



# Land Use

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## BOULDER COUNTY PLANNING COMMISSION

### AGENDA ITEM #4

#### Study Session with Board of County Commissioners

March 21, 2012 – 2:30 PM

Hearing Room, Third Floor  
County Courthouse

**FROM:** Peter L. Fogg –Manager, Long Range Policy Team  
Michelle Krezek, Special Projects Planner

**DATE:** March 21, 2012

**RE:** Docket BVCP-10-0001: Boulder Valley Comprehensive Plan 2010 Major Five Year Update: Area III-Planning Reserve Service Area Expansion Process Planning Commission/Board of County Commissioners Joint Study Session to discuss decision-making options for considering Area III-Planning Reserve Area Service Area Expansions.

**ACTION:** Direction to Staff (*no public testimony will be taken*)

**SUMMARY** Significant changes to the procedures and processes for reviewing and acting on proposals to expand the city service area into the Area III-Planning Reserve as the first step towards annexation were proposed during the BVCP 201 Major Five Year Update. The proposal included providing two eligibility criteria for filing applications vs. the single criterion in the 2005 BVCP, and changing the process for acting on applications from the existing four body requirement (Planning Board, City Council, Planning Commission and County Commissioners) to a two body requirement (Planning Board and City Council) with the county receiving referrals prior to the city taking action at various stages in the review. Planning Board and City Council approved the changes on May 24 and June 7, 2011 respectively. The county Planning Commission rejected the proposed changes on August 24, 2011. Under the procedures contained in the BVCP for changes requiring four body approval to become effective, the Planning Commission's decision meant the Board of County Commissioners could not take action on this piece of the 2010 Major Update. This joint study session is to provide the Planning Commission and County Commissioners a forum in which to discuss the merits of a two body v. four body approval procedure, to review the action taken by Planning Commission on August 24<sup>th</sup>, to review options that might meet both the city and county's interests and needs, and to provide direction to staff on preparing a consolidated option or options for review and consideration by the Planning Commission and Board of County Commissioners before returning to the city.

## **ATTACHMENTS:**

- A** Area III-Planning Reserve and the Service Area Expansion Process. Draft Policy Briefing Paper and Potential Changes – February, 2011 (includes notes from the city-convened focus group)
- B** Existing (2005 BVCP) and City-Approved (2010 BVCP) Area III-Planning Reserve Processes (side-by-side summary text descriptions)
- C** **Section VI-Amendment Procedures: 4. Area III-Planning Reserve** (text of 2010 BVCP proposed changes approved by City Planning Board and City Council)
- D** **Area III-Planning Reserve/Service Area Expansion Process Options** (chart prepared by city of Objectives, Addressed in Changes Proposed by City, How Addressed, August 24<sup>th</sup> Planning Commission Concerns)
- E** Summary of Planning Commission Discussion on Area III-PRA Changes – August 24, 2011

**BACKGROUND** The Planning Reserve was incorporated into the BVCP in 1994 as a result of the Area III Planning Project. It was and continues to be described under the Framework for Annexation and Urban Service Provision of the BVCP as "...[that area] where the city and county intend to maintain the option of future Service Area expansion." and is currently defined in Section II. Built Environment: Rural Preservation Lands, Policy 2.07 of the 2010 BVCP as follows:

"The Area III-Planning Reserve Area (PRA) is that portion of Area III with rural land uses where the city intends to maintain the option of limited Service Area expansion. The location and characteristics of this land make it potentially suitable for new urban development, based on the apparent lack of sensitive environmental areas, hazard areas, and significant agricultural lands, the feasibility of efficient urban service extension, and contiguity to the existing Service Area, which maintains a compact community."

Originally containing 680 acres of land, the Planning Reserve was reduced to 500 acres in the BVCP 2000 Major Five Year Update by four body action after reviewing a revised land use suitability study prepared by city and county staffs. Approximately 190 of those acres have been acquired by the city Parks and Recreation Department for a regional park.

### **City Area III-Planning Reserve Changes**

The changes approved by City Council and Planning Board have attracted the most attention from county reviewers and decision makers. As presented in the June 15, 2011 Planning Commission Information Item, the changes included:

- 1) Revising the decision-making steps for advancing an Area III-PRA change request from the current four body approval requirement (City Planning Board, City Council, County Planning Commission, and County Commissioners) to a two body approval (City Planning Board and City Council) with referrals to the county during each review and hearing stage of an Area III-Planning Reserve Service Area Expansion proposal;
- 2) Providing a second eligibility consideration for a Service Area expansion into the PRA, that being a proposal which provides a "Significant Community Opportunity";
- 3) Expanding the PRA change request application opportunity from only during the BVCP Major Five Year review to a. consideration at any time for a "Significant Community Opportunity", and b. during either the BVCP mid-term or major update cycles for a "Priority Community Need", which is the sole qualifying eligibility consideration under the current plan; and

- 4) Requiring that a Baseline Urban Services Infrastructure study of the PRA be conducted and completed by the city prior to considering a Service Area expansion.

A detailed background and policy analysis paper prepared by city staff in consultation with county staff about the history, issues, and recommended changes to the Area III-Planning Reserve that informed Council and Planning Board's decisions can be found in **Attachment A**.

### **Considerations Prompting City Changes**

During the intervening 18 years since the creation of the Planning Reserve, about 10 proposals of varying types and sizes have been submitted for a service area expansion. None satisfied the criteria for approval. Over the same time period the amount of vacant and potentially redevelopable land within Areas I and II of the Boulder Valley (the Community Service Area) has been significantly reduced, and with that so has the availability of suitable land capacity to meet priority "community needs" as they are identified. This has led to a growing sense among city staff and decision makers that the need for and desirability of expansion into the Planning Reserve ought to be considered a visible probability and necessity rather than a distant possibility.

There has also been a course correction in thinking among city decision makers about two other original Planning Reserve precepts: 1) that proposals for service area expansions into the Reserve can only be submitted during the Major Five Year Update cycle of the BVCP; and 2) that proposals must be confined to addressing a "Desired Community Need". This reexamination has been based in part on concerns raised by a city-convened focus about dismissing or passing on potential opportunities for expansions that could provide substantial benefits to existing and future residents in the Boulder Valley because a) the proposals do not meet the current "Desired Community Need" eligibility definition and criteria; or b) the proponents cannot or are reluctant to wait around for the arrival of the next Five Year Update application window. Consequently the city has added an eligibility category of "Significant Community Opportunity" as well as application windows at each of the three BVCP amendment cycles - Changes That Can Be Made Anytime, Mid-Term Changes, and Five Year Major Update.

Furthermore, there is a belief supported by both anecdotal information and the above-noted focus group that the four body approval requirement for Planning Reserve changes can act as a deterrent to potential applicants and proposals because of the length of time required to navigate the process and the compounded uncertainty associated with having to pass through four sets of decision makers' in three cycles of public hearings, during which any one of the decision making bodies can table, continue or deny the application. The Council and Planning Board's conclusion to change this procedure reflects a strong belief that the substantially improved criteria requirements for a proposed Area III-Planning Reserve change, coupled with the application of other policies derived from new focus on Core Values and Sustainability Framework that permeate the BVCP, establish a set of review and approval standards that are sufficiently rigorous to permit a two body approval process without compromising the intention for which the Planning Reserve was created.

Considering that the original Area III-Planning Reserve service area expansion process was written to be city/county initiated one (i.e.: the city and county will determine when it is time and what the needs are), it has not been implemented that way. At every Major Update proposals have been accepted that are based on what the proponents believe the community's needs are and then loaded into a process which was not designed for that purpose. The process approved by the city is intended to fix that problem by creating entry points and processes to both respond to a proposal (a Significant Community Opportunity) and for the city/county to initiate a proposal (Priority Community Needs).

Finally, the city and others have also noted that the county's relationship with the other municipalities on development proposals within their respective Municipal Influence Areas as defined in the

Countywide Coordinated Comprehensive Development Plan (aka the *Super IGA*) is that of a referral agency, not a decision maker. The Council and Planning Board's action is based in part on this standard having been acceptable to the county in its agreement with eight other municipal Super IGA participants.

In summary, the city has concluded that its changes to the Area III-Planning Reserve process provide substantial benefits by:

- facilitating the city's ability to respond more promptly to significant community opportunities, particularly where time may be an important issue;
- reducing levels of uncertainty or the deterrent effect of a four body approval procedure for potential applicants, which could result in proposals otherwise meeting the eligibility criteria for further review being taken instead to some other jurisdiction or municipality;
- reducing the number of approval hearings and consequently reducing the amount of time required for processing, reviewing and preparing for hearings for applicants, staffs, other interested parties and the public;
- recognizing Boulder's Municipal Influence Area (MIA) as appropriate for urban development in similar fashion as the county's recognition of the other eight MIAs in the Super IGA while still retaining the benefits of a long standing, precisely defined, inclusive and distinctive city/county planning relationship in the Boulder Valley; and
- acknowledging the need for revisions to the existing Area III-PRA processes and procedures in response to the land use and community changes that have occurred since 1994, including the reduced amount of vacant/redevelopable land available within the existing community service area and the complete confinement of the Reserve to its present boundaries by open space lands and existing city limits.

