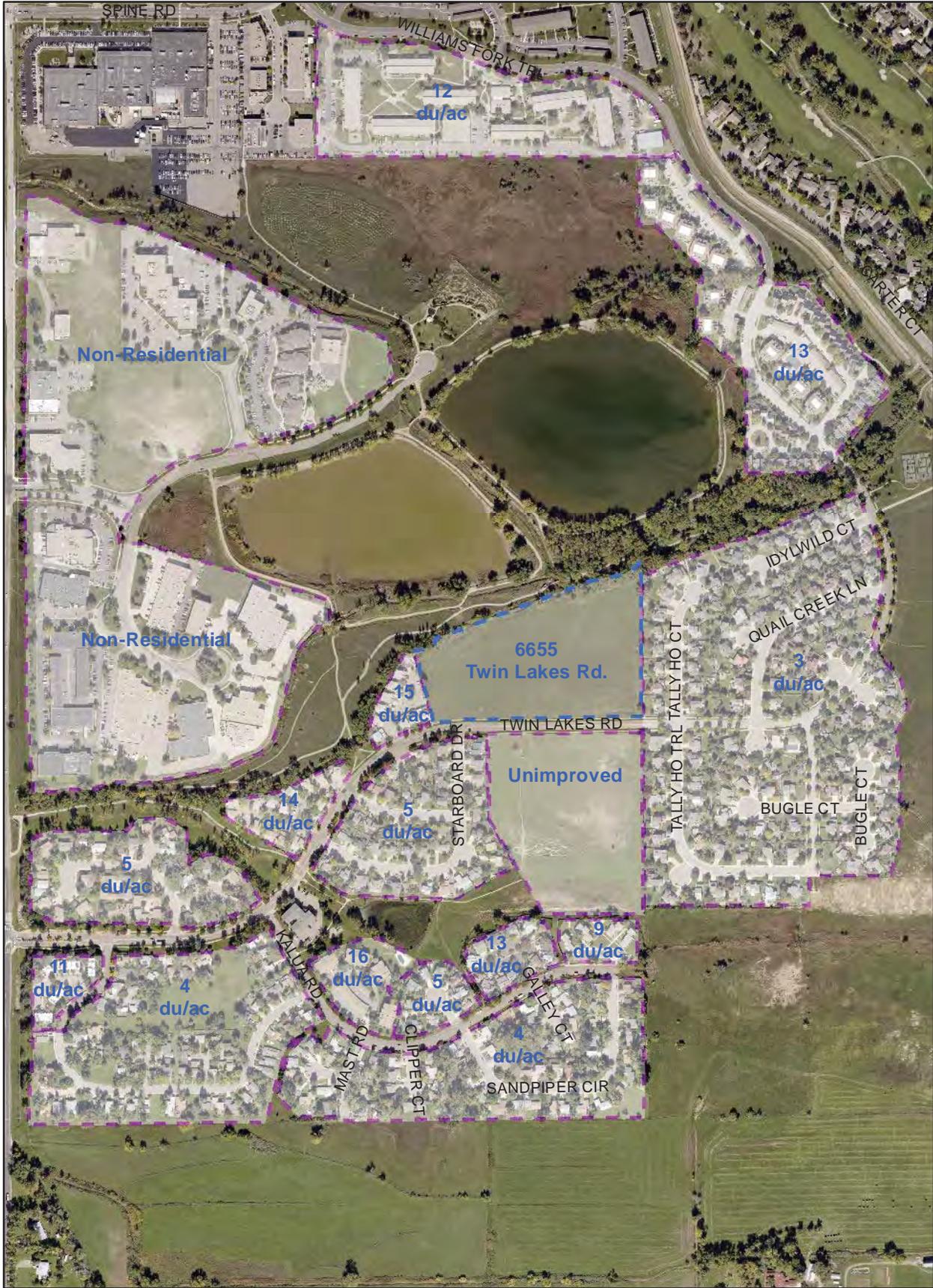


— Elevation Contours (2')

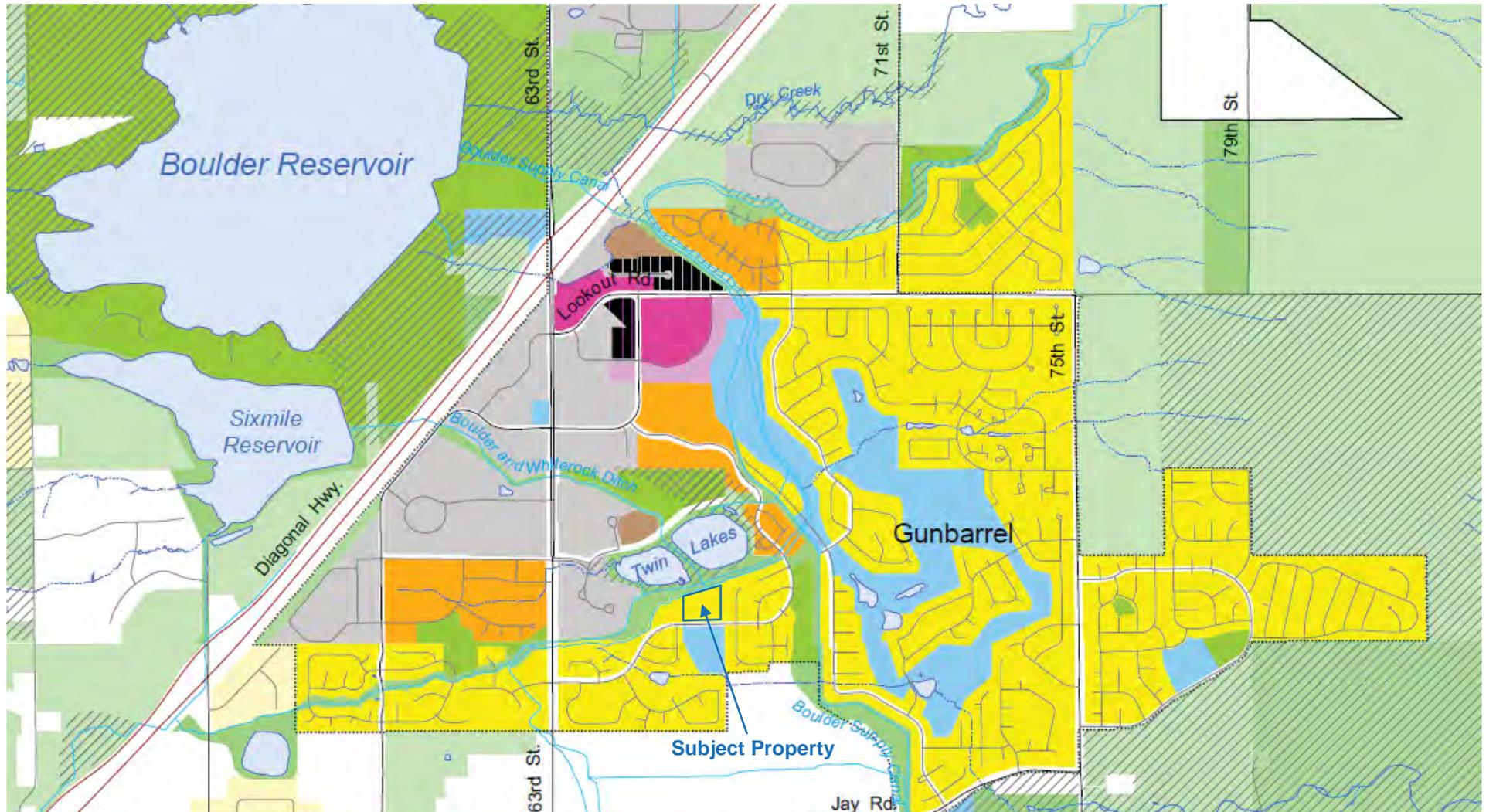
--- 6655 Twin Lakes Road



# 6655 Twin Lakes Rd - Adjacent Residential Densities



# 6655 Twin Lakes Rd—Adjacent BVCP Land Use Designations (2010)



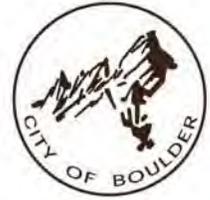
## Legend

- |                              |                       |                        |                       |                                      |                            |
|------------------------------|-----------------------|------------------------|-----------------------|--------------------------------------|----------------------------|
| <b>Land Use</b>              | <b>Business</b>       | <b>Industrial</b>      | <b>Mixed Use</b>      | <b>Open Space and Mountain Parks</b> | <b>Other</b>               |
| <b>Residential</b>           | Community Business    | Community Industrial   | Mixed Use Business    | Open Space, Acquired                 | Agricultural               |
| Very Low Density Residential | General Business      | Light Industrial       | Mixed Use Industrial  | Open Space, Development Rights       | Park, Urban and Other      |
| Low Density Residential      | Service Commercial    | Performance Industrial | Mixed Use Residential | Open Space, Other                    | Public                     |
| Manufactured Housing         | Transitional Business | <b>Mixed Use</b>       |                       |                                      | Environmental Preservation |
| Medium Density Residential   | Regional Business     |                        |                       |                                      |                            |
| Mixed Density Residential    |                       |                        |                       |                                      |                            |
| High Density Residential     |                       |                        |                       |                                      |                            |



# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input checked="" type="checkbox"/>	Land Use Map Amendment
<input type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:

To change the Land Use designation from "Public" to "Mixed Use-Residential" for a 10 acre parcel in the Twin Lakes neighborhood of Gunbarrel

See next page for complete text.

b. Brief reason or justification for the proposed amendment:

Property was originally intended to be a school site and was likely designated "Public" with this use in mind. However, the demand for a new school at this location has not materialized over the years. Boulder Valley Schools District (BVSD) the owner intends to partner with Boulder County Housing Authority +

a. Map(s) proposed for amendment: Land Use Designation Map

b. Brief description of location of proposed amendment:

Tract 4008 described under parcel numbers 146311300009 and 146314200001. Approximately .4 miles east of 63rd Street off Twin Lakes Road (south side) in Gunbarrel. No address number has been assigned to this property.

Section: 11&14 Township: 1N Range: 70

c. Size of parcel: 10 acres

(Full text cropped from previous page):

**Request 35) BVSD**

*Brief reason or justification for the proposed amendment:*

Property was originally intended to be a school site and was likely designated "Public" with this use in mind. However, the demand for a new school at this location has not materialized over the years. Boulder Valley Schools District (BVSD), the owner, intends to partner with Boulder County Housing Authority (BCHA) to utilize this property for affordable housing, including units for BVSD teacher, which will require a residential designation allowing higher and more flexible density.



**3) Applicant:**

Name: Boulder Valley School District

Address: 6500 Arapahoe Av. Boulder, CO 80303-3199

Phone: 720-561-5794

**4) Owner:**

Name: Boulder Valley School District

Address: 6500 Arapahoe Av.  
Boulder, CO 80303-3199

Phone: 720-561-5794

**5) Representative/Contact:**

Name: Glen Segrue, AICP

Address: 6500 Arapahoe Av.  
Boulder, CO 80303-3199

Phone: 720-480-5794

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

No other applications have been presented for this property.



Operational Services  
720-561-5062  
Fax: 720-561-5118  
[www.bvsd.org](http://www.bvsd.org)

6500 East Arapahoe, PO Box 9011  
Boulder, CO 80301

October 2, 2015

Ms. Lesli Ellis, Comprehensive Planning Manager  
City of Boulder Community Planning & Sustainability  
1739 Broadway, 3<sup>rd</sup> Floor  
Boulder, Colorado 80302

**Re: Boulder Valley School District and Boulder County Housing Authority's applications for a BVCP Land Use Designation Change for property in Twin Lakes**

Dear Ms. Ellis:

Boulder Valley School District (BVSD) is pleased to submit a request for a land use designation change as part of the 2015 Boulder Valley Comprehensive Plan Update for a parcel of land owned by the district in the Twin Lakes neighborhood of Gunbarrel from public to mixed-density residential. The intent of this request is to provide permanently affordable housing to help address the unmet housing needs in Boulder County, particularly those of teachers.

BVSD believes that a BVCP land use designation of mixed-density residential provides the flexibility and opportunity to create a community that matches the context of the surrounding area, is made up of a variety of housing types, and provides significant amenities. BVSD is committed to furthering the policies and goals of the Boulder Valley Comprehensive Plan, and the enclosed application outlines the many goals that our request fulfills and furthers.

As you review our land use designation change request, please be aware of our intent to partner with the Boulder County Housing Authority (BCHA), which owns the parcel of land directly to the north of the district's parcel, in the planning of our two adjacent parcels. We believe that the opportunity to plan the two parcels together will create a tremendous benefit to the Gunbarrel community, the city and the county as we seek to provide housing for low- and moderate-income households and Boulder Valley School District employees.

We look forward to working closely with the Gunbarrel community, the City, the County, and the Boulder Valley School District on this proposal.

Regards,

A handwritten signature in blue ink, appearing to read "Don Orr", is written over the typed name.

Don Orr  
Chief Facilities Officer  
Boulder Valley School District



6500 East Arapahoe, PO Box 9011  
Boulder, CO 80301

**Planning Office**  
303-245-5794  
Fax: 303-447-5118  
[www.bvds.org](http://www.bvds.org)

December 7, 2015

Ms. Lesli Ellis, Comprehensive Planning Manager  
City of Boulder Community Planning & Sustainability  
1739 Broadway, 3<sup>rd</sup> Floor  
Boulder Co, 80302

Pete Fogg, Senior Planner, Long Range Policy Team  
Boulder County Land Use Department  
P.O. Box 417  
Boulder, CO 80306

Dear Lesli and Pete,

This letter serves to clarify a discrepancy brought to our attention concerning the School District's BVCP land use change application. The subject property for this application is school district owned property described as Tract 4008 under parcel numbers 146311300009 and 146314200001. Item 2a in the application incorrectly requests that the BVCP land use for the property be designated "Mixed Use-Residential" in conflict with other parts of the application and narrative. Rather, this item should have requested a designation of "Mixed Density-Residential" for the property. My apologies for any confusion this may have created.

Sincerely,

A handwritten signature in blue ink, appearing to read "Glen Segrue", followed by a horizontal line extending to the right.

Glen Segrue  
Senior Planner

## **Narrative addressing the details of the proposed amendment**

### 1) Reason or justification for proposal

The Boulder Valley School District (BVSD) currently owns a 10 acre property in the Twin Lakes neighborhood of unincorporated Gunbarrel acquired through a development dedication in the 1960's. The intent of the dedication was to provide land for a future school, however, due to changing land uses and market conditions, the need for the school never materialized over the decades.

In 2013, the Boulder County Housing Authority (BCHA) acquired 10 acres of land adjacent to the BVSD land holding in Twin Lakes. This year, BCHA has announced their intention to pursue annexation with the City of Boulder and develop their property for mixed-density affordable housing.

Because the successful annexation of the BCHA property would provide contiguity to the City of Boulder and possible annexation of the District property, BVSD has recently begun re-examining possible future uses of the Twin Lakes property. Annexation would allow connection to City services, such as water and sewer and increase the allowed uses and densities on the property.

In light of this re-examination, BVSD staff has been in contact with BCHA to explore the types of benefits BVSD could realize in a partnership with that organization. These discussions have been fruitful in outlining cooperative efforts that could help BVSD use this land asset to provide affordable housing units to teaching staff. Such a partnership could help address BVSD concerns over housing affordability in Boulder County and its effect on hiring and retaining talented teachers in the future.

BVSD has become increasingly confident that the potential partnership with BCHA and the possibility of providing affordable units to teaching staff offers the highest beneficial use of this property for the District. The District is requesting this Land Use Change to the Boulder Valley Comprehensive Plan (BVCP) in support of this planned partnership.

In order to develop the property as affordable housing under a partnership with BCHA, BVSD will seek annexation to the City of Boulder. As part of this process the initial zoning of the parcel will be determined, in part, by the BVCP Land Use Designation. The current BVCP Land Use Designation for the BVSD Twin Lakes parcel of 'Public/Semi-public' which would suggest an eventual City of Boulder Zoning designation as Public(P). Public zoning does allow some residential uses through Use Review, but is otherwise optimized to provide public facilities such as offices and schools. Since a Public designation is no longer suited to this property and BVSD desires consistency with the BCHA parcel for future master planning, a 'Mixed-Density Residential' designation is more applicable for this property.

BVSD believes that a BVCP Land Use Designation of 'Mixed-Density Residential' provides the flexibility and opportunity to create a community that matches the context of the surrounding area, is made up of a variety of housing types, and provides significant amenities. As defined in the BVCP, Mixed-Density

Residential is “applied in some areas planned for new development where the goal is to provide a substantial amount of affordable housing in mixed-density neighborhoods that have a variety of housing types and densities”. In reviewing the surrounding neighborhood, BVSD finds that a wide variety of housing types and densities exist within a ¼ mile the BVSD Twin Lakes parcel. This variety ranges from single-family homes to multi-family apartment buildings with densities ranging from 3 dwelling units/acre (du/ac) up to 15 du/ac. Through a Land Use Designation change to ‘Mixed-Density Residential’, BVSD in partnership with BCHA would be able to match and respond to this variety of housing types and densities while providing a substantial amount of affordable housing.

The Mixed-Density Land Use Designation would suggest an eventual City of Boulder zone district of Residential – Mixed 2 (RMX-2), which, unlike the RL-1 or RL-2 zone districts provides for “residential areas which have a mix of densities from low density to high density and where complimentary uses may be permitted”. While BVSD does not believe that any high-density residential uses are appropriate for the BVSD Twin Lakes parcel, and would only seek to provide housing that ranged from low to medium density, the ability to provide different housing types at varying densities will greatly increase the quality of future development on the site. Providing for both low- and medium-density housing will allow BVSD in partnership with BCHA to match the density surrounding the site, cluster homes together creating additional open space and reduce the cost per unit to build affordable housing allowing for increased community amenities and a higher quality design.

2) Relationship to the goals, policies, elements, and amendment criteria of the Boulder Valley Comprehensive Plan

BVSD finds that the requested land use designation change for the BVSD Twin Lakes parcel is in compliance with the amendment criteria of the Boulder Valley Comprehensive Plan and furthers many of the goals, policies and elements of the BVCP.

*Amendment Criteria*

***(a) The proposed change is consistent with the policies and overall intent of the comprehensive plan.***

BVSD finds that the proposed land use designation change is consistent with the policies and overall intent of the comprehensive plan. Please see justification below.

***(b) The proposed change would not have significant cross-jurisdictional impacts that may affect residents, properties or facilities outside the city.***

BVSD does not anticipate any significant cross-jurisdiction impacts resulting from the proposed land use designation amendment. The parcel is located in Area II in Gunbarrel Subcommunity, an area that currently has shared jurisdiction for planning and service provision among the county, the city, the Gunbarrel Public Improvement District and other special districts. Area II has been recognized by both the city and county as an area of eventual annexation to the City of Boulder.

***(c) The proposed change would not materially affect the land use and growth projections that were the basis of the comprehensive plan.***

The proposed land use designation change would not materially affect the land use and growth projects that were the basis of the comprehensive plan. The land use would remain residential in nature and would not provide a meaningful increase in the growth projections included in the comprehensive plan.

***(d) The proposed change does not materially affect the adequacy or availability of urban facilities and services to the immediate area or to the overall service area of the City of Boulder.***

BVSD does not anticipate that the land use designation change would affect the adequacy or availability of urban facilities and services to the immediate area or to the overall service area of the City of Boulder. The parcel is located in Area II in Gunbarrel Subcommunity, an area that currently has shared jurisdiction for planning and service provision among the county, the city, the Gunbarrel Public Improvement District and other special districts.

***(e) The proposed change would not materially affect the adopted Capital Improvements Program of the City of Boulder.***

BVSD's request would not materially affect the adopted Capital Improvements Program of the City of Boulder.

***(f) The proposed change would not affect the Area II/Area III boundaries in the comprehensive plan.***

BBVSD's request would not affect the Area II/Area III boundaries.

*Policies and Goals of the Boulder Valley Comprehensive Plan*

BVSD finds that the requested land use designation change furthers many of the policies, goals and elements of the Boulder Valley Comprehensive Plan. At the heart of BVSD's proposed BVCP Land Use Designation Change request is the mission to provide new permanently affordable housing to serve our teachers and wider community.

***1. Core Values, Sustainability Framework and General Policies***

***1.03 Principles of Economic Sustainability***

Affordable housing is a key component to maintaining a healthy and adaptable economy in the Boulder Valley. Providing housing for the workforce continues to be a challenge in the Boulder Valley, and locating new affordable housing near an area that has significant job expansion potential will help ensure that employers are able to attract and retain employees.

***1.04 Principles of Social Sustainability***

The addition of new affordable housing in Gunbarrel will increase the housing and social diversity of an area that currently has less than .25% of its housing stock restricted as permanently affordable.

**1.05 Community Engagement**

BVSD is committed to an open and transparent process and will continue with BCHA efforts to engage with the Gunbarrel and Boulder County community.

**1.11 Regional and Statewide Cooperation**

The proposed land use designation change will offer a rare opportunity for the City, County, and School District to collaborate on providing affordable housing, an issue that requires effective cooperation between local and regional governments.

**1.19 Jobs:Housing Balance**

Gunbarrel is, and will continue to be a regional jobs center in the Boulder Valley. The opportunity to provide affordable housing in an area that currently has a severe shortage will help to alleviate the current jobs:housing imbalance and provide a critical resource to both employers and employees. BVSD also hopes to offer units to teachers that would otherwise located further from their school assignment.

**1.24 Annexation**

In order to develop the property as affordable housing, BVSD and BCHA will seek annexation to the City of Boulder. This would meet several of the annexation policies in the BVCP, including:

- Support the community benefit provision for annexation, specifically as it relates to the provision of permanently affordable housing.
- Annexation of an Area II parcel in the Gunbarrel Subcommunity. The city and county continue to support the eventual annexation of Gunbarrel.

**2. Built Environment****2.03 Compact Development Pattern**

Development of the parcel at the BVSD Twin Lakes Parcel would connect two neighborhoods, take advantage of existing city services, and would not expand the service area.

**2.09 Neighborhoods as Building Blocks**

BVSD is committed to ensuring that development of the BVSD Twin Lakes parcel furthers the Gunbarrel community character and is responsive to the surrounding context. The proposed mixed-density designation would allow BCHA to provide a variety of housing types and densities that respond to the unique character of Gunbarrel.

**2.10 Preservation and Support for Residential Neighborhoods**

The proposed land use map amendment would allow for development to be more responsive to the existing residential neighborhood than the current designation. This would be done through building types that reflect the character of the surrounding community, allowing significant amenities to be included in the site design, and providing for a diverse range of incomes in the neighborhood.

**2.23 Trail Corridors/Linkages**

The nearest open space to the BVSD Twin Lakes parcel is the Twin Lakes Open Space with the BCHA land holding at 6655 Twin Lakes Rd separating the two. The BCHA parcel has the potential to be a key component of any future development which could be further supported by combined master planning with the BVSD parcel. The land use designation change to mixed-density would increase the flexibility of both parcels to provide such a connection by allowing for mixed-densities that allow a greater proportion of the sites to be dedication to trails and open space.

**2.31 Design of Newly-Developing Areas**

The proposed land use designation change would allow for the BVSD Twin Lakes parcel to include a variety of residential densities and housing types while providing permanently affordable housing.

**2.32 Physical Design for People**

BVSD in partnership with BCHA is committed to including design elements that are pedestrian scale, provide transportation options for all modes, and creating buildings that are the appropriate scale and massing. Additionally, BCHA strives to provide a significant number of homes for people with disabilities, and consistently provides accessible homes in excess of requirements.

**2.33 Environmentally Sensitive Urban Design**

BVSD in partnership with BCHA is committed to ensuring that our housing communities are environmentally sensitive. We strive to include green building technology such as geothermal heating and cooling and solar energy generation. A mixed-density land use designation would allow BVSD and BCHA to provide a more environmentally sensitive design through density clustering to respect the adjacent open space and more cost effective building types which would allow for greater green building features to be included.

**2.36 Design Excellence for Public Projects**

The proposed land use designation change would ensure that BVSD Twin Lakes parcel would exhibit design excellence for a public project. By allowing for a variety of building types, the mixed-density designation ensures that the design responds to the surrounding context and is visually attractive.

**3. Natural Environment****3.12 Water Conservation**

BVSD in partnership with BCHA is committed to ensuring that this housing will be equipped with water conserving fixtures and that residents are educated on water usage and conservation.

**4. Energy and Climate****4.03 Energy Conservation and Renewable Energy**

BVSD in partnership with BCHA is committed to ensuring that this housing community will be at the forefront of energy conservation and renewable energy production. A land use designation change to

mixed-density would allow for more cost-effective building types which in turn allows for greater energy conservation measures and renewable energy production to be included in our site and building designs.

#### ***4.05 Energy-Efficient Building Design***

A land use designation change to mixed-density would allow for more cost-effective building types which in turn allows for greater resources to fund energy-efficient building technologies such as geothermal heating and cooling and solar energy generation.

### **5. *Economy***

#### ***5.05 Support for Local Business and Business Retention***

The availability of affordable housing for low and moderate income households directly affects the ability for businesses to retain employees. Gunbarrel will continue to be a regional job center for the Boulder Valley, and the provision of affordable housing in Gunbarrel will help ensure that future and current low to moderate income employees have access to affordable housing near where they work.

### **6. *Transportation – TBD***

#### ***6.01 All-Mode Transportation System***

The mixed-density land use designation provides the best ability to include transportation options for a variety of modes, including a focus on pedestrian and bicycle connections to adjacent open space.

### **7. *Housing***

#### ***7.01 Local Solutions to Affordable Housing***

The BVCP recognizes the critical importance that affordable housing plays in the Boulder Valley. This land use designation change request presents an opportunity to provide a significant community benefit and help to further the city's affordable housing goals. The mixed-density residential designation will allow for an appropriate number of units in building types that are more cost-effective to build compared to what would likely be allowed as part of the current land use designation.

#### ***7.02 Permanently Affordable Housing***

The proposed land use designation change at the BVSD Twin Lakes parcel presents a tremendous opportunity for the city to increase the proportion of permanently affordable housing units in an area that has less than .25% of its housing stock restricted as permanently affordable.

#### ***7.05 Strengthening Regional Housing Cooperation***

The proposed land use designation change for the BVSD Twin Lakes parcel will provide a tremendous opportunity for regional housing collaboration and cooperation between the city and county. BVSD in partnership with BCHA is fully committed to working closely with the city to ensure that any development fully meets the goals and objectives of both

**7.06 Mixture of Housing Types**

At the heart of BVSD's proposed land use designation change is the desire to provide a mixture of housing types at various densities and sizes that will allow BVSD in partnership with BCHA to serve a diverse set of incomes.

**7.09 Housing for a Full Range of Households**

The mixed-density land use designation will give BVSD in partnership with BCHA the flexibility to provide housing that meets the needs of a variety of households including seniors and families.

**7.10 Balancing Housing Supply with Employment Base**

The Gunbarrel Subcommunity is currently a job center for the Boulder Valley and is projected to expand that role over the next decade. Providing affordable housing now will help meet the current demand and ensure that adequate housing is provided as Gunbarrel continues to add to its job base.

**7.13 Integration of Permanently Affordable Housing**

The mixed-density land use designation provides BVSD in partnership with BCHA with the best opportunity to ensure that new affordable housing is designed to be compatible and integrated with the Gunbarrel community.

**8. Community Well-Being****8.01 Providing for a Broad Spectrum of Human Needs**

Housing is a critical safety net service that is critical in household's paths to self-sufficiency. BVSD and BCHA firmly believe that early intervention and prevention through the provision of quality, affordable housing is the key to a household's success. The proposed land use designation change will allow BVSD in partnership with BCHA to provide for this critical need in our community.

**8.02 Regional Approach to Human Services**

BVSD schools serve Boulder, Nederland, Louisville, Lafayette, Superior, Jamestown, Ward and parts of Broomfield, Erie, and unincorporated Boulder County. BVSD continues to look for solutions to help keep teachers and other BVSD employees as active participants in their community.

BVSD's partner, BCHA is fully integrated into the Boulder County Department of Housing and Human Services allowing our agency to provide the full spectrum of services that households may need. The land use designation change will ensure that BCHA and BCDHHS are able to provide services to our current and future clients in Gunbarrel. The collaboration between the city, county, and school district on this project will continue to address the need for regional approaches to human service needs.

**8.04 Addressing Community Deficiencies**

Through a land use designation change to mixed-density residential BVSD in partnership with BCHA believes that we will be well positioned to include amenities that address current community deficiencies in Gunbarrel. This includes access to housing options for low-income households, potential for a community building with resident services, and public open space.

### **8.05 Diversity**

The proposed land use designation change will facilitate a more diverse Gunbarrel community by providing affordable housing for a variety of socio-economic groups.

## **9. Agriculture and Food**

### **9.02 Local Food Production**

BVSD and BCHA have a strong belief in providing opportunities for food production and nutrition education at our schools and housing communities. The land use designation change request will increase the potential for local food production by allowing for a more thoughtful site plan that incorporates design principles such as density clustering to allow space for amenities such as community gardens.

### **9.05 Urban Gardening and Food Production**

The proposed land use designation change will allow for greater opportunities for urban gardening and food production through a more responsive site design that incorporates ample opportunities for garden and food production space.

### **Name and contact information of person who prepared submittal information**

Glen Segrue, AICP

Senior Planner

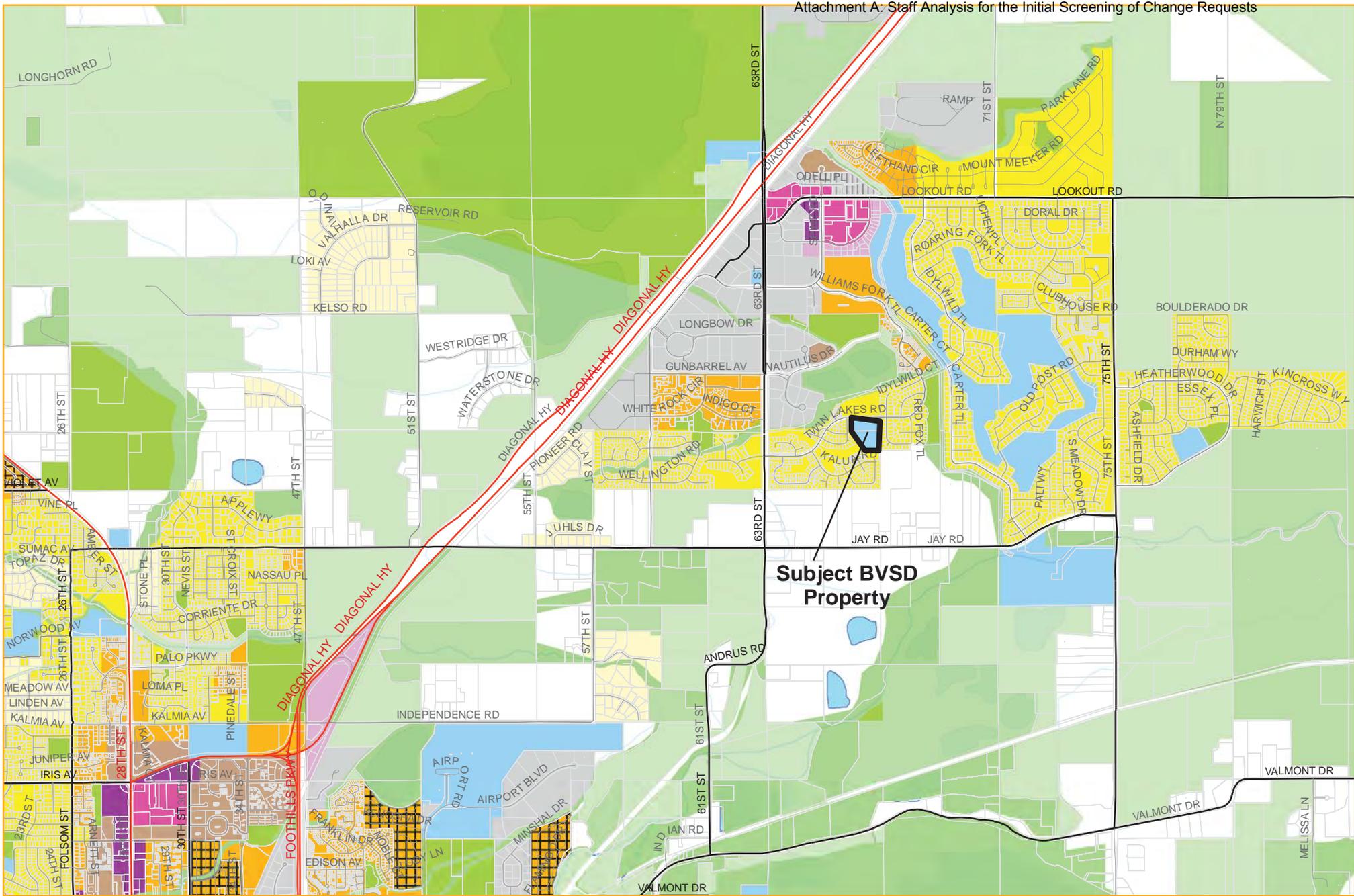
Boulder Valley School District

[glen.segrue@bvsd.org](mailto:glen.segrue@bvsd.org)

720-561-5794

6500 Arapahoe

Boulder, CO 80303



(Map produced by the Planning Dept., September 2015)

### BVSD Twin Lakes Location Map



**BVCP Land Use**

- Residential
- Very Low Density Residential (VLR)
- Low Density Residential (LR)
- Manufactured Housing (MH)
- Medium Density Residential (MR)
- Mixed Density Residential (MXR)

**Business**

- Community Business (CB)
- General Business (GB)
- Service Commercial (SC)
- Transitional Business (TB)
- Regional Business (RB)

**Industrial**

- Community Industrial (CI)
- General Industrial (GI)
- Light Industrial (LI)
- Performance Industrial (PI)

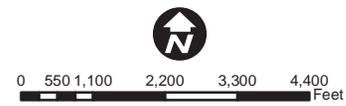
Page 337 of 595

**Mixed Use**

- Mixed Use Industrial (MUI)
  - Mixed Use Residential (MUR)
- Open Space and Mountain Parks**
- Open Space, Acquired (OS-A)
  - Open Space, Development Rights (OS-DR)
  - Open Space, Other (OS-O)

**Other**

- Agricultural (AG)
- Park, Urban and Other (PK-U/O)
- Public (PUB)
- Environmental Preservation (EP)



This map is for illustrative purposes only, and is not suitable for parcel-specific decision making. The areas depicted here are approximate. More site-specific studies may be required to draw accurate conclusions.



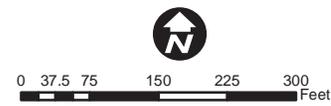
(Map produced by the Planning Dept., September 2015)

### BVSD Twin Lakes Detail Map



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- Elevation Contour 20'
- Duplex/Triplex
- Adjacent House Type**
- Condominium
- Single-family Detached
- Other-Lodging



This map is for illustrative purposes only, and is not suitable for parcel-specific decision making. The areas depicted here are approximate. More site-specific studies may be required to draw accurate conclusions

**36)**

**6655 & 6500 Twin Lakes Rd.,  
0 Kalua Rd. #3 –**

*LR & PUB to OS (w/Natural  
Ecosystems or Environmental  
Preservation designation)*

**Request #36**

**6655 Twin Lakes Rd., 6500 Twin Lakes Rd., 0 Kalua Dr.**

Eleven requests initiated by members of the public including Twin Lakes Action Group (TLAG – 150+ members) plus individual requests submitted by Brian Lay, Lisa Sundell, Mark George, Donna George, Dee George, Jerry George, Juliet Gopinath, and Gwynneth Aten, in addition to those who submitted a request for Open Space (with a Natural Ecosystems or Environmental Preservation designation) as a component of Request #34 (hereinafter referenced as *et al*). Parcel size: 19.7 acres

**Requests (11):**

Change the land use designations of the Boulder County Housing Authority property at 6655 Twin Lakes Road (9.7 acres) from Low Density Residential (LR) to Open Space (OS) and the Boulder Valley School District properties at 6500 Twin Lakes Road and 0 Kalua Drive (10 acres total) from Public (PUB) to Open Space (OS). The stated purpose of the request is to formally establish an Open Space designation on the three properties for habitat, trail corridor connections, maintenance of existing neighborhood character, and neighborhood open space purposes.

**Staff Recommendation: Yes**

Staff recommends that this request be considered further as part of the BVCP Five Year Major Update for the following reasons:

1. The proposal is consistent with a variety of BVCP policies. Further study is needed to evaluate the proposed land use change alongside the various alternatives that have been proposed by other parties (see requests 34-37).
2. Both Open Space and Mountain Parks (city) and Parks and Open Space (county) have indicated that they are not interested in acquiring the site. Given this, further study is needed to determine if an Open Space or Environmental Preservation land use designation and/or a Natural Ecosystems Overlay would be viable at this location, possibly in conjunction with private acquisition of the site for open space purposes.

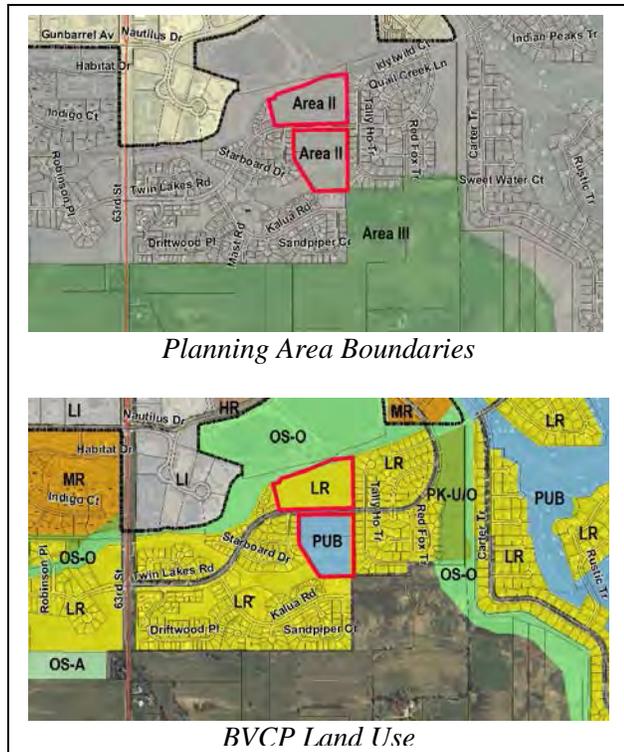
**ANALYSIS:**

**1.) Consistent with the purposes of the major update as described above?**

Yes. This is a land use designation change request, which is consistent with the purposes of the BVCP Major Update.

**2.) Consistent with current BVCP policies?**

Yes. In their requests TLAG et al cite 22 policies taken from Sections 1 – 9 of the 2010 BVCP to support their request. These include affirmatively responding to Sustainability Principles; Adequate Urban Facilities and Services; Maintaining Unique Community Identity and Compact Urban Development;



Preservation and Support for Residential Neighborhoods; Compatibility of Adjacent Land Uses; Incorporating Ecological Systems into Planning; Hazard, Surface and Ground Water Management; and Populations with Special Needs.

**3.) Compatible with adjacent land uses and neighborhood context?**

Yes. Neighborhoods benefit from the presence of open space and an Open Space designation would be compatible with the Twin Lakes area, require no additional urban services or facilities, and provide a desired local open space amenity for the surrounding residential neighborhoods.

**4.) Was the proposed change requested or considered as part of a recent update to the Comp Plan or other planning process?**

No.

**5.) Is there any change in circumstances, community needs, or new information that would warrant the proposal be considered as part of this update?**

Yes. Recent changes in circumstances and new information that support further consideration include the following: groundwater hydrology issues (see McCurry Hydrology LLC report to TLAG June 24, 2015 Preliminary Hydrologic Analysis of BCHA Property at 6655 Twin Lakes Road), recent flood event impacts on existing properties, proposed permanently affordable housing in the center of the neighborhood on 20+ acres of undeveloped land, and a newly-expressed desire to place a formal Open Space land use designation on the three subject properties.

Open Space and Mountain Parks (city) and Parks and Open Space (county) have each done cursory reviews of the site and did not express an interest or intent to acquire the properties for regional open space. As an alternative to public acquisition, TLAG and neighborhood groups have suggested that there may be private resources to conserve the land.

**6.) Are there enough available resources to evaluate the proposed change (city and county staffing and budget priorities)?**

Evaluating this request will likely require a significant amount of staff resources. The impacts of transitioning to an Open Space land use designation would need to be carefully considered. Additionally, this request will need to be evaluated in concert with the other change requests for the Twin Lakes properties, which will require coordination and additional community outreach.



# OUR LEGACY. OUR FUTURE.

BOULDER VALLEY COMPREHENSIVE PLAN



## BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION

1) **Type of Amendment (check all that apply):**

<input type="checkbox"/>	Land Use Map Amendment
<input type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input checked="" type="checkbox"/>	Other Map Amendment

2) **Please provide the following information**

a. Brief description of the proposed amendment:

*Maintain low density zoning and add open-space*

b. Brief reason or justification for the proposed amendment:

*This land, currently zoned low-residential is adjacent to wildlife habitat, in a rural setting. Development of this parcel at a greater density is not compatible with the existing community and is detrimental in several ways*

a. Map(s) proposed for amendment: *see maps*

b. Brief description of location of proposed amendment:

Section: 11 Township: 1N Range: 70

c. Size of parcel: 9.97 acres

*Gwynneth Aten*



# OUR LEGACY. OUR FUTURE.

BOULDER VALLEY COMPREHENSIVE PLAN



**3) Applicant:**

Name: *GWYNNETH ATEN*

Address: *4870 TwinLakes Rd, #2  
Boulder, CO 80301*

Phone: *303-817-2732*

**4) Owner:**

Name: *Boulder County*

Address:

Phone: *Peter Fogg - 303-441-3930*

**5) Representative/Contact:**

Name: *GWYNNETH ATEN*

Address: *4870 TwinLakes Rd, #2  
Boulder, CO 80301*

Phone: *303-817-2732*

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

## LAND USE NARRATIVE-GWYN ATEN

I AM OPPOSED TO THE ANNEXATION, REZONING AND CONSTRUCTION OF MULTI-FAMILY HOUSING ON 6655 (AND 6650) TWIN LAKES ROAD.

I moved to Heatherwood/Gunbarrel in 1989 and raised my family there for 14 years. Two years ago I returned to a condo in annexed-Gunbarrell. I know the area and people well. I have also been a home builder for 30 years and have learned much about how healthy developments are created. Apartments are located around the shopping centers and busy streets (ie: 64<sup>th</sup>, Lookout and Spine). Then multifamily dwelling and townhomes work their way toward small homes and a core of single family dwellings. This degrades traffic flow, protects property values and encourages community. (They HAVE quite community.) In this case it also provides a rural quiet zone for the Twin Lakes wildlife.

Rezoning is a step on the treacherous road to annexation. Together they threaten the health and stability of the Twin Lakes communities. To PLOP a BIT of URBANIZED BOURLER into the center of this community violates several guiding principles. As the county miraculously acquired this 10-acre parcel for a mere \$470,0000 it seems to feel driven to pack as much housing as it can on this site (AND the one across the street 6650, owned by BVSD, so double all figures) regardless of the obstacles.

1) To Annex: I understand there must be a contiguous connection between Boulder and the property in question equal to 1/6 of the circumference of said property. Note on MAP #1 that the City does not abut this property at all!! The County plans to squirrel a connective line along its' property on the south side of the lakes to provide a link. A straight line, mind you, is not long enough, so they're doing some creative zig-zagging. They seem to feel this is legal, but it certainly is designed to circumvent the intent of the law and reflects on the integrity of our Public representatives.

Is this an example of "maintaining the rural character and function of unincorporated area of Boulder County?? Just grab it and go.

2) Protection of Wildlife Habitat is another major issue. If you view MAP #2, You will see that the existing Twin Lakes is made up largely of trails. A pair of WE enjoy a diversity of waterfowl (Egrets, cranes and a Great Horned Owls nests at the "X"). As well as coyotes, fox, and minks. There is little ground for wildlife to hunt As around the Lakes themselves as it's mostly trail, (which is open to the public). loss of this area to dense housing would curtail hunting, and endanger the peace and quiet which allows this system to exist. By "achieving reduction in "or" environmental footprint, Boulder is putting it's overflow footprint down hard in the wrong spot. I suggest instead a playground and a joining of the land with the existing Twin Lakes Preserve.

3) The water table especially on the south side of the lakes is extremely high. I have seen a hydrology report which states that it is ill advisable to build high density construction at all. Others have covered this in detail I'm sure.

3) Affordable housing brings in its own issues. A few tasteful single family affordable houses might be in keeping with existing the community of single family homes, if hydrology permits. However it has become apparent that high density apartments increase the likelihood of low-to-little-income occupants. Even the Gunbarrel shopping area lacks services such as food banks, job services, and mental health services. This sets up an isolated community doomed to failure and further risks the integrity of the current neighborhood. Unlike traffic lanes THIS RITE-SIZING project CAN NOT BE UNDONE.

I'm also concerned that of the new 600 +/- apartments in the Gunbarrell Shopping area NONE are affordable housing . I'm told the builders requiremet of 20% can be bought off.

BCHA likes to play this all down as though it will be a nice, quiet community, but if it comes, the busses will surely follow, the density will create noise, the 3-story structures illustrated on their website (brown, flat rooves, to get the most out of 3 stories),the wildlife will be affected and Urban Boulder will be born in the center of a County community. Such "shove-it-down-their-throats" policies create great mistrust.

*Gwyn  
Aten*

I reiterate use of 6655 Twin Lakes Road is a logical spot for open space and a playground. I also strongly urge the Councils and planning Boards to stop ruining “wonderful Boulder” neighborhoods with inappropriate infill. I urge you to look ahead to Rich Lopez’s suggestion of utilizing the “Planning Reserve” north of Jay, east of the Diagonal. This project belongs there and it is time!.

Sincerely,

Gwynneth Aten

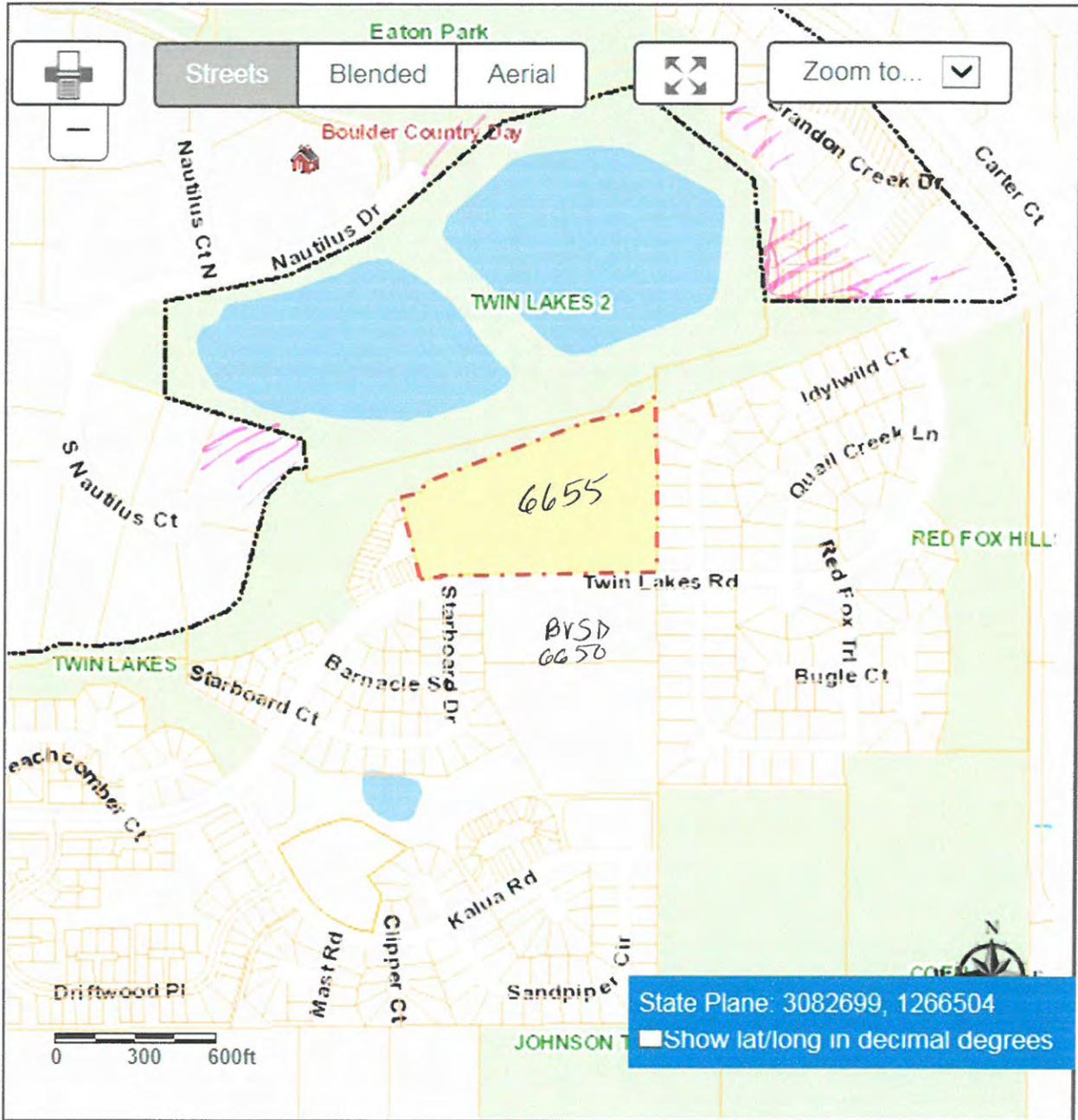
4870 Twin Lakes Rd, #2

Boulder, CO 80301

*Gwyn Aton*

MAP # 1

**Location map showing size and context of the area proposed for amendment**



*Gunn Akin*

*Great  
Horned Owl*



# 6655 Twin Lakes Topo 2 Detail



6655

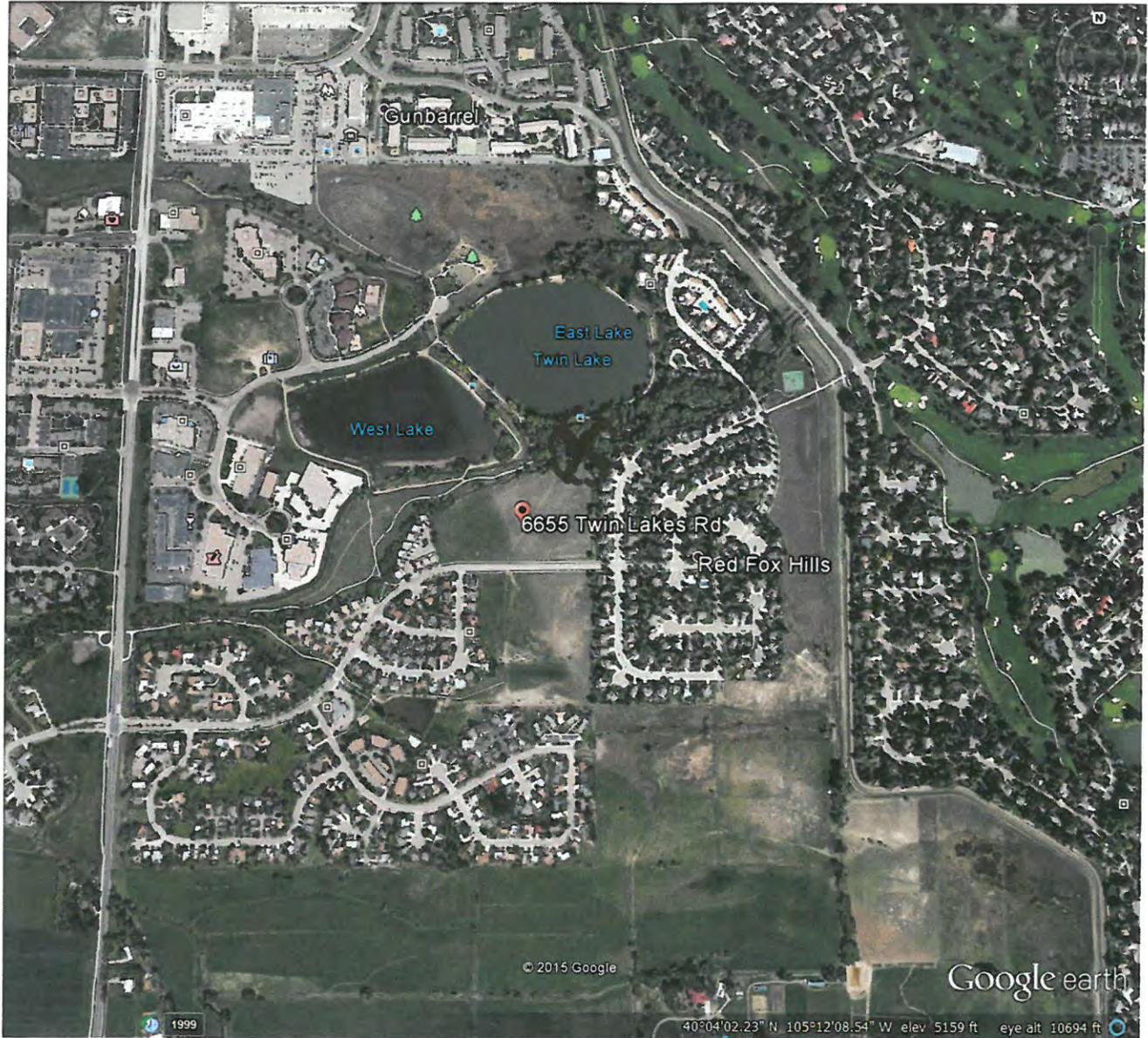
TWIN LAKES RD

05/01/2011

MAP #3



Great Horned Owl



1E



# OUR LEGACY. OUR FUTURE.

BOULDER VALLEY COMPREHENSIVE PLAN



## BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION

1) **Type of Amendment (check all that apply):**

- Land Use Map Amendment
- Changes to the Area II/III boundary
- Service Area contractions or Minor Changes to the Service Area Boundary
- Other Map Amendment

2) **Please provide the following information**

a. Brief description of the proposed amendment:

*Maintain + protect rural character by making parcel of land as open space. This will also protect the many wildlife species that already live on + use this land.*

b. Brief reason or justification for the proposed amendment:

*See attachment #1*

a. Map(s) proposed for amendment: *See attached maps Attachments 1 + 2*

b. Brief description of location of proposed amendment:

6655 Twin Lakes Road (unincorporated)

Section: 11 Township: 1N Range: 70

c. Size of parcel: 9.97 acres



# OUR LEGACY. OUR FUTURE.

BOULDER VALLEY COMPREHENSIVE PLAN



**3) Applicant:**

Name: Dee George  
Address: 4733 Tally Ho Ct.  
Boulder, CO 80301  
Phone: 303-530-9507

**4) Owner:**

Name: Boulder County  
Address:  
Phone: Peter Fogg 303-441-3930

**5) Representative/Contact:**

Name: Dee George  
Address: 4733 Tally Ho Ct.  
Boulder, CO 80301  
email: deej4@comcast.net  
Phone: 303-530-9507

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

*No*

*Attachment #1*

FROM: Dee George  
4733 Tally Ho Court  
Boulder, CO 80301  
303-530-9507  
[deej4@comcast.net](mailto:deej4@comcast.net)

TO: City of Boulder  
Department of Community Planning & Sustainability  
Attn: Caitlin Zacharias  
P.O. Box 792  
Boulder, CO 80306-0791

To Whom It May Concern:

I am writing in opposition to the planned annexation, rezoning for mixed use, and construction of multi-family affordable housing on the undeveloped parcels of land at 6655 and 6600 Twin Lakes Road in Gunbarrel. I am well aware of the hydrology issues, wildlife issues, increased density of population, increased traffic, destabilization of existing neighborhoods, lack of amenities for the proposed new residents and the impact on these residents of being warehoused in these numbers in an already established neighborhood, and the other many negatives of this development.

