

Juliet Gopinath  
4555 Tally Ho Trail  
Boulder CO 80301

September 25, 2015

Dear Boulder County Planning Commission,

I am writing regarding the proposed development of affordable housing at 6655 Twin Lakes Road, as well as potentially at 6500 Twin Lakes Road and 0 Kalua Road (directly across the street from 6655 Twin Lakes Road). As a resident of Red Fox Hills and unincorporated Boulder County, I do not believe the proposed development is warranted for the following reasons:

- 1. Rural nature of surrounding areas** I have chosen to live in rural unincorporated Boulder County. Red Fox Hills has a density of 2 houses per acre, and would like to preserve the rural feel of the area with similar development densities. Development of high density housing with up to 18 units per acre does not fit the neighborhood, will destroy the rural feel of the community, decrease home values, chase away wildlife, and put a great deal of strain on the already few services for the neighborhood. *Please do not export city problems to rural unincorporated Boulder County. Instead, you should consider using the Planning Reserve, that consists of more than 200 acres of undeveloped land at ~\$4 square foot.* Please see the recent Daily Camera article on this topic, "Rich Lopez: Time for Boulder to look at Planning Reserve". Furthermore, affordable housing individuals need close access to social services, which are all miles away in Boulder and inaccessible during hours when public transportation does not run. Remember that it is easy to destroy beautiful wide-open spaces and chase away wildlife, but it takes years to repair the damage. Boulder is a unique place due to the open space policy that was implemented nearly 50 years ago.
- 2. Recent development of Gunbarrel Center** Gunbarrel Center, rather than Twin Lakes Road, is the ideal location for affordable housing, due to its proximity to public transportation and retail shops. However, recently, Gunbarrel Center has seen the development of 251 market-rate apartments with none of the units set aside for affordable housing. *Boulder Housing Director for Boulder County Willa Willaford was not aware of the recent construction until about a month ago. This displays a complete lack of information about the current site and surrounding area, as well as ignorance about the suitability of the proposed affordable housing development.* Why is Boulder allowing developers to buy-out of affordable housing requirements rather than integrating affordable housing units in their complexes? It would be much better to put affordable housing in existing developments that have already been approved, rather than concentrating it in separate units that are far away from needed services.
- 3. Affordability of homes in Gunbarrel area** Gunbarrel has modest home prices that are significantly cheaper than the prices in the city of Boulder. *You do not need to build affordable housing in an area that already boasts better cost-of-living than the city.* This needs to be placed closer to the city of Boulder where prices are causing people to live elsewhere such as Gunbarrel!
- 4. Wildlife** The 6655 Twin Lakes Road parcel (as well as the 6500 Twin Lakes Road and 0 Kalua Road parcels) sits adjacent to the two Twin Lakes, earthen dams that are homes to a plethora of

wildlife including herons, a pair of great-horned owls who have been nesting at the site for 25 years, coyotes, foxes, and many other species. Development of the land will chase away the wildlife for good. Again, those of us who are residents have chosen to live in the area, and enjoy the natural aspect. While the job of the county commissioners is to take care of the people of Boulder County, it is also important to preserve the natural beauty and wildlife of the area that make it attractive.

5. **Road maintenance** Boulder County is not maintaining the subdivision roads in unincorporated Boulder County. The current proposed development will add 200-500 cars to Twin Lakes Road and the surrounding area, placing more pressure on an already stressed infrastructure. While Twin Lakes Road was recently repaved, the surrounding development roads have not been updated and there does not appear to be a plan for maintenance.
6. **Hydrology** The area already has a high water table, as seen in a recent hydrology report commissioned by the Twin Lakes Action Group, representing area residents. Adding development to 6655 Twin Lakes Road, as well as potentially at 6500 Twin Lakes Road and 0 Kalua Road will only make the problems with water in the surrounding houses worse. Boulder County is already aware of these issues, requesting a waterproof fabric that was placed under Twin Lakes Road, due to the high water table. *Additionally, since the parcel is directly adjacent to the two Twin Lakes dams and at least two ditches, any precipitation events (flood of 2013) or dam breach, will have terrible consequences for the proposed development, which is in the flood plain.*

Please take these issues into consideration and do not ram the development of 6655, 6500 Twin Lakes Road, and 0 Kalua Road down our throats. You need to work with and obtain the buy-in of the surrounding communities for your plans, as you need our support to accomplish your overall goals. Not doing so, will have bad consequences for the future.

Best Regards,

Juliet Gopinath  
*Red Fox Hills Resident*  
4555 Tally Ho Trail  
Boulder CO 80301  
617-308-5567

**From:** [mike@mboyers.com](mailto:mike@mboyers.com) [<mailto:mike@mboyers.com>]  
**Sent:** Friday, October 02, 2015 1:44 PM  
**To:** [BVCPCchanges@bouldercolorado.gov](mailto:BVCPCchanges@bouldercolorado.gov)  
**Subject:** re: Rebuttal to BVCP Change Application

City of Boulder:

Please see attached the a formal Rebuttal letter and attached Engineering rebuttals to an application for a land designation change made by the Southeast Boulder Neighborhoods Association for 5399 Kewanee and 5697 South Boulder Road.

In addition to the materials enclosed here, we are hand delivering a set of detailed Engineering and Environmental Reports (related to these land parcels) to the City Planning Department today as well.

Please respond with a receipt for the materials sent here.

Thank you

MICHAEL BOYERS  
Del Mar Interests, LLC  
1526 Spruce St., Suite 260  
Boulder, CO 80302  
(303) 949-1322

FORMAL REBUTTAL COMMENTS

FOR THE APPLICATION

TO REVISE THE LAND DESIGNATION

OF 5399 KEWANEE AND 5697 S. BOULDER RD.

IN THE BOULDER VALLEY COMPREHENSIVE PLAN

FROM AREA II TO AREA III



## Boulder Creek Commons, LLC

October 1, 2015

To: City of Boulder

From: Boulder Creek Commons, LLC

Re: Change of BVCP Land Designation

Mayor and members of Council,

We write today in response to (another) neighborhood application to change the BVCP Land Designation of OUR property from its long standing Classification of Area II to Area III. This land parcel has been owned by a group of local citizens for some 13 years now, with several attempts to get approvals to build on it, as is the purpose of Area II land, including the South Boulder Creek Flood Study which took more than 3 years to complete (during which time we were not allowed to submit for a Concept Plan), in addition to requiring us to perform detailed and extensive engineering and environmental studies (this had not been ever been done before our project to the best of our knowledge). All of these requirements combined to effectively delay our project submittals by more than 4 years!

The criteria for making such a change in classification under the BVCP is as follows:

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

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

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

We will address each of the criteria in detail:

- (a) There have been NO changed circumstances that indicate that the development of our land is no longer in the public interest. Our land has been designated as Area II land for nearly 40 years and is one of the last larger parcels that could support affordable single-family housing in the City. It should be developed and it absolutely can be developed without any harm to the surrounding area. This land would be developed now if not for the long and drawn out effort by a small group of citizens to prevent any development on land that they believe is theirs to control. Neighborhood resistance has been fear-driven and not backed up by any factual engineering analysis.

Our land has been considered as potential open space land by the City, but there was no effort on the City's part to purchase the land for such use. We had a couple of meetings with the Open Space department during which they expressed no interest in acquiring our land for Open Space at any price. In fact, our land is surrounded by large amounts of usable open space now, and the highest and best use of this land is for development and not open space;

There are more than adequate utilities adjacent to this land and therefore, this is not a factor for determining a change in classification.

- (b) To change our land to Area III would effectively "spot zone" one parcel. Land that is surrounded by developed City land, i.e. residential neighborhoods, a large City Park, the East Boulder Recreation Center, and City open space. The City through its intergovernmental agreements has declared that this land should become part of the City. To carve out an exception and designate our land as Area III is contrary to sound land use planning. This land parcel is virtually an enclave and development of our land is compatible with the surrounding area.

**This land is NOT suitable for Area III and should be developed, as the four governing bodies in the County have agreed upon for nearly 40 years.**

We purchased this land in 2002 because of the following:

1. It was identified as Area II in the BVCP, and had been Designated as Area II since 1977;
2. It survived a challenge to place it in into Area III (brought by the neighborhood);
3. The land, for all intents and purposes is an Enclave, surrounded almost entirely by City land;
4. It was, and still is, located within the City "Service Area Boundary", making it a logical parcel of land to annex and develop;

5. AND, most importantly, the proposed development of this land was strongly supported by City Planning Staff, from the first meeting with them, all through the entitlement process.

The only issue to be considered here is that the surrounding neighborhoods decided some 15 years ago that they did not want our land developed, for any use. They have spent years trying to convince the City that it is not developable for many reasons, i.e. flood problems, ground water problems, environmental problems, and anything else that might support their claims that this land is not developable.

The South East Boulder Neighborhood Association (SEBNA) has fabricated constant claims of all of the so-called "problems" on our land. However they have failed to provide ANY factual engineering studies to back up the claims they have made, and continue to make, about our land. Our attorney asked SEBNA's representative to meet to review the claims made in their request. His response was, "***I don't think that would be appropriate or productive at this time. If there are any errors or inaccuracies in the request we'd be more than happy to correct them.***" Jeff McWhirter, September 23, 2015 email.

This refusal to substantiate SEBNA's claims is critical. For example, page 1 of their request contains eight (8) claims that are irrelevant and do not address the criteria. The first paragraph contains irrelevant and inflammatory statements such as "*...the property brings many issues...*" and "*... has undergone intense scrutiny...*" without providing any explanation. We had hoped to ask SEBNA what issues it meant. The groundwater concerns have been satisfactorily addressed by experts and so have any flood concerns. Despite the expert's analysis and reports, SEBNA goes on to state that "*...the property has experienced a large number of floods...*" attempting to imply that these conditions exists today. They do not.

Nearly 25% of all land inside the City limits of Boulder is located in the 100 year Flood Plain. Less than 5% of the BCC land is located within the 100-year floodplain. And yet, much of the land within the City that is in the 100-year floodplain, has been successfully developed and is now providing homes and offices for residents of Boulder.

Most important, is that during the September 2013 flood, our land did not suffer the flooding that much of the surrounding area did. Our flood expert, Alan Taylor, formerly of the City Staff, walked our land on Thursday (the day the rain finally stopped) of that devastating week, took photos of the standing water on that day, and wrote a report on his findings. His report as well as his rebuttal to the current neighborhood claims that our land has flood "*problems*" is attached here. As you will see, there are very little flood or floodplain problems on our land.

In fact, the neighbors to the west had many more problems caused by this flood than did our land. And by using modern construction methods such as Clay

Dikes surrounding all underground utilities, plus having no basements on our land, new development can take place on our land.

Also on page one of the SEBNA request, they allude to "... deep and potentially intractable problems around groundwater..." and "... problems with basement flooding..."

Nearly 100% of the land in the City of Boulder is subject to high groundwater tables, due to the nature of the shale "shelf" that resides some 20 +/- feet below grade, and keeps groundwater levels high. Many houses, offices, a new hospital, downtown mixed-use buildings, etc. have been built under the same conditions that our land experiences. And, they are inhabited everyday by local citizens who experience no problems living or working in these buildings. The groundwater flow in the area of our land is flowing from the mountains (at the west) "downhill", northeast to the plains. Our land is located east of the SEBNA neighborhoods that are complaining about future groundwater problems. Engineering will show that all of our groundwater (present and future) will flow away from these neighborhoods.

We discovered early that our land has a higher than average groundwater level much of the spring and summer, and therefore never proposed to build any basements in any buildings there. Due to that above average groundwater level, basements very likely should not have been built anywhere in the area. However, the lack of testing, and other factors, many basements were built in this area and have experienced many drainage, basement flooding, and sump pump problems.

Specifically to the neighborhood to our due west, those people also have a large farmer's ditch running next to several of their homes. This ditch leaks considerably in the spring and summer and may add to the existing problem of an above average groundwater level, that was there before any houses were built in the area. The bottom line is that the houses located to our west already have groundwater and flooding problems and through extensive engineering, we have proven beyond a doubt that any development as proposed to date on our land will not exacerbate the already existing problems these neighbors are having.

The last two SEBNA claims on page one are self-serving statements that are simply untrue. Our property is no "...further removed from most services..." than those of SEBNA. The streets are not "...already congested local neighborhood streets..." Staff has reviewed these claims during their reviews and found no problems with proximity to services and congestion.

On page 2, SEBNA continues to make vague unsubstantiated claims about "...a host of environmental issues both onsite and adjacent..." The attempt to call out so-called environmental issues adjacent to our property is irrelevant to the City's decision before the City. And, our expert consultants have performed extensive environmental studies on this land and have found NO environmental problems. Those reports are attached to this letter.



SEBNA's wetlands claims are internally contradictory. First they claim that "...many acres of important wetlands have been destroyed..." and then state that our property "...still provides many acres of important wetland meadows habitat..." Then SEBNA proceeds to list an array of birds and animals that would be impacted by development of our property, from "...prairie dogs, birds of prey, Prebbles Jumping mice to frogs..." They conclude with a reference to a "...1 mile historic ditch that bisects the property..." as if to imply that a culturally significant historic feature would be lost.

Finally, SEBNA focuses on what appears to be their main goal, preserving our property to **"...play an important aesthetic role of many people that drive, walk, bike and live in the area..."** the neighbors.

In some 2,000+ pages, our expert engineers and expert environmental consultants outlined exactly why this land is (very) developable (copies of all such reports are attached here for review). To date, we have seen no fact-based reports to back up the SEBNA's claims that our land is not developable. It appears that there are two different standards of performance that are in play here, which are patently unfair. The owners of the land have been forced into spending large sums of money and large amounts of time to produce engineering and environmental studies and reports showing that the land is developable. The neighbors are not being held to anything approaching that standard. They are free to make any claims they choose to make without ANY detailed analyses of those claims. This double standard needs to stop now. If the neighbors are going to submit an application for a Major change in land use for OUR land (taking away our property rights), then they should be required to supply the same levels of engineering and environmental studies to support their claims. They have NOT done so, or at least are unwilling to share them if they have them, and therefore they should NOT be allowed to submit their application at all.

As long time owners of this land that was designated as developable, we have been frustrated that development has not come close to being approved here, and we feel that it is high time that our property rights are recognized, and development to be permitted to commence.

IF this land is deemed undevelopable, then much of the land in the City of Boulder that experiences the same (or worse) engineering issues should not have been developed at all, and further, this would mean that the City has major liabilities to face by allowing "undevelopable land" to be developed based on the claims of a small group of neighbors and citizens.

Using the vehicle of changing the BVCP land classification is simply not appropriate here, under the BVCP Criteria for making such a change. We hope that the four governing bodies will make the correct, and legal, decision on this matter.

## Growth Management

### 1.17 City's Role in Managing Growth and Development.

In order to achieve community goals and policies, the city will implement growth management tools that control the scale, location, type, intensity and timing of new development and redevelopment. Where appropriate, the county will work with the city in developing and implementing growth management tools.

### 1.18 Adapting to Limits on Physical Expansion.

As the community expands to its planned physical boundaries, the city and county will increasingly emphasize preservation and enhancement of the physical, social and economic assets of the community. Cooperative efforts and resources will be focused on maintaining and improving the quality of life within defined physical boundaries, with only limited expansion of the city.

### 1.19 Growth Projections.

In order to ensure that past and projected growth impacts can be better mitigated or avoided, and to maintain a desirable community size, the city will set projections for population and employment for the year 2030. Projected growth will be limited unless sufficient progress is made in reducing the cumulative negative growth impacts to an acceptable level and other significant community benefits can be achieved.


### 1.20 Growth Requirements.

The overall effect of urban growth must add significant value to the community, improving quality of life. The city will require development and redevelopment as a whole to provide significant community benefits and to maintain or improve environmental quality as a precondition for further housing and community growth.

### 1.21 Jobs:Housing Balance.

Boulder is a major employment center, with more jobs than housing for people who work here. This has resulted in both positive and negative impacts including economic prosperity, significant in-commuting, and high demand on existing housing. The city will continue to be a major employment center and will seek opportunities to improve the balance of jobs and housing while maintaining a healthy economy. This will be accomplished by encouraging new mixed use neighborhoods in areas close to where people work, encouraging transit-oriented development in appropriate locations, preserving service commercial uses, converting industrial uses to residential uses in appropriate locations, and mitigating the impacts of traffic congestion.

This is an important paragraph as it agrees that Boulder needs MORE housing.



## Framework for Annexation and Urban Service Provision

### 1.22 Definition of Comprehensive Planning Areas I, II and III.

The Boulder Valley Planning Area is divided into three major areas.

**Area I** is that area within the city of Boulder, which has adequate urban facilities and services and is expected to continue to accommodate urban development.

**Area II** is the area now under county jurisdiction, where annexation to the city can be considered consistent with Policies 1.18, 1.20, & 1.27. New urban development may only occur coincident with the availability of adequate facilities and services and not otherwise. Departmental master plans project the provision of services to this area within the planning period. **Area IIA** is the area of immediate focus within the first three years, and **Area IIB** is available to accommodate development within the balance of the planning period.

DEFINITION OF AREA IIA  
CONTAINED HERE.

02 October 2015

Michael Boyers  
**BCC, LLC**  
1526 Spruce St., Suite 260  
Boulder, CO 80302

Re: **Hogan-Pancost Property**  
2015 Major Update to Boulder Valley Comprehensive Plan (BVCP)  
Boulder, CO

File: B1006

Dear Mr. Boyers:

Per your request, The Sanitas Group reviewed the Southeast Boulder Neighborhood Association (SEBNA) request to revise the Hogan-Pancost property land use designation from Area II-A to Area III- Rural Preservation Area.

The Hogan-Pancost property is comprised of two separate properties and are addressed as 5399 Kewanee Drive and 5697 South Boulder Road. The Boulder Creek Commons is the proposed name for the development of the Hogan-Pancost property. For clarity, the two names refer to the same property. Since the adoption of the Boulder Valley Comprehensive Plan (BVCP) in 1977, the Hogan-Pancost property has been included in Area II-A. The BVCP further designates the area west of 55<sup>th</sup> Street for Low Density Residential development and the area east of 55<sup>th</sup> Street as Environmental Preservation with development restricted.

The SEBNA current request to change the Hogan-Pancost property designation to Area III-Rural Preservation is largely based on the assertion by the adjacent neighborhood that the property cannot be reasonably developed due to traffic concerns, flood hazards, ground water hazards and environmental impacts. The SEBNA request includes misrepresentations of the Traffic Impact Assessment for the Hogan-Pancost property, exaggerations with regard to floodplain impacts and completely disregards several property specific environmental studies regarding wetlands, vegetation and wildlife assessments, ground water studies and flood hazard mitigation.

### **Transportation/Traffic**

The SEBNA request wrongly cites the 2012 Boulder Creek Commons Traffic Impact Assessment as the source stating the development ... “would be far removed from most services and would rely on already congested local neighborhood streets for access”. The Traffic Impact Assessment neither states nor implies these conclusions.

The Hogan-Pancost property is located within a mile of several retail businesses, service providers, grocery store, gas stations, restaurants, bank, a major transportation hub and

community facilities and open space. The property is immediately adjacent to the East Boulder Community Center, East Boulder Community Park and Manhattan Middle School. Within half a mile of the property at Manhattan Circle, there are services that include medical services providers, a restaurant, and a gas station with convenience store are located at Manhattan Circle. Within a mile, the Meadows Shopping Center includes Safeway grocery store and other retail businesses. Table Mesa Park and Ride is a major regional transit hub and is located within a mile of the Hogan-Pancost property.

Further, the 2012 Boulder Creek Commons Traffic Impact Assessment stated that the “site is located near Boulder’s extensive network of on-street and off-street bikeways. The proximity to this network and to several bus routes will likely reduce the number of vehicle-trips generated by Boulder Creek Commons”. The Traffic Impact Assessment concluded that “traffic associated with the Boulder Creek Commons can be safely accommodated by the adjacent roadway network”.

### **Flood Hazards**

The SEBNA request misrepresents the flood hazards on and adjacent to the Hogan-Pancost property and states “the results of South Boulder Creek Flood Study show an extensive High Hazard Flood Zone on the property”. The mapped High Hazard Zone is not extensive and is a narrow band located along the Dry Creek Ditch No. 2 channel at the far western edge of the property. The SEBNA request includes a quote from the ditch company stating that the Dry Creek Ditch No. 2 should be protected from use as a flood conveyance channel. Yet SBNA, is requesting that the High Hazard Zone remain in its current state and cites a BVCP 3.22 “Protection of High Hazard Areas” as the basis. The High Hazard Zone is not following natural drainageway but is associated with Dry Creek Ditch No. 2. The SBNA request runs counter to the ditch company’s desire to protect the ditch from flood waters. The development proposal presented to the City included piping Dry Creek Ditch No. 2 through the Hogan-Pancost property to separate ditch flows from flood waters. A separate flood mitigation channel was proposed to safely convey the floodwaters through the property. The flood channel included wetland areas for flood storage and provide water quality treatment of lower frequency storm run-off from the adjacent neighborhood.

Site planning studies have shown that the Hogan-Pancost property can be reasonably developed under the following scenarios:

1. Using flood mitigation measures to safely manage and convey the flood water through the property and piping the Dry Creek Ditch No. 2 to protect the ditch from floodwaters.
2. Preserving the existing 100-year floodplain and the ditch in its current state and locating development beyond the mapped 100-year flood plain limits.

In each scenario, that portion of the Hogan-Pancost property east of 55<sup>th</sup> Street, the South Boulder Creek floodplain will be preserved.

As part of the South Boulder Creek Flood Hazard Mitigation Study, the current preferred mitigation plan includes piping the 100-year flood flows through the Hogan-Pancost property which will effectively eliminate the High Hazard Zone and substantially reduce or eliminate the 100-year floodplain along the western boundary of the Hogan-Pancost property.

### **Environmental Impact**

The SEBNA request asserts that because the Hogan-Pancost property is adjacent to the South Boulder Creek corridor, the property is not developable based on habitats found within the corridor. Assessments conducted specifically on the Hogan-Pancost property are not cited.

The 2010 study of “Vegetation & Wildlife Habitat Existing Conditions, Hogan Pancost Property” by Western Ecological Resource, Inc. found:

*“In its current degraded state, most of the property does not offer useable habitat to most wildlife species except those capable of existing within highly modified landscapes. Since these species are generalists, they are capable of existing across a wide range of the landscape. Therefore, development of this property is likely not to have a negative impact on the local wildlife population.”*

The Hogan-Pancost property does not have suitable habitats for either the Preble’s Meadow Jumping Mouse or the Northern Spotted Leopard Frog. The US Fish and Wildlife Service agreed that the Hogan-Pancost property was not suitable habitat for the Preble’s Meadow Jumping Mouse and exempted the property from a trapping survey.

Hogan-Pancost property can be reasonably developed without adversely affecting Northern Spotted Leopard Frog habitat including potential travel routes. The report “Habitat Use of Northern Leopard Frogs Along The Front Range” cited by the SEBNA request also includes the following statement relevant to the Hogan-Pancost property:

*“Based on surveys of known leopard frog habitat and extensive surveys stratified by land use type, our research group has found that large wetlands that are not surrounded by urban or suburban development are important for leopard frog population persistence in the Front Range”.*

The Hogan-Pancost property west of 55<sup>th</sup> Street is surrounded by suburban development and does not include large wetlands. The study found that the leopard frogs used the irrigation ditch systems to move between aquatic water bodies. There are no aquatic water bodies located west of the Hogan-Pancost property which would make Dry Creek Ditch No. 2 and the western portion of the Howard-Superphostical ditch unsuitable for the leopard frog migration.

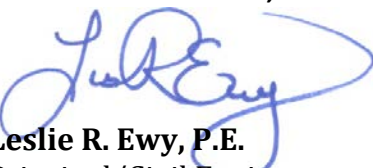
The wetlands on the Hogan-Pancost property are ephemeral, irrigation feed and fluctuate in response to variations in irrigation rates applied on the property and adjacent properties. Several wetland delineations surveys have been conducted on the Hogan-Pancost property

since 1995 and show the wetland areas changing over time. With each delineation study, the U.S. Army Corp of Engineers and City of Boulder staff walk the property and review the wetland limits and the study findings. The most recent wetland delineation survey was conducted in 2011 "City of Boulder Wetland Delineation Report, Boulder Creek Commons Property" by Western Ecological Resources, Inc. The report found that the wetland areas on the Hogan-Pancost property were not naturally occurring and were irrigation fed. As a result, the wetlands were low functioning with respect to vegetation and habitat. In 2012, Western Ecological Resources prepared a "Wetland Mitigation Plan, Boulder Creek Commons Property" to document how the property could be reasonably developed in accordance with the City of Boulder "Stream, Wetland and Water Body Regulations" through a combination of wetland avoidance, wetland enhancement and wetland mitigation. The existing wetland areas on the Hogan-Pancost property are anticipated to continue to fluctuate over time.

In 2012, as part of the Site Review process, Western Ecological Resources prepared a "Black-tailed Prairie Dog Removal Plan" for the Hogan-Pancost property. The study found that the "black-tailed prairie dog (*Cynomys ludovicianus*) colony located on the Boulder Creek Commons property is directly adjacent to the area identified in the 2006 City of Boulder Urban Wildlife Management Plan (UWMP) as part of the East Boulder Community Center Colony (Colony #13). The City's Management Classification/Action Plan for the private portion of Colony #13 is lacking and does not provide guidance; the portion of the colony that occurs on City of Boulder property was slated in 2006 for 'Near-term Removal.'" The colony occurring on the City property has since been removed and prairie dog barriers have been constructed by the City to prevent the prairie dog colony from repopulating on City lands. The 2012 removal plan outlined the steps for removing the prairie dog colony that were in compliance with the Boulder Revised Code.

In conclusion, based on the scientific and engineering studies noted previously, the Hogan-Pancost property can reasonably support low density residential development as allowed under the current BVCP land use designation and within Area II-A. The SEBNA request to move the Hogan-Pancost property from Area II-A to Area III- Rural Preservation Area includes misrepresentations of studies specific to the Hogan-Pancost property and completely ignores or disregards the findings engineering and scientific studies on public record supporting the development of the Hogan-Pancost property.

Sincerely,  
**THE SANITAS GROUP, LLC**



**Leslie R. Ewy, P.E.**  
Principal/Civil Engineer

# TECHNICAL REBUTTAL TO PROPOSED BVCP REVISION

to

## Request for Revision: Hogan-Pancost Area III-Rural Preservation Area Expansion

Submitted by Southeast Neighborhood s Association

(October 1, 2015)

The Southeast Neighborhoods Association (SEBNA) submitted a “Request for Revision” under the Boulder Valley Comprehensive Plan (BVCP) 2015 Major Update process. The request proposes changing the BVCP designation for 5399 Kewanee Drive and 5697 South Boulder Road (formerly known as the Hogan-Pancost property) from Area II to Area III – Rural Preservation Area. The application states, in part, the revision is based on critical flood hazards and lack of adequate services.

This technical rebuttal demonstrates that the BVCP revision requested is unwarranted. The SEBNA request offers an assessment biased towards a few local neighborhood residents. It relies on the gullibility of city and county decision makers to accept a self-serving argument to prevent neighborhood change at the expense of the Boulder community and private property owner.