### **Boulder County Commissioners and City Council Discussions**

In publicly noticed meetings, the County Commissioners and City Council convened on two occasions in 2010 and 2011 to review city/county collaboration efforts and to discuss in general terms the BVCP 2010 Major Update change proposals, including the desire on the city's part to revise the Area III-PRA decision making process from the current four body approval requirement to a city-only two body procedure with referrals to the county Planning Commission and Commissioners. The Commissioners and Council also exchanged thoughts on the importance of undertaking an inventory of the existing infrastructure and land use status of non-residential Area II lands, including the East Arapahoe corridor, in the context of future development potential and/or annexation within the existing community service area. The city has commenced this analysis and is examining the existing conditions and uses, what services are currently being provided through out-of-city utility agreements, and other relevant information to provide a better understanding of Area II and the issues and challenges related to annexation. This project will support the future work of an annexation study and the exploration of a municipal electric utility.

### **County Planning Commission Hearing of August 24, 2011**

County staff presented the text and map changes to the 2010 BVCP Update as approved by City Council and Planning Board to the county Planning Commission with the recommendation that they adopt the documents as presented. With regard to the Area III-Planning Reserve Changes, staff wrote the following in support of the proposed two body approval process:

"From a planning review and criteria sufficiency perspective, staff finds the proposed changes to be reasonable and a significant improvement to the current language. The eligibility criteria have been problematic in the past due to their vagueness, and the process steps as laid out in the BVCP since 1993 have been confusing if not convoluted both for the reviewers and the applicants. Staff believes

the changes to the criteria, particularly their linkage to the sustainability objectives that are called for in the Sustainability Framework of the BVCP, are sound, and will reinforce the requirement to show how a proposed Area III-Planning Reserve change will complement the community's Core Values. In particular, the new BVCP element on the Built Environment is an important addition because it sets standards for how development should blend into both the form and function of the existing city.

The addition of a mandatory pre-application conference with proponents should provide a much clearer picture early on as to whether or not a proposal merits further consideration, while the development of a Baseline Urban Services study prior to any service area expansion into the Planning Reserve should identify what gaps in or strains on service capacities may exist or need to be addressed in more detail if other eligibility criteria are met and the proposal is to proceed.

With over 30 years of experience to go on, referrals have worked well in most cases for both the city and county in efficiently and effectively relaying information, concerns and options about development and other kinds of land use proposals within the Boulder Valley. Referrals also provide an opportunity for further issue identification, discussion and resolution between the city and county when differences over potential impacts, conformance to BVCP policies, or other concerns arise in reviewing land use proposals before going into decision-making public hearings. The long-standing four body review and approval feature contained in the BVCP is unique; the county has no other relationship like this with other municipalities (nor, to staffs knowledge, does this kind of relationship exist anywhere else in Colorado). Under the proposal before you, that relationship remains in place with the exception of having approval authority over Area III-Planning Reserve service area expansion proposals.

Based on the reasons put forward by the city for a two body approval process, and in assessing the criteria and process revisions proposed for Planning Reserve changes, staff can support the city's recommended changes."

After extensive discussion, Planning Commission voted 6-0 to not approve the text changes in Section VI-Amendment Procedures of the 2010 BVCP pertaining to service area expansions in the Area III-Planning Reserve. While elements of the proposed changes such as requiring a baseline urban services study prior to any service area expansion, requiring a pre-application meeting between city staff and proponents of a Significant Community Opportunity request, and tying Area III-Planning Reserve changes review criteria to the social, economic, and environmental sustainability principles and policies in Section I. of the 2010 BVCP were considered improvements to the existing system, Planning Commission did not find the points made for changing from a city/county four body approval process to a city-only two body process as presented in the Section VI amendments to be compelling ones.

Planning Commission did approve all the other text and map changes for the 2010 BVCP Update (county Docket# BVCP-010-0001), as did the County Commissioners on September 29, 2011 by Resolution 2011-122. However, because Planning Commission did not approve Section VI-Amendment Procedures, this piece of the 2010 BVCP Update did not go to the County Commissioners' hearing on September 29<sup>th</sup>.

#### **Current Status of Area III-PRA Process**

The city has approved the 2010 Area III-Planning Reserve revisions. The county has not. Lacking the four body approval required for changes to the BVCP amendment procedures to become effective, the Area-III Planning Reserve to Area II change procedures remain those that are contained in the 2005

BVCP; four body review and approval are required to bring Planning Reserve lands into the city service area in preparation for annexation.

**PROPOSED NEXT STEPS**

This memo with the accompanying attachments has attempted to summarize the history of the Area III-Planning Reserve's intent, the four body process that has been in place for initiating and reviewing service area expansion proposals (Area III-Planning Reserve to Area II), the reasoning behind the proposed 2010 changes approved by the city, the Planning Commission's response to those changes, and the status of the Planning Reserve amendment procedure today.

Staff is seeking direction from the Planning Commission and County Commissioners on whether they wish to revise the current Area III-Planning Reserve to Area II process and procedures. If so, what kinds of revisions should staff develop more fully and convey to the city Planning Board and Council for their consideration and comment prior to the county taking any approval action.

A large matrix with Area III change decision points under both the "Significant Community Opportunity" and "Priority Community Needs" categories, with options for approval processes, will be prepared and used at the March 21<sup>st</sup> joint study session to facilitate and chart the discussions. For example, one option for consideration will be a limited county role in approving proposals at the early stage of considering a Service Area Expansion vs. the current process that has county review and approval at every decision point, with a possible call-up option for the final review of the Service Area Expansion Plan.

# ATTACHMENT A



**SustainableBoulder**  
*Creating our Future*

2010 Major Update to the  
Boulder Valley Comprehensive Plan

## Area III-Planning Reserve and the Service Area Expansion Process

Policy Briefing Paper and Potential  
Changes

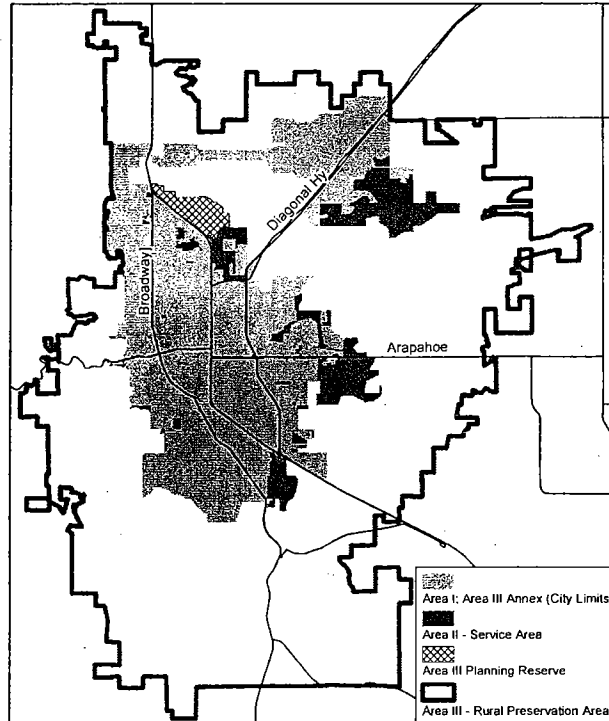
February 2011

Prepared by City of Boulder Comprehensive Planning and Boulder County Land Use staff

## Area III-Planning Reserve and Service Area Expansion Process Briefing Paper

### I. Introduction & History

The Service Area concept and the creation of Areas I, II, and III is one of the keystones of the Boulder Valley Comprehensive Plan (BVCP). In combination with joint city/county decision-making, it distinguishes the plan from many others in the state and country. Area I (the city) and Area II (the area planned for annexation and service provision) form the city's Service Area. The Service Area is the area which the city plans to provide urban facilities and services. Area III was defined in 1977 as the area that would not accommodate urban development and where the rural character should be preserved and protected.



The Planning Areas remained as originally defined until 1993, at the conclusion of the Area III Planning Project. The Area III Planning Project was a three-year joint effort of the city and county planning departments. The city and the county had been receiving incremental requests for Area III to II changes, particularly along the Jay Road corridor and East Arapahoe, and the plan did not provide guidance as to where such a change would be appropriate. The goal was to determine where and when urban growth might and might not be acceptable in the future, prior to considering Service Area expansions.

The following studies were completed as part of the project:

- (1) Land Use Suitability Analysis;
- (2) Urban Services Feasibility Analysis;
- (3) Vacant, Redevelopable and Underdeveloped Land Inventories in the existing Service Area;
- (4) Potential Service Area Expansion/BVCP Policy Compatibility Analysis; and
- (5) Gunbarrel Policy Analysis.