On a personal level, I have lived at the above address for over 23 years. We intentionally chose this area because of the rural residential feel. Also, my husband has health concerns, and we needed to be close to the excellent medical care in Boulder. I am a 77 year old woman and still read the Daily Camera on a daily basis. I keep reading about the city and county being concerned about the established neighborhoods character and integrity and how the local governments don't want to disturb this in such a drastic way. The city has said that what they plan to do is infill and integrate affordable housing in small amounts within existing neighborhoods. This is not what is being planned here. We are going to be unindated with additional people, traffic, and all the problems that will follow. Are we in the county not represented or considered at all? I have been to many neighborhood meetings and quite a few commissioners' and council members' meetings. I am continually amazed and dismayed at the lack of transparency and lack of concern for us in Gunbarrel. Usually we are ignored and cast aside for the goals of the county and city. I have always personally loved Boulder and surrounding area, but this is not the Boulder I bargained for when I moved here. I barely recognize it any more.

Considering all the negative aspects facing this project, I am pleading with the commissioners and council members to consider all the impacts this project will have and will reconsider what is shaping up to be a disaster!

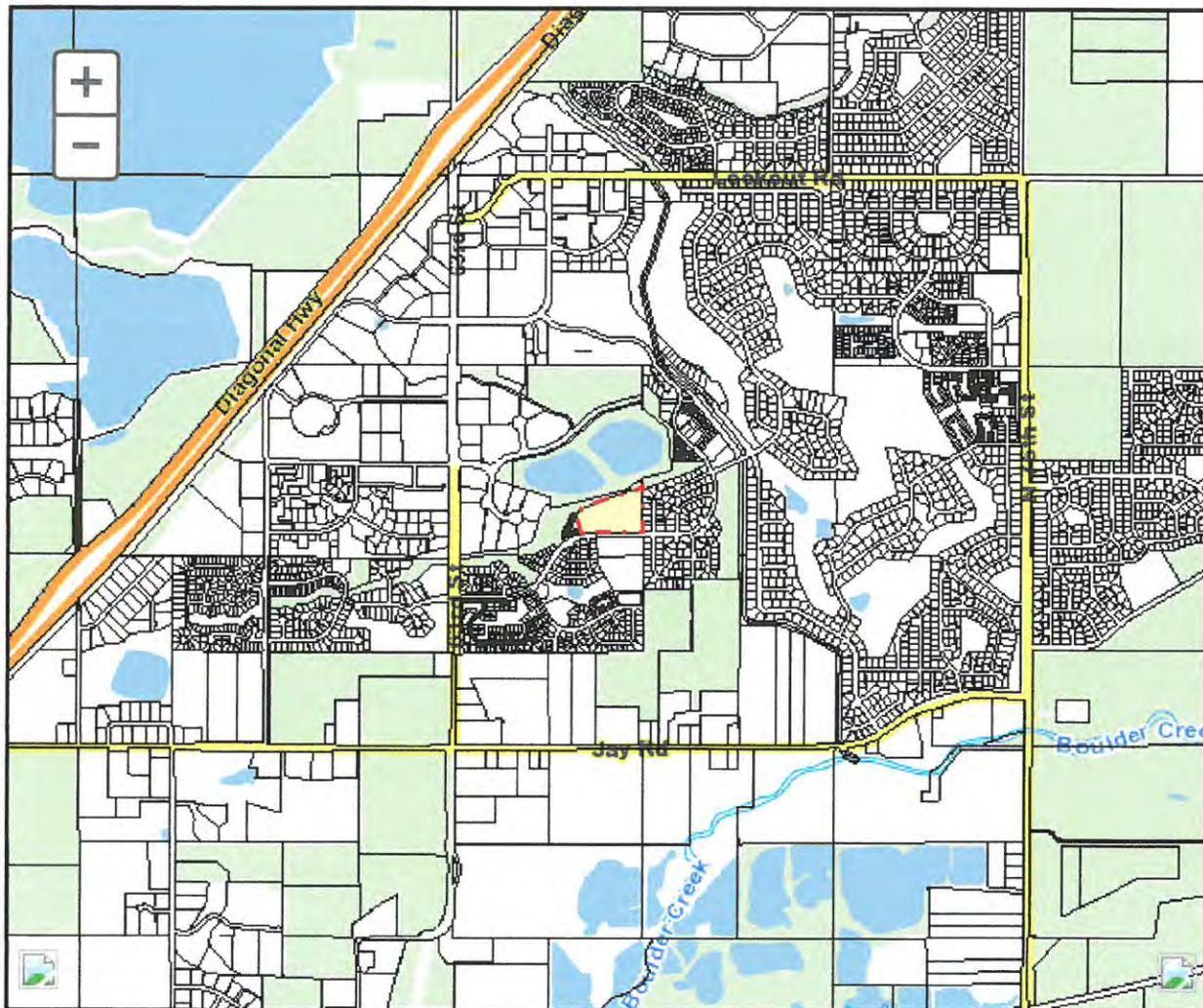
Sincerely,



Dee George

Cc: Boulder County Commission  
1325 Pearl Street  
Boulder, CO 80302

# Boulder County Main Map



*Attach: #2*

# Boulder County Main Map

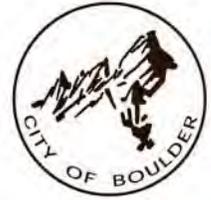


Attach: #3



# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input checked="" type="checkbox"/>	Land Use Map Amendment
<input type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:

Change in Land Use Designation to Open Space  
Consider change in Land Use Designation to Environmental Preservation

See next page for complete text.

b. Brief reason or justification for the proposed amendment:

Allow undeveloped land parcel at 6655 Twin Lakes Road to maintain its unique natural character, maintain its passive recreational use, protect and preserve wildlife, preserve and protect area wetlands, and continue to mitigate flooding hazards downgradient from Twin Lakes



a. Map(s) proposed for amendment: Boulder Valley Comprehensive Plan Land Use Designation Map

b. Brief description of location of proposed amendment:

6655 Twin Lakes Road

Section: 11 Township: 1 N Range: 70 W

c. Size of parcel: 9.97 acres

(Full text cropped from previous page):

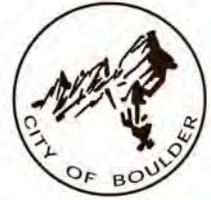
**Request 36) 6655 Twin Lakes Rd - Donna George**

Brief reason or justification for the proposed amendment:

Allow undeveloped land parcel at 6655 Twin Lakes Road to maintain its unique natural character, maintain its passive recreational use, protect and preserve wildlife, preserve and protect area wetlands, and continue to mitigate flooding hazards downgradient from Twin Lakes.

Map(s) proposed for amendment:

Boulder Valley Comprehensive Plan Land Use Designation Map



**3) Applicant:**

Name: Donna George

Address: 4661 Tally Ho Court Boulder, Colorado 80301

Phone: 303-530-4424

**4) Owner:**

Name: Boulder County or Boulder County Housing Authority

Address: P.O. Box 471  
Boulder, CO 80306

Phone: 303-441-3930 or 303-441-1000

**5) Representative/Contact:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

No

The property at 6655 Twin Lakes Road has been zoned Rural Residential in unincorporated Boulder County since 1954. The Archdiocese of Denver owned the property since 1967 until they recently sold it to Boulder County in May of 2013. During all these years the undeveloped field has been used by the surrounding neighborhoods as Open Space. There are two foot paths that have been ground in over the years on the property by residents of the surrounding neighborhoods walking and riding their bikes through the field. People fly kites in the field and run remote control aircraft there. The field is a main natural feature of the surrounding neighborhoods.

Included among the core values listed on page 9 of the 2010 Boulder Valley Comprehensive Plan are the following:

*Our unique community identity and sense of place*

*Compact, contiguous development and infill that supports evolution to a more sustainable urban form*

*Open space preservation*

*Great neighborhoods and public spaces*

*Environmental stewardship and climate action*

*Physical health and well-being*

### Our unique community identity and sense of place

*2.01 Unique Community Identity – The unique community identity and sense of place that is enjoyed by residents of the Boulder Valley and characterized by the community’s setting and history will be respected by policy decision makers.*

The Twin Lakes Open Space is the heart of Gunbarrel. The adjacent field at 6655 Twin Lakes Road has been used as open space by the surrounding communities over the last few decades. There are no public community parks in unincorporated Gunbarrel. This property has provided an open field to the surrounding residents for many years where they get physical activity and relief from the congestion and hustle/bustle of daily life. There is a pair of Great

Horned Owls that nest nearby that use the field to hunt. They come back year after year to rear their young in a nearby tree hollow. This nest area is protected each season by the Open Space Department and many Boulder County residents visit the area each year to observe the owls. Any development on the property at 6655 Twin Lakes Road will most likely result in the abandonment of the Great Horned Owls nesting site. These birds have become mascots of the surrounding communities.

Compact, contiguous development and infill that supports evolution to a more sustainable urban form

*2.03 Compact Development Pattern The city and county will, by implementing the Boulder Valley Comprehensive Plan, ensure that development will take place in an orderly fashion, take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Boulder Valley. The city prefers redevelopment and infill as compared to development in an expanded Service Area in order to prevent urban sprawl and create a compact community.*

The property at 6655 Twin Lakes Road is totally surrounded by unincorporated Boulder County land. In order for any development to take place on the property it would need to be annexed into the city. There is a state statute that requires there to be at least 1/6 contiguity to the annexing City in order for annexation to take place. The property at 6655 Twin Lakes Road does not meet that criteria, in fact it has no contiguity at all to the City of Boulder. This land is situated in the middle of unincorporated rural residential neighborhoods and not at all in an urban setting. One of the Boulder Valley Comprehensive Plan's core values is "compact, contiguous development and infill that supports evolution to a more sustainable urban form." This property clearly does not meet the compact, contiguous development criteria and should not be considered for annexation. Also, there presently are not sufficient urban services in Gunbarrel for the city residents already here. There is no library, hardware store, community center, central park, recreation center, or urgent care center.

## Open Space Preservation

*2.04 Open Space Preservation- The city and county will permanently preserve lands with open space values by purchasing or accepting donations of fee simple interests, conservation easements or development rights and other measures as appropriate and financially feasible. Open space values include use of land for urban shaping and preservation of natural areas, environmental and cultural resources, critical ecosystems, water resources, agricultural land, scenic vistas and land for passive recreational use.*

As stated above, this property has been used for passive recreational use by the surrounding community for many years. The field provides a scenic vista for the residents of the surrounding neighborhoods and when the grasses blow in the wind it provides a calming effect on any daily stresses they may have. This field provides habitat and food for various animal species in the surrounding area. There are coyote, red fox, raccoon, eastern cottontail, striped skunk among other mammals that frequent the area. On a recent walk in the field I noticed a dead raccoon from a likely coyote kill and lots of coyote scat nearby. The field is a major hunting ground for the resident Great Horned Owl pair that nest nearby as well as for other birds of prey. On any given day, you can see a variety of bird species in the field and soaring overhead.

## Great neighborhoods and public spaces

*2.06 Preservation of Rural Areas and Amenities-The city and county will attempt to preserve existing rural land use and character in and adjacent to the Boulder Valley where environmentally sensitive areas, hazard areas, agriculturally significant land, vistas, significant historic resources, and established rural residential areas exist. A clear boundary between urban and rural areas at the periphery of the city will be maintained, where possible. Existing tools and programs for rural preservation will be strengthened and new tools and programs will be put in place.*

As stated above, this property has been zoned Rural Residential since 1954. The parcel is surrounded by Open Space, Rural Residential neighborhoods, and a publically owned parcel of the Boulder Valley School District. As stated above, the land is totally surrounded by unincorporated Boulder County. Designating this property as Open Space will be utilizing an existing tool to keep the land rural and

prevent the encroachment of the urban city into the rural residential community of which this field is a central natural feature.

Also, this field is in a high water table area subject to flooding. Please refer to the attached hydrology report. The field acts as a “sponge” to mitigate water from the Twin Lakes to a downgradient pond south of the property. Any development on this property would result in diversion of the water which it presently retains in its capacity as a sponge. There is a high likelihood that diversion of this water would result in increased flooding of nearby homes. Many of these homes already have sump pumps, some of which are running continually. My home was one of the few in my neighborhood that did not incur any flooding during the 2013 flood and the high rains during the spring of 2015. I fear that if development takes place on this property water will be diverted to nearby homes and my property will get flooded. Increased extreme weather events due to climate change could result in increased precipitation in the Boulder Valley. The dams around Twin Lakes are over 100 years old and there could be risk of breaching during extreme weather events. Keeping this field undeveloped would help in mediating any adverse effects from flooding.

*3.16 Hazardous Areas- Hazardous areas that present danger to life and property from flood, forest fire, steep slopes, erosion, unstable soil, subsidence or similar geological development constraints will be delineated, and development in such areas will be carefully controlled or prohibited.”*

*3.22 Protection of High Hazard Areas- The city will prevent redevelopment of significantly flood-damaged properties in high hazard areas. The city will prepare a plan for property acquisition and other forms of mitigation for flood-damaged and undeveloped land in high hazard flood areas. Undeveloped high hazard flood areas will be retained in their natural state whenever possible. Compatible uses of riparian corridors, such as natural ecosystems, wildlife habitat and wetlands will be encouraged wherever appropriate. Trails or other open recreational facilities may be feasible in certain areas.*

### Environmental stewardship and climate action

*3.03 Natural Ecosystems- The city and county will protect and restore significant native ecosystems on public and private lands through land use planning, development review, conservation easements, acquisitions and public land management practices. The protection*

*and enhancement of biological diversity and habitat for federal endangered and threatened species and state, county and local species of concern will be emphasized. Degraded habitat may be restored and selected extirpated species may be reintroduced as a means of enhancing native flora and fauna in the Boulder Valley.*

This field provides a great opportunity to reestablish a mixed grass prairie to the area. Addition of native wildflowers would assist in increasing native bee pollinators to the area. In addition, this would provide enhanced habitat to other wildlife that frequent the nearby Twin Lakes Open Space.

*3.04 Ecosystem connections and buffers-* *The city and county recognize the importance of preserving large areas of unfragmented habitat in supporting the biodiversity of its natural lands and viable habitat for native species. The city and county will work together to preserve, enhance, restore and maintain undeveloped lands critical for providing ecosystem connections and buffers for joining significant ecosystems.*

This field is part of a wildlife corridor that connects the Open Space parcels and Sawhill Ponds to the South to the Twin Lakes Open Space area to the North. This provides a corridor of movement of various wildlife species from these two important wildlife habitats.

The field also provides mitigation of urban heat island effects. People have mentioned that the air temperature decreases when you enter Gunbarrel from the City of Boulder. This is most likely due to the fact that there is less paved and developed surfaces in Gunbarrel. Development of this parcel will eliminate the cooling effects of the field and the nearby lakes for the surrounding neighborhoods resulting in increased surrounding air temperatures. This would result in increased energy use to cool surrounding homes.

*3.06 Wetland and Riparian Protection-* *Natural and human-made wetlands and riparian areas are valuable for their ecological and, where appropriate, recreational functions, including their ability to enhance water and air quality. Wetlands and riparian areas also function as important wildlife habitat, especially for rare, threatened and endangered plants, fish and wildlife. The city and county will continue to develop programs to protect and enhance wetlands and riparian areas by discouraging their destruction or requiring the creation and restoration of wetland and riparian areas in the rare cases when development is permitted and the filling of wetlands or destruction of riparian areas cannot be avoided.*

This property has a Wetland and/or Wetland Buffer Property Tag assigned to it. This property should be protected along with the Twin Lakes Open Space area.

### Physical health and well-being

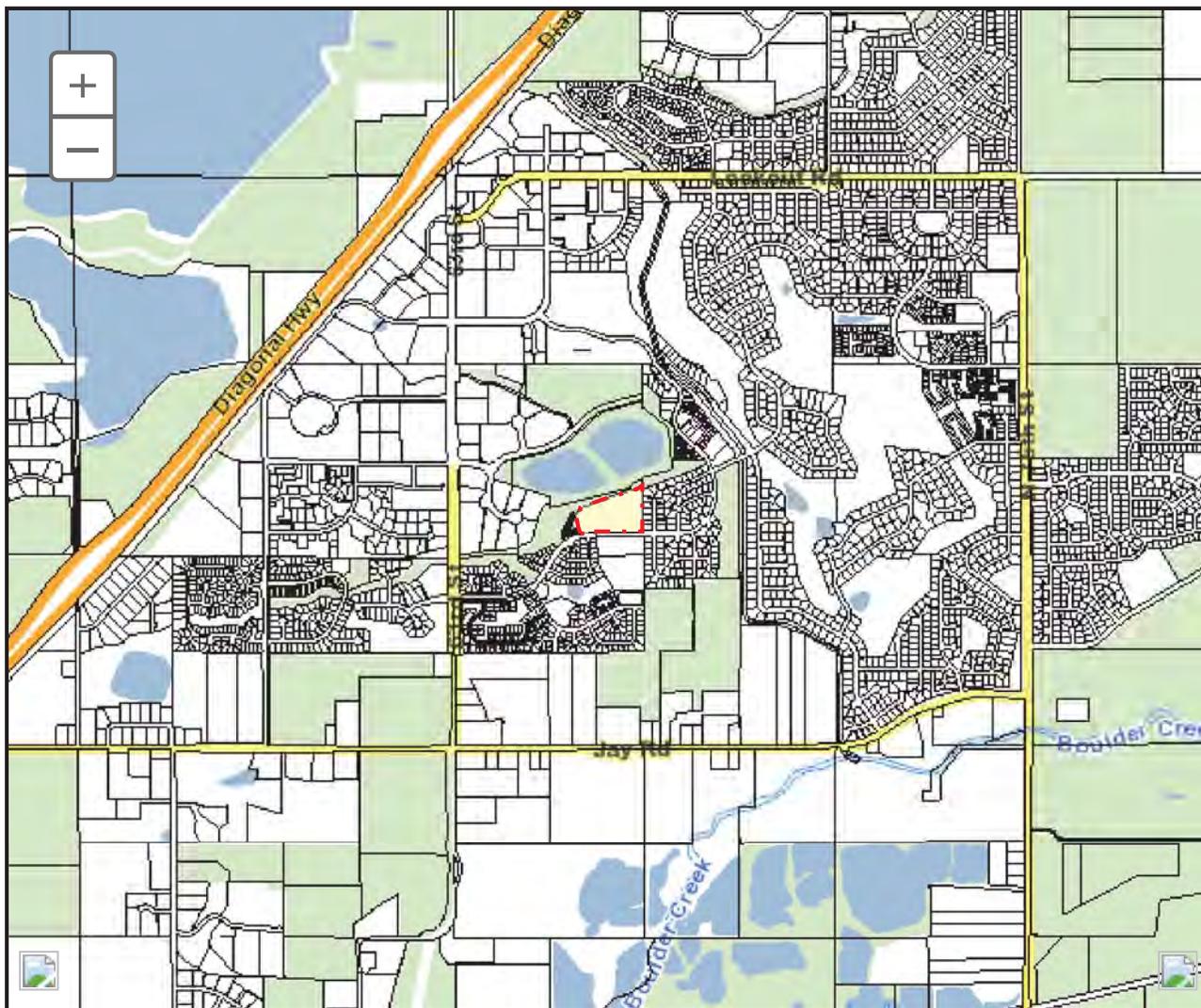
This field is an integral natural feature of the surrounding neighborhoods. It provides space for physical activity and scenic vistas to the people in the Gunbarrel Subcommunity. Every day you can see people walking or riding their bikes through the field. The 2010 Boulder Valley Comprehensive Plan Trails Map includes a proposed trail through this property as well as the open field to the south of it. Completion of this trail would be a benefit to the community. People need open spaces in their neighborhoods not just in the surrounding Open Space lands that separate Boulder from other communities. These open areas provide respite and peace from the hustle and bustle of daily living. On a daily basis, open space areas within neighborhoods calm frazzled nerves and feed the soul contributing to the well-being of the residents in the area.

For all the above reasons and more, I am requesting that the property at 6655 Twin Lakes Road receive a Land Use Designation Change to Open Space. I would also like an Environmental Preservation designation to be considered. There is only a very short description of this land use designation in the 2010 Boulder Valley Comprehensive Plan. I do not see any areas on the Boulder Valley Comprehensive Plan Land Use Designation Map with coloring that indicates the Environmental Preservation designation. I have not been able to get any additional information on this designation, however from the brief description it could apply to this property.

Thank you for your time in reviewing this application.

Donna George  
4661 Tally Ho Court  
Boulder, CO 80301  
303-530-4424

# Boulder County Main Map



# Boulder County Main Map



# 6655 Twin Lakes Road Topo 1



6655 Twin Lakes Road

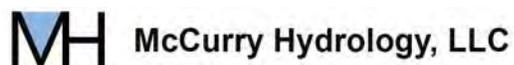
05/01/2011

# 6655 Twin Lakes Topo 2 Detail



6655 Twin Lakes Road

05/01/2011



## Memorandum

To: Mr. David Rechberger, Twin Lakes Action Group  
From: Gordon McCurry, Ph.D.  
Date: June 24, 2015  
Subject: Preliminary Hydrologic Analysis of the BCHA Property at 6655 Twin Lakes Road

The Boulder County Housing Authority (BCHA) purchased a 10-acre parcel located at 6655 Twin Lakes Road in May 2013 with the goal of developing this undeveloped land to provide affordable housing. Residents of the surrounding community are concerned that developing this land could lead to an increase in basement flooding problems in this high-groundwater area. This memorandum presents my preliminary analysis of the hydrology of the subject property and surrounding areas, and provides recommendations on how to reduce flooding-related impacts related to developing the BCHA property.

### Site Environmental Setting

The BCHA property is located northeast of the City of Boulder in unincorporated Boulder County in the south-central portion of Section 11 of Township 1 North, Range 70 West. The land is undeveloped with a native grass cover (Figure 1). The property ranges in elevation from approximately 5175 to 5160 feet and slopes gently to the southeast towards Boulder Creek. The northern edge of the BCHA property corresponds approximately to the surface water drainage divide separating the Dry Creek drainage to the north and a portion of the Boulder Creek drainage to the south, within which the property lies. South of the property are several small intermittent eastward-flowing streams that drain into Boulder Creek. Soils in the area consist of clay loam and clay, defined by the USDA Natural Resources Conservation Service as Nunn B and Longmont B soils (NRCS, 2015). The BCHA property contains about equal areas of both soil types (Figure 2). Underlying the soils is the Pierre Shale, a regionally extensive and low-permeability bedrock layer (USDA, 1975). Borehole logs from wells drilled in the vicinity of the BCHA property and the Twin Lakes neighborhood indicate that the depth to bedrock is approximately 10 to 15 feet below ground surface. A shallow aquifer exists within the soils that overlie the shale bedrock.

### Hydrology Near the BCHA Property

Several man-made features exist in the area that dominates the hydrology of the BCHA and surrounding properties. North of the property are two lakes and three regional irrigation ditches. The West and East lakes are part of a 42-acre County Open Space Twin Lakes property. The lakes have been in use since 1910 to store water used for agricultural purposes (BCPOS, 2004). Portions of both lakes are adjacent to the northern edge of the BCHA property. The West and East lakes cover areas of approximately 16 and 11 acres, respectively, and have a combined storage capacity of 218 acre-feet (approximately 71 million gallons). The embankments for the

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## Preliminary Hydrologic Analysis, BCHA Property

June 24, 2015

Page 2

lakes consist of compacted earth fill (GEI Consultants, 2014). Wetlands exist around the lakes as a result of seepage through the lake bed and berms, creating shallow groundwater conditions (BCPOS, 2004).

In 2014 the Boulder and Left Hand Ditch Company sponsored a study of potential impacts of dam breaches of two of its reservoirs (GEI Consultants, 2014). One of these reservoirs is referred to in this report as the East Lake of the Twin Lakes open space. The impoundment for the East Lake has a State dam safety rating indicating there could be significant property damage if there is a dam failure (BCPOS, 2004). A hypothetical breach of the East Lake's dam was modeled and inundation maps were generated. The dam for this lake, Davis No. 1 Dam, is constructed as a dike that rings the eastern portion of the lake. Failure scenarios were modeled for both a northern and a southern dam breach. The southern breach scenario was felt to be smaller in magnitude than the northern breach. A portion of the hypothetical southern breach would discharge to the southeast, across the eastern portion of the BCHA property and through the neighborhoods southeast of the East Lake as water flows to Boulder Creek (GEI Consultants, 2014). The modeled southern breach had a peak flow of 600 cfs, roughly equivalent to high spring-time flows of Boulder Creek through town. Maximum flow depths to the southeast were modeled to be approximately one foot (Figure 3).

Located between the two lakes and the BCHA property are the North Boulder Farmer's Ditch, the Boulder and Left Hand Ditch, and the Boulder and White Rock Ditch. The former two ditches merge beginning west of 63<sup>rd</sup> Street and then the resulting two ditches run parallel to each other, traversing south of the West and East lakes and continuing to the east (Boulder County, 2000). The Boulder and Left Hand Ditch Irrigation Company retains the right to use the West and East lakes for storage purposes (BCPOS, 2004). Over the past 20 years an average of approximately 145 acre-feet per year has flowed through the ditches to supply the lakes. Like most ditches, these are unlined and likely leak a portion of their water to the underlying soils and shallow groundwater system, supporting the wetlands vegetation and lush growth around them.

Another hydrologic feature of note for the Twin Lakes community is the Boulder Supply Canal. This is a large-capacity canal located west of the Boulder Country Club neighborhood, adjacent to Carter Court and Carter Trail that define the west side of that neighborhood. The Boulder Supply Canal allows excess water in Boulder Reservoir to discharge to Boulder Creek (DWR, 2005). Although concrete-lined, it was built in 1955 and so it is likely that some leakage occurs through joints, cracks and areas of degraded concrete whenever it is in use.

Within and south of the residential areas south of Twin Lakes Road is a small lake and an intermittent stream that includes several areas containing wetlands-type vegetation. These water features also provide water to the underlying shallow aquifer system. The wetlands are an indication of shallow groundwater conditions in this portion of the residential area south of the BCHA property.

## Preliminary Hydrologic Analysis, BCHA Property

June 24, 2015

Page 3

### Hydraulic Limitations in the Vicinity of the BCHA Property

Twin Lakes, two irrigation ditches, and to a lesser extent a supply canal are all located hydraulically upgradient of and in close proximity of the BCHA property and surrounding residential areas. Collectively these provide ample sources of water to feed the area's shallow groundwater system. The water table of the shallow groundwater system is located relatively close to the land surface as shown by the commonly-occurring wetlands present in the area. The shallow depth to bedrock helps support and maintain the shallow aquifer. In addition, many homes in the Twin Lakes neighborhoods have sump pumps which are further evidence of shallow groundwater.

The USDA Natural Resources Conservation Service has compiled soils data and developed an interactive web-based graphical database that allows the user to examine the suitability of a given area to a set of potential uses (NRCS, 2015). The suitability analyses are based on geotechnical and engineering properties of the soils. The soils beneath the BCHA property (Figure 2) were evaluated as part of this preliminary hydrologic analysis as to their suitability for the construction of dwellings. Dwellings are defined by the NRCS as single-family houses of three stories or less. For dwellings with basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of approximately 7 feet. For dwellings without basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper.

Each soil type is assigned a suitability rating based on the limitations posed by individual soil properties. Two sets of criterion are applicable to dwellings: (1) properties that affect the ability of the soil to support a load without movement and (2) properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility (inferred from the Unified Soil Classification System classification of the soil). The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

Ratings indicate the extent to which the soils are limited by each of the applicable soil properties that affect the specified use, in this case the construction of dwellings. Numeric ratings are provided and indicate the severity or degree with which a given soil property contributes to the overall suitability rating. An assigned rating of "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected. An assigned rating of "Somewhat limited"

## Preliminary Hydrologic Analysis, BCHA Property

June 24, 2015

Page 4

indicates that the soil has features that are moderately unfavorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. An assigned rating of "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected (NRCS, 2015).

The suitability of soils for accommodating dwellings on and near the BCHA property was found to be somewhat limited to very limited for dwellings with basements (Figure 4). The main reasons were due to flooding potential and shallow depth to groundwater, and the shrink-swell potential of the soils. The flooding potential and shallow depth to groundwater are expected outcomes given the number and proximity of water sources in the immediate vicinity. The shrink-swell potential is associated with the shrinking of soil when dry and the swelling when wet – a common feature of many clay-rich soils. Shrinking and swelling of soil can damage roads, dams, building foundations, and other structures (NRCS, 2015). The suitability to accommodate dwellings without basements on and near the BCHA property was found to be very limited, for the same reasons.

To minimize the impacts from flooding potential, shallow groundwater and shrink-swell of the site soils, dwellings built on the BCHA property may require additional design components. These may include addition foundation footers, exterior tile drains around the foundations, sump pumps in basements and crawl spaces, setbacks for landscaping, and gutter downspouts that extend beyond a critical setback distance from the dwellings.

#### Hydrologic Concerns Associated with Development of the BCHA Property

The preceding discussion suggests potential limitations associated with constructing dwellings on the BCHA property and offers general guidelines to mitigate those limitations. However, it does not address potential hydrologic impacts to adjacent residential buildings associated with development of the property. The key impacts are:

- higher risk of basement flooding,
- increases in the frequency and/or volume required to be pumped from homes with existing sump pump systems, and
- the need for homes to install and operate sump pump systems that historically have not had to do so.

The causes of these potential impacts relate to constructing dwellings, dwelling foundations and foundation footers, and even the sump or drain systems that might be installed for the new homes. Dwellings typically are constructed so that the soil beneath the building foundation supports some of the weight of the building, with the remaining load supported by foundation

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## Preliminary Hydrologic Analysis, BCHA Property

June 24, 2015

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footers. The weight of a structure compresses the underlying soil. Sand- and gravel-rich soils have very little compressibility but the clay-rich soils beneath the BCHA property are likely to have a relatively high compression potential. In the northern portion of the BCHA property where shallow depth to groundwater is more likely due to the nearby lakes and irrigation ditches, it is possible that compressed soils could extend below the water table. If this were to occur, the groundwater previously occupying those pore spaces in the soil would be displaced and would migrate elsewhere. Depending on the density of building construction and how close those buildings were to existing residences, at least some of the displaced groundwater would migrate toward the existing residences with a resulting rise in the water table and increased risk of basement flooding. Deep foundation footers or foundations that extended to the underlying bedrock would similarly displace existing groundwater.

In addition, sump or drain systems that might be installed in new dwellings could also pose an addition hydrologic risk to nearby homes. It is common for water extracted from sump/drain systems to be discharged into nearby gutters or storm drains. Depending on how the storm drain system for the new dwellings is designed, the extracted water may end up infiltrating along the edges of the BCHA property which would lead to higher groundwater conditions for the adjacent residences.

An additional hydrologic concern associated with development of the BCHA property, which one hopes never occurs, is the impact of a dam breach of the East or West lakes on the Twin Lakes property. The hydraulic analyses conducted for the East Lake indicates a portion of the discharge from a hypothetical southern breach would traverse the east side of the BCHA property. Should homes be constructed in that area, their presence would divert the flows caused by the breach and, based on the inundation analyses, most of that diverted water would be routed to the neighborhood to the east. No analysis was performed for a breach of the West Lake, but it is reasonable to assume that newly built dwellings on the BCHA property would also divert some of the released lake water into adjacent neighborhoods.

### Conclusions

Before any dwellings are built on the BCHA property the developer must take into account the shallow groundwater conditions that likely exist in the region so that existing homes are not adversely affected. Any homes that are built should be designed to overcome the limitations posed by flooding potential, shallow depth to water, and shrink-swell conditions of the soil. Installing wells on the property and instrumenting them to characterize the depth to groundwater in the shallow aquifer, over the course of at least one year, and performing geotechnical testing on soils are both necessary to better characterize the hydraulic properties and gain a better understanding of potential impacts to adjacent residences.

Preliminary Hydrologic Analysis, BCHA Property  
June 24, 2015  
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### References

BCPOS, 2004. Twin Lakes Open Space Draft Resource Evaluation & management Plan. Boulder County Parks and Open Space.

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DWR, 2005. Task 5 – Key Structure Operating Memorandum for City of Boulder. Submitted to the Colorado Division of Water Resources, as part of the South Platte Decision Support System.

GEI Consultants, 2014. Hayden Reservoir Dam and Davis Dam No. 1 Dam Breach Inundation Mapping Report. GEI Consultants Inc, submitted to Boulder and Left Hand Ditch Company.

NRCS, 2015. Web-based soil survey database. Accessed June 2015  
<http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

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Preliminary Hydrologic Analysis, BCHA Property  
 June 24, 2015  
 Page 7



Figure 1. View looking northwest at the BCHA property from Twin Lakes Road.

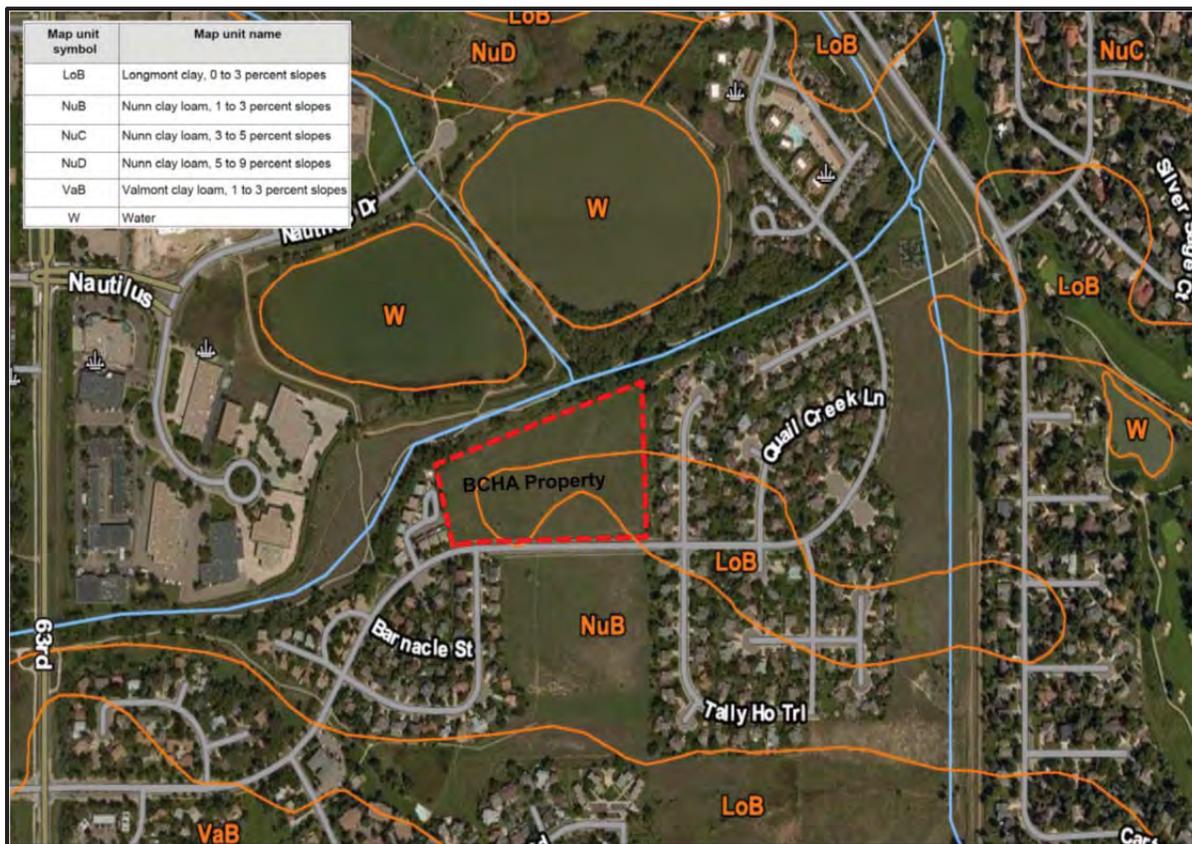


Figure 2. Soils in the vicinity of the BCHA property.

Preliminary Hydrologic Analysis, BCHA Property  
 June 24, 2015  
 Page 8

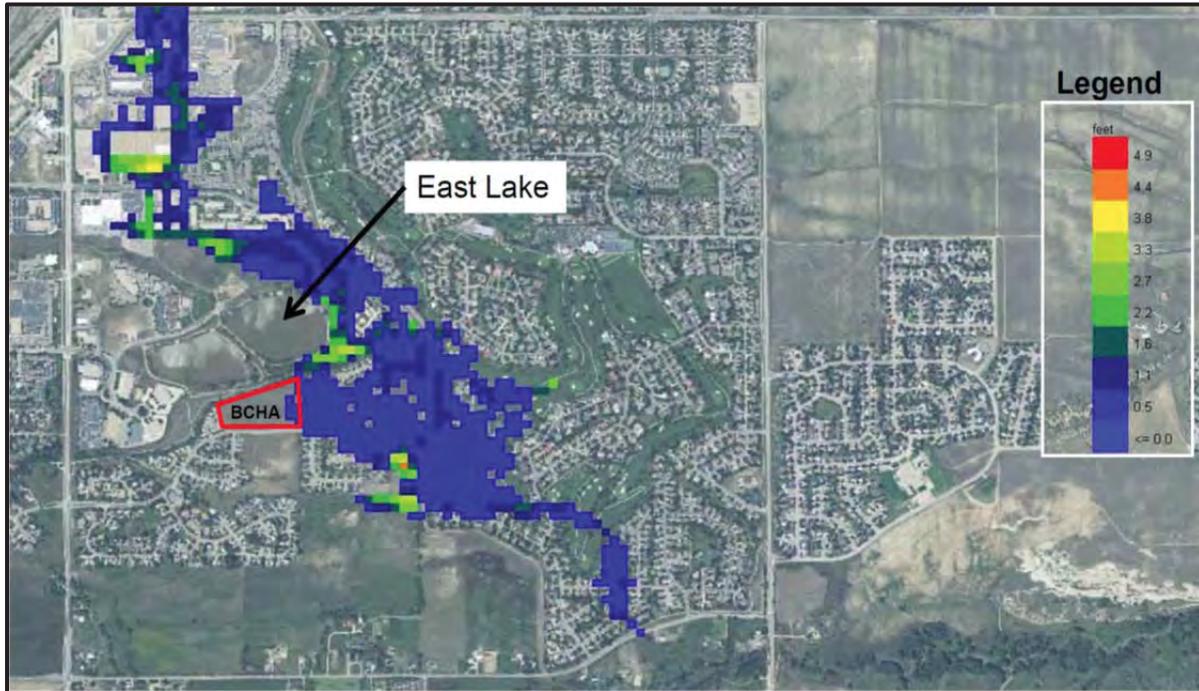


Figure 3. Inundation area and maximum flow depths for a dam breach of the East Lake.

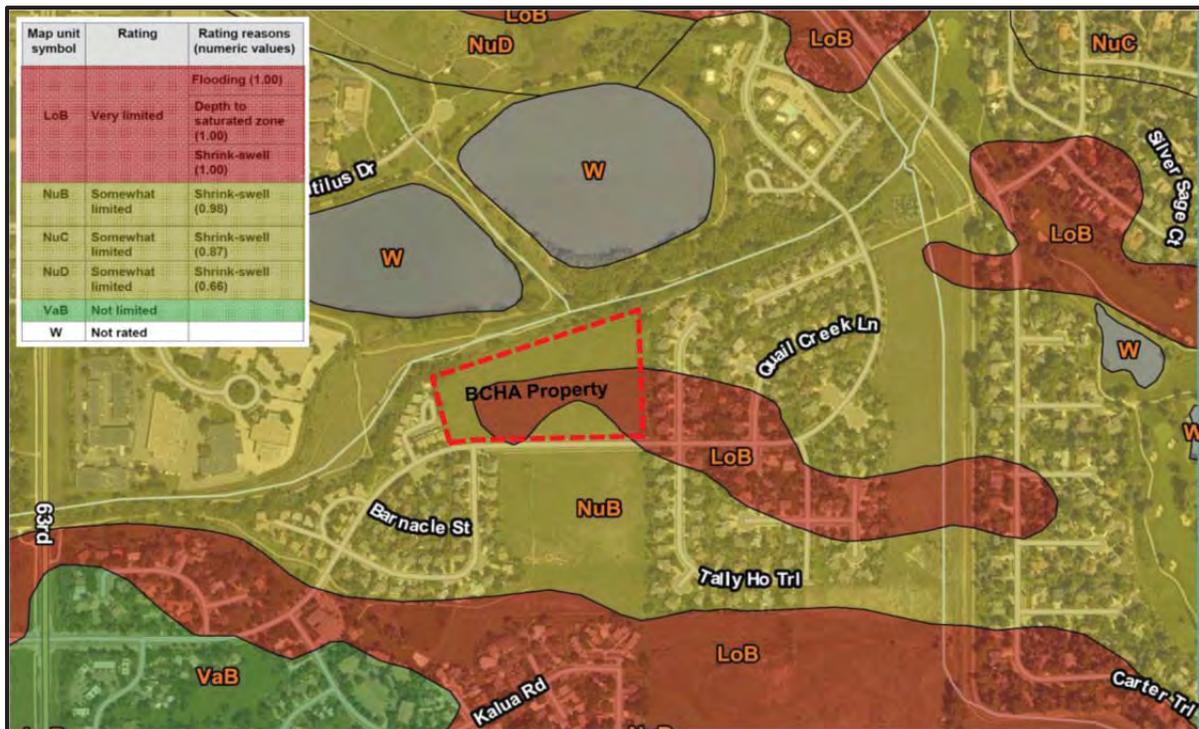


Figure 4. Limitations for construction of dwellings with basements.



# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input type="checkbox"/>	Land Use Map Amendment
<input type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input checked="" type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:

maintain low density residential zoning or add open space

b. Brief reason or justification for the proposed amendment:

This land provides a necessary path for wildlife to traverse from existing Boulder County open space to the lakes. Developing this parcel of land beyond low density residential can have drastic effects on wildlife and this rural community.

a. Map(s) proposed for amendment: see attached map

b. Brief description of location of proposed amendment:

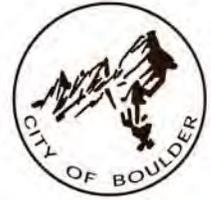
6655 Twin Lakes Road

Section: 11 Township: 1N Range: 70

c. Size of parcel: 9.97 acres



**OUR LEGACY.  
OUR FUTURE.**  
**BOULDER VALLEY COMPREHENSIVE PLAN**



**3) Applicant:**

Name: Juliet Gopinath

Address: 4555 Tally Ho Trail, Boulder CO 80301

Phone: 6173085567

**4) Owner:**

Name: Boulder County

Address:

Phone: Peter Fogg 303-441-3930

**5) Representative/Contact:**

Name: Juliet Gopinath

Address: 4555 Tally Ho Trail, Boulder CO 80301

Phone: 6173085567

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

No

## Land Use Change Narrative

This proposal is intended to do the following:

1. **Preserve the rural nature of surrounding areas** I have chosen to live in rural unincorporated Boulder County, zoned at 2-4 houses per acre. The proposal would preserve the rural nature of the area that makes Boulder County one of the most sought after places in the country. *Please do not export city problems (affordable housing) to rural unincorporated Boulder County. Instead, you should consider using the Planning Reserve, that consists of more than 200 acres of undeveloped land at ~\$4 square foot.* Please see the recent Daily Camera article on this topic, “Rich Lopez: Time for Boulder to look at Planning Reserve”.
2. **Utilize the recent development of Gunbarrel Center rather than developing further land in Gunbarrel** Gunbarrel Center, rather than Twin Lakes Road, is the ideal location for high density housing, due to its proximity to public transportation and retail shops. Recently, Gunbarrel Center has seen the development of 251 market-rate apartments. This proposal will ensure that further high density development be encouraged near Gunbarrel Center, rather than in the middle of land zoned at 2-4 houses per acre.
3. **Maintain the diverse wildlife population** The 6655 Twin Lakes Road parcel sits adjacent to the two Twin Lakes, earthen dams that are homes to a plethora of wildlife including herons, a pair of great-horned owls who have been nesting at the site for 25 years, coyotes, foxes, and many other species. The proposal will preserve this unique and special coexistence of area residents and wildlife.
4. **Keep the fragile hydrology of the area undisturbed** The area already has a high water table, as seen in a recent hydrology report commissioned by the Twin Lakes Action Group, representing area residents. Boulder County is already aware of these issues, requesting a waterproof fabric that was placed under Twin Lakes Road, due to the high water table. The current proposal will enable the hydrology of the area to be preserved without damaging neighboring homes.

The charter of the Boulder County Comprehensive Plan includes the following (<http://www.bouldercounty.org/env/sustainability/pages/compplan.aspx>). Developing this parcel of land achieve none of these goals.

- 1) **Parks and open space.** “Open space shall be used as a means of preserving the rural character of the unincorporated county and as a means of protecting from development those areas which have significant environmental, scenic or cultural value.” This is land resides on unincorporated Boulder County and as such should be maintained as open space to preserve the rural character of this community. Many people from Boulder

come to enjoy the Twin Lakes area. **Developing this land would be counter to this principle.**

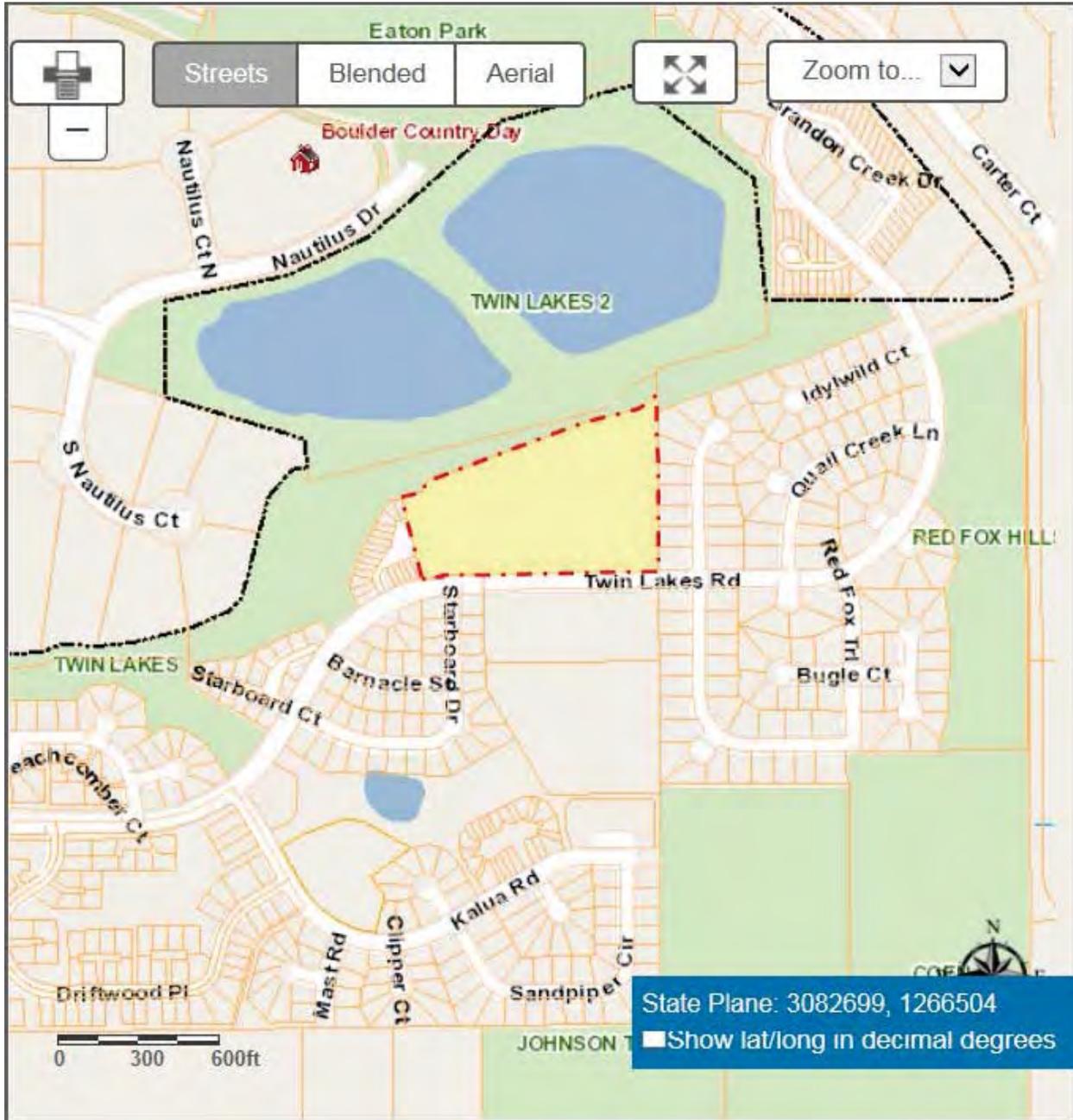
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Thank you for accepting this land use changes request form. If you have any questions, please do not hesitate to contact me.