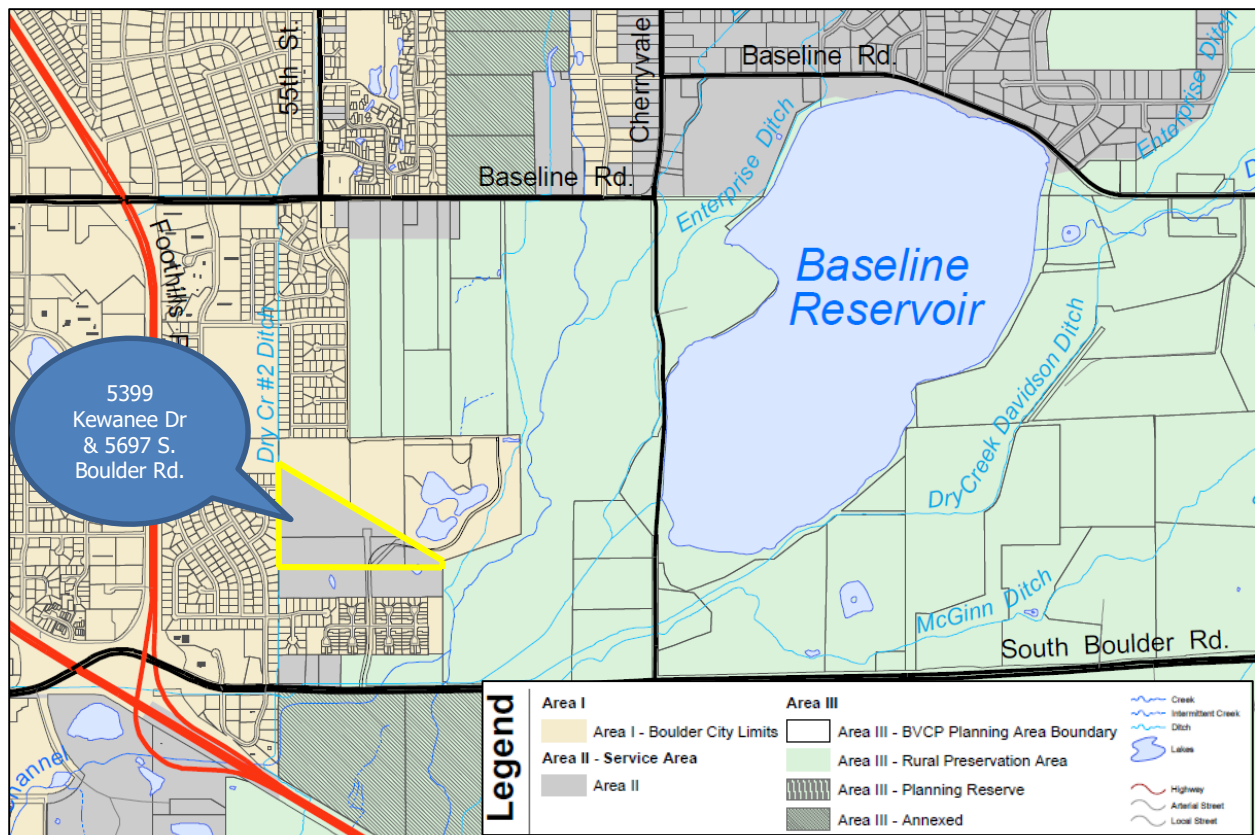


Figure 1- Excerpt BVCP Area I, Area II, Area III Map

## LAND CONTIGUITY

The property located at 5399 Kewanee Drive and 5697 South Boulder Road is bordered by the East Boulder Community Center and Park to the north, Keewaydin Meadows and Dry Creek No. 2 Ditch to the west, two developed rural estate residential properties to the south, and City of Boulder Open Space to the east. The property perimeter totals 4,922 feet of which:

- 3,122 feet on the north and west borders Area I land.
- 1,728 feet on the south borders Area II land.
- 72 feet on the east borders Area III land.

Less than two percent of the property's border is contiguous with Area III land. The remaining border is surrounded by Area I and Area II lands that will ultimately become Area I land annexed into the city. If revised to Area III, this property could become a virtual enclave of Area III inside the corporate limits. This would be unprecedented. It appears senseless to designate a 22 acre site surrounded by community development as an Area III – Preservation Area when tens of thousands of connected acres of Open Space surround the city.

## FLOOD HAZARDS

SEBNA argues in their Request for Revision that critical flood hazards exist at 5399 Kewanee Drive and 5697 South Boulder Road that call for a re-designation to Area III under the BVCP policies. Based on my 35-year background in floodplain management, license as a Colorado registered Professional Engineer (PE), and continued standing as a nationally Certified Floodplain Manager (CFM), it appears SEBNA's assessment of flood hazards is technically disingenuous. Many of their assertions are inconsistent with the accomplishments, measures, studies, planning activities, and standard practices of our national and local floodplain management programs.

SEBNA calls out several flood hazards at 5399 Kewanee Drive and 5697 South Boulder Road that they assert should preclude annexation and development of the property. These include:

- Adequate services are not in place to manage:
  - The regulatory FEMA 100-year flood,
  - Flooding from larger storm events.
  - The effects development will have on the severity of flooding.
- Adequate services are not in place to mitigate the flood impacts on this or adjacent properties.
- No community plan has been adopted or funding set up for flood mitigation.
- 2013 flooding on the property was greater than the 100-year regulatory flood.
- Over 1,100 feet of high hazard zone flooding occurs along Dry Creek No. 2 Ditch on the property.

It may be noted that there are SEBNA members supporting the Request for Revision that currently reside in the immediate area and are subject to the same flood hazard as 5399 Kewanee Drive and 5697 South Boulder Road.



## Adequate Services

*Floodplain Studies.* Adequate floodplain information services are in place for flood hazards at 5399 Kewanee Drive and 5697 South Boulder Road. The projected regulatory 100-year and 500-year floodplain and observed flooding in September 2013 indicate minimal flood impact without property damage or high hazard conditions. The Floodplain Conditions at Hagan-Pancost Property White Paper – September 15, 2013, prepared by Alan Taylor Consulting, LLC (ATC), offers a detailed report detailing the history, studies, regulation and observed impacts of 2013 flooding for South Boulder Creek at the property.

Flood impacts observed and recorded at this property in 2013 were minimal, with limited short duration surface ponding of depths less than one foot in a few depressed areas, and no indication of erosive scouring or defined flow channels on the site. Photographs from the ATC white paper taken the morning of September 12, 2013, following an overnight of heavy rainfall and runoff in South Boulder Creek and Viele Channel showed no indication of hazardous flooding at the property.



*Figure 2- West Side of Hagan-Pancost Property Looking South Along Dry Creek No. 2 Ditch (2013)*



*Figure 3- Hagan-Pancost Property Looking West from SE Corner at 55th Street (2013)*



Figure 4 - Hogan-Pancost Property Looking NW from 55th Street (2013)



Figure 5 - Hogan-Pancost Property Looking SW from East Boulder Soccer Field Area (2013)

The observed conditions in the 2013 flood were consistent with the South Boulder Creek Flood Mapping Study findings and projections for the property. Site flooding in 2013 occurred substantially within modeled areas and calculated depths from the study.

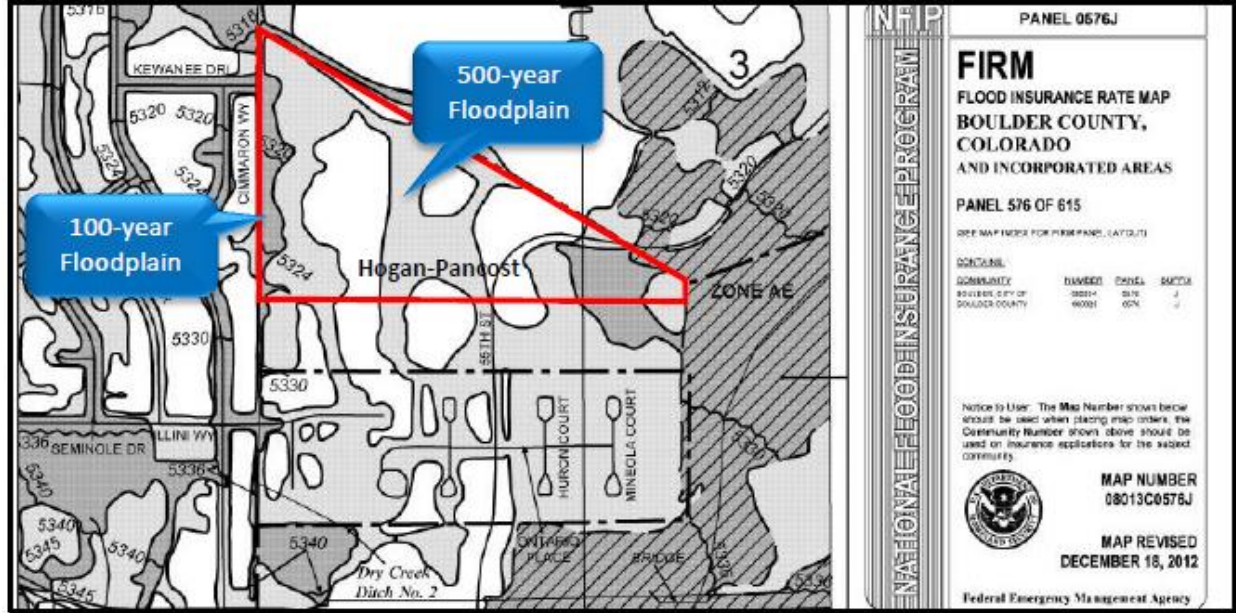


Figure 6 - FEMA Regulatory Floodplain Map

The Flood Insurance Rate Map (FIRM), revised December 18, 2012, provides adequate information to support regulatory services by assessing and identifying the flood risk on a community-wide basis. It establishes zoning standards and requirements for land use and development to ensure flood protection measures are provided. The flood study maps below illustrate the flood risk used to develop the FIRM based on modeled flooding areas and depths. The shallow flood depths indicate the flood risks are manageable, especially when compared with neighboring lands.



Figure 7- 100-year Flood Depths

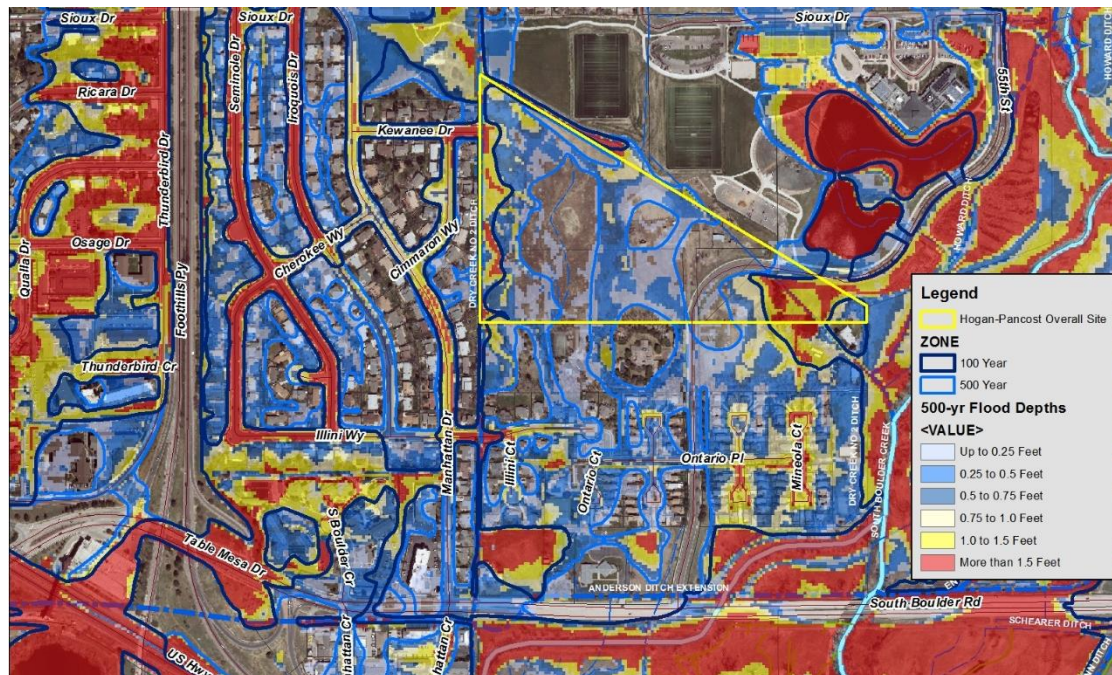


Figure 8 - 500-year Flood Depths

*Floodplain Regulations.* The City of Boulder provides adequate regulatory services to manage and mitigate flood impacts on this and adjacent properties by virtue of stringent local floodplain regulations. City regulations exceed FEMA standards, offering greater protection measures and prohibiting development in high hazard flood zones.

Local floodplain regulations require that residential structures (in the regulatory 100-year floodplain) be elevated such that the lowest (or first) floor, including basement, is constructed at or above the flood protection elevation; two feet above the 100-year flood elevation. Site filling and elevating the ground may also be used to mitigate possible flood and drainage impacts, and offers a benefit to better avoid high groundwater conditions. Future building on a filled site could eliminate any flood potential altogether, including both 100-year and 500-year flood conditions.

A standard requirement for all city development is to convey drainage from the property in an historic manner that will not adversely affect neighboring properties. This regulation serves to mitigate onsite impacts and prevent adverse offsite flooding impacts. It requires that future development includes measures and improvements to accept and pass historic drainage and flooding patterns entering the property, crossing the property, and leaving the property consistent with historic conditions. Onsite runoff generated in excess of historic conditions is required to be managed to ensure historic flow rates are not exceeded and that required storm water quality standards are maintained.

*Annexation Conditions.* Conditions of annexation offer adequate services to address an expanded range of flood concerns. Restricting basement construction at 5399 Kewanee Drive and 5697 South Boulder Road, whether in a regulatory floodplain or not, can prevent the potential for basement flooding on this site, avoiding flood hazards experienced by the neighboring areas. Basement flooding was the major problem that affected many existing dwellings in the Keewaydin Meadows and Greenbelt Meadows during the 2013 flood. Avoiding future basement construction in this high groundwater area adequately mitigates basement flooding problem.

Preserving the Dry Creek No. 2 Ditch corridor can ensure that irrigation and drainage conveyance along the existing facility will be maintained and allows for system improvement.

*Floodplain Management Programs and Facilities.* Following the major flooding Boulder experienced in 1969, the City adopted a major drainageway master plan for Viele Channel and other citywide drainageways. Viele Channel was intended to mitigate flooding from the Table Mesa area that drained to the intersection of US 36 and South Boulder Road and into the Frasier Meadows and Keewaydin Meadows neighborhoods (referred to as the South Boulder Creek West Valley). Viele Channel collects and conveys flood waters to South Boulder Creek east of 55<sup>th</sup> Street. These publicly funded drainageway improvements were completed in the mid-1970s and have helped to mitigate the severity of flooding along the Dry Creek No. 2 Ditch corridor.

The SEBNA Request for Revision presents historical photographs from 1969 and 1973 to emphasize the impact of past flooding at 5399 Kewanee Drive and 5697 South Boulder Road.



Figure 9- Historic Flooding on the Hogan-Pancost Property in 1969 and 1973 (from SEBNA Report)

These photos offer an impressive perspective of past flooding along the Dry Creek No. 2 Ditch corridor. However they are misleading because they do not demonstrate the specific location and extent of flooding at the “Hogan-Pancost” property, or define the current (2013 and future) flood hazard that may occur at this site. The 1969 photo is aimed northeast across Dry Creek No. 2 Ditch and likely captures a portion of the Hogan-Pancost property. The 1973 photo is aimed southeast and does not include the Hogan-Pancost property considering the existing buildings that can be identified along South Boulder Road.



Figure 10- Dry Creek No. 2 Ditch at Kewanee Drive Looking West (1969)

The Dry Creek No. 2 Ditch is shown in the SEBNA 1969 flood photo overflowing its banks along the east border of Keewaydin Meadows. The western edge of 5399 Kewanee Drive and

5697 South Boulder Road can be seen in the 1969 aerial photo (Figure 10) receiving shallow flooding from ditch overflows. The aerial view offers a clear perspective of the extent of past flooding on this property.



*Figure 11 - South Boulder Road East of US 36 Looking West (1969)*

The buildings on the north side of South Boulder Road in the foreground of the aerial photo above are captured in the SEBNA 1973 flood photo demonstrating that the photo was not taken of the Hogan-Pancost property. In the 1969 aerial photo (Figure 11) it is clear that flooding overtopped South Boulder Road near the Dry Creek No. 2 Ditch crossing and flowed in a shallow widely dispersed path to the north. This area has changed significantly since 1969.

Today, Viele Channel collects and channels flood waters east along the south side of South Boulder Road and crosses east of 55<sup>th</sup> Street to its confluence with South Boulder Creek. In addition, the reconstruction and expansion of South Boulder Road modified street grades to eliminate roadway overtopping at Dry Creek No. 2 Ditch and relocated roadway overtopping east of 55<sup>th</sup> Street near the main creek bridge. The US 36 interchange has dramatically changed the highway layout from the historical South Boulder Road flyover. The development of Greenbelt Meadows in the mid-1980s filled and raised the land north of the historical buildings obstructing most overland flood flows moving north, leaving the ditch corridor as the only open flow path. Figure 12 provides a current view of this area to compare with the 1969 aerial.



Figure 12 - Google Earth Image of Viele Channel, South Boulder Road and Part of Greenbelt Meadows (2015)



Figure 13 - South Boulder Road Overtopping at Dry Creek No. 2 Ditch During 1969 Flood



Figure 14 - South Boulder Road Overtopping Near South Boulder Creek (2013)

Greenbelt Meadows Subdivision south of 5399 Kewanee Drive and 5697 South Boulder Road was developed in 1984. This development was an extension of the Keewaydin Meadows neighborhood connecting to a planned Illini Way street extension like original planning for Kewanee Drive. The development encroached the Dry Creek No. 2 Ditch floodplain corridor with land fill in the same manner that could be proposed at 5399 Kewanee Drive and 5697 South Boulder Road.

Note that Greenbelt Meadows suffered flood damages to basements and garden levels in 2013 without significant surface flooding. If construction activities at Greenbelt Meadows had precluded basements and below grade floor levels there would have been minimal flood impacts or damages in that area. Today, the raised Greenbelt Meadows land grades serve to obstruct the northerly flowing overland flood potential for areas east of the Dry Creek No. 2 Ditch corridor.



Figure 15 - Initial Development of Greenbelt Meadows in 1984

### Community Mitigation Plan

SEBNA states in the Request for Revision that “currently there is no [floodplain mitigation] plan adopted and the funding for the plan (approximately \$40 million) has not been procured.” SEBNA may have been unaware at the time of preparing their request that the City of Boulder adopted the South Boulder Creek Flood Mitigation Study on August 4, 2013.

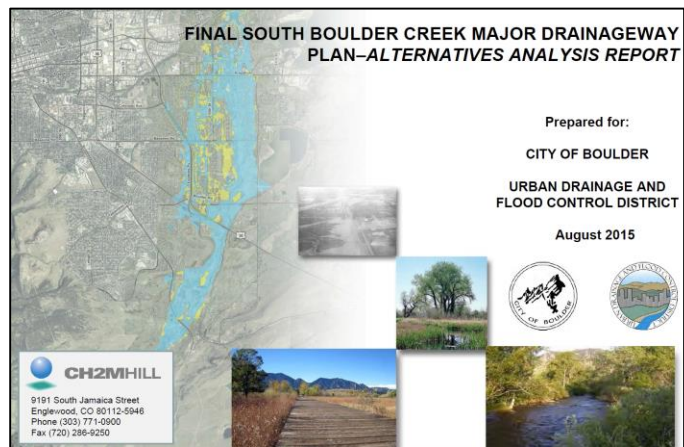


Figure 16 - South Boulder Creek Flood Mitigation Study



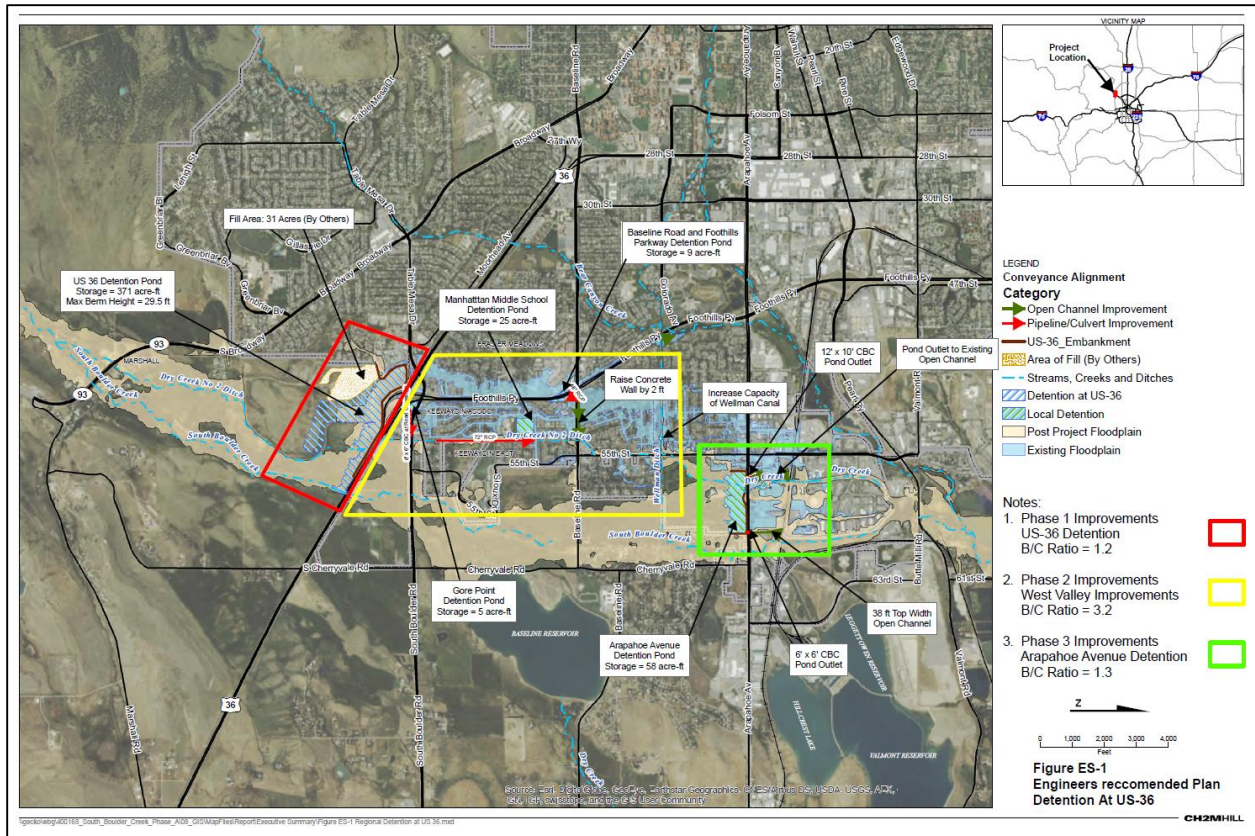


Figure 17 - Recommended Flood Mitigation Plan Project Elements

The flood mitigation study proposes West Valley Improvements that include Dry Creek No. 2 Ditch. These improvements will ultimately eliminate flooding in the West Valley.

**Priority 2 – Local West Valley Improvements**

The proposed improvements in the West Valley address a number of different flood related issues and are comprised of several smaller elements including:

- Local detention at Manhattan Middle School (or an adjacent feasible location),
- Dry Creek No. 2 Ditch improvements,
- Local detention at Baseline Road and Foothills Parkway,
- Floodwall improvements along Baseline Road,
- Improvements to the New Anderson Ditch, and
- Improvements to the Wellman Canal.

Implementation of these elements should generally follow broad drainage facility implementation guidance. That is, detention should be implemented early in the process to fully exploit the flow reduction realized through these facilities. Then the flood control measures such as the pipeline improvements along Dry Creek No. 2 Ditch and along Baseline Road should be implemented to provide adequate conveyance of the remaining flows. The improvements to the other irrigation ditches are intended to prevent overflows and contain those flows in the original system. These can often be done independently of any other improvements and can be implemented as need or opportunities arise. In aggregate, these improvements are expected to cost \$11.0 million to implement and result in a benefit-cost ratio of 3.2. A total of 134 structures (386 dwelling units) would no longer be located within the 100-year floodplain if this phase were implemented.

Figure 18 - Flood Mitigation Plan Local West Valley Improvements Overview

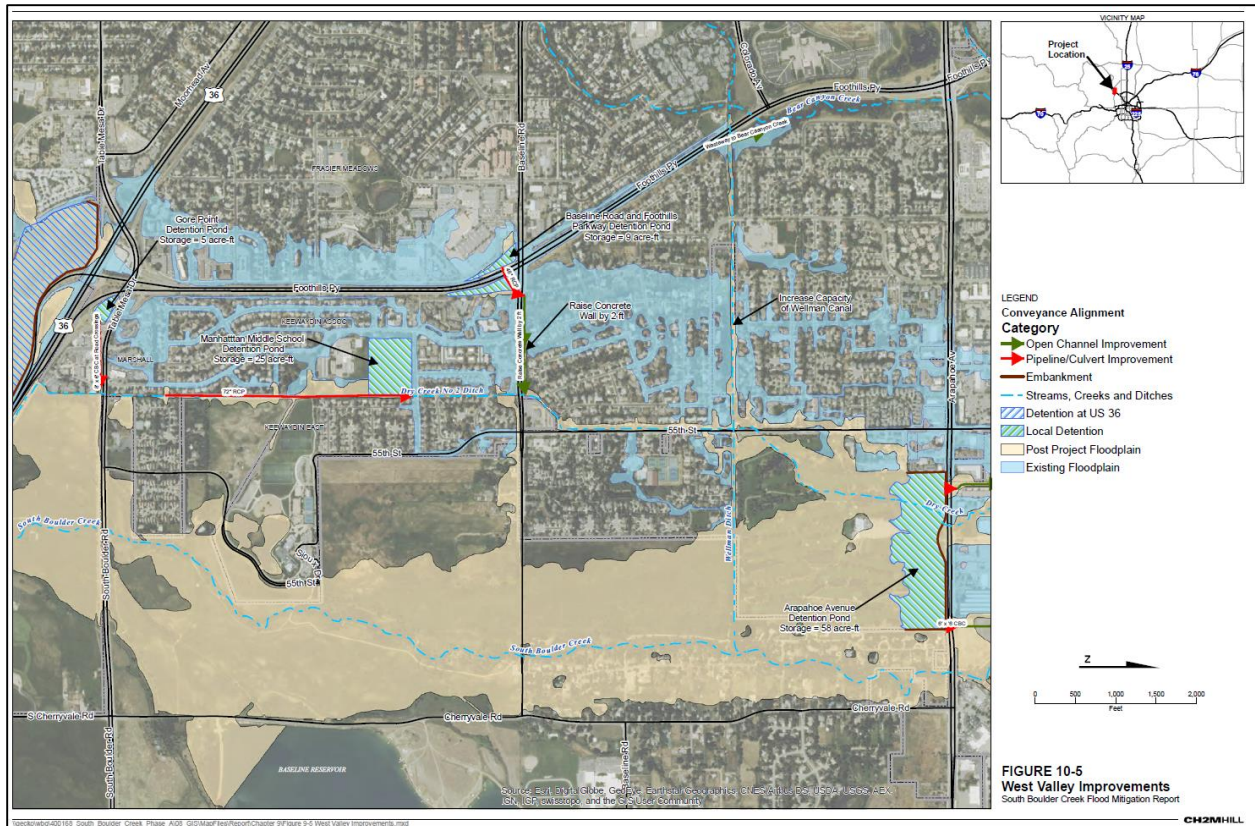


Figure 19 - Flood Mitigation Plan West Valley Improvements Plan View

Dry Creek No. 2 Ditch is planned to be conveyed in a 72-inch diameter reinforced concrete pipe from Illini way to a 25 acre-ft detention pond at Manhattan Middle School. This improvement will not deter from future land use activities at 5399 Kewanee Drive and 5697 South Boulder Road. It will provide for adequate surface flood mitigation services to this property as well as for the surrounding neighborhoods.



Figure 20 - Close Up of Flood Mitigation Plan West Valley Improvements

## 2013 Flood Exceeded 100-year Regulatory Flood

SEBNA claims in the Request for Revision that flooding in 2013 at 5399 Kewanee Drive and 5697 South Boulder Road was greater than the official 100-year regulatory flood. SEBNA uses this claim as an emphasis for revising the BVCP land designation from Area II to Area III – Rural Preservation. SEBNA included two maps from the City of Boulder Web site. The first map reflects the Regulatory Floodplains and the other reflects the 2013 Urban Flooding Extents.