At the conclusion of the project, city and county decision-makers determined that only a small amount of Area III should be contemplated for future urban expansion, and then only if detailed planning for the area indicates community benefits exceed potential negative impacts.



The final report states:

“Service Area expansion is not desirable simply to provide additional land supply for future development; it must provide a broad range of community benefits.... conceptual planning should provide an analysis of cumulative impacts and whether the carrying capacity of the Boulder Valley can absorb this additional growth....and should also provide an evaluation of trade-offs in meeting conflicting community goals.”

After a series of public hearings the four approval bodies (City Planning Board, City Council, County Planning Commission and Board of County Commissioners) agreed in the fall of 1993 to:

- Designate 680 acres in the "West Portion-Northcentral Area" as Area III-Planning Reserve because it presented very limited environmental constraints, was proximate to urban services, and was of sufficient overall size to potentially accommodate the conclusions of the future vacant land needs analysis.
- Designate the remainder of Area III as “Area III- Rural Preservation Area.”

The procedures for amending the plan were changed following the project to set in place a process for Service Area expansions that would be initiated by the city and county, and provide for comprehensive planning of the Planning Reserve as opposed to incremental changes.

The policy direction for determining the procedures for amending the Area III/II change process was described in 1993 as the following:

1. Consider limited Service Area expansion to include land in the Planning Reserve Area if the benefits to the community outweigh costs and negative impacts.
2. Revise the Area III to II change process from an incremental, reactive, applicant driven process to a process based on comprehensive planning of growth areas and city-initiated Area III/II changes. The revised Area II/II change process and criteria must establish greater community control over the location, type, acreage, and timing of development.
3. Service Area expansion is not desirable simply to provide additional land for future development—it must provide a broad range of community benefits.
4. Area III to II changes should be large to cohesively plan and annex by neighborhoods (which should have a diversity of land uses) and to build logical increments for infrastructure.
5. To achieve community goals and policies, the city should be more directive in determining what actually gets built both for development in the existing Service Area and for any new growth areas (in Area III).
6. Require that new growth (in Areas II and III) provide needed land uses that compliment existing subcommunities and implement a broad range of community goals. Development of land in new growth areas should be phased over many years in order to enhance growth management, encourage appropriate infill and redevelopment in the existing Service Area, and preserve development options for the future.

The procedures that were developed based on this policy direction are still found in the plan today, including:

- Area III to II changes only apply to lands in the Area III-Planning Reserve, not the Area III-Rural Preservation Area, unless the change can qualify as a minor amendment to the boundary.
- A process for expanding the Service Area boundary was established
- A Service Area Expansion Plan process was created, with a list of what the plan must contain, and the criteria that the plan must meet.
- The role of property owners in the Service Area expansion process is established.

Although key elements of the process for expanding the Service Area into the Planning Reserve have not changed since original adoption, revisions have been made to the Planning Reserve boundary and process. In 2000, a land use suitability study was conducted as part of the major update to the BVCP and, as a result, 182 acres of land were moved from the Area III-Planning Reserve to Area III-Rural Preservation. Since the 2000 major update, the size of the Planning Reserve has remained at approximately 500 acres. Approximately 190 acres of the Planning Reserve was purchased by the Parks and Recreation Department for a regional park.

Two changes occurred in 2005, when additional text was added to further clarify “sufficient merit” to authorize the development of a Service Area expansion plan, and a new criterion for approval of a Service Area expansion plan was added requiring that the change provides for a “priority need that cannot be met within the existing Service Area.” These were added to strengthen the intent of the Service Area expansion process as a comprehensive, city initiated process. The result of these two changes was the addition of an initial community process to identify a list of unmet needs prior to considering whether to authorize a Service Area expansion plan. This process is further explained in the following section.

In researching other communities, many utilize an urban Service Area or growth boundary, and some have vacant lands designated for specific land uses while others have no future use identified. Of the communities researched, none had a provision for future land reserved for the undefined future needs of the community, such as described in the BVCP.

The closest example of a system similar to that of the Area III-Planning Reserve in the BVCP is the Urban Reserves program recently established by the Oregon Metro Regional Government. Metro’s program is on a regional scale, and has identified lands in Clackamas, Multnomah and Washington counties that are appropriate for future urban development, and lands for rural preservation. The time horizon of the urban reserves is 50 years. The system was established to eliminate the incremental, site-specific decision making that was required as part of urban growth boundary changes under Oregon state law. The guidelines and policies for how an urban reserve can be considered for urban development includes a comprehensive planning process, much like the Service Area expansion plan process in the BVCP.

**II. How is the Service Area Expansion Process for the Area III-Planning Reserve currently addressed in the Comprehensive Plan?**

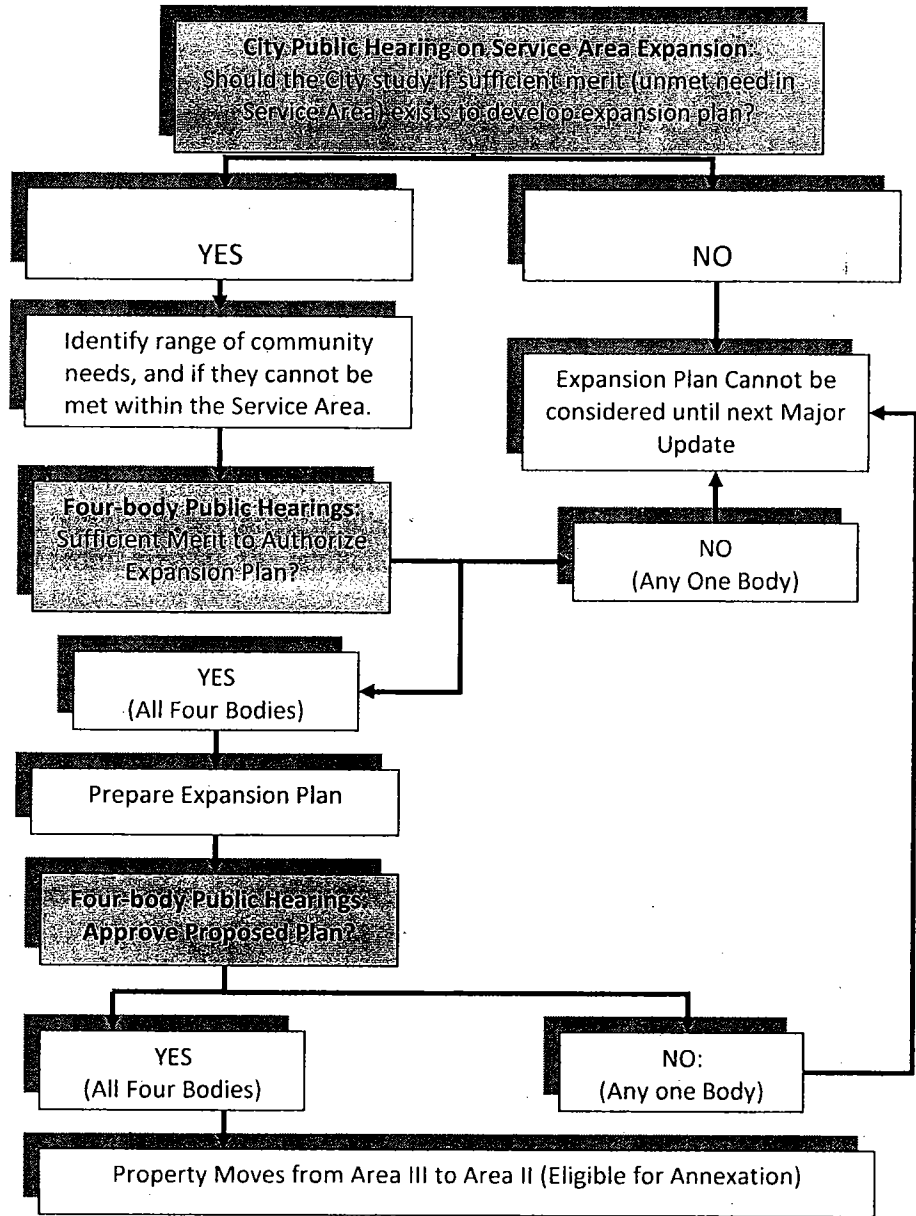
The process to develop land in the Area III-Planning Reserve has very distinct steps, and joint decision-making points. The process is outlined in the flow chart below. As articulated in the background section above, the intent of the Area III-Planning Reserve is not to serve as additional land supply for general development, but rather potentially provide land for community needs if they cannot be met within the Service Area. The criteria and process to expand the Service Area intentionally set a high threshold, to ensure that if land is to be moved from Area III, the net benefits to the community outweigh the impacts.