#### **Name and contact information**

Juliet Gopinath  
4555 Tally Ho Trail  
Boulder, CO 80301  
617-308-5567

### Location map showing size and context of the area proposed for amendment





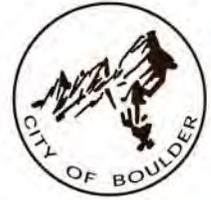
## Detailed Maps





# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

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a. Map(s) proposed for amendment: see attached map

b. Brief description of location of proposed amendment:

6500 Twin Lakes Road

Section: 11 Township: 1N Range: 70

c. Size of parcel: 3.95 acres



**3) Applicant:**

Name: Juliet Gopinath

Address: 4555 Tally Ho Trail, Boulder CO 80301

Phone: 6173085567

**4) Owner:**

Name: Boulder Valley School District RE-2J

Address: 6500 Arapahoe Ave Boulder CO 80303

Phone: 3034471010

**5) Representative/Contact:**

Name: Juliet Gopinath

Address: 4555 Tally Ho Trail, Boulder CO 80301

Phone: 6173085567

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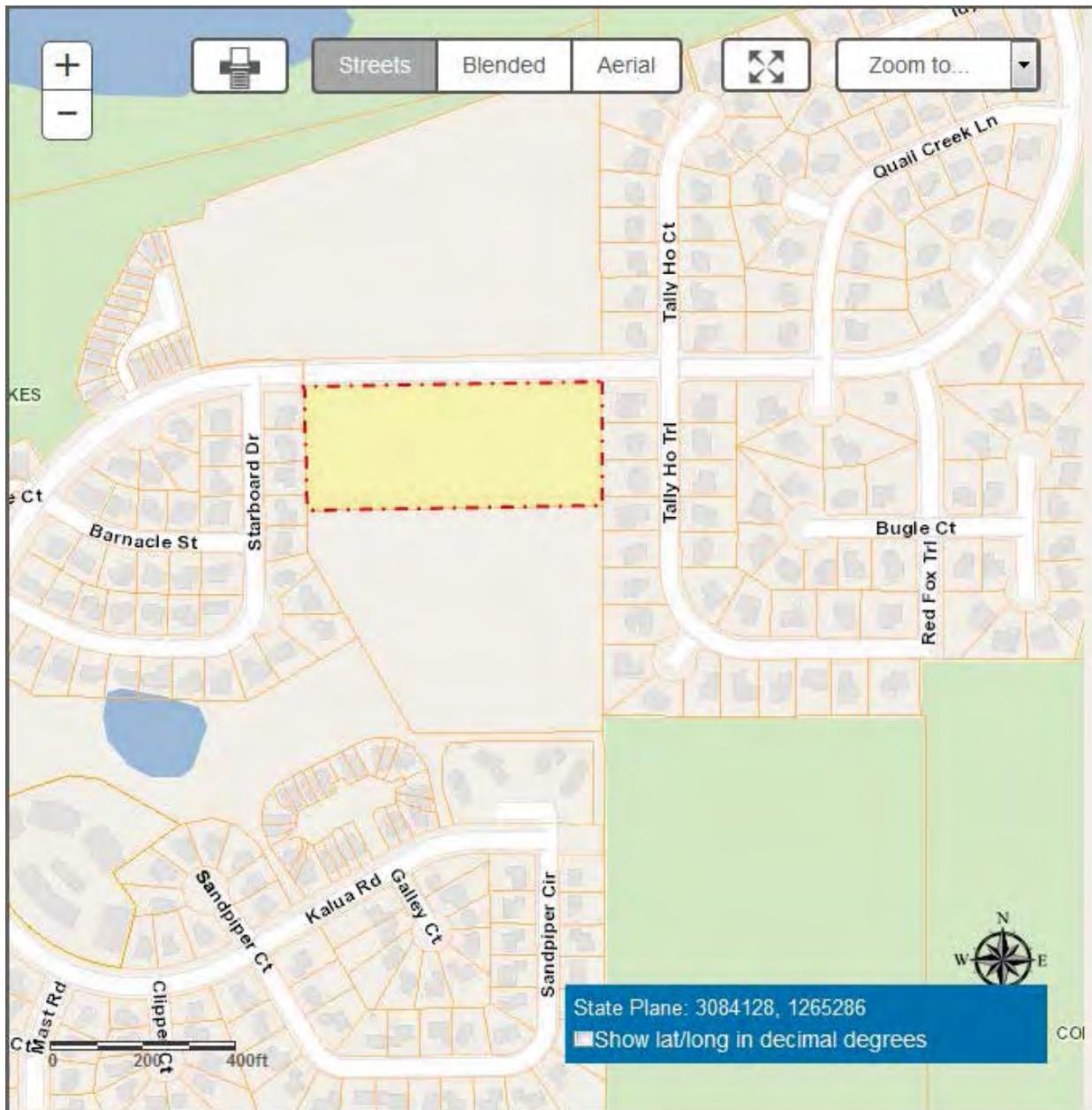
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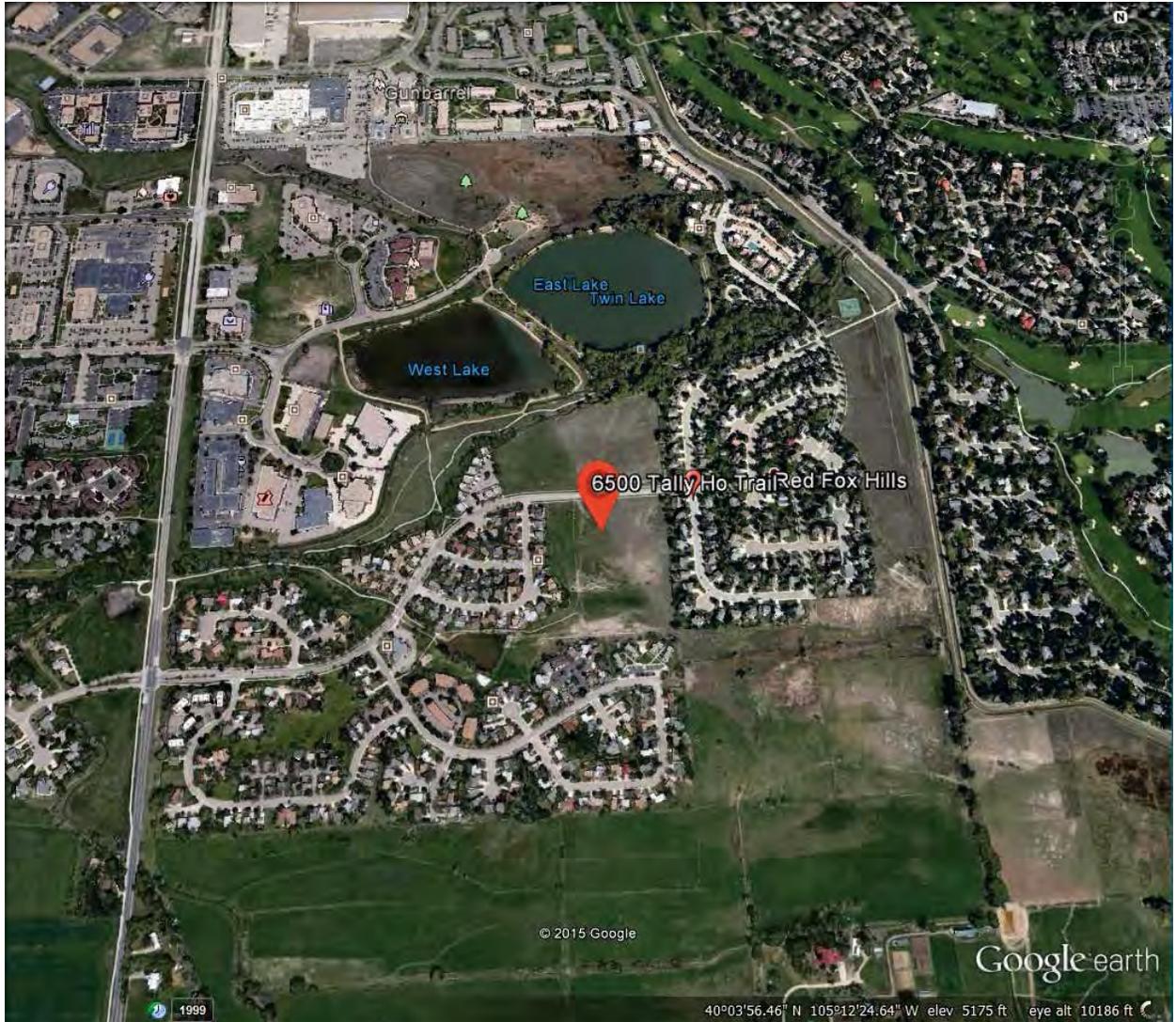
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#### **Name and contact information**

Juliet Gopinath  
4555 Tally Ho Trail  
Boulder, CO 80301  
617-308-5567

### Location map showing size and context of the area proposed for amendment





## Detailed Maps



**BOULDER VALLEY COMPREHENSIVE PLAN  
2015 MAJOR UPDATE :  
REQUEST FOR REVISION**

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a. Map(s) proposed for amendment: see attached map

b. Brief description of location of proposed amendment:

0 Kalua Road

Section: 14 Township: 1N Range: 70

c. Size of parcel: 6.08 acres

**3) Applicant:**

Name: Juliet Gopinath

Address: 4555 Tally Ho Trail, Boulder CO 80301

Phone: 6173085567

**4) Owner:**

Name: Boulder Valley School District RE-2J

Address: 6500 Arapahoe Ave Boulder CO 80303

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**5) Representative/Contact:**

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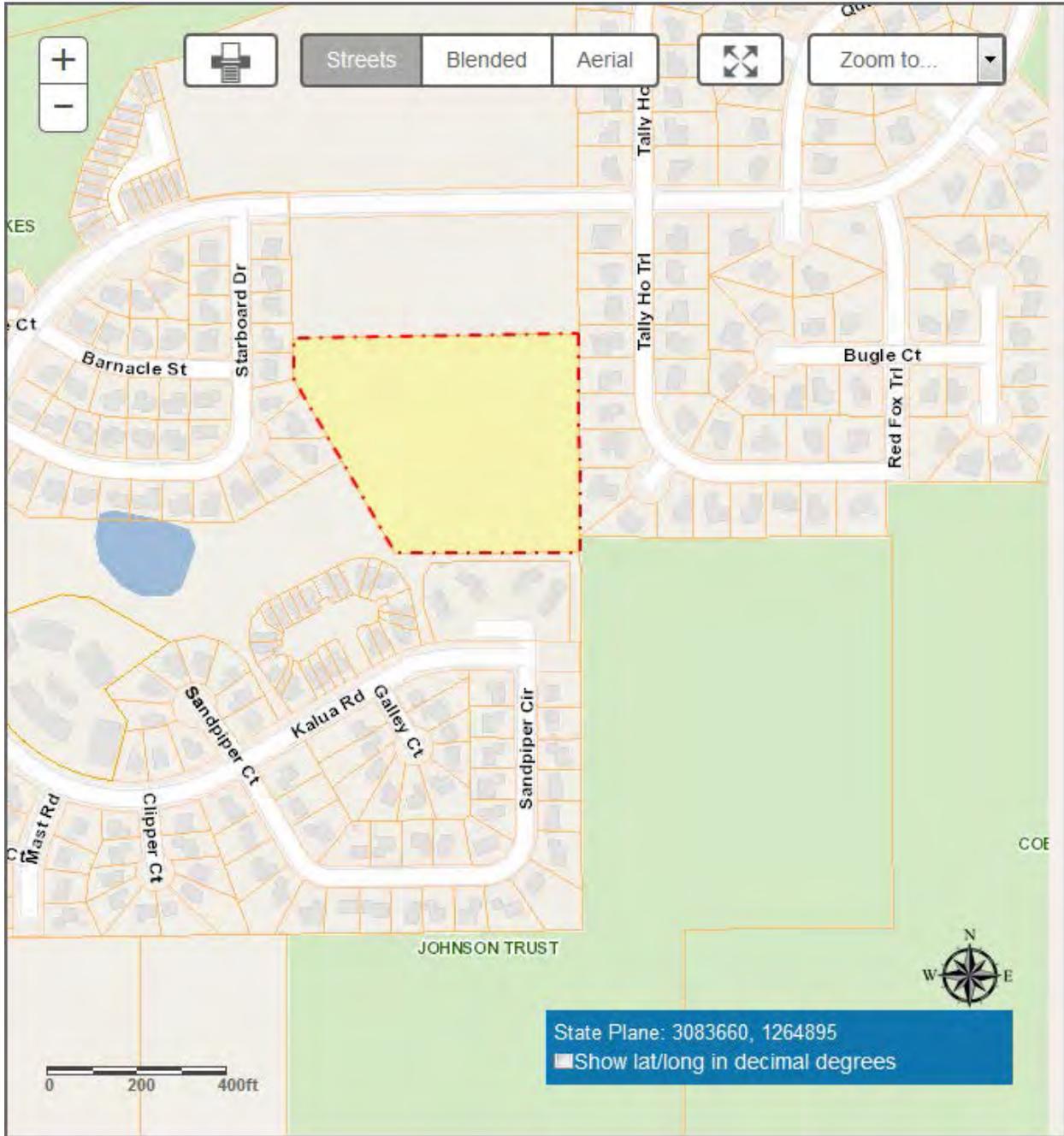
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#### **Name and contact information**

Juliet Gopinath  
 4555 Tally Ho Trail  
 Boulder, CO 80301  
 617-308-5567

### Location map showing size and context of the area proposed for amendment





## Detailed Maps





# OUR LEGACY. OUR FUTURE.

BOULDER VALLEY COMPREHENSIVE PLAN



## BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION

1) **Type of Amendment (check all that apply):**

- Land Use Map Amendment
- Changes to the Area II/III boundary
- Service Area contractions or Minor Changes to the Service Area Boundary
- Other Map Amendment

2) **Please provide the following information**

a. Brief description of the proposed amendment:

*Maintain + protect rural character by making parcel of land as open space. This will also protect the many wildlife species that already live on + use this land.*

b. Brief reason or justification for the proposed amendment:

*See attachment #1*

a. Map(s) proposed for amendment: *See attached maps Attachments 1 + 2*

b. Brief description of location of proposed amendment:

6655 Twin Lakes Road (unincorporated)

Section: 11 Township: 1N Range: 70

c. Size of parcel: 9.97 acres



# OUR LEGACY. OUR FUTURE.

BOULDER VALLEY COMPREHENSIVE PLAN



**3) Applicant:**

Name: Jerry N. George

Address: 4733 Tally Ho Ct.  
Boulder, Co. 80301

Phone: 303-530-9507

**4) Owner:**

Name: Boulder County

Address:

Phone: Peter Fogg 303-441-3930

**5) Representative/Contact:**

Name: Jerry George

Address: 4733 Tally Ho Ct.  
Boulder, CO 80301  
email: jesserg7@comcast.net

Phone: 303-530-9507

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

*No*

September 22, 2015

cc: Boulder County Commissioners  
1325 Pearl Street  
Boulder, CO 80302

FROM: Jerry George  
4733 Tally Ho Court  
Boulder, CO 80301  
Tel: 303-530-9507  
Email: jesse7@Comcast.net

TO: City of Boulder  
Department of Community Planning & Sustainability  
Attn: Caitlin Zacharias  
P.O. Box 792  
Boulder, CO 80306-0791

To Whom it May Concern

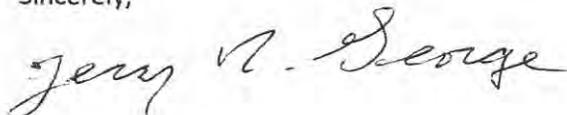
I am writing in opposition to the planned annexation, rezoning for mixed use, and construction of multifamily affordable housing on the undeveloped parcels of land at 6655 and 6600 Twin Lakes Road in Gunbarrel. I am well aware of the hydrology issues, wildlife issues, increased density of population, increased population, increased traffic, destabilization of existing neighborhoods, lack of amenities for new residents, the impact on those residents by being warehoused in large numbers in the already established neighborhoods, and the other many negatives of the development.

On a personal level, I have lived at the above address for 23 years. When I retired from another State I moved here because of our love of the mountains, and at that time we loved the size of Boulder. We chose Gunbarrel because of the rural residential feel and chose the particular lot to build on because we have complete unobstructed view of the Flatirons. We are the ideal Boulder types because we do ninety percent of our shopping within the city limits of Boulder. We own our home and pay property taxes as others neighbors do. I drive a hybrid car, and drive very few miles annually. Thus, we leave a very small greenhouse footprint. For these reasons, I consider us the ideal homeowners. When we moved here we felt this would be our lifetime home. Now we are having misgivings about our decision. The City Council is making Boulder a large city with unmanageable traffic. These facts coupled with the County and City planning to build high density housing on the property immediately behind our home, which would block our view of the mountains, is the last straw for us. We have made the decision to move before construction starts, if this plan is implemented.

We have read many times that the City is trying to do infil within the City and distribute affordable housing in small amounts in existing neighborhoods. This is contrary to what is planned in our neighborhood. Approximately 600 housing units were built in downtown Gunbarrel and the contractor was able to buy out the affordable units. Now the City and County are proposing to build up to 180 units in our back yard, which is one mile from downtown Gunbarrel.

Considering all the negative aspects of this project, I am pleading with the City Council and County Commissioners to reconsider this project and leave this property, which is heavily used by neighborhood people and wildlife, and designate it as "Open Space".

Sincerely,



# 6655 Twin Lakes Road Topo 1



05/01/2011

# Boulder County Main Map





# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input type="checkbox"/>	Land Use Map Amendment
<input type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input checked="" type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:

maintain low density residential zoning or add open space

b. Brief reason or justification for the proposed amendment:

This land provides a necessary path for wildlife to traverse from existing Boulder County open space to the lakes. Developing this parcel of land beyond low density residential can have drastic effects on wildlife and this rural community.

a. Map(s) proposed for amendment: see attached map

b. Brief description of location of proposed amendment:

6655 Twin Lakes Road

Section: 11 Township: 1N Range: 70

c. Size of parcel: 9.97 acres



**OUR LEGACY.  
OUR FUTURE.**  
**BOULDER VALLEY COMPREHENSIVE PLAN**



**3) Applicant:**

Name: Brian Lay

Address: 4555 Tally Ho Trail, Boulder CO 80301

Phone: 7816409356

**4) Owner:**

Name: Boulder County

Address:

Phone: Peter Fogg 303-441-3930

**5) Representative/Contact:**

Name: Brian Lay

Address: 4555 Tally Ho Trail, Boulder CO 80301

Phone: 7816409356

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

No

## Land Use Change Narrative

This proposal is intended to do the following:

- 1) **Maintain the rural character of this community.** The areas surrounding this land are zoned as rural residential and are built with approximately 2-4 houses per acre of land. This proposal would maintain this character by allowing development in-line with those numbers or prevent any further development by converting the land to open space.
- 2) **Preserve the ecosystem for the abundant wildlife in this area.** The area surrounding this land is abundant in wildlife. Owls nest annually very close to this property and are often heard hunting during the evening hours. Coyotes, red fox, and many birds reside and migrate through the twin lakes area. Any development of this land without an ecological impact study should be considered detrimental to the preservation of the Boulder ecosystem.
- 3) **Prevent unnecessary traffic congestion through a narrow neighborhood corridor.** This land has only a single access road that traverses through neighborhoods in both the easterly and westerly directions. Increasing the density of this land would adversely affect the traffic through these neighborhoods. This proposal would maintain the rural zoning of the land to prevent additional traffic on these roads.
- 4) **Prevent property damage to existing neighborhoods due to complex hydrology.** This is a very hydrologically sensitive area. There are two dams to the north of the property and ditches to the north and east of the property. A dam inspection conducted in 2013 indicated several issues with the dams and characterized them as in moderate to poor condition. To my knowledge and to date those issues have not been addressed. Additionally a recent hydrology report indicates potential damage due to ground water increase if the land was developed that could negatively impact existing homes in the surrounding communities.
- 5) **Contest the effectiveness of Affordable housing being suggested at this location.** Affordable housing should be mindful of tenants income level by being close to the places people work, be accessible by public transportation, and walkable to necessary amenities. The parcel of land achieves none of these. To call this affordable housing for the city of Boulder is nothing more than a fallacy. If you want affordable housing in Boulder, then build it in Boulder. Don't annex a portion of Boulder County, to call it Boulder, to meet some artificial Affordable Housing goal. Find the housing close to where the tenants work. The nearest public transportation to this property is over .5 miles away (don't forget the winter months) and is available reliably only during peak hours. Many affordable housing tenants do not work traditional hours. This will effectively leave them without public transportation and no option for biking after hours. Finally, amenities are no less than 1 mile away in Gunbarrel center. Many apartment complexes have been recently built or are nearing completion in Gunbarrel center. Not a single unit in these complexes was designated for affordable housing. These locations would've perfectly satisfied the three requirements listed above (<http://www.apex5510.com/>, <http://www.boulderviewapartments.com/>, <http://www.gunbarrelcenter.com/>). Obviously, the Boulder Comprehensive Plan is not serving its purpose and should consider being a little more introspective. Three properties which are undeveloped which would be better suited for Affordable housing in Gunbarrel include:  
 6570 Gunpark (11-1N-70)  
 6560 Gunpark (11-1N-70)  
 6944 Cordwood CT (02-1N-70)

The charter of the Boulder County Comprehensive Plan includes the following (<http://www.bouldercounty.org/env/sustainability/pages/compplan.aspx>). Developing this parcel of land achieve none of these goals.

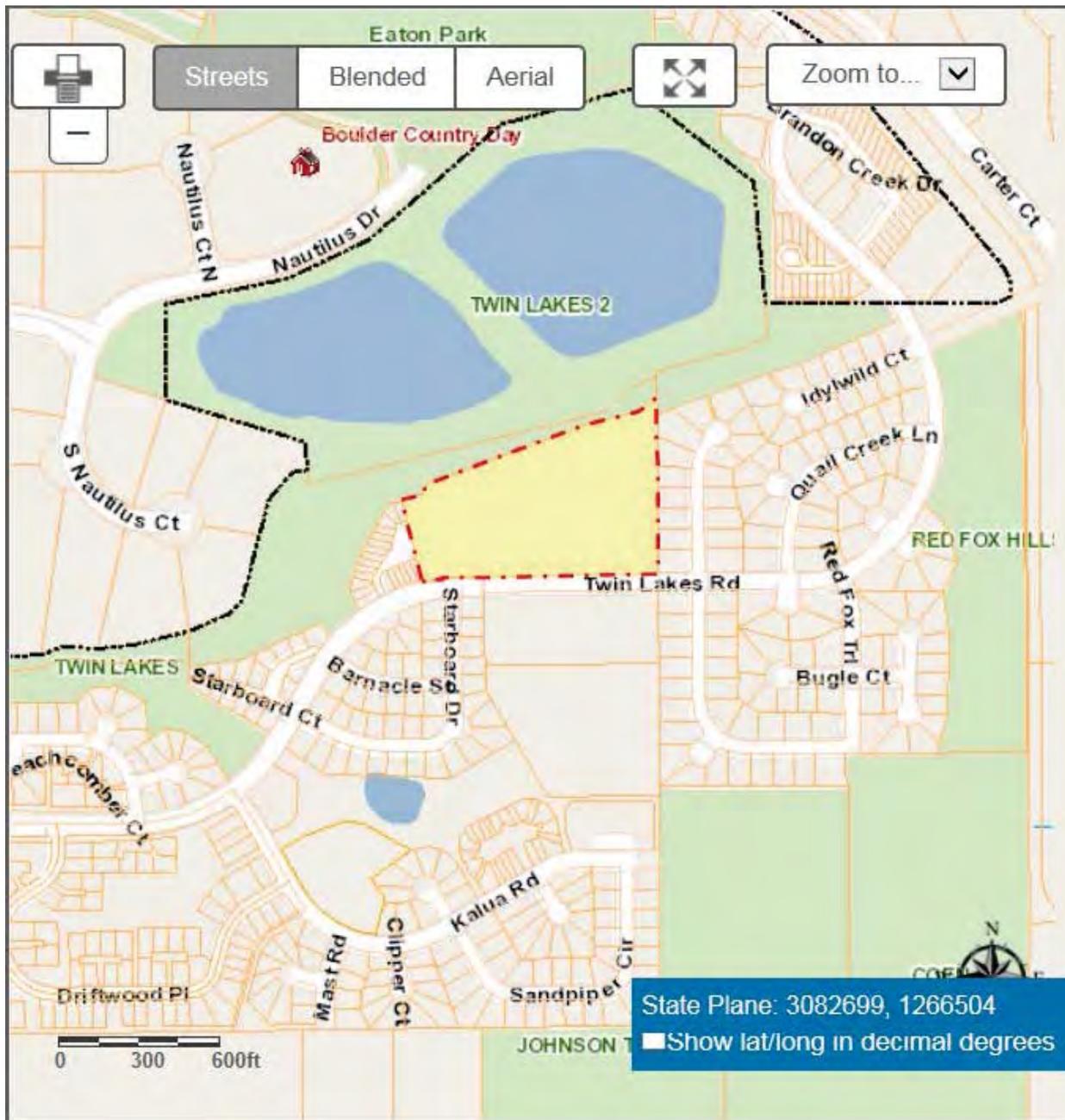
- 1) **Smart development.** “Existing communities should grow at whatever rate they consider desirable, within the limits of what is acceptable to the citizens of areas potentially affected by that growth, and to the citizens of the county, while preserving and improving the quality of life and the aesthetic and functional fitness of land uses within the county”. This is a rural community and we strongly desire to maintain that status. **Increasing the density zoning of this land is not compatible with our community.**
- 2) **Environmental Management.** “Unique or distinctive natural features and ecosystems, and cultural features and sites should be conserved and preserved in recognition of the irreplaceable character of such resources and their importance to the quality of life in Boulder County. Natural resources should be managed in a manner which is consistent with sound conservation practices and ecological principles.” The abundance of wildlife in the open space to the south of the proposed land and the twin lakes is undisputable. **Developing the last parcel of land that provides these animals access to the lakes would clearly be counter to this principle.**
- 3) **Parks and open space.** “Open space shall be used as a means of preserving the rural character of the unincorporated county and as a means of protecting from development those areas which have significant environmental, scenic or cultural value.” This is land resides on unincorporated Boulder County and as such should be maintained as open space to preserve the rural character of this community. Many people from Boulder come to enjoy the Twin Lakes area. **Developing this land would be counter to this principle.**
- 4) **Community sustainability.** “Sustainability isn't just about protecting our natural environment; it also addresses establishment of a sustainable, healthy community, including affordable housing, resources such as schools and parks, and support of cultural and social facilities. The Comprehensive Plan addresses this aspect of sustainability through directives that touch upon residential land use, community facilities and economic standards:” Though it is true that sustainability includes affordable housing, for the reasons mentioned earlier, this parcel of land is not suitable for that goal. On the other hand, there is **no public playground in ALL of Gunbarrel.** I have small children and miss a “neighborhood” park where we can bring our kids to play after school and on the weekends. Often we visit the Scott Carpenter Park while doing errands in Boulder. This doesn't build our community. This doesn't facilitate relationships with people that live in our neighborhood. **Converting this space into a park would positively service the community by maintaining the rural character of our community, protect the native wildlife, maintain current traffic levels, and have no effect on the hydrology.** That is an idea that makes sense.

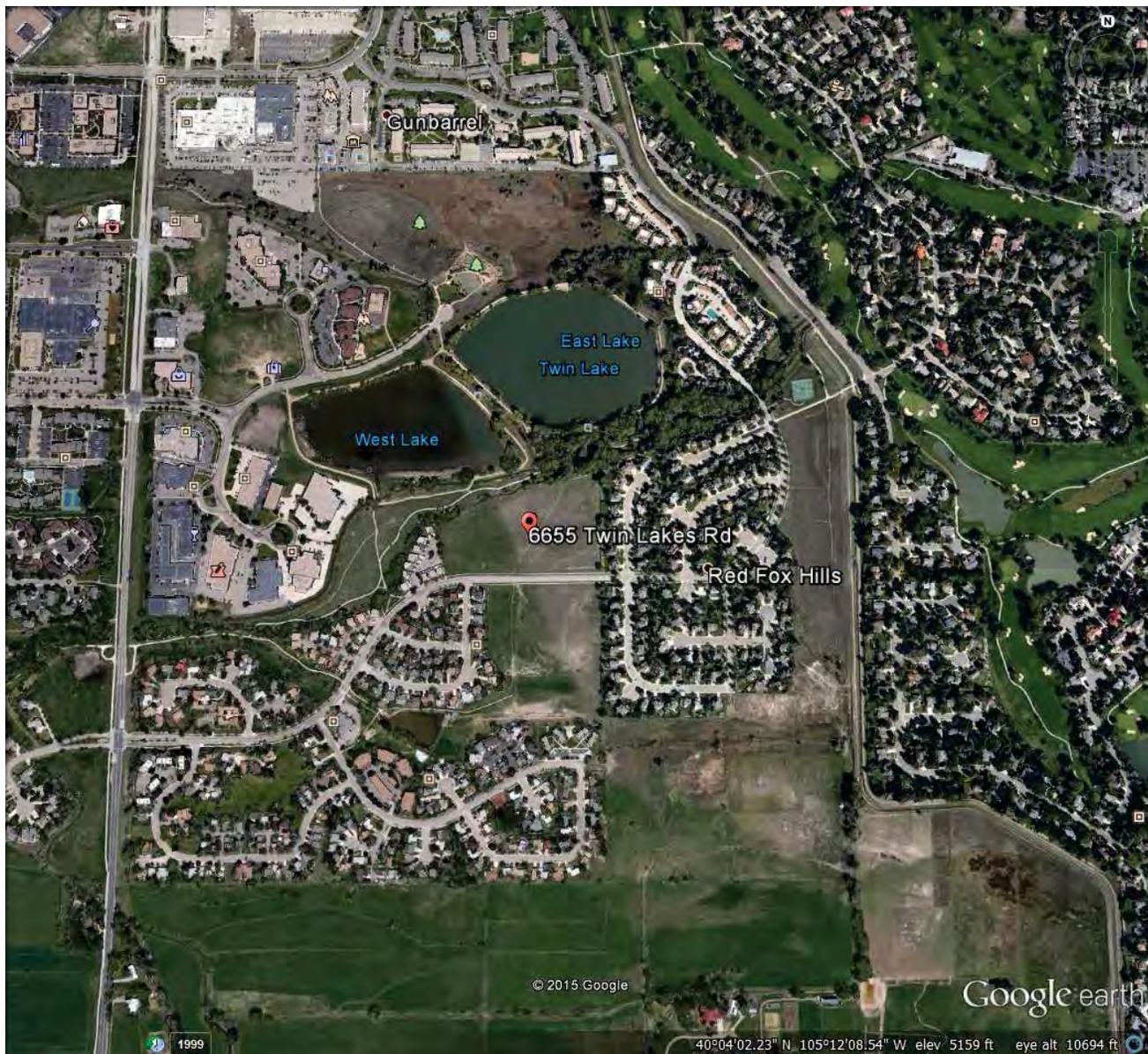
Thank you for accepting this land use changes request form. If you have any questions, please do not hesitate to contact me.

## Name and contact information

Brian Lay  
4555 Tally Ho Trail  
Boulder, CO 80301  
781-640-9356

### Location map showing size and context of the area proposed for amendment





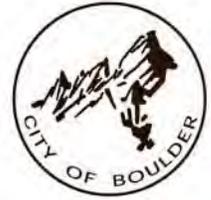
## Detailed Maps





# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input type="checkbox"/>	Land Use Map Amendment
<input type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input checked="" type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:

maintain low density residential zoning or add open space

b. Brief reason or justification for the proposed amendment:

This land provides a necessary path for wildlife to traverse from existing Boulder County open space to the lakes. Developing this parcel of land beyond low density residential can have drastic effects on wildlife and this rural community.

a. Map(s) proposed for amendment: see attached map

b. Brief description of location of proposed amendment:

6500 Twin Lakes Road

Section: 11 Township: 1N Range: 70

c. Size of parcel: 3.95 acres



**3) Applicant:**

Name: Brian Lay

Address: 4555 Tally Ho Trail, Boulder CO 80301

Phone: 7816409356

**4) Owner:**

Name: Boulder Valley School District RE-2J

Address: 6500 Arapahoe Ave Boulder CO 80303

Phone: 3034471010

**5) Representative/Contact:**

Name: Brian Lay

Address: 4555 Tally Ho Trail, Boulder CO 80301

Phone: 7816409356

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

No

## Land Use Change Narrative

This proposal is intended to do the following:

- 1) **Maintain the rural character of this community.** The areas surrounding this land are zoned as rural residential and are built with approximately 2-4 houses per acre of land. This proposal would maintain this character by allowing development in-line with those numbers or prevent any further development by converting the land to open space.
- 2) **Preserve the ecosystem for the abundant wildlife in this area.** The area surrounding this land is abundant in wildlife. Owls nest annually very close this property and are often heard hunting during the evening hours. Coyotes, red fox, and many birds reside and migrate through the twin lakes area. Any development of this land without an ecological impact study should be considered detrimental to the preservation of the Boulder ecosystem.
- 3) **Prevent unnecessary traffic congestion through a narrow neighborhood corridor.** This land has only a single access road that traverses through neighborhoods in both the easterly and westerly directions. Increasing the density of this land would adversely affect the traffic through these neighborhoods. This proposal would maintain the rural zoning of the land to prevent additional traffic on these roads.
- 4) **Prevent property damage to existing neighborhoods due to complex hydrology.** This is a very hydrologically sensitive area. There are two dams to the north of the property and ditches to the north and east of the property. A dam inspection conducted in 2013 indicated several issues with the dams and characterized them as in moderate to poor condition. To my knowledge and to date those issues have not been addressed. Additionally a recent hydrology report indicates potential damage due to ground water increase if the land was developed that could negatively impact existing homes in the surrounding communities.

The charter of the Boulder County Comprehensive Plan includes the following

(<http://www.bouldercounty.org/env/sustainability/pages/compplan.aspx>). Developing this parcel of land achieve none of these goals.

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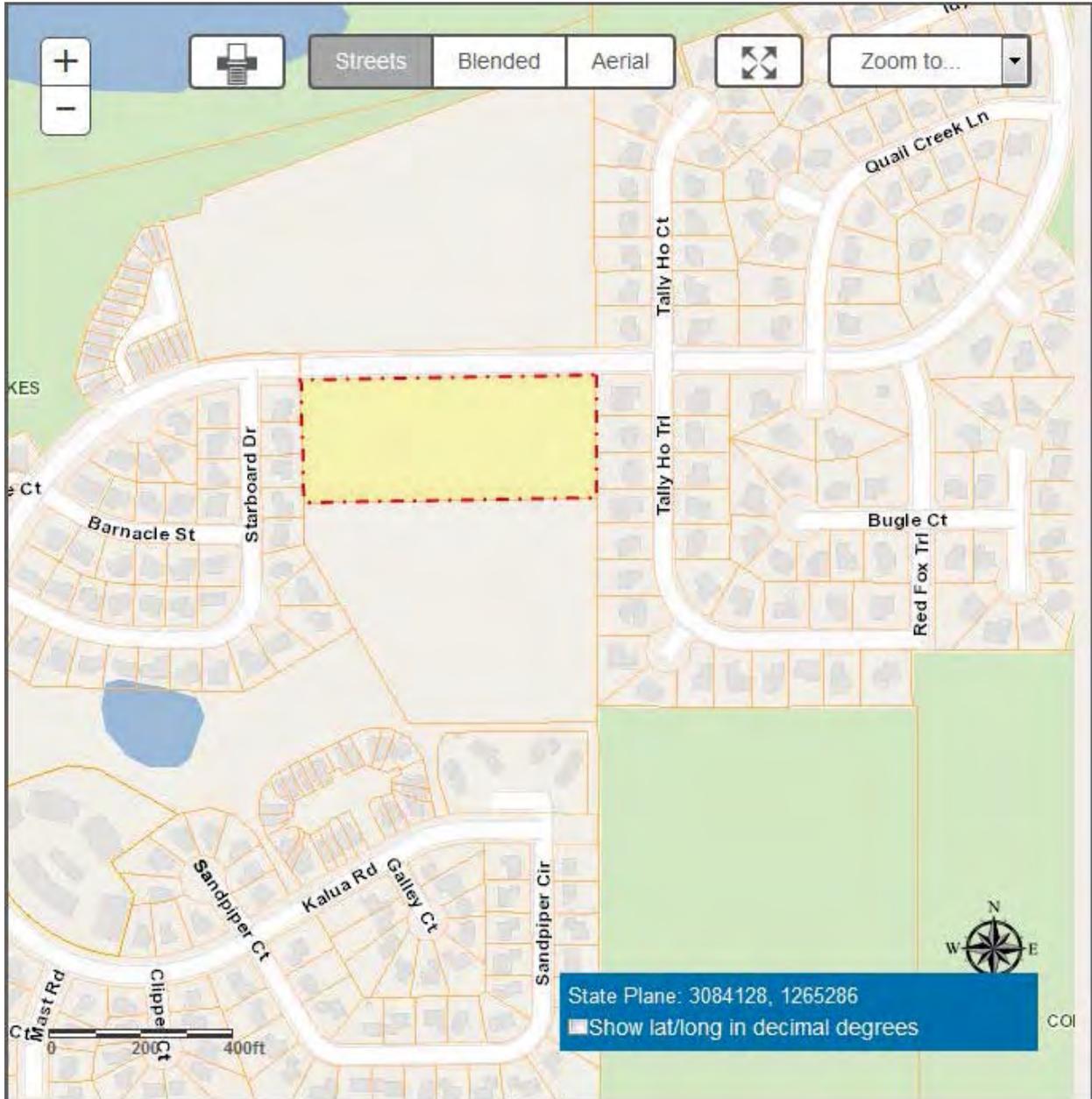
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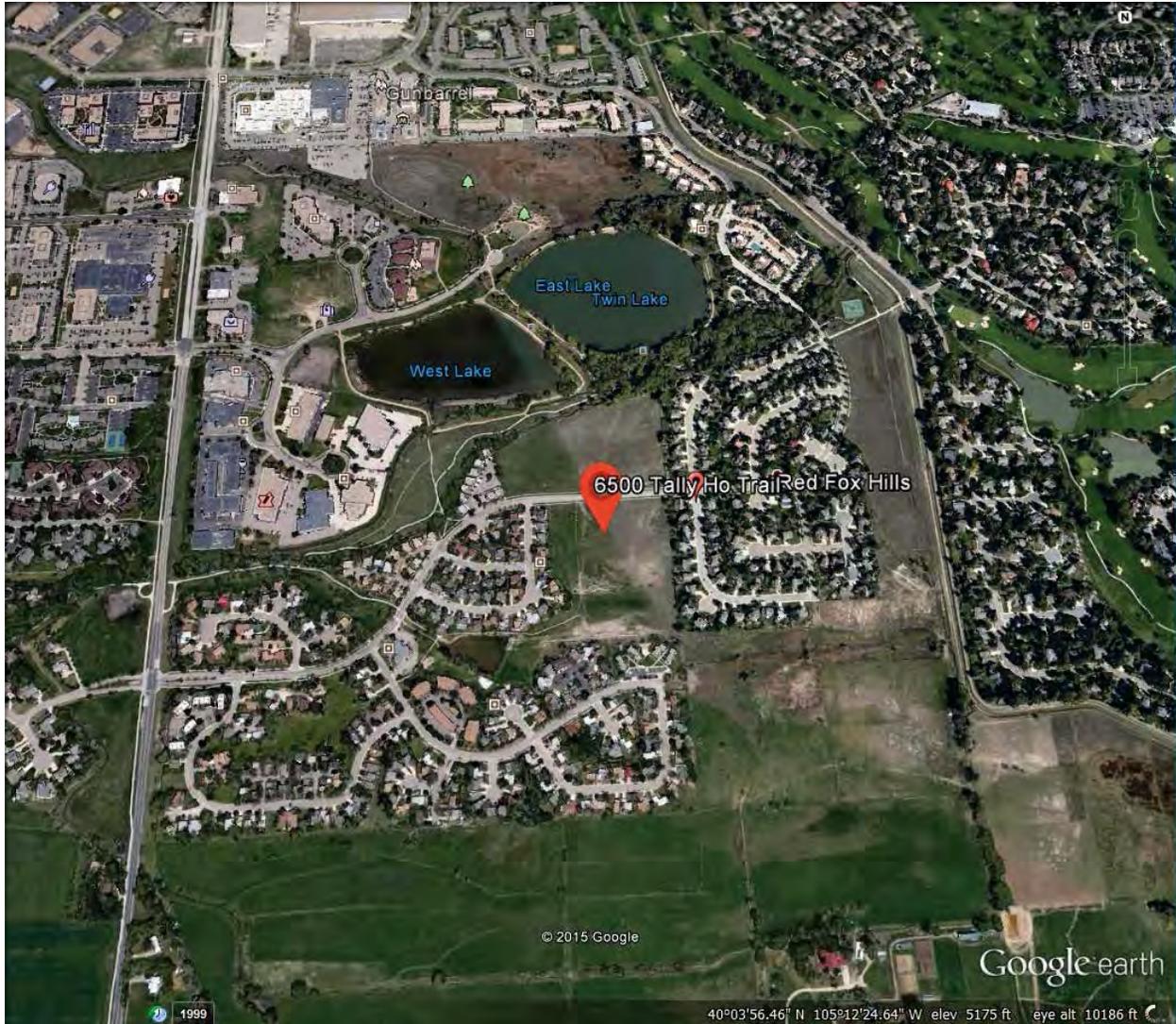
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## **Name and contact information**

Brian Lay  
4555 Tally Ho Trail  
Boulder, CO 80301  
781-640-9356

### Location map showing size and context of the area proposed for amendment





## Detailed Maps





# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

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b. Brief reason or justification for the proposed amendment:

This land provides a necessary path for wildlife to traverse from existing Boulder County open space to the lakes. Developing this parcel of land beyond low density residential can have drastic effects on wildlife and this rural community.

a. Map(s) proposed for amendment: see attached map

b. Brief description of location of proposed amendment:

0 Kalua Road

Section: 14 Township: 1N Range: 70

c. Size of parcel: 6.08 acres



**3) Applicant:**

Name: Brian Lay

Address: 4555 Tally Ho Trail, Boulder CO 80301

Phone: 7816409356

**4) Owner:**

Name: Boulder Valley School District RE-2J

Address: 6500 Arapahoe Ave Boulder CO 80303

Phone: 3034471010

**5) Representative/Contact:**

Name: Brian Lay

Address: 4555 Tally Ho Trail, Boulder CO 80301

Phone: 7816409356

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

No

## Land Use Change Narrative

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The charter of the Boulder County Comprehensive Plan includes the following

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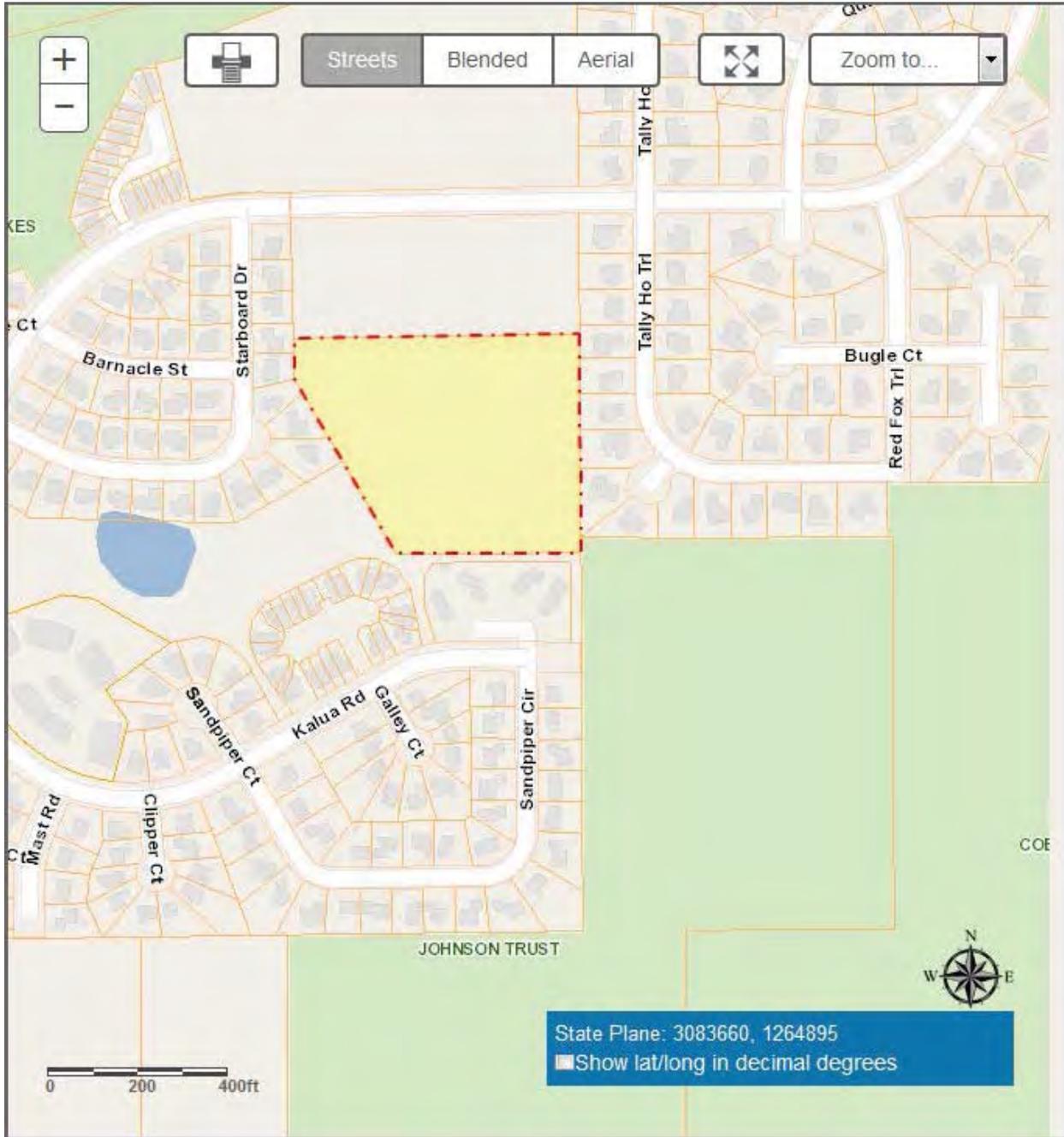
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Thank you for accepting this land use changes request form. If you have any questions, please do not hesitate to contact me.

## **Name and contact information**

Brian Lay  
4555 Tally Ho Trail  
Boulder, CO 80301  
781-640-9356

### Location map showing size and context of the area proposed for amendment





## Detailed Maps





# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

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<input checked="" type="checkbox"/>	Changes to the Area II/III boundary
<input checked="" type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment: **See next page for complete text.**

For the 9.97 acre undeveloped land parcel with address 6655 Twin Lakes Road. Land use designation change to Open Space and change to an Area III - Rural Preservation. Service area contraction change from Area II to Area III - Rural Preservation Area.

b. Brief reason or justification for the proposed amendment:

Allow undeveloped land parcel to maintain its unique natural character, maintain its passive recreational use, protect and preserve wildlife, preserve and protect area wetlands, and continue to mitigate flooding hazards downgradient from the Twin Lakes and irrigation channels (see attached Supplemental Sheet) +

a. Map(s) proposed for amendment: Boulder Valley Comprehensive Plan Land Use Designation Map and Boulder Valley

b. Brief description of location of proposed amendment:

6655 Twin Lakes Road

Section: 11 Township: 1N Range: 70W

c. Size of parcel: 9.97 Acres

(Full text cropped from previous page):

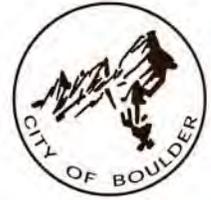
**Request 36) 6655 Twin Lakes Rd – Mark George**

Brief reason or justification for the proposed amendment:

Allow undeveloped land parcel to maintain its unique natural character, maintain its passive recreational use, protect and preserve wildlife, preserve and protect area wetlands, and continue to mitigate flooding hazards downgradient from the Twin Lakes and irrigation channels (see attached Supplemental Sheet).

Map(s) proposed for amendment:

Boulder Valley Comprehensive Plan Land Use Designation Map and Boulder Valley Comprehensive Plan Area I, Area II, Area III Map



**3) Applicant:**

Name: Mark George

Address: 4661 Tally Ho Court, Boulder, CO 80301

Phone: home: 303/530-4424, work: 303/497-3064

**4) Owner:**

Name: Boulder County or Boulder County Housing Authority

Address: PO Box 471  
Boulder, CO 80306

Phone: 303/441-3930 or 303/441-1000

**5) Representative/Contact:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

No

### Supplemental Information

**The proposed amendment is for the land parcel with address 6655 Twin Lakes Road to be amended to an Open Space land use designation and changed to an Area III – Rural Preservation.**

#### 1. Narrative addressing the details of the proposed amendment

The proposed amendment to an Open Space land use designation and change to an Area III – Rural Preservation for the land parcel with address 6655 Twin Lakes Road would maintain the unique character of the land parcel. It would also serve as an extension to the existing Boulder County Open Space land parcels to the north which include the LOBO trail, and the area around and including the Twin Lakes.

This land parcel is presently undeveloped and is widely used by citizens within the neighboring City of Boulder and Gunbarrel communities. On any given day, people can be observed walking dogs on the land parcel, observing wildlife, and accessing the LOBO trail. There are two well established trails on the property and kids are often seen riding bikes and walking on these trails.

In addition, since the land parcel is adjacent to Boulder County Open Space that includes the Twin Lakes and several irrigation channels; wildlife frequents the land parcel. I have seen deer, coyotes, foxes, raccoons, squirrels, field mice, voles, an occasional prairie dog, turtles, frogs, snakes, several varieties of birds, water fowl, several varieties of insects and spiders, and owls within the land parcel. For over twenty years, a pair of great horned owls has nested in a hollow tree located adjacent the northeast corner of the land parcel. Each year, these owls attract hundreds, if not thousands of people, to observe their nesting habits and get a view of the baby owls and observe their development. If development is ever allowed on this land parcel, the great horned owls will likely never return to this nesting site, given the impacts to their habitat and the loss of their closest prime hunting ground.

Soils in the area of the land parcel consist of clay loam and clay, defined by the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) as Nunn clay loam (NuB) and Longmont clay (LoB). Both of these soils types are listed on the Federal List as meeting multiple criteria for listing as a hydric soil. Although no wetlands are listed on the United States Corps of Engineers (USACE) Wetlands Inventory Map for the land parcel, given the recharge potential provided by the hydraulically upgradient nearby lakes and irrigation channels, and the presence of hydric soils; the land parcel has the potential for wetlands.

The land parcel and surrounding area to the east is also characterized as having a high water table which is continually recharged by the hydraulically upgradient nearby lakes and irrigation channels. Residents that adjoin and are located within a block or two east of the land parcel know this all too well. Most of the homes have sump pumps that run intermittently and for a

few homes, continuously. During prolonged periods of precipitation, basements in the vicinity of the land parcel have experienced flooding and damage, especially during the fall 2013 flood where few homes, situated along the street of Tally Ho Court to the east, were spared of basement flooding and damage.

Due to this and to changed weather patterns over the past two years, severe flooding has been observed on the land parcel. The most severe flooding was observed in September 2013 and again this past spring (2015). During the most severe periods of flooding, standing water was observed in the field for extended periods of time and a large volume of runoff exited the largest observed ponded area, located within a few hundred feet of the land parcel's east property boundary, in southeastern and southern directions. The primary flow path for this runoff was within the western portions of private residential properties that border the eastern side of the land parcel. This large volume of runoff continued for a period approaching a week or more after the rain stopped, indicative of the high water table and recharge characteristics of groundwater in the area, including the land parcel, which is located hydraulically downgradient of the nearby lakes and irrigation channels.

A hydrologic analysis was performed for the land parcel located at 6655 Twin Lakes Road and the results were discussed in a report (attached), dated June 24, 2015. As stated in the report, soil borings drilled in the vicinity of the land parcel indicate that the depth to the shale bedrock is 10 to 15 feet below ground surface. Regional groundwater mapping (Hillier and Schneider, 1979) indicates that groundwater across the land parcel is between 5 and 10 feet below ground surface. Given the shallow depth to bedrock, groundwater in the vicinity of the land parcel has a limited soil profile to collect and convey its flow, which due to this and the recharge provided by the hydraulically upgradient nearby lakes and irrigation channels, accounts for the area high water table.

In its natural state, soils beneath the land parcel are allowed to collect the groundwater and maintain its natural (unimpeded) flow direction. If the land parcel is developed, soil profiles would be altered and the capacity of soils to collect and convey groundwater recharge would be lessened. In addition, the natural flow direction of groundwater would have man-made impediments which would change the direction of groundwater flow. This would certainly have the potential to significantly affect properties adjoining the land parcel with increased flooding.

For the reasons listed in the preceding paragraphs, the proposed amendment is for the land parcel with address 6655 Twin Lakes Road to be amended to an Open Space land use designation and changed to an Area III – Rural Preservation. This would allow the land parcel to maintain its unique natural character, maintain its passive recreational use, protect and preserve wildlife, preserve and protect area wetlands, and continue to mitigate and reduce flooding in areas downgradient from the two lakes and irrigation channels.

1. (continued)

Listing of applicable related goals, policies, elements, and amendment criteria of the Boulder Valley Comprehensive Plan

- 2.04 Open Space Preservation
- 2.06 Preservation of Rural Areas and Amenities
- 2.07 Delineation of Rural Lands
- 3.01 Incorporating Ecological Systems into Planning
- 3.03 Natural Ecosystems
- 3.04 Ecosystem Connections and Buffers
- 3.05 Maintain and Restore Ecological Processes
- 3.20 Flood Management
- 3.28 Surface and Ground Water

2. Name and contact information

Mark George, P.E. (Registered Professional Civil Engineer)  
4661 Tally Ho Court  
Boulder, CO 80301

Home: 303/530-4424  
Office: 303/497-3064  
Cell: 720/254-8032

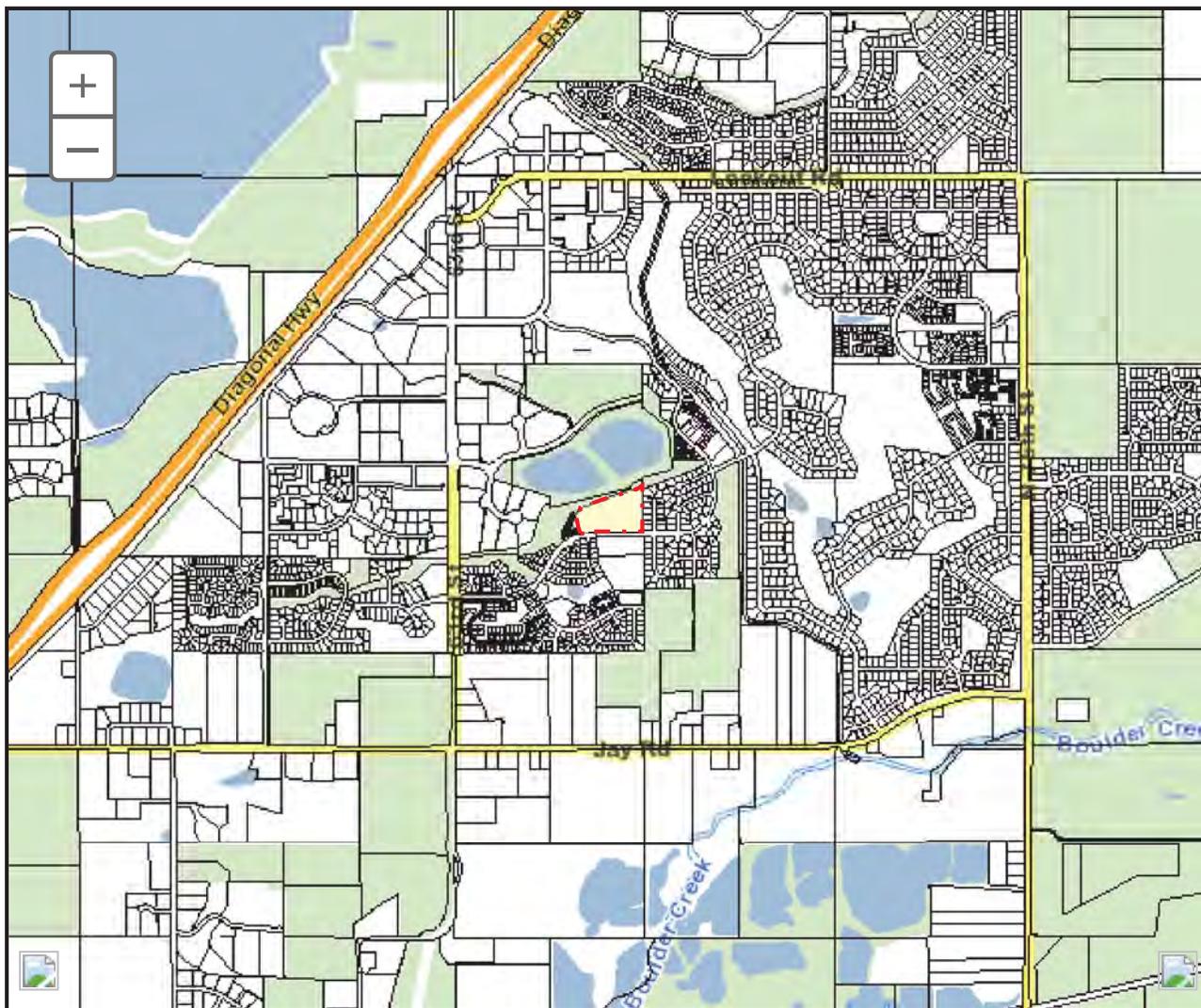
3. Location map showing size and content of the area proposed for amendment

Attached

4. Detailed map

Attached

# Boulder County Main Map



# Boulder County Main Map



# 6655 Twin Lakes Road Topo 1



6655 Twin Lakes Road

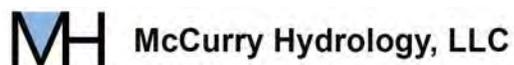
05/01/2011

# 6655 Twin Lakes Topo 2 Detail



6655 Twin Lakes Road

05/01/2011



## Memorandum

To: Mr. David Rechberger, Twin Lakes Action Group  
From: Gordon McCurry, Ph.D.  
Date: June 24, 2015  
Subject: Preliminary Hydrologic Analysis of the BCHA Property at 6655 Twin Lakes Road

The Boulder County Housing Authority (BCHA) purchased a 10-acre parcel located at 6655 Twin Lakes Road in May 2013 with the goal of developing this undeveloped land to provide affordable housing. Residents of the surrounding community are concerned that developing this land could lead to an increase in basement flooding problems in this high-groundwater area. This memorandum presents my preliminary analysis of the hydrology of the subject property and surrounding areas, and provides recommendations on how to reduce flooding-related impacts related to developing the BCHA property.