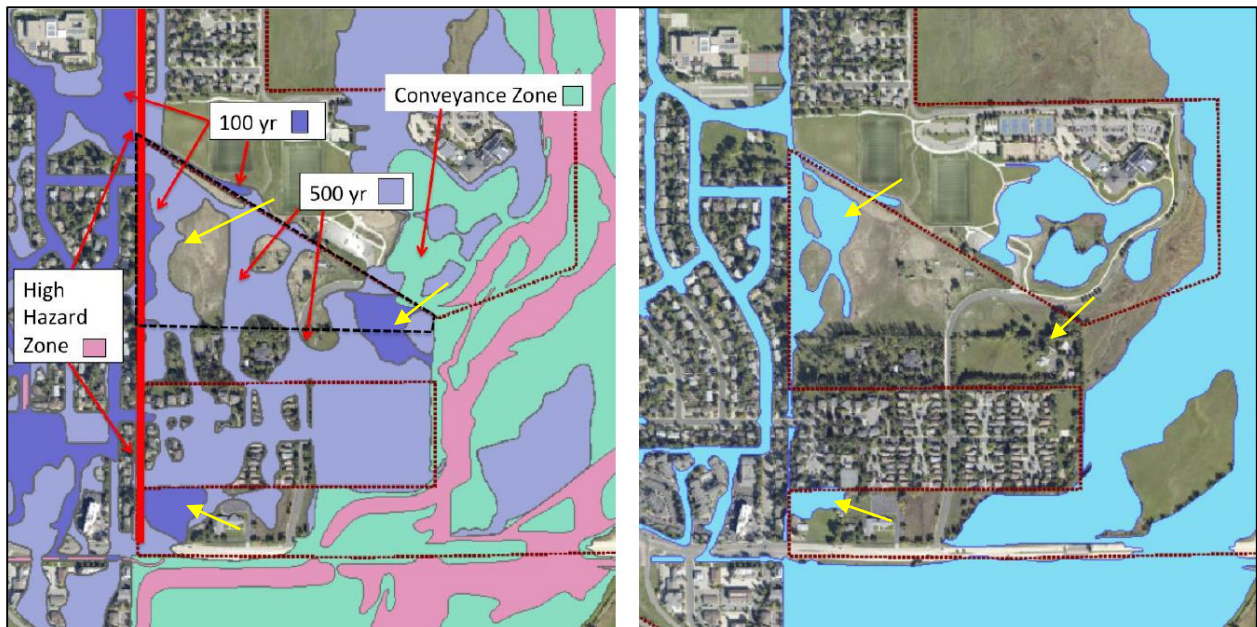


Figure 20 - South Boulder Creek FEMA Flood Zones and September 2013 Flood Extents (SEBNA Reference)

The 2013 flood extent map indicates a larger area of flooding on the property at 5399 Kewanee Drive and 5697 South Boulder Road than reflected on the 100-year regulatory floodplain map. The 2013 flood extent map also reflects smaller flooding south of Greenbelt Meadows at Dry Creek No. 2 Ditch and east of 55<sup>th</sup> Street on this and the Kent Estate property than reflected on the 100-year regulatory floodplain map. This appears to be incongruous.



Figure 21 - "Hogan-Pancost" Photo from SEBNA Report

A photo of "Flooding on the Hogan-Pancost property during the September 2013 flood" was referenced in the SEBNA Request for Revision as emphasis to the larger level of flooding 5399 Kewanee Drive and 5697 South Boulder Road experienced. There is no dispute the photo captures an area of the "Hogan-Pancost" property. However closer inspection of the photo reveals it does not show the true extent of flooding on the entire property. The view in the photo is misleading given it doesn't offer real evidence of greater flooding onsite than past events indicate and regulatory mapping predicts. Detailed review

demonstrates concern about the validity of the increased flood hazard assertion.



Figure 22 - Close Up of SEBNA "Hogan-Pancost" Photo to Determine Camera Position and Flooding Location

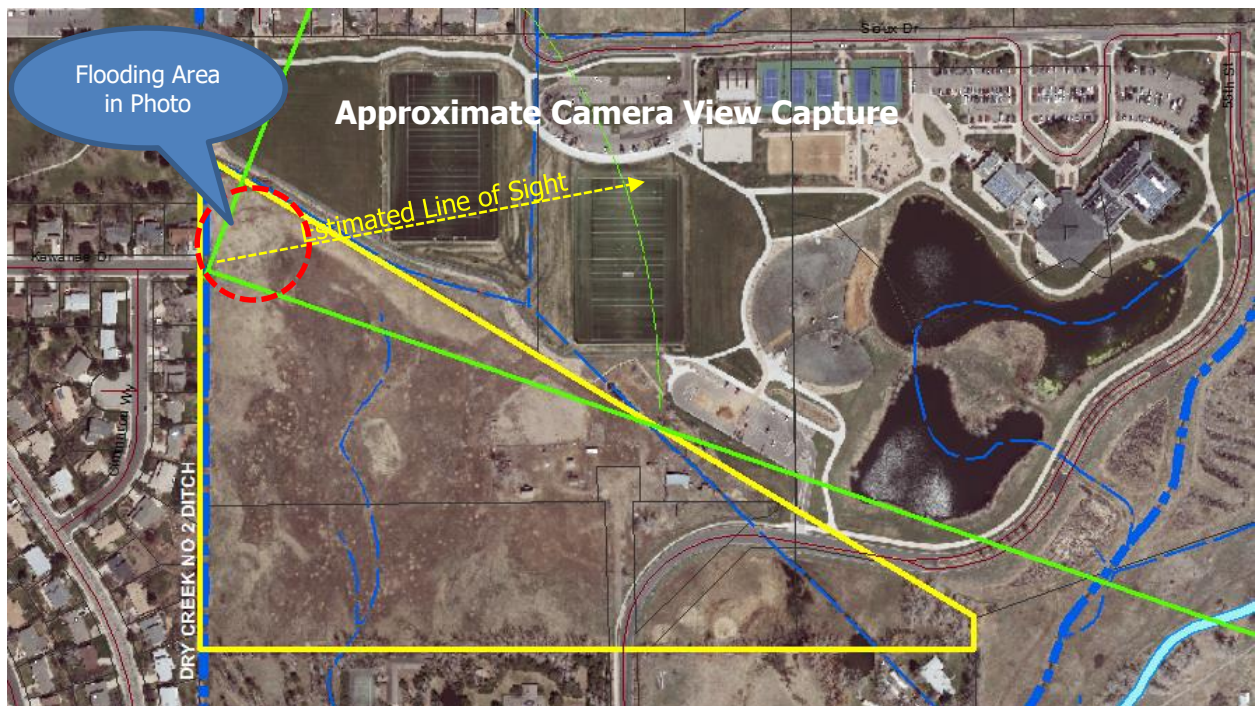


Figure 23 - Estimated Camera View Range of SEBNA "Hogan-Pancost" Photo

The photo included in the SEBNA Request for Revision appears to be taken from the east end of Kewanee Drive at Dry Creek No. 2 Ditch. Ponding of water on the property at 5399 Kewanee Drive and 5697 South Boulder Road is evident but is limited to the area located adjacent to the ditch at the north end of the site where surface waters tend to backup. Ponding depths in the photo outside the ditch itself are shallow and not fully inundated. The ground surface reflected in the aerial image above shows evidence of surface ponding in the northeast corner that may be from occasional flooding, storm runoff, ditch overflows and irrigation practices. Proof of a greater flood hazard is not evident from this photograph.

It is not clear that greater flooding of the property than projected in the regulatory mapping occurred in 2013. Photographs of the site taken the morning of September 12, 2013, included in the ATC White Paper, do not indicate greater flooding of the property or that the flood hazards are so significant that future development should be prevented and the property should become rural preserve.

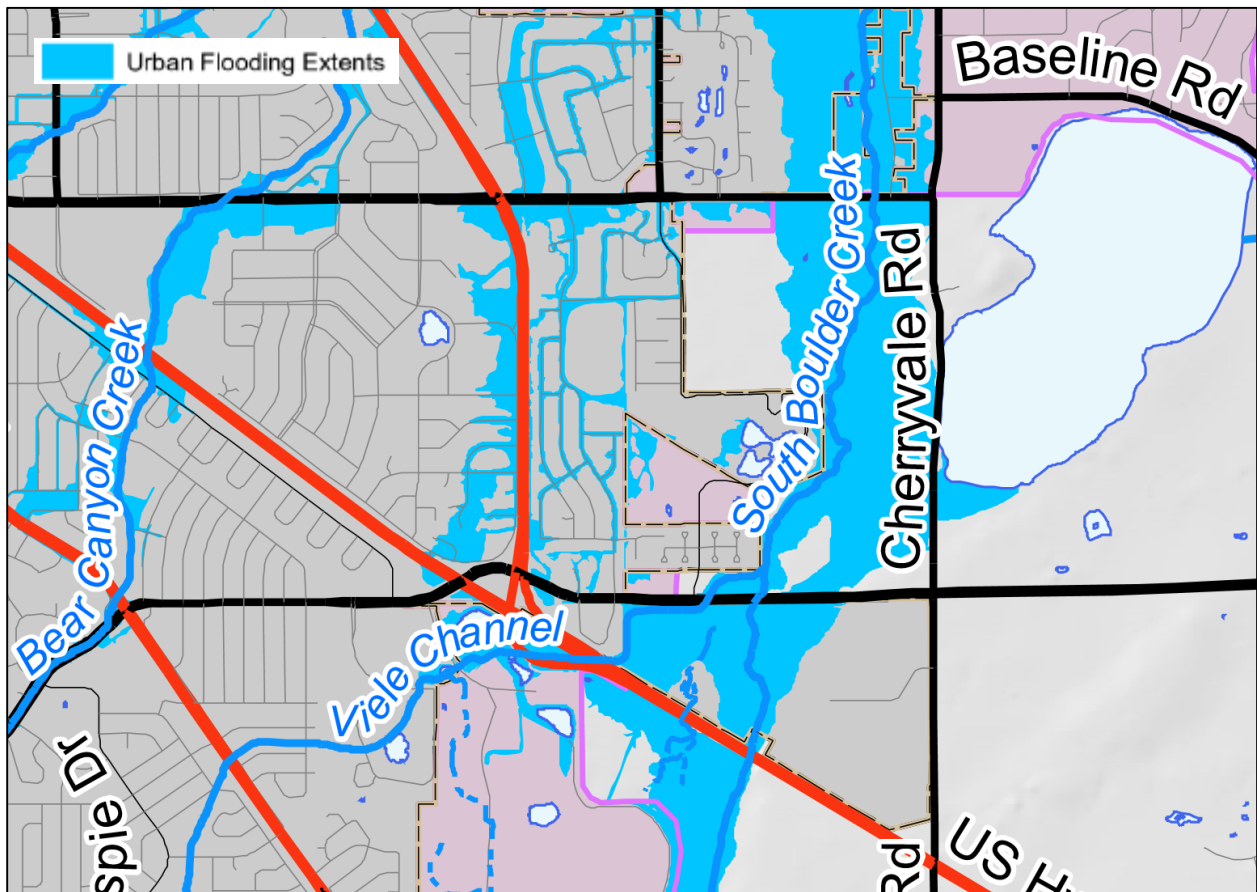


Figure 24 - Excerpt from City of Boulder Flood Extent Maps - Map 1 - September 2013 Flood (Map Revision Date: 03/28/14)

The map above (Figure 24) is available on the City of Boulder 2013 Flood Maps Web page. It reflects the onsite flood extent information SEBNA presented in their Request for Revision. The City Web page notes that “All Mapping Data is Draft and Subject to Revisions.” Closer research of the mapping finds the following disclaimer:

Map Revision Date: 04/01/14

**NOTE:** The 2013 urban flood extent data was developed using field surveys completed by City of Boulder staff and consultants, Digital Globe Worldview-2 satellite imagery (9/13/13), Boulder County Pictometry imagery (10/3/13), public input from the Boulder Crowd Sourcing online map, public input from community meetings, online flood survey data, and input from discussions with affected property owners. Only drainages with a FEMA mapped floodplain were surveyed. Other areas of Open Space and Mountain Parks land without a regulatory floodplain were not included. The City of Boulder will continue to make updates to this data as necessary.

The 2013 urban flood extent data does not supersede the Special Flood Hazard Area Designation (SFHA), or 100 yr floodplain, used by FEMA for Digital Flood Insurance Rate Maps or the proposed floodplain delineations from ongoing flood studies. This data is provided as graphical representation only. The City of Boulder provides no warranty, expressed or implied, as to the accuracy and/or completeness of the information contained herein.

© 2014 City of Boulder, CO Subject to Revision

Figure 25 - Disclaimer Note for Flood Extent Data

The 2013 flood extents mapping and information presented on the City of Boulder’s Web site does not include access to any detailed survey or satellite imagery, photographic records, or detailed accounts of flooding that occurred at 5399 Kewanee Drive and 5697 South Boulder Road. Based on this it appears that the information used to define the extent of flooding that occurred at the “Hogan-Pancost” property in 2013 may have been based only on voluntary public input without technical field verification.

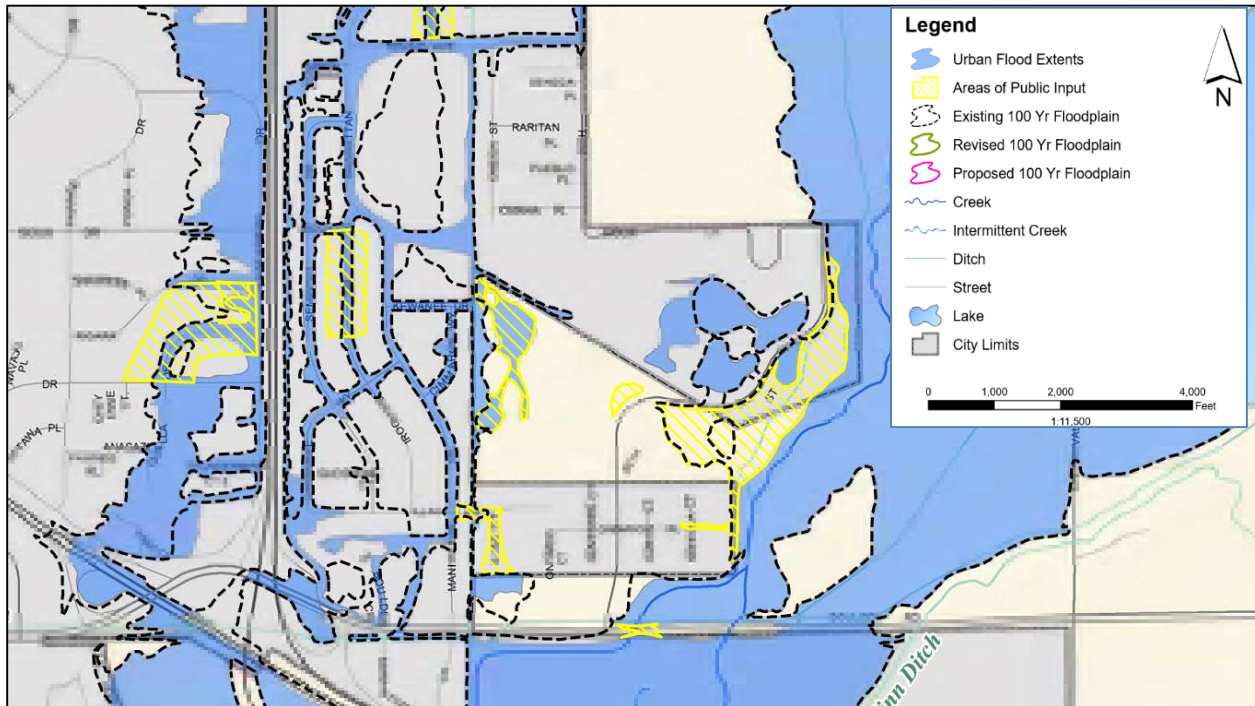


Figure 26 - Excerpt from September 2013 Urban Flood Extents and 100-Year Floodplains, Revised April 1, 2014

Another 2013 flood extents map on the Web site, the “September 2013 Urban Flood Extents and 100-Year Floodplains” map, revised April 1, 2014 (Figure 27), does indicate that the Urban Flood Extents identified at 5399 Kewanee Drive and 5697 South Boulder Road are based on “Areas of Public Input.” It is interesting that public input for this area of Boulder identified an increase in flooding beyond 100-year regulatory conditions at this property when other nearby areas at Greenbelt Meadows Subdivision, Keewaydin Meadows Subdivision, East Boulder Community Center, and the Kent Estate experienced decreased flooding. It is also interesting that public input focused carefully on an undeveloped property that experienced no flood damage compared with the surrounding neighborhood areas that were impacted by significant damages from flooded basements.



Figure 27 - Excerpt from South Boulder Creek - South of Baseline Map 1 Public Input Meeting Notes

Public meeting input notes reflected on another flood extents map, the South Boulder Creek South of Baseline – Map 1 shown above (Figure 27), did acknowledge that South Boulder Road had no overtopping west of the South Boulder Creek bridge, indicating that the roadway overtopping that occurred in 1969 no longer occurs. The notes on this map also cross-out and eliminate what appear to have been initially identified 2013 flood extents that occurred outside the regulatory floodplain in Greenbelt Meadows. This floodplain extent map did not identify any floodplain concerns at 5399 Kewanee Drive and 5697 South Boulder Road. It is not clear how this public input was incorporated into the 2013 Flood Extents Map that expanded the “Hogan-Pancost” floodplain.

The argument by SEBNA that flooding in 2013 was greater than 100-year regulatory flood projections appears to be unfounded, and may actually be suggestive to support their Request for Revision. This claim is not supported by objective technical analysis or documentation, and the City 2013 Flood Extents Map should be accurately revised to avoid any biased or detrimental public decision making for this property and its ownership in the 2015 BVCP Update process. Possible future development at 5399 Kewanee Drive and 5697 South Boulder Road and implementation of the City's South Boulder Creek Mitigation Plan can eliminate any flood potential through improvements to raise site grades as part of development or convey flood waters through the provision of adequate mitigation services and facilities.

### **High Hazard Flood Zone**

The SEBNA Request for Revision states that “The Hogan-Pancost property contains over 1,100 linear feet of a designated High Hazard flood zone along the open undeveloped Dry Creek # 2 Ditch corridor. All development proposals to date call for substantially narrowing and channelizing this High Hazard flood zone. This also runs counter to the wishes of the (40% City owned) Dry Creek #2 Ditch company.”

The 1,100 linear feet of “high hazard zone” occurs within the banks of Dry Creek No. 2 Ditch only which is less than 20 feet wide. The ditch is privately owned by the Dry Creek No. 2 Ditch Company, has existed for a century, and is well defined as a water resources irrigation facility. The ditch will remain in its location within a dedicated 60-foot wide conservation corridor and is not subject to future development. The ditch also extends upstream through Greenbelt Meadows and downstream through Keewaydin Meadows and Country Club Estates. Dry Creek No. 2 Ditch has no bearing on the existing BVCP Area II land designation.

### **FINDINGS**

The SEBNA Request for Revision to the BVCP 2015 Update is disingenuous and is not based on technically factual information or analysis for flood hazards. My review finds that a BVCP revision for 5399 Kewanee Drive and 5697 South Boulder Road is unwarranted based on demonstrable flood hazards at this location. The property is surrounded by developed lands, and has full access to adequate services and community plans for area flood mitigation.

Assertions made by SEBNA about flood hazards, adequate services, and mitigation planning are inaccurate and appear biased towards the interest of a few local neighborhood residents who wish to prevent future development of the property. The Request for Revision relies on the gullibility of city and county decision makers to accept a selfish argument to preserve this property at the expense of the greater Boulder community and private property owner.

I recommend against consideration of the BVCP Request for Revision based on flood hazards at the property and failure to demonstrate a need for the change under BVCP flood hazard policies.

Alan R. Taylor, P.E., CFM  
Alan Taylor Consulting, LLC  
Colorado P.E. #27075





**Giang, Steven**

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**Subject:** RE: Gunbarrel's Affordable Housing

**From:** Kelly Hildebrandt [<mailto:kellyhildebrandt1@gmail.com>]

**Sent:** Wednesday, October 14, 2015 9:35 PM

**To:** Boulder County Board of Commissioners; [council@bouldercolorado.gov](mailto:council@bouldercolorado.gov); #LandUsePlanner;  
[boulderplanningboard@bouldercolorado.gov](mailto:boulderplanningboard@bouldercolorado.gov)

**Subject:** Gunbarrel's Affordable Housing

"Super size me" is not a concept that I have ever subscribed to. Not in my meals nor in my neighborhood. I am deeply concerned about the expansion that's already going on in Gunbarrel up and down both sides of Lookout Rd. The "pack them in" mentality that is currently going on is ruining our neighborhood appeal and adding more cars, more traffic jams, more pollution, more pets to our roads, sidewalks and trails. It's also negatively affecting our parking lots at King Soopers and nearby trails. The architecture is current and attractive, but the congested manner in which they've crammed multiple-story buildings onto postage stamp sized lots is ridiculous. There's little to no room left for sidewalks, landscaping or grass thus throwing off the scale of the community.

Another huge concern is where will all of those new families send their children to school...to our already full schools?

I've lived in this area for 36 years. I've chosen Gunbarrel for 20 of them for the large open spaces, wild life, and general feel of "country near the city" which you can not get in the city itself. It's quieter here and the views are spectacular, all adding to our property values. Adding 60+ more units of affordable housing in our open spaces will severely take away from our property values and the beauty of Gunbarrel and why we live here.

Please reconsider the size and location of this project. A limited unit housing project with a park in the middle would be more in connection with our neighborhoods. Green grass and proper sidewalks with ample street parking rather than more asphalt pads substituting green grass would be conducive to the feel of our neighborhoods. Controlling population to prevent traffic congestion on the one street in/out of the proposed neighborhood would limit traffic, trail congestion, and school overcrowding. Down size, not super size.

Thanks for your consideration,

--

***Kelly Hildebrandt***

**[303-530-7656](tel:303-530-7656)**

## Giang, Steven

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**Subject:** RE: Letter regarding Twin Lakes Neighborhood

**From:** Melanie [<mailto:melanielynns.mail@gmail.com>]

**Sent:** Monday, October 19, 2015 1:37 PM

**To:** #LandUsePlanner

**Subject:** Letter regarding Twin Lakes Neighborhood

Hello Planners

I am writing to you in regards to the recent information many of us in Gunbarrel have obtained about the BCHA's proposal for the affordable housing units in the north field. I am very surprised about this and would like to make my reservations about this proposal known. Many others have written their pleas to you and the commissioners already. These letters have been eloquent and informational. I can only come from my heart.

- First and foremost is my deep concern for the abundant wildlife that is found in the Twin Lakes area. Not only is this field hunting grounds for the regal Owl family who nests here year after year, it is also territory to several species of birds, small mammals, and coyotes. It will be a sad day when this field is used for buildings rather than the wildlife that depend on it. If BCHA's plans move forward, they should, at the very least, do a study to fully understand the impact this magnitude of housing would have on the wildlife.
- The sheer beauty of this field should really speak for itself. Stand out in the middle of this field and tell me you don't feel a tingle of awe at the expanse of grasses, plant life, and views that lie before you. So few moments like this are left for us humans. Please don't take away this piece of nature connection! Maybe it's too poetic a reason to leave this field wild, but our souls need it, they need wild places. We do not need to develop every last piece of open land. Especially one so close to Open Space. This breaks my heart and I am terribly distressed about it.
- I have read the proposal is for sixty plus units. That will have a HUGE impact on this quiet community's noise levels, traffic patterns, safety, and way of life. Many people move to Gunbarrel for its peaceful refuge and laid back lifestyle. I know that is why my family did. This proposal will turn our sleepy neighborhood into a noisy, traffic filled mess. We live right on Twin Lakes Rd and can only imagine the traffic and noise that will abound. It will become dangerous for kiddos and our family. My husband and I are even starting to have the discussion about "what if we have to move?" That is NOT OK! We were looking forward to raising our family a rural neighborhood. I don't know if you are aware of this but you are scaring and pushing out families that are already here. I am sure you don't mean to come across this way but I am afraid that it what is happening.
- I know many folks have written about the high water table here in Gunbarrel. We know first hand the affects of rain in our neighborhood. Our whole basement had to be redone, as the walls were literally rotting and molding from the moisture in the earth. What will happen if you throw up a bunch of units and continue to put stress on the land? The surrounding houses will be in big trouble. And this will have been a "known" factor.
- It is very strange to me that none of the new housing units are being used for this. I am aware that the developers bought out the units to not have affordable housing available there. Why is that?
- I really question whether this is the right space for such a large development. There is little public transportation and the car traffic from sixty units crammed in that small space is very alarming. I have heard there are other places to consider. Please do consider then and do not damage our amazing neighborhood.
- This is NOT at all in line with the Boulder Valley Comprehensive Plan.

Please consider building somewhere else and keep our wild spaces wild, our neighborhoods safe, and our community intact.

Thank you very much for taking the time to read my concerns.

Melanie Whitehead  
Barnacle St.

--

"Nature does not hurry, yet everything is accomplished." ~Lao Tzu

## Giang, Steven

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**From:** DEE <deej4@comcast.net>  
**Sent:** Wednesday, October 21, 2015 4:12 PM  
**To:** #LandUsePlanner  
**Subject:** 6655 Twin Lakes Road

I live at 4733 Tally Ho Court in the County. The property at 6655 Twin Lakes Road is also in the County, although I know the intention is to annex this land into the City and then warehouse a lot of people in high rise housing. I am sending this plea to the county commissioners, the planning board, and the city council as well as to the planning commission.

We like living close to Boulder and chose Gunbarrel almost 24 years ago because of its unique rural residential character. We have lived here peacefully until about 2 years ago. Now we are in the midst of city and county agendas, goals, and big money for development on the 10 acres at 6655 Twin Lakes Road and probably the property immediately to the south which is now owned by the school. I've been to many city and county meetings involving this. We sit there and listen and occasionally get to say a few words which are never listened to or commented on. Over a long period of years, we have lived in several cities across the country and in several neighborhoods similar to Gunbarrel. We have liked living close to Boulder until recently. I have never experienced such disregard for citizens as I am seeing here.. I read the Daily Camera daily and see that I am not alone in feeling ignored. What are you thinking to completely disregard the people you are supposed to be representing in favor of developers who are probably not even living in Boulder??

The property at 6655 Twin Lakes is prone to flooding and works as a sponge to absorb water that has flooded some of our basements and will flood on a much more rampant nature if it is developed. It is a wildlife corridor that is home to many animals and a hunting ground for others such as raptors and especially the Great Horned Owls who nest here every year and are already back starting their yearly courting. Many local residents also use this land for a variety of reasons, especially since we have no parks in the area. There is a path there that connects to other paths around the twin lakes used by many. You plan to warehouse a dense housing project there for residents that will experience no immediate services that they will need. This is a plan that will fail miserably. I know goals and money are involved here, and this seems to be more important than the residents you plan to stack in here and the neighborhoods that surround these fields. These fields need to stay in the County and be designated as Open Space!

Sincerely, Dee George [deej4@comcast.net](mailto:deej4@comcast.net)

## Giang, Steven

---

**From:** jesse7@comcast.net  
**Sent:** Thursday, October 22, 2015 3:11 PM  
**To:** #LandUsePlanner  
**Subject:** Property at 6655 Twin Lakes Road  
**Attachments:** Receipt Master File.pdf

I would like to start this email by telling you about my technical background so you can judge my comments from a technical point of view. I am a Mechanical Engineer with a degree from the University of Kansas. While I am now retired, I am a Licensed Professional Engineer, and have over thirty-five years of experience in the Mechanical Engineering field.