To begin the Service Area expansion process, all four bodies must determine that “sufficient merit exists to authorize a Service Area expansion plan.” To determine whether “sufficient merit exists,” it must be demonstrated that a desired community need cannot be met within the existing Service Area.

Preparation of a Service Area expansion plan is a significant joint city-county planning effort. The BVCP outlines what the plan must include. See **Exhibit A** for a copy of the current plan text.

After the plan is completed, all four bodies consider whether to approve the plan, based on criteria listed in the BVCP. If approved, the area is moved from Area III-Planning Reserve to Area II. Property owners may then begin the annexation and development process according to the phasing

**Existing Service Area Expansion Process**



identified in the expansion plan and the extension of city infrastructure.

<b>III. What issues and challenges have been identified for the Area III-Planning Reserve Service Area expansion process?</b>
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As part of the 2010 Major Update to the Boulder Valley Comprehensive Plan, all four approval bodies have discussed the Service Area expansion process. Based on those discussions, and input from the community, property owners, and focus group, the following issues and challenges have been stated:

1. The current description, process, and criteria for requesting, processing, and approving a Service Area expansion is not contained in one section of the plan, but is scattered in several sections and confusing to follow.
2. The plan intends for a Service Area expansion decision to be proactive, yet the process is reactive, with a request process for landowners in the Planning Reserve to submit requests before the threshold interest in expanding the Service Area has been made.
3. The city would like more flexibility to respond to special opportunities and not limit the ability to look at the Area III – Planning Reserve only during the major update (every five years).
4. The process to consider a Service Area expansion is lengthy, including the number of four-body approval/decision steps.
5. Now that the city has little vacant land remaining, consideration of a Service Area expansion has become more of a reality. However, the definition of the Area III-Planning Reserve (Policy 2.10b) states that the area maintains both rural preservation or urban development options, creating an unclear intent for the future of the area, resulting in differences in understanding or interpreting the purpose and intent of the use of the Planning Reserve.
6. The threshold of a “community need that cannot be met within the existing Service Area” is hard to define and there is not clear guidance on how to meet it.
7. The current Service Area expansion process is written such that the entire planning reserve will be planned and considered for service area expansion. The concern is that this will prematurely plan for an area not desired for full development to accommodate a single proposal deemed to meet a community need.
8. No advanced planning has been done for service expansion into the Area III-Planning Reserve, making it difficult to know what basic urban service needs and upgrades would be required and cost for various intensities of development.

*and contiguity to the existing Service Area, which maintains a compact community.”*

As part of the discussions during this update, it was acknowledged that the intent or purpose of the Area III-Planning Reserve is not clear, and is spread out through several sections. Based on those discussions, a slightly revised intent statement for the Area III- Planning Reserve is proposed that:

- More clearly indicates the Planning Reserve is an area where the city maintains the option of limited expansion for urban development.
- Clarifies that incremental development may be appropriate over time.
- Explains what a service area expansion could be authorized for.

The following proposed statement would replace policy 2.10:

The Area III-Planning Reserve is that portion of Area III with rural land uses where the city intends to maintain the option of limited Service Area expansion for future urban development in response to significant opportunities or community needs that cannot be met within the existing Service Area. The Area III-Planning Reserve classification maintains both rural preservation and urban development options until the city and county decide the ultimate land use. The location and characteristics of this land make it potentially suitable for new urban development, based on the apparent lack of sensitive areas, hazard areas, the feasibility of efficient urban service extension, and contiguity to the existing Service Area, which maintains a compact community. While Service Area expansion into the Area III-Planning Reserve may occur over time in several separate actions, it is a significant action and must result in a logical expansion of the Service Area (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). This area is limited in size, and the needs of future generations should be considered any time a Service Area expansion of the Planning Reserve is contemplated.

## **2. What should the threshold be for considering a Service Area expansion?**

The current threshold to consider a Service Area expansion is based on a “desired community need” that cannot be met in the existing Service Area. However, there is not a definition or criteria as to what constitutes a “desired community need.” Based on discussions as part of the update process and focus group input, two reasons have been suggested that might warrant a Service Area expansion: for a priority community need or for a special opportunity. Therefore, it is recommended that the existing category of “*community need*” be clarified, and a new category of “*significant community opportunity*” be created and defined. Proposed definitions are below:

- A. **Significant Community Opportunity** – A significant community opportunity for the Area III-Planning Reserve is a unique use that would have a lasting and positive benefit for multiple generations, and requires a large, contiguous location that cannot be achieved through redevelopment within the existing Service Area. Past examples of such community opportunities include the Chautauqua, Federal Labs (NOAA, NIST), NCAR and the University of Colorado.

#### **IV. What are the objectives for changes based on the identified issues?**

Staff has identified the following objectives for revisions to the Service Area expansion process:

1. Clarify intent of the Planning Reserve, including that incremental development over time may be appropriate, and what circumstances would warrant consideration of expanding the service area.
2. Keep the process changes consistent with the original policy direction from 1993 that the Planning Reserve:
  - Be used to meet community needs that cannot be met in the service area, not just additional land for development;
  - Provide for a broad range of community benefits that outweigh costs and negative impacts
  - Expansion process should be a proactive, city/county-initiated process
  - Be appropriately phased over time, to ensure adequate services can be provided
3. Provide for additional opportunities for when a Service Area expansion can be considered; more than just the 5-year major update.
4. Provide clear criteria for what constitutes a community need that cannot be met in the Service Area.
5. Provide a clear and understandable process for considering a Service Area expansion, and preparing a Service Area expansion plan.
6. Provide for a more streamlined process that positions the city to respond to a great idea in a shorter timeframe.

#### **V. Potential changes to the Service Area expansion process**

##### **1. What is the intent of the Area III-Planning Reserve?**

The Area III-Planning Reserve is currently defined in BVCP Policy 2.10:

*"The Area III-Planning Reserve Area (PRA) is that portion of Area III with rural land uses where the city intends to maintain the option of limited Service Area expansion. The Area III-Planning Reserve Area classification maintains both rural preservation and urban development options until the city and county decide the ultimate land use. The location and characteristics of this land make it potentially suitable for new urban development, based on the apparent lack of sensitive areas, hazard areas, the feasibility of efficient urban service extension,*

- a. To be considered as a significant community opportunity for Service Area expansion, the City, in consultation with the County, must determine that it would:
    - i. Have a lasting positive benefit for multiple generations of people within the Boulder Valley; and
    - ii. Further the overall policies of the Comprehensive Plan; and
    - iii. Significantly further the environmental, social, and economic sustainability policies in the Comprehensive Plan; and
    - iv. Not be able to be accommodated through redevelopment in the existing service area.
  - b. A Service Area expansion for a significant community opportunity may be considered at any time.
- B. Community needs – Boulder’s growth management policies have created a distinct, separate and compact community with a unique sense of place. There is limited vacant land remaining in the Service Area and new development will occur primarily through redevelopment. Community needs change over time, and to achieve the community’s desired long-term vision and the core values articulated in the Boulder Valley Comprehensive Plan, it may be desirable to expand the service area. The Area III-Planning Reserve is that “safety-valve” location to achieve a priority community need that cannot be met within the existing Service Area.
- a. For consideration of a Service Area expansion to meet a community need, the City, in consultation with the County, must determine that the need:
    - i. Is a priority for residents in the Boulder Valley; and
    - ii. Will address a long-term community value as articulated in the Comprehensive Plan; and
    - iii. Will significantly further the environmental, economic, and social sustainability policies of the Comprehensive Plan; and
    - iv. Cannot be met within the existing Service Area because there is not suitable existing or potential land/service capacity; and
    - v. Will benefit the existing residents, and will have a lasting benefit for future generations.
  - b. A Service Area expansion may be considered for a priority community need only at the mid-term or major updates to the Comprehensive Plan.

### **3. What should the steps be for a Service Area Expansion?**

The following process is proposed, as shown in the flow chart on page 12.

#### Step 1: Baseline Urban Service Study

The process would begin with a baseline urban service study of the Area III-Planning Reserve. The purposes are to prepare an initial assessment of service provision needs and requirements in the area, identify how those services could be provided, and to calculate the potential costs. The study is not a commitment to provide services but a tool to help inform decision-making.

