



**BOARD OF COUNTY COMMISSIONERS  
MEETING SUMMARY**

**January 31, 2017 – 3:30 PM  
Commissioners Hearing Room, Third Floor  
Boulder County Courthouse**

**Docket BVCP-15-0001: Boulder Valley Comprehensive Land Use Change Requests**

**STAFF PLANNERS:**

Dale Case - Land Use Director, Boulder County; Nicole Wobus - Long Range Planning and Policy Manager, Boulder County Land Use; Pete Fogg - Senior Planner, Boulder County Land Use; Steven Giang - Planner I, Boulder County Land Use; Susan Richstone - Deputy Director for Planning (City of Boulder PH+S); Lesli Ellis - Comprehensive Planning Manager (City of Boulder PH+S); Jay Sugnet - Senior Planner (City of Boulder PH+S); Jean Gatza - Senior Planner (City of Boulder PH+S); Caitlin Zacharias – Planner I (City of Boulder PH+S)

**BACKGROUND**

This document summarizes discussion and outcomes from a Jan. 31, 2017 Board of County Commissioners (BOCC) public meeting at which the following Boulder Valley Comprehensive Plan Major Update (BVCP)-related topics were addressed:<sup>1</sup>

- **Key policy choices related to land use and jobs-housing balance.** Staff provided background and updates on recent analysis on scenarios, results from a second survey, directions toward land use changes, and city decision-makers' input on housing and land use policy alternatives. *Action requested: None. Study session only.* No public testimony was taken.
- **CU South site suitability.** Staff provided background on recent site suitability studies and exploration of appropriate land use for the property and issues to address. *Action requested: None. Study session only.* No public testimony was taken.
- **3261 3<sup>rd</sup> Street land use map change, decision to reconsider.** BOCC was asked to decide whether to proceed with the reconsideration process for a previous land use designation change decision for this property due to a change in circumstances related to the location of

<sup>1</sup> At the start of the meeting Nicole Wobus, Long Range Planning and Policy Manager, noted a clarification and a correction for the staff report. In the discussion of the Natural Environment policy section it should have been noted that the content was reviewed by the Boulder County Parks and Open Space Advisory Committee. Also, 3261 3<sup>rd</sup> Street's land use change request was referenced as Request #29 and should have been referenced as Request #25.

the blue line (Land Use Change Request #25). *Action requested: Decision.* No public testimony was taken.

Please refer to the staff memo submitted in advance of the meeting, [available here](#).<sup>2</sup> All public comments received related to the BVCP Major Update docket are [available here](#).<sup>3</sup>

### **3261 3<sup>rd</sup> STREET – VOTE TO PROCEED WITH RECONSIDERATION PROCESS**

The county decision makers' votes on this land use change took place before the November election when voters approved amendments to the location of the blue line. Due to this change in circumstances, staff amended the recommendation for the land use and area map change request before city decision makers decided on this matter. City decision makers decided on an amended version of the staff recommendation. Therefore, reconsideration of the county bodies' September decision making is necessary, as all four decision bodies' must be in alignment for the land use change to take effect.

Nicole Wobus, Long Range Planning and Policy Manager shared the formal written request from the city to reconsider the 3261 3<sup>rd</sup> Street land use designation change. The BOCC commented that the decision to proceed with the reconsideration process was straightforward, and that the BOCC was already familiar with the property. Cindy Domenico moved to approve the proceeding with the reconsideration process. The motion was seconded by Elise Jones and all three Commissioners voted in favor of proceeding with the reconsideration process.

### **KEY POLICY CHOICES RELATED TO LAND USE AND JOBS:HOUSING BALANCE**

Lesli Ellis provided a brief explanation about the study session city staff held with City Council (CC) and City Planning Board (PB) the previous week (Jan. 24, 2017), where staff requested feedback and direction as they enter the final phase of the BVCP Update process. Lesli summarized the feedback received at the city study session, and provided updates on the following topics: the website, second survey, schedule, community input, land use objectives, scenarios and initial staff recommendations regarding adding residential development capacity in light industrial areas and along corridors, height ordinances, action plan priorities, community benefit policy, jobs:housing balance policy, subcommunity planning, and the built environment chapter. Lesli and Nicole requested feedback from the BOCC on these areas, recognizing that city decision makers have authority over items pertaining only to city (Area I) matters. BOCC feedback and discussion on these topics is summarized below.

#### ***Expanding Opportunities for Housing in Light Industrial Areas and Along Corridors***

*Industrial:* Overall, the BOCC supported the idea of expanding housing thoughtfully in light industrial areas. Commissioner Jones requested clarification on staff's references to how the expansion of housing in light industrial areas would be done "carefully." Staff responded that changes would be limited and conditional. The concept would be explored primarily in business parks and in areas where property owners have expressed an interest. Care would be taken to mitigate potential negative impacts on small businesses. Additional analysis of the concept is underway.