Now from my view point:

1. From a hydrology view point: I live adjacent to the property at 6655 Twin Lakes Road and have seen extensive flooding from runoff of that property. If the proposed property is developed, the paving and building will cause flooding of buildings on that property as well as extensive flooding of the existing neighborhoods. To mitigate this problem may be possible; however, this could be very expensive. To try to connect to any of the Red Fox Hills' system would be unwise because that system is already over taxed and causes problems already in the lower parts of the development. To install a completely separate system may be impractical at best and impossible at worst. To trench and install a large pipe to the drainage system to the creek to the southwest would require crossing private property and disruption and inconvenience to several neighborhoods. In addition, at least one major road would have to be crossed, causing disruption to traffic and repaving after excavation.
2. I can only hope that your technical staff has accounted for the tremendous added flow of gray and black water that building on this site will add to the existing sewer systems. If that has not been accounted for, the cost of upgrading may make this site a very poor candidate for the proposed construction.
3. I know that a hydrology report was previously submitted to the appropriate County officials from the Twin Lakes Action Group. I have reviewed this report and hope that it is taken seriously. There are several aspects of this report, including the fact that this property is not recommended for building due to the high water table. I have witnessed the problems this high water table has caused. The problems are apparent by the fact that several home owners in the adjacent homes have had to install sump pumps. Also, one home owner has installed an access pipe in his perimeter drain so he can monitor water flow. I can vouch for the fact that there is continuous rapid flow through this pipe, even in dry weather.

Considering all the negative aspects of building on this site, including wildlife crossing and hunting grounds for that wildlife, hydrology aspects, and the fact that the entire surrounding neighborhoods use this land for many activities including walking dogs, flying remote airplanes, relaxing, catching some sun rays, or as a path to usage of the twin lakes; this area may be better utilized if designated as open space. Since there are no organized parks in the Gunbarrel area, this land fulfills this desperate need.

Thank you for consideration of my many concerns regarding development of this property.

Jerry N. George, ME, PE  
[jesseg7@comcast.net](mailto:jesseg7@comcast.net)

## Giang, Steven

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**From:** Juliet Gopinath <julietgopinath@yahoo.com>  
**Sent:** Sunday, October 25, 2015 1:17 AM  
**To:** #LandUsePlanner  
**Cc:** Juliet Gopinath  
**Subject:** Proposed affordable housing at 6655 Twin Lakes Road  
**Attachments:** Gopinath\_Countyplanningcommission\_102515.pdf

Dear Boulder Planning Commission,

Please find a letter attached regarding my opinions about the proposed affordable housing development at 6655 Twin Lakes Road. I am in vehement opposition to this development, due to concerns detailed about the rural area, recently constructed developments in Gunbarrel Center that have not included any affordable housing, the affordability of Gunbarrel homes, wildlife, road maintenance, and hydrology. I hope that you will take my concerns seriously.

Best Regards,

Juliet Gopinath  
4555 Tally Ho Trail  
Boulder Colorado 80301  
617-308-5567

## Giang, Steven

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**From:** Mateo Del Samet <sensorsamet@gmail.com>  
**Sent:** Wednesday, November 04, 2015 7:20 PM  
**To:** ellisl@bouldercolorado.gov; HyserC@bouldercolorado.gov;  
ZachariasC@bouldercolorado.gov; hirtj@bouldercolorado.gov; Fogg, Peter; Shannon,  
Abigail; Giang, Steven  
**Subject:** 6655 Twin Lakes Road -- no high-density (or any) development

To whom it may concern,

I'm writing as a homeowner in Gunbarrel and longtime Boulder resident to express my opposition to the proposed development at 6655 Twin Lakes Road. I've been in Gunbarrel since 2007, and my wife and I moved here specifically for it's low-key, semi-rural feel. However, in the past two years there has been a lot of development, particularly in Gunbarrel Center, and the vibe has changed quickly, and for the worse--at least for existing residents, many of whom choose to live here precisely because it is not dense, hyper-busy, and overbuilt with mixed-"use" monstrosities like Boulder.

I do not believe the proposed affordable-housing development at 6655 is in keeping with the existing neighborhood around it, nor with the overall feel of Gunbarrel, nor with the county's mission to preserve the rural feel of Boulder County. Of course, to subvert all this, a sneaky land grab is underway in which the open space north of the field is annexed into the City, to have a 1/6 contiguous border; such devious tactics only serve to further point out the fact that this is not an appropriate use of this property. If this were the right space for affordable housing, and hundreds of residents, such tactics would not be necessary. In fact, a much smarter use, one that a vast majority of the residents around here have backed, is making this property open space, to preserve the views from the trail, the wildlife corridor between Boulder Creek and the Twin Lakes (key for coyotes, heron, rabbits, birds, and even deer and elk), and to protect neighboring residences from the flooding issues caused by high groundwater in our area this development will only exacerbate, by displacing an already high water table. I live a quarter mile east of here and have had ongoing groundwater and flooding issues; I fear the load on the fields by all the proposed dwellings will make our situation even worse.

Boulder has done a very poor job in the last five years of respecting its existing population; in the rush to lure in snazzy tech companies and all the "wonderful" hipness that goes with that, the City has sacrificed mountain views, quality of life, and simply ease of life all in a greed-fueled rush to "develop, develop, develop." The result: snarled traffic, higher prices, rising tempers, and a lowered quality of life for everyone, whether they work or live in Boulder, or both. We simply do not want these things in Gunbarrel; we moved here to get away from them. Please respect our wishes and hear our voices, and turn this parcel into open space.

Sincerely,  
Matt Samet  
4818 Brandon Creek Dr.

**Giang, Steven**

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**Subject:** RE: 6655 Twin Lakes Road

**From:** Myrna Besley <[mysube@aol.com](mailto:mysube@aol.com)>

**Date:** November 11, 2015 at 1:50:34 PM MST

**To:** <[ashannon@bouldercounty.org](mailto:ashannon@bouldercounty.org)>, <[ellis1@bouldercolorado.gov](mailto:ellis1@bouldercolorado.gov)>, <[HyserC@bouldercolorado.gov](mailto:HyserC@bouldercolorado.gov)>, <[ZachariasC@bouldercolorado.gov](mailto:ZachariasC@bouldercolorado.gov)>, <[pfogg@bouldercolorado.gov](mailto:pfogg@bouldercolorado.gov)>, <[sgiang@bouldercolorado.gov](mailto:sgiang@bouldercolorado.gov)>

**Subject:** 6655 Twin Lakes Road

*Myrna Besley*  
[mysube@aol.com](mailto:mysube@aol.com)

*Hello,*

*I am a resident of Red Fox Hills subdivision, and my property is adjacent to the land which is proposed for high density development at 6655 Twin Lakes Road. I want to express my dissatisfaction for this proposal, because the property was purchased without adequate information regarding the effects that this development would have on surrounding land. My house flooded in September of 2013, and it cost me \$25,000 to replace walls and flooring not covered by home insurance. Very recently I had a sump pump installed in the basement to help prevent this situation again. When the technician installed the hole for the sump pump, he commented that the water table was extremely high. This was after a summer of virtually no precipitation whatsoever. I fear that with a development such as the one that is proposed, the water table would rise even more. The Twin Lakes Action Group has hired a hydrologist to explore the situation with regard to the water table. I just wanted to express my hope that the high density proposal will not happen.*

*I understand that the city of Boulder is in dire need for affordable housing. I do not think that 6655 Twin Lakes Road, nor the property across the street, is the place for this. I really hope that you take into consideration how the neighbors feel about this proposal, and keeping the land as undeveloped, natural meadow.*

*Myrna Besley*



## Giang, Steven

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**From:** Melanie <melanielynns.mail@gmail.com>  
**Sent:** Saturday, November 14, 2015 4:35 PM  
**To:** ellisl@bouldercolorado.gov; HyserC@bouldercolorado.gov;  
ZachariasC@bouldercolorado.gov; hirtj@bouldercolorado.gov; Fogg, Peter; Shannon, Abigail; Giang, Steven  
**Subject:** Letter to the planners regarding the impact of building in Twin Lakes

Please forgive me addressing you all at once. The plight of Twin Lakes is very near and dear to my heart. But I have a busy family who needs my attention. Thank you.

I am writing to you in regards to the recent information many of us in Gunbarrel have obtained about the BCHA's proposal for the affordable housing units in the north field. I am very surprised about this and would like to make my reservations about this proposal known. Many others have written their pleas to you and the commissioners already. These letters have been eloquent and informational. I can only come from my heart.

- First and foremost is my deep concern for the abundant wildlife that is found in the Twin Lakes area. Not only is this field hunting grounds for the regal Owl family who nests here year after year, it is also territory to several species of birds, small mammals, and coyotes. It will be a sad day when this field is used for buildings rather than the wildlife that depend on it. If BCHA's plans move forward, they should, at the very least, do a study to fully understand the impact this magnitude of housing would have on the wildlife.
- The sheer beauty of this field should really speak for itself. Stand out in the middle of this field and tell me you don't feel a tingle of awe at the expanse of grasses, plant life, and views that lie before you. So few moments like this are left for us humans. Please don't take away this piece of nature connection! Maybe it's too poetic a reason to leave this field wild, but our souls need it, they need wild places. We do not need to develop every last piece of open land. Especially one so close to Open Space. This breaks my heart and I am terribly distressed about it.
- I have read the proposal is for sixty plus units. That will have a HUGE impact on this quiet community's noise levels, traffic patterns, safety, and way of life. Many people move to Gunbarrel for its peaceful refuge and laid back lifestyle. I know that is why my family did. This proposal will turn our sleepy neighborhood into a noisy, traffic filled mess. We live right on Twin Lakes Rd and can only imagine the traffic and noise that will abound. It will become dangerous for kiddos and our family. My husband and I are even starting to have the discussion about "what if we have to move?" That is NOT OK! We were looking forward to raising our family a rural neighborhood. I don't know if you are aware of this but you are scaring and pushing out families that are already here. I am sure you don't mean to come across this way but I am afraid that it what is happening.
- I know many folks have written about the high water table here in Gunbarrel. We know first hand the affects of rain in our neighborhood. Our whole basement had to be redone, as the walls were literally rotting and molding from the moisture in the earth. What will happen if you throw up a bunch of units and continue to put stress on the land? The surrounding houses will be in big trouble. And this will have been a "known" factor.
- It is very strange to me that none of the new housing units are being used for this. I am aware that the developers bought out the units to not have affordable housing available there. Why is that?
- I really question whether this is the right space for such a large development. There is little public transportation and the car traffic from sixty units crammed in that small space is very alarming. I have heard there are other places to consider. Please do consider then and do not damage our amazing neighborhood.

- This is NOT at all in line with the Boulder Valley Comprehensive Plan.

Please consider building somewhere else and keep our wild spaces wild, our neighborhoods safe, and our community intact.

Thank you very much for taking the time to read my concerns.

Melanie Whitehead

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"Nature does not hurry, yet everything is accomplished." ~Lao Tzu

## Giang, Steven

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**From:** Dinah McKay <dinah.mckay@Colorado.EDU>  
**Sent:** Wednesday, November 18, 2015 4:38 PM  
**To:** jones@bouldercolorado.gov; jan@janforboulder.com; lisamorzel@gmail.com; aaronboulder@gmail.com; bobyatesboulder@gmail.com; Young, Mary; weavers@bouldercolorado.gov; shoemakera@bouldercolorado.gov; appelbaum@bouldercolorado.gov; boulderplanningboard@bouldercolorado.gov; ellisl@bouldercolorado.gov; hyserC@bouldercolorado.gov; ZachariasC@bouldercolorado.gov; hirtj@bouldercolorado.gov; Fogg, Peter; Shannon, Abigail; Giang, Steven  
**Subject:** BVCP upzoning 3 Gunbarrel properties

I am a Gunbarrel resident who will be attending the December 7th listening session at the Heatherwood School regarding the upzoning requests submitted by the Boulder County Housing Authority for 6655 Twin Lakes Road and Boulder Valley School District for 6600 Twin Lakes Road and 0 Kalua Road. I am writing to underscore all of the points presented in the Twin Lakes Action Group Position Paper along with its supporting documents.

Since I own property adjacent to 6655 Twin Lakes Road in the Twin Lakes/Portal Estates subdivision, I am EXTREMELY concerned about the BCHA's intent to build up to 180 units of high-density public housing on this property and up to another 180 units on the 2 BVSD properties across Twin Lakes Road. This will be by far the largest concentration of public housing in all of Boulder County! The "mixed-use" for this property will be a variety of very vulnerable people with mental and physical disabilities the BCHA intends to strand 5 miles away from any Physical and Mental Health Services located in Boulder. Susan B. Levy who chairs the Human Services of Boulder County wrote in a Daily Camera Opinion (10/30/15), "The clients we serve vary in the nature and intensity of the services they receive. Some, because of chronic issues, require intensive long-term services from a variety of human service providers...We need to assure that vital human services that we all benefit from continue to be available in Boulder and located where it makes sense."

It does not make "sense" to locate such a large population of vulnerable people with chronic conditions needing mental and health services 5 miles far away in a rural residential neighborhood where there are NO SUCH SERVICES and the nearest bus stop is a half mile away!! BCHA is setting up their clients for failure and it is not compassionate or caring for their well-being or the well-being and safety of the Gunbarrel neighborhood in which they are being dumped for some political reason. The TLAG Position Paper clearly details how legally and practically this development is doomed to fail. It's unethical to strand such a large group of vulnerable people without the vital services they need which will make the neighborhood unsafe for them and everyone else bringing crime, drug use, gang activity and police patrols!

The 6655 Twin Lakes is located adjacent to the Twin Lakes Open Space and is IDEAL to expand the Twin Lakes Open Space property and protect the last remaining wildlife habitat and hunting grounds for owls, hawks, eagles, ravens and dozens of other wild birds and animals! The BVSD properties would enhance the Open Space as a wildlife corridor connecting the Twin Lakes wetlands to the Boulder Creek Open Space to the South. This is the best use for these properties especially with the recent addition of nearly 550+ new residential units near King Soopers in Gunbarrel. The Twin Lakes Open Space which is used by hundreds of people each day, coming from miles around, is becoming overcrowded. The Twin Lakes Open Space is vital to the well-being of the whole surrounding Gunbarrel community and adding these 3 properties to create a "Greater Twin Lakes Open Space" is VITALLY NEEDED to support the long-term health of the area and its wildlife as well as the health and well-being of the thousands of people who love it and gain sustenance from what little wooded wildlife habitat is left and the few wild animals that still remain here for all to enjoy. Please do not allow this high-density development that is so wrong in so many ways and allow what is life-supporting, enduring and beneficial for the entire community and its wildlife.

Dinah McKay

## Giang, Steven

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From: Jeffrey D. Cohen [<mailto:jeff@cohenadvisors.net>]  
Sent: Wednesday, November 18, 2015 8:09 AM  
To: #LandUsePlanner  
Cc: [sdavis@boulder.net](mailto:sdavis@boulder.net)  
Subject: BCVP

Hi Planning Commission Members – Please find attached the Twin Lakes Action Group (TLAG) Position Paper on BVCP 2015 Update Change Requests for the three Gunbarrel parcels located at 6655 Twin Lakes road, 6600 Twin Lakes Road, and 0 Kalua Road. The TLAG paper addresses whether a Greater Twin Lakes Open Space, or the intensive “Mixed Density Residential” (MXR) uses proposed by Boulder County Housing Authority (BCHA) are more consistent with the BVCP, existing uses, and physical limitations of the land, infrastructure, and available services.

TLAG argues and establishes that:

- The MXR requests are premature because of the lack of studies or analysis regarding cross-jurisdiction impacts, geologic hazards and constraints or Urban Service Criteria and Standards.
- As recently as 10/13/15, various County agencies and staff were confused about the total level of development that might occur.
- Fatal process concerns include the lack of a transparency or meaningful community involvement.
- The issues go to the impacts stemming from the scale and intensity of proposed development, not the proposed use. These incomplete, premature requests would be denied if they involved a satellite Google campus or a high-end country club seeking the same level of use.
- The County is ignoring its own Parks and Open Space acquisition criteria by seeking to develop land threatened by development adjacent to existing open space.
- The MXR change requests looks a lot like spot zoning contrary to state law.
- Responsible authorities recently permitted three recent housing developments totaling several hundred units in Gunbarrel’ s industrial area without requiring any on-site affordable housing.
- TLAG has identified at least two alternative locations for stand-alone housing projects in close proximity to Gunbarrel in North Boulder.
- If the County seeks development in unincorporated areas of the County, it should be held to the same standards as any private developer.
- The Greater Twin Lakes Open Space request is consistent with the BVCP, and consistent with the statewide Colorado Beautiful initiative mission of offering quality open space within a ten-minute walk of every Coloradoan.

- Before extensive development is authorized, Open Space and environmental preservation uses must be fully analyzed and considered.
- TLAG has offered a better way forward and superior alternatives, including purchasing the parcels, pursuing public-private partnerships, and/or forming a Gunbarrel Improvement District to collaboratively solve issues facing the community

On behalf of the Twin Lakes Action Group ([www.tlag.org](http://www.tlag.org)) and our over 150 members, I would greatly appreciate it if you could please review these documents before you start making decisions since these documents provide clarification and explanation of their land use requests.

We have been scheduling tours with the 3 other governing body members to tour the land so if you would like to tour the land please let me know.

Thank you again for your time and consideration with this matter.

Thanks,

Jeff



**Jeffrey D. Cohen, Esq., C.P.A.**

**Managing Shareholder**

**The Cohen Law Firm, P.C.**

*Legal, Tax & Business Advisors*

**6610 Gunpark Drive, Suite 202**

**Boulder, Colorado 80301**

**Telephone 303-733-0103**

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[jeff@cohenadvisors.net](mailto:jeff@cohenadvisors.net)



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**In re: Boulder Valley 2015 Comprehensive Plan Update  
Requests for Changes**

**Twin Lakes Action Group  
Position Paper on Mixed-Density Residential Land Use Change Requests in Gunbarrel  
6655 Twin Lakes Road, 6600 Twin Lakes Road, & 0 Kalua Road**

**I. INTRODUCTION & SUMMARY**

This Position Paper is submitted by the Twin Lakes Action Group (TLAG), a growing and vibrant organization of over 150 citizens within the Gunbarrel community united behind a positive vision for enhancing the quality of life across Gunbarrel, protecting and restoring the environment, giving residents a voice in the absence of elected officials representing the community, and preserving the rural residential look and feel of the Twin Lakes community.

TLAG submitted change requests to designate the Twin Lakes parcels as open space consistent with the Boulder Valley Comprehensive Plan (BVCP) and Boulder County Open Space acquisition criteria, which provides that the first priority for acquisition is lands adjacent to existing open space and threatened by development. As the rationale for TLAG’s “Greater Twin Lakes Open Space” requests are set forth therein, this paper responds to the change requests submitted by Boulder County Housing Authority (BCHA) for 6655 Twin Lakes Road, and Boulder Valley School District (BVSD) for 6600 Twin Lakes Road and 0 Kalua Road<sup>1</sup>.

While the County single-mindedly pursues development of these lands, it has ignored alternative uses and its own open space acquisition policies. The County has failed to study or provide any meaningful analysis of either: 1) the suitability incorporating the three publicly owned parcels into the adjacent Twin Lakes Open Space, which is the heart and soul of the Twin Lakes community; 2) the potential impacts and suitability of the Mixed-Density Residential (MXR) change requests for this specific location; or 3) whether better, more appropriate locations for the proposed developments are available. Because the County and BVSD have not done their homework, the MXR requests are premature and must be denied at this time.

Of all the change requests submitted for the 2015 Update, the most interest and controversy appears to center around these three Gunbarrel parcels. In contrast to other parcels where generally one and sometimes two change requests were received, at least eleven change requests were submitted for 6655 Twin Lakes Road, six for 6600 Twin Lakes Road, and five for 0 Kalua Road.<sup>2</sup>

The Boulder Valley Comprehensive Plan is designed to “protect the natural environment of the Boulder Valley while fostering a livable, vibrant and sustainable community.”

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<sup>1</sup> The legal description of the two parcels of land owned by BVSD as stated in the BVSD’s land use request is Tract 4008 described under parcel numbers 146311300009 and 146314200001. Approximately .4 miles east of 63rd Street off Twin Lakes Road (south side) in Gunbarrel. No address number has been assigned to this property. One of the parcels has been identified as either 6600 Twin Lakes Road, 6500 Twin Lakes, or even 6650 Twin Lakes Road. For this Position Paper, the addresses will be 6600 Twin Lakes Road and 0 Kalua Road to avoid confusion.

<sup>2</sup> Sometimes, clicking on the interactive map posted from BVCP indicates twenty change requests for 6655, ten or eleven for 6600, and five or six for 0 Kalua Road. Regardless of the actual numbers, there is obviously great public and community interest in these properties’ status under the BVCP.



Current zoning for the parcels is low-density residential, open space, and public. For all three parcels, the current owners are applying for Mixed-Density Residential (MXR) designations. If granted, the owners' requests could ultimately result in the development of as many as 360 public and/or affordable housing units. The change requests submitted by TLAG, residents, and neighbors seek public uses for these public lands consistent with the existing character of the community and adjacent uses: including Greater Twin Lakes Open Space, Environmental Conservation Area, Natural Ecosystems designation, and Area III Rural Preservation Area.

The Open Space and environmental preservation requests are: 1) consistent with the goals and objectives of the BVCP and surrounding uses; 2) consistent with existing community character and the interest of the community; and 3) designed to protect the environment, enhance the community, improve the quality of life for all County residents, and build upon existing Open Space holdings to significantly expand the environmental, recreational, and related benefits provided by the existing Twin Lakes Open Space.

For these reasons, TLAG's change requests should be approved, and the MXR requests denied. The requests should be denied because the County, the City, or other responsible governmental authorities have failed to date to: 1) follow its own policies by not analyzing the Open Space acquisition potential of these properties, 2) adequately involve the community in the decision-making process, 3) adequately disclose the full range of potential impacts of granting the MXR requests, 4) adequately investigate whether the location or other characteristics of the three properties make them suitable for the proposed high-density uses currently being sought, and whether more suitable alternative locations exist; or 5) require affordable or public housing components in recently approved housing development in Gunbarrel.

Inadequacies in the decision process, errors in the applications, and conflicts with the BVCP require denying the MXR requests. The highest and best use of these publicly owned properties is as Open Space, based on their location in unincorporated Gunbarrel, alignment with the BVCP and the support of up to twelve local neighborhoods. With the County's purchase of 6655, the 2015 Update presents a unique opportunity to create a Greater Twin Lakes Open Space in the heart of the community.

As set forth below:

- The MXR requests are premature in addition to being inadvisable, inconsistent with the BVCP, and doomed to failure because they would risk permitting unsuitable uses for public housing projects in a location that neither supports that use, nor is able to serve the needs of future residents of such projects.
- The MXR requests are generally inconsistent with the goals, objectives, and provisions of the BVCP. Having passed on the readily available opportunity to incorporate uses of the type and at the density level now proposed for these three undeveloped properties in recently developed apartment and condominium projects in industrial areas of Gunbarrel, the current attempt to force square pegs into the round hole of low-density rural residential neighborhoods bordering on Open Space, riparian areas, wildlife habitat, and regional trails is doomed to failure.
- By contrast, the BVCP offers ample support for the change requests submitted by TLAG and local residents. These uses would further the goals and objectives of the plan, and immeasurably enhance the community while furthering environmental protection on three important parcels. Notably,

Boulder County Open Space has declined to so much as conduct a formal review or recommendation regarding the potential of these properties for open space and environmental protection, let alone commission a formal review allowing all County residents and interested civic groups to participate and contribute their knowledge and expertise.

- TLAG is not unmindful of the community need for affordable housing, and stands ready to identify more suitable and appropriate locations for the types of development which BHCA seeks to pursue on these three undeveloped parcels which are currently zoned low-density residential, open space, and public.

In sum, granting TLAG's requests and denying the MXR requests will best protect the natural environment of this locale while fostering a livable, vibrant and sustainable community.

## **II. CONTEXT**

The Boulder County Zoning Resolution, February 4, 1944, provides:

A zoning ordinance imposes such reasonable limitations upon the right of a property owner to use his property as he pleases, as may be determined by considerations of public health, safety, and welfare. But he may not use his property as he pleases without regard for his neighbors, or the effect of his actions upon the welfare and prosperity of the whole community of which he is a part. Nor is a zoning ordinance merely a temporary matter. It is an integral part of public planning, which takes the long view. The use of land is a granted right, but the land itself remains long after individuals who have exercised such rights have passed away. Rural zoning contemplates not only benefits in the present, but also seeks to conserve our resources for future generations.

This paragraph from the County's original zoning resolution is still quoted in Article 4 of the current Boulder County Land Use Code. The direction and commitments contained therein have been found durable enough to stand unchanged for over seventy years. The requests for annexation and change of zoning must be considered in the context of the County's time-honored adherence to land use and zoning policies that take account of the surrounding community and weigh those interests against the desires of a property owner to do as he pleases without regard to others. The durable benefits of long-term conservation have been central to decision-making since day one, as has a forward-looking approach that benefits future generations.

## **III. BACKGROUND & CONCISE STATEMENT OF FACTS**

The land at 6655 Twin Lakes Road is an open field of roughly 10 acres within unincorporated Gunbarrel. The north property line abuts the County Twin Lakes Open Space. To the south, across Twin Lakes Road, is a second open area of roughly another 10 acres in size, listed as 6600 Twin Lakes Road and 0 Kahlua Road. The latter two properties are owned by the BVSD. The Red Fox Hills subdivision lies east of these open spaces, and the Twin Lakes subdivision to the west, and open space purchased by the Gunbarrel Public Improvement District (GPID) to the southeast

When the area was first platted and subdivisions started being developed, it was generally communicated and understood that the BVSD property was reserved for an elementary school to serve the local children, while the Archdiocese intended to build a parish on the 6655 Twin Lakes Road

property. Neither organization, for reasons of their own, went forward with these plans, and it is undisputed that all three properties remain undeveloped, and largely bordered by open space.

A paved multi-use trail runs through the Twin Lakes subdivision, ending at the southwest corner of the BVSD owned open land. For at least the last 25 years, there has been a social trail from the end of the current path, running north, across 6655 Twin Lakes, connecting to the Twin Lakes Open Space. These paths, generated and kept active by the local community, establish the current use of the properties as open space.

Importantly, a proposed trail connection on the Trails Map of the BVCP (at 100) runs through both these properties. According to the BVCP (at Page 87):

The Boulder Valley Comprehensive Plan Trails Map is a comprehensive guide for existing and proposed trails and trail connections for the entire Boulder Valley. It shows proposed trails that have been planned through departmental master planning or area planning processes as well as trail connections that are important links in the Boulder Valley and regional trails systems.

These properties, along with the Twin Lakes Open Space, are the heart of the Twin Lakes community. On a calm day, one may find a family launching model rockets. On a windy day children fly kites. On any day one sees hundreds of locals and visitors staying at the Twin Lakes Inn enjoying the open space. Bicyclists use this land as a link between trails and Twin Lakes Road and more adventurous bicyclists enjoy the pump track at the south end of the 6600 Twin Lakes Road property.

On May 28 2013, Boulder County quietly purchased the property at 6655 Twin Lakes Road from the Archdiocese of Denver for \$470,000 from the County general fund. For the next two years, there was no public discussion or notification of any future plans for use of the open space.

The first public indication of the County's plans for the property was a December 13, 2014 article in the Boulder Daily Camera, entitled, "Boulder: Is affordable housing working?" While discussing Boulder Housing Partners' history of providing affordable housing, the article mentioned, "Another 62 rental units are planned at Twin Lakes in Gunbarrel." The plans revealed by this story pre-dated any outreach to the community.

After some investigation uncovered the County's 2013 purchase of the property, a few citizens living in the neighborhood attended the BCHA's meeting on March 31, 2015 to ask about plans for the land. They were told there were no current plans for the land, that it was in the County's land bank and that, "This potential project does not even have a work plan, which indicates it is a low priority for the next several years."

Less than one month after the BCHA meeting, by April 21 2015, the County had posted a PDF on the website <http://www.ourbouldercounty.org>, echoing this assertion. The BCHA information page on 6655 Twin Lakes Road stated: "At this time, Boulder County and Boulder County Housing Authority anticipate planning for the development to occur in a 3-5 year time frame."