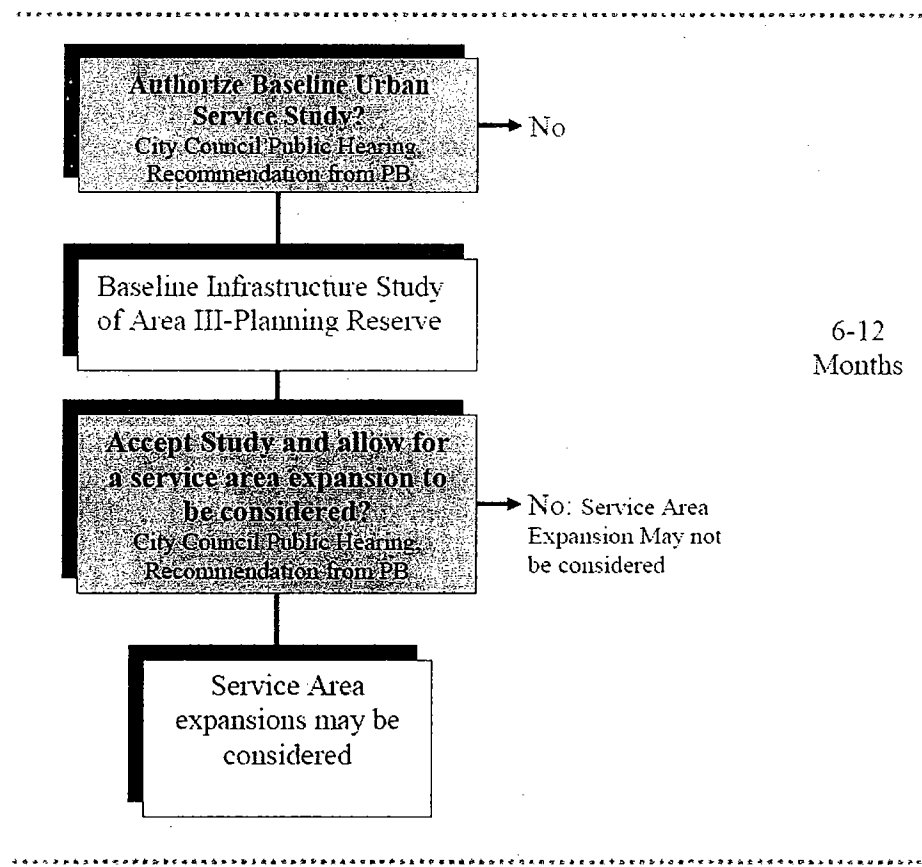
The study would include but is not limited to the following items:

- Existing infrastructure
- Requirements, feasibility and costs to meet the urban service criteria and standards in the BVCP for new urban development under various scenarios (such as needed upgrades to the water, wastewater, and stormwater facilities and distribution system, additional fire stations/ vehicles and police protection needs, transportation network connections, urban parks); and
- Identification of logical Service Area expansions (areas and/or phasing).

This study would be completed prior to consideration of a Service Area expansion. The BVCP states that “the city and county agree that extensions, furnishing, or provision of less than adequate facilities and services for new urban development is contrary to the objectives and intent of the comprehensive plan...” (Policy 3.03), and the outcome of study will inform next steps. If the baseline study outlines the needs and costs and they can be addressed reasonably through the CIP; annexation and development exactions, then considerations for a Service Area expansion may proceed.

The baseline study meets the objectives for the revisions to the Service Area expansion process by providing an incremental step forward and providing needed information, thereby streamlining the next steps in the process.

The city would authorize a Baseline Study of the Area III-Planning Reserve, and this step would need to occur prior to any other action related to a Service Area expansion. This study should only be conducted if there is interest within the 15-year planning period to potentially expand the Service Area into the Area III-Planning Reserve for the right uses, and there is a desire to position the city to be able to react in a shorter timeframe to a significant community opportunity or a community need. If a baseline study is conducted, the study will be referred to the county, and the study would be presented to the City Council for acceptance. If a baseline study has not been completed and accepted, no consideration of the Area III-Planning Reserve may occur.





## Step 2: Service Area expansion process

Two potential alternative ways to trigger a Service Area expansion (significant community opportunity or existing community need), are proposed:

### *a. Significant Community Opportunity*

It is anticipated that a significant community opportunity would be one user needing a large contiguous space. The proponent would submit evidence that the use meets the criteria for a significant community opportunity, triggering a request for a hearing by the city. Prior to the hearing, the request would be referred to the Planning Commission and Board of County Commissioners. Staff would make a recommendation on whether the use/user represents a significant community opportunity, warranting consideration of a Service Area expansion plan. The Planning Board and City Council must both find that the request is a significant community opportunity and authorize a service area expansion.

If approved, a service area expansion plan would be prepared by the city with assistance from the county. The plan would include, but not be limited to:

1. The location and amount of land area needed for the proposal;
2. What compatible uses are needed or desired based on the proposal;
3. Conceptual land use and infrastructure plans, to ensure adequate facilities and services can be provided to the proposal;
4. Key annexation requirements to ensure compliance with the comprehensive plan goals and policies, and to ensure compatibility with the existing development context and surrounding area;
5. Requirements for the city and the private sector for development, impact mitigation and offsets (both on-site and off-site); and
6. Anticipated development phasing.

Since the expansion plan would be in response to a specific user, it is anticipated that much of the study cost and work would be completed by the user, similar to an annexation or development proposal. The plan would be presented to all four approval bodies for consideration of an Area III to Area II change. This process is estimated to take 9-12 months.

### *b. Priority Community Need*

A Service Area expansion for an existing community need may only occur at a mid-term or major update to the BVCP. At the beginning of each BVCP update, the Planning Board and City Council would hold a public hearing to determine if there is interest in considering a Service Area expansion as part of that update. If both bodies express interest, the BVCP update would be limited in scope, as a Service Area expansion would require significant resources. If there is not interest in a Service Area expansion, no expansion is considered until the next update, and the regular process for that update continues.

If the city is interested in a Service Area expansion, a planning effort would begin. This planning effort would be similar to an area plan. The first step would be to solicit and identify priority community needs that meet the definition. The city would then determine whether the identified needs are priority community needs and warrant

preparation of a Service Area Expansion Plan. Prior to the decision by the city, the identified needs would be referred to the Planning Commission and Board of County Commissioners. The Planning Board and City Council would hold public hearings and decide whether to authorize a Service Area expansion plan. If the service area expansion plan authorized, the needs which were considered by the city to be a priority would then be analyzed along with compatible surrounding uses, and the context of the area. The plan would include, but not be limited to:

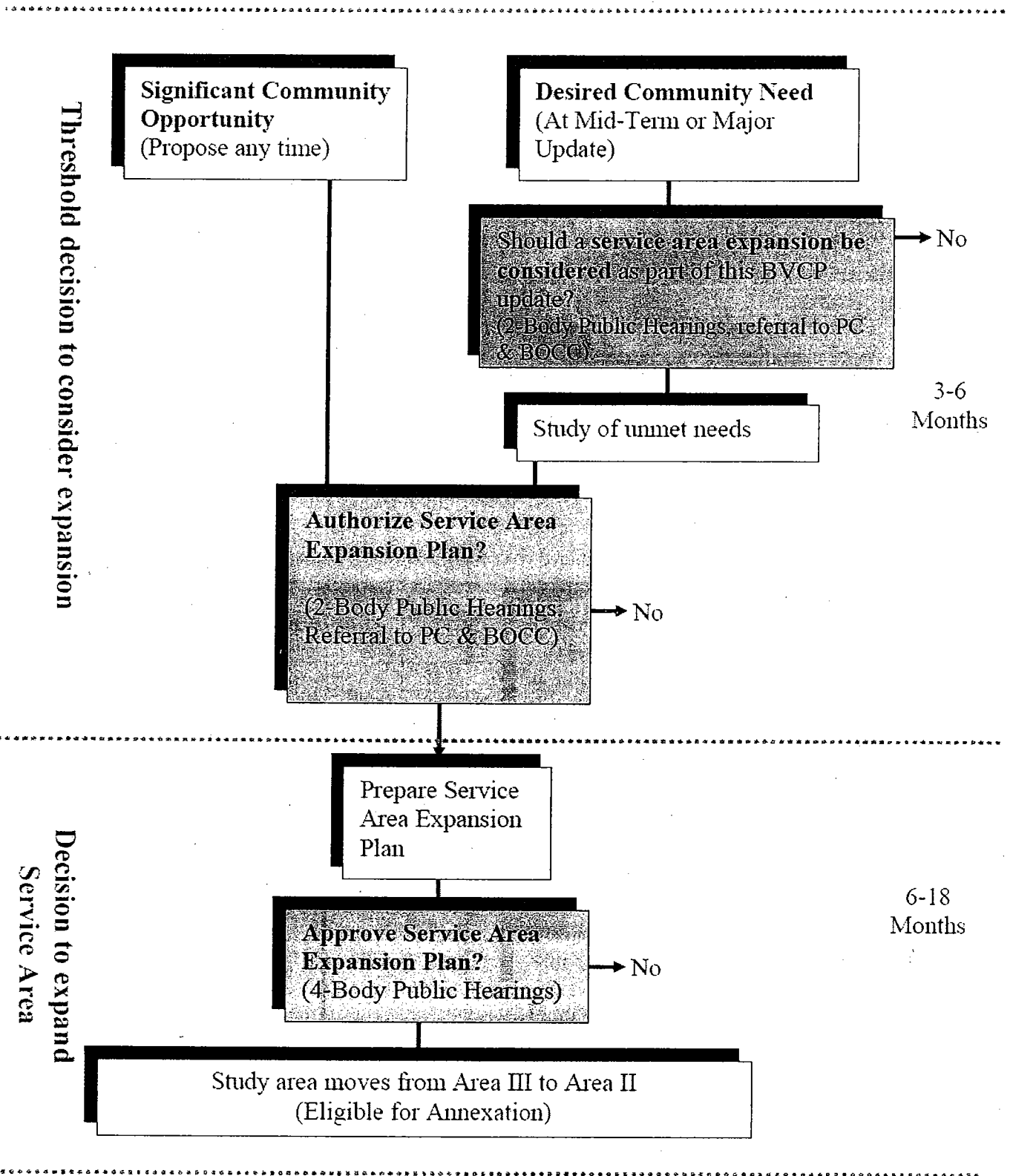
1. The location and amount of land area needed;
2. What compatible uses are needed or desired based on the identified needs;
3. Conceptual land use and infrastructure plans, to ensure adequate facilities and services can be provided;
4. Key annexation requirements to ensure compliance with the comprehensive plan goals and policies, and to ensure compatibility with the existing development context and surrounding area;
5. Requirements and conditions for the city and the private sector for development, including on-site and off-site impact mitigation and offsets; and
6. Anticipated development phasing