### Site Environmental Setting

The BCHA property is located northeast of the City of Boulder in unincorporated Boulder County in the south-central portion of Section 11 of Township 1 North, Range 70 West. The land is undeveloped with a native grass cover (Figure 1). The property ranges in elevation from approximately 5175 to 5160 feet and slopes gently to the southeast towards Boulder Creek. The northern edge of the BCHA property corresponds approximately to the surface water drainage divide separating the Dry Creek drainage to the north and a portion of the Boulder Creek drainage to the south, within which the property lies. South of the property are several small intermittent eastward-flowing streams that drain into Boulder Creek. Soils in the area consist of clay loam and clay, defined by the USDA Natural Resources Conservation Service as Nunn B and Longmont B soils (NRCS, 2015). The BCHA property contains about equal areas of both soil types (Figure 2). Underlying the soils is the Pierre Shale, a regionally extensive and low-permeability bedrock layer (USDA, 1975). Borehole logs from wells drilled in the vicinity of the BCHA property and the Twin Lakes neighborhood indicate that the depth to bedrock is approximately 10 to 15 feet below ground surface. A shallow aquifer exists within the soils that overlie the shale bedrock.

### Hydrology Near the BCHA Property

Several man-made features exist in the area that dominates the hydrology of the BCHA and surrounding properties. North of the property are two lakes and three regional irrigation ditches. The West and East lakes are part of a 42-acre County Open Space Twin Lakes property. The lakes have been in use since 1910 to store water used for agricultural purposes (BCPOS, 2004). Portions of both lakes are adjacent to the northern edge of the BCHA property. The West and East lakes cover areas of approximately 16 and 11 acres, respectively, and have a combined storage capacity of 218 acre-feet (approximately 71 million gallons). The embankments for the

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## Preliminary Hydrologic Analysis, BCHA Property

June 24, 2015

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lakes consist of compacted earth fill (GEI Consultants, 2014). Wetlands exist around the lakes as a result of seepage through the lake bed and berms, creating shallow groundwater conditions (BCPOS, 2004).

In 2014 the Boulder and Left Hand Ditch Company sponsored a study of potential impacts of dam breaches of two of its reservoirs (GEI Consultants, 2014). One of these reservoirs is referred to in this report as the East Lake of the Twin Lakes open space. The impoundment for the East Lake has a State dam safety rating indicating there could be significant property damage if there is a dam failure (BCPOS, 2004). A hypothetical breach of the East Lake's dam was modeled and inundation maps were generated. The dam for this lake, Davis No. 1 Dam, is constructed as a dike that rings the eastern portion of the lake. Failure scenarios were modeled for both a northern and a southern dam breach. The southern breach scenario was felt to be smaller in magnitude than the northern breach. A portion of the hypothetical southern breach would discharge to the southeast, across the eastern portion of the BCHA property and through the neighborhoods southeast of the East Lake as water flows to Boulder Creek (GEI Consultants, 2014). The modeled southern breach had a peak flow of 600 cfs, roughly equivalent to high spring-time flows of Boulder Creek through town. Maximum flow depths to the southeast were modeled to be approximately one foot (Figure 3).

Located between the two lakes and the BCHA property are the North Boulder Farmer's Ditch, the Boulder and Left Hand Ditch, and the Boulder and White Rock Ditch. The former two ditches merge beginning west of 63<sup>rd</sup> Street and then the resulting two ditches run parallel to each other, traversing south of the West and East lakes and continuing to the east (Boulder County, 2000). The Boulder and Left Hand Ditch Irrigation Company retains the right to use the West and East lakes for storage purposes (BCPOS, 2004). Over the past 20 years an average of approximately 145 acre-feet per year has flowed through the ditches to supply the lakes. Like most ditches, these are unlined and likely leak a portion of their water to the underlying soils and shallow groundwater system, supporting the wetlands vegetation and lush growth around them.

Another hydrologic feature of note for the Twin Lakes community is the Boulder Supply Canal. This is a large-capacity canal located west of the Boulder Country Club neighborhood, adjacent to Carter Court and Carter Trail that define the west side of that neighborhood. The Boulder Supply Canal allows excess water in Boulder Reservoir to discharge to Boulder Creek (DWR, 2005). Although concrete-lined, it was built in 1955 and so it is likely that some leakage occurs through joints, cracks and areas of degraded concrete whenever it is in use.

Within and south of the residential areas south of Twin Lakes Road is a small lake and an intermittent stream that includes several areas containing wetlands-type vegetation. These water features also provide water to the underlying shallow aquifer system. The wetlands are an indication of shallow groundwater conditions in this portion of the residential area south of the BCHA property.

Preliminary Hydrologic Analysis, BCHA Property  
June 24, 2015  
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### Hydraulic Limitations in the Vicinity of the BCHA Property

Twin Lakes, two irrigation ditches, and to a lesser extent a supply canal are all located hydraulically upgradient of and in close proximity of the BCHA property and surrounding residential areas. Collectively these provide ample sources of water to feed the area's shallow groundwater system. The water table of the shallow groundwater system is located relatively close to the land surface as shown by the commonly-occurring wetlands present in the area. The shallow depth to bedrock helps support and maintain the shallow aquifer. In addition, many homes in the Twin Lakes neighborhoods have sump pumps which are further evidence of shallow groundwater.

The USDA Natural Resources Conservation Service has compiled soils data and developed an interactive web-based graphical database that allows the user to examine the suitability of a given area to a set of potential uses (NRCS, 2015). The suitability analyses are based on geotechnical and engineering properties of the soils. The soils beneath the BCHA property (Figure 2) were evaluated as part of this preliminary hydrologic analysis as to their suitability for the construction of dwellings. Dwellings are defined by the NRCS as single-family houses of three stories or less. For dwellings with basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of approximately 7 feet. For dwellings without basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper.

Each soil type is assigned a suitability rating based on the limitations posed by individual soil properties. Two sets of criterion are applicable to dwellings: (1) properties that affect the ability of the soil to support a load without movement and (2) properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility (inferred from the Unified Soil Classification System classification of the soil). The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

Ratings indicate the extent to which the soils are limited by each of the applicable soil properties that affect the specified use, in this case the construction of dwellings. Numeric ratings are provided and indicate the severity or degree with which a given soil property contributes to the overall suitability rating. An assigned rating of "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected. An assigned rating of "Somewhat limited"

## Preliminary Hydrologic Analysis, BCHA Property

June 24, 2015

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indicates that the soil has features that are moderately unfavorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. An assigned rating of "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected (NRCS, 2015).

The suitability of soils for accommodating dwellings on and near the BCHA property was found to be somewhat limited to very limited for dwellings with basements (Figure 4). The main reasons were due to flooding potential and shallow depth to groundwater, and the shrink-swell potential of the soils. The flooding potential and shallow depth to groundwater are expected outcomes given the number and proximity of water sources in the immediate vicinity. The shrink-swell potential is associated with the shrinking of soil when dry and the swelling when wet – a common feature of many clay-rich soils. Shrinking and swelling of soil can damage roads, dams, building foundations, and other structures (NRCS, 2015). The suitability to accommodate dwellings without basements on and near the BCHA property was found to be very limited, for the same reasons.

To minimize the impacts from flooding potential, shallow groundwater and shrink-swell of the site soils, dwellings built on the BCHA property may require additional design components. These may include addition foundation footers, exterior tile drains around the foundations, sump pumps in basements and crawl spaces, setbacks for landscaping, and gutter downspouts that extend beyond a critical setback distance from the dwellings.

#### Hydrologic Concerns Associated with Development of the BCHA Property

The preceding discussion suggests potential limitations associated with constructing dwellings on the BCHA property and offers general guidelines to mitigate those limitations. However, it does not address potential hydrologic impacts to adjacent residential buildings associated with development of the property. The key impacts are:

- higher risk of basement flooding,
- increases in the frequency and/or volume required to be pumped from homes with existing sump pump systems, and
- the need for homes to install and operate sump pump systems that historically have not had to do so.

The causes of these potential impacts relate to constructing dwellings, dwelling foundations and foundation footers, and even the sump or drain systems that might be installed for the new homes. Dwellings typically are constructed so that the soil beneath the building foundation supports some of the weight of the building, with the remaining load supported by foundation

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## Preliminary Hydrologic Analysis, BCHA Property

June 24, 2015

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footers. The weight of a structure compresses the underlying soil. Sand- and gravel-rich soils have very little compressibility but the clay-rich soils beneath the BCHA property are likely to have a relatively high compression potential. In the northern portion of the BCHA property where shallow depth to groundwater is more likely due to the nearby lakes and irrigation ditches, it is possible that compressed soils could extend below the water table. If this were to occur, the groundwater previously occupying those pore spaces in the soil would be displaced and would migrate elsewhere. Depending on the density of building construction and how close those buildings were to existing residences, at least some of the displaced groundwater would migrate toward the existing residences with a resulting rise in the water table and increased risk of basement flooding. Deep foundation footers or foundations that extended to the underlying bedrock would similarly displace existing groundwater.

In addition, sump or drain systems that might be installed in new dwellings could also pose an addition hydrologic risk to nearby homes. It is common for water extracted from sump/drain systems to be discharged into nearby gutters or storm drains. Depending on how the storm drain system for the new dwellings is designed, the extracted water may end up infiltrating along the edges of the BCHA property which would lead to higher groundwater conditions for the adjacent residences.

An additional hydrologic concern associated with development of the BCHA property, which one hopes never occurs, is the impact of a dam breach of the East or West lakes on the Twin Lakes property. The hydraulic analyses conducted for the East Lake indicates a portion of the discharge from a hypothetical southern breach would traverse the east side of the BCHA property. Should homes be constructed in that area, their presence would divert the flows caused by the breach and, based on the inundation analyses, most of that diverted water would be routed to the neighborhood to the east. No analysis was performed for a breach of the West Lake, but it is reasonable to assume that newly built dwellings on the BCHA property would also divert some of the released lake water into adjacent neighborhoods.

### Conclusions

Before any dwellings are built on the BCHA property the developer must take into account the shallow groundwater conditions that likely exist in the region so that existing homes are not adversely affected. Any homes that are built should be designed to overcome the limitations posed by flooding potential, shallow depth to water, and shrink-swell conditions of the soil. Installing wells on the property and instrumenting them to characterize the depth to groundwater in the shallow aquifer, over the course of at least one year, and performing geotechnical testing on soils are both necessary to better characterize the hydraulic properties and gain a better understanding of potential impacts to adjacent residences.

Preliminary Hydrologic Analysis, BCHA Property  
June 24, 2015  
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### References

BCPOS, 2004. Twin Lakes Open Space Draft Resource Evaluation & management Plan. Boulder County Parks and Open Space.

Boulder County, 2005. Boulder County Ditch and Reservoir Map. Prepared by Boulder County, Colorado. September.

DWR, 2005. Task 5 – Key Structure Operating Memorandum for City of Boulder. Submitted to the Colorado Division of Water Resources, as part of the South Platte Decision Support System.

GEI Consultants, 2014. Hayden Reservoir Dam and Davis Dam No. 1 Dam Breach Inundation Mapping Report. GEI Consultants Inc, submitted to Boulder and Left Hand Ditch Company.

NRCS, 2015. Web-based soil survey database. Accessed June 2015  
<http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

USDA, 1975. Soil Survey of Boulder County Area, Colorado. United States Department of Agriculture, Soil Conservation Service.

Preliminary Hydrologic Analysis, BCHA Property  
 June 24, 2015  
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Figure 1. View looking northwest at the BCHA property from Twin Lakes Road.

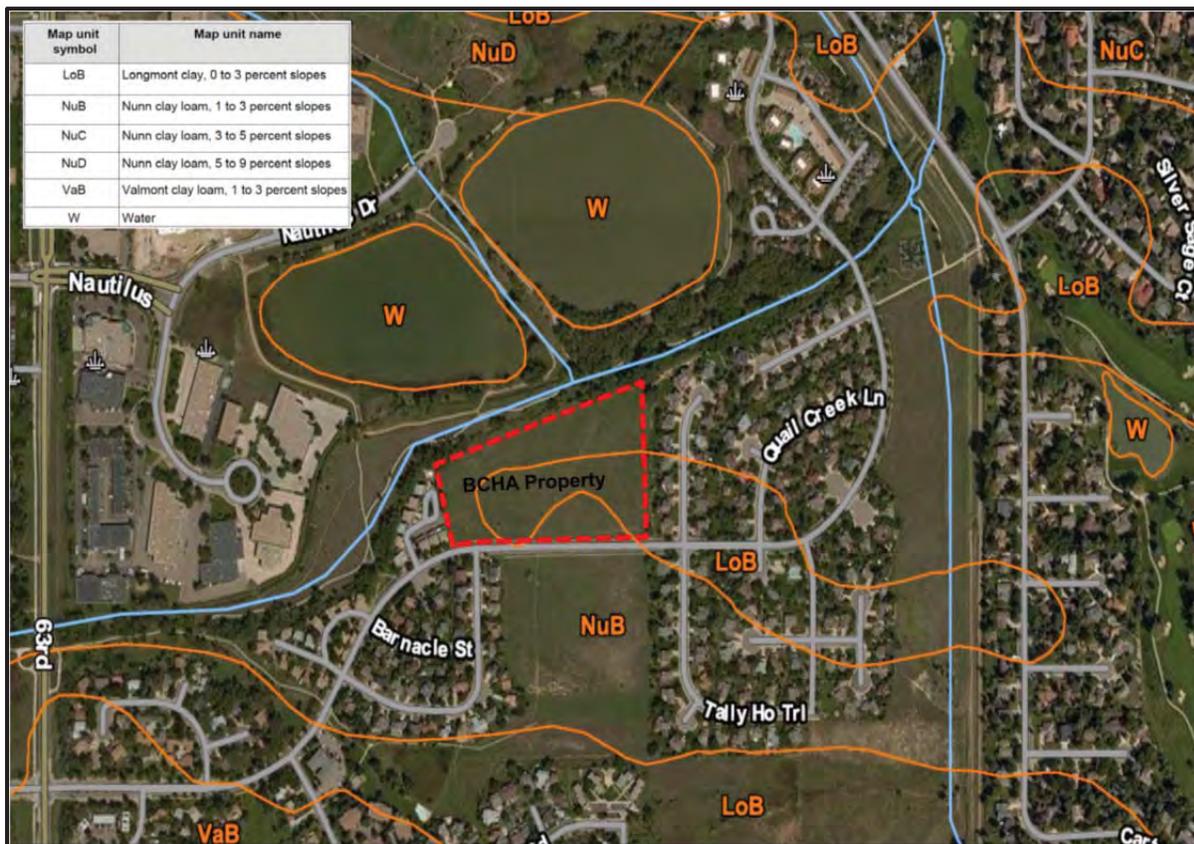


Figure 2. Soils in the vicinity of the BCHA property.

Preliminary Hydrologic Analysis, BCHA Property  
 June 24, 2015  
 Page 8

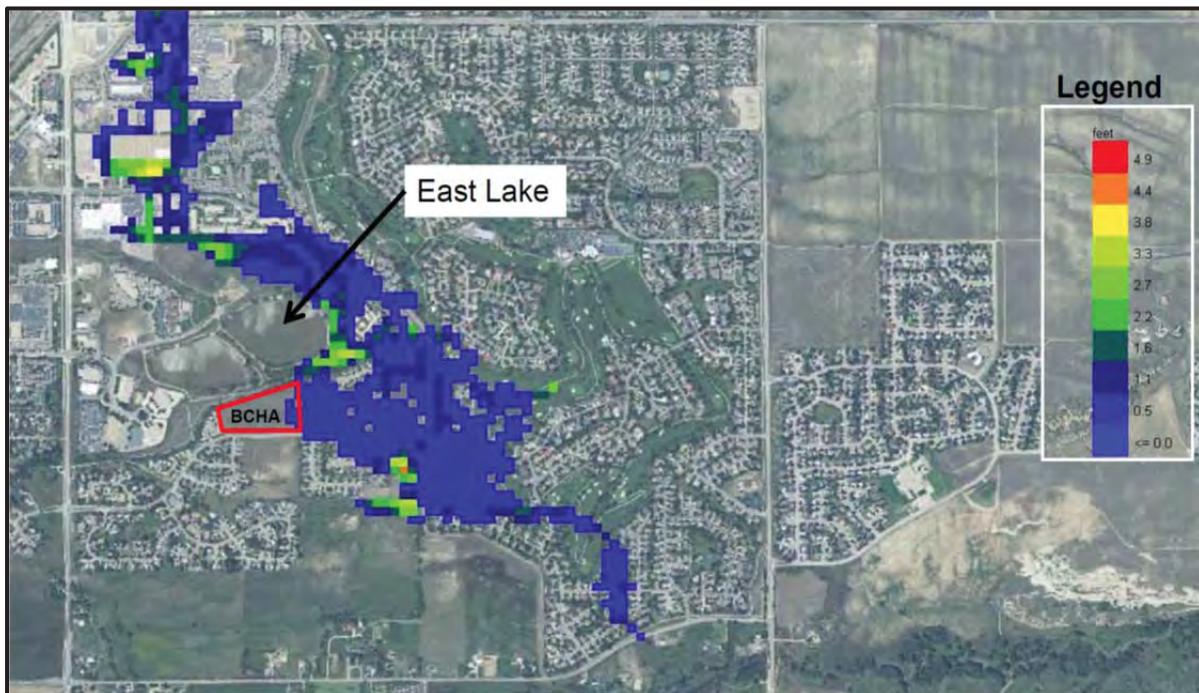


Figure 3. Inundation area and maximum flow depths for a dam breach of the East Lake.

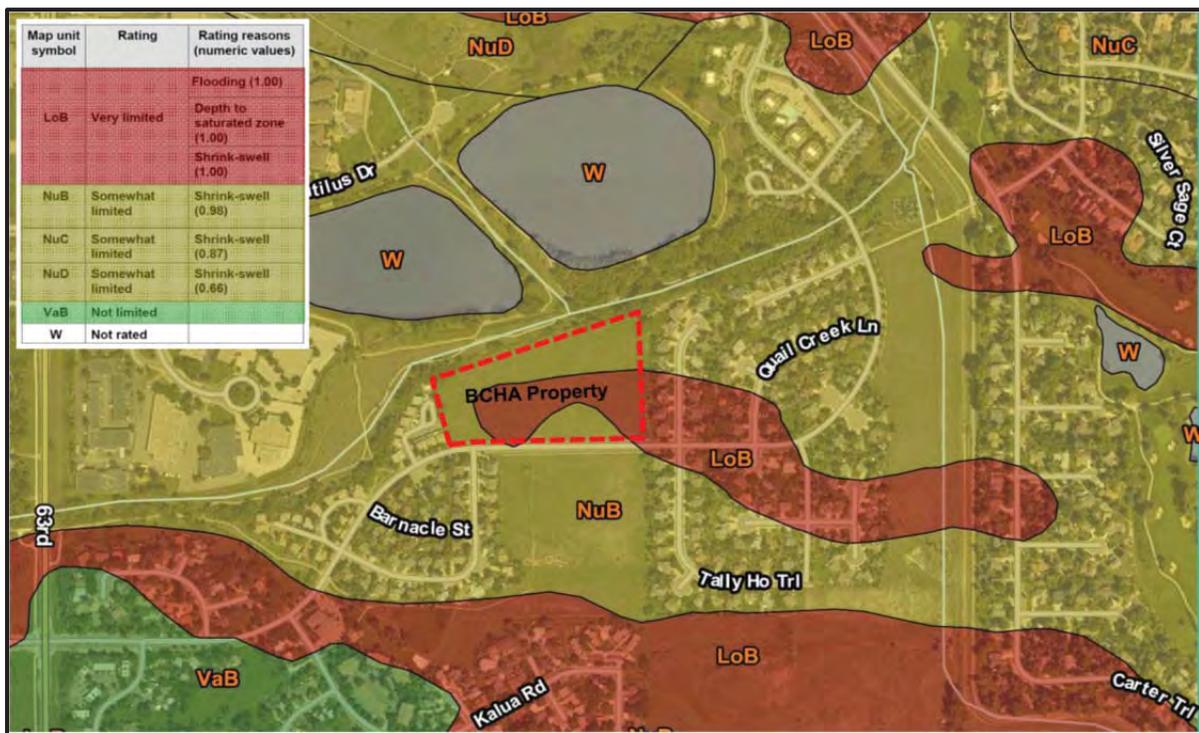


Figure 4. Limitations for construction of dwellings with basements.



# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input checked="" type="checkbox"/>	Land Use Map Amendment
<input type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:

Change the designation of this land to Boulder County Open Space with a Natural Ecosystems designation.

b. Brief reason or justification for the proposed amendment:

To prevent serious hydrological problems; to preserve the ecology of Twin Lakes Open Space; and to prevent over-stressing the limited infrastructure in Gunbarrel.



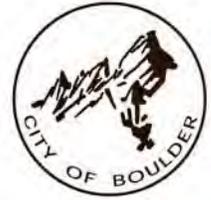
a. Map(s) proposed for amendment: Maps are at the end of the attached narrative

b. Brief description of location of proposed amendment:

6655 Twin Lakes Road, Boulder CO 80301

Section: 11 Township: 1N Range: 70

c. Size of parcel: 9.97 acres



**3) Applicant:**

Name: Lisa Sundell

Address: 4697 Tally Ho Court, Boulder, CO 80301

Phone: 303-581-0367

**4) Owner:**

Name: Boulder County (as of 9/30/2015, possibly Boulder County Housing Authority after that date)

Address:

Phone: Peter Fogg 303-441-3930

**5) Representative/Contact:**

Name: Lisa Sundell

Address: 4697 Tally Ho Court  
Boulder, CO 80301

Phone: 303-581-0367

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

No

I propose that the land-use designation at 6655 Twin Lakes Road Boulder, CO 80301 be changed to Boulder County Open Space with a Natural Ecosystems designation. This would prevent the disturbance of the high water table and allow for the land to continue to absorb rain runoff; preserve the ecology of the land; and prevent further over-stressing the limited infrastructure in Gunbarrel.

The primary reason to designate 6655 Twin Lakes Road as Boulder County Open Space is to prevent disruption to the hydrology of the parcel and the surrounding neighborhoods. This area has an extremely high water table. For example, when we had our basement finished in 2005 the contractors removed a portion of the concrete floor to move sewer pipes which exposed the high water table only a foot under our basement floor – and this was during a multi-year drought. If this land is built on, the buildings will displace this water into the current surrounding homes as well as into the buildings built on the property. In the case of large amounts of rain, as we saw in both the flood of September 2013 as well as the rainy spring that we just had in 2015, this parcel of land acted as a sponge. At a point during both of these rain events, even this large piece of land could not hold all of the water, and temporary lakes formed - a photo is attached below showing the standing water that resulted from the wet spring we had this year (2015).

In June of 2015, McCurry Hydrology LLC analyzed the hydrology of this land and determined that placing any buildings (with or without basements) on this land would be detrimental to the surrounding areas, not just the adjacent properties. McCurry found that the impact of building on this parcel would result in:

- ≠ higher risk of basement flooding,
- ≠ increases in the frequency and/or volume required to be pumped from homes with existing sump pump systems, and
- ≠ the need for homes to install and operate sump pump systems that historically have not had to do so.<sup>1</sup>

I have included, as a separate attachment, the full report prepared by McCurry Hydrology.

The second reason to designate 6655 Twin Lakes Road as Boulder County Open Space with a Natural Ecosystems designation, is to preserve the unique ecology of the land. This land, along with the parcel of land directly to the south (6500 Twin Lakes Road and 0 Kalua Road) and Twin Lakes Open Space located to the north, are home to countless species of wildlife. During the 17 years of living here we have seen owls that return to the same nests year after year. In addition to the owls, we routinely see foxes, coyotes, raccoons, toads, snakes, and various birds of prey. These animals use this land for hunting mice, rabbits and other small animals. If this land is developed it will significantly reduce the food supply for these animals. The wildlife in this area also use this land to migrate between other open space parcels and Twin Lakes Open Space. This wide variety of wildlife makes this area a very special and unique place in Boulder. Building on this land would permanently and irreversibly change the ecology of Twin Lakes Open Space and Gunbarrel as a whole.

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<sup>1</sup> McCurry, Gordon, Ph.D. "Preliminary Hydrologic Analysis of the BCHA Property at 6655 Twin Lakes Road," McCurry Hydrology, LLC. June 24, 2015.

By designating this parcel of land as Open Space with a Natural Ecosystem, Boulder would meet their core values and sustainability that are key parts of the 2010 Boulder Valley Comprehensive Plan:

### **1.02 Principles of Environmental Sustainability**

The city and county will strive to preserve and protect the natural resource base and environmental quality on which life depends by:

a) Maintaining and enhancing the biodiversity and productivity of ecological systems;<sup>2</sup>

### **3.03 Natural Ecosystems**

The city and county will protect and restore significant native ecosystems on public and private lands<sup>3</sup>

### **3.04 Ecosystem Connections and Buffers**

The city and county recognize the importance of preserving large areas of unfragmented habitat in supporting the biodiversity of its natural lands and viable habitat for native species. The city and county will work together to preserve, enhance, restore and maintain undeveloped lands critical for providing ecosystem connections and buffers for joining significant ecosystems.<sup>4</sup>

This parcel should be given a Natural Ecosystem designation because it falls under the following categories presented in the criteria for Boulder Valley Natural Ecosystems Designation:

- ≠ Relatively undisturbed natural communities composed mostly or entirely of native species and remnants of pre-settlement ecological conditions and functions or;
- ≠ Area supporting relatively high diversity or density of native species (e.g., riparian areas, large areas, unique geologic substrates or formations, cliff-nesting bird habitat) or;
- ≠ Special habitats supporting significant concentrations of sensitive animal species populations for at least a portion of their life cycles (ground nesting areas, heronries, riparian areas, woody draws, travel routes, seasonal havens, winter ranges)<sup>5</sup>

The third reason to change the land use designation of 6655 Twin Lakes Road to Open Space is the overstressed infrastructure of the area that cannot handle increased density. As a resident of Boulder County, I do not expect to have the benefits and services that Boulder City residents have. I understand that living in the county means that I have limited access to public transportation; that our roads are built to accommodate a lower flow of traffic; and local businesses are smaller and less diverse as there is not a need to support a large number of residents. Due to this, our current infrastructure cannot support more residents.

<sup>2</sup> <https://www-static.bouldercolorado.gov/docs/boulder-valley-comprehensive-plan-2010-1-201410091122.pdf> Page 10

<sup>3</sup> <https://www-static.bouldercolorado.gov/docs/boulder-valley-comprehensive-plan-2010-1-201410091122.pdf> Page 34

<sup>4</sup> <https://www-static.bouldercolorado.gov/docs/boulder-valley-comprehensive-plan-2010-1-201410091122.pdf> Page 35

<sup>5</sup> <https://bouldercolorado.gov/planning/natural-ecosystems>

Some examples of the current limited infrastructure in Gunbarrel are:

**Public Transportation:** RTD runs one bus line to Gunbarrel, the 205. This bus runs every 30 minutes from 6:30 am to 11:30 pm on weekdays and 7:30 am to 9:30 pm on weekends. According to the RTD trip planner (<http://www.rtd-denver.com/GoogleTripPlanner.shtml>), it takes 14 minutes to walk from 6655 Twin Lakes Road to the closest RTD bus stop at 63<sup>rd</sup> St and Notting Hill Gate. From there it would take 24 minutes to get to Boulder Transit Center in downtown Boulder, or over 40 minutes and 1 transfer to get to South Boulder (Fairview High School). For people commuting to Denver or going to DIA it takes 45 minutes to get from our local RTD stop to the Table Mesa Park-n-Ride.

**Congested traffic on main roads:** The main roads in and out of Gunbarrel have become increasingly congested over the past few years. Specifically Lookout Road and 63<sup>rd</sup> Street, have become bumper-to-bumper traffic during the morning and afternoon rush-hours – the congestion has increased over the years, and has become overstressed with the additional 500 new rental units that have been built over the past year on the east and north side of Lookout Road and Gunpark Drive.

**Shopping:** When I moved to Gunbarrel 17 years ago the shopping services were appropriate for the density. Today we have a similar set of stores, minus the medium-sized hardware store that went out-of-business years ago. We currently have a medium-sized grocery store (King Soopers) and a group of small businesses including coffee shops, a daycare, a liquor store, barbers and restaurants that mostly cater to the business lunch-time crowd. In recent years, with the increase in both residents and the people working in Gunbarrel, the grocery store is overwhelmed – it is often requires circling the parking lot multiple times to find a parking space. For items not found at King Soopers, a trip must be made into Boulder, Longmont or Superior ... or bypass local businesses altogether and make purchases on-line.

In closing, the parcel of land at 6655 Twin Lakes Road is not suitable for development due to the high water table and hydrology issues; the delicate balance between wildlife and the land; and the existing county infrastructure and amenities that were built to support a lower density population. Therefore, the land-use designation for this property should be changed to Boulder County Open Space with a Natural Ecosystems designation.

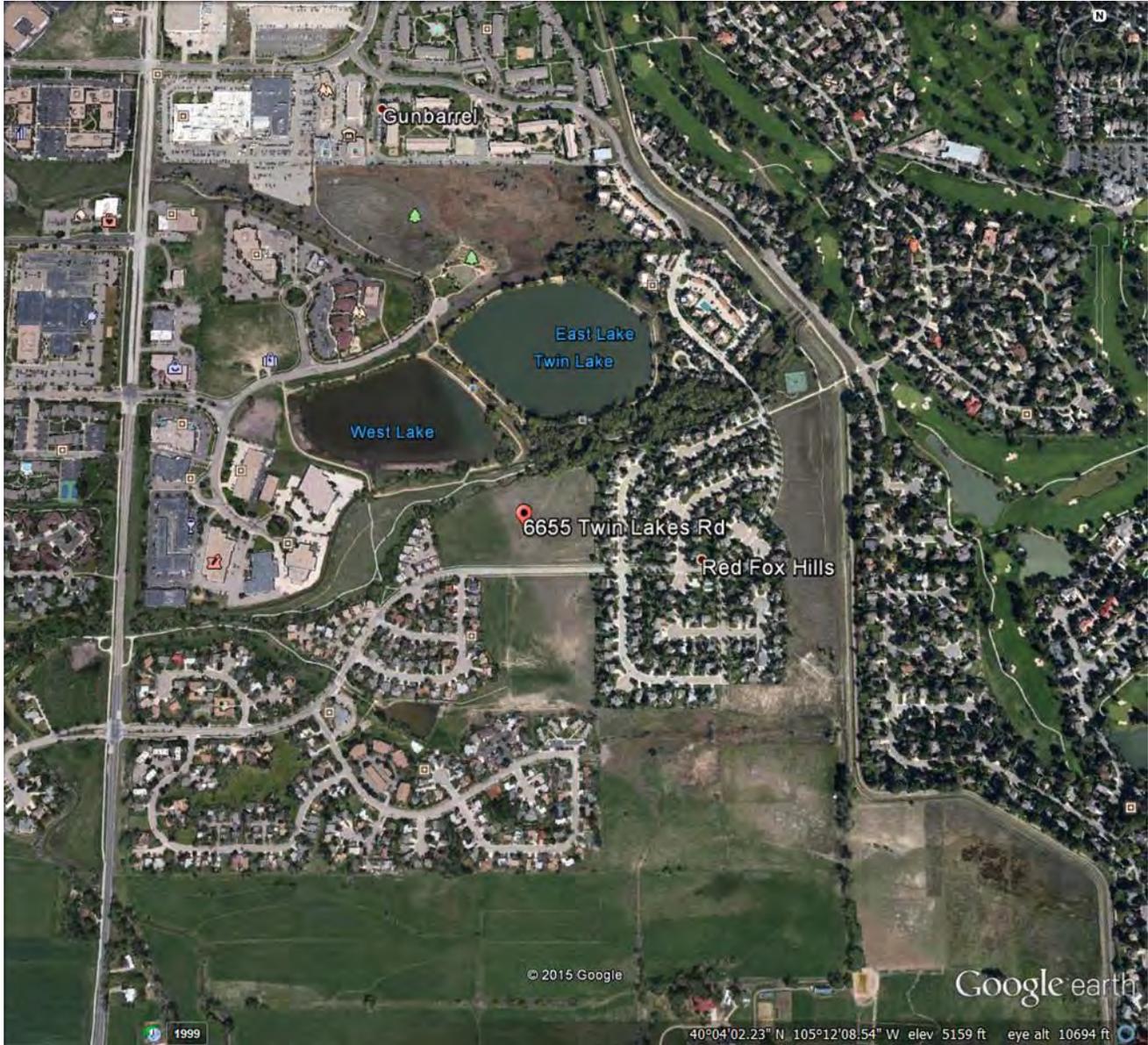
Thank you for your time and consideration.

Lisa Sundell  
4697 Tally Ho Court,  
Boulder, CO 80301  
303-581-0367 (h)  
[lisa\\_sundell@yahoo.com](mailto:lisa_sundell@yahoo.com)

**Photo of flooding at 6655 Twin Lakes Road on May 10<sup>th</sup> 2015**

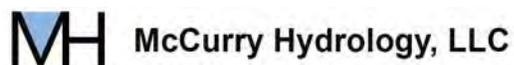


Location Map for 6655 Twin Lakes Rd, Boulder CO 80301



### Detailed Map for 6655 Twin Lakes Rd, Boulder CO 80301





## Memorandum

To: Mr. David Rechberger, Twin Lakes Action Group  
From: Gordon McCurry, Ph.D.  
Date: June 24, 2015  
Subject: Preliminary Hydrologic Analysis of the BCHA Property at 6655 Twin Lakes Road

The Boulder County Housing Authority (BCHA) purchased a 10-acre parcel located at 6655 Twin Lakes Road in May 2013 with the goal of developing this undeveloped land to provide affordable housing. Residents of the surrounding community are concerned that developing this land could lead to an increase in basement flooding problems in this high-groundwater area. This memorandum presents my preliminary analysis of the hydrology of the subject property and surrounding areas, and provides recommendations on how to reduce flooding-related impacts related to developing the BCHA property.

### Site Environmental Setting

The BCHA property is located northeast of the City of Boulder in unincorporated Boulder County in the south-central portion of Section 11 of Township 1 North, Range 70 West. The land is undeveloped with a native grass cover (Figure 1). The property ranges in elevation from approximately 5175 to 5160 feet and slopes gently to the southeast towards Boulder Creek. The northern edge of the BCHA property corresponds approximately to the surface water drainage divide separating the Dry Creek drainage to the north and a portion of the Boulder Creek drainage to the south, within which the property lies. South of the property are several small intermittent eastward-flowing streams that drain into Boulder Creek. Soils in the area consist of clay loam and clay, defined by the USDA Natural Resources Conservation Service as Nunn B and Longmont B soils (NRCS, 2015). The BCHA property contains about equal areas of both soil types (Figure 2). Underlying the soils is the Pierre Shale, a regionally extensive and low-permeability bedrock layer (USDA, 1975). Borehole logs from wells drilled in the vicinity of the BCHA property and the Twin Lakes neighborhood indicate that the depth to bedrock is approximately 10 to 15 feet below ground surface. A shallow aquifer exists within the soils that overlie the shale bedrock.

### Hydrology Near the BCHA Property

Several man-made features exist in the area that dominates the hydrology of the BCHA and surrounding properties. North of the property are two lakes and three regional irrigation ditches. The West and East lakes are part of a 42-acre County Open Space Twin Lakes property. The lakes have been in use since 1910 to store water used for agricultural purposes (BCPOS, 2004). Portions of both lakes are adjacent to the northern edge of the BCHA property. The West and East lakes cover areas of approximately 16 and 11 acres, respectively, and have a combined storage capacity of 218 acre-feet (approximately 71 million gallons). The embankments for the

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## Preliminary Hydrologic Analysis, BCHA Property

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Located between the two lakes and the BCHA property are the North Boulder Farmer's Ditch, the Boulder and Left Hand Ditch, and the Boulder and White Rock Ditch. The former two ditches merge beginning west of 63<sup>rd</sup> Street and then the resulting two ditches run parallel to each other, traversing south of the West and East lakes and continuing to the east (Boulder County, 2000). The Boulder and Left Hand Ditch Irrigation Company retains the right to use the West and East lakes for storage purposes (BCPOS, 2004). Over the past 20 years an average of approximately 145 acre-feet per year has flowed through the ditches to supply the lakes. Like most ditches, these are unlined and likely leak a portion of their water to the underlying soils and shallow groundwater system, supporting the wetlands vegetation and lush growth around them.

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### Hydraulic Limitations in the Vicinity of the BCHA Property

Twin Lakes, two irrigation ditches, and to a lesser extent a supply canal are all located hydraulically upgradient of and in close proximity of the BCHA property and surrounding residential areas. Collectively these provide ample sources of water to feed the area's shallow groundwater system. The water table of the shallow groundwater system is located relatively close to the land surface as shown by the commonly-occurring wetlands present in the area. The shallow depth to bedrock helps support and maintain the shallow aquifer. In addition, many homes in the Twin Lakes neighborhoods have sump pumps which are further evidence of shallow groundwater.

The USDA Natural Resources Conservation Service has compiled soils data and developed an interactive web-based graphical database that allows the user to examine the suitability of a given area to a set of potential uses (NRCS, 2015). The suitability analyses are based on geotechnical and engineering properties of the soils. The soils beneath the BCHA property (Figure 2) were evaluated as part of this preliminary hydrologic analysis as to their suitability for the construction of dwellings. Dwellings are defined by the NRCS as single-family houses of three stories or less. For dwellings with basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of approximately 7 feet. For dwellings without basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper.

Each soil type is assigned a suitability rating based on the limitations posed by individual soil properties. Two sets of criterion are applicable to dwellings: (1) properties that affect the ability of the soil to support a load without movement and (2) properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility (inferred from the Unified Soil Classification System classification of the soil). The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

Ratings indicate the extent to which the soils are limited by each of the applicable soil properties that affect the specified use, in this case the construction of dwellings. Numeric ratings are provided and indicate the severity or degree with which a given soil property contributes to the overall suitability rating. An assigned rating of "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected. An assigned rating of "Somewhat limited"

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indicates that the soil has features that are moderately unfavorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. An assigned rating of "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected (NRCS, 2015).

The suitability of soils for accommodating dwellings on and near the BCHA property was found to be somewhat limited to very limited for dwellings with basements (Figure 4). The main reasons were due to flooding potential and shallow depth to groundwater, and the shrink-swell potential of the soils. The flooding potential and shallow depth to groundwater are expected outcomes given the number and proximity of water sources in the immediate vicinity. The shrink-swell potential is associated with the shrinking of soil when dry and the swelling when wet – a common feature of many clay-rich soils. Shrinking and swelling of soil can damage roads, dams, building foundations, and other structures (NRCS, 2015). The suitability to accommodate dwellings without basements on and near the BCHA property was found to be very limited, for the same reasons.

To minimize the impacts from flooding potential, shallow groundwater and shrink-swell of the site soils, dwellings built on the BCHA property may require additional design components. These may include addition foundation footers, exterior tile drains around the foundations, sump pumps in basements and crawl spaces, setbacks for landscaping, and gutter downspouts that extend beyond a critical setback distance from the dwellings.

#### Hydrologic Concerns Associated with Development of the BCHA Property

The preceding discussion suggests potential limitations associated with constructing dwellings on the BCHA property and offers general guidelines to mitigate those limitations. However, it does not address potential hydrologic impacts to adjacent residential buildings associated with development of the property. The key impacts are:

- higher risk of basement flooding,
- increases in the frequency and/or volume required to be pumped from homes with existing sump pump systems, and
- the need for homes to install and operate sump pump systems that historically have not had to do so.

The causes of these potential impacts relate to constructing dwellings, dwelling foundations and foundation footers, and even the sump or drain systems that might be installed for the new homes. Dwellings typically are constructed so that the soil beneath the building foundation supports some of the weight of the building, with the remaining load supported by foundation

## Preliminary Hydrologic Analysis, BCHA Property

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footers. The weight of a structure compresses the underlying soil. Sand- and gravel-rich soils have very little compressibility but the clay-rich soils beneath the BCHA property are likely to have a relatively high compression potential. In the northern portion of the BCHA property where shallow depth to groundwater is more likely due to the nearby lakes and irrigation ditches, it is possible that compressed soils could extend below the water table. If this were to occur, the groundwater previously occupying those pore spaces in the soil would be displaced and would migrate elsewhere. Depending on the density of building construction and how close those buildings were to existing residences, at least some of the displaced groundwater would migrate toward the existing residences with a resulting rise in the water table and increased risk of basement flooding. Deep foundation footers or foundations that extended to the underlying bedrock would similarly displace existing groundwater.

In addition, sump or drain systems that might be installed in new dwellings could also pose an addition hydrologic risk to nearby homes. It is common for water extracted from sump/drain systems to be discharged into nearby gutters or storm drains. Depending on how the storm drain system for the new dwellings is designed, the extracted water may end up infiltrating along the edges of the BCHA property which would lead to higher groundwater conditions for the adjacent residences.

An additional hydrologic concern associated with development of the BCHA property, which one hopes never occurs, is the impact of a dam breach of the East or West lakes on the Twin Lakes property. The hydraulic analyses conducted for the East Lake indicates a portion of the discharge from a hypothetical southern breach would traverse the east side of the BCHA property. Should homes be constructed in that area, their presence would divert the flows caused by the breach and, based on the inundation analyses, most of that diverted water would be routed to the neighborhood to the east. No analysis was performed for a breach of the West Lake, but it is reasonable to assume that newly built dwellings on the BCHA property would also divert some of the released lake water into adjacent neighborhoods.

### Conclusions

Before any dwellings are built on the BCHA property the developer must take into account the shallow groundwater conditions that likely exist in the region so that existing homes are not adversely affected. Any homes that are built should be designed to overcome the limitations posed by flooding potential, shallow depth to water, and shrink-swell conditions of the soil. Installing wells on the property and instrumenting them to characterize the depth to groundwater in the shallow aquifer, over the course of at least one year, and performing geotechnical testing on soils are both necessary to better characterize the hydraulic properties and gain a better understanding of potential impacts to adjacent residences.

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### References

BCPOS, 2004. Twin Lakes Open Space Draft Resource Evaluation & management Plan. Boulder County Parks and Open Space.

Boulder County, 2005. Boulder County Ditch and Reservoir Map. Prepared by Boulder County, Colorado. September.

DWR, 2005. Task 5 – Key Structure Operating Memorandum for City of Boulder. Submitted to the Colorado Division of Water Resources, as part of the South Platte Decision Support System.

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NRCS, 2015. Web-based soil survey database. Accessed June 2015  
<http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

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Figure 1. View looking northwest at the BCHA property from Twin Lakes Road.



Figure 2. Soils in the vicinity of the BCHA property.

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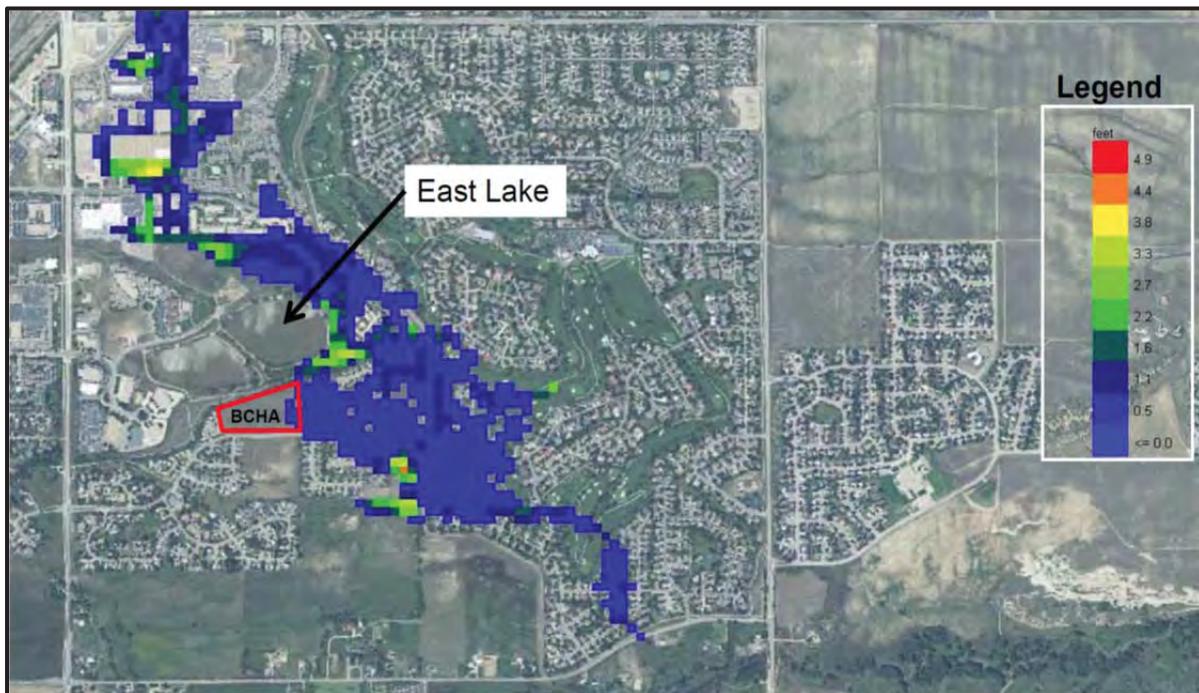


Figure 3. Inundation area and maximum flow depths for a dam breach of the East Lake.

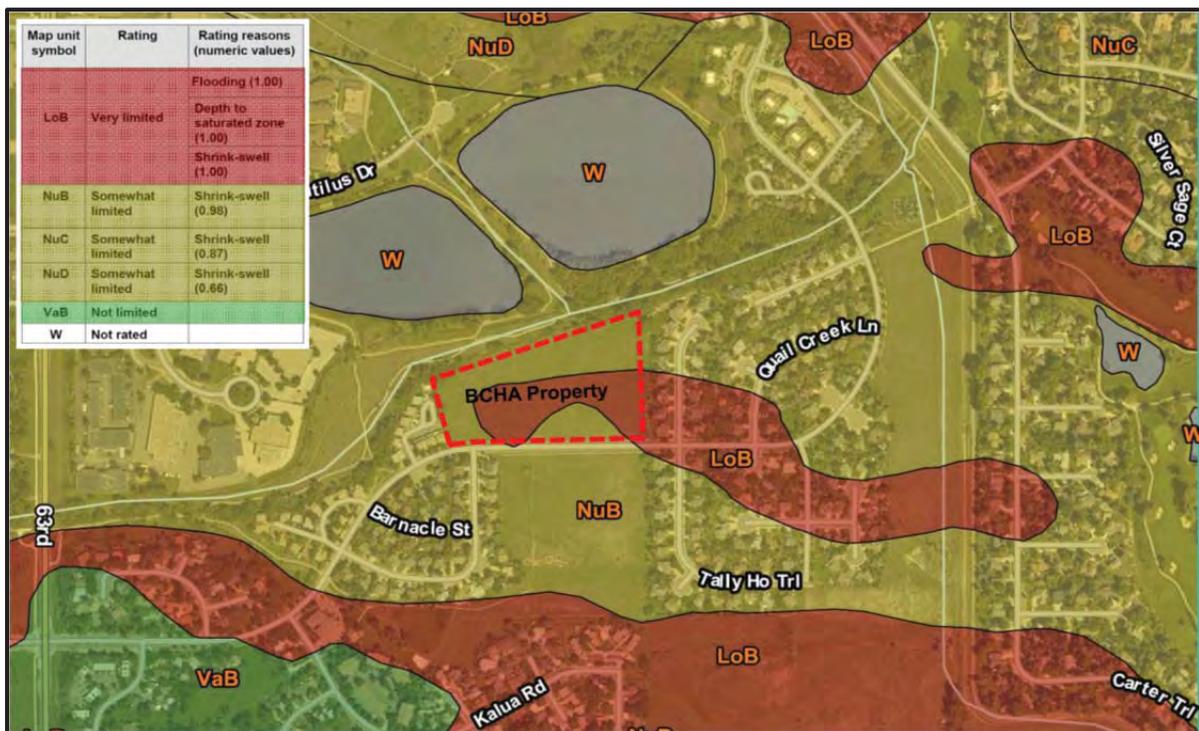


Figure 4. Limitations for construction of dwellings with basements.



# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input checked="" type="checkbox"/>	Land Use Map Amendment
<input type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:

Change the designation of this land to Boulder County Open Space with a Natural Ecosystems designation.

b. Brief reason or justification for the proposed amendment:

To prevent serious hydrological problems; to preserve the ecology of Twin Lakes Open Space; and to prevent over-stressing the limited infrastructure in Gunbarrel.

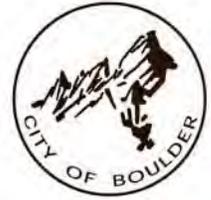
a. Map(s) proposed for amendment: see attached map

b. Brief description of location of proposed amendment:

6500 Twin Lakes Road

Section: 11 Township: 1N Range: 70

c. Size of parcel: 3.95 acres



**3) Applicant:**

Name: Lisa Sundell

Address: 4697 Tally Ho Court, Boulder, CO 80301

Phone: 303-581-0367

**4) Owner:**

Name: Boulder Valley School District RE-2J (as of 9/30/2015)

Address: 6500 Arapahoe Ave  
Boulder, CO 80303

Phone: 3034471010

**5) Representative/Contact:**

Name: Lisa Sundell

Address: 4697 Tally Ho Court  
Boulder, CO 80301

Phone: 303-581-0367

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

No

I propose that the land-use designation at 6500 Twin Lakes Road Boulder, CO 80301 be changed to Boulder County Open Space with a Natural Ecosystems designation. This would prevent the disturbance of the high water table and allow for the land to continue to absorb rain runoff; preserve the ecology of the land; and prevent further over-stressing the limited infrastructure in Gunbarrel.

The primary reason to designate 6500 Twin Lakes Road as Boulder County Open Space is to prevent disruption to the hydrology of the parcel and the surrounding neighborhoods. This area has an extremely high water table. For example, when we had our basement finished in 2005 the contractors removed a portion of the concrete floor to move sewer pipes which exposed the high water table only a foot under our basement floor – and this was during a multi-year drought. If this land is built on, the buildings will displace this water into the current surrounding homes as well as into the buildings built on the property. In the case of large amounts of rain, as we saw in both the flood of September 2013 as well as the rainy spring that we just had in 2015, this parcel of land acted as a sponge. At a point during both of these rain events, even this large piece of land could not hold all of the water, and temporary lakes formed.

In June of 2015, McCurry Hydrology LLC analyzed the hydrology of the property directly across Twin Lakes Road (6655 Twin Lakes Road) and determined that placing additional buildings in this area would be detrimental to the surrounding areas, not just the adjacent properties. McCurry found that the impact of building on this parcel would result in:

- ≠ higher risk of basement flooding,
- ≠ increases in the frequency and/or volume required to be pumped from homes with existing sump pump systems, and
- ≠ the need for homes to install and operate sump pump systems that historically have not had to do so.<sup>1</sup>

I have included, as a separate attachment, the full report prepared by McCurry Hydrology.

The second reason to designate 6500 Twin Lakes Road as Boulder County Open Space with a Natural Ecosystems designation, is to preserve the unique ecology of the land. This land, along with the parcel of land directly to the south (0 Kalua Road) and the land to the north (6655 Twin Lakes Road and Twin Lakes Open Space), are home to countless species of wildlife. During the 17 years of living here we have seen owls that return to the same nests year after year. In addition to the owls, we routinely see foxes, coyotes, raccoons, toads, snakes, and various birds of prey. These animals use this land for hunting mice, rabbits and other small animals. If this land is developed it will significantly reduce the food supply for these animals. The wildlife in this area also use this land to migrate between other open space parcels and Twin Lakes Open Space. This wide variety of wildlife makes this area a very special and unique place in Boulder. Building on this land would permanently and irreversibly change the ecology of Twin Lakes Open Space and Gunbarrel as a whole.

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<sup>1</sup> McCurry, Gordon, Ph.D. "Preliminary Hydrologic Analysis of the BCHA Property at 6655 Twin Lakes Road," McCurry Hydrology, LLC. June 24, 2015.

By designating this parcel of land as Open Space with a Natural Ecosystem, Boulder would meet their core values and sustainability that are key parts of the 2010 Boulder Valley Comprehensive Plan:

### **1.02 Principles of Environmental Sustainability**

The city and county will strive to preserve and protect the natural resource base and environmental quality on which life depends by:

a) Maintaining and enhancing the biodiversity and productivity of ecological systems;<sup>2</sup>

### **3.03 Natural Ecosystems**

The city and county will protect and restore significant native ecosystems on public and private lands<sup>3</sup>

### **3.04 Ecosystem Connections and Buffers**

The city and county recognize the importance of preserving large areas of unfragmented habitat in supporting the biodiversity of its natural lands and viable habitat for native species. The city and county will work together to preserve, enhance, restore and maintain undeveloped lands critical for providing ecosystem connections and buffers for joining significant ecosystems.<sup>4</sup>

This parcel should be given a Natural Ecosystem designation because it falls under the following categories presented in the criteria for Boulder Valley Natural Ecosystems Designation:

- ≠ Relatively undisturbed natural communities composed mostly or entirely of native species and remnants of pre-settlement ecological conditions and functions or;
- ≠ Area supporting relatively high diversity or density of native species (e.g., riparian areas, large areas, unique geologic substrates or formations, cliff-nesting bird habitat) or;
- ≠ Special habitats supporting significant concentrations of sensitive animal species populations for at least a portion of their life cycles (ground nesting areas, heronries, riparian areas, woody draws, travel routes, seasonal havens, winter ranges)<sup>5</sup>

The third reason to change the land use designation of 6500 Twin Lakes Road to Open Space is the overstressed infrastructure of the area that cannot handle increased density. As a resident of Boulder County, I do not expect to have the benefits and services that Boulder City residents have. I understand that living in the county means that I have limited access to public transportation; that our roads are built to accommodate a lower flow of traffic; and local businesses are smaller and less diverse as there is not a need to support a large number of residents. Due to this, our current infrastructure cannot support more residents.