By June 4, 2015 the BCHA information page had changed to the following:

With the goal of delivering new affordable housing opportunities by 2020, BCHA plans to request approval from the BCHA Board of Directors on June 30, 2015 to submit a land use

designation change request as part of the Boulder Valley Comprehensive Plan 2015 Major Update. If approved by the Board, BCHA will submit that request to the City of Boulder in August 2015. Over coming months BCHA will develop a preliminary project schedule which will include the anticipated timing for an annexation request to the City of Boulder.

In addition to the opportunities for public participation and comment that accompany the City of Boulder's Comprehensive Plan update, annexation and permitting processes, BCHA will host focus groups, community meetings and an interactive web platform to offer multiple venues for the community to stay informed and involved in the planning and development process for this project.

Within these 6 weeks the project had gone from 3-5 years for the planning phase to project completion in that time, despite personal assurances from BCHA personnel that no immediate action was contemplated. It is not credible that BCHA had no intention of accelerating the project's time schedule in March when they had a fully developed plan and time schedule only 6 weeks later.

As we now know, developing this property under the requested MXR density is a high priority for BCHA in the 2015 BVCP Update. The County currently appears committed to putting its full staff and budgetary resources behind the requested change, without considering alternative uses or considering the community's interest in a more sustainable, conservation-oriented vision for the property.

The first public outreach by the County was a "Community Meeting on Affordable Housing in Gunbarrel," held by the BCHA on August 13, 2015. This meeting addressed no general questions about the absolute lack of upfront community involvement or public comment opportunities up to that date, or the avowed need or long term plan to create either affordable or high-density, low-income public housing in Gunbarrel. Instead, the meeting was specifically held to present the BCHA's pre-determined plans to develop 6655 Twin Lakes Road as an affordable or public housing site. At this meeting, the BCHA personnel specifically stated that they had no information on the open space across the street owned by BVSD, and that the BVSD would make its own plans for that land.

Despite calling it a community meeting, BCHA clearly had no intention of actually listening to the community. The notes for this avowed "public outreach" meeting were posted on <http://www.ourbouldercounty.org> by Jim Williams, Communications Specialist, on July 27 2015 at 8:02 a.m. -- more than two weeks *before* the meeting was held. Advance posting of the minutes might reasonably be construed as a strong indicator of a preordained outcome. Otherwise stated, public officials attended to talk, rather than listen, to interested residents.

BCHA's lack of transparency is reinforced by the BVSD land use requests. The first public indication of the BVSD's intent to develop the land was their submission of the change requests on October 2, 2015 -- the same date as the BCHA's request. The two requests are virtually word-for-word copies of one another. Both requests declare the intent of each organization to partner with the other in planning the parcels. See Exhibit 4.

Willa Williford, a member of the BCHA staff, stood in front of the community on August 13th and declared they had no idea of BVSD's plans, despite the fact she had already acknowledged in an e-mail dated June 4<sup>th</sup> that BCHA and BVSD personnel had met on the 3<sup>rd</sup> of June to walk the land. Six weeks after the community meeting, the two organizations had a fully developed plan to jointly develop the two parcels. This strains BCHA's credibility to the breaking point.

#### IV. ISSUES & ARGUMENT

Multiple issues with the properties and the process to date clearly preclude granting the land use designation requests from low density residential to mixed-density residential. These issues include failures in the public process, lack of due diligence on the part of the BCHA, incomplete and incorrect assertions in the applications for land use designation change by both the BCHA and the BVSD, and conflicts with the known desires of the Gunbarrel subcommunity (as stated in the BVCP). Finally, and definitively, the development plans, as stated in the BVSD and BCHA land use change requests, conflict with multiple core values, policies and commitments of the BVCP.

##### 1. Failures to adhere to public process preclude approval of the MXR change requests.

Multiple failures in the public process need to be corrected before the MXR requests can be considered because, if approved, that new designation would result in permanent development of these properties, which are currently owned by governmental entities. These failures include lack of public input on the best use of land purchased with County general funds, lack of due diligence before making a decision to proceed with high-density housing development, and attempts to implement plan changes in conflict with the stated purposes and intent of the BVCP.

First, the County and BCHA failed to satisfy even minimal community involvement or public participation standards in making a land use decision for 6655 Twin Lakes Road. Core to the successful implementation of regional planning efforts is the BVCP commitment to community involvement and open decision-making as stated at §1.05 (emphasis added):

The city and county recognize that environmental, economic and social sustainability are built upon full involvement of the community. The city and county therefore support the right of all community members to play a role in governmental decisions, through continual efforts to maintain and improve public communications **and the open conduct of business.** [...] Emphasis will be placed on notification and engagement of the public in decisions involving large development proposals or major land use decisions that may have significant impacts on or benefits to the community.

The Boulder County Comprehensive Plan (BCCP) also recognizes the need for community input:

§H.1 The County shall encourage public participation in the making of decisions by public and quasi-public bodies which significantly affect citizens.

The County and BCHA have yet to allow any meaningful community involvement in discussions regarding the best use of this property. Nor has there been any public discussion of or input into the criteria and process used to select this property for MXR development. Even private landowners and developers are held to higher standards of community involvement than those provided by the County.

The changes requests are thus premature. Processes to date have been inadequate and incomplete, and have not resulted in any meaningful exchange of information needed to inform decision making. Under the BVCP, before consigning this land to permanent MXR development, the community must be meaningfully involved in weighing alternative visions, concepts, criteria, designations, zoning, and uses. This has not occurred.

In light of the recognized need for public input on, “the making of decisions by public and quasi-public bodies which significantly affect citizens,” transfer of this land from Boulder County to the BCHA was also premature. That transfer, without the chance for public input, goes against both the BVCP and the BCCP. With regard to the two BVSD properties, the sum total of community involvement regarding the MXR requests to date is: zero. BVSD is also a public, governmental entity. Something more is inarguably required. At this time, the change requests are premature.

Second, the change requests suffer from a total lack of public involvement in BCHA's selection process for affordable housing locations. While it is understood that the BCHA might not wish to conduct a full public discussion of such plans before purchasing a parcel of land, those circumstances do not apply here. The County initially purchased the land in May 2013, and more than two years passed before the County approved transfer to BCHA or submission of the change requests. There was more than sufficient time to meaningfully involve citizens and communities consistent with the BVCP. Instead BCHA announced its decision to seek MXR development with no prior notice, no opportunity for citizen input, and no attempt to involve the community. Assurances in the BCHA Frequently Asked Questions handout such as, “This is a public process, with noticed opportunities for comment by the public” ring hollow when held against the fact that all such process post-dated decisions to seek change requests and MXR development without any community involvement or public debate whatsoever. Land use and zoning designations represent the most basic decision regarding these publicly owned lands which are of great interest to the community.

Third, the process lacked due diligence on the part of BCHA before deciding on this property as a building site.

The Geology section of the BCCP defines the uses proposed by BCHA and BVSD as intensive land uses:

- **Land Uses**

Intensive uses shall mean those land uses which include: any structures used for supporting or sheltering any human use of occupancy; and/or, facilities or improvements which tend to attract congregations of people.

Further in this section, GE §1.05 of the BCCP states (emphasis added):

GE §1.05 - The County shall require the evaluation of all geologic hazards and constraints where such hazards or constraints may exist in unincorporated areas of the county as related to new intensive uses. Such evaluations shall be conducted by a professional practitioner having expertise in the subject matter. Such evaluations should incorporate analytical methods representing current, generally accepted, professional principles and practice.

Despite known concerns regarding high water tables and flooding in the area neither BCHA nor BVSD has conducted any such evaluation on these proposed development sites. See Exhibit 1, Hydrologic Analysis (June 24, 2015 Gordon McCurry, Ph.D. Mercury Hydrology, LLC). It is undisputed that no such evaluations have been provided to the public for review and comment by outside experts, or local residents who have significant knowledge and expertise on these issues. This failure alone is sufficient to preclude approval of the MXR change use requests.

By contrast, the TLAG and citizen requests seek non-development designations which are protective of the environment, additive to the existing open space, and not qualifying as intensive uses or triggering

any need for such evaluations. In fact, any prairie restoration and other ecologically informed management activities resulting from approval of these requests would be expected to significantly *reduce* flooding and related geologic hazards to existing development.

The existing record establishes that no traffic impact study has been conducted. Rather, according to an October 14, 2015 email from Senior County Planner Pete Fogg to County Transportation:

“can your folks do a trip generation, road capacity and trip dispersal analysis (what roads would likely be used in leaving and returning to the site) based on an assumption that 120 affordable dwelling units will be built on the BCHA/BVSD properties? This would help us evaluate the proposal’s cross-jurisdictional impacts per criterion (1) above. If annexation is to occur the city, which does not have the necessary contiguity at this time, would either have to annex south down N 63rd to Twin Lakes Rd, then east on that road to the properties[.]”

See Exhibit 2.

Thus, contrary to the assertions in the MXR requests, actual analysis of cross-jurisdictional impacts appears to have been lacking in advance of submission of the change requests. Rather, only after the change requests were submitted and citizens started raising questions did responsible government officials begin scrambling to conduct the studies and evaluations required by planning dicta before any high intensity change requests be approved. It is undisputed that no traffic study has been conducted to date. The time and the place to evaluate such a study is not before the four boards in the context of change requests, but in public meetings with community involvement.

If these premature change requests were submitted by a private developer motivated by profit, they would not get the time of day from the responsible boards. Government requests to develop these lands should be held to equal or higher standards or scrutiny. As submitted, they are dead on arrival.

One obvious and glaring flaw in the study belatedly suggested by the Senior County Planner, the number of units could be double the 120 specified in the email if the MXR requests are approved on all three properties. The requested densities allow up to 18 units per acre, so 20 acres could see proposals to develop up to 360 units. This would be triple the level of impacts which the County has yet to analyze.

BCHA may currently find it convenient to disavow plans for that level of development. However, BCHA’s public credibility is somewhat strained at this point. In any case, it is incumbent on planning authorities and elected boards alike to be advised of the higher of potential traffic and other impacts in the event the proposed change requests are approved. Should BCHA or other entities wish to assure that the higher level of impacts will not occur, they are free to submit modified change requests at a future date.

Informed decision-making regarding traffic is of paramount concern to the public and responsible governmental bodies alike. Here, all three properties proposed for MXR can only be accessed via Twin Lakes Road, so the need for a comprehensive traffic study is obvious. Clearly, the traffic study should precede any land use changes authorizing intensive land uses.

The infrastructure in Gunbarrel is aging, and it is unclear if the current water and sewage systems have the capacity to handle the increased demand associated with several hundred more dwelling units and associated “community” facilities apparently contemplated by BHCA, but not yet divulged to the

public. In particular, there have been two water main breaks along Twin Lakes Road in 2015 alone, one by the Twin Lakes Inn and a second in Red Fox Hills, at the intersection of Twin Lakes Road and Quail Creek Lane. There have been an additional three breaks on Quail Creek Lane in the past two years. The MXR change requests should not be considered until it is known if they will require expensive upgrades to the infrastructure to support them, what the cost would be, and how various scenarios could impact existing services, residents, and businesses.

**2. Many of the assertions in the MXR requests are unsubstantiated or incorrect.**

The MXR change requests filed by BHCA and BVSD assert that the proposed change is consistent with the policies and overall intent of the BVCP. However, their requests are not supported by the paragraphs cited. Instead, their requests tend to conflict with rather than further core objectives and principles in the BVCP.

The threshold question is whether adequate due diligence, public involvement, or objective analysis has occurred to date to allow for reviewing Boards, Councils, and Commissions to reach informed decisions about the MXR change requests. The answer must be reached in the context of assurances from the County and BCHA regarding their commitment to a comprehensive and open process:

BCHA is committed to a thorough, responsible, and transparent process as we continue to move forward with our assessment of the property. As additional studies are conducted and opportunities for public input are available, we will communicate through the above interest lists and other channels to help ensure that all interested in this assessment are informed.

<http://www.bouldercounty.org/family/housing/pages/housingdevelopment.aspx>

Because the undisputed factual record established that these governmental commitments have not been met to date, the MXR requests are premature at this time and must be denied because the proponent has failed to do their homework, or meet their commitments to the public.

**a. The MXR requests wrongly assert that the proposed changes would not result in significant cross jurisdictional impacts that may affect residents, properties or facilities outside the city.**

The assertion that cross jurisdiction impacts would be insignificant is incorrect. As part of their land use designation change request they would also be seeking annexation of the properties from the county to the city. As a result of the future annexation, the properties would be almost entirely surrounded by the rural residential community of unincorporated Gunbarrel, creating an enclave of city land slated for medium-high density development (up to 18 units per acre) within the county and causing significant cross jurisdictional issues.

First, the enclave would be a small island, requiring city police and fire protection of an island within an area serviced by the County Sheriff and the Boulder Rural Fire Prevention District, causing endless jurisdictional issues and confusion. City fire police and emergency medical personnel will answer calls from county property, while county emergency services will be summoned to the city properties.

As a case in point, on the evening of August 19, 2015, a 911 call was placed from Cafe Blue to the police, regarding a fight which had spilled out from Bogey's, a neighboring bar. The caller was told, "You are not in Boulder, you are in Gunbarrel." In fact, both Bogey's and Cafe Blue are in the



commercial section of Gunbarrel and within the limits of the City of Boulder. Clearly there is already confusion over jurisdiction in the area.

Second, neighbors of the proposed development are understandably concerned about public health and safety. All parties must acknowledge the paramount importance of public health and safety under BVCP, BCCP, and basic precepts of good government. Here, there is no indication that the City of Boulder Police Department, County Sheriff, or other relevant governmental authorities have been consulted with regard to these issues in the context of the proposed change requests that would authorize development significantly shifting the demographics of the community.

Third, changing the zoning of just these two properties while leaving the surrounding zoning in place resembles impermissible spot zoning. In a venerable 1961 Colorado Supreme Court decision involving Boulder County, it was held that the test for determining whether unlawful spot zoning occurred is “whether the change in question was made with the purpose of furthering a comprehensive zoning plan or designed merely to relieve a particular property from the restrictions of the zoning regulations.” Clark v City of Boulder, Colo. S. Ct. 362 P.2d 160 (1961 En Banc).

The Supreme Court found that the comprehensive zoning scheme for the neighborhood at issue “has been developed for single family houses and other uses permitted in residential districts[,]” and that the disputed zoning change “had all the earmarks of a special act enabling the intervenors to build a filling station on property previously zoned as residential.” 362 P.2d. Here, TLAG stands in the shoes of the Plaintiff attacking the City Ordinance approving the spot zoning request in Clark v. Boulder, and the County stands in the shoes of the gas station proponent seeking special treatment for a preferred use which is adjudged incompatible with existing land use designations, zoning, and the community character.

County government is not exempt with complying with state law, and furthering the County’s own comprehensive zoning schemes. Here, every indication is that the MXR requests are inconsistent with existing land use and zoning, inconsistent with the character of the community, and intended to convey special treatment to BCHA (a county entity governed by the Commissioners sitting as BCHA Board). The inability of any of the three parcels to satisfy the 1/6 contiguity requirements for annexation underline why all signs point to the county’s schemes being an attempt to spot zone three parcels for its own convenience. If BCHA or other parties wish to pursue large-scale affordable or public housing projects in Gunbarrel, the place to do so is within areas currently part of the City of Boulder, or directly adjacent to such parcels so as to satisfy the contiguity requirement as intended by the state legislature.

Spot zoning is defined as:

The granting to a particular parcel of land a classification concerning its use that differs from the classification of other land in the immediate area.

Spot zoning is invalid because it amounts to an arbitrary, capricious, and unreasonable treatment of a limited area within a particular district and is, therefore, a deviation from the Comprehensive Plan.

<http://legal-dictionary.thefreedictionary.com/Spot+zoning+%28land+use%29>

Spot zoning of these properties will leave the City open to legal challenges and make both projects quite uncertain.

Future annexation of the properties from the North would leave the properties with no city access to the property, forcing them to exclusively use a county road to access the properties. This could leave the city and county at odds over use and maintenance of Twin Lakes Road by a large number of city residents. Future annexation via Twin Lakes Road cuts off several roads within the community, Starboard Drive, Starboard Court, Barnacle Court, Barnacle Street, Beachcomber Court, Driftwood Place, Kahlua Road, Mast Road, Galley Court and Sandpiper Circle.

The net effect of annexation of these properties via Twin Lakes Road will be dividing the existing neighborhoods into stubs of county roads, significantly degrading the character and cohesiveness of the Gunbarrel sub-community and confusing jurisdictional, service, and infrastructure issues.

**b. The MXR requests wrongly assert that the proposed change would not materially affect the land use and growth projections that were the basis of the BCVP.**

The BVCP recognizes that (at 14-15), “The Gunbarrel subcommunity is unique,” acknowledges that “interest in voluntary annexation has been limited” and pledges that, “if resident interest in annexation does occur in the future, the city and county will negotiate new terms of annexation with the residents.” This proposed annexation and the associated re-zoning will materially affect the existing land uses in the vicinity, and have the potential to significantly affect the overall character of Gunbarrel on a wide range of important matters ranging from traffic to environmental quality.

Annexation of these parcels is impractical without annexation of the surrounding neighborhoods. As noted below, annexation is opposed by residents. None of these parcels currently satisfy the 1/6 contiguity requirement for annexation under state law, and neither the County nor the City has publicly stated how they intend to seek to meet that requirement. The desire of all adjacent neighborhoods to remain unincorporated precludes annexation by using any of those properties.

Annexation could only be pursued over the objections of affected residents, and by seeking to use sleight-of-hand tactics such as 1) somehow proposing to achieve contiguity by leap-frogging the County-owned Twin Lakes Open Space; 2) transferring the Open Space to the City to achieve contiguity (which would trigger the right of citizens to petition for a county-wide vote; or 3) attempting to pursue a “series” or “flagpole” annexation in the face of significant community opposition.

The first option for annexation under consideration by the County is somehow attempting to annex by leapfrogging the County’s Twin Lakes Open Space to the north. Senior County Planner Pete Fogg acknowledges that “the county’s open space policies have not supported annexation of open space to obtain contiguity to other properties[.]” See Exhibit 2 (Pete Fogg email dated Oct. 15, 2015 re: BVCP 2015 Update Information Request).

At the same time, County Open Space has yet to consider the applicability of, let alone adhere to, County Open Space acquisition policies. This may be because there is some sentiment that Open Space areas in a rural residential setting are less deserving of the benefit of generally applicable policies than other Open Space properties. But County Open Space policies and the tax measures funding our

County Open Space lack any support for any such ad-hoc position. Accordingly, continuing to ignore clearly applicable acquisition criteria would be arbitrary and capricious.

The proposal for a Greater Twin Lakes Open Space cannot be disregarded by County officials simply because the location of the existing Open Space might be disfavored by certain County officials, and others may be willing to turn a blind eye. The environmental and open space change requests exhaustively document consistency with the BVCP, and how environmental protection and recreation would improve the community and the County.

No authority in either the County or City Open Space charters, missions, or policies offers support for using taxpayer-funded Open Space to annex parcels to facilitate high intensity development adjacent to existing Open Space. In fact, such annexation would be anathema to such charters, missions, and policies. Does either the County or the City really want to endorse a precedent of using Open Space to promote development of lands proposed by citizens for acquisition into the Open Space system, and environmental protection and restoration consistent with the BVCP and the open space programs?

Second, the County could attempt to transfer Twin Lakes Open Space to the City, so that the Open Space could be annexed, as a precursor to annexing the lands targeted for development. This would trigger the right of citizens to petition for a county-wide vote. Like with the County, there appears to be nothing in City Open Space policies that contemplate using open space lands to facilitate intensive development uses.

The third option for annexation would be a “series” or “flagpole” annexation using a long stretch of Twin Lakes Road as the flag. This dubious method has not been employed in Boulder County to the best of our knowledge, and certainly not under any facts approaching the current circumstances. If allowed here, what would stop the County from using the same means to annex property in Gunbarrel to the north, towards Lyons to the northwest, in Eldorado Springs to the south, or adjacent to Lafayette and Louisville to the east?

In conclusion, there are serious issues regarding all of the potential annexation approaches. If legal, the future consequences of establishing either precedent would appear to be inimical to the BVCP, commitments to community involvement, or respect for the wishes of unincorporated Gunbarrel residents to have a say in the future of their community. Because MXR development cannot proceed without annexation into the City, the vote on the MXR requests is tantamount to a vote on annexation by the methods proffered by the County to date.

- c. The MXR requests wrongly assert that the proposed change would not materially affect the adequacy or availability of urban facilities and services to the immediate area or to the overall service area of the City of Boulder.**

The area is rural. This island of city property would require the city to provide public water, public sewer, storm water and flood management. It is unclear whether the current infrastructure is capable of providing these services without significant upgrades. There is no data on the adequacy of the current infrastructure to handle several hundred more residents. Conceivably, MXR could result in a population increase of more than 1,000, primarily drawn from demographics with recognized high needs for governmental programs, services, facilities, and infrastructure.

Without knowing the ability of present infrastructure to meet the needs of the proposed development and the cost of any improvements, the MXR requests are premature under the BVCP.

The city and other governmental authorities must also assure the provision and availability of adequate urban transportation. Urban transportation is not currently available. The nearest bus station is half a mile away, and the buses are infrequent. Walkscore (walkscore.com) scores Gunbarrel as only 18 on a scale of 100 for walk-ability, categorizing it as “car-dependent” and with “minimal transit.” The lack of attention to urban transportation further establishes that the requests are premature.

Finally, the BVCP requires meeting standards for minimum levels of necessary infrastructure and amenities such as parks, playgrounds, and schools, *before* residential development can be considered.

The BVCP states (at VI. Urban Service Criteria and Standards):

These standards are intended to be minimum requirements or thresholds for facilities and services that must be delivered to existing urban development, or new development and redevelopment to be considered adequate. These adequacy standards allow the county to determine if an urban level of services is met prior to approving new urban development in the unincorporated area, and they provide the City a basis for linking the phasing of growth to the planned provision of a full range of urban services in Area II, annexation and capital improvement decisions.

Among these criteria are:

- (a) Provide neighborhood parks of a minimum of five acres in size within one-half mile of the population to be served.
- (b) Provide community parks of a minimum of 50 acres in size within three and one-half miles of the population to be served.
- (c) Provide playground facilities for toddlers, preschoolers and school-age children up through age 12 within one quarter to one-half mile of residents.

With the possible exception of the Boulder Reservoir, no such facilities exist in the Gunbarrel area within the prescribed minimum distances. Without adequate services as defined above, annexation cannot be considered.

**d. The MXR requests wrongly assert that the proposed changes would not materially affect the City’s Capital Improvements Program.**

The MXR requests appear likely to require investment in various infrastructure, services, and other improvements such as parks, playgrounds, schools or child care facilities, and potentially costly upgrades to the sewer, water and storm drainage systems. None of these needs are addressed by the current Capital Improvements Program in the context of several hundred new residents in currently undeveloped areas in unincorporated Gunbarrel. The requests and other communications fail to indicate that responsible authorities have considered or quantified gaps, needs, or costs; or formulated a plan that assures budget, staffing, and other resources will be adequate to meet needed upgrades. Again, the MDX requests are premature at this time.

**e. The MDX requests wrongly assert that approval would not affect the Area II/Area III boundaries.**

The future annexation requests that would follow approval of MDX are by definition a change to the Area II boundary. Annexation would be a significant encroachment of the city into the unique

Gunbarrel sub-community. The perspective of the community, which was excluded from all planning until the MDX and housing proposals were presented as a fait accompli, is that annexation would be a significant negative impact, contrary to the vision and goals of the sub-community, and the many applicable sections of the BVCP relied on by the TLAG and citizen change requests.

The change requests are inconsistent on their face with §7.13 Integration of Permanently Affordable Housing, in the BVCP, which states:

Permanently affordable housing, whether publicly, privately or jointly financed will be designed as to be compatible, dispersed and integrated with housing throughout the community.

Building several hundred affordable housing units on three adjoining *currently undeveloped* parcels in a rural residential community, sharing a boundary with Twin Lakes Open Space. The MDX requests would cluster all of the affordable and public housing in Gunbarrel at this single location, one which the community considers to be incompatible with the existing rural residential character, which is reflected by the existing allowed uses including open space and public.

BCHA currently manages 12 three-bedroom rental units at Catamaran Court (6660 Kalua Road), abutting the south side of the BVSD property. Thus, adding three more affordable housing developments here would be the opposite of dispersing affordable housing “throughout the community.” Instead, it will create a single large area of affordable housing rather a dispersed design that is integrated it throughout the community. Clustering up to 360 units (representing the lion’s share of total affordable units in all of Gunbarrel) at the proposed locations is inconsistent with affordable housing standards in the BVSD.

For comparison purposes, BCHA currently owns and manages a sum total of 611 units across the entire County. BCHA Twin Lakes Road FAQ at 10. These units are spread across 7 sites, for an average of under 90 units per site. Thus, the potential number of new units on Twin Lakes Road (240 based on the County’s current estimate of 120 units/10 acres and three parcels adding up to 20 acres, and 360 at the high end) could result in clustering roughly 40-60% of the current number of units county-wide in a single location. Per BHCA, MDX would require additional development of community centers and related common buildings to make up for the lack of any such infrastructure in the area currently.

Finally, an underlying premise of these MDX change requests appears to be that the lack of affordable housing in Gunbarrel is so critical that it should trump all other considerations in the BVCP. The MDX requests assert that there is a “severe shortage” of affordable housing in the Gunbarrel area. Although BCHA claims to work closely with the Boulder Housing Partners (BHP), they have indicated that they were ignorant of the facts surrounding the lack of any affordable units in the extensive recent housing developments in the Gunbarrel Center planning area around the King Soopers.

Gunbarrel Center, the 251-unit mixed-use development at 6685 Gunpark Drive was allowed to build 69 affordable units at 2685 28<sup>th</sup> Street, miles away in the City of Boulder proper. Apex 5510, a 232-unit apartment project at 5460 Spine Road was allowed to contribute 10% of their per-unit cost to fill a financing gap in an affordable housing project at 2810 and 2850 29<sup>th</sup> Street. Doing the math conservatively, had the approving authorities required that the ratio for Gunpark Drive was applied as an affordable housing component *within Gunbarrel* for both projects, at least 120 affordable units would now be available in Gunbarrel.

Both the 28<sup>th</sup> and 29<sup>th</sup> Street projects are near the city core. Both are located near public transportation, city parks and playgrounds, and other necessary infrastructure and services. Both of these projects meet BVCP standards for location of affordable housing.

The City of Boulder seems to have correctly determined that there is no severe shortage of affordable housing in Gunbarrel and that building affordable housing within the current city limits, in accordance with the BVCP is a better choice and higher priority. This throws the entire premise underlying of the MRX requests into question. The general lack of affordable housing in the City of Boulder proper is readily evident and well documented. But what about Gunbarrel, which the BVCP acknowledges to be a separate, unique community? Does any data support BHCA's contention that existing housing stock in Gunbarrel, including the recent private developments, are falling short in the context of unmet needs for the Gunbarrel work force? What hard data regarding demographic, employment and housing has been presented in support of the MDX requests? For instance, the MDX change requests assert that Gunbarrel is a "regional jobs center" without providing any statistical support or references.

Ready alternatives exist to provide affordable housing in close proximity to Gunbarrel. First Yarmouth Holdings LLC submitted a BVCP change request that would allow affordable housing development on 80.41 acres of private lands it owns in the City Planning Reserve at the northeast intersection of Jay Road and 28<sup>th</sup>. This privately owned vacant parcel is four times the combined size of the 20 acres targeted by BCHA for intensive development on Twin Lakes Road. The Yarmouth properties represent just 16% of the 500-acre planning reserve. Dedicating just 40 acres of the Yarmouth parcel could provide double or more affordable housing units as are proposed for Twin Lakes Road, and those 40 acres represent less than 10% of the Reserve. The Yarmouth parcel is located on major arteries, and residents would have ready access to Gunbarrel: approximately five minutes by car and ten by bike.