This option allows the city and county to proactively determine when a Service Area expansion should occur, what area is most logical to consider, and the needs to be addressed, rather than reacting to a specific idea or proposal. The plan is presented to all four approval bodies for consideration. If approved, the area moves into Area II, and is eligible for annexation according to the phasing in the plan. This process is estimated to take 18-24 months.

To approve a service area expansion plan and change from Area III-Planning Reserve to Area II, the approval bodies must find the change meets all the following criteria:

- (a) Consistency with thresholds for expansion: The plan must address a significant community opportunity or desired community need consistent with the thresholds for authorizing a service area expansion plan.
- (b) Minimum Plan area: The minimum size of the area proposed for a service area expansion should be at least forty acres in order to cohesively plan and annex logical areas of the service area.
- (c) Minimum Contiguity: The area proposed 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 area proposed for a service area expansion must be a logical boundary, which results in 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; and
- (e) Compatibility with the surrounding area and comprehensive plan: The plan and area proposed for service area expansion 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.
- (g) Appropriate timing for annexation and development: A reasonable time frame for annexation is projected within the planning period if the expansion is approved.

A proposed process flow chart for a service area expansion, following completion of a baseline urban service study is below.



### **Focus Group Notes:**

A focus group consisting of representatives of various civic and neighborhood groups provided feedback to city staff on a preliminary draft of the briefing paper. The group met once in January of 2011. Below is a list of focus group participants:

Ruth Blackmore  
Alan Boles  
Aaron Brockett  
Dan Cohen  
Michael Deragisch  
Terry Palmos  
Dan Powers  
Bill Roettker  
Adrian Sopher

### **Key Themes:**

- It is not only about needs, it's about opportunities too.
- Ok to plan in parts
- Some land should be kept for future needs
- Need opportunities for good ideas
- Need expressed values and criteria, a threshold for deciding to expand
- Agree with Baseline infrastructure analysis
- Ok to plan around something special, aka "game changer"
- Study should be about sections or phases
- Whatever the process, it must blend with the park and OS land beyond it.
- The BVCP already articulates the broad needs and values
- Bottom line is that clarity and certainty is needed

### **Meeting Notes:**

- Biggest issues are 4-body review, the standard of a need that "cannot be met in the Service Area boundary", and the timing of only at 5 year updates.
- Can't look at in community need isolation, look at the full county
- Define what a community need is
- Values of what the community needs change over time
- Must consider what is taken away from future generations if developed
- "need" may be too narrow, what about a more broad approach to "opportunity"
- Is the # of years correct or still relevant? Clarify when it could be developed. Ask every 5 years or more often.
- If the horizon of development is not within 15 years of plan timeframe, such as 50 years, change the plan
- Split the private and public ownership – public land should be held to a different standard, the definition of the two are different.
- Presuming a new definition of community need or benefit, conceptual development types would likely be the result of what is needed, one development would not likely fit or achieve the need
- Might have a need identified, expansion would meet that need and some subsequent projects would continue compatible uses. Agree that one "mega use" is not likely.

- Question on how to deal with range – whole down to parcels, likely need to choose one or the other.
- It is ok to plan the area in parts
- North Boulder Subcommunity Plan is a good example of a plan – do we do a similar plan – or set aside part for if a good idea comes.
- Doing a plan now will take away options for the future – should keep some of the area for future needs
- Don't want to plan similar to Boulder Junction or Subcommunity plan – it limits opportunities for good ideas.
- Need expressed values in criteria and standards to get over the threshold to develop the area.
- Set the bar high for threshold – but be clear
- Access to and from the area needs to be rolled into the mix before it goes too far.
- Agree with the infrastructure analysis – for developed properties need to know the costs and requirements for service provision needs
- Still too many questions to jump into real analysis – need more info
- Nature of city edge and major highway, and gateways. No other part of the city has a similar mix/lack of uses. Other major highways all have development on both sides. Need a comprehensive view of this area as a city edge – use of the infrastructure.
- Speed issue – need different uses, character to slow and knit the two sides together
- The public lands might not be in the best place – which is a problem.
- Land not “all created equally”

#### Thoughts on Community Need

- What do people leave town to get, what jobs are lacking
- Community needs change over time – implies we need to set the time as they will keep shifting
- This is the last piece of land for development – implies putting off development as long as possible and get it right for the future generations
- If it's the last chance, only use it for something special (“game changer”) – people in town will not likely know what that is – likely to come from outside – eq: IBM, NCAR – possible it won't be, but might
- Scale – game changer could be on much smaller part than whole reserve, and land is not assembled.
- Ok to plan around game changer
- Does not have to be all or nothing
- Study needs to be about sections or phases
- Consider possibility of park land changing
- Don't put the cart before the horse – need to identify need first (not consensus)
- What to we prove/parameters to be a game changer?
  - something that will shift the economy in a way people are comfortable with, new direction
  - will change from what we have instead of building on what we have
- See small business opportunities expand
  - Some not sure we need the Planning Reserve for this

- Use must blend with the park and open space beyond it. Need to develop corridor, to transition
- Who defines community need, how and when. Just look to PB and CC? Look to Community?
- Have to use the political process and need a way for a variety of perspectives
- Mistake to pin down too specifically and the role for officials
- Maybe at annual CC goal setting they list priority needs?
- The BVCP already articulates needs and values
- Bottom line is that clarity and certainty are needed
- Must think about whole community needs, set some aside for the future, develop some, but must reach broader community.

# ATTACHMENT B

## 2005 BVCP: AREA III-PRA Service Area Expansion Process (Currently in Effect)

- Applicants must demonstrate that their proposals will provide a "Desired Community Need" which cannot be met within the existing service area
- Applications taken only during Five Year Major BVCP Updates

### **DESIRED COMMUNITY NEED**

1) At beginning of a Five Year BVCP Major Update, notice is given that public and private applications for Area III-PRA to Area II changes will be accepted. City and county staffs conduct initial reviews of applications received and recommend "Further Consideration" or "No Further Consideration" for each one.

2) **FURTHER CONSIDERATION** City Planning Board and Council hold public hearings to review staff recommendations and compile, if they so choose, a list of applications for "Further Consideration." The list is sent to county Planning Commission and County Commissioners for hearings to add and/or delete items for "Further Consideration." **\*\*Four Body Review and Action<sup>1</sup>**

- Staffs assess each application authorized for "Further Consideration" by all four bodies to determine if "sufficient merit exists" to recommend preparation of a Service Area Expansion Plan.

3) **SUFFICIENT MERIT** City Planning Board, Council, county Planning Commission and County Commissioners each hold public hearings on staffs' recommendations. Proposals determined to have "sufficient merit" by all four bodies proceed to the next step. Proposals not found to have "sufficient merit" by any one of the four bodies receives no further consideration for the Five Year planning period. **\*\*Four Body Review and Action**

- If authorized, a Service Area Expansion Plan is prepared, based on the criteria in Section II 3.c. (3) of the 2005 BVCP, for proposals authorized to proceed by all four bodies in the previous step.