<sup>2</sup> <https://www-static.bouldercolorado.gov/docs/boulder-valley-comprehensive-plan-2010-1-201410091122.pdf> Page 10

<sup>3</sup> <https://www-static.bouldercolorado.gov/docs/boulder-valley-comprehensive-plan-2010-1-201410091122.pdf> Page 34

<sup>4</sup> <https://www-static.bouldercolorado.gov/docs/boulder-valley-comprehensive-plan-2010-1-201410091122.pdf> Page 35

<sup>5</sup> <https://bouldercolorado.gov/planning/natural-ecosystems>

Some examples of the current limited infrastructure in Gunbarrel are:

**Public Transportation:** RTD runs one bus line to Gunbarrel, the 205. This bus runs every 30 minutes from 6:30 am to 11:30 pm on weekdays and 7:30 am to 9:30 pm on weekends. According to the RTD trip planner (<http://www.rtd-denver.com/GoogleTripPlanner.shtml>), it takes 14 minutes to walk from 6500 Twin Lakes Road to the closest RTD bus stop at 63<sup>rd</sup> St and Notting Hill Gate. From there it would take 24 minutes to get to Boulder Transit Center in downtown Boulder, or over 40 minutes and 1 transfer to get to South Boulder (Fairview High School). For people commuting to Denver or going to DIA it takes 45 minutes to get from our local RTD stop to the Table Mesa Park-n-Ride.

**Congested traffic on main roads:** The main roads in and out of Gunbarrel have become increasingly congested over the past few years. Specifically Lookout Road and 63<sup>rd</sup> Street, have become bumper-to-bumper traffic during the morning and afternoon rush-hours – the congestion has increased over the years, and has become overstressed with the additional 500 new rental units that have been built over the past year on the east and north side of Lookout Road and Gunpark Drive.

**Shopping:** When I moved to Gunbarrel 17 years ago the shopping services were appropriate for the density. Today we have a similar set of stores, minus the medium-sized hardware store that went out-of-business years ago. We currently have a medium-sized grocery store (King Soopers) and a group of small businesses including coffee shops, a daycare, a liquor store, barbers and restaurants that mostly cater to the business lunch-time crowd. In recent years, with the increase in both residents and the people working in Gunbarrel, the grocery store is overwhelmed – it is often requires circling the parking lot multiple times to find a parking space. For items not found at King Soopers, a trip must be made into Boulder, Longmont or Superior ... or bypass local businesses altogether and make purchases on-line.

In closing, the parcel of land at 6500 Twin Lakes Road is not suitable for development due to the high water table and hydrology issues; the delicate balance between wildlife and the land; and the existing county infrastructure and amenities that were built to support a lower density population. Therefore, the land-use designation for this property should be changed to Boulder County Open Space with a Natural Ecosystems designation.

Thank you for your time and consideration.

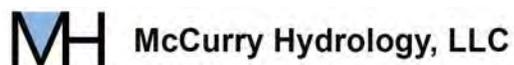
Lisa Sundell  
4697 Tally Ho Court,  
Boulder, CO 80301  
303-581-0367 (h)  
[lisa\\_sundell@yahoo.com](mailto:lisa_sundell@yahoo.com)

Location Map for 6500 Twin Lakes Rd, Boulder CO 80301



Detailed Map for 6500 Twin Lakes Rd, Boulder CO 80301





## Memorandum

To: Mr. David Rechberger, Twin Lakes Action Group  
From: Gordon McCurry, Ph.D.  
Date: June 24, 2015  
Subject: Preliminary Hydrologic Analysis of the BCHA Property at 6655 Twin Lakes Road

The Boulder County Housing Authority (BCHA) purchased a 10-acre parcel located at 6655 Twin Lakes Road in May 2013 with the goal of developing this undeveloped land to provide affordable housing. Residents of the surrounding community are concerned that developing this land could lead to an increase in basement flooding problems in this high-groundwater area. This memorandum presents my preliminary analysis of the hydrology of the subject property and surrounding areas, and provides recommendations on how to reduce flooding-related impacts related to developing the BCHA property.

### Site Environmental Setting

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Ratings indicate the extent to which the soils are limited by each of the applicable soil properties that affect the specified use, in this case the construction of dwellings. Numeric ratings are provided and indicate the severity or degree with which a given soil property contributes to the overall suitability rating. An assigned rating of "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected. An assigned rating of "Somewhat limited"

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June 24, 2015  
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indicates that the soil has features that are moderately unfavorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. An assigned rating of "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected (NRCS, 2015).

The suitability of soils for accommodating dwellings on and near the BCHA property was found to be somewhat limited to very limited for dwellings with basements (Figure 4). The main reasons were due to flooding potential and shallow depth to groundwater, and the shrink-swell potential of the soils. The flooding potential and shallow depth to groundwater are expected outcomes given the number and proximity of water sources in the immediate vicinity. The shrink-swell potential is associated with the shrinking of soil when dry and the swelling when wet – a common feature of many clay-rich soils. Shrinking and swelling of soil can damage roads, dams, building foundations, and other structures (NRCS, 2015). The suitability to accommodate dwellings without basements on and near the BCHA property was found to be very limited, for the same reasons.

To minimize the impacts from flooding potential, shallow groundwater and shrink-swell of the site soils, dwellings built on the BCHA property may require additional design components. These may include addition foundation footers, exterior tile drains around the foundations, sump pumps in basements and crawl spaces, setbacks for landscaping, and gutter downspouts that extend beyond a critical setback distance from the dwellings.

#### Hydrologic Concerns Associated with Development of the BCHA Property

The preceding discussion suggests potential limitations associated with constructing dwellings on the BCHA property and offers general guidelines to mitigate those limitations. However, it does not address potential hydrologic impacts to adjacent residential buildings associated with development of the property. The key impacts are:

- higher risk of basement flooding,
- increases in the frequency and/or volume required to be pumped from homes with existing sump pump systems, and
- the need for homes to install and operate sump pump systems that historically have not had to do so.

The causes of these potential impacts relate to constructing dwellings, dwelling foundations and foundation footers, and even the sump or drain systems that might be installed for the new homes. Dwellings typically are constructed so that the soil beneath the building foundation supports some of the weight of the building, with the remaining load supported by foundation

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footers. The weight of a structure compresses the underlying soil. Sand- and gravel-rich soils have very little compressibility but the clay-rich soils beneath the BCHA property are likely to have a relatively high compression potential. In the northern portion of the BCHA property where shallow depth to groundwater is more likely due to the nearby lakes and irrigation ditches, it is possible that compressed soils could extend below the water table. If this were to occur, the groundwater previously occupying those pore spaces in the soil would be displaced and would migrate elsewhere. Depending on the density of building construction and how close those buildings were to existing residences, at least some of the displaced groundwater would migrate toward the existing residences with a resulting rise in the water table and increased risk of basement flooding. Deep foundation footers or foundations that extended to the underlying bedrock would similarly displace existing groundwater.

In addition, sump or drain systems that might be installed in new dwellings could also pose an addition hydrologic risk to nearby homes. It is common for water extracted from sump/drain systems to be discharged into nearby gutters or storm drains. Depending on how the storm drain system for the new dwellings is designed, the extracted water may end up infiltrating along the edges of the BCHA property which would lead to higher groundwater conditions for the adjacent residences.

An additional hydrologic concern associated with development of the BCHA property, which one hopes never occurs, is the impact of a dam breach of the East or West lakes on the Twin Lakes property. The hydraulic analyses conducted for the East Lake indicates a portion of the discharge from a hypothetical southern breach would traverse the east side of the BCHA property. Should homes be constructed in that area, their presence would divert the flows caused by the breach and, based on the inundation analyses, most of that diverted water would be routed to the neighborhood to the east. No analysis was performed for a breach of the West Lake, but it is reasonable to assume that newly built dwellings on the BCHA property would also divert some of the released lake water into adjacent neighborhoods.

### Conclusions

Before any dwellings are built on the BCHA property the developer must take into account the shallow groundwater conditions that likely exist in the region so that existing homes are not adversely affected. Any homes that are built should be designed to overcome the limitations posed by flooding potential, shallow depth to water, and shrink-swell conditions of the soil. Installing wells on the property and instrumenting them to characterize the depth to groundwater in the shallow aquifer, over the course of at least one year, and performing geotechnical testing on soils are both necessary to better characterize the hydraulic properties and gain a better understanding of potential impacts to adjacent residences.

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### References

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Boulder County, 2005. Boulder County Ditch and Reservoir Map. Prepared by Boulder County, Colorado. September.

DWR, 2005. Task 5 – Key Structure Operating Memorandum for City of Boulder. Submitted to the Colorado Division of Water Resources, as part of the South Platte Decision Support System.

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NRCS, 2015. Web-based soil survey database. Accessed June 2015  
<http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

USDA, 1975. Soil Survey of Boulder County Area, Colorado. United States Department of Agriculture, Soil Conservation Service.

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Figure 1. View looking northwest at the BCHA property from Twin Lakes Road.

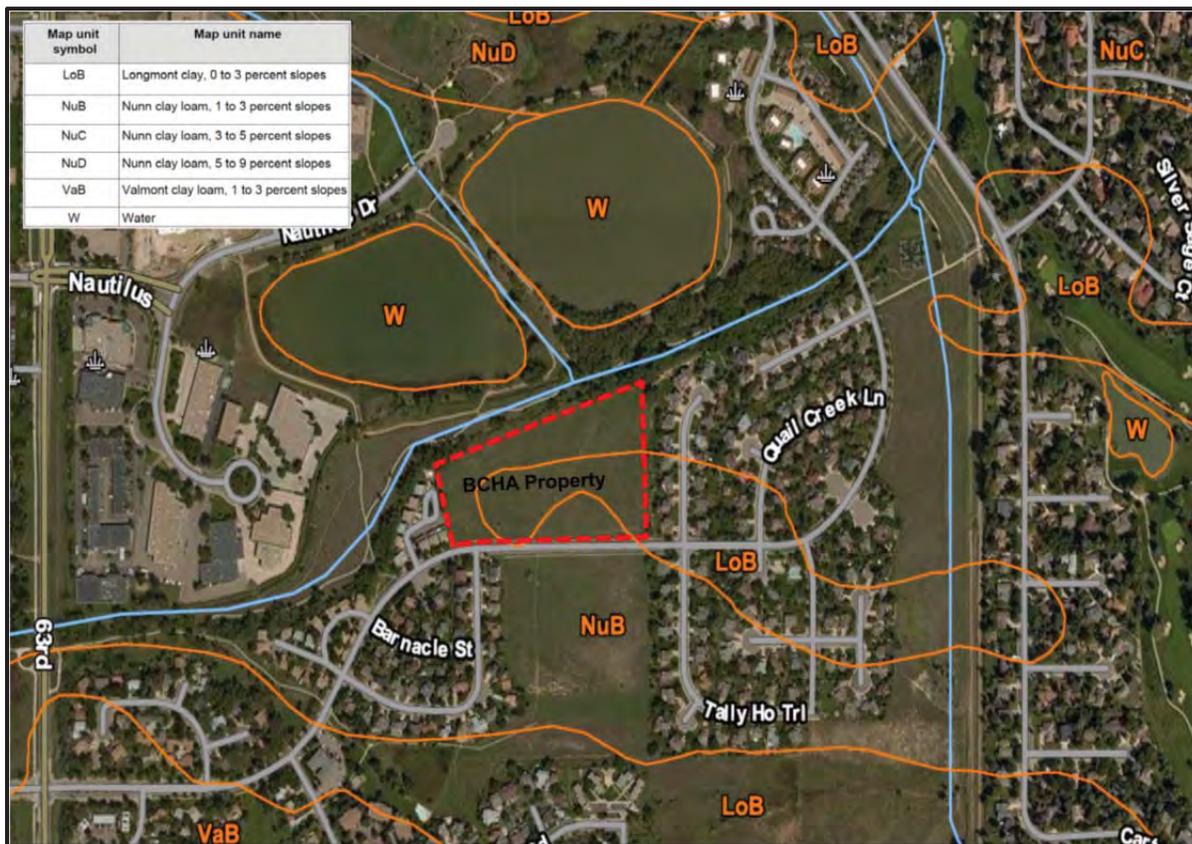


Figure 2. Soils in the vicinity of the BCHA property.

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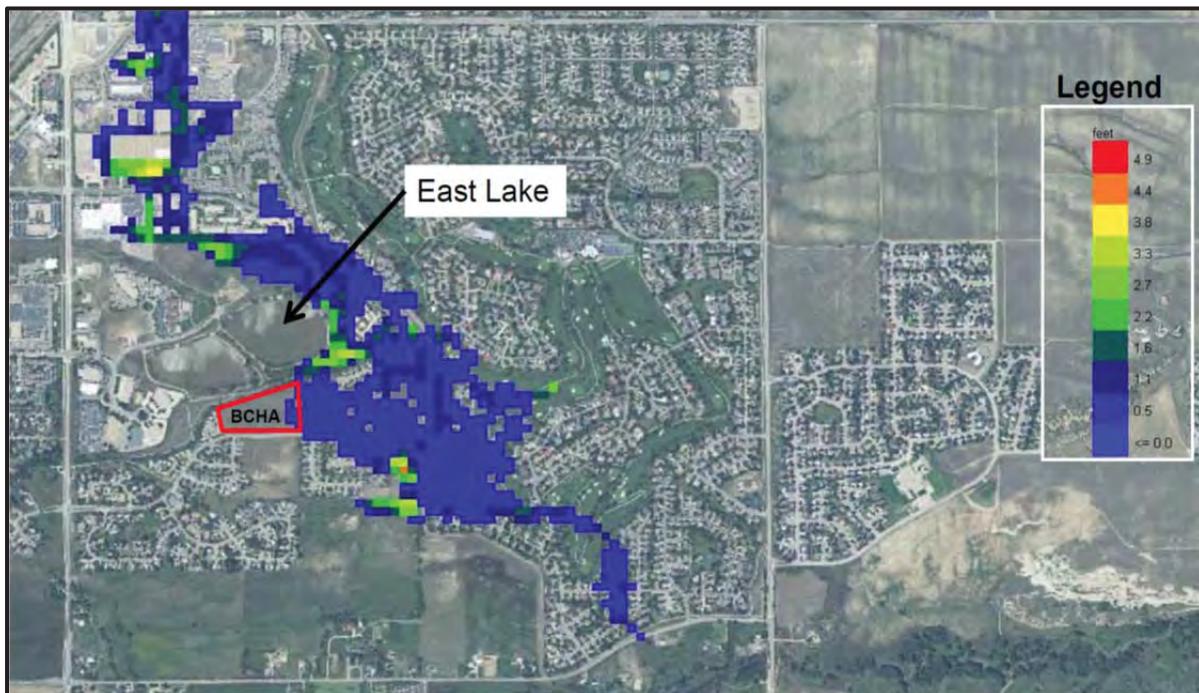


Figure 3. Inundation area and maximum flow depths for a dam breach of the East Lake.

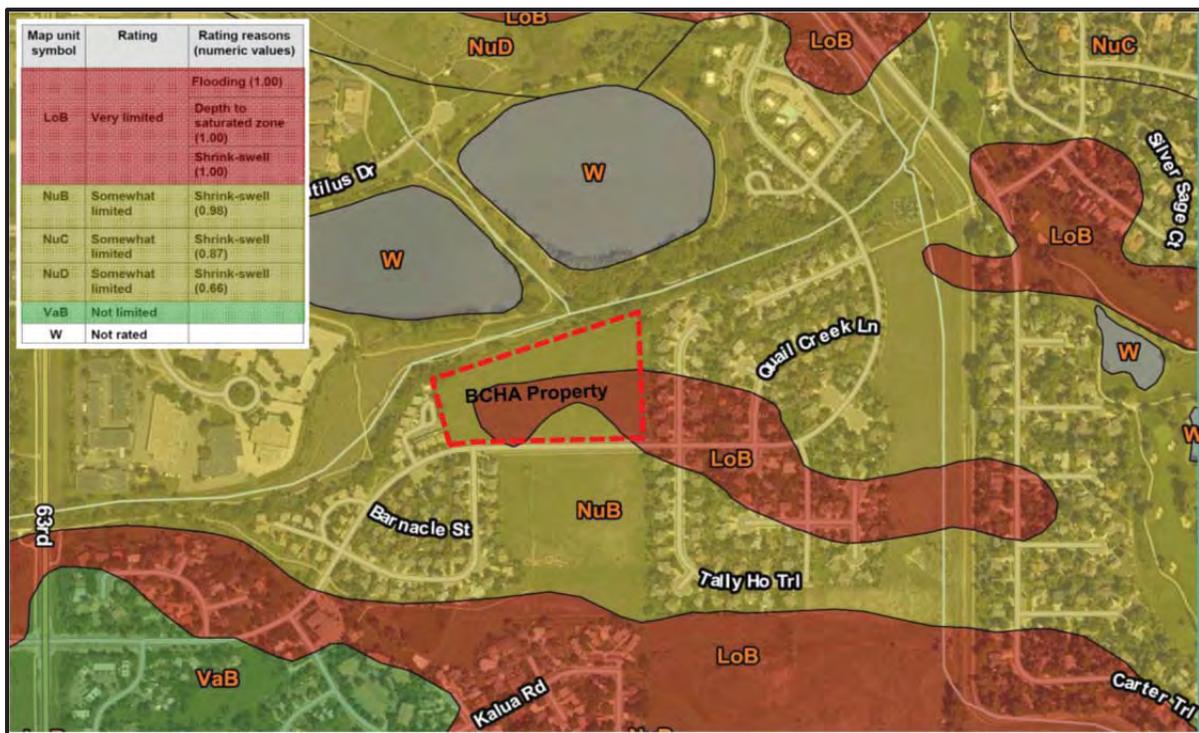
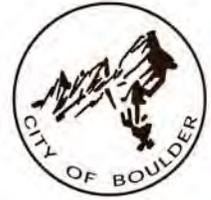


Figure 4. Limitations for construction of dwellings with basements.



# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input checked="" type="checkbox"/>	Land Use Map Amendment
<input type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:

Change the designation of this land to Boulder County Open Space with a Natural Ecosystems designation.

b. Brief reason or justification for the proposed amendment:

To prevent serious hydrological problems; to preserve the ecology of Twin Lakes Open Space; and to prevent over-stressing the limited infrastructure in Gunbarrel.

a. Map(s) proposed for amendment: see attached map

b. Brief description of location of proposed amendment:

0 Kalua Road, Boulder CO 80301

Section: 14 Township: 1N Range: 70

c. Size of parcel: 6.08 acres



**3) Applicant:**

Name: Lisa Sundell

Address: 4697 Tally Ho Court, Boulder CO 80301

Phone: 303-581-0367

**4) Owner:**

Name: Boulder Valley School District RE-2J

Address: 6500 Arapahoe Ave Boulder CO 80303

Phone: 3034471010

**5) Representative/Contact:**

Name: Lisa Sundell

Address: 4697 Tally Ho Court  
Boulder, CO 80301

Phone: 303-581-0367

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

No

I propose that the land-use designation at 0 Kalua Road Boulder, CO 80301 be changed to Boulder County Open Space with a Natural Ecosystems designation. This would prevent the disturbance of the high water table and allow for the land to continue to absorb rain runoff; preserve the ecology of the land; and prevent further over-stressing the limited infrastructure in Gunbarrel.

The primary reason to designate 0 Kalua Road as Boulder County Open Space is to prevent disruption to the hydrology of the parcel and the surrounding neighborhoods. This area has an extremely high water table. For example, when we had our basement finished in 2005 the contractors removed a portion of the concrete floor to move sewer pipes which exposed the high water table only a foot under our basement floor – and this was during a multi-year drought. If this land is built on, the buildings will displace this water into the current surrounding homes as well as into the buildings built on the property. In the case of large amounts of rain, as we saw in both the flood of September 2013 as well as the rainy spring that we just had in 2015, this parcel of land acted as a sponge. At a point during both of these rain events, even this large piece of land could not hold all of the water, and temporary lakes formed.

In June of 2015, McCurry Hydrology LLC analyzed the hydrology of 6655 Twin Lakes Road, a property which is approximately 500 feet north of 0 Kalua Road. McCurry determined that placing additional buildings in this area would be detrimental to the surrounding areas, not just the adjacent properties. He also found that the impact of building on this parcel would result in:

- ≠ higher risk of basement flooding,
- ≠ increases in the frequency and/or volume required to be pumped from homes with existing sump pump systems, and
- ≠ the need for homes to install and operate sump pump systems that historically have not had to do so.<sup>1</sup>

I have included, as a separate attachment, the full report prepared by McCurry Hydrology.

The second reason to designate 0 Kalua Road as Boulder County Open Space with a Natural Ecosystems designation, is to preserve the unique ecology of the land. This land, along with the parcels of land to the north (6500 Twin Lakes Road, 6655 Twin Lakes Road, and Twin Lakes Open Space), are home to countless species of wildlife. During the 17 years of living here we have seen owls that return to the same nests year after year. In addition to the owls, we routinely see foxes, coyotes, raccoons, toads, snakes, and various birds of prey. These animals use this land for hunting mice, rabbits and other small animals. If this land is developed it will significantly reduce the food supply for these animals. The wildlife in this area also use this land to migrate between other open space parcels and Twin Lakes Open Space. This wide variety of wildlife makes this area a very special and unique place in Boulder. Building on this land would permanently and irreversibly change the ecology of Twin Lakes Open Space and Gunbarrel as a whole.

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<sup>1</sup> McCurry, Gordon, Ph.D. "Preliminary Hydrologic Analysis of the BCHA Property at 6655 Twin Lakes Road," McCurry Hydrology, LLC. June 24, 2015.

By designating this parcel of land as Open Space with a Natural Ecosystem, Boulder would meet their core values and sustainability that are key parts of the 2010 Boulder Valley Comprehensive Plan:

### **1.02 Principles of Environmental Sustainability**

The city and county will strive to preserve and protect the natural resource base and environmental quality on which life depends by:

a) Maintaining and enhancing the biodiversity and productivity of ecological systems;<sup>2</sup>

### **3.03 Natural Ecosystems**

The city and county will protect and restore significant native ecosystems on public and private lands<sup>3</sup>

### **3.04 Ecosystem Connections and Buffers**

The city and county recognize the importance of preserving large areas of unfragmented habitat in supporting the biodiversity of its natural lands and viable habitat for native species. The city and county will work together to preserve, enhance, restore and maintain undeveloped lands critical for providing ecosystem connections and buffers for joining significant ecosystems.<sup>4</sup>

This parcel should be given a Natural Ecosystem designation because it falls under the following categories presented in the criteria for Boulder Valley Natural Ecosystems Designation:

- ≠ Relatively undisturbed natural communities composed mostly or entirely of native species and remnants of pre-settlement ecological conditions and functions or;
- ≠ Area supporting relatively high diversity or density of native species (e.g., riparian areas, large areas, unique geologic substrates or formations, cliff-nesting bird habitat) or;
- ≠ Special habitats supporting significant concentrations of sensitive animal species populations for at least a portion of their life cycles (ground nesting areas, heronries, riparian areas, woody draws, travel routes, seasonal havens, winter ranges)<sup>5</sup>

The third reason to change the land use designation of 0 Kalua Road to Open Space is the overstressed infrastructure of the area that cannot handle increased density. As a resident of Boulder County, I do not expect to have the benefits and services that Boulder City residents have. I understand that living in the county means that I have limited access to public transportation; that our roads are built to accommodate a lower flow of traffic; and local businesses are smaller and less diverse as there is not a need to support a large number of residents. Due to this, our current infrastructure cannot support more residents.

<sup>2</sup> <https://www-static.bouldercolorado.gov/docs/boulder-valley-comprehensive-plan-2010-1-201410091122.pdf> Page 10

<sup>3</sup> <https://www-static.bouldercolorado.gov/docs/boulder-valley-comprehensive-plan-2010-1-201410091122.pdf> Page 34

<sup>4</sup> <https://www-static.bouldercolorado.gov/docs/boulder-valley-comprehensive-plan-2010-1-201410091122.pdf> Page 35

<sup>5</sup> <https://bouldercolorado.gov/planning/natural-ecosystems>

Some examples of the current limited infrastructure in Gunbarrel are:

**Public Transportation:** RTD runs one bus line to Gunbarrel, the 205. This bus runs every 30 minutes from 6:30 am to 11:30 pm on weekdays and 7:30 am to 9:30 pm on weekends. According to the RTD trip planner (<http://www.rtd-denver.com/GoogleTripPlanner.shtml>), it takes 14 minutes to walk from 0 Kalua Road to the closest RTD bus stop at 63<sup>rd</sup> St and Notting Hill Gate. From there it would take 24 minutes to get to Boulder Transit Center in downtown Boulder, or over 40 minutes and 1 transfer to get to South Boulder (Fairview High School). For people commuting to Denver or going to DIA it takes 45 minutes to get from our local RTD stop to the Table Mesa Park-n-Ride.

**Congested traffic on main roads:** The main roads in and out of Gunbarrel have become increasingly congested over the past few years. Specifically Lookout Road and 63<sup>rd</sup> Street, have become bumper-to-bumper traffic during the morning and afternoon rush-hours – the congestion has increased over the years, and has become overstressed with the additional 500 new rental units that have been built over the past year on the east and north side of Lookout Road and Gunpark Drive.

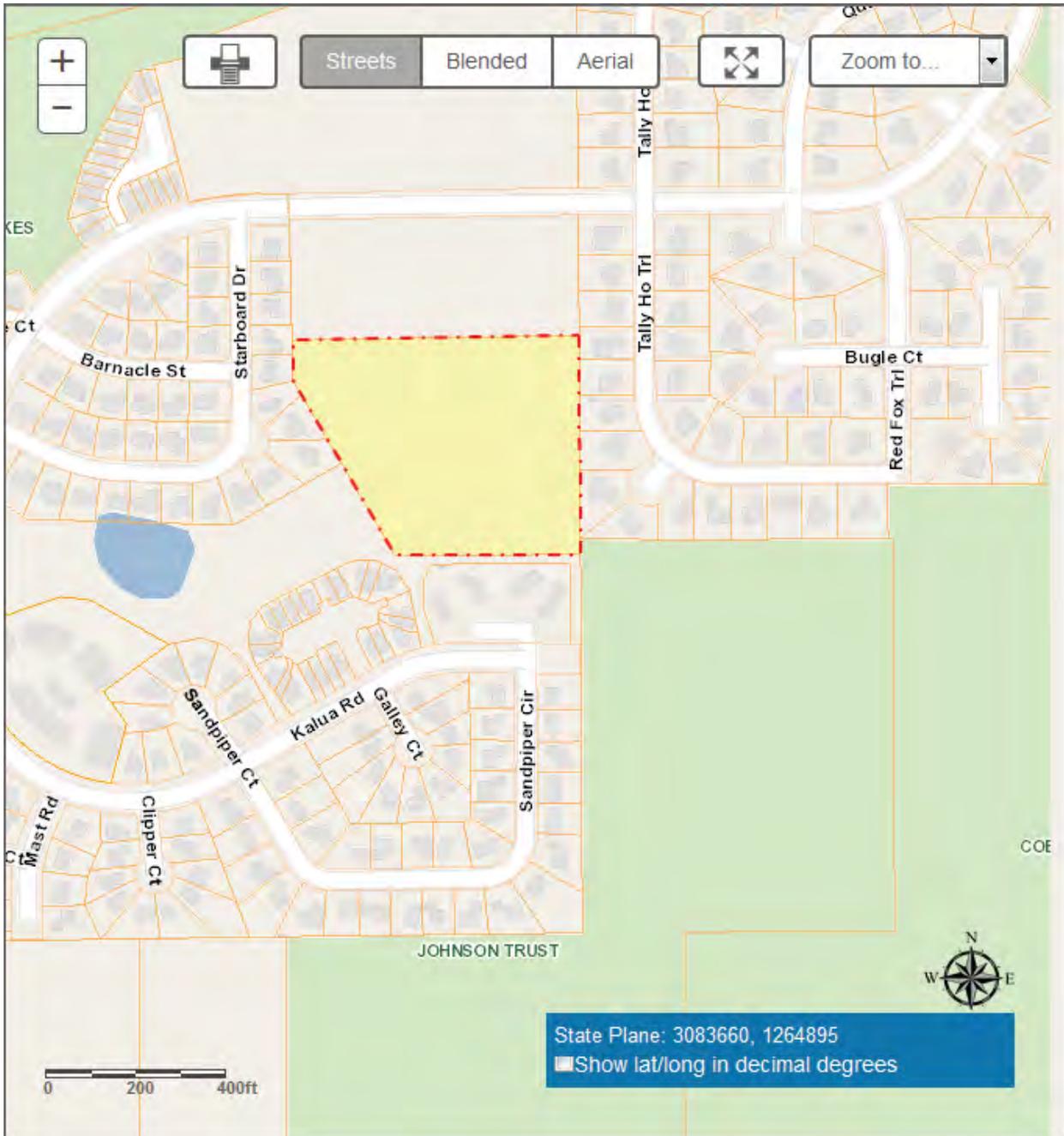
**Shopping:** When I moved to Gunbarrel 17 years ago the shopping services were appropriate for the density. Today we have a similar set of stores, minus the medium-sized hardware store that went out-of-business years ago. We currently have a medium-sized grocery store (King Soopers) and a group of small businesses including coffee shops, a daycare, a liquor store, barbers and restaurants that mostly cater to the business lunch-time crowd. In recent years, with the increase in both residents and the people working in Gunbarrel, the grocery store is overwhelmed – it is often requires circling the parking lot multiple times to find a parking space. For items not found at King Soopers, a trip must be made into Boulder, Longmont or Superior ... or bypass local businesses altogether and make purchases on-line.

In closing, the parcel of land at 0 Kalua Road is not suitable for development due to the high water table and hydrology issues; the delicate balance between wildlife and the land; and the existing county infrastructure and amenities that were built to support a lower density population. Therefore, the land-use designation for this property should be changed to Boulder County Open Space with a Natural Ecosystems designation.

Thank you for your time and consideration.

Lisa Sundell  
4697 Tally Ho Court,  
Boulder, CO 80301  
303-581-0367 (h)  
[lisa\\_sundell@yahoo.com](mailto:lisa_sundell@yahoo.com)

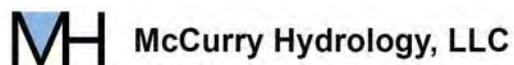
### Location Maps for 0 Kalua Road, Boulder CO 80301





## Detailed Map for 0 Kalua Road, Boulder CO 80301





## Memorandum

To: Mr. David Rechberger, Twin Lakes Action Group  
From: Gordon McCurry, Ph.D.  
Date: June 24, 2015  
Subject: Preliminary Hydrologic Analysis of the BCHA Property at 6655 Twin Lakes Road

The Boulder County Housing Authority (BCHA) purchased a 10-acre parcel located at 6655 Twin Lakes Road in May 2013 with the goal of developing this undeveloped land to provide affordable housing. Residents of the surrounding community are concerned that developing this land could lead to an increase in basement flooding problems in this high-groundwater area. This memorandum presents my preliminary analysis of the hydrology of the subject property and surrounding areas, and provides recommendations on how to reduce flooding-related impacts related to developing the BCHA property.

### Site Environmental Setting

The BCHA property is located northeast of the City of Boulder in unincorporated Boulder County in the south-central portion of Section 11 of Township 1 North, Range 70 West. The land is undeveloped with a native grass cover (Figure 1). The property ranges in elevation from approximately 5175 to 5160 feet and slopes gently to the southeast towards Boulder Creek. The northern edge of the BCHA property corresponds approximately to the surface water drainage divide separating the Dry Creek drainage to the north and a portion of the Boulder Creek drainage to the south, within which the property lies. South of the property are several small intermittent eastward-flowing streams that drain into Boulder Creek. Soils in the area consist of clay loam and clay, defined by the USDA Natural Resources Conservation Service as Nunn B and Longmont B soils (NRCS, 2015). The BCHA property contains about equal areas of both soil types (Figure 2). Underlying the soils is the Pierre Shale, a regionally extensive and low-permeability bedrock layer (USDA, 1975). Borehole logs from wells drilled in the vicinity of the BCHA property and the Twin Lakes neighborhood indicate that the depth to bedrock is approximately 10 to 15 feet below ground surface. A shallow aquifer exists within the soils that overlie the shale bedrock.

### Hydrology Near the BCHA Property

Several man-made features exist in the area that dominates the hydrology of the BCHA and surrounding properties. North of the property are two lakes and three regional irrigation ditches. The West and East lakes are part of a 42-acre County Open Space Twin Lakes property. The lakes have been in use since 1910 to store water used for agricultural purposes (BCPOS, 2004). Portions of both lakes are adjacent to the northern edge of the BCHA property. The West and East lakes cover areas of approximately 16 and 11 acres, respectively, and have a combined storage capacity of 218 acre-feet (approximately 71 million gallons). The embankments for the

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## Preliminary Hydrologic Analysis, BCHA Property

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lakes consist of compacted earth fill (GEI Consultants, 2014). Wetlands exist around the lakes as a result of seepage through the lake bed and berms, creating shallow groundwater conditions (BCPOS, 2004).

In 2014 the Boulder and Left Hand Ditch Company sponsored a study of potential impacts of dam breaches of two of its reservoirs (GEI Consultants, 2014). One of these reservoirs is referred to in this report as the East Lake of the Twin Lakes open space. The impoundment for the East Lake has a State dam safety rating indicating there could be significant property damage if there is a dam failure (BCPOS, 2004). A hypothetical breach of the East Lake's dam was modeled and inundation maps were generated. The dam for this lake, Davis No. 1 Dam, is constructed as a dike that rings the eastern portion of the lake. Failure scenarios were modeled for both a northern and a southern dam breach. The southern breach scenario was felt to be smaller in magnitude than the northern breach. A portion of the hypothetical southern breach would discharge to the southeast, across the eastern portion of the BCHA property and through the neighborhoods southeast of the East Lake as water flows to Boulder Creek (GEI Consultants, 2014). The modeled southern breach had a peak flow of 600 cfs, roughly equivalent to high spring-time flows of Boulder Creek through town. Maximum flow depths to the southeast were modeled to be approximately one foot (Figure 3).

Located between the two lakes and the BCHA property are the North Boulder Farmer's Ditch, the Boulder and Left Hand Ditch, and the Boulder and White Rock Ditch. The former two ditches merge beginning west of 63<sup>rd</sup> Street and then the resulting two ditches run parallel to each other, traversing south of the West and East lakes and continuing to the east (Boulder County, 2000). The Boulder and Left Hand Ditch Irrigation Company retains the right to use the West and East lakes for storage purposes (BCPOS, 2004). Over the past 20 years an average of approximately 145 acre-feet per year has flowed through the ditches to supply the lakes. Like most ditches, these are unlined and likely leak a portion of their water to the underlying soils and shallow groundwater system, supporting the wetlands vegetation and lush growth around them.

Another hydrologic feature of note for the Twin Lakes community is the Boulder Supply Canal. This is a large-capacity canal located west of the Boulder Country Club neighborhood, adjacent to Carter Court and Carter Trail that define the west side of that neighborhood. The Boulder Supply Canal allows excess water in Boulder Reservoir to discharge to Boulder Creek (DWR, 2005). Although concrete-lined, it was built in 1955 and so it is likely that some leakage occurs through joints, cracks and areas of degraded concrete whenever it is in use.

Within and south of the residential areas south of Twin Lakes Road is a small lake and an intermittent stream that includes several areas containing wetlands-type vegetation. These water features also provide water to the underlying shallow aquifer system. The wetlands are an indication of shallow groundwater conditions in this portion of the residential area south of the BCHA property.

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### Hydraulic Limitations in the Vicinity of the BCHA Property

Twin Lakes, two irrigation ditches, and to a lesser extent a supply canal are all located hydraulically upgradient of and in close proximity of the BCHA property and surrounding residential areas. Collectively these provide ample sources of water to feed the area's shallow groundwater system. The water table of the shallow groundwater system is located relatively close to the land surface as shown by the commonly-occurring wetlands present in the area. The shallow depth to bedrock helps support and maintain the shallow aquifer. In addition, many homes in the Twin Lakes neighborhoods have sump pumps which are further evidence of shallow groundwater.

The USDA Natural Resources Conservation Service has compiled soils data and developed an interactive web-based graphical database that allows the user to examine the suitability of a given area to a set of potential uses (NRCS, 2015). The suitability analyses are based on geotechnical and engineering properties of the soils. The soils beneath the BCHA property (Figure 2) were evaluated as part of this preliminary hydrologic analysis as to their suitability for the construction of dwellings. Dwellings are defined by the NRCS as single-family houses of three stories or less. For dwellings with basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of approximately 7 feet. For dwellings without basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper.

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Ratings indicate the extent to which the soils are limited by each of the applicable soil properties that affect the specified use, in this case the construction of dwellings. Numeric ratings are provided and indicate the severity or degree with which a given soil property contributes to the overall suitability rating. An assigned rating of "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected. An assigned rating of "Somewhat limited"

## Preliminary Hydrologic Analysis, BCHA Property

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The suitability of soils for accommodating dwellings on and near the BCHA property was found to be somewhat limited to very limited for dwellings with basements (Figure 4). The main reasons were due to flooding potential and shallow depth to groundwater, and the shrink-swell potential of the soils. The flooding potential and shallow depth to groundwater are expected outcomes given the number and proximity of water sources in the immediate vicinity. The shrink-swell potential is associated with the shrinking of soil when dry and the swelling when wet – a common feature of many clay-rich soils. Shrinking and swelling of soil can damage roads, dams, building foundations, and other structures (NRCS, 2015). The suitability to accommodate dwellings without basements on and near the BCHA property was found to be very limited, for the same reasons.

To minimize the impacts from flooding potential, shallow groundwater and shrink-swell of the site soils, dwellings built on the BCHA property may require additional design components. These may include addition foundation footers, exterior tile drains around the foundations, sump pumps in basements and crawl spaces, setbacks for landscaping, and gutter downspouts that extend beyond a critical setback distance from the dwellings.

#### Hydrologic Concerns Associated with Development of the BCHA Property

The preceding discussion suggests potential limitations associated with constructing dwellings on the BCHA property and offers general guidelines to mitigate those limitations. However, it does not address potential hydrologic impacts to adjacent residential buildings associated with development of the property. The key impacts are:

- higher risk of basement flooding,
- increases in the frequency and/or volume required to be pumped from homes with existing sump pump systems, and
- the need for homes to install and operate sump pump systems that historically have not had to do so.

The causes of these potential impacts relate to constructing dwellings, dwelling foundations and foundation footers, and even the sump or drain systems that might be installed for the new homes. Dwellings typically are constructed so that the soil beneath the building foundation supports some of the weight of the building, with the remaining load supported by foundation

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## Preliminary Hydrologic Analysis, BCHA Property

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footers. The weight of a structure compresses the underlying soil. Sand- and gravel-rich soils have very little compressibility but the clay-rich soils beneath the BCHA property are likely to have a relatively high compression potential. In the northern portion of the BCHA property where shallow depth to groundwater is more likely due to the nearby lakes and irrigation ditches, it is possible that compressed soils could extend below the water table. If this were to occur, the groundwater previously occupying those pore spaces in the soil would be displaced and would migrate elsewhere. Depending on the density of building construction and how close those buildings were to existing residences, at least some of the displaced groundwater would migrate toward the existing residences with a resulting rise in the water table and increased risk of basement flooding. Deep foundation footers or foundations that extended to the underlying bedrock would similarly displace existing groundwater.

In addition, sump or drain systems that might be installed in new dwellings could also pose an addition hydrologic risk to nearby homes. It is common for water extracted from sump/drain systems to be discharged into nearby gutters or storm drains. Depending on how the storm drain system for the new dwellings is designed, the extracted water may end up infiltrating along the edges of the BCHA property which would lead to higher groundwater conditions for the adjacent residences.

An additional hydrologic concern associated with development of the BCHA property, which one hopes never occurs, is the impact of a dam breach of the East or West lakes on the Twin Lakes property. The hydraulic analyses conducted for the East Lake indicates a portion of the discharge from a hypothetical southern breach would traverse the east side of the BCHA property. Should homes be constructed in that area, their presence would divert the flows caused by the breach and, based on the inundation analyses, most of that diverted water would be routed to the neighborhood to the east. No analysis was performed for a breach of the West Lake, but it is reasonable to assume that newly built dwellings on the BCHA property would also divert some of the released lake water into adjacent neighborhoods.

### Conclusions

Before any dwellings are built on the BCHA property the developer must take into account the shallow groundwater conditions that likely exist in the region so that existing homes are not adversely affected. Any homes that are built should be designed to overcome the limitations posed by flooding potential, shallow depth to water, and shrink-swell conditions of the soil. Installing wells on the property and instrumenting them to characterize the depth to groundwater in the shallow aquifer, over the course of at least one year, and performing geotechnical testing on soils are both necessary to better characterize the hydraulic properties and gain a better understanding of potential impacts to adjacent residences.

Preliminary Hydrologic Analysis, BCHA Property  
June 24, 2015  
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### References

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<http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

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 June 24, 2015  
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Figure 1. View looking northwest at the BCHA property from Twin Lakes Road.

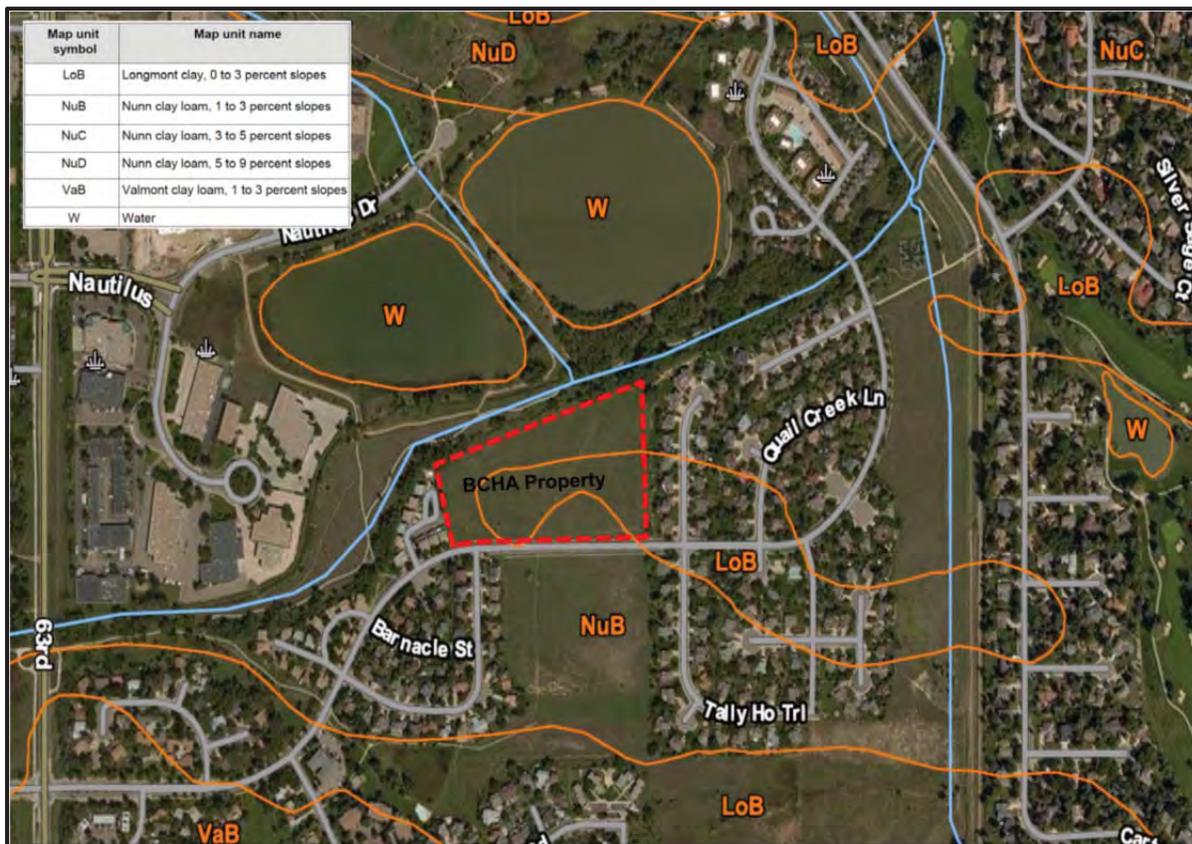


Figure 2. Soils in the vicinity of the BCHA property.

Preliminary Hydrologic Analysis, BCHA Property  
 June 24, 2015  
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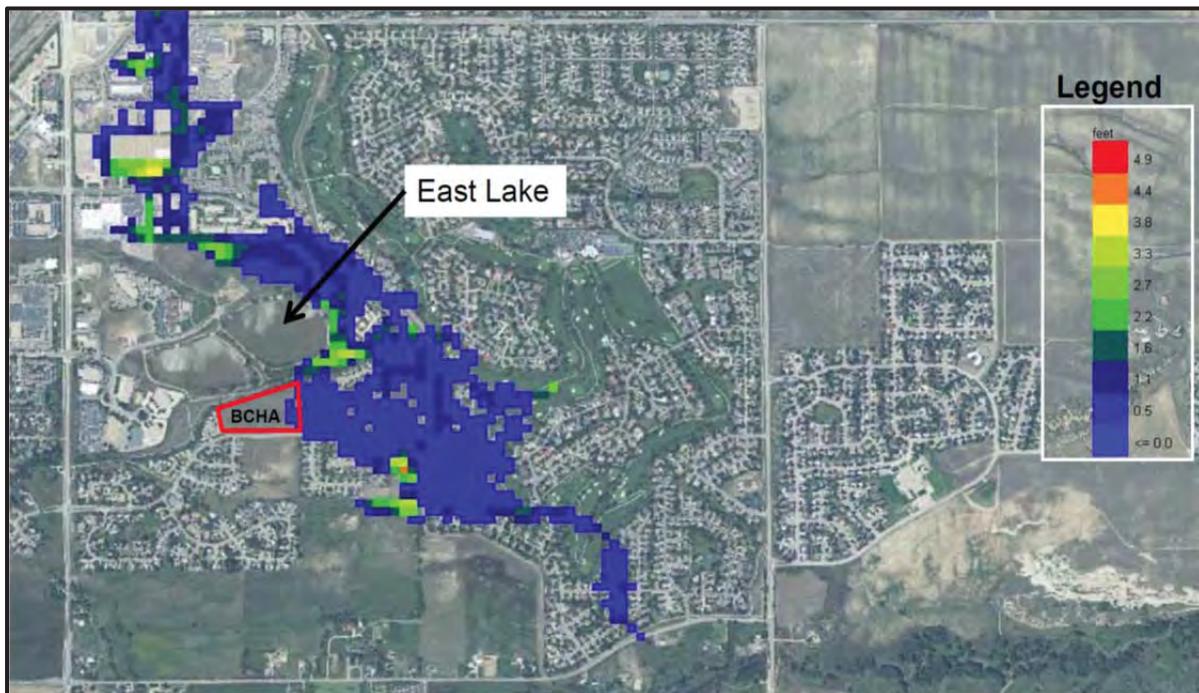


Figure 3. Inundation area and maximum flow depths for a dam breach of the East Lake.

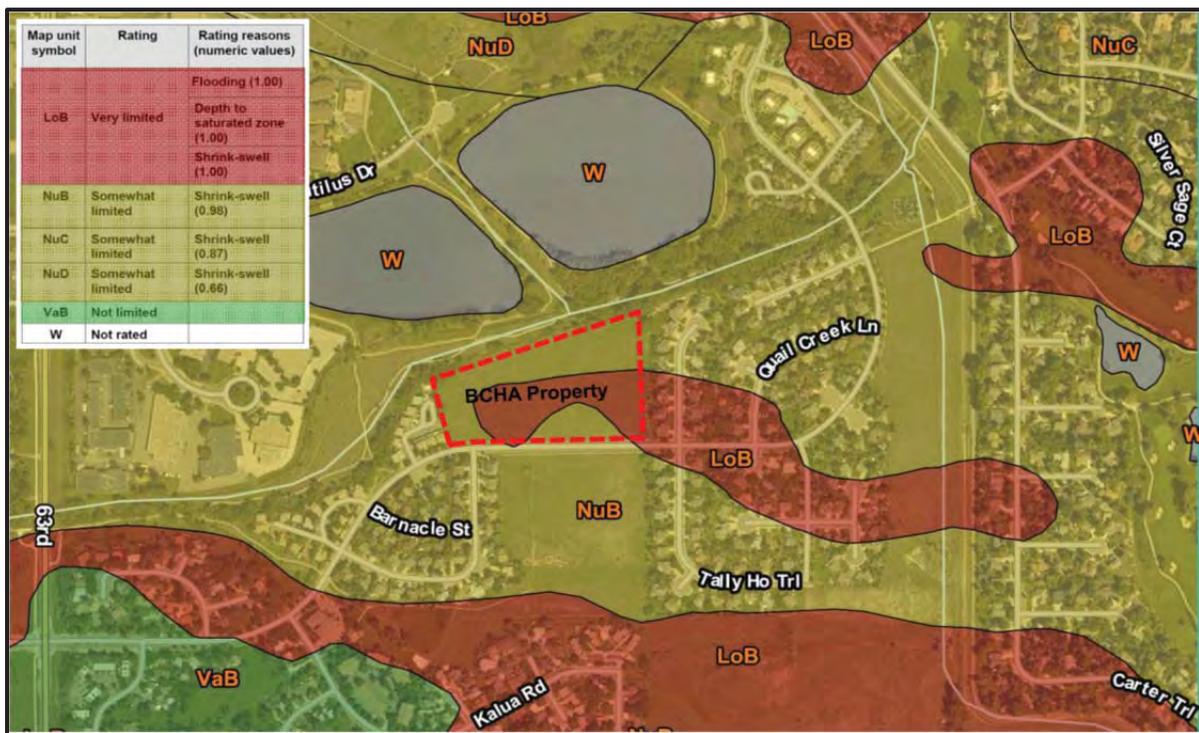


Figure 4. Limitations for construction of dwellings with basements.



# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input checked="" type="checkbox"/>	Land Use Map Amendment
<input type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment: **See next page for complete text.**

Change the Land Use Map of the parcel at 6655 Twin Lakes Road to Open Space, so that the parcel can be managed as part of a Greater Twin Lakes Open Space area, in concert with related requests for 6650 Twin Lakes Road and 0 Kalua Road.



b. Brief reason or justification for the proposed amendment:

6655 consists of 9.97 acres of undeveloped land, otherwise described as +/- 10 acres.

It is directly south of Twin Lakes Open Space, which is owned and managed by Boulder County Open Space Department



a. Map(s) proposed for amendment: See attached

b. Brief description of location of proposed amendment:

6655 Twin Lakes Road (unincorporated)

Section: 11 Township: 1N Range: 70

c. Size of parcel: 9.97 acres

(Full text cropped from previous page):

### Request 36) 6655 Twin Lakes Rd– Twin Lakes Action Group

Brief reason or justification for the proposed amendment:

6655 consists of 9.97 acres of undeveloped land, otherwise described as +/- 10 acres.

It is directly south of Twin Lakes Open Space, which is owned and managed by Boulder County Open Space Department.

When the parcel was acquired by Boulder County in 2013 , no public input or notice was provided before the purchase, nor was the public afforded any opportunity to participate in or comment on decisions regarding proposed uses of the property prior to acquisition. When the County commenced outreach, it was conducted by Boulder County Housing Authority (BCHA) with the assumption that annexation, land use amendments, and zoning changes would allow such use. In other words, neither the local community nor the broader public has been accorded any meaningful opportunity to participate in decision-making regarding future uses of the parcel -- or the community's vision for the area -- either before or after the county's purchase.

Adding the parcel to the Open Space system to enlarge and enhance the values of the existing Twin Lakes property is the best use consistent with the BVCP goals, objectives, and vision.

This parcel satisfies four of the five criteria for acquisition and incorporation into the County Open Space program.

Adding the parcel to the adjacent Twin Lakes Open Space is the highest and best use for this property, is consistent with BVCP guidance and direction, and would prevent proposed development projects in an unsuitable location that are incompatible with the existing character of the community.



**3) Applicant:**

Name: Twin Lakes Action Group, Martin Streim, Chair

Address: 4659 Tally Ho Trail Boulder, CO 80301

Phone: 303.955.7809

**4) Owner:**

Name: Boulder County

Address:

Phone: Peter Fogg 303-441-3930

**5) Representative/Contact:**

Name: Mike Chiropolos, Attorney for TLAG

Address: 870 Inca Pkwy  
Boulder CO 80303

Phone: 303-956-0595

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

No.

## Land Use Change Narrative

### 1) **This proposal is intended to do the following:**

#### 1. **Allow this 10-acre parcel to be added the County Open Space program**

The property is ideal for open space according to the County's acquisition criteria:

Parks and Open Space staff strive to acquire land that meet these criteria:

- Land threatened by development that is near or adjacent to existing open space
- Prime agricultural land
- Wildlife habitat
- Riparian and scenic corridors
- Land that could provide trail connections.

<http://www.bouldercounty.org/os/openspace/pages/acquisitions.aspx>

According to the County description of the existing Twin Lakes Open Space:

In the 1960s, thanks to the nearby IBM plant and other commercial attractions, the Gunbarrel residential area grew up around the lakes. The lakes have been central to the Gunbarrel community from the beginning.

<http://www.bouldercounty.org/os/parks/pages/twinlakes.aspx>.

As the community has grown, the need for additional open space to accommodate additional residents has grown with it. So has the need to better protect remaining natural values under siege from encroaching development on private land. Now is the time to protect this parcel and expand the existing Open Space.