Second, on August 6, 2015, the City Council nixed a proposal for a mixed use development at Foothills and Diagonal that would have provided at least 83 affordable units in even closer proximity to Gunbarrel. This proposal encompassed "a 29-building plot, including almost 300 apartments, 82 affordable-rate units and 54,000 square feet of office space, all connected by a bike-friendly scheme that's state-of-the-art, even by Boulder's standards." This site is almost 50% larger than the three Twin Lakes Road parcels combined; so it could comfortably provide as many or more affordable units if entirely devoted to that use. As to the concerns about the Foothills and Diagonal site, many of Boulder's neighborhoods east of Broadway are bordered by busy streets on one or more sides. This is also true in Longmont, Louisville, and Lafayette. Berms, setbacks, placing the business district component nearest to roads, and one or more traffic lights for ingress and egress to the development would cushion houses from the roads and calm traffic.

The takeaway is obvious. There appear to be multiple more suitable, readily available sites that could address any need for affordable housing for the Gunbarrel work force. When the MDX change requests are denied as premature, responsible agencies should thoroughly study these potential alternatives.

- f. **The MDX requests conflict with the BVCP by failing to recognize the uniqueness of Gunbarrel, failing to address fatal problems with annexation efforts, not meeting criteria for a compact development plan, and transforming the low-density rural residential character of the community.**

First and most basic, the MDX requests are inconsistent with the unique position that Gunbarrel holds in the BVCP. The BVCP recognizes Gunbarrel as a unique subcommunity at §1.24 (h) s:

The Gunbarrel subcommunity is unique because the majority of residents live in the unincorporated area and because of the shared jurisdiction for planning and service provision among the county, the city, the Gunbarrel Public Improvement District and other special districts. Although interest in voluntary annexation has been limited, the city and county continue to support the eventual annexation of Gunbarrel. If resident interest in annexation does occur in the future, the city and county will negotiate new terms of annexation with the residents.

The BVCP clearly indicates that annexation of Gunbarrel will be accomplished, if at all, as a whole, with the entire subcommunity involved in voluntary annexation negotiations with the city. The current proposals are piecemeal annexations of small parts of the subcommunity, without the input or participation of any of the residents of Gunbarrel or the Public Improvement District. The MXR requests represent an end run designed to evade existing standards, guidelines and understandings providing that future annexations will be contingent on the informed consent of affected communities. Here, the governmental proposals seeking annexation and mixed use development are being pursued regardless of the lack of community support, in obvious contravention of the BVCP.

There is no resident interest in this annexation, nor have terms been discussed – let alone negotiated – with the County. How do piecemeal, leapfrog land annexations further commitments to involve the subcommunity in decisions that will determine its future?

There is no reason that the parcels need to be annexed into the City of Boulder, other than the desire to develop far more housing units at far higher densities than the county allows. This is insufficient reason to contravene the letter and spirit of the BVCP in regards to future annexations in Gunbarrel. Again, the fact that these parcels are owned by governmental entities raise the bar for approaching community development in good faith, and assuring compliance with applicable BVCP and BCCP provisions.

In the BVCP, §2.03 Compact Development Plan states, “the city prefers redevelopment and infill as compared to development in an expanded Service Area in order to prevent urban sprawl and create a compact community.” The three subject properties are currently undeveloped, and are outside the current Service Area. Unlike the affordable housing locations referenced above which satisfied the in lieu component of recent Gunbarrel housing developments, the proposed affordable housing cluster in Gunbarrel would necessitate transforming a rural residential community into a densely developed area requiring a wide range of urban infrastructure and services of dubious compatibility with the existing community character. The City Planning Board should review these controversial requests in light of BVCP direction and goals.

The BVCP Land Use Designation Map shows all of unincorporated Gunbarrel to be low density residential or open space. As such, the requested mixed density designation is inappropriate, and in conflict with adjacent subdivisions and the existing neighborhood. The higher density buildings already in the area were allowed because the properties in question were not slated for residential use. The overall density of the area has already reached the designated density in the BCCP. Development of the three parcels as proposed will exceed the plan density, resulting in significant physical, infrastructure, and environmental hazard impacts.

## **V. POSITIVE COMMUNITY VISION**

The land use requests submitted by TLAG and others better meet the requirements of the BVCP and the needs of the local and the larger community. The rationale for TLAG's change requests to create a Greater Twin Lakes Open Space is set forth in the requests themselves, and further discussed in TLAG's September 30, 2015 letter to the Boulder County Commission. See Exhibit 3.

According to County Commissioner Elise Jones, no final decisions had been made by the County as of October 1, 2015, when the County Commission voted to approve transfer of 6655 Twin Lakes Road to BCHA. "It keeps all of our options on the table," Jones said. See Exhibit 5. However, Commissioner Jones' inference that the vote on transferring 6655 to BCHA was not a final, pre-ordained action appears to be undercut by Commissioner Gardner's statements in the same article:

Gardner, however, said the property was a vacant lot when the county purchased it, and not something the county would normally buy to preserve as open space.

"We bought that property for the explicit purpose" of putting affordable housing there, Gardner said, but she added that Boulder County hasn't yet made final decisions about the form that housing development might take.

See Exhibit 5.

First, the public record offers no indication that open space or any use other than medium-high density affordable or public housing was even considered for these parcels. Second, Commissioner Gardner's comments raise questions regarding why the County is ignoring its own Open Space acquisition policies regarding a property that: 1) is adjacent to existing Open Space and threatened by development; 2) provides "Wildlife habitat" for a long list of species identified in the TLAG change request narrative; and 3) includes and would enhance "Riparian and scenic corridors," and 4) constitutes "Land that could provide trail connections."

This land satisfies four of the five County Open Space acquisition criteria. Commissioner Gardner's personal opinion may be that Gunbarrel and the larger community might not sufficiently benefit from doubling the size of the existing Twin Lakes Open Space the crown gem of the Open Space system in Gunbarrel to even justify serious consideration of that proposal. But a personal opinion does not relieve County government from conducting a comprehensive study of the open space potential of these parcels based on objective criteria, and informed recommendations reflecting community involvement and ecological expertise of residents and independent scientists and recreational planners.

Although the County Commission listened to concerns presented by TLAG on September 21, 2015, and received the TLAG letter prior to approving the transfer of 6655 to BCHA, there is nothing in the record to establish that the County ever actually considered alternative uses for the property at any time in the process. It is currently undisputed that no studies or formal recommendations have been prepared regarding change requests proposing a Greater Twin Lakes Open Space, Environmental Conservation Area, Natural Ecosystems, or Area III Rural Preservation Area designations.

These properties, considered together, provide a unique opportunity to create a Greater Twin Lakes Open Space area, providing a connected wildlife corridor from the existing Twin Lakes Open Space to



the open space to the south, including connectivity with Boulder Creek. The current social trails can be upgraded to connect the current dead end trail back into the Twin Lakes trail. By day they will provide passive recreation for the community, and at night it will remain a foraging area for the Great Horned Owls who nest in Twin Lakes Open Space, as well as other wildlife species.

This vision supports the BVCP on many levels, including:

- §1.02, Principles of Environmental Sustainability by “maintaining and enhancing the biodiversity and productivity of the local ecological system.”
- §1.03, Principles of Economic Sustainability by “Providing for and investing in a quality of life, unique amenities and infrastructure that attracts, sustains and retains businesses and entrepreneurs.”
- §1.05, Community Engagement by having been put forward by and enjoying the overwhelming support of the community.
- §2.04, Open Space Preservation by providing a linkage between currently separate parcels of open space, “preserving critical ecosystems” and providing “land for passive recreational use.”
- §2.10, Preservation and Support for Residential Neighborhoods “to protect and enhance neighborhood character and livability.” From the very first, the Twin Lakes and the associated open land to the south have been integral to the local community. This was first recognized when the county purchased the current Twin Lakes Open Space in response to heavy community use of what was then private land. Along with Twin Lakes Open Space, the properties at 6655 Twin Lakes Road, 6600 Twin Lakes Road and 0 Kahlua Road have become the heart of the Gunbarrel community. With these three properties all held by public entities, it is time to formalize what has been recognized within the community for decades, and to formally create the Greater Twin Lakes Open Space.
- §2.19, Urban Open Lands by providing “an urban open lands system to serve the following functions: active and passive recreation, environmental protection, flood management, multimodal transportation, enhancement of community character and aesthetics.”
- §2.23, Trails Corridors/Linkages by providing connections between existing trails that cannot be made through other properties allowing “development of paths and trails where appropriate for recreation and transportation.”
- §3.40, Ecosystem Connections and Buffers. Connecting two current isolated areas of open space allows the city and county to “work together to preserve, enhance, restore and maintain undeveloped lands critical for providing ecosystem connections and buffers for joining significant ecosystems.”

## CONCLUSION

The MXR requests submitted by BCHA and BVSD should be denied at this time. These requests have been put forward ahead of the public process which should precede disposition of public lands, are uninformed by public input on the best use of the properties, lack critical data needed to make a

decision on the ability of the properties and the surrounding infrastructure to sustain the proposed intensive development uses, and are poorly thought out in conflict with the BVCP. The TLAG change requests should be approved because they are consistent with the BVCP, preserve irreplaceable open space, provide wildlife habitat, protect riparian and scenic areas, foster trail connections, and enhance the heart of the community.

#### **LIST OF EXHIBITS TO TLAG'S POSITION PAPER**

- Exhibit 1 Hydrologic Analysis (June 24, 2015 Gordon McCurry, Ph.D. Mercury Hydrology, LLC; commissioned by Twin Lakes Action Group)
- Exhibit 2 Email from Senior Boulder County Planner Pete Fogg to County Planning and Transportation officials (October 14, 2015)
- Exhibit 3 TLAG Letter to Boulder County Commissioners (cc to County Attorneys and County Open Space Director Ron Stewart) re: Community concerns, Greater Twin Lakes Open Space proposal including public-private partnership concept, and request for meaningful community involvement (September 30, 2015)
- Exhibit 4 TLAG Letter to Boulder Valley School District (October 13, 2015)
- Exhibit 5 Neighbors urge Boulder County to convert Gunbarrel affordable-housing site to open space, Longmont Times-Call (October 1, 2015)

## **Memorandum**

To: Mr. David Rechberger, Twin Lakes Action Group  
From: Gordon McCurry, Ph.D.  
Date: June 24, 2015  
Subject: Preliminary Hydrologic Analysis of the BCHA Property at 6655 Twin Lakes Road

The Boulder County Housing Authority (BCHA) purchased a 10-acre parcel located at 6655 Twin Lakes Road in May 2013 with the goal of developing this undeveloped land to provide affordable housing. Residents of the surrounding community are concerned that developing this land could lead to an increase in basement flooding problems in this high-groundwater area. This memorandum presents my preliminary analysis of the hydrology of the subject property and surrounding areas, and provides recommendations on how to reduce flooding-related impacts related to developing the BCHA property.

### Site Environmental Setting

The BCHA property is located northeast of the City of Boulder in unincorporated Boulder County in the south-central portion of Section 11 of Township 1 North, Range 70 West. The land is undeveloped with a native grass cover (Figure 1). The property ranges in elevation from approximately 5175 to 5160 feet and slopes gently to the southeast towards Boulder Creek. The northern edge of the BCHA property corresponds approximately to the surface water drainage divide separating the Dry Creek drainage to the north and a portion of the Boulder Creek drainage to the south, within which the property lies. South of the property are several small intermittent eastward-flowing streams that drain into Boulder Creek. Soils in the area consist of clay loam and clay, defined by the USDA Natural Resources Conservation Service as Nunn B and Longmont B soils (NRCS, 2015). The BCHA property contains about equal areas of both soil types (Figure 2). Underlying the soils is the Pierre Shale, a regionally extensive and low-permeability bedrock layer (USDA, 1975). Borehole logs from wells drilled in the vicinity of the BCHA property and the Twin Lakes neighborhood indicate that the depth to bedrock is approximately 10 to 15 feet below ground surface. A shallow aquifer exists within the soils that overlie the shale bedrock.

### Hydrology Near the BCHA Property

Several man-made features exist in the area that dominates the hydrology of the BCHA and surrounding properties. North of the property are two lakes and three regional irrigation ditches. The West and East lakes are part of a 42-acre County Open Space Twin Lakes property. The lakes have been in use since 1910 to store water used for agricultural purposes (BCPOS, 2004). Portions of both lakes are adjacent to the northern edge of the BCHA property. The West and East lakes cover areas of approximately 16 and 11 acres, respectively, and have a combined storage capacity of 218 acre-feet (approximately 71 million gallons). The embankments for the

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lakes consist of compacted earth fill (GEI Consultants, 2014). Wetlands exist around the lakes as a result of seepage through the lake bed and berms, creating shallow groundwater conditions (BCPOS, 2004).

In 2014 the Boulder and Left Hand Ditch Company sponsored a study of potential impacts of dam breaches of two of its reservoirs (GEI Consultants, 2014). One of these reservoirs is referred to in this report as the East Lake of the Twin Lakes open space. The impoundment for the East Lake has a State dam safety rating indicating there could be significant property damage if there is a dam failure (BCPOS, 2004). A hypothetical breach of the East Lake's dam was modeled and inundation maps were generated. The dam for this lake, Davis No. 1 Dam, is constructed as a dike that rings the eastern portion of the lake. Failure scenarios were modeled for both a northern and a southern dam breach. The southern breach scenario was felt to be smaller in magnitude than the northern breach. A portion of the hypothetical southern breach would discharge to the southeast, across the eastern portion of the BCHA property and through the neighborhoods southeast of the East Lake as water flows to Boulder Creek (GEI Consultants, 2014). The modeled southern breach had a peak flow of 600 cfs, roughly equivalent to high spring-time flows of Boulder Creek through town. Maximum flow depths to the southeast were modeled to be approximately one foot (Figure 3).

Located between the two lakes and the BCHA property are the North Boulder Farmer's Ditch, the Boulder and Left Hand Ditch, and the Boulder and White Rock Ditch. The former two ditches merge beginning west of 63<sup>rd</sup> Street and then the resulting two ditches run parallel to each other, traversing south of the West and East lakes and continuing to the east (Boulder County, 2000). The Boulder and Left Hand Ditch Irrigation Company retains the right to use the West and East lakes for storage purposes (BCPOS, 2004). Over the past 20 years an average of approximately 145 acre-feet per year has flowed through the ditches to supply the lakes. Like most ditches, these are unlined and likely leak a portion of their water to the underlying soils and shallow groundwater system, supporting the wetlands vegetation and lush growth around them.

Another hydrologic feature of note for the Twin Lakes community is the Boulder Supply Canal. This is a large-capacity canal located west of the Boulder Country Club neighborhood, adjacent to Carter Court and Carter Trail that define the west side of that neighborhood. The Boulder Supply Canal allows excess water in Boulder Reservoir to discharge to Boulder Creek (DWR, 2005). Although concrete-lined, it was built in 1955 and so it is likely that some leakage occurs through joints, cracks and areas of degraded concrete whenever it is in use.

Within and south of the residential areas south of Twin Lakes Road is a small lake and an intermittent stream that includes several areas containing wetlands-type vegetation. These water features also provide water to the underlying shallow aquifer system. The wetlands are an indication of shallow groundwater conditions in this portion of the residential area south of the BCHA property.

### Hydraulic Limitations in the Vicinity of the BCHA Property

Twin Lakes, two irrigation ditches, and to a lesser extent a supply canal are all located hydraulically upgradient of and in close proximity of the BCHA property and surrounding residential areas. Collectively these provide ample sources of water to feed the area's shallow groundwater system. The water table of the shallow groundwater system is located relatively close to the land surface as shown by the commonly-occurring wetlands present in the area. The shallow depth to bedrock helps support and maintain the shallow aquifer. In addition, many homes in the Twin Lakes neighborhoods have sump pumps which are further evidence of shallow groundwater.

The USDA Natural Resources Conservation Service has compiled soils data and developed an interactive web-based graphical database that allows the user to examine the suitability of a given area to a set of potential uses (NRCS, 2015). The suitability analyses are based on geotechnical and engineering properties of the soils. The soils beneath the BCHA property (Figure 2) were evaluated as part of this preliminary hydrologic analysis as to their suitability for the construction of dwellings. Dwellings are defined by the NRCS as single-family houses of three stories or less. For dwellings with basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of approximately 7 feet. For dwellings without basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper.

Each soil type is assigned a suitability rating based on the limitations posed by individual soil properties. Two sets of criterion are applicable to dwellings: (1) properties that affect the ability of the soil to support a load without movement and (2) properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility (inferred from the Unified Soil Classification System classification of the soil). The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

Ratings indicate the extent to which the soils are limited by each of the applicable soil properties that affect the specified use, in this case the construction of dwellings. Numeric ratings are provided and indicate the severity or degree with which a given soil property contributes to the overall suitability rating. An assigned rating of "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected. An assigned rating of "Somewhat limited"

indicates that the soil has features that are moderately unfavorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. An assigned rating of "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected (NRCS, 2015).

The suitability of soils for accommodating dwellings on and near the BCHA property was found to be somewhat limited to very limited for dwellings with basements (Figure 4). The main reasons were due to flooding potential and shallow depth to groundwater, and the shrink-swell potential of the soils. The flooding potential and shallow depth to groundwater are expected outcomes given the number and proximity of water sources in the immediate vicinity. The shrink-swell potential is associated with the shrinking of soil when dry and the swelling when wet – a common feature of many clay-rich soils. Shrinking and swelling of soil can damage roads, dams, building foundations, and other structures (NRCS, 2015). The suitability to accommodate dwellings without basements on and near the BCHA property was found to be very limited, for the same reasons.

To minimize the impacts from flooding potential, shallow groundwater and shrink-swell of the site soils, dwellings built on the BCHA property may require additional design components. These may include addition foundation footers, exterior tile drains around the foundations, sump pumps in basements and crawl spaces, setbacks for landscaping, and gutter downspouts that extend beyond a critical setback distance from the dwellings.

#### Hydrologic Concerns Associated with Development of the BCHA Property

The preceding discussion suggests potential limitations associated with constructing dwellings on the BCHA property and offers general guidelines to mitigate those limitations. However, it does not address potential hydrologic impacts to adjacent residential buildings associated with development of the property. The key impacts are:

- higher risk of basement flooding,
- increases in the frequency and/or volume required to be pumped from homes with existing sump pump systems, and
- the need for homes to install and operate sump pump systems that historically have not had to do so.

The causes of these potential impacts relate to constructing dwellings, dwelling foundations and foundation footers, and even the sump or drain systems that might be installed for the new homes. Dwellings typically are constructed so that the soil beneath the building foundation supports some of the weight of the building, with the remaining load supported by foundation

footers. The weight of a structure compresses the underlying soil. Sand- and gravel-rich soils have very little compressibility but the clay-rich soils beneath the BCHA property are likely to have a relatively high compression potential. In the northern portion of the BCHA property where shallow depth to groundwater is more likely due to the nearby lakes and irrigation ditches, it is possible that compressed soils could extend below the water table. If this were to occur, the groundwater previously occupying those pore spaces in the soil would be displaced and would migrate elsewhere. Depending on the density of building construction and how close those buildings were to existing residences, at least some of the displaced groundwater would migrate toward the existing residences with a resulting rise in the water table and increased risk of basement flooding. Deep foundation footers or foundations that extended to the underlying bedrock would similarly displace existing groundwater.

In addition, sump or drain systems that might be installed in new dwellings could also pose an addition hydrologic risk to nearby homes. It is common for water extracted from sump/drain systems to be discharged into nearby gutters or storm drains. Depending on how the storm drain system for the new dwellings is designed, the extracted water may end up infiltrating along the edges of the BCHA property which would lead to higher groundwater conditions for the adjacent residences.

An additional hydrologic concern associated with development of the BCHA property, which one hopes never occurs, is the impact of a dam breach of the East or West lakes on the Twin Lakes property. The hydraulic analyses conducted for the East Lake indicates a portion of the discharge from a hypothetical southern breach would traverse the east side of the BCHA property. Should homes be constructed in that area, their presence would divert the flows caused by the breach and, based on the inundation analyses, most of that diverted water would be routed to the neighborhood to the east. No analysis was performed for a breach of the West Lake, but it is reasonable to assume that newly built dwellings on the BCHA property would also divert some of the released lake water into adjacent neighborhoods.

### Conclusions

Before any dwellings are built on the BCHA property the developer must take into account the shallow groundwater conditions that likely exist in the region so that existing homes are not adversely affected. Any homes that are built should be designed to overcome the limitations posed by flooding potential, shallow depth to water, and shrink-swell conditions of the soil. Installing wells on the property and instrumenting them to characterize the depth to groundwater in the shallow aquifer, over the course of at least one year, and performing geotechnical testing on soils are both necessary to better characterize the hydraulic properties and gain a better understanding of potential impacts to adjacent residences.

References

BCPOS, 2004. Twin Lakes Open Space Draft Resource Evaluation & management Plan. Boulder County Parks and Open Space.

Boulder County, 2005. Boulder County Ditch and Reservoir Map. Prepared by Boulder County, Colorado. September.

DWR, 2005. Task 5 – Key Structure Operating Memorandum for City of Boulder. Submitted to the Colorado Division of Water Resources, as part of the South Platte Decision Support System.

GEI Consultants, 2014. Hayden Reservoir Dam and Davis Dam No. 1 Dam Breach Inundation Mapping Report. GEI Consultants Inc, submitted to Boulder and Left Hand Ditch Company.

NRCS, 2015. Web-based soil survey database. Accessed June 2015  
<http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

USDA, 1975. Soil Survey of Boulder County Area, Colorado. United States Department of Agriculture, Soil Conservation Service.





Figure 1. View looking northwest at the BCHA property from Twin Lakes Road.



Figure 2. Soils in the vicinity of the BCHA property.

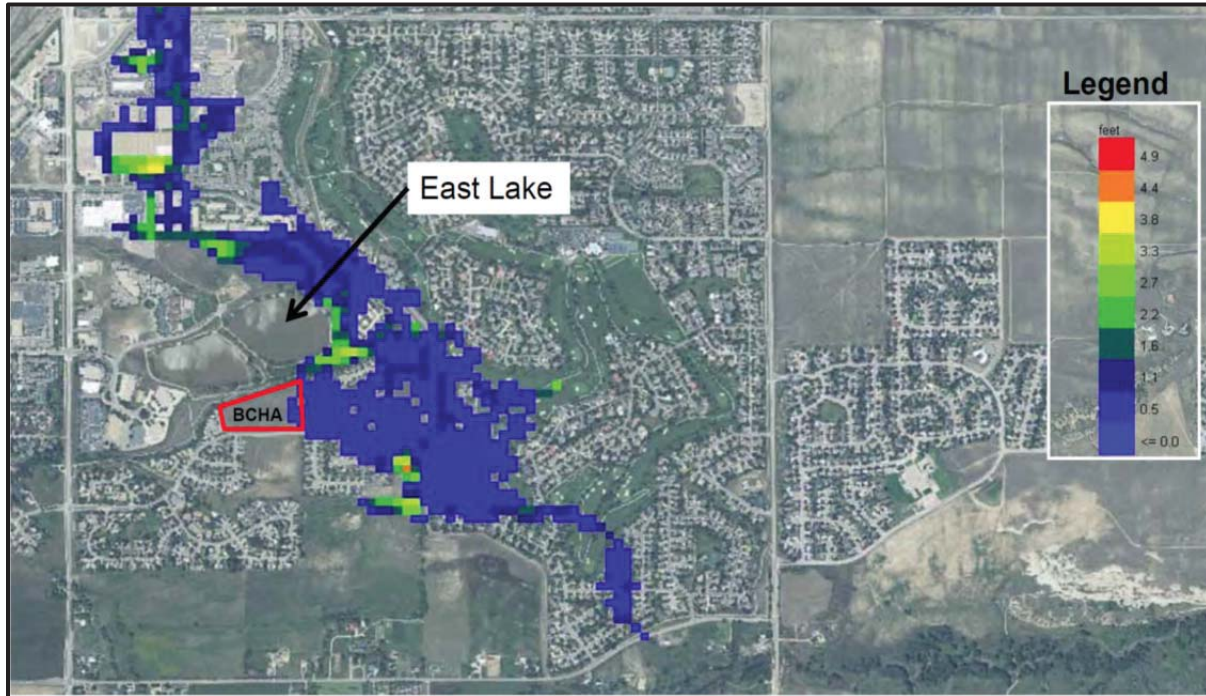


Figure 3. Inundation area and maximum flow depths for a dam breach of the East Lake.

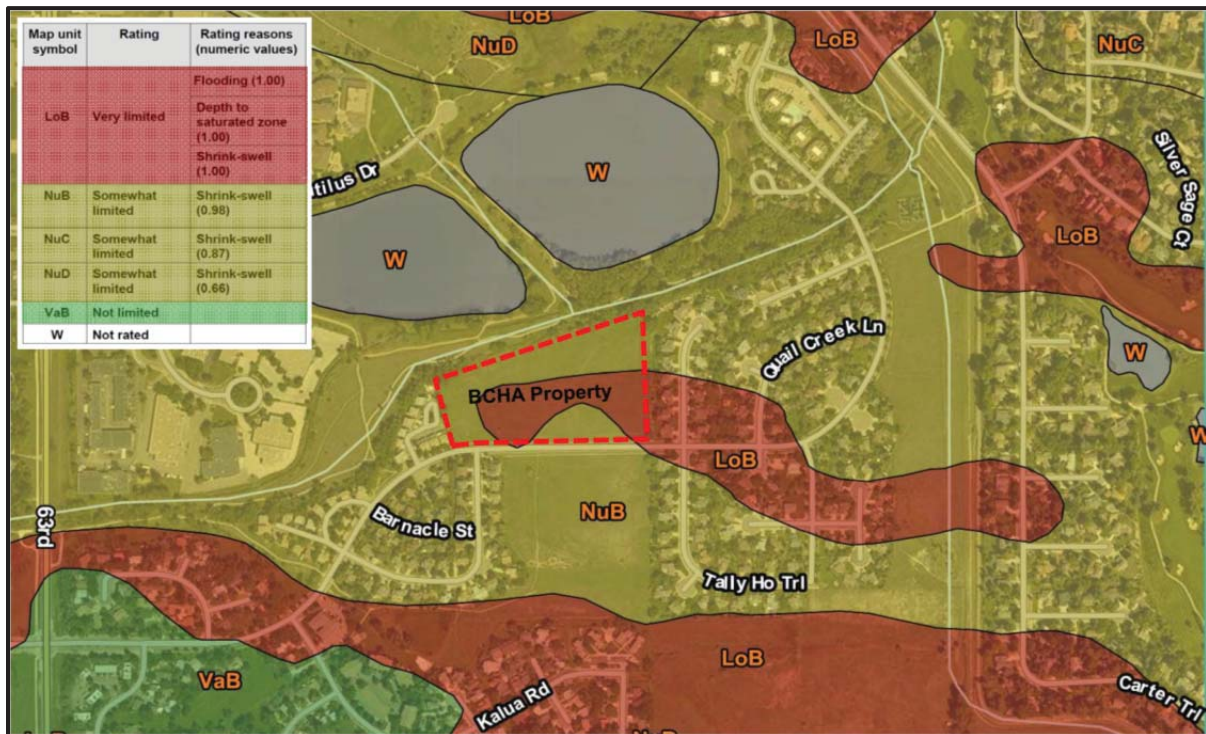


Figure 4. Limitations for construction of dwellings with basements.