4) **EXPANSION PLAN REVIEW** Staffs present the Service Area Expansion Plan with recommendations to city Planning Board, Council, county Planning Commission and County Commissioners at separate public hearings. If all four bodies approve the Service Area Expansion Plan, subject property(ies) are "moved" from Area III-PRA to Area II and become eligible for annexation subject to the procedures described in the BVCP. **\*\*Four Body Review and Action**

## BVCP 2010 UPDATE: AREA III-PRA Service Area Expansion Process (Approved By City Only)

- Applications may be for either A. "Significant Community Opportunity" or B. "Priority Community Need"
  - A Applications for a "Significant Community Opportunity" taken at any time
  - B Applications for a "Priority Community Need" taken only at Mid-Term or Five Year Major BVCP Updates
- A "Baseline Urban Services Infrastructure" study must be prepared and approved by City Council after receiving a recommendation from Planning Board before an Area III-PRA SAE can be considered. The study is referred to the county prior to Council action.

### **A. SIGNIFICANT COMMUNITY OPPORTUNITY**

1) Proponents meet with staff to discuss proposal prior to submitting an application. Staff may either (a) schedule public hearings with Planning Board and Council, or; (b) not schedule public hearings but submit written report to Council as to why not. Council may then choose to "call up" the application for a hearing.

2) **SUFFICIENT MERIT** City Planning Board and Council hold public hearings to review staff recommendations and either authorize or not the preparation of a Service Area Expansion Plan. Referrals sent to the county Planning Commission and County Commissioners prior to city hearings. **\*\*Two Body Action with Referral to County**

- If authorized, a Service Area Expansion Plan is prepared by staff. Scope is to be similar to a Concept Plan as described in the Boulder Revised Code and must address criteria under Section IV 4. c. (2) b. of the BVCP (*as approved by the city in 2011*).

3) **EXPANSION PLAN REVIEW** Staff presents the Service Area Expansion Plan with recommendations to city Planning Board and Council for public hearings. Referrals sent to the county Planning Commission and County Commissioners prior to city hearings. The city may approve the Service Area Expansion Plan if all criteria under Section IV. 4. c. (2) c. of the BVCP (*as approved by the city in 2011*) are met. Referrals sent to county Planning Commission and County Commissioners prior to city hearings. If approved by the city, subject property(ies) are "moved" from Area III-PRA to Area II and become eligible for annexation subject to the procedures described in the BVCP. **\*\*Two Body Action with Referral to County**

### **B. PRIORITY COMMUNITY NEED**

1) **SERVICE AREA EXPANSION** City Planning Board and Council hold a public hearing at the beginning of a Mid-Term or Five Year Major Update to the BVCP to determine the interest in considering a Service Area Expansion. If "Yes", priority community needs will be solicited and identified.

2) **SUFFICIENT PRIORITY** City Planning Board and Council hold public hearings to decide whether identified needs based are of sufficient priority based on criteria in Section IV. 4. b. (2) (*as approved by the city in 2011*) to authorize preparation of a Service Area Expansion Plan. Referrals sent to county Planning Commission and County Commissioners prior to city hearings. **\*\*Two Body Action with Referral to County**

- If authorized, a Service Area Expansion Plan is prepared by staff. Scope is to be similar to an Area Plan as described in the BVCP and must address criteria under Section IV 4. c. (2) b. of the BVCP (*as approved by the city in 2011*).

3) **EXPANSION PLAN REVIEW** Staff presents the Service Area Expansion Plan with recommendations to city Planning Board and Council for public hearings. Referrals sent to the county Planning Commission and County Commissioners prior to city hearings. The city may approve the Service Area Expansion Plan if all criteria under Section IV. 4. c. (2) c. of the BVCP (*as approved by the city in 2011*) are met. Referrals sent to county Planning Commission and County Commissioners prior to city hearings. If approved by the city, subject property(ies) are "moved" from Area III-PRA to Area II and become eligible for annexation subject to the procedures described in the BVCP. **\*\*Two Body Action with Referral to County**

<sup>1</sup>Service Area Expansion proposals do not move forward if, at any of the Four Body Review and Action steps, one of the reviewing bodies votes to deny or stop further consideration of the proposal.

# ATTACHMENT C

~~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.~~

## **(43) 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. Area III-Planning Reserve**

### **a. Introduction and Intent:**

The Area III-Planning Reserve is identified on the Area I, II, III map and includes approximately 500 acres of land outside the existing service area of the City of Boulder, and is not currently eligible for urban services or annexation. This area was established at the conclusion of a comprehensive analysis of Area III; when city and county decision-makers determined that only a small amount of Area III should be contemplated for future urban expansion, and then only if detailed planning for the area indicates community benefits exceed potential negative impacts. The area was chosen for its location and characteristics based upon the apparent lack of sensitive environmental areas, hazard areas and significant agricultural lands, the feasibility of efficient urban service extension, and contiguity to the existing Service Area, which maintains a compact community.

The Area III-Planning Reserve is that portion of Area III with rural land uses where the city intends to maintain the option of limited Service Area expansion for future urban development in response to significant community opportunities or priority community needs that cannot be met within the existing Service Area.

While Service Area expansion into the Area III-Planning Reserve may occur over time in several separate actions, it is a significant action and must result in a logical expansion of the Service Area. This area is limited in size, and the needs of future generations should be considered any time a Service Area expansion of the Planning Reserve is contemplated.

### **b. Circumstances and Criteria for Expansion**

The Service Area may be expanded for one of the following:

#### **(1) Significant community opportunity**

To be eligible to be considered as a significant community opportunity for a Service Area expansion, the city must determine that it:



- i. Will have a lasting positive benefit for multiple generations of people within the Boulder Valley; and
- ii. Furthers the overall policies of the Comprehensive Plan, with an emphasis on the environmental, social, and economic sustainability policies; and
- iii. Provides a unique or desired use for the region; and
- iv. Requires a large, contiguous location that cannot be accommodated through development or redevelopment in the existing service area.

A Service Area expansion for a significant community opportunity may be considered at any time. Past examples of such community opportunities include the Chautauqua, Federal Labs (NOAA, NIST), NCAR, and the University of Colorado. The use could be public or private.

**(2) Priority Community Needs**

To be eligible for consideration as a priority community need, the city must determine that the need:

- i. Is a priority for residents in the Boulder Valley; and
- ii. Will address a long-term community value as articulated in the Comprehensive Plan; and
- iii. Will significantly further the environmental, economic, and social sustainability policies of the Comprehensive Plan; and
- iv. Cannot be met within the existing Service Area because there is not suitable existing or potential land/service capacity; and
- v. Will benefit the existing residents, and will have a lasting benefit for future generations.

A Service Area expansion may be considered for a priority community need at the mid-term or major updates to the Comprehensive Plan.

**c. Procedures for a Service Area Expansion**

**(1) Baseline Urban Services Study Required**

A baseline urban services study of the Area III-Planning Reserve must be completed by the city prior to considering a service area expansion. The purpose of the study is to learn more about the feasibility and requirements to provide urban services to the area, and to understand potential phasing and logical areas of planning and potential expansion. The city may undertake preparing the baseline urban service study at any time, and should include, but is not limited to an analysis and inventory of the existing infrastructure and service capacity (such as needed upgrades to the water, wastewater, and stormwater facilities and distribution system, additional fire stations/ vehicles and police protection needs, transportation network connections, urban parks), inventory of existing uses in the Area III-Planning Reserve, and identification of logical Service Area expansions (areas and/or phasing). The completed study will be reviewed by the Planning Board and accepted by the City Council.

**(2) Service Area expansion process**

**a. Service Area expansion consideration**

The city may consider a service area expansion into the Area III-Planning Reserve following preparation of the baseline urban services study. A Service Area expansion may be considered for one of the following:

*i. Significant Community Opportunity*

The proponent of a significant community opportunity shall submit evidence that the use meets the eligibility criteria to city planning staff. The proponent is required to review the opportunity with city planning staff prior to submission. Staff shall review the proposal and determine whether to schedule public hearings with the Planning Board and City Council. If staff chooses not to schedule public hearings, a written report shall be submitted to the City Council with analysis on why hearings were not scheduled. Within 30 days of the delivery date of the report, a majority of City Council may request the proposal be scheduled for hearings. Prior to the hearings, the request would be referred to the Planning Commission and Board of County Commissioners. The city must find that the request is a significant community

opportunity and authorize the preparation of a service area expansion plan for the request to proceed.

*ii. Priority Community Need*

Service Area expansion for a priority community need may occur at a mid-term or major update to the BVCP.

A. At the beginning of each BVCP update, the Planning Board and City Council shall hold a public hearing to determine if there is interest in considering a Service Area expansion as part of that update.

B. If the city is interested in considering a Service Area expansion, a planning effort to solicit and identify priority community needs will begin.

C. The city will hold public hearings and decide whether the identified needs are of sufficient priority based on the eligibility criteria in section 4.b.(2) to warrant preparation of a Service Area expansion plan. Prior to the public hearings by the city, the identified needs shall be referred to the Planning Commission and Board of County Commissioners.