This request is submitted with parallel requests for the adjacent properties at 6650 Twin Lakes Road (3.95 acres), and 0 Kalua Road (6.08 acres), which are located directly south of 6655 Twin Lakes Road. The two southern parcels are currently owned by Boulder Valley School District (the "BVSD parcels"). Thus -- including the 9.97 acre 6655 parcel -- the County, City, and community have a rare chance to expand Gunbarrel's magnificent Twin Lakes Open Space by a total of 17 acres. All three proposed properties are currently publicly owned. This unique opportunity for the 2015 BVCP Update is made possible by the County's purchase of 6655 in 2013, and the fact that BVSD has stated it has no plans to use the other two properties for School District purposes.

A Greater Twin Lakes Open Space would have many similarities to the smallest National Wildlife Refuge in the country: Two Ponds in nearby Arvada, an urban enclave of only 72 acres managed by the U.S. Fish and Wildlife Service. Greater Twin Lakes, including an ecologically restored 6655 and the BVSD parcels across Twin Lakes Road, would be subject to an updated, expanded

management plan to be cooperatively developed by Open Space authorities and the community. Two Ponds is an example of how relatively small parcels in urban or residential settings can be key components of open space programs incorporating natural and recreation values. Adding 6655 and the BVSD parcels to the existing Twin Lakes Open Space (42 acres) would result in a Greater Twin Lakes Open Space that approximates the size of Two Ponds. See <http://www.fws.gov/refuges/profiles/index.cfm?id=61171> .

Governor Hickenlooper’s new Colorado Beautiful initiative (announced July 15, 2015) is another excellent example of how a Greater Twin Lakes Open Space vision is compatible with state and federal policy efforts and initiatives, as well as the County Open Space acquisition criteria, the BVCP, and the Boulder County Comprehensive Plan (BCCP). The goal of Colorado Beautiful is that, within one generation, every Coloradan will live within a 10-minute walk of a park, trail or open space area. A Greater Twin Lakes will provide substantially more benefit and opportunity for Gunbarrel residents than the existing area. Additionally, the Longmont-Boulder Trail described below warrants consideration as a priority trail or connector project under Colorado Beautiful. See <https://www.colorado.gov/pacific/governor/news/gov-hickenlooper-outlines-key-next-steps-colorado-beautiful>

## **2. Prevent proposed development of land adjacent to existent open space**

6655 is suitable to be managed as part of a Greater Twin Lakes Open Space area. The parcel is currently threatened by unsuitable development proposals for which the property is an unsuitable location. At the same time, it is adjacent to the existing Twin Lakes Open Space.

## **3. Conserve wildlife habitat**

The parcel offers abundant wildlife habitat, which is otherwise shrinking within Gunbarrel and the vicinity of the existing Open Space. Boulder County describes the existing Twin Lakes Open Space as “a haven for wetland wildlife, a hidden gem in the heart of Gunbarrel area.” The official description further describes habitat values and lists species as follows:

Wetland habitats, nestled within the surrounding Great Plains, support aquatic plant and animal life and serve to lure in large numbers of migrating bird species. With grasses, wildflowers and trees surrounding the wetlands, these areas are biologically diverse both in and out of the water.

### Mammals

- Coyote
- Eastern cottontail
- Fox squirrel
- Little brown bat
- Raccoon
- Red fox

- Striped skunk

#### Birds

- American avocet
- American coot
- American crow
- American goldfinch
- American kestrel
- American robin
- American widgeon
- Belted kingfisher
- Canada goose
- Common grackle
- Common raven
- Downy woodpecker
- Black-billed magpie
- Black-capped chickadee
- Bullock's Oriole
- Double-crested cormorant
- Great blue heron
- Great Horned Owl
- Killdeer
- Mallard
- Mourning dove
- Red-tailed hawk
- Red-winged blackbird
- Tree swallow
- Violet-green swallow
- Yellow-rumped warbler
- Yellow Warbler

#### Amphibians & Reptiles

- Bullsnake
- Garter snake
- Snapping turtle

Most or all of these habitat values would carry over to 6655 and the BVSD parcels. Most or all of the listed species would use and benefit from adding the new acreage to the existing Open Space under more active management. The wildlife corridor south of Twin Lakes that connects to other undeveloped parcels and leads towards Boulder Creek is depicted in attached Map 4.

The Great-Horned Owl nest on the southern edge of the Open Space is less than 100 feet from the northern boundary of 6655. Resident for at least 25 years, it would be difficult to overstate the value of these owls to the community, or the tangible and intangible benefits they provide to residents of all ages and from all walks of life.

Construction activities, permanent structures, and loss of habitat (owls and other raptors hunt and forage in the 6655 and BVSD parcels) would be expected to result in loss of these nesting owls. While any development would threaten the owls, the medium or high-density development expected to be proposed by Boulder County would almost surely result in the loss of the nesting pair of owls. The nest location in the mature cottonwood stand is depicted in Map 4. Review should be informed by the fact that federally required buffers for oil and gas operations from Great-horned Owl nests are 1/8 mile (660 feet). See <http://www.oilandgasbmops.org/view.php?id=7738>

Wildlife species and values are further described at pages 40-44 of the Twin Lakes Management Plan.

#### **4. Protect riparian and scenic corridors**

According to the Twin Lakes Open Space Management Plan:

Remnants of native riparian and wetland ecosystems remain and artificial waterways create new habitat.

Wetlands and riparian areas provide food, denning and nesting sites, and respite from the hot sun or gusting winds. A diversity of flora and fauna are found in this ecosystem from water-dependent plants to migratory birds that use them for resting places.

<http://www.bouldercounty.org/doc/parks/twinlakesmplan.pdf> at 11.

The Management Plan continues:

Wetland fringe, forested riparian, and upland grass communities comprise the vegetation surrounding Twin Lakes. These communities are heavily disturbed and the predominant vegetative covering is weedy species and pasture grasses.

This raises the potential for a restoration program in cooperation with local residents and community groups to take advantage of public-private partnerships to restore the larger landscape of a Greater Twin Lakes Open Space, along the lines of Twin Ponds Refuge management. Applicant TLAG stands ready to engage in such stakeholder partnerships and organize residents' participation in future management of Greater Twin Lakes.

#### **5. Provide additional trail connections.**

The new parcel would benefit from being integrated into the existing Open Space by providing new connector trails to facilitate access, including a bridge across the ditch at a suitable

location. New trail connections and/or side loops should be explored and considered with regard to the Longmont-to-Boulder or "Lo-Bo" Regional Trail, "a 12-mile trail system that runs through Gunbarrel, Niwot, and open space properties connecting the City of Boulder with the City of Longmont. This Trail is an increasingly important regional connector. A Greater Twin Lakes Open Space presents opportunities to enhance the recreational opportunities and natural setting traversed by this signature regional trail.

## **6. Foster public involvement and support public-private partnerships**

Contrary to principles and commitments in the BVCP, BCCP, and Open Space policies, the public has not yet been engaged with regard to the fate of these parcels or looming development threat on undeveloped lands adjacent to Twin Lakes Open Space. The public at large, local residents, and community groups need to be heard.

TLAG is specifically interested in public-private partnerships that would address any concerns various County agencies might have regarding future management of these parcels as open space. TLAG is also open to exploring means of assuming ownership of the three properties proposed for open space, subject to appropriate conditions on title deeds and future use.

Open space acquisitions should encompass threatened properties with significant natural and recreational values in the midst of our communities. In this case, we have the rare opportunity to protect unincorporated Gunbarrel land adjacent to a designated Natural Ecosystem.

Open space properties near people are used every day by hundreds of visitors, and regularly by the majority of residents. No fossil fuels are used to access them by the vast majority of users. They provide convenient and vitally needed natural areas that provide vital ecosystem services on the one hand, and essential access to nature and the environment for Gunbarrel's 12,000-some residents on the other.

## **7. Guard against hydrologic and geologic hazards**

Significant hydrologic and geologic hazards are associated with development of this property, especially at densities exceeding existing land use designations.

The Preliminary Hydrologic Analysis on BCHA Property by Gordon McCurry, Ph.D. (June 24, 2015) details significant concerns associated with proposed development. Attached as Exhibit 1.

Potential hydrologic impacts to adjacent residential buildings include:

- At least some of the displaced groundwater would migrate toward the existing residences
- Deep-foundation footers or foundations that extended to the underlying bedrock would similarly displace existing groundwater
- Sump or drain systems that might be installed in new dwellings could also pose an additional hydrologic risk to nearby homes

Soil suitability concerns include flooding potential and risks or impacts to existing houses associated with existing shallow groundwater. The USDA Natural Resources Conservation Service appropriateness rating for buildings is “Very Limited”.

The risk of a dam breach of the East Lake would be exacerbated by new development on this parcel. Structures would divert the flows caused by the breach and most of that diverted water would be routed to the Red Fox Hills neighborhood to the east.

Hydrologically, McCurry stated that the parcel is like a multi-acre wet sponge. Development would increase the increase the flooding risk to nearby properties by reducing the ability to absorb runoff water.

**2) Relationship of the proposed amendment to the to the goals, policies, elements, and amendment criteria of the Boulder Valley Comprehensive Plan.**

Among the Core Values of the BVCP that would be furthered by the amendment are:

- Sustainability as a unifying framework to meet environmental, economic and social goals
- Open space preservation
- Great neighborhoods and public spaces
- Environmental stewardship and climate action
- Physical health and well-being

The BVCP provides that:

2.04 Open Space Preservation The city and county will permanently preserve lands with open space values by purchasing or accepting donations of fee simple interests, conservation easements or development rights and other measures as appropriate and financially feasible. Open space values include use of land for urban shaping and preservation of natural areas, environmental and cultural resources, critical ecosystems, water resources, agricultural land, scenic vistas and land for passive recreational use.

Section 1.27 provides that “The city and county will foster the role of neighborhoods to establish community character, provide services needed on a day-to-day basis, foster community interaction, and plan for urban design and amenities.” This proposal is coming from the neighborhood with the intent of protecting and enhancing the community character.

Section 2.01 provides that “The unique community identity and sense of place that is enjoyed by residents of the Boulder Valley [. . .] will be respected by policy decision makers.”

Section 2.03 requires that “The city and county will, by implementing the Boulder Valley Comprehensive Plan, ensure that development will take place in an orderly fashion, take

advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Boulder Valley.”

Section 2.06 – Preservation of Rural Areas and Amenities - The city and county will attempt to preserve existing rural land use and character in and adjacent to the Boulder Valley where...vistas...and established rural residential areas exist.”

Section 2.09 – Neighborhoods as Building Blocks – The city and county will foster the role of neighborhoods to establish community character, provide services needed on a day-to-day basis, foster community interaction, and plan for urban design and amenities.”

Section 2.10 - Preservation and Support for Residential Neighborhoods – The city will work with neighborhoods to protect and enhance neighborhood character and livability[. . .] The city will seek appropriate building scale and compatible character in new development[.]”

Section 2.14 - Mix of Complementary Land Uses - The city and county will strongly encourage, consistent with other land use policies, a variety of land uses in new developments. In existing neighborhoods, a mix of land use types, housing sizes and lot sizes may be possible if properly mitigated and respectful of neighborhood character. Wherever land uses are mixed, careful design will be required to ensure compatibility, accessibility and appropriate transitions between land uses that vary in intensity and scale.

Section 2.15 - Compatibility of Adjacent Land Uses - To avoid or minimize noise and visual conflicts between adjacent land uses that vary widely in use, intensity or other characteristics, the city will use tools such as interface zones, transitional areas, site and building design and cascading gradients of density in the design of subareas and zoning districts.

Section 2.32 provides for “provision of functional landscaping and open space; and the appropriate scale and massing of buildings related to neighborhood context.” Expanding open space will further these goals, and assure that appropriate scale and massing of buildings are consistent with the existing rural residential neighborhood context.

Importantly, Twin Lakes Open Space is designated on the Boulder Valley Natural Ecosystems Map in the BVCP. According to the BVCP:

In order to encourage environmental preservation, a Natural Ecosystem overlay is applied over Comprehensive Plan Land Use Designations throughout the Boulder Valley Planning Area. Natural ecosystems are defined as areas that support native plants and animals or possess important ecological, biological or geological values that represent the rich natural history of the Boulder Valley. The Natural Ecosystems overlay also identifies connections and buffers that are important for sustaining biological diversity and viable habitats for native species, for protecting the ecological health of certain natural systems, and to buffer potential impacts from adjacent land uses.

A Greater Twin Lakes Open Space will further these goals by providing connections and buffers for the wildlife and natural values in the existing Open Space. It will protect the ecological health of the riparian ecosystem from development threats, and buffer impacts from incompatible land uses.

The Boulder County Comprehensive Plan also emphasizes the importance of Open Space:

- 1) **Parks and open space.** “Open space shall be used as a means of preserving the rural character of the unincorporated county and as a means of protecting from development those areas which have significant environmental, scenic or cultural value.”

<http://www.bouldercounty.org/env/sustainability/pages/compplan.aspx>

The Twin Lakes Management Plan describes how the existing Open Space relates to the BCCP and BVCP at pages 38-39. Greater Twin Lakes would complement and supplement these goals and values by incorporating the additional 17 acres into the existing Open Space.

Goals in the Boulder County Comprehensive Plan (as amended, 1999) of particular relevance to the Twin Lakes Open Space include:

Appendix 2: Boulder County Comprehensive Plan: Goals and Policies

Goals

- Environmental Management

B.5 Wetlands, which are important to maintaining the overall balance of ecological systems, should be conserved.

B.9 Riparian ecosystems, which are important plant communities, wildlife habitat and movement corridors, shall be protected.

- Parks and Opens Space

C.1 Provision should be made for open space to protect and enhance the quality of life and enjoyment of the environment.

C.5 The private sector, non-county agencies, and other governmental jurisdictions should be encouraged to participate in open space preservation and trails development in Boulder County.

- Residential Goals

D.2 Quality residential areas, which function as integral neighborhood units with schools, parks and other similar facilities as centers, should be encouraged.

- Public Involvement

H.1 The county shall encourage public participation in the making of decisions by public and quasi-public bodies which significantly affect citizens.

Policies

Those policies in the Boulder County Comprehensive Plan (as amended, 1999) of particular relevance to the Twin Lakes Open Space include:

- Resource Management

OS 2.03 The county shall provide management plans and the means for the implementation of said plans for all open space areas that have been acquired by or dedicated to the county.

OS 2.03.01 The foremost management objectives of the individual open space lands shall follow directly from the purposes for which the land was acquired.

OS 2.03.02 Management of county open space lands shall consider the regional context of ecosystems and adjacent land uses.

OS 2.04 The county, through its Parks and Open Space Department, shall provide appropriate educational services for the public which increase public awareness of the county's irreplaceable and renewable resources and the management techniques appropriate for their protection, preservation, and conservation.

OS 2.05 The county, through its Weed Management Program, shall discourage the introduction of exotic or undesirable plants and shall work to eradicate existing infestations through the use of Integrated Weed Management throughout the county on private and public lands.

- Recreational Use

OS 4.03.01 Recreational use shall be passive, including but not limited to hiking, photography or nature studies, and, if specifically designated, bicycling, horseback riding, or fishing. Only limited development and maintenance of facilities will be provided.

- Trails

OS 6.01 Trails and trailheads shall be planned, designed, and constructed to avoid or minimize the degradation of natural and cultural resources, especially riparian areas and associated wildlife habitats.

OS 6.04 Trails shall provide for pedestrian, equestrian, bicycle, and/or other nonmotorized uses, where each is warranted. Incompatible uses shall be appropriately separated.

- Public Decision Making

OS 8.03 In developing management plans for open space area, Parks and Open Space staff shall solicit public participation of interested individuals, community organizations, adjacent landowners and the Parks and Open Space Advisory Committee. Plans shall be reviewed by the Parks and Open Space Advisory Committee, including public comment, and recommended for adoption after public hearing by the Board of County Commissioners.

<http://www.bouldercounty.org/doc/parks/twinlakesmplan.pdf> at 38-39 (emphasis added).

These goals and policies largely speak for themselves. Integrating 6655 and the two BVSD parcels into a Greater Twin Lakes Open Space would further the environmental management, parks and open space, and residential goals in the Plan. The proposed amendment offers opportunities to improve and enhance resource management, recreational use, and trails.

“Public Involvement” and “Public Decision Making” warrant special mention, as public participation has been severely lacking to date in decisions made and proposals developed by public bodies regarding the future use of these parcels and the overall community. This is contrary to specific direction.

Through this proposed amendment, TLAG is requesting the level of public participation that the County is required to offer: including public comment and a public hearing on the potential for adding these parcels to the Open Space system.

**Maps & Exhibits to Change Request & Narrative**

Map 1	6655 Twin Lakes Road Topo
Map 2	6655 Twin Lakes Road Street View
Map 3	Boulder County Main Map (broader context)
Map 4	Twin Lakes Open Space Boulder County Map
Map 5	Great-Horned Owl and Habitat
Exhibit 1	Preliminary Hydrologic Analysis on BCHA Property by Gordon McCurry, Ph.D. (June 24, 2015)

# 6655 Twin Lakes Road Topo 1

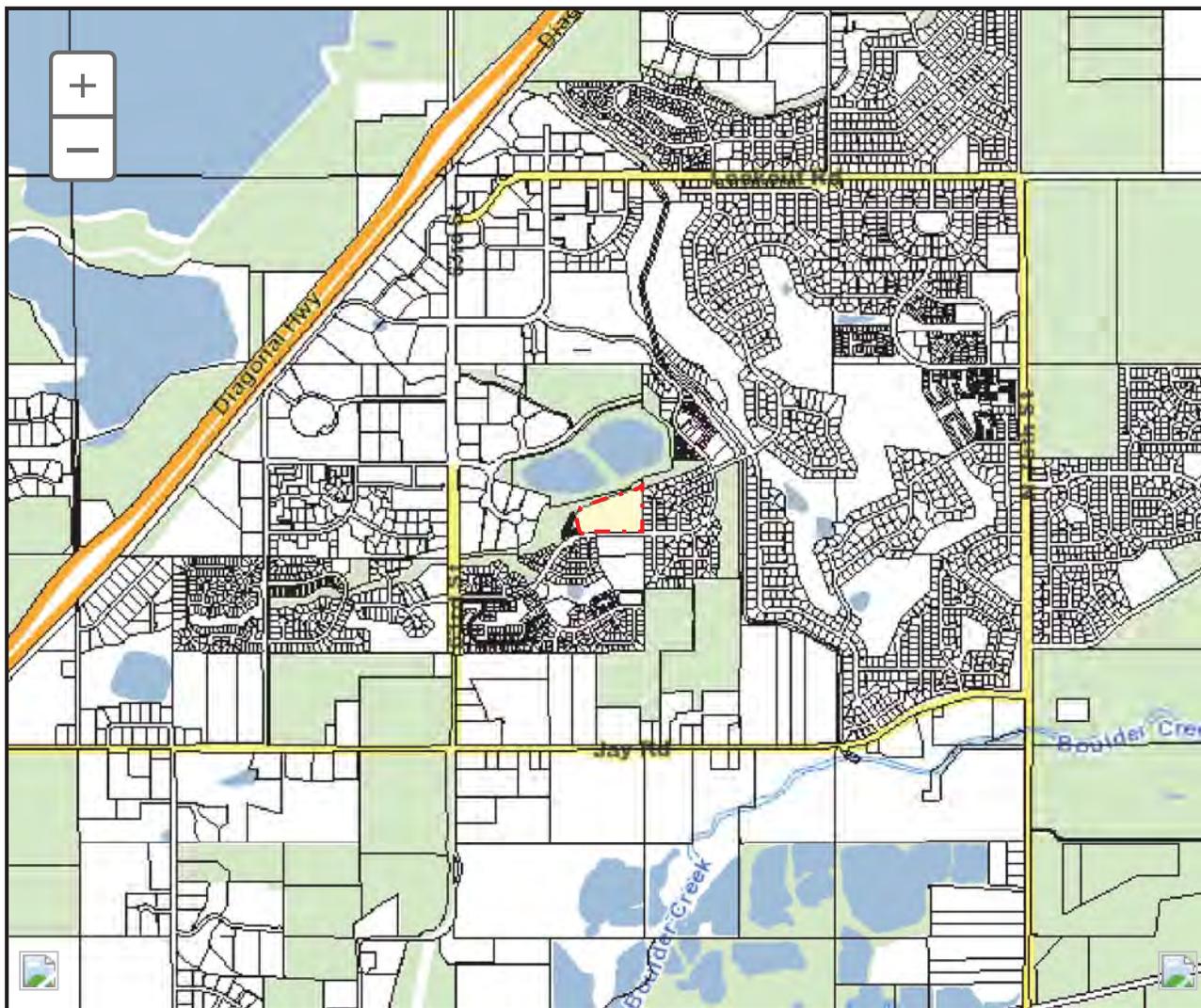


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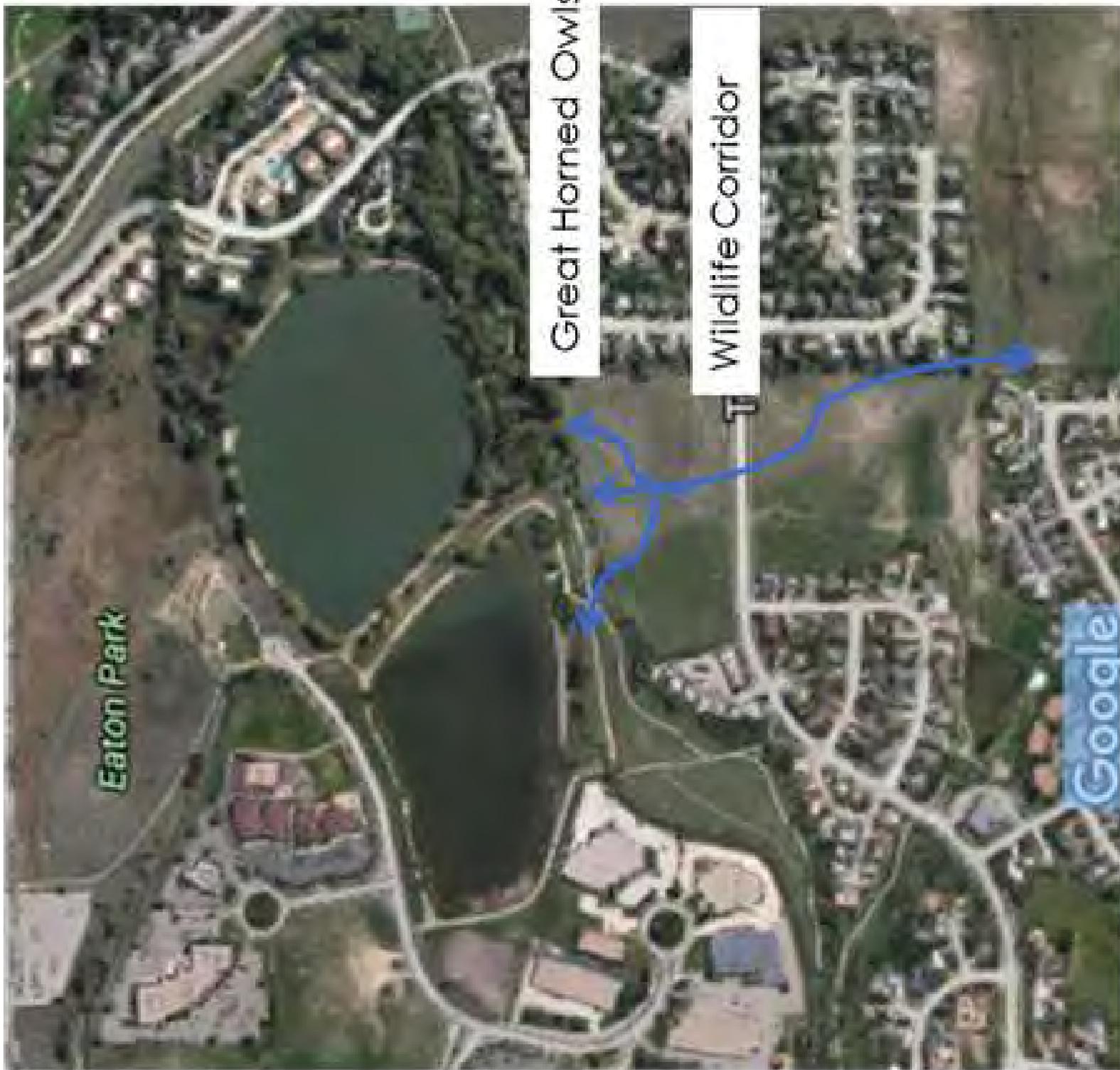
# Boulder County Main Map



# Boulder County Main Map







# Twin Lakes

## Open Space

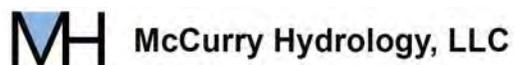


- PARKING
- FISHING  
Boats, Bellyboats, & Wading Are Prohibited.

- MULTIPLE USE TRAIL  
Pets Must Be On A Leash
- WEST LAKE TRAIL  
Multiple Use Trail,  
Pets May Be Off Leash

- PAVED ROAD
- FENCELINE





## Memorandum

To: Mr. David Rechberger, Twin Lakes Action Group  
From: Gordon McCurry, Ph.D.  
Date: June 24, 2015  
Subject: Preliminary Hydrologic Analysis of the BCHA Property at 6655 Twin Lakes Road

The Boulder County Housing Authority (BCHA) purchased a 10-acre parcel located at 6655 Twin Lakes Road in May 2013 with the goal of developing this undeveloped land to provide affordable housing. Residents of the surrounding community are concerned that developing this land could lead to an increase in basement flooding problems in this high-groundwater area. This memorandum presents my preliminary analysis of the hydrology of the subject property and surrounding areas, and provides recommendations on how to reduce flooding-related impacts related to developing the BCHA property.

### Site Environmental Setting

The BCHA property is located northeast of the City of Boulder in unincorporated Boulder County in the south-central portion of Section 11 of Township 1 North, Range 70 West. The land is undeveloped with a native grass cover (Figure 1). The property ranges in elevation from approximately 5175 to 5160 feet and slopes gently to the southeast towards Boulder Creek. The northern edge of the BCHA property corresponds approximately to the surface water drainage divide separating the Dry Creek drainage to the north and a portion of the Boulder Creek drainage to the south, within which the property lies. South of the property are several small intermittent eastward-flowing streams that drain into Boulder Creek. Soils in the area consist of clay loam and clay, defined by the USDA Natural Resources Conservation Service as Nunn B and Longmont B soils (NRCS, 2015). The BCHA property contains about equal areas of both soil types (Figure 2). Underlying the soils is the Pierre Shale, a regionally extensive and low-permeability bedrock layer (USDA, 1975). Borehole logs from wells drilled in the vicinity of the BCHA property and the Twin Lakes neighborhood indicate that the depth to bedrock is approximately 10 to 15 feet below ground surface. A shallow aquifer exists within the soils that overlie the shale bedrock.

### Hydrology Near the BCHA Property

Several man-made features exist in the area that dominates the hydrology of the BCHA and surrounding properties. North of the property are two lakes and three regional irrigation ditches. The West and East lakes are part of a 42-acre County Open Space Twin Lakes property. The lakes have been in use since 1910 to store water used for agricultural purposes (BCPOS, 2004). Portions of both lakes are adjacent to the northern edge of the BCHA property. The West and East lakes cover areas of approximately 16 and 11 acres, respectively, and have a combined storage capacity of 218 acre-feet (approximately 71 million gallons). The embankments for the

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## Preliminary Hydrologic Analysis, BCHA Property

June 24, 2015

Page 2

lakes consist of compacted earth fill (GEI Consultants, 2014). Wetlands exist around the lakes as a result of seepage through the lake bed and berms, creating shallow groundwater conditions (BCPOS, 2004).

In 2014 the Boulder and Left Hand Ditch Company sponsored a study of potential impacts of dam breaches of two of its reservoirs (GEI Consultants, 2014). One of these reservoirs is referred to in this report as the East Lake of the Twin Lakes open space. The impoundment for the East Lake has a State dam safety rating indicating there could be significant property damage if there is a dam failure (BCPOS, 2004). A hypothetical breach of the East Lake's dam was modeled and inundation maps were generated. The dam for this lake, Davis No. 1 Dam, is constructed as a dike that rings the eastern portion of the lake. Failure scenarios were modeled for both a northern and a southern dam breach. The southern breach scenario was felt to be smaller in magnitude than the northern breach. A portion of the hypothetical southern breach would discharge to the southeast, across the eastern portion of the BCHA property and through the neighborhoods southeast of the East Lake as water flows to Boulder Creek (GEI Consultants, 2014). The modeled southern breach had a peak flow of 600 cfs, roughly equivalent to high spring-time flows of Boulder Creek through town. Maximum flow depths to the southeast were modeled to be approximately one foot (Figure 3).

Located between the two lakes and the BCHA property are the North Boulder Farmer's Ditch, the Boulder and Left Hand Ditch, and the Boulder and White Rock Ditch. The former two ditches merge beginning west of 63<sup>rd</sup> Street and then the resulting two ditches run parallel to each other, traversing south of the West and East lakes and continuing to the east (Boulder County, 2000). The Boulder and Left Hand Ditch Irrigation Company retains the right to use the West and East lakes for storage purposes (BCPOS, 2004). Over the past 20 years an average of approximately 145 acre-feet per year has flowed through the ditches to supply the lakes. Like most ditches, these are unlined and likely leak a portion of their water to the underlying soils and shallow groundwater system, supporting the wetlands vegetation and lush growth around them.

Another hydrologic feature of note for the Twin Lakes community is the Boulder Supply Canal. This is a large-capacity canal located west of the Boulder Country Club neighborhood, adjacent to Carter Court and Carter Trail that define the west side of that neighborhood. The Boulder Supply Canal allows excess water in Boulder Reservoir to discharge to Boulder Creek (DWR, 2005). Although concrete-lined, it was built in 1955 and so it is likely that some leakage occurs through joints, cracks and areas of degraded concrete whenever it is in use.

Within and south of the residential areas south of Twin Lakes Road is a small lake and an intermittent stream that includes several areas containing wetlands-type vegetation. These water features also provide water to the underlying shallow aquifer system. The wetlands are an indication of shallow groundwater conditions in this portion of the residential area south of the BCHA property.

## Preliminary Hydrologic Analysis, BCHA Property

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### Hydraulic Limitations in the Vicinity of the BCHA Property

Twin Lakes, two irrigation ditches, and to a lesser extent a supply canal are all located hydraulically upgradient of and in close proximity of the BCHA property and surrounding residential areas. Collectively these provide ample sources of water to feed the area's shallow groundwater system. The water table of the shallow groundwater system is located relatively close to the land surface as shown by the commonly-occurring wetlands present in the area. The shallow depth to bedrock helps support and maintain the shallow aquifer. In addition, many homes in the Twin Lakes neighborhoods have sump pumps which are further evidence of shallow groundwater.

The USDA Natural Resources Conservation Service has compiled soils data and developed an interactive web-based graphical database that allows the user to examine the suitability of a given area to a set of potential uses (NRCS, 2015). The suitability analyses are based on geotechnical and engineering properties of the soils. The soils beneath the BCHA property (Figure 2) were evaluated as part of this preliminary hydrologic analysis as to their suitability for the construction of dwellings. Dwellings are defined by the NRCS as single-family houses of three stories or less. For dwellings with basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of approximately 7 feet. For dwellings without basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper.

Each soil type is assigned a suitability rating based on the limitations posed by individual soil properties. Two sets of criterion are applicable to dwellings: (1) properties that affect the ability of the soil to support a load without movement and (2) properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility (inferred from the Unified Soil Classification System classification of the soil). The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

Ratings indicate the extent to which the soils are limited by each of the applicable soil properties that affect the specified use, in this case the construction of dwellings. Numeric ratings are provided and indicate the severity or degree with which a given soil property contributes to the overall suitability rating. An assigned rating of "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected. An assigned rating of "Somewhat limited"

## Preliminary Hydrologic Analysis, BCHA Property

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indicates that the soil has features that are moderately unfavorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. An assigned rating of "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected (NRCS, 2015).

The suitability of soils for accommodating dwellings on and near the BCHA property was found to be somewhat limited to very limited for dwellings with basements (Figure 4). The main reasons were due to flooding potential and shallow depth to groundwater, and the shrink-swell potential of the soils. The flooding potential and shallow depth to groundwater are expected outcomes given the number and proximity of water sources in the immediate vicinity. The shrink-swell potential is associated with the shrinking of soil when dry and the swelling when wet – a common feature of many clay-rich soils. Shrinking and swelling of soil can damage roads, dams, building foundations, and other structures (NRCS, 2015). The suitability to accommodate dwellings without basements on and near the BCHA property was found to be very limited, for the same reasons.

To minimize the impacts from flooding potential, shallow groundwater and shrink-swell of the site soils, dwellings built on the BCHA property may require additional design components. These may include addition foundation footers, exterior tile drains around the foundations, sump pumps in basements and crawl spaces, setbacks for landscaping, and gutter downspouts that extend beyond a critical setback distance from the dwellings.

#### Hydrologic Concerns Associated with Development of the BCHA Property

The preceding discussion suggests potential limitations associated with constructing dwellings on the BCHA property and offers general guidelines to mitigate those limitations. However, it does not address potential hydrologic impacts to adjacent residential buildings associated with development of the property. The key impacts are:

- higher risk of basement flooding,
- increases in the frequency and/or volume required to be pumped from homes with existing sump pump systems, and
- the need for homes to install and operate sump pump systems that historically have not had to do so.

The causes of these potential impacts relate to constructing dwellings, dwelling foundations and foundation footers, and even the sump or drain systems that might be installed for the new homes. Dwellings typically are constructed so that the soil beneath the building foundation supports some of the weight of the building, with the remaining load supported by foundation

## Preliminary Hydrologic Analysis, BCHA Property

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footers. The weight of a structure compresses the underlying soil. Sand- and gravel-rich soils have very little compressibility but the clay-rich soils beneath the BCHA property are likely to have a relatively high compression potential. In the northern portion of the BCHA property where shallow depth to groundwater is more likely due to the nearby lakes and irrigation ditches, it is possible that compressed soils could extend below the water table. If this were to occur, the groundwater previously occupying those pore spaces in the soil would be displaced and would migrate elsewhere. Depending on the density of building construction and how close those buildings were to existing residences, at least some of the displaced groundwater would migrate toward the existing residences with a resulting rise in the water table and increased risk of basement flooding. Deep foundation footers or foundations that extended to the underlying bedrock would similarly displace existing groundwater.

In addition, sump or drain systems that might be installed in new dwellings could also pose an addition hydrologic risk to nearby homes. It is common for water extracted from sump/drain systems to be discharged into nearby gutters or storm drains. Depending on how the storm drain system for the new dwellings is designed, the extracted water may end up infiltrating along the edges of the BCHA property which would lead to higher groundwater conditions for the adjacent residences.

An additional hydrologic concern associated with development of the BCHA property, which one hopes never occurs, is the impact of a dam breach of the East or West lakes on the Twin Lakes property. The hydraulic analyses conducted for the East Lake indicates a portion of the discharge from a hypothetical southern breach would traverse the east side of the BCHA property. Should homes be constructed in that area, their presence would divert the flows caused by the breach and, based on the inundation analyses, most of that diverted water would be routed to the neighborhood to the east. No analysis was performed for a breach of the West Lake, but it is reasonable to assume that newly built dwellings on the BCHA property would also divert some of the released lake water into adjacent neighborhoods.

### Conclusions

Before any dwellings are built on the BCHA property the developer must take into account the shallow groundwater conditions that likely exist in the region so that existing homes are not adversely affected. Any homes that are built should be designed to overcome the limitations posed by flooding potential, shallow depth to water, and shrink-swell conditions of the soil. Installing wells on the property and instrumenting them to characterize the depth to groundwater in the shallow aquifer, over the course of at least one year, and performing geotechnical testing on soils are both necessary to better characterize the hydraulic properties and gain a better understanding of potential impacts to adjacent residences.

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<http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

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Figure 1. View looking northwest at the BCHA property from Twin Lakes Road.

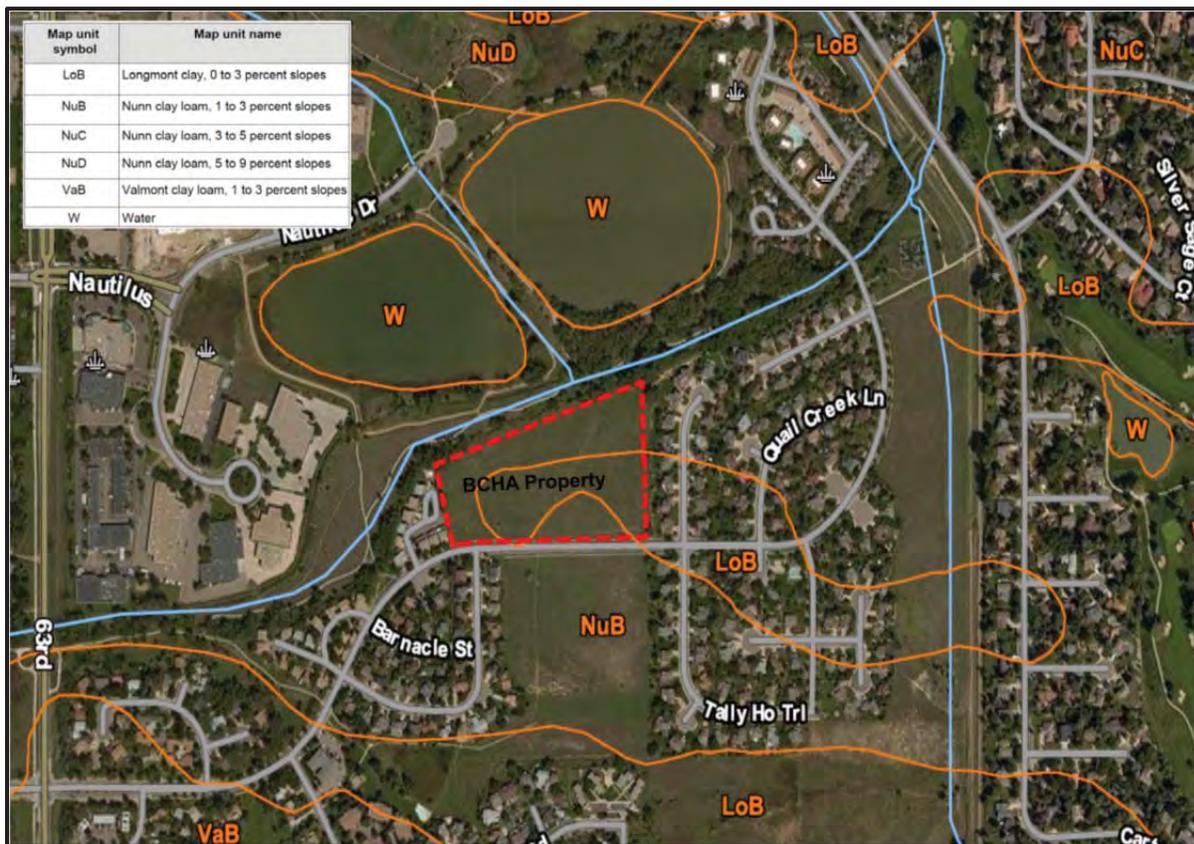


Figure 2. Soils in the vicinity of the BCHA property.

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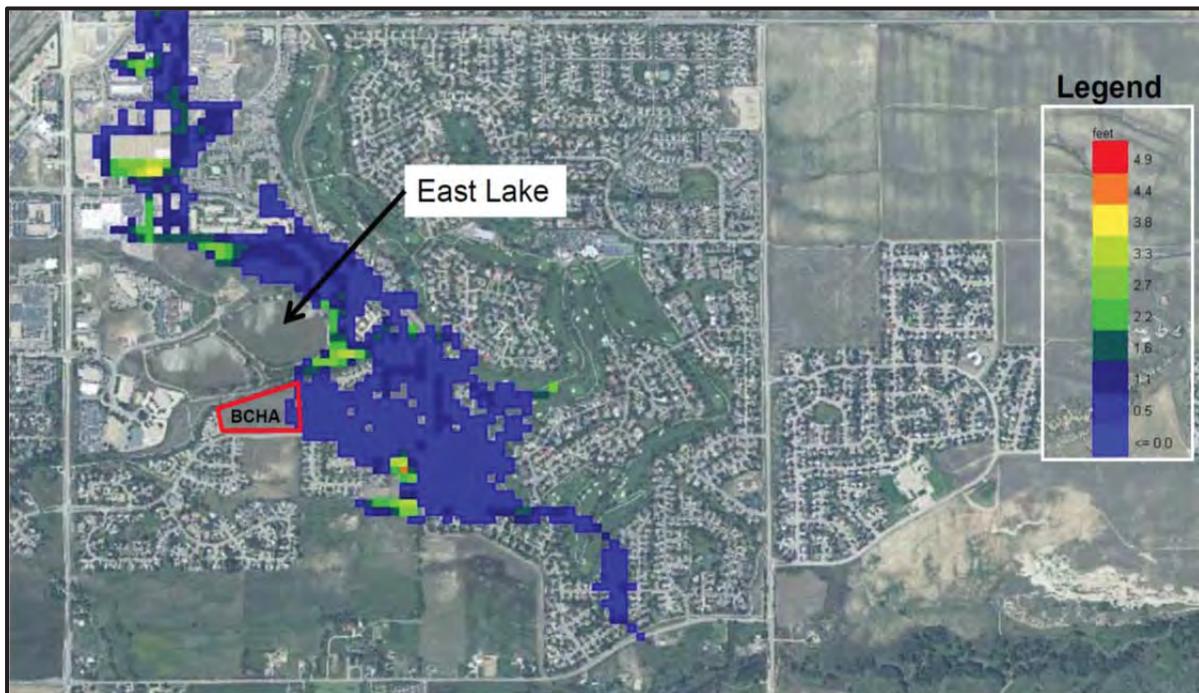


Figure 3. Inundation area and maximum flow depths for a dam breach of the East Lake.

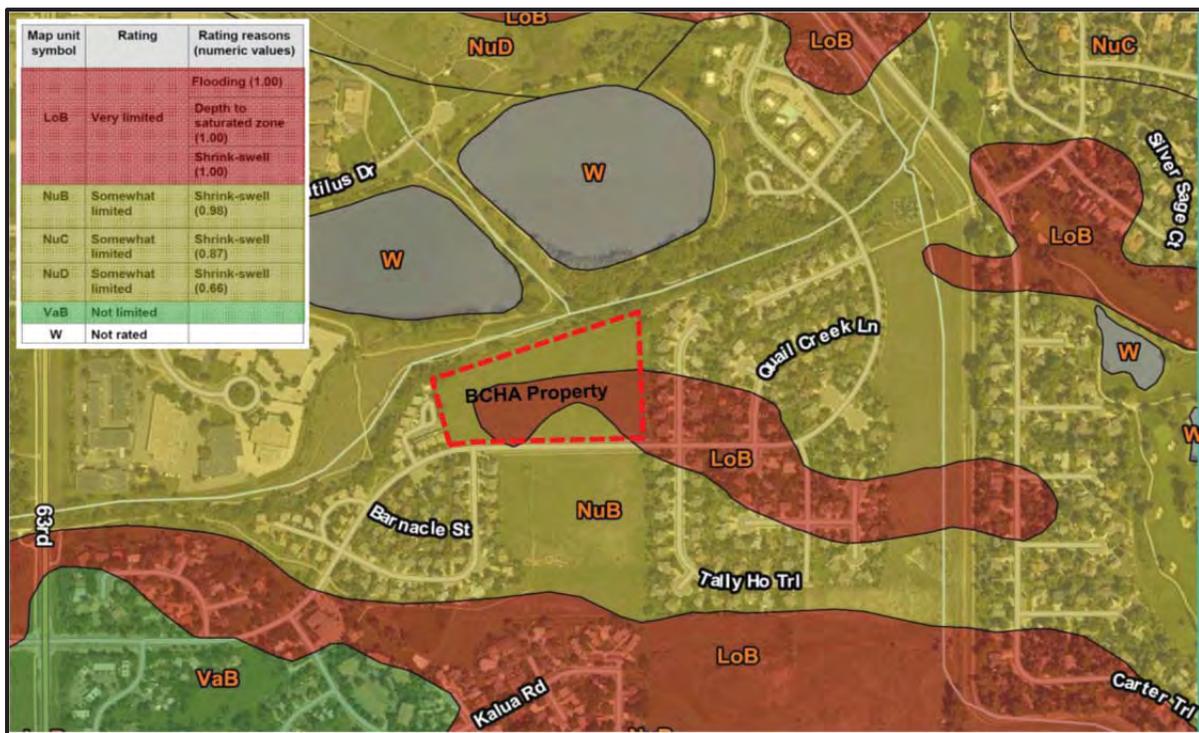


Figure 4. Limitations for construction of dwellings with basements.



# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input checked="" type="checkbox"/>	Land Use Map Amendment
<input type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:

Change the Land Use Map of the parcel at 6650 Twin Lakes Road to Open Space, so that the parcel can be managed as part of a Greater Twin Lakes Open Space area, in concert with related requests for 6655 Twin Lakes Road and 0 KaluaRoad.

See next page for complete text.

b. Brief reason or justification for the proposed amendment:

The parcel consists of 3.97 acres of undeveloped land.

This parcel is located south of 6655 Twin Lakes Road, and north of 0 Kalua Road, each of which are also proposed for open space designation. 6655 Twin Lakes Road is adjacent to Twin Lakes

a. Map(s) proposed for amendment: See attached

b. Brief description of location of proposed amendment:

Section: 14 Township: 1N Range: 70

c. Size of parcel: 6.08

(Full text cropped from previous page):

### Request 36) 6500 Twin Lakes Rd– Twin Lakes Action Group

Brief reason or justification for the proposed amendment:

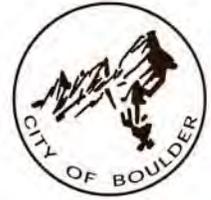
The parcel consists of 3.97 acres of undeveloped land.

This parcel is located south of 6655 Twin Lakes Road, and north of O Kalua Road, each of which are also proposed for open space designation. 6655 Twin Lakes Road is adjacent to Twin Lakes Open Space.

The property at is owned by Boulder Valley School District (BVSD), but change requests that might allow development are expected. Adding the parcel to the Open Space system to enlarge and enhance the values of the existing Twin Lakes property is the best use.

In concert with the other two change requests being submitted by TLAG, this parcel satisfies four of the five criteria for acquisition and incorporation into the County Open Space program. A Greater Twin Lakes adding these three parcels would provide a wildlife corridor connecting the existing Twin Lakes Open Space to undeveloped open space to the south.

Designating and managing the property as part of a Greater Twin Lakes Open Space is the highest and best use for this property, is consistent with BVCP guidance and direction, and would prevent proposed development projects in an unsuitable location that are incompatible with the existing character of the community.



**3) Applicant:**

Name: Twin Lakes Action Group, Martin Streim, Chair

Address: 4659 Tally Ho Trail Boulder, CO 80301

Phone: 303.955.7809

**4) Owner:**

Name: Boulder Valley School District

Address: 6500 Arapahoe Avenue, Boulder CO 80303

Phone: Glen Segrew, 720-561-5794

**5) Representative/Contact:**

Name: Mike Chiropolos, Attorney for TLAG

Address: 870 Inca Pkwy  
Boulder CO 80303

Phone: 303-956-0595

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

No.

## Land Use Change Narrative (6650 Twin Lakes Road)

### 1) This proposal is intended to do the following:

#### 1. Allow this 3.95-acre parcel to be added the County Open Space program.

In concert with 6655 Twin Lakes Road and 0 Kahlua Road, the property qualifies for open space according to the County's acquisition criteria:

Parks and Open Space staff strive to acquire land that meet these criteria:

- ≠ Land threatened by development that is near or adjacent to existing open space
- ≠ Prime agricultural land
- ≠ Wildlife habitat
- ≠ Riparian and scenic corridors
- ≠ Land that could provide trail connections.

<http://www.bouldercounty.org/os/openspace/pages/acquisitions.aspx>

According to the County description of the existing Open Space:

In the 1960s, thanks to the nearby IBM plant and other commercial attractions, the Gunbarrel residential area grew up around the lakes. The lakes have been central to the Gunbarrel community from the beginning.

<http://www.bouldercounty.org/os/parks/pages/twinlakes.aspx>.

As the community has grown, the need for additional open space to accommodate additional residents has grown with it. So has the need to better protect remaining natural values under siege from encroaching development on private land -- has grown with it. Now is the time to protect this parcel and expand the existing Open Space.

This request is submitted with parallel requests for the adjacent properties at 6655 Twin Lakes Road (9.97 acres), and 0 Kalua Road (6.08 acres), which are located directly south of 6655 Twin Lakes Road. The two southern parcels are currently owned by Boulder Valley School District (the "BVSD parcels"). Thus -- including this 3.97 acre 6650 parcel -- the County, City, and community have a rare chance to expand Gunbarrel's magnificent Twin Lakes Open Space by a total of 17 acres. All three proposed properties are currently publicly owned. This unique opportunity for the 2015 BVCP Update is made possible by the County's purchase of 6655 in 2013, and the fact that BVSD has stated it has no plans to use 6650 or 0 Kahlua for School District purposes.

A Greater Twin Lakes Open Space would have many similarities to the Twin Ponds National Wildlife Refuge in Arvada described in the 6655 Twin Lakes Road change request. It would further the purposes of the Colorado Beautiful initiative, also described in the 6655 narrative.

## **2. Prevent proposed development of land adjacent to existent open space.**

6650 is suitable to be managed as part of a Greater Twin Lakes Open Space area. The parcel is currently threatened by unsuitable development proposals for which the property is an unsuitable location. It is adjacent to 6655 Twin Lakes Road, which is contiguous to the southern boundary of the existing Twin Lakes Open Space .

## **3. Conserve wildlife habitat.**

The parcel offers abundant wildlife habitat, which is otherwise shrinking within Gunbarrel and the vicinity of the existing Open Space. Boulder County describes the existing Twin Lakes Open Space as “a haven for wetland wildlife, a hidden gem in the heart of Gunbarrel area.” The official description further describes habitat values and lists species as follows:

Wetland habitats, nestled within the surrounding Great Plains, support aquatic plant and animal life and serve to lure in large numbers of migrating bird species. With grasses, wildflowers and trees surrounding the wetlands, these areas are biologically diverse both in and out of the water.

### Mammals

- ≠ Coyote
- ≠ Eastern cottontail
- ≠ Fox squirrel
- ≠ Little brown bat
- ≠ Raccoon
- ≠ Red fox
- ≠ Striped skunk

### Birds

- ≠ American avocet
- ≠ American coot
- ≠ American crow
- ≠ American goldfinch
- ≠ American kestrel
- ≠ American robin
- ≠ American widgeon
- ≠ Belted kingfisher
- ≠ Canada goose
- ≠ Common grackle
- ≠ Common raven

- ≠ Downy woodpecker
- ≠ Black-billed magpie
- ≠ Black-capped chickadee
- ≠ Bullock's Oriole
- ≠ Double-crested cormorant
- ≠ Great blue heron
- ≠ Great Horned Owl
- ≠ Killdeer
- ≠ Mallard
- ≠ Mourning dove
- ≠ Red-tailed hawk
- ≠ Red-winged blackbird
- ≠ Tree swallow
- ≠ Violet-green swallow
- ≠ Yellow-rumped warbler
- ≠ Yellow Warbler

#### Amphibians & Reptiles

- ≠ Bullsnake
- ≠ Garter snake
- ≠ Snapping turtle

Most or all of these habitat values would carry over the three proposed open space parcels (6650 Twin Lakes Road, 6655 Twin Lakes Road, and 0 Kalua Road), and most or all of the listed species would use and benefit from adding the new acreage to the existing Open Space under more active management. The wildlife corridor south of Twin Lakes connects the existing Open Space across 6655, 6650, and 0 Kalua towards other undeveloped parcels and leads towards Boulder Creek.

The property provides hunting habitat and prey for the Great-Horned Owls that nest on the southern edge of Twin Lakes Open Space, and other raptors and predators. Wildlife species and values are further described at pages 40-44 of the Twin Lakes Management Plan.

#### **4. Protect riparian and scenic corridors**

According to the Twin Lakes Open Space Management Plan:

Remnants of native riparian and wetland ecosystems remain and artificial waterways create new habitat.

Wetlands and riparian areas provide food, denning and nesting sites, and respite from the hot sun or gusting winds. A diversity of flora and fauna are found in this ecosystem from water-dependent plants to migratory birds that use them for resting places.

<http://www.bouldercounty.org/doc/parks/twinlakesmplan.pdf> at 11.

The Management Plan continues:

Wetland fringe, forested riparian, and upland grass communities comprise the vegetation surrounding Twin Lakes. These communities are heavily disturbed and the predominant vegetative covering is weedy species and pasture grasses.

This raises the potential for a restoration program in cooperation with local residents and community groups to take advantage of public-private partnerships to restore the larger landscape of a Greater Twin Lakes Open Space, along the lines of Twin Ponds Refuge management.

Scenic values will be enhanced by a Greater Twin Lakes property.

#### **5. Provide additional trail connections.**

This parcel could provide trail connections to both the north and the south. New trail stretches and connections should be explored and considered with regard to 1) the proposed Greater Twin Lakes, and 2) the Longmont-to-Boulder or "Lo-Bo" Regional Trail, "a 12-mile trail system that runs through Gunbarrel, Niwot, and open space properties connecting the City of Boulder with the City of Longmont. This Trail is an increasingly important regional connector. A Greater Twin Lakes Open Space presents opportunities to enhance the recreational opportunities, scenic values, and natural setting traversed by this regional trail.

#### **6. Foster public involvement and support public-private partnerships**

Contrary to principles and commitments in the BVCP, BCCP, and Open Space policies, the public has not yet been engaged with regard to the fate of these parcels or looming development threat on undeveloped lands adjacent to and in the vicinity of Twin Lakes Open Space. The public at large, local residents, and community groups need to be heard.

TLAG is specifically interested in public-private partnerships that would address any concerns County agencies might have regarding future management of these parcels as open space. TLAG is also open to exploring means of assuming ownership of the properties proposed for open space.

Open space acquisitions should encompass threatened properties with significant natural and recreational values in the midst of our communities, in this case, unincorporated Gunbarrel land adjacent to a designated Natural Ecosystem. Open space properties near people are used every day by hundreds of visitors, and regularly by the majority of residents. No fossil fuels are used to access them by the vast majority of users. They provide convenient and vitally needed natural areas that provide vital ecosystem services on the one hand, and essential access to nature and the environment for Gunbarrel's 12,000-some residents on the other.