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From: McCarey, Scott <smccarey@bouldercounty.org>  
Sent: Wednesday, October 14, 2015 3:09 PM  
To: Gerstle, George  
Subject: FW: BVCP 2015 Update Information Request

George-

Forwarding just to keep you in the loop. This is internal mid-level staff discussion right now. Scott

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From: McCarey, Scott  
Sent: Wednesday, October 14, 2015 3:06 PM  
To: Fogg, Peter; Whisman, Janis  
Cc: Shannon, Abigail; Giang, Steven; Grimm, Denise; Swirhun, Lesley  
Subject: RE: BVCP 2015 Update Information Request

Hi Pete,

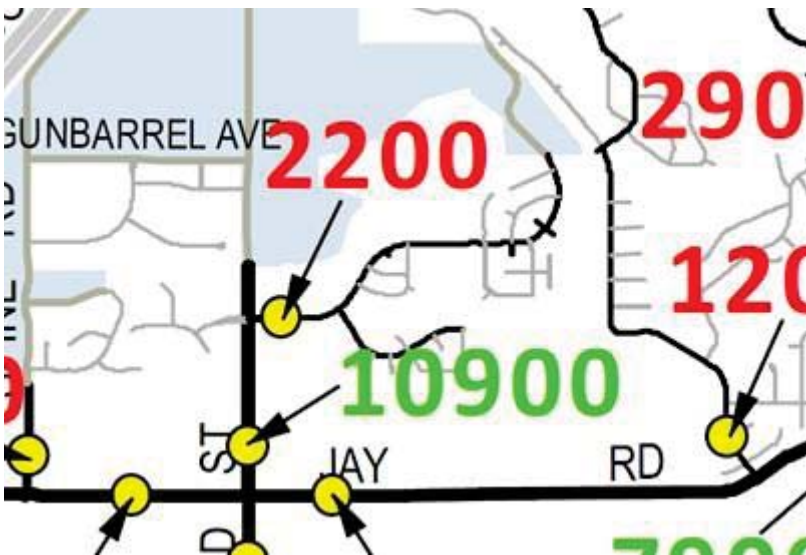
If it would help for the internal discussion we could do order of magnitude traffic impacts, listing out some of the assumptions that we made. Assumptions would be the increase in existing traffic from the 2200 vehicles per day (which is a 2012 data point below) and the directional split (which I would guess be 80%-20% west-east). Without better information we would use the ITE Trip Generation manual. If it were information you were going to share with other agencies I think it would be wise to hire a consultant to 1) collect better traffic data including the very important time of day travel and 2) to avoid the perception of conflict of interest.

If you would like transportation to do some estimates I think a 30-minute meeting would be useful to better understand how accurate you need this at this point.

Lesley,

Have I missed anything?

Scott



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From: Fogg, Peter  
Sent: Wednesday, October 14, 2015 11:46 AM

To: McCarey, Scott; Whisman, Janis  
Cc: Shannon, Abigail; Giang, Steven; Grimm, Denise  
Subject: BVCP 2015 Update Information Request

Good Morning:

Perhaps you or your departments have already been in conversations with the Boulder County Housing Authority (BCHA) and the BOCC prior to the purchasing the 10 acre+/- parcel at 6655 Twin Lakes Drive with the intent of building workforce affordable housing. If so please bear with me .

The intent is to build up to possibly 120 affordable units. The pdf shows the location, which is in Area II of the Boulder Valley Comprehensive Plan and therefore eligible and expected to be annexed at some point. The first and crucial step is to apply for a Boulder Valley Comprehensive Plan 2015 Update land use designation change from Low Density Residential to Mixed-Density Residential. If successful in obtaining the change, the BCHA will then need to submit an annexation petition along with a zoning change request from county Rural Residential to city Residential – Mixed 2 (RMX-2), which would permit a range of densities and “complementary uses.” The adjacent Boulder Valley School District (BVSD) properties, two parcels also totaling 10+/- acres, are partnering with BCHA and seeking the same land use designation change (from Public to Mixed-Density Residential) for the same purpose – affordable workforce housing.

The BCHA and BVSD requests can only be realized if all four decision making bodies to the BVCP (Planning Commission, BOCC, Planning Board, and City Council) approve them. The criteria for approval include a demonstration that the proposed change will (1) not have significant cross-jurisdictional impacts that may affect residents, properties or facilities outside of the city; and (2) not materially affect the adequacy or availability of urban facilities and services to the immediate area or to the overall service area of the City of Boulder.

A number of residents in the subdivisions next to and near the BCHA/BVSD properties, who are also in Area II, are very much opposed to the proposal and have actively expressed their opposition by also submitting applications to either retain the Low Density Residential and Public land use designations or, more emphatically, to change the designation on the BCHA/BVSD properties to some type of open space/environmental resource area category and, ultimately, to have them acquired for preservation. Among their concerns are the adequacy of the existing road system to handle the increased traffic that would be generated by the BCHA proposal, with safety and congestion being specific issues.

I have two questions:

Scott – can your folks do a trip generation, road capacity and trip dispersal analysis (what roads would likely be used in leaving and returning to the site) based on an assumption that 120 affordable dwelling units will be built on the BCHA/BVSD properties? This would help us evaluate the proposal’s cross-jurisdictional impacts per criterion (1) above. If annexation is to occur the city, which does not have the necessary contiguity at this time, would either have to annex south down N 63<sup>rd</sup> to Twin Lakes Rd, then east on that road to the properties, or...

Janice – the county’s open space policies have not supported annexation of open space to obtain contiguity to other properties, but would this also be the case here if the city wanted to annex the BCHA/BVSD parcels?

I’d be more than happy to chat with either or both of you about this BVCP change application if you’d like. Just let me know. The BVCP Update “listening meeting” for Gunbarrel is set for December 7<sup>th</sup> (not a very auspicious date in my opinion). I may ask that someone from each of your departments attend as resource people, but more about that later.

Merci beaucoup

Pete

**MIKE CHIROPOLOS**  
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BOULDER CO 80302 303-956-0595 -- [mikechiropolos@gmail.com](mailto:mikechiropolos@gmail.com)

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September 30, 2015

Deb Gardner, Chair  
Elise Jones, Vice Chair  
Cindy Domenico  
Boulder County Commissioners

*Transmitted via email c/o Commissioners Deputy Michelle Krezek --  
[mkrezek@bouldercounty.org](mailto:mkrezek@bouldercounty.org)*

Dear Commissioners:

On behalf of the Twin Lakes Action Group (TLAG), please consider the matters raised below before making any decision on matters affecting the Twi Lakes community – including actions proposed at the October 1, 2015 Business Meeting. TLAG first received notice of the meeting on September 29 via an email communication from Michelle Krezek.<sup>1</sup>

TLAG appreciated the opportunity to present its perspective to the Commission and other County staff on September 21, and looks forward to continuing a meaningful dialogue. As community engagement proceeds, we respectfully request that the County refrain from any unilateral or premature acts or decisions relating to future of this community, specifically with regard to the property now owned by the County at 6655 Twin Lakes Road, and two parcels owned by BVSD directly across the street (the “BVSD parcels”).

First and foremost, given the substantial controversy and lack meaningful community engagement or dialogue to date (and especially prior to purchase of 6655 or formulation of initial BCHA plans), the County should refrain from any premature actions or decisions regarding 6655 Twin Lakes Road, at least until the four responsible public bodies have reviewed and rendered decisions on BVCP change petitions which are not due until October 2, 2015. Annexation, land use, and zoning changes are conditions precedent for BCHA to develop this property for public housing.

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<sup>1</sup> Searches of agendas available online on September 29 led us to no links or documents covering the agenda items in question. Thus, we question whether the full and timely notice requirements of Colorado’s Open Meetings law were met. If not, the meeting should not proceed on these topics. In any case, locating the Business Meeting agenda online proved challenging.

Most importantly, until public hearings have occurred, it is premature to transfer the property from County ownership to BCHA. The County Commission should not be pre-judging this matter before other governmental bodies or the Commission itself has reviewed and acted on change requests submitted as part of the 2015 BVCP Major Update or amendment process.

Second, TLAG was disappointed to only receive notice of the proposed transfer or acceptance of title from Commissioner's Deputy Michelle Krezek on September 29, 2015; only two days (roughly 40 hours) before the scheduled business. In this regard:

- If the October 1 Business Meeting agenda had already been scheduled when TLAG made its presentation to the Commission on September 21, why was the October 1 meeting disclosed to TLAG at that time?

Third, TLAG was aware that the County planned to file a change request regarding 6655 Twin Lakes Road as part of the BVCP amendment process, so the second agenda item for October 1 came as no surprise. We fully expect that the Commission, in its capacity as the County Commission and not as the board of BCHA, will take all measures necessary to avoid pre-judging this request and any accompanying annexation petition as future public processes move forward. Approving a transfer of the property would appear to pre-judge the outcome of this matter, even before the deadline for submission of change requests or area changes – and long before public hearings.

Initial hearings on change requests are not scheduled until December 2015; and it is currently expected that the first hearings will be before the City of Boulder Planning Board and Council. County hearings will not occur if either 1) existing land use of Rural Residential, Low Density Residential, and Open Space, Other are retained, or 2) change requests from community members or associations are approved. Under current land use and zoning, as the County knows, only one structure could be built on the properties.

Unless those land use or zoning designations are changed, it would be arbitrary and capricious for the County to make any decisions that are inconsistent with the BVCP and other County documents and policies governing these properties in unincorporated Boulder County. For now, the BVCP should inform and guide decisions. Depending on what approvals are issued or withheld as the BVCP Update proceeds, there will be ample time to consider future proposals at that time – consistent with future decisions on proposals that are yet to be submitted.

Fourth, as you are aware, the ownership and use of 6655 and BVSD parcels are of great interest to TLAG and other community members.

- Why is the Commission considering ownership changes at this time before engaging residents and the community, including neighborhood associations such as TLAG or the Red Fox Hills HOA, in a broader discussion of the community vision and wishes for the future of these properties, and a broader vision for the future of the community?

- Is the Commission open to hearing and considering other concepts and proposals for these properties, including proposals from community members and groups?
- Is the Commission satisfied that the suitability for various affordable housing projects has been fully analyzed, despite the lack of any meaningful involvement to date; and the inability of the community to consider and respond to a specific proposal at this early stage in the process?

Fifth, many members of the community believe that existing land use should be maintained. There is substantial interest and support for taking deliberate steps to protect the parcels and devote them to uses that would enhance the community by integrating them into the existing Twin Lakes Open Space -- that has been described as the “heart and soul”, “life-blood”, or “heart-beat” of the community. What the Boulder Creek Greenway is to the City of Boulder, or Left Hand Greenway to Longmont – Twin Lakes Open Space is to the much of the Gunbarrel community.

Many or most of the residents in adjacent neighborhoods chose to live where they do because of the proximity to existing open space and trails, as well as the rural residential character established by the BVCP. That character and those uses should be maintained and expanded in the future – not compromised or lost.

Specifically, this parcel is an ideal target for acquisition and incorporation into the County Open Space program according to the criteria governing acquisitions:

Parks and Open Space staff strive to acquire land that meet these criteria:

- Land threatened by development that is near or adjacent to existing open space
- Prime agricultural land
- Wildlife habitat
- Riparian and scenic corridors
- Land that could provide trail connections.

<http://www.bouldercounty.org/os/openspace/pages/acquisitions.aspx> (emphasis added)

6655 Twin Lakes Road fully meets the first criteria. That alone should trigger a formal review of the potential for acquisition as Open Space including community outreach and involvement in advance of a formal staff recommendation. That has not occurred since the land became threatened by development, as also appears to be the case for the two BVSD parcels across Twin Lakes Road. Habitat improvement and the potential for prairie restoration, native species reintroductions, and other natural and recreational uses, should be part of the discussion.

Acquisition criteria stated in bullets 3, 4, and 5 are also present. *Wildlife habitat* was discussed at our presentation to the Commission and can be further documented; *riparian and scenic corridors* are present; and the land can provide *trail connections* including a linkage to existing Twin Lakes Open Space by construction of an urgently needed bridge over the ditch and

riparian area. Additional trail connections must be explored and considered with regard to the Longmont-to-Boulder or "Lo-Bo" Regional Trail, "a 12-mile trail system that runs through Gunbarrel, Niwot, and open space properties connecting the City of Boulder with the City of Longmont. A Greater Twin Lakes Open Space encompassing 6655 and the BVSD parcels would secure an important wildlife corridor as well as better protecting existing habitat, enhancing riparian and scenic values, and contributing to the local and regional trail system.

At a minimum, it is incumbent on the County to direct a formal review and recommendation by County Open Space based on the department's criteria – fully engaging the community. TLAG is specifically interested in public-private partnerships that would address any concerns various County agencies might have regarding future management of these parcels as open space. TLAG is also open to assuming ownership of the property if that would facilitate realization of the community vision, consistent with the County policies stated above and as set forth in the BVCD and other IGAs, agency mission statements, and policy documents.

We appreciate the interest of both the County and City of Boulder Open Space in targeting large blocks of land for acquisition, including areas such as Heil and Hall Ranch. But these acquisitions should not come at the expense of, or be prioritized so as to exclude, consideration and acquisition of parcels in the midst of our communities, including rural residential communities such as the greater Twin Lakes area in Gunbarrel.

These open space properties near people are used every day by hundreds of visitors, and regularly by the majority of residents. No fossil fuels are used to access them by the vast majority of users. They provide convenient and vitally needed natural areas that provide vital ecosystem services on the one hand, and essential access to nature and the environment for Gunbarrel's 12,000-some residents on the other.

To cite just one of the outstanding natural attributes of Twin Lakes Open Space and the adjacent undeveloped properties now threatened by development, the Great-horned Owl nest on the southern edge of the Open Space is less than 100 feet of the northern boundary of 6655. Development of 6655, especially medium or high-density development, would almost surely result in the loss of the nesting pair of owls. It would be difficult to overstate the value of these owls to the community, or the tangible and intangible benefits they provide to residents of all ages and from all walks of life. Worthy of mention is that federally required buffers for oil and gas operations from Great-horned Owl nests are 1/8 mile (660 feet). See <http://www.oilandgasbmps.org/view.php?id=7738>. Construction activities, permanent structures, and loss of habitat (owls and other raptors hunt and forage in the 6655 and BVSD parcels) would be expected to result in loss of these nesting owls.

Twin Lakes Open Space bears remarkable similarities to the smallest National Wildlife Refuge in the country: Two Ponds in nearby Arvada, an urban enclave of only 72 acres. A Greater Twin Lakes, including an ecologically restored 6655 subject to an updated, expanded management plan, might not be eligible for Refuge designation. But Two Ponds is a shining example of how



relatively small parcels in urban or residential settings can be key components of open space programs incorporating recreation and natural values. Adding the 6655 and BVSD parcels to the existing Twin Lakes Open Space (42 acres) would result in a Greater Twin Lakes Open Space that approximates the size of Two Ponds. See <http://www.fws.gov/refuges/profiles/index.cfm?id=61171> .

Governor Hickenlooper's new Colorado Beautiful initiative announced on July 15, 2015 is another excellent example of how a Greater Twin Lakes Open Space vision is compatible with state and federal policy efforts and initiatives, as well as the County Open Space acquisition criteria. The goal of Colorado Beautiful is that, within one generation, every Coloradan will live within a 10 minute walk of a park, trail or open space area. Obviously, a Greater Twin Lakes Open Space will provide substantially more benefit and opportunity for Gunbarrel residents than the existing area. Additionally, the Longmont-Boulder Trail warrants consideration as a priority trail or connector project under Colorado Beautiful. See <https://www.colorado.gov/pacific/governor/news/gov-hickenlooper-outlines-key-next-steps-colorado-beautiful>

TLAG is dedicated to negotiating win-win solutions, and we are confident that can be accomplished if the County is willing to engage. Public-private partnerships can be excellent collaborative problem solving approaches.

Sixth, TLAG has presented initial evidence of hydrologic and geologic hazards associated with development of this property, especially at densities that could be proposed if current land use and zoning are changed. The presentation to the Commission discussed these issues.

Seventh, the presentation set forth applicable commitments in the BVCP including preserving existing rural land use and character in unincorporated Boulder County; fostering the role of neighborhoods to establish community character; preservation and support for residential neighborhoods to protect and enhance neighborhood character and livability; and assuring compatibility of adjacent land uses.

In closing, so long as the land use or zoning designations are rural residential or open space, it is premature to consider transfer of 6655 Twin Lakes Road to BCHA. Ownership or title transfer of the parcel is inappropriate at this time. The purpose behind the transfer could be mooted or otherwise affected by the future decisions of any one of the four governmental bodies that will consider change requests under the BVCP Update. Instead, the County should direct a formal review of the potential for Open Space acquisition and uses of these properties pursuant to County Open Space acquisition criteria, guided by public involvement processes for similar properties and trail systems. To date, this has not occurred.

TLAG looks forward to future opportunities to work with the Commission and County staff. At this time, we expect existing commitments to be honored under the BVCP.

Respectfully,

A handwritten signature in blue ink that reads "Mike Chiropoulos". The signature is written in a cursive, flowing style.

Mike Chiropolos  
Attorney for TLAG

cc: Ben Doyle, County Attorney  
Marty Streim, TLAG

**MIKE CHIROPOLOS**  
**ATTORNEY & COUNSELOR, CHIROPOLOS LAW LLC**  
1221 PEARL SUITE 11  
BOULDER CO 80302 303-956-0595 -- [mikechiropolos@gmail.com](mailto:mikechiropolos@gmail.com)

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October 13, 2015

*Submitted via email [glen.segrue@bvsd.org](mailto:glen.segrue@bvsd.org)*

Glen Segrue  
Senior Planner  
Boulder Valley School District

**Re: BVSD Gunbarrel properties at 6650 Twin Lakes Road and 0 Kalua Road**

Dear Glen,

The Twin Lakes Action Group (TLAG) appreciates your communication with regard to BVSD's change request in the context of the Boulder Valley Comprehensive Plan Update, and potential plans to investigate affordable housing for teachers at the two properties the District owns at 6650 Twin Lakes Road and 0 Kalua Drive.

TLAG members are primarily neighbors, homeowners, and residents in the vicinity of these properties. TLAG's mission is to maintain the existing rural residential look and feel of the surrounding community. TLAG submitted BVCP change requests to designate 6655 Twin Lakes Road, 6650 Twin Lakes Road, and 0 Kalua as Open Space.

Boulder County's open space acquisition criteria provide that the highest priority is undeveloped land threatened by development that is near or adjacent to existing open space. 6655 Twin Lakes Road (now owned by Boulder County), 6650, and 0 Kalua meet this criteria, as all three properties are near or adjacent to Twin Lakes Open Space, which is the heartbeat of the local community. The three parcels also qualify for three of the other four criteria: wildlife habitat, riparian and scenic corridors, and land that could provide trail connections. Among other factors, the Boulder to Longmont Trail bypasses the properties.

Collectively, the 10 acres encompassed by the BVSD parcels could be added to the 10 acre 6655 property to provide a 20-acre addition to the existing Twin Lakes Open Space. The result would be a 60-acre Greater Twin Lakes that would provide myriad community benefits ranging from quality of life to enhancement of the existing Natural Ecosystem designation of Twin Lakes. Boulder County describes the existing Twin Lakes Open Space as "a haven for wetland wildlife,

a hidden gem in the heart of Gunbarrel area.” An initial description of the natural values of this area is set forth in the TLAG change requests, which are attached to this letter.

At a minimum, it is incumbent on the County and other responsible governmental authorities to commission an independent review of the potential for managing the lands as part of a Greater Twin Lakes Open Space. That review must allow for public comments and involvement. The need to assess open space potential applies regardless of whether development is under consideration by governmental bodies (as is the case here) or private developers.

As part of a Greater Twin Lakes, management for ecosystem restoration, recreation, and natural values could provide significant additional public benefits, such as enhancing the functioning of adjacent wetlands, addressing hydrological concerns, and reducing flood risks and threats or costs relating to the high water table.

Prairie and wetlands restoration, and other active ecosystem projects, are part of TLAG’s vision for these properties. Open Space additions in the midst of our communities provide benefits going to the physical and mental health and well-being of residents, as well as offering educational benefits regarding wildlife, habitat, native plants, and healthy ecosystem management. These values are all acknowledged and emphasized by the Boulder Valley Comprehensive Plan. To the best of our knowledge, the County has not conducted any review of the potential for managing these properties as part of a Greater Twin Lakes, either before or after acquiring 6655 Twin Lakes Road.

Moving forward, TLAG is interested in working closely with BVSD and other entities as a stakeholder in collaborative processes regarding the future of these undeveloped lands and the surrounding community. We specifically request:

1. If BVSD considers disposing of its properties, TLAG is interesting in purchasing them. We are open to discussing the future use of these properties, and how that might best be achieved. We respectfully request that TLAG be notified if sale is under consideration. TLAG would appreciate a right of first refusal to match any offers, to ensure that these properties are managed consistently with surrounding neighborhoods and in the best interests of Gunbarrel and the larger community.
2. With regard to the BVSD change requests for the BVCP Update, TLAG requests a seat at the table at the very earliest stages of any discussions: 1) as the District considers how to proceed, and 2) if BVSD investigates partnerships or collaborative relationships with Boulder County Housing Authority or Boulder Housing Partners. As the District recognizes, community outreach and meaningful involvement are essential to the success of these efforts. Buy-in is best achieved by early outreach and meaningful involvement of affected parties. TLAG pledges to be a constructive stakeholder in such efforts, and to facilitate a broader discussion with other interested parties from the community.

3. Has BVSD determined what conditions or policies apply to future use and possible sale or transfer of this property? For instance, State of Colorado school lands are held in trust and managed by the State Land Board to generate revenue for public education and other specified institutions. Are any such conditions applicable to the BVSD properties in Gunbarrel? Please provide copies of any applicable policies and direct us to documents that would provide background information.
4. Can BVSD refer us to precedent in the Board's mission, statutory mandate, or policies regarding use of real property holding to provide housing for teachers? Has the District formulated any policies with regard to housing development on District property? If yes, please provide of copy of applicable policies. If no, will the public have the opportunity to participate in the formulation of such policies? Can you provide any details regarding how policies will be considered by the District?

Thank you for your attention to these matters. We look forward to hearing from you and building a cooperative relationship moving forward. I can be reached at 303-956-0595 or email.

Very sincerely yours,



Mike Chiropolos  
Attorney for TLAG

cc: Marty Streim, TLAG Chair  
Ben Doyle, Assistant Boulder County Attorney

Att: as stated

# Neighbors urge Boulder County to convert Gunbarrel affordable-housing site to open space

**By John Fryar**  
*Staff Writer*

POSTED: 10/01/2015 06:21:07 PM MDT | UPDATED: ABOUT A MONTH AGO

Boulder County should consider making its vacant 10-acre property at 6655 Twin Lakes Road part of the county's undeveloped open space holdings, rather than building affordable housing there, according to an organization of Gunbarrel residents opposed to putting the proposed housing project there.

Mike Chiropolos, an attorney for the Twin Lakes Action Group, wrote county commissioners on Wednesday that "there is substantial interest and support for taking deliberate steps to protect the parcels and devote them to uses that would enhance the community ..."

One way to do that, Chiropolos suggested, would be for Boulder County to integrate the Twin Lakes Road property into Boulder County's existing Twin Lakes Open Space area to the north.

County commissioners did not mention whether they'd received or read Chiropolos' letter during their Thursday morning business meeting, when they approved several items related to the possible eventual development of a housing project on the unincorporated site the county bought for \$470,000 in 2013.

Commissioners Deb Gardner, Elise Jones and Cindy Domenico voted to transfer the 6655 Twin Lakes Road property's title to the Boulder County Housing Authority's ownership.

The County Housing Authority is technically a separate entity than the Board of County Commissioners, but the three commissioners also comprise the Housing Authority's board of directors.

Advertisement

The commissioners emphasized that Thursday's actions did not represent a final decision about constructing affordable housing on Twin Lakes Road, a project that's generated

concerns from a number of homeowners arguing that such a relatively high-density development would be incompatible with several nearby neighborhoods.

Jones said shifting the property's ownership to the Housing Authority "moves the process forward" while allowing for continuing conversations with neighboring homeowners and affordable-housing advocates about the land's eventual fate.

"It keeps all of our options on the table," Jones said.

On Thursday afternoon, Jones and Domenico said they'd seen Chiropolos' letter prior to that morning's meeting, while Gardner said she hadn't yet read it.

Said Jones of the business-meeting actions: "Nothing we did today is irreversible." She said further studies of the site's hydrology or other factors could lead to a decision it might be unsuitable for certain kinds of developments.

Gardner, however, said the property was a vacant lot when the county purchased it, and not something the county would normally buy to preserve as open space.

"We bought that property for the explicit purpose" of putting affordable housing there, Gardner said, but she added that Boulder County hasn't yet made final decisions about the form that housing development might take.

*John Fryar: 303-684-5211, [jfryar@times-call.com](mailto:jfryar@times-call.com) or [twitter.com/jfryartc](https://twitter.com/jfryartc)*

**From:** John D Wiener [<mailto:John.Wiener@colorado.edu>]

**Sent:** Thursday, November 26, 2015 2:19 PM

**To:** council\_autoreply; Aaron Brockett; Appelbaum, Matt; Beck, Lynnette; Bob Yates; Brautigam, Jane; Bray, Jennifer; Carr, Thomas; Cooke, Linda; Cordingly, Shannon; Council Correspondence; Crouse, Colette; Davidson, Michael; Arthur, Jeff; Bailey, Heather; Bowden, Yvette; Brautigam, Jane; Burnette, Tammye; Calderazzo, Michael; Carr, Thomas; Castillo, Carl; Cho, James; Cooke, Linda; Driskell, David; Earp, Casey; Eichen, Bob; Farnan, David; Gehr, David; Hart, Jenny; Ingle, Don; Joyce, Heidi; Large, Ann; Lewis, Alisa; Lira, Joyce; Pattelli, Cheryl; Rahn, Karen; Rait, Maureen; Raymond, Julie; Richstone, Susan; Sweeney, Michael; Testa, Greg; von Keyserling, Patrick; Weideman, Mary Ann; Winfree, Tracy; Winter, Molly; Yegian, Jeffrey; Gongora, Samantha; Huntley, Sarah; Irwin, Benjamin; Jacobson, Jody; Jan Burton; Jones, Suzanne; Jorgensen, Todd; Lewis, Alisa; Morzel, Lisa; Nagl, Amanda; Pennymon, Benjamin; Richstone, Susan; Schatz, Vanessa; Shoemaker, Andrew; Smith, Lisa; von Keyserling, Patrick; Voss, Deanna; Weaver, Sam; Winchester, Jim; Yates, Phillip; Young, Mary

**Subject:** Great Horned Owls at Twin Lakes

Ladies and Sirs:

I write to protest the plan to eliminate the important Great Horned Owl and grassland values of the parcels at Twin Lakes, and their replacement with low-income housing which would be of lower value due to the distance to shopping and a limited bus route that goes only to Boulder; it is a still farther and very inhospitable walk to the BOLT to Longmont. Getting to Denver is a long and expensive trip, too.

There are unique values in a grassland which has not been compacted through heavy agricultural equipment, including the hydrological values noted in the report commissioned by the Twin Lakes group. This grassland is not free of invasives and ornamentals – no place in the prairie of the Front Range is... but it is a different situation than that in the open space which has been farmed, and the growing season will be different due to the differences in soil compaction, seed banks, and drainage.

In addition, this area is close enough to the Walden/Sawhill Ponds areas of reclaimed gravel pits and floodplain to allow some exchange among birds, including the owls over there, and this makes it a valuable piece of the mosaic as other pieces are chipped away by insatiable sprawl.

I loved that place when I lived in Gunnbarrel, and still use the 205 bus, and feel very strongly that better locations for high-density are available, closer to services, transit and more school choices. The Twin Lakes location would do a lot of damage and not much good given the additional expenses and difficulty for families living there, often working three or four jobs, and somehow supposed to get children to and from activities and schools...