**b. Service Area Expansion Plan**

If the city authorizes preparation of a service area expansion plan, it shall include, but not be limited to the following information:

- i. The location and amount of land area needed;
- ii. What compatible uses are needed or desired based on the identified needs;
- iii. Conceptual land use and infrastructure plans, to ensure adequate facilities and services can be provided;
- iv. Key annexation requirements to ensure compliance with the comprehensive plan goals and policies, and to ensure compatibility with the existing development context and surrounding area;
- v. Requirements and conditions for the city and the private sector for development, including on-site and off-site impact mitigation and offsets; and
- vi. Anticipated development phasing

Preparation of an expansion plan for a significant community opportunity is anticipated to be similar to in scope to a Concept Plan as described in the Boulder Revised Code, with the majority of the study cost and work to be completed by the proponent, which must also demonstrate financial stability of the proposal. An expansion plan for priority community needs is anticipated to be similar in scope to an Area Plan, as described in the Comprehensive Plan.

*c. Service Area expansion approval*

To be eligible for a service area expansion plan approval and change from Area III-Planning Reserve to Area II, the city shall find the change meets all the following criteria:

- i. **Consistency with thresholds for expansion:** The plan must address a significant community opportunity or desired community need consistent with the descriptions and eligibility criteria.
- ii. **Contiguity:** The plan area must have contiguity with the existing service area.
- iii. **Logical extension of the service area:** The plan area must be a logical boundary, which results in 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; and
- iv. **Compatibility with the surrounding area and comprehensive plan:** The plan must be compatible with the surrounding area and the policies and overall intent of the comprehensive plan.
- v. **No major negative impacts:** The plan must demonstrate that community benefits outweigh development costs and negative impacts from new development and that negative impacts are avoided or adequately mitigated.
- vi. **Appropriate timing for annexation and development:** A reasonable time frame for annexation is projected within the planning period if the expansion is approved.

Prior to the public hearings, the plan shall be referred to the Planning Commission and Board of County Commissioners.

# ATTACHMENT D

## Area III-Planning Reserve/Service Area Expansion Process Options

Objectives	Addressed in changes proposed by City	How addressed	County Planning Commission concerns
<p>1. Clarify intent of the Planning Reserve, including that incremental development over time may be appropriate, and what circumstances would warrant consideration of expanding the service area.</p>	<p>✓</p>	<p>The intent statement of the Area III-Planning reserve clarified:</p> <ul style="list-style-type: none"> <li>• that incremental development may occur over time and expansion into the Area III-Planning Reserve is a significant action.</li> <li>• The Area III-Planning Reserve may be used for a need or opportunity only if it cannot be accommodated within the existing service area.</li> </ul>	<p>No major concerns or consensus.</p>
<p>2. Keep the process changes consistent with the original policy direction from 1993 that the Planning Reserve:</p> <ul style="list-style-type: none"> <li>• Be used to meet community needs that cannot be met in the service area, not just additional land for development;</li> <li>• Provide for a broad range of community benefits that outweigh costs and negative impacts</li> <li>• Expansion process should be a proactive, city/county-initiated process</li> <li>• Be appropriately phased over time, to ensure adequate services can be provided</li> </ul>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p>The materials, memos and notes from 1990-1994 were reviewed and used to develop the changes:</p> <p>Revisions make it clear in the intent statement, criteria, and process that the Area III-Planning Reserve is a place to accommodate needs or great ideas of the community.</p> <p>Criteria for consideration and approval of a Service Area expansion plan make it clear that benefit to community must outweigh impacts and costs.</p> <p>The proposed process has been clarified to ensure it is a proactive process for considering community needs, and distinguishes a new process to consider ideas (opportunities), that although is reactionary to a proposal, is proactive in determining whether to even consider the proposal.</p> <p>The Baseline Study is required prior to any expansion consideration, making the city proactively choose to allow a consideration of opportunities or needs to occur.</p> <p>The proposed process is clear that expansion may occur over time, and the criteria for considering approval of an expansion plan addresses adequate services.</p>	<p>A few planning commission members expressed concern that some of the new language is “watering down” the overall intent.</p> <p>More clarity on how the new language does this e.g. does the new c.(2)(ii) – Significant Community Opportunity – mean that no apps will be accepted or solicited until/ unless the city has determined that a Service Area Expansion should be considered? (Chris – Yes, if the Baseline Study has not been completed, no requests can be made)</p>

<p>3. Provide for additional opportunities for when a Service Area expansion can be considered; more than just the 5-year major update.</p>	<p>✓</p>	<p>The process has been revised to allow consideration of a need at the mid-term or major update, and an opportunity may be considered at any time.</p>	<p>Four Planning Commission members expressed a variety of concerns with allowing consideration at any time for the opportunities.</p>
<p>4. Provide clear criteria for what constitutes a community need that cannot be met in the Service Area.</p>	<p>✓</p>	<p>The current process only states that the city may authorize a service area expansion plan after considering a “identified range of desired community needs.” The proposed process defines a community need as something that will address a long-term community value as articulated in the BVCP, will significantly further the sustainability polices, and will benefit both the current and future residents.</p>	<p>No major concerns – some questions about how this will be done.</p>
<p>5. Provide a clear and understandable process for considering a Service Area expansion and preparing a Service Area expansion plan.</p>	<p>✓</p>	<p>The language has been rewritten and reorganized, and the process steps clarified in the proposed language.</p>	<p>No major concerns</p>
<p>6. Provide for a more streamlined process that positions the city to respond to a great idea in a shorter timeframe.</p>	<p>✓</p>	<p>The proposed process has been revised and streamlined by making the decision a 2-body (PB and CC) process, with referral to the PC and BOCC. Additionally, a streamlined process to respond to a great idea has been created through the “Significant Community Opportunity”.</p>	<p>The Planning Commission rejected removing 4-body review completely from the Planning Reserve process, and was unanimous in its discomfort with various aspects of the Significant Community Opportunity category.</p>

# ATTACHMENT E

## August 24, 2011 Planning Commission Action on Section VI-Amendment Procedures of the BVCP 2010 Major Five Year Update

### Planning Commission Hearing August 24, 2011

Five members of the public spoke to the Area III-PRA changes approved by the city. Four, including Mayor Susan Osborne, spoke in favor of the new language while one, Ruth Blackmore, representing PLAN Boulder County, spoke against the proposal to change the approval process from four body to two body. The ensuing Planning Commission discussion was lengthy and is summarized below:

- Language: Substantial concerns were expressed that the proposed text would “lower the bar” for development in the Reserve. The new language appears to “water down” the special or important need that must be met for expanding the Service Area into the Planning Reserve. The new ‘significant opportunity’ application eligibility criterion is very imprecise and can mean many different things to different people, especially over time as new decision makers take seats on Council and Planning Board or if future collaborative relationship between the city and county is not as solid as it has been and is today. Language establishing eligibility criteria needs to be “as clear and tight and indisputable as possible”.
- “Significant Opportunity” Eligibility Category: Allowing “significant opportunity” applications to be submitted at any time gives away the process to the applicants, which was not and should not be the intent of the Planning Reserve.
- Deterrent Effect of Current Process: Planning Commissioners had several comments and observations regarding the points about the deterrent effect a four body review and approval may have on potential applicants due to the degree of uncertainty presented to them in requiring and responding to four hearings before four different bodies over an extended and undefined period of time. First, no evidence has been presented that the city has missed a significant opportunity or community need because of the process. Secondly, there seems to be no particular savings in process time by going to a two-body adoption when combined with required referrals to the county (and hearings on a proposal if the county chooses). Third, fine tuning the process with greater clarity in definitions and criteria while keeping four body approval can facilitate shortening the process by making it more comprehensible and more consistent in its requirements.
- Consistency with Super IGA Municipal Influence Area Protocols: The case has been made, correctly, that four body review and approval for specific land use considerations is unique to the city/county IGA. In all other county/municipal IGAs the understanding has been reached that Municipal Influence Areas are geographic spheres of influence within which the municipalities’ land use plans and annexation procedures are properly left to the municipalities’ discretion and decision making. Boulder should be accorded the same authority specifically to making decisions about appropriate land uses and expansion of the service area into the Planning Reserve. Planning Commissions’ general sentiment was that four body has served city and county very well and has helped make Boulder the unique, and special place that it is; “why be in line with all other communities? “. The issue for making decisions about expansion into the Area III-PRA should be focused on good, sound, agreed-upon policies and criteria to guide this important decision, not whether the process is/is not like other communities.

- The baseline urban services study requirement and criteria tie to the new social, economic, environmental and urban form sustainability policies are good revisions (general sentiment of all PC)
- Doug Young suggested that instead of “significant opportunity,” language should be more along the lines of “an outstanding project; a 50 or 100 year development opportunity; a project with statewide or national significance; a project ‘three standard deviations above the mean’.”

In sum, Planning Commission expressed substantial resistance to the proposal that the county should cede its place in Area III-PRA decision making and making it a two-body review by the city only. PC otherwise seemed generally receptive to ideas that would streamline the process, such as conducting the baseline study ahead of time.