#### **7. Guard against hydrologic and geologic hazards**

Hydrologic and geologic hazards could be associated with development of this property, especially at densities exceeding existing land use designations. The area is known to have a high water table.

The Preliminary Hydrologic Analysis on BCHA Property by Gordon McCurry, Ph.D. (June 24, 2015) is discussed in the 6655 Twin Lakes Road change request. These include potential hydrologic impacts to existing structures and properties; soil suitability concerns; and flooding potential associated with existing shallow groundwater.

**2) Relationship of the proposed amendment to the to the goals, policies, elements, and amendment criteria of the Boulder Valley Comprehensive Plan.**

Among the Core Values of the BVCP that would be furthered by the amendment are:

- ≠ Sustainability as a unifying framework to meet environmental, economic and social goals
- ≠ Open space preservation
- ≠ Great neighborhoods and public spaces
- ≠ Environmental stewardship and climate action
- ≠ Physical health and well-being

The BVCP provides that:

2.04 Open Space Preservation The city and county will permanently preserve lands with open space values by purchasing or accepting donations of fee simple interests, conservation easements or development rights and other measures as appropriate and financially feasible. Open space values include use of land for urban shaping and preservation of natural areas, environmental and cultural resources, critical ecosystems, water resources, agricultural land, scenic vistas and land for passive recreational use.

Section 1.27 provides that “The city and county will foster the role of neighborhoods to establish community character, provide services needed on a day-to-day basis, foster community interaction, and plan for urban design and amenities.” This proposal is coming from the neighborhood with the intent of protecting and enhancing the community character.

Section 2.01 provides that “The unique community identity and sense of place that is enjoyed by residents of the Boulder Valley [. . .] will be respected by policy decision makers.”

Section 2.03 requires that “The city and county will, by implementing the Boulder Valley Comprehensive Plan, ensure that development will take place in an orderly fashion, take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Boulder Valley.”

Section 2.06 – Preservation of Rural Areas and Amenities - The city and county will attempt to preserve existing rural land use and character in and adjacent to the Boulder Valley where...vistas...and established rural residential areas exist.”

Section 2.09 – Neighborhoods as Building Blocks – The city and county will foster the role of neighborhoods to establish community character, provide services needed on a day-to-day basis, foster community interaction, and plan for urban design and amenities.”

Section 2.10 - Preservation and Support for Residential Neighborhoods – The city will work with neighborhoods to protect and enhance neighborhood character and livability[. . .] The city will seek appropriate building scale and compatible character in new development[.]”

Section 2.14 - Mix of Complementary Land Uses - The city and county will strongly encourage, consistent with other land use policies, a variety of land uses in new developments. In existing neighborhoods, a mix of land use types, housing sizes and lot sizes may be possible if properly mitigated and respectful of neighborhood character. Wherever land uses are mixed, careful design will be required to ensure compatibility, accessibility and appropriate transitions between land uses that vary in intensity and scale.

Section 2.15 - Compatibility of Adjacent Land Uses - To avoid or minimize noise and visual conflicts between adjacent land uses that vary widely in use, intensity or other characteristics, the city will use tools such as interface zones, transitional areas, site and building design and cascading gradients of density in the design of subareas and zoning districts.

Section 2.32 provides for “provision of functional landscaping and open space; and the appropriate scale and massing of buildings related to neighborhood context.” Expanding open space will further these goals, and assure that appropriate scale and massing of buildings are consistent with the existing rural residential neighborhood context.

Importantly, Twin Lakes Open Space is designated on the Boulder Valley Natural Ecosystems Map in the BVCP. According to the BVCP:

In order to encourage environmental preservation, a Natural Ecosystem overlay is applied over Comprehensive Plan Land Use Designations throughout the Boulder Valley Planning Area. Natural ecosystems are defined as areas that support native plants and animals or possess important ecological, biological or geological values that represent the rich natural history of the Boulder Valley. The Natural Ecosystems overlay also identifies connections and buffers that are important for sustaining biological diversity and viable habitats for native species, for protecting the ecological health of certain natural systems, and to buffer potential impacts from adjacent land uses.

A Greater Twin Lakes Open Space will further these goals by providing connections and buffers for the wildlife and natural values in the existing Open Space. It will protect the ecological health of the riparian ecosystem from development threats, and buffer impacts from incompatible land uses.

The Boulder County Comprehensive Plan also emphasizes the importance of Open Space:

1) **Parks and open space.** “Open space shall be used as a means of preserving the rural character of the unincorporated county and as a means of protecting from development those areas which have significant environmental, scenic or cultural value.”

<http://www.bouldercounty.org/env/sustainability/pages/compplan.aspx>

The Twin Lakes Management Plan describes how the existing Open Space relates to the BCCP and BVCP at pages 38-39. Greater Twin Lakes would complement and supplement these goals and values by incorporating the additional 17 acres into the existing Open Space.

Goals in the Boulder County Comprehensive Plan (as amended, 1999) of particular relevance to the Twin Lakes Open Space include:

Appendix 2: Boulder County Comprehensive Plan: Goals and Policies

Goals

- Environmental Management

B.5 Wetlands, which are important to maintaining the overall balance of ecological systems, should be conserved.

B.9 Riparian ecosystems, which are important plant communities, wildlife habitat and movement corridors, shall be protected.

- Parks and Opens Space

C.1 Provision should be made for open space to protect and enhance the quality of life and enjoyment of the environment.

C.5 The private sector, non-county agencies, and other governmental jurisdictions should be encouraged to participate in open space preservation and trails development in Boulder County.

- Residential Goals

D.2 Quality residential areas, which function as integral neighborhood units with schools, parks and other similar facilities as centers, should be encouraged.

- Public Involvement

H.1 The county shall encourage public participation in the making of decisions by public and quasi-public bodies which significantly affect citizens.

Policies

Those policies in the Boulder County Comprehensive Plan (as amended, 1999) of particular relevance to the Twin Lakes Open Space include:

- Resource Management

OS 2.03 The county shall provide management plans and the means for the implementation of said plans for all open space areas that have been acquired by or dedicated to the county.

OS 2.03.01 The foremost management objectives of the individual open space lands shall follow directly from the purposes for which the land was acquired.

OS 2.03.02 Management of county open space lands shall consider the regional context of ecosystems and adjacent land uses.

OS 2.04 The county, through its Parks and Open Space Department, shall provide appropriate educational services for the public which increase public awareness of the county's irreplaceable and renewable resources and the management techniques appropriate for their protection, preservation, and conservation.

OS 2.05 The county, through its Weed Management Program, shall discourage the introduction of exotic or undesirable plants and shall work to eradicate existing infestations through the use of Integrated Weed Management throughout the county on private and public lands.

- Recreational Use

OS 4.03.01 Recreational use shall be passive, including but not limited to hiking, photography or nature studies, and, if specifically designated, bicycling, horseback riding, or fishing. Only limited development and maintenance of facilities will be provided.

- Trails

OS 6.01 Trails and trailheads shall be planned, designed, and constructed to avoid or minimize the degradation of natural and cultural resources, especially riparian areas and associated wildlife habitats.

OS 6.04 Trails shall provide for pedestrian, equestrian, bicycle, and/or other nonmotorized uses, where each is warranted. Incompatible uses shall be appropriately separated.

- Public Decision Making

OS 8.03 In developing management plans for open space area, Parks and Open Space staff shall solicit public participation of interested individuals, community organizations, adjacent landowners and the Parks and Open Space Advisory Committee. Plans shall be reviewed by the Parks and Open Space Advisory Committee, including public comment, and recommended for adoption after public hearing by the Board of County Commissioners.

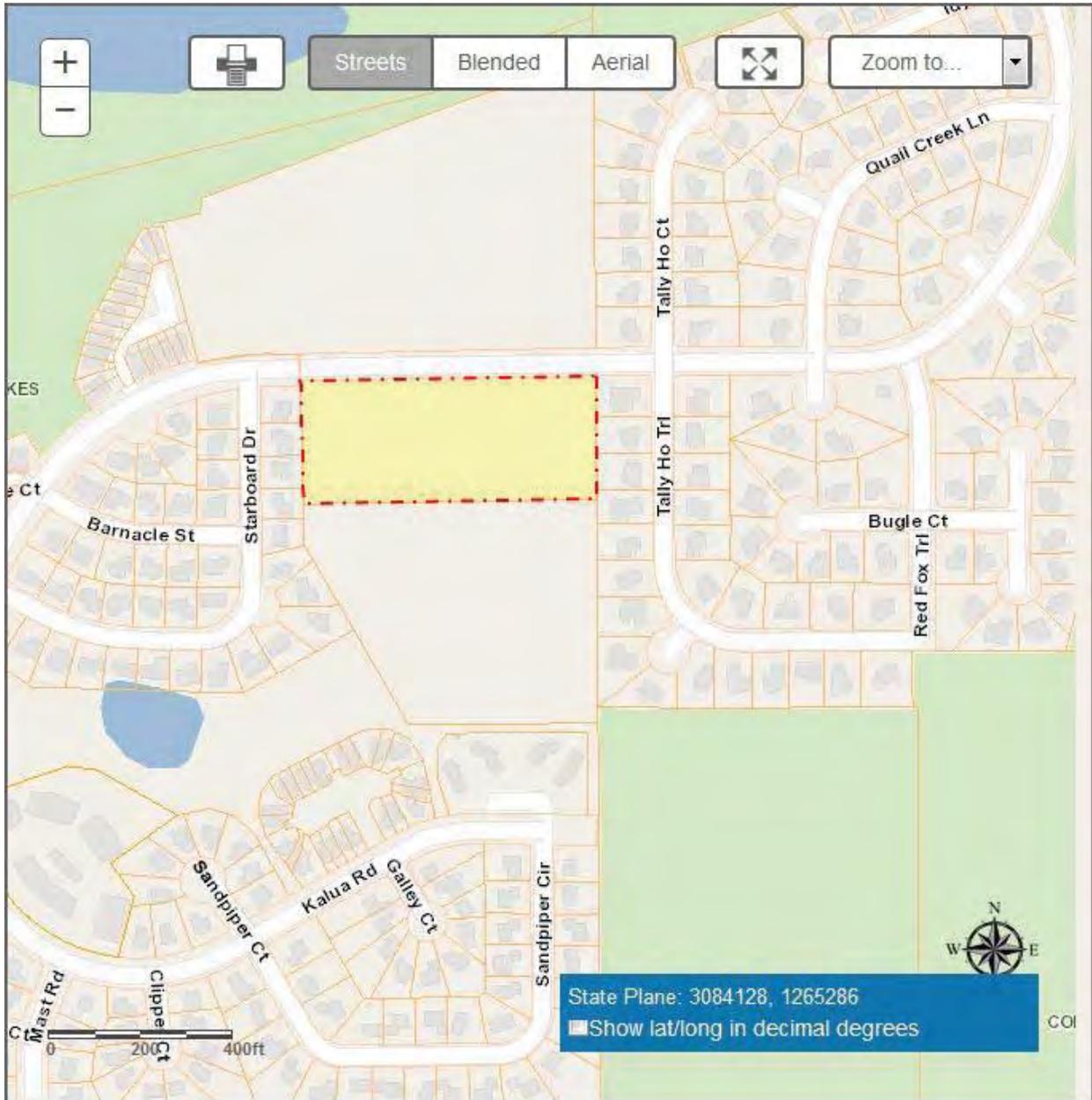
These goals and policies largely speak for themselves. Integrating 6655 and the two BVSD parcels into a Greater Twin Lakes Open Space would further the environmental management, parks and

open space, and residential goals in the Plan. The proposed amendment offers opportunities to improve and enhance resource management, recreational use, and trails.

“Public Involvement” and “Public Decision Making” warrant special mention, as public participation has been severely lacking to date in decisions made and proposals developed by public bodies regarding the future use of these parcels and the overall community. This is contrary to specific direction.

Through this proposed amendment, TLAG is requesting the level of public participation that the County is required to offer: including public comment and a public hearing on the potential for these parcels to be added to the Open Space system.

## Location map showing size and context of the area proposed for amendment







# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input checked="" type="checkbox"/>	Land Use Map Amendment
<input type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:

Change the Land Use Map of the parcel at 0 Kalua Road to Open Space, so that the parcel can be managed as part of a Greater Twin Lakes Open Space area, in concert with related requests for 6655 Twin Lakes Road and 6650 Twin Lakes Road.

b. Brief reason or justification for the proposed amendment:

0 Kahlua Road consists of 6.08 acres of undeveloped land.

This parcel is located directly south of 6650 Twin Lakes Road, which is in turn directly south (across the road) of 6655 Twin Lakes Road, both of which are also proposed for open space

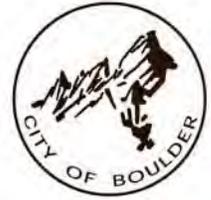


a. Map(s) proposed for amendment: See attached

b. Brief description of location of proposed amendment:

Section: 14 Township: 1N Range: 70

c. Size of parcel: 6.08



**3) Applicant:**

Name: Twin Lakes Action Group, Martin Streim, Chair

Address: 4659 Tally Ho Trail Boulder, CO 80301

Phone: 303.955.7809

**4) Owner:**

Name: Boulder Valley School District

Address: 6500 Arapahoe Avenue, Boulder CO 80303

Phone: Glen Segrew, 720-561-5794

**5) Representative/Contact:**

Name: Mike Chiropolos, Attorney for TLAG

Address: 870 Inca Pkwy  
Boulder CO 80303

Phone: 303-956-0595

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

No.

## Land Use Change Narrative (0 Kalua Road)

### 1) This proposal is intended to do the following:

#### 1. Allow this 6.08-acre parcel to be added the County Open Space program

In concert with 6655 Twin Lakes Road and 6650 Twin Lakes Road, the property qualifies for open space according to the County's acquisition criteria:

Parks and Open Space staff strive to acquire land that meet these criteria:

- ≠ Land threatened by development that is near or adjacent to existing open space
- ≠ Prime agricultural land
- ≠ Wildlife habitat
- ≠ Riparian and scenic corridors
- ≠ Land that could provide trail connections.

<http://www.bouldercounty.org/os/openspace/pages/acquisitions.aspx>

According to the County description of the existing Open Space:

In the 1960s, thanks to the nearby IBM plant and other commercial attractions, the Gunbarrel residential area grew up around the lakes. The lakes have been central to the Gunbarrel community from the beginning.

<http://www.bouldercounty.org/os/parks/pages/twinlakes.aspx>.

As the community has grown, the need for additional open space to accommodate additional residents has grown with it. So has the need to better protect remaining natural values under siege from encroaching development on private land -- has grown with it. Now is the time to protect this parcel and expand the existing Open Space.

This request is submitted with parallel requests for the adjacent properties at 6655 Twin Lakes Road (9.97 acres), and 6650 Twin Lakes Road (3.97 acres), which are located directly south of 6655 Twin Lakes Road. The two southern parcels are currently owned by Boulder Valley School District (the "BVSD parcels"). Thus -- including this 6.08 acre 0 Kalua Road parcel -- the County, City, and community have a rare chance to expand Gunbarrel's magnificent Twin Lakes Open Space by a total of 17 acres.

All three proposed properties are currently publicly owned. This unique opportunity for the 2015 BVCP Update is made possible by the County's purchase of 6655 in 2013, and the fact that BVSD has stated it has no plans to use 6650 Twin Lakes or 0 Kahlua for School District purposes.

A Greater Twin Lakes Open Space would have many similarities to the Twin Ponds National Wildlife Refuge in Arvada described in the 6655 Twin Lakes Road change request. It would further the purposes of the Colorado Beautiful initiative, also described in the 6655 narrative.

## **2. Prevent proposed development of land adjacent to existent open space**

0 Kalua Road is suitable to be managed as part of a Greater Twin Lakes Open Space area. The parcel is currently threatened by unsuitable development proposals for which the property is an unsuitable location. It is adjacent to 6650 Twin Lakes Road, which is in turn adjacent to (across the street from) 6655 Twin Lakes Road, which is contiguous to the southern boundary of the existing Twin Lakes Open Space.

## **3. Conserve wildlife habitat**

The parcel offers abundant wildlife habitat, which is otherwise shrinking within Gunbarrel and the vicinity of the existing Open Space. Boulder County describes the existing Twin Lakes Open Space as “a haven for wetland wildlife, a hidden gem in the heart of Gunbarrel area.” The official description further describes habitat values and lists species as follows:

Wetland habitats, nestled within the surrounding Great Plains, support aquatic plant and animal life and serve to lure in large numbers of migrating bird species. With grasses, wildflowers and trees surrounding the wetlands, these areas are biologically diverse both in and out of the water.

### Mammals

- ≠ Coyote
- ≠ Eastern cottontail
- ≠ Fox squirrel
- ≠ Little brown bat
- ≠ Raccoon
- ≠ Red fox
- ≠ Striped skunk

### Birds

- ≠ American avocet
- ≠ American coot
- ≠ American crow
- ≠ American goldfinch
- ≠ American kestrel
- ≠ American robin
- ≠ American widgeon
- ≠ Belted kingfisher
- ≠ Canada goose

- ≠ Common grackle
- ≠ Common raven
- ≠ Downy woodpecker
- ≠ Black-billed magpie
- ≠ Black-capped chickadee
- ≠ Bullock's Oriole
- ≠ Double-crested cormorant
- ≠ Great blue heron
- ≠ Great Horned Owl
- ≠ Killdeer
- ≠ Mallard
- ≠ Mourning dove
- ≠ Red-tailed hawk
- ≠ Red-winged blackbird
- ≠ Tree swallow
- ≠ Violet-green swallow
- ≠ Yellow-rumped warbler
- ≠ Yellow Warbler

#### Amphibians & Reptiles

- ≠ Bullsnake
- ≠ Garter snake
- ≠ Snapping turtle

Most or all of these habitat values would carry over the three proposed open space parcels (6650 Twin Lakes Road, 6655 Twin Lakes Road, and 0 Kalua Road), and most or all of the listed species would use and benefit from adding the new acreage to the existing Open Space under more active management. The wildlife corridor south of Twin Lakes connects the existing Open Space across 6655, 6650, and 0 Kalua towards other undeveloped parcels and leads towards Boulder Creek.

The property provides hunting habitat and prey for the Great-Horned Owls that nest on the southern edge of Twin Lakes Open Space, and other raptors and predators. Wildlife species and values are further described at pages 40-44 of the Twin Lakes Management Plan.

#### **4. Protect riparian and scenic corridors**

According to the Twin Lakes Open Space Management Plan:

Remnants of native riparian and wetland ecosystems remain and artificial waterways create new habitat.

Wetlands and riparian areas provide food, denning and nesting sites, and respite from the hot sun or gusting winds. A diversity of flora and fauna are found in this ecosystem from water-dependent plants to migratory birds that use them for resting places.

<http://www.bouldercounty.org/doc/parks/twinlakesmplan.pdf> at 11.

The Management Plan continues:

Wetland fringe, forested riparian, and upland grass communities comprise the vegetation surrounding Twin Lakes. These communities are heavily disturbed and the predominant vegetative covering is weedy species and pasture grasses.

This raises the potential for a restoration program in cooperation with local residents and community groups to take advantage of public-private partnerships to restore the larger landscape of a Greater Twin Lakes Open Space, along the lines of Twin Ponds Refuge management.

Scenic values will be enhanced by a Greater Twin Lakes property.

#### **5. Provide additional trail connections.**

This parcel could provide trail connections to both the north and the south. New trail stretches and connections should be explored and considered with regard to 1) the proposed Greater Twin Lakes, and 2) the Longmont-to-Boulder or "Lo-Bo" Regional Trail, "a 12-mile trail system that runs through Gunbarrel, Niwot, and open space properties connecting the City of Boulder with the City of Longmont. This Trail is an increasingly important regional connector. A Greater Twin Lakes Open Space presents opportunities to enhance the recreational opportunities, scenic values, and natural setting traversed by this regional trail.

#### **6. Foster public involvement and support public-private partnerships**

Contrary to principles and commitments in the BVCP, BCCP, and Open Space policies, the public has not yet been engaged with regard to the fate of these parcels or looming development threat on undeveloped lands adjacent to and in the vicinity of Twin Lakes Open Space. The public at large, local residents, and community groups need to be heard.

TLAG is specifically interested in public-private partnerships that would address any concerns County agencies might have regarding future management of these parcels as open space. TLAG is also open to exploring means of assuming ownership of the properties proposed for open space.

Open space acquisitions should encompass threatened properties with significant natural and recreational values in the midst of our communities, in this case, unincorporated Gunbarrel land adjacent to a designated Natural Ecosystem. Open space properties near people are used every day by hundreds of visitors, and regularly by the majority of residents. No fossil fuels are used to access them by the vast majority of users. They provide convenient and vitally needed

natural areas that provide vital ecosystem services on the one hand, and essential access to nature and the environment for Gunbarrel’s 12,000-some residents on the other.

## **7. Guard against hydrologic and geologic hazards**

Hydrologic and geologic hazards could be associated with development of this property, especially at densities exceeding existing land use designations. The area is known to have a high water table.

The Preliminary Hydrologic Analysis on BCHA Property by Gordon McCurry, Ph.D. (June 24, 2015) is discussed in the 6655 Twin Lakes Road change request. These include potential hydrologic impacts to existing structures and properties; soil suitability concerns; and flooding potential associated with existing shallow groundwater.

## **2) Relationship of the proposed amendment to the to the goals, policies, elements, and amendment criteria of the Boulder Valley Comprehensive Plan.**

Among the Core Values of the BVCP that would be furthered by the amendment are:

- ≠ Sustainability as a unifying framework to meet environmental, economic and social goals
- ≠ Open space preservation
- ≠ Great neighborhoods and public spaces
- ≠ Environmental stewardship and climate action
- ≠ Physical health and well-being

The BVCP provides that:

2.04 Open Space Preservation The city and county will permanently preserve lands with open space values by purchasing or accepting donations of fee simple interests, conservation easements or development rights and other measures as appropriate and financially feasible. Open space values include use of land for urban shaping and preservation of natural areas, environmental and cultural resources, critical ecosystems, water resources, agricultural land, scenic vistas and land for passive recreational use.

Section 1.27 provides that “The city and county will foster the role of neighborhoods to establish community character, provide services needed on a day-to-day basis, foster community interaction, and plan for urban design and amenities.” This proposal is coming from the neighborhood with the intent of protecting and enhancing the community character.

Section 2.01 provides that “The unique community identity and sense of place that is enjoyed by residents of the Boulder Valley [ . . . ] will be respected by policy decision makers.”

Section 2.03 requires that “The city and county will, by implementing the Boulder Valley Comprehensive Plan, ensure that development will take place in an orderly fashion, take

advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Boulder Valley.”

Section 2.06 – Preservation of Rural Areas and Amenities - The city and county will attempt to preserve existing rural land use and character in and adjacent to the Boulder Valley where...vistas...and established rural residential areas exist.”

Section 2.09 – Neighborhoods as Building Blocks – The city and county will foster the role of neighborhoods to establish community character, provide services needed on a day-to-day basis, foster community interaction, and plan for urban design and amenities.”

Section 2.10 - Preservation and Support for Residential Neighborhoods – The city will work with neighborhoods to protect and enhance neighborhood character and livability[. . .] The city will seek appropriate building scale and compatible character in new development[.]”

Section 2.14 - Mix of Complementary Land Uses - The city and county will strongly encourage, consistent with other land use policies, a variety of land uses in new developments. In existing neighborhoods, a mix of land use types, housing sizes and lot sizes may be possible if properly mitigated and respectful of neighborhood character. Wherever land uses are mixed, careful design will be required to ensure compatibility, accessibility and appropriate transitions between land uses that vary in intensity and scale.

Section 2.15 - Compatibility of Adjacent Land Uses - To avoid or minimize noise and visual conflicts between adjacent land uses that vary widely in use, intensity or other characteristics, the city will use tools such as interface zones, transitional areas, site and building design and cascading gradients of density in the design of subareas and zoning districts.

Section 2.32 provides for “provision of functional landscaping and open space; and the appropriate scale and massing of buildings related to neighborhood context.” Expanding open space will further these goals, and assure that appropriate scale and massing of buildings are consistent with the existing rural residential neighborhood context.

Importantly, Twin Lakes Open Space is designated on the Boulder Valley Natural Ecosystems Map in the BVCP. According to the BVCP:

In order to encourage environmental preservation, a Natural Ecosystem overlay is applied over Comprehensive Plan Land Use Designations throughout the Boulder Valley Planning Area. Natural ecosystems are defined as areas that support native plants and animals or possess important ecological, biological or geological values that represent the rich natural history of the Boulder Valley. The Natural Ecosystems overlay also identifies connections and buffers that are important for sustaining biological diversity and viable habitats for native species, for protecting the ecological health of certain natural systems, and to buffer potential impacts from adjacent land uses.

A Greater Twin Lakes Open Space will further these goals by providing connections and buffers for the wildlife and natural values in the existing Open Space. It will protect the ecological health of the riparian ecosystem from development threats, and buffer impacts from incompatible land uses.

The Boulder County Comprehensive Plan also emphasizes the importance of Open Space:

1) **Parks and open space.** “Open space shall be used as a means of preserving the rural character of the unincorporated county and as a means of protecting from development those areas which have significant environmental, scenic or cultural value.”

<http://www.bouldercounty.org/env/sustainability/pages/compplan.aspx>

The Twin Lakes Management Plan describes how the existing Open Space relates to the BCCP and BVCP at pages 38-39. Greater Twin Lakes would complement and supplement these goals and values by incorporating the additional 17 acres into the existing Open Space.

Goals in the Boulder County Comprehensive Plan (as amended, 1999) of particular relevance to the Twin Lakes Open Space include:

Appendix 2: Boulder County Comprehensive Plan: Goals and Policies

Goals

- Environmental Management

B.5 Wetlands, which are important to maintaining the overall balance of ecological systems, should be conserved.

B.9 Riparian ecosystems, which are important plant communities, wildlife habitat and movement corridors, shall be protected.

- Parks and Opens Space

C.1 Provision should be made for open space to protect and enhance the quality of life and enjoyment of the environment.

C.5 The private sector, non-county agencies, and other governmental jurisdictions should be encouraged to participate in open space preservation and trails development in Boulder County.

- Residential Goals

D.2 Quality residential areas, which function as integral neighborhood units with schools, parks and other similar facilities as centers, should be encouraged.

- Public Involvement

H.1 The county shall encourage public participation in the making of decisions by public and quasi-public bodies which significantly affect citizens.

#### Policies

Those policies in the Boulder County Comprehensive Plan (as amended, 1999) of particular relevance to the Twin Lakes Open Space include:

- Resource Management

OS 2.03 The county shall provide management plans and the means for the implementation of said plans for all open space areas that have been acquired by or dedicated to the county.

OS 2.03.01 The foremost management objectives of the individual open space lands shall follow directly from the purposes for which the land was acquired.

OS 2.03.02 Management of county open space lands shall consider the regional context of ecosystems and adjacent land uses.

OS 2.04 The county, through its Parks and Open Space Department, shall provide appropriate educational services for the public which increase public awareness of the county's irreplaceable and renewable resources and the management techniques appropriate for their protection, preservation, and conservation.

OS 2.05 The county, through its Weed Management Program, shall discourage the introduction of exotic or undesirable plants and shall work to eradicate existing infestations through the use of Integrated Weed Management throughout the county on private and public lands.

- Recreational Use

OS 4.03.01 Recreational use shall be passive, including but not limited to hiking, photography or nature studies, and, if specifically designated, bicycling, horseback riding, or fishing. Only limited development and maintenance of facilities will be provided.

- Trails

OS 6.01 Trails and trailheads shall be planned, designed, and constructed to avoid or minimize the degradation of natural and cultural resources, especially riparian areas and associated wildlife habitats.

OS 6.04 Trails shall provide for pedestrian, equestrian, bicycle, and/or other nonmotorized uses, where each is warranted. Incompatible uses shall be appropriately separated.

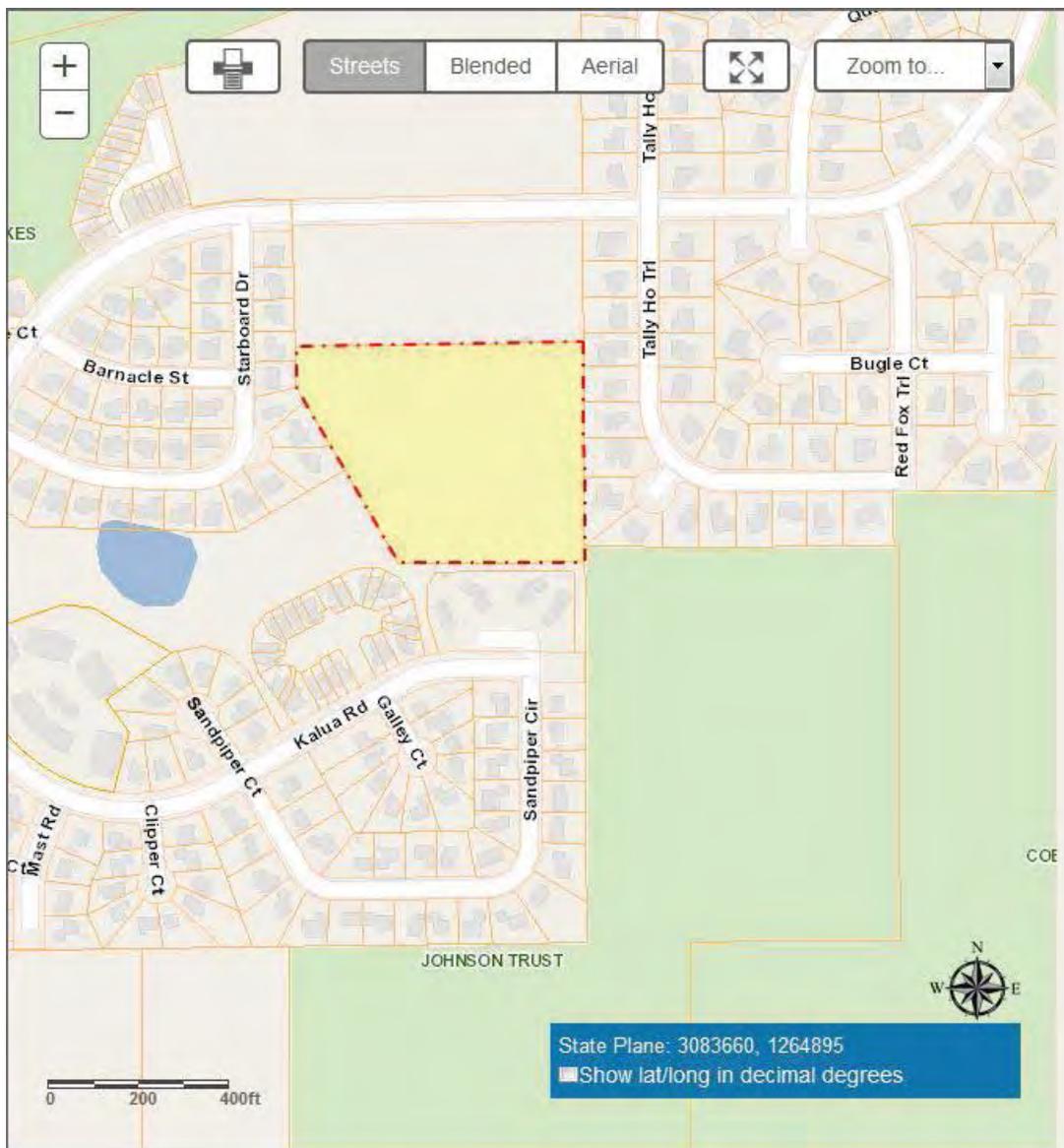
- Public Decision Making

OS 8.03 In developing management plans for open space area, Parks and Open Space staff shall solicit public participation of interested individuals, community organizations, adjacent landowners and the Parks and Open Space Advisory Committee. Plans shall be reviewed by the Parks and Open Space Advisory Committee, including public comment, and recommended for adoption after public hearing by the Board of County Commissioners.

These goals and policies largely speak for themselves. Integrating 6655 Twin Lakes Road and the two publicly owned BVSD parcels into a Greater Twin Lakes Open Space would further the environmental management, parks and open space, and residential goals in the Plan. The proposed amendment offers opportunities to improve and enhance resource management, recreational use, and trails.

“Public Involvement” and “Public Decision Making” warrant special mention, as public participation has been severely lacking to date in decisions made and proposals developed by public bodies regarding the future use of these parcels and the overall community. This is contrary to specific direction.

Through this proposed amendment, TLAG is requesting the level of public participation that the County is required to offer: including public comment and a public hearing on the potential for these parcels to be added to the Open Space system.



Location Map Showing Size and Context of 0 Kahlua Road





**37)**

**6655 & 6500 Twin Lakes Rd.,  
0 Kalua Rd. #4 –  
*Service Area Contraction  
(Area II to III)***

**Request #37**

**6655 Twin Lakes Rd.**

Two requests initiated by members of the public (Miho Shida and Mark George)  
*Parcel size: 9.7 acres*

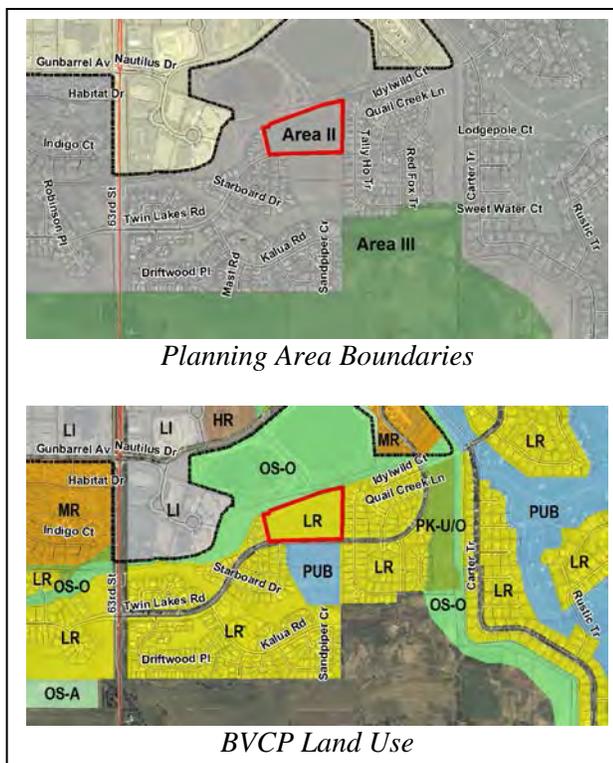
**Requests (2):**

BVCP Service Area contraction for the Boulder County Housing Authority property from Area II to Area III-Rural Preservation Area with an Open Space (OS) land use designation.

**Staff Recommendation: No**

Staff recommends that these requests not be considered further as part of the BVCP Five Year Major Update for the following reasons:

1. No changed circumstance has been established to indicate that the service area should be contracted.
2. OSMP and POS have indicated that the site does not meet their criteria for acquisition for community or regional open space, meaning that the site would need to be preserved as open space through private means and not as part of the larger public open space system.
3. The site may have a future as private open space, but this potential future condition does not in and of itself justify reclassifying the site to Area III and removing all potential for future services.



**ANALYSIS:**

**1.) Consistent with the purposes of the major update as described above?**

Yes. This is a proposed service area contraction, which is compatible with the purpose of the BVCP Major Update. The request for an Open Space Land Use designation is being analyzed as part of Request #36.

**2.) Consistent with current BVCP policies?**

In combination the two requestors cite 14 policies as supportive of their request. They include Unique Community Identity, Compact Development Pattern, Compatibility of Adjacent Land Uses, Open Space Preservation, Incorporating Ecological Systems into Planning, Ecosystem Connections and Buffers, Flood Management, Surface and Groundwater, and Populations with Special Needs.

The Area III designation is intended for larger contiguous acreages involving multiple properties on the perimeter, and not within, the BVCP community service area. If advanced to the next phase of the change request process, this proposal would need to be evaluated against specific BVCP guidance regarding the criteria for considering a reclassification from Area II to Area III (BVCP Amendment Procedures section 3.b.2).

**3.) Compatible with adjacent land uses and neighborhood context?**

Yes. If re-designated to Area III, in effect the status quo of open land would be maintained through creation of a 9.7 acre undeveloped enclave surrounded by developed Area II lands, a parcel designated for

Public uses, and the county's Twin Lakes Open Space holding. The status quo can be maintained by means other than an Area III designation, such as private acquisition of the property for open space and/or an Open Space land use designation (this is being considered as part of Request #36).

**4.) Was the proposed change requested or considered as part of a recent update to the Comp Plan or other planning process?**

No.

**5.) Is there any change in circumstances, community needs, or new information that would warrant the proposal be considered as part of this update?**

The requestors cite hydrological issues identified in the McCurry LLC Preliminary Hydrologic Analysis of the BCHA Property at 6655 Twin Lakes Road as one compelling reason for the Area III designation. However, that designation does not preclude development. Hydrologic issues can be effectively dealt with using other means than creating an Area III enclave. No other changed circumstances, community needs or new information exist or are present to warrant that the request receive further consideration as part of this update.

**6.) Are there enough available resources to evaluate the proposed change (city and county staffing and budget priorities)?**

Evaluating this request would likely require a significant amount of staff resources. The impacts of transitioning to Area III would need to be carefully considered and evaluated in concert with the other change requests for the Twin Lakes properties, which will require coordination and additional community outreach.



# OUR LEGACY. OUR FUTURE.

BOULDER VALLEY COMPREHENSIVE PLAN



## BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION

**1) Type of Amendment (check all that apply):**

<input checked="" type="checkbox"/>	Land Use Map Amendment
<input checked="" type="checkbox"/>	Changes to the Area II/III boundary
<input checked="" type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment: See next page for complete text.

For the 9.97 acre undeveloped land parcel with address 6655 Twin Lakes Road. Land use designation change to Open Space and change to an Area III - Rural Preservation. Service area contraction change from Area II to Area III - Rural Preservation Area.

b. Brief reason or justification for the proposed amendment:

Allow undeveloped land parcel to maintain its unique natural character, maintain its passive recreational use, protect and preserve wildlife, preserve and protect area wetlands, and continue to mitigate flooding hazards downgradient from the Twin Lakes and irrigation channels (see attached Supplemental Sheet) +

a. Map(s) proposed for amendment: Boulder Valley Comprehensive Plan Land Use Designation Map and Boulder Valley

b. Brief description of location of proposed amendment:

6655 Twin Lakes Road

Section: 11 Township: 1N Range: 70W

c. Size of parcel: 9.97 Acres

(Full text cropped from previous page):

**Request 37) 6655 Twin Lakes Rd– Mark George**

Brief reason or justification for the proposed amendment:

Allow undeveloped land parcel to maintain its unique natural character, maintain its passive recreational use, protect and preserve wildlife, preserve and protect area wetlands, and continue to mitigate flooding hazards downgradient from the Twin Lakes and irrigation channels (see attached Supplemental Sheet).

Map(s) proposed for amendment:

Boulder Valley Comprehensive Plan Land Use Designation Map and Boulder Valley Comprehensive Plan Area I, Area II, Area III Map



**3) Applicant:**

Name: Mark George

Address: 4661 Tally Ho Court, Boulder, CO 80301

Phone: home: 303/530-4424, work: 303/497-3064

**4) Owner:**

Name: Boulder County or Boulder County Housing Authority

Address: PO Box 471  
Boulder, CO 80306

Phone: 303/441-3930 or 303/441-1000

**5) Representative/Contact:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

No

### Supplemental Information

**The proposed amendment is for the land parcel with address 6655 Twin Lakes Road to be amended to an Open Space land use designation and changed to an Area III – Rural Preservation.**

#### 1. Narrative addressing the details of the proposed amendment

The proposed amendment to an Open Space land use designation and change to an Area III – Rural Preservation for the land parcel with address 6655 Twin Lakes Road would maintain the unique character of the land parcel. It would also serve as an extension to the existing Boulder County Open Space land parcels to the north which include the LOBO trail, and the area around and including the Twin Lakes.

This land parcel is presently undeveloped and is widely used by citizens within the neighboring City of Boulder and Gunbarrel communities. On any given day, people can be observed walking dogs on the land parcel, observing wildlife, and accessing the LOBO trail. There are two well established trails on the property and kids are often seen riding bikes and walking on these trails.

In addition, since the land parcel is adjacent to Boulder County Open Space that includes the Twin Lakes and several irrigation channels; wildlife frequents the land parcel. I have seen deer, coyotes, foxes, raccoons, squirrels, field mice, voles, an occasional prairie dog, turtles, frogs, snakes, several varieties of birds, water fowl, several varieties of insects and spiders, and owls within the land parcel. For over twenty years, a pair of great horned owls has nested in a hollow tree located adjacent the northeast corner of the land parcel. Each year, these owls attract hundreds, if not thousands of people, to observe their nesting habits and get a view of the baby owls and observe their development. If development is ever allowed on this land parcel, the great horned owls will likely never return to this nesting site, given the impacts to their habitat and the loss of their closest prime hunting ground.

Soils in the area of the land parcel consist of clay loam and clay, defined by the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) as Nunn clay loam (NuB) and Longmont clay (LoB). Both of these soils types are listed on the Federal List as meeting multiple criteria for listing as a hydric soil. Although no wetlands are listed on the United States Corps of Engineers (USACE) Wetlands Inventory Map for the land parcel, given the recharge potential provided by the hydraulically upgradient nearby lakes and irrigation channels, and the presence of hydric soils; the land parcel has the potential for wetlands.

The land parcel and surrounding area to the east is also characterized as having a high water table which is continually recharged by the hydraulically upgradient nearby lakes and irrigation channels. Residents that adjoin and are located within a block or two east of the land parcel know this all too well. Most of the homes have sump pumps that run intermittently and for a

few homes, continuously. During prolonged periods of precipitation, basements in the vicinity of the land parcel have experienced flooding and damage, especially during the fall 2013 flood where few homes, situated along the street of Tally Ho Court to the east, were spared of basement flooding and damage.

Due to this and to changed weather patterns over the past two years, severe flooding has been observed on the land parcel. The most severe flooding was observed in September 2013 and again this past spring (2015). During the most severe periods of flooding, standing water was observed in the field for extended periods of time and a large volume of runoff exited the largest observed ponded area, located within a few hundred feet of the land parcel's east property boundary, in southeastern and southern directions. The primary flow path for this runoff was within the western portions of private residential properties that border the eastern side of the land parcel. This large volume of runoff continued for a period approaching a week or more after the rain stopped, indicative of the high water table and recharge characteristics of groundwater in the area, including the land parcel, which is located hydraulically downgradient of the nearby lakes and irrigation channels.

A hydrologic analysis was performed for the land parcel located at 6655 Twin Lakes Road and the results were discussed in a report (attached), dated June 24, 2015. As stated in the report, soil borings drilled in the vicinity of the land parcel indicate that the depth to the shale bedrock is 10 to 15 feet below ground surface. Regional groundwater mapping (Hillier and Schneider, 1979) indicates that groundwater across the land parcel is between 5 and 10 feet below ground surface. Given the shallow depth to bedrock, groundwater in the vicinity of the land parcel has a limited soil profile to collect and convey its flow, which due to this and the recharge provided by the hydraulically upgradient nearby lakes and irrigation channels, accounts for the area high water table.

In its natural state, soils beneath the land parcel are allowed to collect the groundwater and maintain its natural (unimpeded) flow direction. If the land parcel is developed, soil profiles would be altered and the capacity of soils to collect and convey groundwater recharge would be lessened. In addition, the natural flow direction of groundwater would have man-made impediments which would change the direction of groundwater flow. This would certainly have the potential to significantly affect properties adjoining the land parcel with increased flooding.

For the reasons listed in the preceding paragraphs, the proposed amendment is for the land parcel with address 6655 Twin Lakes Road to be amended to an Open Space land use designation and changed to an Area III – Rural Preservation. This would allow the land parcel to maintain its unique natural character, maintain its passive recreational use, protect and preserve wildlife, preserve and protect area wetlands, and continue to mitigate and reduce flooding in areas downgradient from the two lakes and irrigation channels.

1. (continued)

Listing of applicable related goals, policies, elements, and amendment criteria of the Boulder Valley Comprehensive Plan

- 2.04 Open Space Preservation
- 2.06 Preservation of Rural Areas and Amenities
- 2.07 Delineation of Rural Lands
- 3.01 Incorporating Ecological Systems into Planning
- 3.03 Natural Ecosystems
- 3.04 Ecosystem Connections and Buffers
- 3.05 Maintain and Restore Ecological Processes
- 3.20 Flood Management
- 3.28 Surface and Ground Water

2. Name and contact information

Mark George, P.E. (Registered Professional Civil Engineer)  
4661 Tally Ho Court  
Boulder, CO 80301

Home: 303/530-4424  
Office: 303/497-3064  
Cell: 720/254-8032

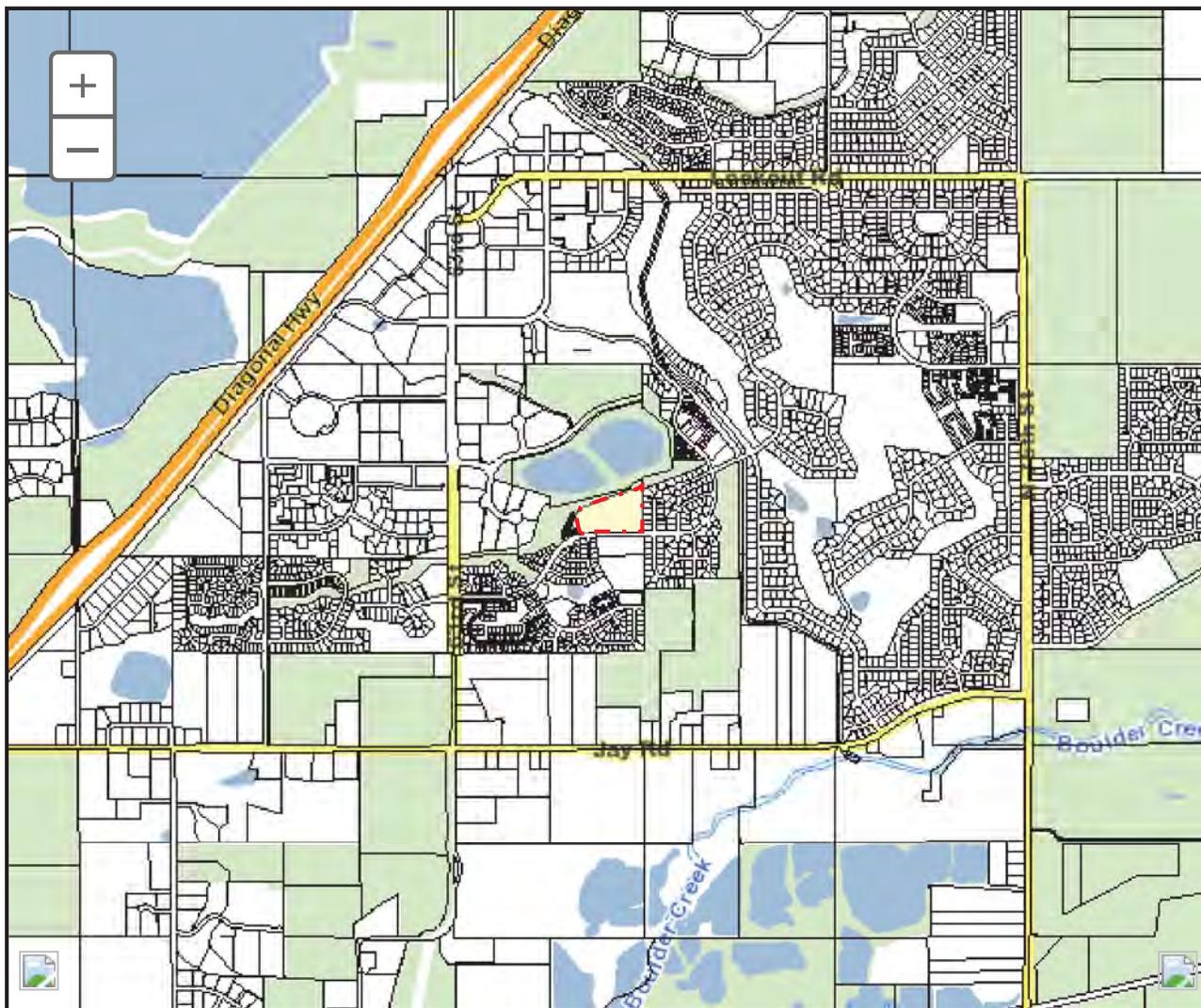
3. Location map showing size and content of the area proposed for amendment

Attached

4. Detailed map

Attached

# Boulder County Main Map



# Boulder County Main Map



# 6655 Twin Lakes Road Topo 1



6655 Twin Lakes Road

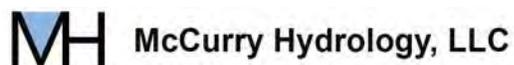
05/01/2011

# 6655 Twin Lakes Topo 2 Detail



6655 Twin Lakes Road

05/01/2011



## Memorandum

To: Mr. David Rechberger, Twin Lakes Action Group  
From: Gordon McCurry, Ph.D.  
Date: June 24, 2015  
Subject: Preliminary Hydrologic Analysis of the BCHA Property at 6655 Twin Lakes Road

The Boulder County Housing Authority (BCHA) purchased a 10-acre parcel located at 6655 Twin Lakes Road in May 2013 with the goal of developing this undeveloped land to provide affordable housing. Residents of the surrounding community are concerned that developing this land could lead to an increase in basement flooding problems in this high-groundwater area. This memorandum presents my preliminary analysis of the hydrology of the subject property and surrounding areas, and provides recommendations on how to reduce flooding-related impacts related to developing the BCHA property.

### Site Environmental Setting

The BCHA property is located northeast of the City of Boulder in unincorporated Boulder County in the south-central portion of Section 11 of Township 1 North, Range 70 West. The land is undeveloped with a native grass cover (Figure 1). The property ranges in elevation from approximately 5175 to 5160 feet and slopes gently to the southeast towards Boulder Creek. The northern edge of the BCHA property corresponds approximately to the surface water drainage divide separating the Dry Creek drainage to the north and a portion of the Boulder Creek drainage to the south, within which the property lies. South of the property are several small intermittent eastward-flowing streams that drain into Boulder Creek. Soils in the area consist of clay loam and clay, defined by the USDA Natural Resources Conservation Service as Nunn B and Longmont B soils (NRCS, 2015). The BCHA property contains about equal areas of both soil types (Figure 2). Underlying the soils is the Pierre Shale, a regionally extensive and low-permeability bedrock layer (USDA, 1975). Borehole logs from wells drilled in the vicinity of the BCHA property and the Twin Lakes neighborhood indicate that the depth to bedrock is approximately 10 to 15 feet below ground surface. A shallow aquifer exists within the soils that overlie the shale bedrock.

### Hydrology Near the BCHA Property

Several man-made features exist in the area that dominates the hydrology of the BCHA and surrounding properties. North of the property are two lakes and three regional irrigation ditches. The West and East lakes are part of a 42-acre County Open Space Twin Lakes property. The lakes have been in use since 1910 to store water used for agricultural purposes (BCPOS, 2004). Portions of both lakes are adjacent to the northern edge of the BCHA property. The West and East lakes cover areas of approximately 16 and 11 acres, respectively, and have a combined storage capacity of 218 acre-feet (approximately 71 million gallons). The embankments for the

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lakes consist of compacted earth fill (GEI Consultants, 2014). Wetlands exist around the lakes as a result of seepage through the lake bed and berms, creating shallow groundwater conditions (BCPOS, 2004).

In 2014 the Boulder and Left Hand Ditch Company sponsored a study of potential impacts of dam breaches of two of its reservoirs (GEI Consultants, 2014). One of these reservoirs is referred to in this report as the East Lake of the Twin Lakes open space. The impoundment for the East Lake has a State dam safety rating indicating there could be significant property damage if there is a dam failure (BCPOS, 2004). A hypothetical breach of the East Lake's dam was modeled and inundation maps were generated. The dam for this lake, Davis No. 1 Dam, is constructed as a dike that rings the eastern portion of the lake. Failure scenarios were modeled for both a northern and a southern dam breach. The southern breach scenario was felt to be smaller in magnitude than the northern breach. A portion of the hypothetical southern breach would discharge to the southeast, across the eastern portion of the BCHA property and through the neighborhoods southeast of the East Lake as water flows to Boulder Creek (GEI Consultants, 2014). The modeled southern breach had a peak flow of 600 cfs, roughly equivalent to high spring-time flows of Boulder Creek through town. Maximum flow depths to the southeast were modeled to be approximately one foot (Figure 3).

Located between the two lakes and the BCHA property are the North Boulder Farmer's Ditch, the Boulder and Left Hand Ditch, and the Boulder and White Rock Ditch. The former two ditches merge beginning west of 63<sup>rd</sup> Street and then the resulting two ditches run parallel to each other, traversing south of the West and East lakes and continuing to the east (Boulder County, 2000). The Boulder and Left Hand Ditch Irrigation Company retains the right to use the West and East lakes for storage purposes (BCPOS, 2004). Over the past 20 years an average of approximately 145 acre-feet per year has flowed through the ditches to supply the lakes. Like most ditches, these are unlined and likely leak a portion of their water to the underlying soils and shallow groundwater system, supporting the wetlands vegetation and lush growth around them.

Another hydrologic feature of note for the Twin Lakes community is the Boulder Supply Canal. This is a large-capacity canal located west of the Boulder Country Club neighborhood, adjacent to Carter Court and Carter Trail that define the west side of that neighborhood. The Boulder Supply Canal allows excess water in Boulder Reservoir to discharge to Boulder Creek (DWR, 2005). Although concrete-lined, it was built in 1955 and so it is likely that some leakage occurs through joints, cracks and areas of degraded concrete whenever it is in use.

Within and south of the residential areas south of Twin Lakes Road is a small lake and an intermittent stream that includes several areas containing wetlands-type vegetation. These water features also provide water to the underlying shallow aquifer system. The wetlands are an indication of shallow groundwater conditions in this portion of the residential area south of the BCHA property.