*Commercial Centers:* BOCC supported the idea of adding more housing in the Boulder Valley Regional Center and 28<sup>th</sup> Street, and was in favor of continued exploration of options for reducing non-residential potential.

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<sup>2</sup> <http://www.bouldercounty.org/doc/landuse/bvcp150001staffreport20170131.pdf>

<sup>3</sup> <http://www.bouldercounty.org/property/build/pages/lubvcp150001.aspx>

### ***Height Ordinance***

Staff recommends keeping the height ordinance in place, but recognizes further work is needed to avoid possible unintended consequences. Commissioner Jones suggested that increases in height be pursued with caution, and noted that she views height as essentially another planning reserve that could be tapped into 50 years in the future. Commissioner Gardner recognized height as a critical part of the Boulder identity and suggested that height variances be site specific. BOCC also suggested that increases in height be tied to providing community benefits, particularly affordable housing.

### ***Housing Policy***

The BOCC expressed general support for the draft policy language that ties additional density to additional permanently affordable housing. They encouraged creativity in addressing the need to introduce more permanently affordable housing, stating that the county is in a housing crisis. Commissioners noted that the survey outcomes highlight that the community places a high priority on affordable housing. A Commissioner commented on the importance of carefully designing the new policy to ensure that it is structured to achieve the intended outcomes to meet the housing demands for each income group. Another Commissioner suggested potentially tying approval of new accessory dwelling units (ADUs) to housing affordability, a model that has been used elsewhere. This would also support community interests related to aging-in-place. Commissioner Gardner requested clarification on the definitions and targets for housing low, moderate and middle income households.

### ***Action Plan Priorities***

BOCC supported the action plan items presented, and agreed that affordable housing and community action plans are important.

### ***Community Benefit Policy***

BOCC supported a new policy for Community Benefit; specifically, Commissioner Jones favored the reference to a variety of community benefits.

### ***Jobs:Housing Balance***

The BOCC indicated that any steps to address non-residential growth management should be data-driven, and expressed that determining which specific approaches to use warrants careful consideration. The BOCC highlighted the close relationship between regional transportation and job growth in the Boulder Valley, and they expressed a recognition of the impacts of job growth on housing affordability. The BOCC supported the concept of having a target metric for the jobs-housing ratio, as well as strategies to work toward achieving greater balance. A Commissioner suggested having a BVCP policy stating that new jobs must pay for the new commuters that will result (i.e., job growth should be coupled with financial support for a community-wide EcoPass program).

### ***Subcommunity and Area Planning***

BOCC emphasized the county's interest in being an active player in area planning for the Broadway Corridor and tying county facilities into that planning process. The county is also interested in being an active partner in any future planning efforts related to the Boulder Community Hospital site.

## **CU SOUTH SITE SUITABILITY**

Staff requested feedback from the BOCC on whether to continue to move forward with the comprehensive plan land use change for the CU South property.

Commissioner Jones asked for more background on the experience of the 2013 Flood and how it relates to the South Boulder Creek Mitigation Study which began before that flood. The City's Director of Public Works Utilities, Jeff Arthur, provided an explanation of the study and the overall assessment of the area. In the study, a set of alternatives was analyzed and the outcome was a plan for pursuing three phases of mitigation efforts. The CU South mitigation work would be Phase 1 of the

broader plan. The basic concept is to build a high hazard dam at this site. It would be built to a more rigorous design standard than a traditional levee due to its high hazard classification. Commissioner Jones asked for clarification on where the spillway is located. Staff stated that the spillway would be in the same general area but noted that is the subject of further geotechnical analysis.

Commissioner Jones stated that the county typically regulates to the 100-year flood and the 2013 Flood exceeded this value in many areas. She expressed concern that designing to the 100-year level may be insufficient and questioned whether the community should consider designing to a higher standard. Mr. Arthur stated that building a dam for higher level storms would require more land, higher costs, and a slower construction/development time. It could take 80-100 years to build out the current mitigation projects that are designed to a 100-year standard, and if the city were to focus more funds on this area, other parts of the city would suffer as a result.

Commissioner Domenico supported the idea of designing to a more stringent standard than the 100-year flood based on past experiences, and wants to ensure that future dam projects do not exacerbate problems if they fail. Commissioner Gardner inquired if staff has made any updates to the study since the 2013 Flood and wondered how the impacts of that flood compared to computer modeling. Mr. Arthur stated that the models for the 2013 Flood and South Boulder Creek were quite similar. The BOCC also had a critical concern regarding whether the spillway would have unintended consequences for the residential neighborhoods to the west. Mr. Arthur explained that efforts to determine the spillway are not yet complete, but staff could follow up with BOCC to provide more information.

The BOCC expressed that more information is needed on the flood issues, and until there is more information and data available, they do not support moving forward with land use designation changes. The BOCC emphasized the need to consider a 500-year design strategy. Commissioners emphasized that the county views flood risk as a high priority.