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### Hydraulic Limitations in the Vicinity of the BCHA Property

Twin Lakes, two irrigation ditches, and to a lesser extent a supply canal are all located hydraulically upgradient of and in close proximity of the BCHA property and surrounding residential areas. Collectively these provide ample sources of water to feed the area's shallow groundwater system. The water table of the shallow groundwater system is located relatively close to the land surface as shown by the commonly-occurring wetlands present in the area. The shallow depth to bedrock helps support and maintain the shallow aquifer. In addition, many homes in the Twin Lakes neighborhoods have sump pumps which are further evidence of shallow groundwater.

The USDA Natural Resources Conservation Service has compiled soils data and developed an interactive web-based graphical database that allows the user to examine the suitability of a given area to a set of potential uses (NRCS, 2015). The suitability analyses are based on geotechnical and engineering properties of the soils. The soils beneath the BCHA property (Figure 2) were evaluated as part of this preliminary hydrologic analysis as to their suitability for the construction of dwellings. Dwellings are defined by the NRCS as single-family houses of three stories or less. For dwellings with basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of approximately 7 feet. For dwellings without basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper.

Each soil type is assigned a suitability rating based on the limitations posed by individual soil properties. Two sets of criterion are applicable to dwellings: (1) properties that affect the ability of the soil to support a load without movement and (2) properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility (inferred from the Unified Soil Classification System classification of the soil). The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

Ratings indicate the extent to which the soils are limited by each of the applicable soil properties that affect the specified use, in this case the construction of dwellings. Numeric ratings are provided and indicate the severity or degree with which a given soil property contributes to the overall suitability rating. An assigned rating of "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected. An assigned rating of "Somewhat limited"

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The suitability of soils for accommodating dwellings on and near the BCHA property was found to be somewhat limited to very limited for dwellings with basements (Figure 4). The main reasons were due to flooding potential and shallow depth to groundwater, and the shrink-swell potential of the soils. The flooding potential and shallow depth to groundwater are expected outcomes given the number and proximity of water sources in the immediate vicinity. The shrink-swell potential is associated with the shrinking of soil when dry and the swelling when wet – a common feature of many clay-rich soils. Shrinking and swelling of soil can damage roads, dams, building foundations, and other structures (NRCS, 2015). The suitability to accommodate dwellings without basements on and near the BCHA property was found to be very limited, for the same reasons.

To minimize the impacts from flooding potential, shallow groundwater and shrink-swell of the site soils, dwellings built on the BCHA property may require additional design components. These may include addition foundation footers, exterior tile drains around the foundations, sump pumps in basements and crawl spaces, setbacks for landscaping, and gutter downspouts that extend beyond a critical setback distance from the dwellings.

#### Hydrologic Concerns Associated with Development of the BCHA Property

The preceding discussion suggests potential limitations associated with constructing dwellings on the BCHA property and offers general guidelines to mitigate those limitations. However, it does not address potential hydrologic impacts to adjacent residential buildings associated with development of the property. The key impacts are:

- higher risk of basement flooding,
- increases in the frequency and/or volume required to be pumped from homes with existing sump pump systems, and
- the need for homes to install and operate sump pump systems that historically have not had to do so.

The causes of these potential impacts relate to constructing dwellings, dwelling foundations and foundation footers, and even the sump or drain systems that might be installed for the new homes. Dwellings typically are constructed so that the soil beneath the building foundation supports some of the weight of the building, with the remaining load supported by foundation

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footers. The weight of a structure compresses the underlying soil. Sand- and gravel-rich soils have very little compressibility but the clay-rich soils beneath the BCHA property are likely to have a relatively high compression potential. In the northern portion of the BCHA property where shallow depth to groundwater is more likely due to the nearby lakes and irrigation ditches, it is possible that compressed soils could extend below the water table. If this were to occur, the groundwater previously occupying those pore spaces in the soil would be displaced and would migrate elsewhere. Depending on the density of building construction and how close those buildings were to existing residences, at least some of the displaced groundwater would migrate toward the existing residences with a resulting rise in the water table and increased risk of basement flooding. Deep foundation footers or foundations that extended to the underlying bedrock would similarly displace existing groundwater.

In addition, sump or drain systems that might be installed in new dwellings could also pose an addition hydrologic risk to nearby homes. It is common for water extracted from sump/drain systems to be discharged into nearby gutters or storm drains. Depending on how the storm drain system for the new dwellings is designed, the extracted water may end up infiltrating along the edges of the BCHA property which would lead to higher groundwater conditions for the adjacent residences.

An additional hydrologic concern associated with development of the BCHA property, which one hopes never occurs, is the impact of a dam breach of the East or West lakes on the Twin Lakes property. The hydraulic analyses conducted for the East Lake indicates a portion of the discharge from a hypothetical southern breach would traverse the east side of the BCHA property. Should homes be constructed in that area, their presence would divert the flows caused by the breach and, based on the inundation analyses, most of that diverted water would be routed to the neighborhood to the east. No analysis was performed for a breach of the West Lake, but it is reasonable to assume that newly built dwellings on the BCHA property would also divert some of the released lake water into adjacent neighborhoods.

### Conclusions

Before any dwellings are built on the BCHA property the developer must take into account the shallow groundwater conditions that likely exist in the region so that existing homes are not adversely affected. Any homes that are built should be designed to overcome the limitations posed by flooding potential, shallow depth to water, and shrink-swell conditions of the soil. Installing wells on the property and instrumenting them to characterize the depth to groundwater in the shallow aquifer, over the course of at least one year, and performing geotechnical testing on soils are both necessary to better characterize the hydraulic properties and gain a better understanding of potential impacts to adjacent residences.

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### References

BCPOS, 2004. Twin Lakes Open Space Draft Resource Evaluation & management Plan. Boulder County Parks and Open Space.

Boulder County, 2005. Boulder County Ditch and Reservoir Map. Prepared by Boulder County, Colorado. September.

DWR, 2005. Task 5 – Key Structure Operating Memorandum for City of Boulder. Submitted to the Colorado Division of Water Resources, as part of the South Platte Decision Support System.

GEI Consultants, 2014. Hayden Reservoir Dam and Davis Dam No. 1 Dam Breach Inundation Mapping Report. GEI Consultants Inc, submitted to Boulder and Left Hand Ditch Company.

NRCS, 2015. Web-based soil survey database. Accessed June 2015  
<http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

USDA, 1975. Soil Survey of Boulder County Area, Colorado. United States Department of Agriculture, Soil Conservation Service.

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Figure 1. View looking northwest at the BCHA property from Twin Lakes Road.

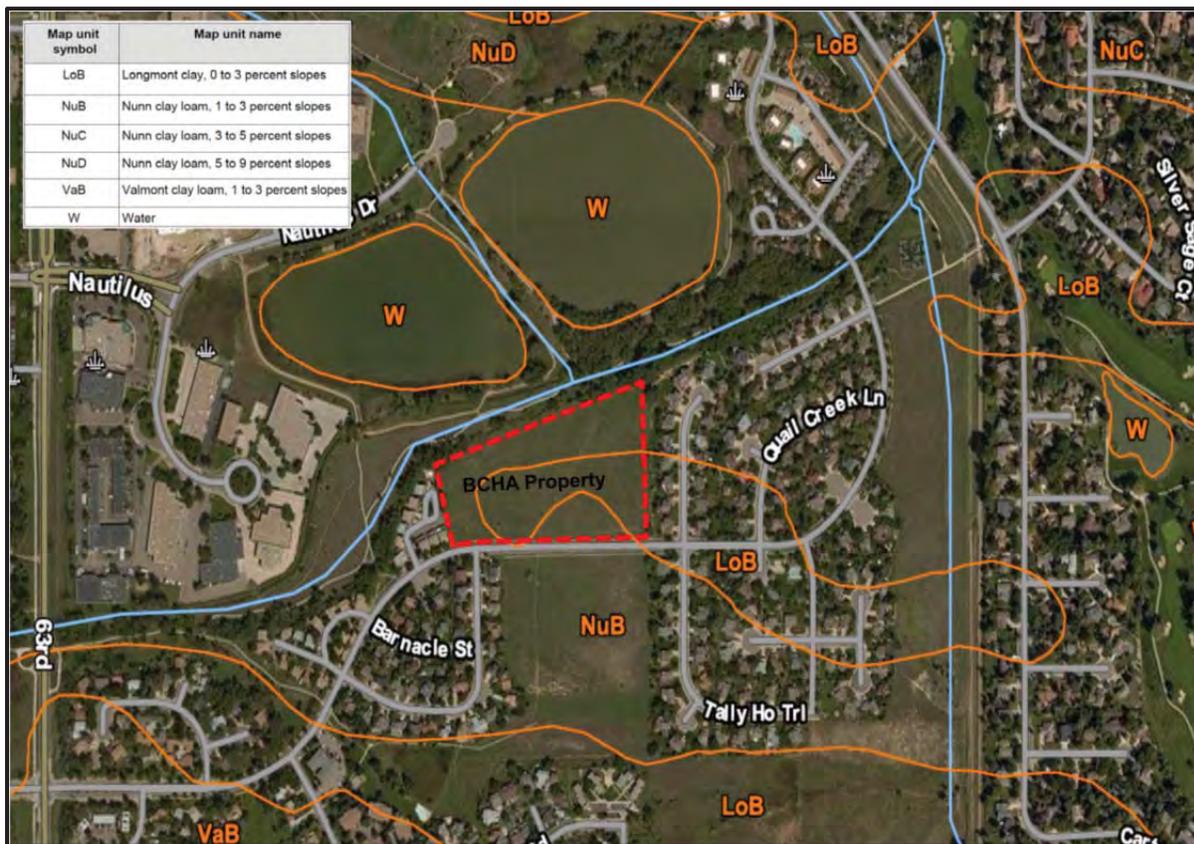


Figure 2. Soils in the vicinity of the BCHA property.

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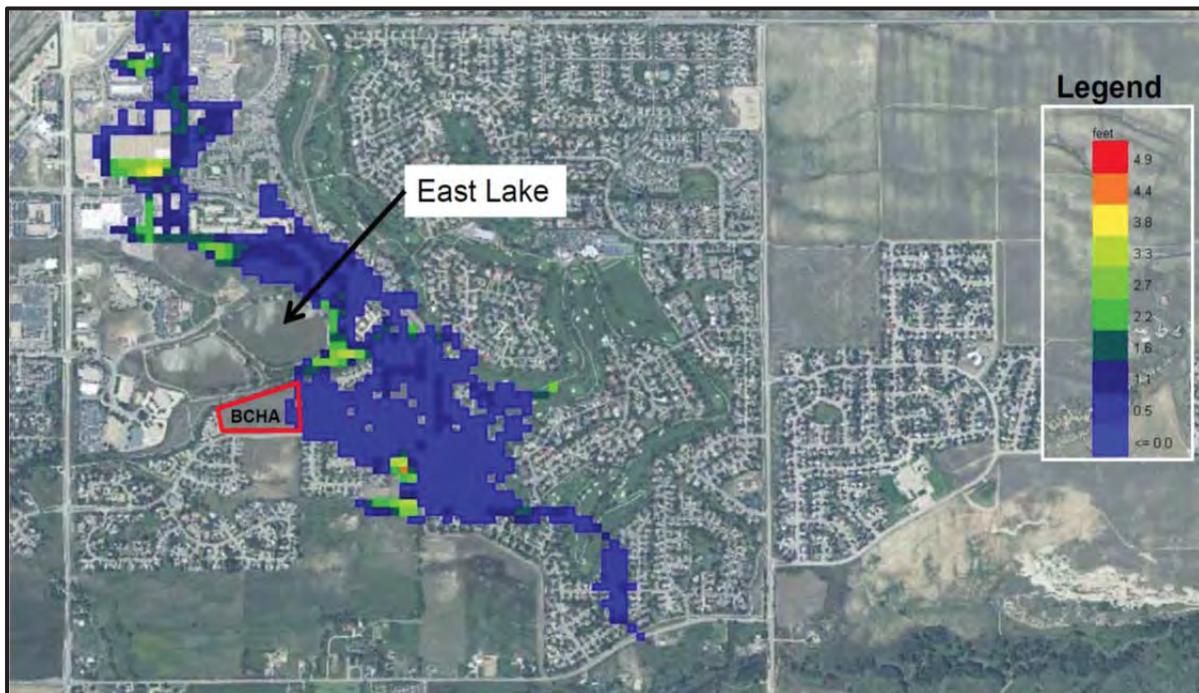


Figure 3. Inundation area and maximum flow depths for a dam breach of the East Lake.

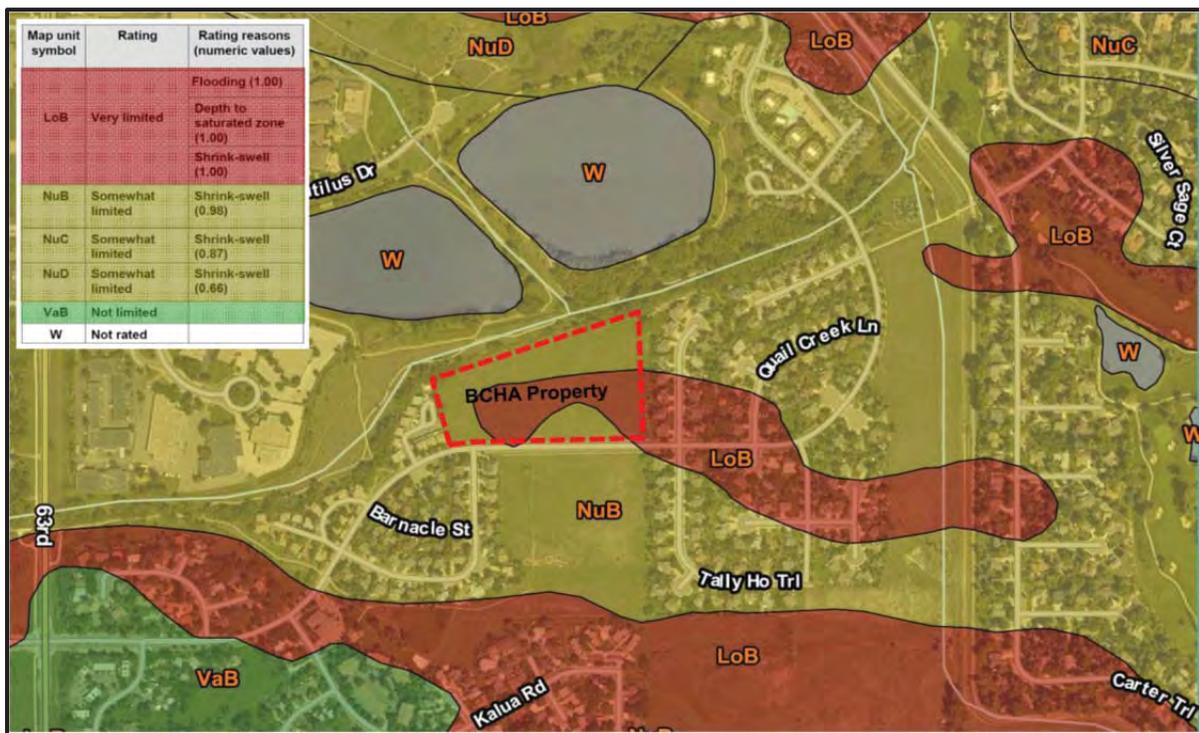
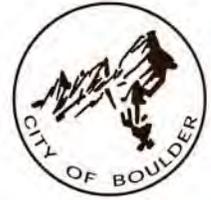


Figure 4. Limitations for construction of dwellings with basements.



# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input type="checkbox"/>	Land Use Map Amendment
<input checked="" type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:

To change an Area II land parcel to Area III

b. Brief reason or justification for the proposed amendment:

Hydrological analysis, threat to wildlife and existing character of nearby neighborhoods will be destroyed.

a. Map(s) proposed for amendment: see attached map

b. Brief description of location of proposed amendment:

6655 Twin Lakes Road

Section: 11 Township: 1N Range: 70

c. Size of parcel: 9.97 acres



**3) Applicant:**

Name: Miho Shida

Address: 6783 Idylwild Ct., Boulder, CO 80301

Phone: 720-304-0796

**4) Owner:**

Name: Boulder County

Address:

Phone: Peter Fogg 303-441-3930

**5) Representative/Contact:**

Name: Miho Shida

Address: 6783 Idylwild Ct., Boulder, CO 80301

Phone: 720-304-0796

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

No

1). I believe that the land use designation for the property at 6655 Twin Lakes Rd. should be changed from Area II to Area III for the following reasons:

A. The hydrology of the land as determined by McCurry Hydrology<sup>1</sup> indicate that it would be a poor place for new development. The Twin Lakes, two irrigation ditches and a supply canal are all located hydraulically upgradient of and close to this parcel. All these features provide ample sources of water for the area's shallow groundwater system. With development and consequent compression of the soil, this water will be squeezed out and flow towards the Red Fox Hills subdivision, increasing the chance of basement flooding in many of the homes. The 'shrink swell' characteristic of the clay-rich soils in this area can damage roads, bridges and foundations as well.

B. The area next to this parcel is the Twin Lakes Open Space land. This unique ecosystem is home to coyotes, red foxes, minks, osprey, great blue herons, numerous raptors, and other bird species. Conversion of this parcel to Area III will ensure that this habitat will remain peaceful, not disturbed by sirens, lights, increased traffic and pollution. County Open space has worked hard to create a very welcoming and well designed place for visitors to enjoy.

2). Based on the new information of the hydrology of this parcel as well as Boulder County Housing Authority's intent to put in dense low income public housing rentals on this space, there is an urgency to change the area designation of this parcel to Area III. The following passages in the Boulder Valley Comprehensive Plan justify this designation:

**2.01 Unique Community Identity (BVCP, p.26):** "The unique community identity and sense of place that is enjoyed by residents of the Boulder Valley...will be respected by policy decision makers."

COMMENT: The Twin Lakes area has an established, unique identity and sense of place based upon single-family residences sited on rural residential county land. My own subdivision, Red Fox Hills, is surrounded by County open space and undeveloped land. Our neighborhood is low-density, safe, and very quiet. The night skies are dark (no streetlights in Red Fox Hills), and local wildlife includes a long-established and locally beloved greathorned owl nest within 50 meters of the 6655 Twin Lakes Road parcel and is likely to be abandoned due to construction noise and disturbance. All of these qualities combine into a unique, treasured neighborhood character that would be radically degraded by annexation, upzoning, and the construction of large apartment structures and parking lots on the undeveloped parcels.

**2.03 Compact Development Pattern (p.26):** "The city and county will, by implementing the Boulder Valley Comprehensive Plan, ensure that development will take

<sup>1</sup> McCurry, Gordon, Ph.D. "Preliminary Hydrologic Analysis of the BCHA Property at 6655 Twin Lakes Road," McCurry Hydrology, LLC. June 24, 2015.

place in an orderly fashion, take advantage of existing urban services, and avoid, insofar as possible, **patterns of leapfrog, noncontiguous, scattered development** within the Boulder Valley. The city prefers redevelopment and infill as compared to development in an expanded Service Area in order to prevent urban sprawl and create a compact community.”

COMMENT: The very nature of the proposed annexation and development is precisely “leapfrog, non-contiguous, scattered.” It is the exact opposite of “infill,” and it is in a rural residential area miles away from the City core.

**2.06 Preservation of Rural Areas and Amenities (p.27):** "The city and county will attempt to preserve existing rural land use and character in and adjacent to the Boulder Valley where...vistas...and established rural residential areas exist."

COMMENT: Annexation and the development of large apartments will largely destroy the “existing rural land use and character” of the established surrounding residential areas.

**2.15 Compatibility of Adjacent Land Uses (p.29):** “To avoid or minimize noise and visual conflicts between adjacent land uses that vary widely in use, intensity or other characteristics, the city will use tools such as interface zones, transitional areas, site and building design and cascading gradients of density in the design of subareas and zoning districts.”

COMMENT: The small size of these parcels make interface zones and transitional areas impossible with the rural residential subdivisions on either side of these parcels.

**3.16 Hazardous Areas (p.36):** "Hazardous areas that present danger to...property from flood...will be will be delineated, and development in such areas will be carefully controlled or prohibited."

COMMENT: According to the independent hydrological analysis (already cited and a part of the public record), development of large structures on this high-groundwater land will increase the danger of flooding in nearby homes.

### **7.03 Populations with Special Needs (p.50)**

“The city and county will encourage development of housing for populations with special needs including residences for people with disabilities, .... and other vulnerable populations where appropriate. The location of such housing should be in proximity to shopping, medical services, schools, entertainment and public transportation.” **Every effort will be made to avoid concentration of these homes in one area.**

COMMENT: 6655 Twin Lakes is at least .5 miles away from the nearest bus stop (that runs every 30 minutes) and at least 1 mile away from shopping, medical services, schools and there is no public entertainment. Catamaran Court, **the only other BCHA property in Gunbarrel** is located across the street from 6655 Twin Lakes.

Respectfully submitted by:

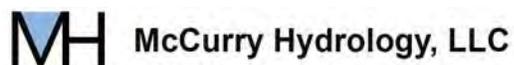
Miho Shida  
6783 Idylwild Ct.,  
Boulder, CO 80301



# 6655 Twin Lakes Road Topo 1



05/01/2011



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footers. The weight of a structure compresses the underlying soil. Sand- and gravel-rich soils have very little compressibility but the clay-rich soils beneath the BCHA property are likely to have a relatively high compression potential. In the northern portion of the BCHA property where shallow depth to groundwater is more likely due to the nearby lakes and irrigation ditches, it is possible that compressed soils could extend below the water table. If this were to occur, the groundwater previously occupying those pore spaces in the soil would be displaced and would migrate elsewhere. Depending on the density of building construction and how close those buildings were to existing residences, at least some of the displaced groundwater would migrate toward the existing residences with a resulting rise in the water table and increased risk of basement flooding. Deep foundation footers or foundations that extended to the underlying bedrock would similarly displace existing groundwater.

In addition, sump or drain systems that might be installed in new dwellings could also pose an addition hydrologic risk to nearby homes. It is common for water extracted from sump/drain systems to be discharged into nearby gutters or storm drains. Depending on how the storm drain system for the new dwellings is designed, the extracted water may end up infiltrating along the edges of the BCHA property which would lead to higher groundwater conditions for the adjacent residences.

An additional hydrologic concern associated with development of the BCHA property, which one hopes never occurs, is the impact of a dam breach of the East or West lakes on the Twin Lakes property. The hydraulic analyses conducted for the East Lake indicates a portion of the discharge from a hypothetical southern breach would traverse the east side of the BCHA property. Should homes be constructed in that area, their presence would divert the flows caused by the breach and, based on the inundation analyses, most of that diverted water would be routed to the neighborhood to the east. No analysis was performed for a breach of the West Lake, but it is reasonable to assume that newly built dwellings on the BCHA property would also divert some of the released lake water into adjacent neighborhoods.

### Conclusions

Before any dwellings are built on the BCHA property the developer must take into account the shallow groundwater conditions that likely exist in the region so that existing homes are not adversely affected. Any homes that are built should be designed to overcome the limitations posed by flooding potential, shallow depth to water, and shrink-swell conditions of the soil. Installing wells on the property and instrumenting them to characterize the depth to groundwater in the shallow aquifer, over the course of at least one year, and performing geotechnical testing on soils are both necessary to better characterize the hydraulic properties and gain a better understanding of potential impacts to adjacent residences.

Preliminary Hydrologic Analysis, BCHA Property  
June 24, 2015  
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### References

BCPOS, 2004. Twin Lakes Open Space Draft Resource Evaluation & management Plan. Boulder County Parks and Open Space.

Boulder County, 2005. Boulder County Ditch and Reservoir Map. Prepared by Boulder County, Colorado. September.

DWR, 2005. Task 5 – Key Structure Operating Memorandum for City of Boulder. Submitted to the Colorado Division of Water Resources, as part of the South Platte Decision Support System.

GEI Consultants, 2014. Hayden Reservoir Dam and Davis Dam No. 1 Dam Breach Inundation Mapping Report. GEI Consultants Inc, submitted to Boulder and Left Hand Ditch Company.

NRCS, 2015. Web-based soil survey database. Accessed June 2015  
<http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

USDA, 1975. Soil Survey of Boulder County Area, Colorado. United States Department of Agriculture, Soil Conservation Service.

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Figure 1. View looking northwest at the BCHA property from Twin Lakes Road.

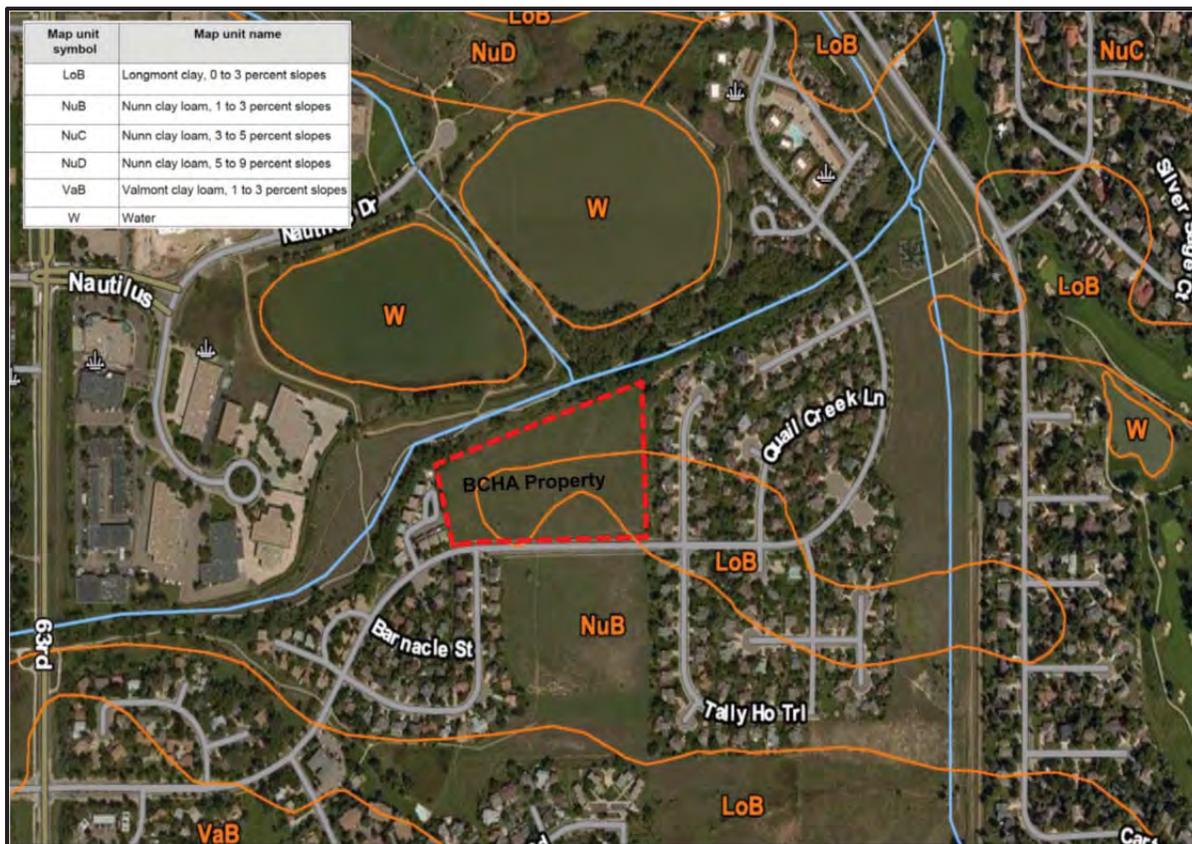


Figure 2. Soils in the vicinity of the BCHA property.

Preliminary Hydrologic Analysis, BCHA Property  
 June 24, 2015  
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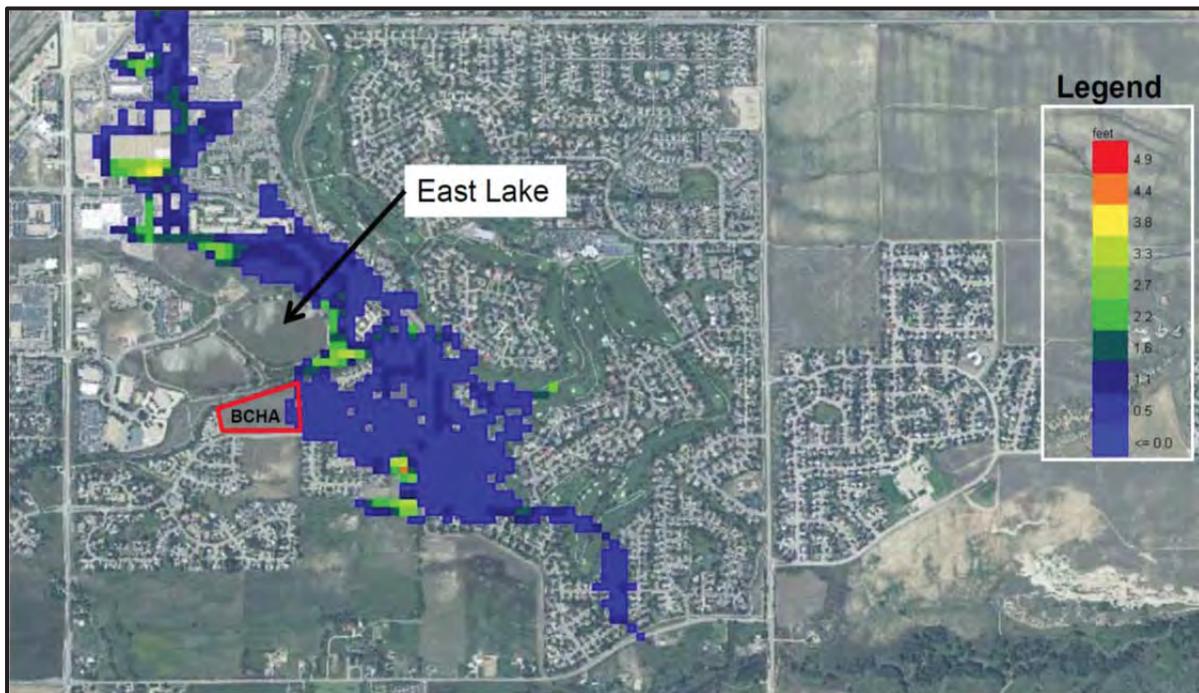


Figure 3. Inundation area and maximum flow depths for a dam breach of the East Lake.

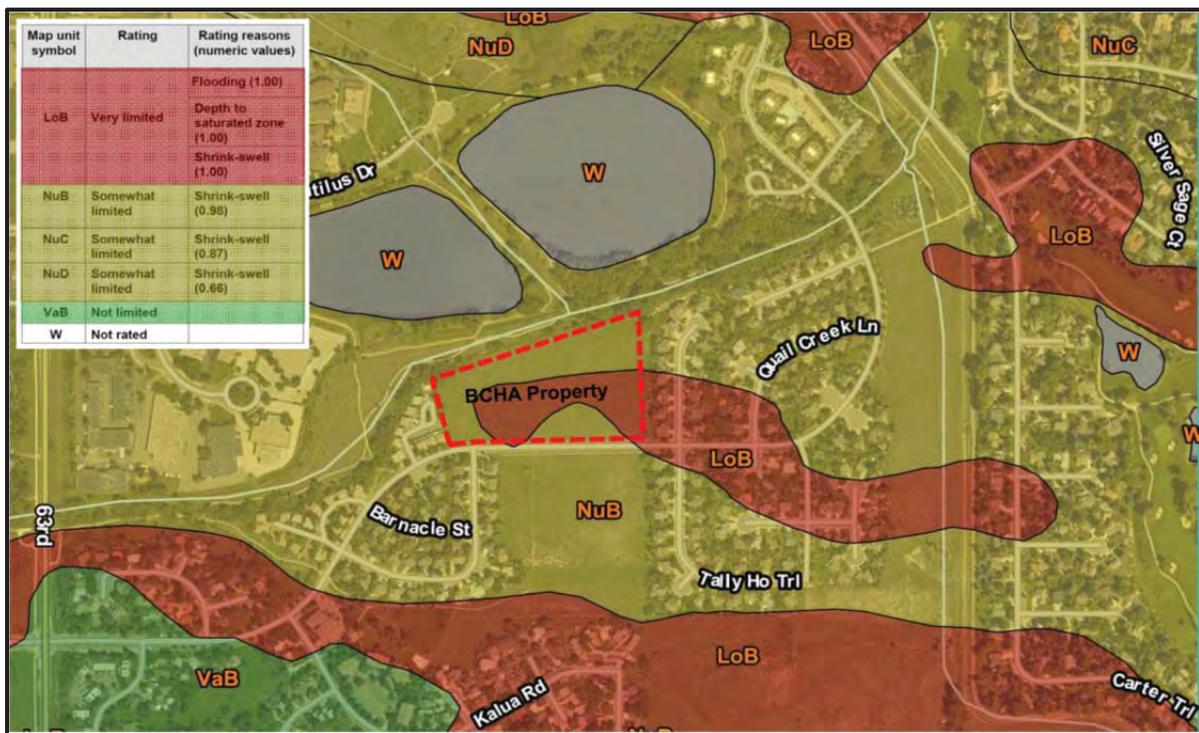


Figure 4. Limitations for construction of dwellings with basements.

**38)**

**0, 2300, & 2321 Yarmouth  
Ave., 4756 28th St. &  
4815 N. 26th St.**

**(Planning Reserve)–  
*Service Area Expansion  
(Area III Planning Reserve  
to Area II)***

**Request #38:**

**2300, 2321, 0 Yarmouth Ave; 4756 28<sup>th</sup> St; 4815 N 26<sup>th</sup> St. “Planning Reserve”**

Initiated by the owner

Parcel size: 80.4 acres

**Request:**

Service Area Expansion of approximately 80 acres located in the Area III-Planning Reserve, to Area II for the purpose of addressing the community’s unmet need for permanently affordable housing.

**Staff Recommendation: No**

Staff recommends that this request not be considered further as part of the BVCP Five Year Major Update for the following reason:

- 1) The City Council vote held on Aug. 6, 2015 directed staff to not begin a Service Area Expansion Assessment (study of sufficient merit/unmet need in the service area) and therefore not process requests to modify the service area within the Planning Reserve as part of the BVCP major update.

**ANALYSIS:**

**1.) Consistent with the purposes of the major update as described above?**

This is a proposed service area expansion, which is compatible with the purpose of the BVCP Major Update. However, because of the Aug. 6, 2015 City Council vote, staff are not able to process this request.

**2.) Consistent with current BVCP policies?**

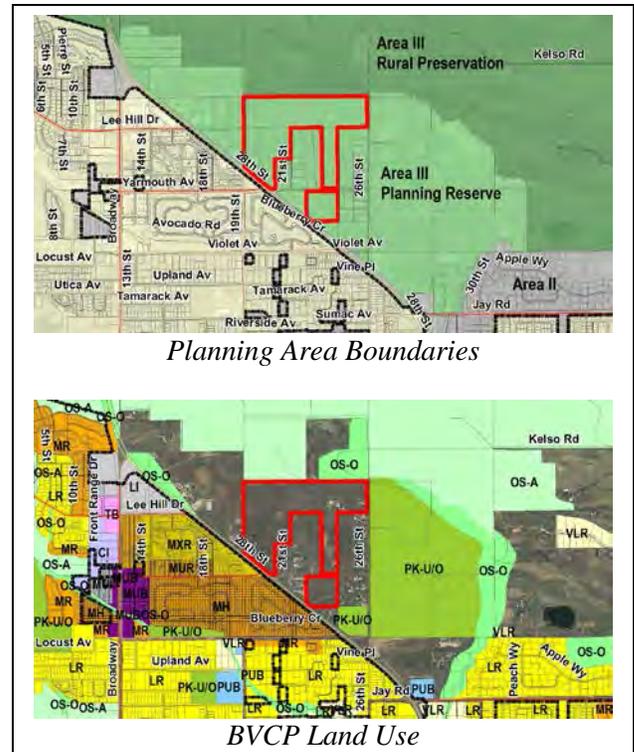
No. This request is out-of-step with BVCP policies and procedures for considering a request to modify the service area within the Planning Reserve. As detailed in the Amendment Procedures section of the BVCP, any proposed change to the service area boundary affecting the Planning Reserve must be preceded by a merit study finding that there is a critical unmet need that cannot be otherwise met within the current service area boundaries. By directing staff to not initiate such a study, City Council effectively closed to opportunity for a service area expansion to be considered in the Planning Reserve as part of the 2015 BVCP update.

**3.) Compatible with adjacent land uses and neighborhood context?**

Unknown at this time. The BVCP identifies the Planning Reserve as an area where service area expansion, if and when it occurs, should provide a broad range of community benefits and because there are desired community needs that cannot be met within the existing service area. At this time a Service Area Assessment has not been conducted, and no specific development proposal has been made.

**4.) Was the proposed change requested or considered as part of a recent update to the Comp Plan or other planning process?**

The requestor submitted an application for an annexation feasibility study in July, 2015, but was advised that the application likely would not meet the requirements for approval due to its location in the Planning



Reserve and the existence of additional steps that must be taken by the City of Boulder and Boulder County before properties are eligible for annexation.

**5.) Is there any change in circumstances, community needs, or new information that would warrant the proposal be considered as part of this update?**

No. The requestor identifies the need for permanently affordable housing as a justifying circumstance for this request. However, for properties in the Planning Reserve the Amendment Procedures section of the BVCP requires that an unmet need be analyzed as part of a larger study, which is not being undertaken as part of this update.

**6.) Are there enough available resources to evaluate the proposed change (city and county staffing and budget priorities)?**

No. Limited staff resources and the presence of other priorities for the 2015 BVCP update were identified by City Council at the public hearing on August 6, 2015 as part of the rationale for not initiating a Service Area Expansion Assessment.



# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

**1) Type of Amendment (check all that apply):**

<input type="checkbox"/>	Land Use Map Amendment
<input checked="" type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input type="checkbox"/>	Other Map Amendment

**2) Please provide the following information**

a. Brief description of the proposed amendment:

Change the Planning Reserve north of Jay Road and East of US 36 from Area III to Area II.

b. Brief reason or justification for the proposed amendment:

This change will create opportunities to meet Boulder's critical unmet need for permanently affordable housing. See the attached justification and maps

a. Map(s) proposed for amendment: BVCP Area I, II, III

b. Brief description of location of proposed amendment:

The Planning Reserve north of Jay Road and East of US 36. Yarmouth Holdings LLC owns 80.41 acres in the Planning Reserve.

Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_

c. Size of parcel: Yarmouth Holdings LLL 80.41 acres. Planning Reserve 200 acres



**3) Applicant:**

Name: Yarmouth Holdings LLC

Address: 3021 Jefferson St., Boulder, CO 80303

Phone: c/o 303 415 2585

**4) Owner:**

Name: Yarmouth Holdings LLC

Address: 3021 Jefferson St., Boulder, CO 80303

Phone: \_\_\_\_\_

**5) Representative/Contact:**

Name: Richard Lopez, Lopez Law Office

Address: 4450 Arapahoe Ave. Suite 100, Boulder, CO 80303

Phone: 303 415 2585

**6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):**

Yes, an annexation feasibility study was conducted. LUR2015-00082

## NARRIATIVE ADDRESSING DETAILS OF THE PROPOSED AMENDMENT

### 1. JUSTIFICATION FOR PROPOSAL.

(a) Provision of a community need: Taking into consideration an identified range of desired community needs, the proposed change must provide for a priority need that cannot be met within the existing service area.

**Justification: “Desired community needs.” No greater community need at this time than affordable housing. The land and development costs within the current city limits are at an all-time high. As a result, the City is looking to other ways of providing affordable housing including new excise fees on commercial development, inclusionary zoning and demanding fifty percent affordable housing commitments as part of any annexation. The comparison between Area III land costs (\$ 2.00 per square foot) and City land costs (\$ 200.00 to \$400.00 per square foot) is significant. In addition, land in the general area (more than 200 acres) provides ample space for public parks, linkages to existing open space and opportunities to plan for Boulder’s next subcommunity. Existing uses can be easily incorporated into the fabric of the new subcommunity.**

(b) Minimum size: In order to cohesively plan and eventually annex by neighborhoods and to build logical increments for infrastructure, it is encouraged that the minimum size of the parcel or combined parcels for Service Area expansion be at least forty acres.

**Justification: Yarmouth Holdings LLC owns eighty acres (80.41) in Area III, twice what is needed. Twenty acres are contiguous to the City of Boulder and an annexation feasibility study was conducted. LUR2015-00082. The parcels and acreages are as follows: 2321 Yarmouth (9.79 acres), 4756 28<sup>th</sup> (7.16 acres), 0 Yarmouth (14.28 acres), 4815 N. 26<sup>th</sup> (39.71 acres) and 2300 Yarmouth (9.47 acres). See 4. Detailed Maps**

(c) Minimum contiguity: The parcel or combined parcels for Service Area expansion must have a minimum contiguity with the existing service area of at least 1/6 of the total perimeter of the area.

**Justification: The parcels along N. 28<sup>th</sup> Street are contiguous (4756 28<sup>th</sup> St. 7.16 acres, 0 Yarmouth Ave 14.28 acres) with the existing service area as noted in the Annexation Feasibility Study. LUR2015-00082 4815 North 26<sup>th</sup> (39.71 acres) is south and adjacent to City owner property.**

(d) Logical extension of the service area: The resulting service area boundary must be a logical extension of the service area. Factors used in making this determination include but are not limited to an efficient increment for extending urban services; a desirable community edge and neighborhood boundary; and a location that contributes to the desired compact urban form.

**Justification:** Area III planning reserve is a logical extension of Boulder’s service area. The City open space and greenbelt creates a desirable community edge and neighborhood boundary. When the open space was purchased one of the justifications was that future development would take place within the greenbelt. This land was never intended to be open space and future development as part of the City of Boulder is a logical extension of the service area.

**The Annexation Feasibility Study determined that off-site and on-site public utility infrastructure will be required. Water and wastewater collection mains are located approximately 1,800 feet from the west side of 28<sup>th</sup> Street. A service area study of the entire planning reserve is warranted.**

(e) Compatibility with the surrounding area and comprehensive plan: The proposed Area III-Planning Reserve area to Area II change must be compatible with the surrounding area and the policies and overall intent of the comprehensive plan.

**Justification:** The comprehensive plan doesn’t describe what is envisioned for this area. Therefore a “master land use” plan for the planning reserve would be helpful. A variety of uses, residential, commercial, etc. could illustrate how the planning reserve fits or complements the surrounding neighborhoods. The developments along Jay Road to the south were designed and built many years ago, but they are part of the existing “fabric” of this area. Two churches are located at the intersection of Jay Road and North 28<sup>th</sup> Street. The Fun Park, American Legion Hall, and US Forest Service headquarters are part of the existing urban fabric.

(f) No major negative impacts: The Service Area Expansion Plan must demonstrate that community benefits outweigh development costs and negative impacts from new development and that negative impacts are avoided or adequately mitigated. To this end, the Service Area Expansion Plan will set conditions for new development, and it will specify the respective roles of the city and the private sector in adequately dealing with development impacts.

**Justification:** Negative impacts are unknown until the Service Area Expansion Plan is completed. Only then can it be determined if the community benefits outweigh development costs. Potential impacts include cost of extending utilities to serve this area. These costs are typically avoided by passing the costs onto the developer. Assuming the City has adequate capacity to treat the water and sewage generated by new development this should be palatable. Traffic is always raised as a negative impact but the capacity of the surrounding roads should be more than adequate. North 28<sup>th</sup> Street is actually US 36 so access will probably be limited to existing roads. Jay Road is a major arterial and important east-west connection to the Longmont Diagonal. Providing a sound interior circulation plan that incorporates bus stops, bike paths and pedestrian ways will be important. The potential population of this area can be estimated to determine what potential population of school age children might reside here. If sufficient it might make sense to set aside a future elementary school site. Along these lines, day care site(s) should

**be included in the master plan, adjacent or incorporated into a small village or commercial center.**

### **Compliance with Comprehensive Plan Policies**

Yarmouth Holdings LLC believes that the parcels are “enclaves” within City of Boulder. City limits lie to the west and south, City-owned open space to the north and east and various intergovernmental agreements with surrounding jurisdictions. Policy 1.25(b).

Yarmouth Holdings LLC notes that the land is essentially vacant, but for one house. Land to the west is developed as mixed-use residential with Boulder Journey School at 1919 Yarmouth Avenue. Policy 1.25 (c).

Yarmouth Holdings LLC is committed to the creation of permanently affordable housing. The lower cost of land will make the development of this type of housing economically realistic. Policy 1.25(d).

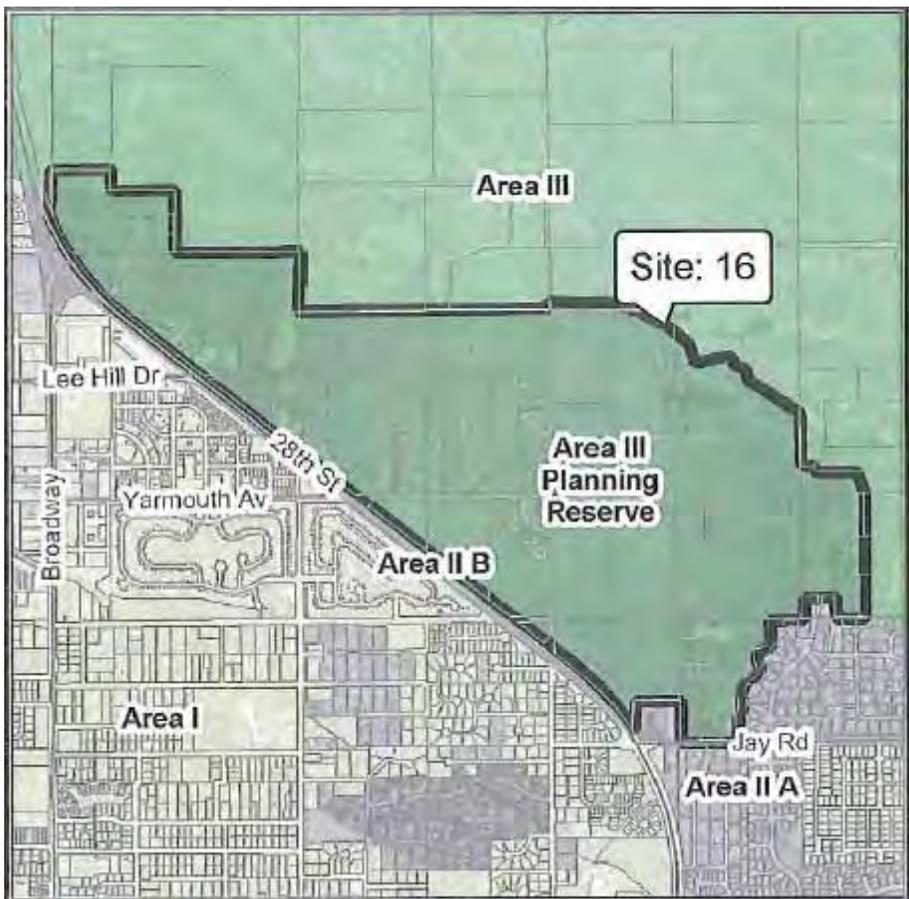
Yarmouth Holdings LLC notes that the parcels are no substantially developed properties. Policy 1.25(e).

Yarmouth Holdings LLC notes that the parcels are within the Boulder Valley Comprehensive Plan area. Policy 1.25(f).

Yarmouth Holdings LLC acknowledges that the parcels are located in Area III. However, the parcels are eligible for annexation under State annexation law. Policy 1.25(g).

Yarmouth Holding LLC states that the parcels are not within the Gunbarrel Heatherwood subcommunity and this policy is not applicable. Policy 1.25(h).

- 2. CONTACT PERSON** Richard V. Lopez, Lopez Law Office, 4450 Arapahoe Avenue Suite 100, Boulder, CO 80303. 303 415 2585 [lopezlawofficeco@gmail.com](mailto:lopezlawofficeco@gmail.com)



POLICY AND TEXT:

***3 Requests***

**16)**

**Enhance public benefit**  
*(Chapter 2-  
Built Environment)*



**BOULDER VALLEY COMPREHENSIVE PLAN  
2015 MAJOR UPDATE :  
REQUEST FOR REVISION**

1) **Type of Amendment:**  Policy Amendment  Other Text Amendment

2) **Please provide the following information**

a. Location of policy or text in comprehensive plan (check one):

- Introduction
- I. Boulder Valley Comprehensive Plan Policies:
 

1	2	3	4	5	6	7	8	9
<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>						

Which section? Select one:

Write in policy number: \_\_\_\_\_

- II. Amendment Procedures
- III. Land Use Map Descriptions
- IV. Implementation
- V. Referral Process
- VI. Urban Services Criteria and Standards

b. Page number of proposed amendment 33

c. Brief description of initial ideas for proposed amendment:

Review and further identify areas and individual sites that are strategically located and could be used effectively to balance housing and commercial development projects with extraordinary community benefit, particularly lots that are not yet developed. Work with property owners and existing businesses to provide value +

d. Brief reason or justification for the proposed amendment: **See next page for complete text.**

Many of the objectives of the BVCP, which are intended to balance development of the built environment are not being adequately developed, funded, or supported by the City. We need to identify and protect strategic sites and fund and implement the social and environmental goals of the BVCP.

3) **Applicant:** Name: Edward Jabari

Address: 4715 Broadway Street  
Boulder, CO 80304

Phone: (720) 587-9176

(Full text cropped from previous page):

**Request 16) Enhance public benefit (Chapter 2- Built Environment)**

Brief description of initial ideas for proposed amendment:

Review and further identify areas and individual sites that are strategically located and could be used effectively to balance housing and commercial development projects with extraordinary community benefit, particularly lots that are not yet developed. Work with property owners and existing businesses to provide value to them; enhance the public benefit in as many of the subsections of this chapter as possible; and use available tools, such as landmarking and use/zoning changes, where appropriate.

Brief reason or justification for the proposed amendment:

Many of the objectives of the BVCP, which are intended to balance development of the built environment are not being adequately developed, funded, or supported by the City. We need to identify and protect strategic sites and fund and implement the social and environmental goals of the BVCP.

17)

**Clarification regarding  
ditches**

*(Chapter 2-  
Built Environment,  
Chapter 9-  
Agriculture and Food,  
VI- Urban Service Criteria  
and Standards)*

Remove the word "ditches" from the first narrative sentence in Paragraph 5 (entitled "The Public Realm") on page 24 which begins "The public realm includes...."

Alternatively, define to which ditches the BVCP refers (see explanation below).

Ditches are not necessarily (and are not by definition) part of the "public realm". Ditches come in many flavors and include irrigation ditches, drainage ditches, storm flow ditches, etc. Some ditches within the BVCP geography are private ditches. Many of these private serve the primary function of delivering water from natural streams to farm headgates for irrigation use on agricultural properties. Both the City and the County honor their shared agricultural heritage - considering ditches to be part of the "public realm" (and similar to street, sidewalks, parks, etc.) frequently causes ditch companies (and owners of private ditches) considerable discomfort when development projects are proposed for properties on which private ditches are located. Ditches frequently do not have recorded easements; however, most have prescriptive easements which are defined by the area required to operate and maintain them and include other elements including ingress and egress to accomplish such activities. Development projects frequently encroach on these prescriptive easements, limiting O&M activities and cutting off access. Encouraging ditch-side public pathways serves to increase the liability of private companies and individuals which are not afforded governmental immunity. It is also dangerous, as pedestrians are placed in conflict with ditch O&M equipment and personnel. The City and County have preserved substantial agricultural acreage and need to recognize that the infrastructure which serves them can't become public domain without consequence. This general comment also applies to "ditch" references in Policy Nos. 2.20 on page 29 (remove the phrase "and irrigation ditches"); 2.29 on page 31 (open ditches should be protected - no conflict here other than the means by which this has occurred in the past); 2.37(b) on page 32 ("relate positively" - the context depends on the audience - "positive" to developers/planners is generally different than "positive" to ditch owners/operators); and 9.01 on page 56 (need more emphasis on engaging ditch owners/operators to agree on what actions "protect" historic and existing ditch systems). Finally, under the Urban Service Criteria and Standards section (Roman Numeral VI, under Stormwater and Flood Management (3)(d)(v) ["Operational Effectiveness"]) on page 92 - change "or the appropriate irrigation ditch company" to "and the appropriate irrigation ditch owner".

**18)**

**Reflect public interest  
in renewable energy  
and reduction of carbon  
footprint**

*(Chapter 4-  
Energy and Climate)*



# OUR LEGACY. OUR FUTURE.

**BOULDER VALLEY COMPREHENSIVE PLAN**



## **BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION**

1) **Type of Amendment:**     Policy Amendment     Other Text Amendment

2) **Please provide the following information**

a. Location of policy or text in comprehensive plan (check one):

- Introduction
- I. Boulder Valley Comprehensive Plan Policies:    1   2   3   4   5   6   7   8   9

Which section? Select one:

Write in policy number: \_\_\_\_\_

- II. Amendment Procedures
- III. Land Use Map Descriptions
- IV. Implementation
- V. Referral Process
- VI. Urban Services Criteria and Standards

b. Page number of proposed amendment    40

c. Brief description of initial ideas for proposed amendment:

This section should be expanded to reflect current public interest in renewable energy and reduction of carbon footprint. The city should identify appropriate sites and establish funding mechanisms for renewable energy projects on existing properties, to promote innovation, increase reliability/storage, and move toward +

d. Brief reason or justification for the proposed amendment:    **See next page for complete text.**

Owning and operating an electric utility is not enough to meet the city's climate change goals. We need to develop renewable energy sources and implement new technologies. This will require physical sites and infrastructure investments that are not considered in the current BVCP.

3) **Applicant:**    Name: Edward Jabari

Address: 4715 Broadway Street  
Boulder, CO 80304

Phone: (720) 587-9176

(Full text cropped from previous page):

**Request 18) Reflect public interest in renewable energy and reduction of carbon footprint  
(Chapter 4- Energy and Climate)**

*Brief description of initial ideas for proposed amendment:*

This section should be expanded to reflect current public interest in renewable energy and reduction of carbon footprint. The city should identify appropriate sites and establish funding mechanisms for renewable energy projects on existing properties, to promote innovation, increase reliability/storage, and move toward the city's climate change goals.

*Brief reason or justification for the proposed amendment:*

Owning and operating an electric utility is not enough to meet the city's climate change goals. We need to develop renewable energy sources and implement new technologies. This will require physical sites and infrastructure investments that are not considered in the current BVCP.