Thanks for your reading and hearing me

John Wiener

[www.colorado.edu/ibs/eb/wiener](http://www.colorado.edu/ibs/eb/wiener)

303-492-6746 at U. of Colorado

**From:** [Mike Smith](#)  
**To:** [Boulder County Board of Commissioners](#); [council@bouldercolorado.gov](mailto:council@bouldercolorado.gov); [#LandUsePlanner](#); [boulderplanningboard@bouldercolorado.gov](mailto:boulderplanningboard@bouldercolorado.gov)  
**Cc:** [appelbaumm@bouldercolorado.gov](mailto:appelbaumm@bouldercolorado.gov); [aaronboulder@gmail.com](mailto:aaronboulder@gmail.com); [burtonj@bouldercolorado.gov](mailto:burtonj@bouldercolorado.gov); [jones@bouldercolorado.gov](mailto:jones@bouldercolorado.gov); [lisamorzel@gmail.com](mailto:lisamorzel@gmail.com); [shoemakera@bouldercolorado.gov](mailto:shoemakera@bouldercolorado.gov); [weavers@bouldercolorado.gov](mailto:weavers@bouldercolorado.gov); [yatesb@bouldercolorado.gov](mailto:yatesb@bouldercolorado.gov); [young@bouldercolorado.gov](mailto:young@bouldercolorado.gov); [ellis@bouldercolorado.gov](mailto:ellis@bouldercolorado.gov); [hyserc@bouldercolorado.gov](mailto:hyserc@bouldercolorado.gov); [zachariasc@bouldercolorado.gov](mailto:zachariasc@bouldercolorado.gov); [hirtj@bouldercolorado.gov](mailto:hirtj@bouldercolorado.gov); [Fogg, Peter](#); [Shannon, Abigail](#); [Giang, Steven](#)  
**Subject:** comment letter on BVCP Land Use Change Requests for Twin Lakes Road and Kalua Road  
**Date:** Monday, November 30, 2015 5:42:07 AM  
**Attachments:** [comment letter re Twin Lakes & Kalua Road parcels \(30 Nov 15\).pdf](#)  
[Prelim Hydrology Analysis BCHA property 06-24-15.pdf](#)  
[Prelim Hydrology Analysis BVSD property 11-16-15.pdf](#)

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Dear Members of the Commissions, Council, and Board,

Attached is my letter of comment in .pdf form concerning the BVCP Land Use Change Requests submitted by Boulder County Housing Authority and Boulder Valley School District for three parcels of land at 6655 and 6600 Twin Lakes Road and 0 Kalua Road.

It is a long letter, but the future of these parcels has a number of aspects to consider including the hydrology, the willingness of City and County governments to abide by multiple policy commitments in the BVCP, and the integrity of rural residential neighborhoods near these parcels.

I have also attached the two independent hydrological analyses of these parcels as referenced in the comment letter.

Thank you in advance for reading and considering my comments. Please do not hesitate to contact me if I may answer any questions on this issue.

With kind regards,

Mike

\*\*\*\*\*  
Michael L. Smith  
4596 Tally Ho Trail  
Boulder CO 80301-3862  
[m\\_l.smith@earthlink.net](mailto:m_l.smith@earthlink.net)  
303.530.2646 (h)  
303.810.5292 (c)  
\*\*\*\*\*

November 30, 2015

FROM: Michael L. Smith  
4596 Tally Ho Trail  
Boulder CO 80301-3862  
303.530.2646 (h)  
m\_l\_smith@earthlink.net

TO: Boulder County Commission ([commissioners@bouldercounty.org](mailto:commissioners@bouldercounty.org))  
Boulder City Council ([council@bouldercolorado.gov](mailto:council@bouldercolorado.gov))  
Boulder County Planning Commission ([planner@bouldercounty.org](mailto:planner@bouldercounty.org))  
City of Boulder Planning Board ([boulderplanningboard@bouldercolorado.gov](mailto:boulderplanningboard@bouldercolorado.gov))  
Boulder Valley Comprehensive Plan Staff (various e-mails)

Dear Members and Staff,

I write in strong opposition to the Boulder Valley Comprehensive Plan (BVCP) Land Use Designation Change Requests proposed by the Boulder County Housing Authority (BCHA) and the Boulder Valley School District (BVSD) in preparation for City annexation, rezoning for increased density, and construction of large apartment buildings on the undeveloped parcels of land at 6655 Twin Lakes Road, 6600 Twin Lakes Road (and also 0 Kalua Road) in Gunbarrel.

I moved to Boulder in 1973 and have lived in the Gunbarrel area since 1988. Since 1998, I have owned and lived in a home in the Red Fox Hills subdivision at 4596 Tally Ho Trail, the street immediately east of these two Twin Lakes Road parcels.

These parcels are located in unincorporated Boulder County on land that has been zoned Rural Residential since 1954. The BCHA and BVSD Land Use Designation Change Requests for these parcels should be denied, and the zoning should remain Rural Residential for multiple reasons, including:

- 1) The shallow-groundwater hydrology of these parcels makes them prone to flooding; they are unsuitable sites for large structures.
- 2) Construction of large apartment buildings on these parcels will violate multiple commitments of the Boulder Valley Comprehensive Plan.
- 3) Nearby infrastructure and road access to the parcels are inadequate to support the increased density of large apartment structures.
- 4) Increased density and large apartment buildings on these parcels will seriously degrade the established, low-density, rural residential character of nearby neighborhoods.
- 5) There is overwhelming opposition in nearby neighborhoods to annexation and development of large apartment complexes on these parcels.

Each of these reasons is discussed in the sections below:

1) THE SHALLOW-GROUNDWATER HYDROLOGY OF THESE PARCELS MAKES THEM PRONE TO FLOODING; THEY ARE UNSUITABLE SITES FOR LARGE STRUCTURES: According to a June 24, 2015 analysis by McCurry Hydrology, LLC, the parcels lie in a “high groundwater area.” In that report, Dr. McCurry states:

“Twin Lakes, two irrigation ditches, and to a lesser extent a supply canal are all located hydraulically upgradient of and in close proximity of the BCHA property and surrounding residential areas...The suitability of soils for accommodating dwellings on and near the BCHA property was found to be somewhat limited to very limited for dwellings with basements...The flooding potential and shallow depth to groundwater are expected outcomes given the number and proximity of water sources in the immediate vicinity. The shrink-swell potential is associated with the shrinking of soil when dry and the swelling when wet – a common feature of many clay-rich soils. Shrinking and swelling of soil can damage roads, dams, building foundations, and other structures (NRCS, 2015). *The suitability to accommodate [even] dwellings without basements on and near the BCHA property was found to be very limited, for the same reasons...*

*“[P]otential hydrologic impacts to adjacent residential buildings [are] associated with development of the property. The key impacts are:*

- *higher risk of basement flooding,*
- *increases in the frequency and/or volume required to be pumped from homes with existing sump pump systems, and*
- *the need for homes to install and operate sump pump systems that historically have not had to do so.”<sup>1</sup> (Emphasis added)*

Dr. McCurry’s separate November 16, 2015 analysis of the BVSD parcels at 6600 Twin Lakes Road and 0 Kalua Road is even more specific (and alarming). In that analysis, Dr. McCurry states:

“Many Homes in the Twin Lakes neighborhoods have sump pumps which are further evidence of shallow groundwater. Further development of the BVSD properties must take these hydrologic factors into account to minimize impacts both on surrounding properties and on buildings that would be constructed....The flooding potential and shallow depth to groundwater are expected outcomes given the number and proximity of water sources in the immediate area...*Perhaps more important is that the suitability of the soils to accommodate [even] dwellings without basements was found to be very limited, for the same reasons of shrink-swell potential, flooding and shallow depth to groundwater.*

*“Homes located adjacent to the BVSD properties are most likely to experience impacts from development and includes homes south of Twin Lakes Road along*

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<sup>1</sup> McCurry, Gordon, Ph.D. “Preliminary Hydrologic Analysis of the BCHA Property at 6655 Twin Lakes Road,” McCurry Hydrology, LLC. June 24, 2015; [http://ttag.org/wp-content/uploads/2015/10/Hydrology\\_Analysis\\_6655TwinLakesRd\\_06-24-15.pdf](http://ttag.org/wp-content/uploads/2015/10/Hydrology_Analysis_6655TwinLakesRd_06-24-15.pdf)

*Tally Ho Trail<sup>2</sup> and Starboard Drive, and homes in the eastern end of Kalua Road. Possible impacts include:*

- *a higher risk of basement flooding,*
- *increases in the frequency and/or volume of needed to be pumped by existing sump pump systems, and*
- *the need for homes to have sump pump systems installed that previously have not had them.”<sup>3</sup> (Emphasis added)*

Hydrologically, these parcels behave like multi-acre wet sponges. The construction of large buildings and parking lots on them will increase the flooding risk to nearby properties by reducing the ability of the parcels to absorb runoff water and by squeezing the underlying groundwater out onto adjacent properties. (Although these facts have been ignored by BCHA staff since they purchased the 9.97 acre parcel at 6655 Twin Lakes Road in May, 2013, they were NOT ignored during the 2014 paving of Twin Lakes Road, which bisects these two parcels. On the latter occasion, the Boulder County Transportation Department required the contractor to install a waterproof fabric interlayer to prevent damage to the pavement due to the high groundwater table just beneath the surface.)

*These hydrologic conditions by themselves render the Twin Lakes parcels unsuitable sites for development of any large structures and constitute sufficient reason for denying the BCHA and BVSD Land Use Designation Change Requests.* In addition, however, the City and County have committed in the Boulder Valley Comprehensive Plan to minimize property risks from flooding as follows: “Hazardous areas that present danger to life and property from flood, . . . , erosion, unstable soil, subsidence or similar geological development constraints will be delineated, and development in such areas will be carefully controlled or prohibited.”<sup>4</sup> If the City and County continue to ignore this documented hydrology (and their policy commitments in the BVCP) and proceed with development on these parcels, they may well incur some level of liability for the costs of preventative installation of sump pumps and/or future flooding damage in the surrounding homes.

**2) CONSTRUCTION OF LARGE APARTMENT BUILDINGS ON THESE PARCELS WILL VIOLATE MULTIPLE COMMITMENTS OF THE BOULDER VALLEY COMPREHENSIVE PLAN:** The BVCP contains explicit policy commitments to Boulder Valley residents to preserve rural lands, protect the integrity of neighborhoods, and mitigate the negative impacts of development by using infill to keep that development

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<sup>2</sup> NOTE: This includes the author’s own residence at 4596 Tally Ho Trail.

<sup>3</sup> McCurry, Gordon, Ph.D. “Preliminary Hydrologic Analysis of the BVSD Properties at 6600 Twin Lakes Road,” McCurry Hydrology, LLC. November 16, 2015; [http://ttag.org/wp-content/uploads/2015/10/Hydrology\\_Analysis\\_6600TwinLakesRd\\_11-16-15.pdf](http://ttag.org/wp-content/uploads/2015/10/Hydrology_Analysis_6600TwinLakesRd_11-16-15.pdf)

<sup>4</sup> 2010 Boulder Valley Comprehensive Plan: Section 3, Natural Environment, Geologic Resources and Natural Hazards, 3.16 Hazardous Areas (p.36)

within our cities. County Commissioner Cindy Domenico has already addressed the importance of the BVCP and its land-use commitments on her website:

“The cornerstone governing the use of land is the Boulder County Comprehensive Plan. The Comprehensive Plan is the result of thirty years of discussions within our community. One of the key elements is to preserve rural areas in unincorporated Boulder County and to direct development where it is best supported—within our municipalities. We continue to work cooperatively with cities and towns through intergovernmental agreements that preserve community buffers and protect our agriculture heritage and conserve wildlife corridors.”<sup>5</sup>

But the annexation and development of large apartment structures and parking lots on the Twin Lakes and Kalua Road parcels will violate *no less than nine* BVCP commitments, including the following:

#### Community Identity/Land Use Pattern

2.01 Unique Community Identity (BVCP, p.26): "The unique community identity and sense of place that is enjoyed by residents of the Boulder Valley...will be respected by policy decision makers."

COMMENT: The Twin Lakes area has an established, unique identity and sense of place based upon single-family residences sited on rural residential county land. My own subdivision, Red Fox Hills, is surrounded by County open space and undeveloped land. Our neighborhood is low-density, safe, and very quiet. The night skies are dark (no streetlights in Red Fox Hills), and an unobstructed view extends all the way to the Continental Divide. All of these qualities combine into a unique, treasured neighborhood character that would be radically degraded by annexation, upzoning, and the construction of large apartment structures and parking lots on the undeveloped parcels. As policy decision makers, you should indeed respect this very special place by leaving it rural residential and undeveloped.

2.03 Compact Development Pattern (BVCP, p.26): "The city and county will, by implementing the Boulder Valley Comprehensive Plan, ensure that development will take place in an orderly fashion, take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Boulder Valley. The city prefers redevelopment and infill as compared to development in an expanded Service Area in order to prevent urban sprawl and create a compact community."

COMMENT: The very nature of the proposed annexation and development is precisely "leapfrog, non-contiguous, scattered." In a rural residential area miles away from the City core, *it is the exact opposite of "infill."*

#### Rural Lands Preservation

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<sup>5</sup> <http://cindydomenico.org/land-use>

2.06 Preservation of Rural Areas and Amenities (BVCP, p.27): "The city and county will attempt to preserve existing rural land use and character in and adjacent to the Boulder Valley where...vistas...and established rural residential areas exist."

COMMENT: Annexation and the development of large, multi-story, multi-unit apartment buildings will largely destroy the "existing rural land use and character" of the established surrounding residential areas. Such structures on these parcels will also destroy the existing viewshed for large parts of the Red Fox Hills and Twin Lakes subdivisions.

#### Neighborhoods

2.10 Preservation and Support for Residential Neighborhoods (BVCP, p.28): "The city will work with neighborhoods to protect and enhance neighborhood character and livability...The city will seek appropriate building scale and compatible character in new development..."

COMMENT: The proposed development will do the *exact opposite*. Neighborhood character and livability will be seriously degraded. The planned building scale and character of these buildings are completely incompatible with the surrounding rural residential neighborhoods.

2.15 Compatibility of Adjacent Land Uses (BVCP, p.29): "To avoid or minimize noise and visual conflicts between adjacent land uses that vary widely in use, intensity or other characteristics, the city will use tools such as interface zones, transitional areas, site and building design and cascading gradients of density in the design of subareas and zoning districts."

COMMENT: The small size of these parcels make interface zones and transitional areas impossible with the rural residential subdivisions on either side of these parcels.

#### Design Quality

2.30 Sensitive Infill and Redevelopment (BVCP, p.31): "The city will...mitigate negative impacts and enhance the benefits of infill...The city will also...promote sensitive infill and redevelopment."

COMMENT: The planned housing project is miles away from downtown Boulder, its infrastructure and services, and is also widely separated from even the Gunbarrel area of the City. Again, it is the exact opposite of "infill."

#### Geologic Resources and Natural Hazards

3.16 Hazardous Areas (BVCP, p.36): "Hazardous areas that present danger to...property from flood...will be will be delineated, and development in such areas will be carefully controlled or prohibited."

COMMENT: According to the independent hydrological analyses already cited and a part of the public record, development of large structures on these high-groundwater parcels will actually *increase* the danger of flooding in nearby homes.

#### Complete Transportation System

6.08 Transportation Impact (BVCP, p.47): "Traffic impacts from a proposed development that cause unacceptable community or environmental impacts...will be

mitigated. All development will be designed and built to be multimodal, pedestrian oriented and include strategies to reduce the vehicle miles traveled generated by the development."

COMMENT: The proposed development is served by only one through street (Twin Lakes Road); it has no nearby bus service and is miles away from existing jobs, shopping, and infrastructure. As a result, the development will significantly *increase* vehicle miles traveled and create significant traffic congestion in the neighborhood and where Twin Lakes Road joins 63<sup>rd</sup> Street and/or Spine Road. It will also decrease air quality and increase Boulder's carbon footprint.

#### Air Quality

6.13 Improving Air Quality (BVCP, p.48): "The city and county will design the transportation system to minimize air pollution by promoting the use of non-automotive transportation modes, reducing auto traffic...and maintaining acceptable traffic flow.

COMMENT: The planned development on the Twin Lakes Road parcels will do the *exact opposite*. Road access to the parcels is limited to a single through street (Twin Lakes Road). The nearest RTD bus stop is 0.5 miles away; downtown Boulder (Broadway & Canyon) is 6.3 miles away. According to [walkscore.com](https://www.walkscore.com), the Twin Lakes parcels are "car dependent," the car commute to downtown Boulder is 23 minutes (29 minutes by bus, 39 minutes by bicycle), and "almost all errands require a car."<sup>6</sup> This reality will result in increased traffic congestion along Twin Lakes Road and its intersection with 63rd Street, especially around rush hours. Traffic will also increase along Jay Road and other travel corridors leading to Boulder as well as to Gunbarrel Shopping Center. Local air quality will be reduced and Boulder's carbon footprint will increase.

3) NEARBY INFRASTRUCTURE AND ROAD ACCESS TO THE PARCELS ARE INADEQUATE TO SUPPORT THE INCREASED DENSITY OF LARGE APARTMENT STRUCTURES: The nearest shopping to these parcels (Gunbarrel Shopping Center) is limited and over one mile away. There are NO nearby family services. There are NO nearby recreation or community centers, libraries, or neighborhood parks or playgrounds. Almost all of the available jobs and support services are miles away in the city of Boulder and will require a car commute. As already mentioned, road access to the Twin Lakes parcels is bottlenecked onto a single through street (Twin Lakes Road), the nearest RTD bus stop is a half mile away, and downtown Boulder is over six miles away. Large apartment buildings along Twin Lakes Road will significantly increase traffic congestion in the immediate area and on travel corridors into Boulder.

4) INCREASED DENSITY AND LARGE APARTMENT BUILDINGS ON THESE PARCELS WILL SERIOUSLY DEGRADE THE ESTABLISHED, LOW-DENSITY, RURAL RESIDENTIAL CHARACTER OF NEARBY NEIGHBORHOODS: The low-density, rural residential character of the neighborhoods surrounding these parcels—

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<sup>6</sup> <https://www.walkscore.com/score/6655-twin-lakes-rd-boulder-co-80301>



along with the quiet, safety, wildlife, dark skies, open space, and low traffic already mentioned—are the very reasons many of us have chosen to live here. We are invested in our neighborhoods and the nearby County open space and undeveloped lands. We respect and have worked hard to preserve them, and *we like them the way they are now*. Large, multi-unit apartment buildings, parking lots, and nighttime lighting on these parcels are all wildly incompatible with the long-established, low-density character of our neighborhoods and will permanently degrade the qualities we value. One example of what will be lost is wildlife: A long-occupied and locally beloved great horned owl nest within 20 meters of the north parcel site will almost surely be abandoned due to construction disturbance. Other wildlife species that frequent the immediate area (mink, great and lesser blue herons, bald eagles, osprey, and many other species) and/or actively hunt these parcels (red foxes, coyotes, and weasels, as well as the owls) will also abandon the area as their habitat is degraded and their hunting grounds are destroyed.

5) THERE IS OVERWHELMING OPPOSITION IN THE AFFECTED NEIGHBORHOODS TO ANNEXATION AND DEVELOPMENT OF LARGE APARTMENT COMPLEXES ON THESE PARCELS: Boulder City and County residents expect their elected officials and staffs to safeguard their neighborhoods, not degrade them. But on this issue, the actions thus far by Boulder County Housing Authority and the other involved City and County entities all point to an ideologically driven myopia that began in 2013 when the parcel at 6655 Twin Lakes Road was purchased by BCHA with absolutely no public consultation or input about its eventual use. Since that time, the City and County have continued BCHA's "annex/upzone/build large" mindset by failing to conduct any due-diligence analysis of the hydrology, soils, traffic, public transportation, infrastructure capacity, local services, or an independent and objective Open Space assessment. An ideological myopia still seems to rule BVHA, BVSD, and City, and County planning for the Twin Lakes and Kalua Road parcels, along with the willingness to ignore the long list of BVCP policy commitments that run counter to BCHA's single-minded plans for these parcels. Local residents are still waiting for signs of any awareness by City or County officials and their staffs that the large apartment structures planned for these parcels should actually be built elsewhere—in or much closer to the City core and its infrastructure. Not surprisingly, the public comments at meetings, the letters to editors, online and hardcopy petitions, neighborhood chat rooms, and at least two websites, *all* clearly indicate overwhelming opposition to the annexation, upzoning, and development of these parcels.

Ultimately, the success of significant actions by local governments depends on the informed consent and goodwill of the constituents affected by those actions. But in the case of these proposals, the necessary constituent consent and goodwill are completely absent. Instead, there is widespread and growing public mistrust of local government and the perception (supported by recent editorials and public comment) that City and County decisions involving issues such as development, road maintenance, traffic engineering, municipalization, and other significant issues are, in fact, driven by

“ideological myopia”<sup>7</sup> on the part of many governing officials and staff. As City Council Member Lisa Morzel recently (and very wisely) said, “I don’t think you get community buy-in by shoving things down people's throats. I think we’re doing way too much in Boulder.”<sup>8</sup>

Gunbarrel residents do indeed feel that this project is being “shoved down our throats.” The commitments in the BVCP should be respected. The proposed annexation and development of apartment complexes on the Twin Lakes and Kalua Road parcels are, at best, a highly risky political power play that will further damage the increasingly fragile credibility of Boulder City and County governments and confirm widespread citizen perceptions concerning governmental overreach and manipulative micromanagement by these bodies. In this current volatile political climate, neither the Boulder County Commission nor the Boulder City Council can afford to further alienate their constituents.

**SUMMARY COMMENTS:** In the case of the Twin Lakes and Kalua Road parcels, the underlying hydrology, at least nine BVCP policies, the lack of local infrastructure, and the rural residential character of the surrounding neighborhoods all clearly dictate that these sites are not suitable for increased density and large apartment complexes. And, unlike the recent “rightsizing” recovery by Boulder City Council, *the damage to our neighborhoods from the construction of large apartment buildings and parking lots on these parcels will be permanent—you cannot simply repaint the lane markings and remove some bollards to un-do this fatally flawed project once it goes forward.*

As policy decision makers, you and your staffs are responsible for making rational decisions that align with the wishes of your constituents. An important part of that mandate is to honor the policy commitments contained in the BVCP. That is sometimes challenging, but you do not have the option of preferentially ignoring some BVCP policies in favor of others. Rather, your decisions must be consistent with *all* the policy commitments in the BVCP, even if the mix of policies applicable to a given issue might appear at first to be inconvenient or even mutually exclusive. In the case of the Twin Lakes and Kalua Road parcels, if a particular decision favoring one or more BVCP policies (e.g., build affordable housing) appears to conflict with another policy (e.g., ensure that development will take place in an orderly fashion, take advantage of existing urban services, and avoid patterns of leapfrog, noncontiguous, scattered development), you must work to find creative solutions that meet *all* the applicable BVCP policy commitments. In this case, that means respecting the current Rural Residential zoning of the Twin Lakes and Kalua Road parcels, the special low-density rural character of the surrounding neighborhoods, and building dense, multi-unit apartment complexes elsewhere—on infill sites closer to the necessary infrastructure, at a scale consistent

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<sup>7</sup> Editorial in Boulder Daily Camera, Sunday, August 23, 2015;  
[http://www.dailycamera.com/opinion/ci\\_28684697/editorial:-council-opposition-could-help-ballot-issues](http://www.dailycamera.com/opinion/ci_28684697/editorial:-council-opposition-could-help-ballot-issues)

<sup>8</sup> Article in Boulder Daily Camera, Tuesday, June 15, 2015;  
[http://www.dailycamera.com/news/ci\\_28320818/boulder-rightsizing-bikelane-project-moves-forward-on-3-of-4-streets](http://www.dailycamera.com/news/ci_28320818/boulder-rightsizing-bikelane-project-moves-forward-on-3-of-4-streets)

with the character of the affected neighborhoods, and only when it is supported by the residents of the affected neighborhoods.

Taken together, the reasons discussed above amount to an overwhelming case against annexation, rezoning, and development of ANY large structures on the Twin Lakes and Kalua Road parcels. For these same reasons, BCHA and BVSD Land Use Designation Change Requests for these parcels should be denied.

Thank you for considering these comments.

Sincerely,

Michael L. Smith

## **Memorandum**

To: Mr. David Rechberger, Twin Lakes Action Group  
From: Gordon McCurry, Ph.D.  
Date: June 24, 2015  
Subject: Preliminary Hydrologic Analysis of the BCHA Property at 6655 Twin Lakes Road

The Boulder County Housing Authority (BCHA) purchased a 10-acre parcel located at 6655 Twin Lakes Road in May 2013 with the goal of developing this undeveloped land to provide affordable housing. Residents of the surrounding community are concerned that developing this land could lead to an increase in basement flooding problems in this high-groundwater area. This memorandum presents my preliminary analysis of the hydrology of the subject property and surrounding areas, and provides recommendations on how to reduce flooding-related impacts related to developing the BCHA property.

### Site Environmental Setting

The BCHA property is located northeast of the City of Boulder in unincorporated Boulder County in the south-central portion of Section 11 of Township 1 North, Range 70 West. The land is undeveloped with a native grass cover (Figure 1). The property ranges in elevation from approximately 5175 to 5160 feet and slopes gently to the southeast towards Boulder Creek. The northern edge of the BCHA property corresponds approximately to the surface water drainage divide separating the Dry Creek drainage to the north and a portion of the Boulder Creek drainage to the south, within which the property lies. South of the property are several small intermittent eastward-flowing streams that drain into Boulder Creek. Soils in the area consist of clay loam and clay, defined by the USDA Natural Resources Conservation Service as Nunn B and Longmont B soils (NRCS, 2015). The BCHA property contains about equal areas of both soil types (Figure 2). Underlying the soils is the Pierre Shale, a regionally extensive and low-permeability bedrock layer (USDA, 1975). Borehole logs from wells drilled in the vicinity of the BCHA property and the Twin Lakes neighborhood indicate that the depth to bedrock is approximately 10 to 15 feet below ground surface. A shallow aquifer exists within the soils that overlie the shale bedrock.

### Hydrology Near the BCHA Property

Several man-made features exist in the area that dominates the hydrology of the BCHA and surrounding properties. North of the property are two lakes and three regional irrigation ditches. The West and East lakes are part of a 42-acre County Open Space Twin Lakes property. The lakes have been in use since 1910 to store water used for agricultural purposes (BCPOS, 2004). Portions of both lakes are adjacent to the northern edge of the BCHA property. The West and East lakes cover areas of approximately 16 and 11 acres, respectively, and have a combined storage capacity of 218 acre-feet (approximately 71 million gallons). The embankments for the

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lakes consist of compacted earth fill (GEI Consultants, 2014). Wetlands exist around the lakes as a result of seepage through the lake bed and berms, creating shallow groundwater conditions (BCPOS, 2004).

In 2014 the Boulder and Left Hand Ditch Company sponsored a study of potential impacts of dam breaches of two of its reservoirs (GEI Consultants, 2014). One of these reservoirs is referred to in this report as the East Lake of the Twin Lakes open space. The impoundment for the East Lake has a State dam safety rating indicating there could be significant property damage if there is a dam failure (BCPOS, 2004). A hypothetical breach of the East Lake's dam was modeled and inundation maps were generated. The dam for this lake, Davis No. 1 Dam, is constructed as a dike that rings the eastern portion of the lake. Failure scenarios were modeled for both a northern and a southern dam breach. The southern breach scenario was felt to be smaller in magnitude than the northern breach. A portion of the hypothetical southern breach would discharge to the southeast, across the eastern portion of the BCHA property and through the neighborhoods southeast of the East Lake as water flows to Boulder Creek (GEI Consultants, 2014). The modeled southern breach had a peak flow of 600 cfs, roughly equivalent to high spring-time flows of Boulder Creek through town. Maximum flow depths to the southeast were modeled to be approximately one foot (Figure 3).

Located between the two lakes and the BCHA property are the North Boulder Farmer's Ditch, the Boulder and Left Hand Ditch, and the Boulder and White Rock Ditch. The former two ditches merge beginning west of 63<sup>rd</sup> Street and then the resulting two ditches run parallel to each other, traversing south of the West and East lakes and continuing to the east (Boulder County, 2000). The Boulder and Left Hand Ditch Irrigation Company retains the right to use the West and East lakes for storage purposes (BCPOS, 2004). Over the past 20 years an average of approximately 145 acre-feet per year has flowed through the ditches to supply the lakes. Like most ditches, these are unlined and likely leak a portion of their water to the underlying soils and shallow groundwater system, supporting the wetlands vegetation and lush growth around them.

Another hydrologic feature of note for the Twin Lakes community is the Boulder Supply Canal. This is a large-capacity canal located west of the Boulder Country Club neighborhood, adjacent to Carter Court and Carter Trail that define the west side of that neighborhood. The Boulder Supply Canal allows excess water in Boulder Reservoir to discharge to Boulder Creek (DWR, 2005). Although concrete-lined, it was built in 1955 and so it is likely that some leakage occurs through joints, cracks and areas of degraded concrete whenever it is in use.

Within and south of the residential areas south of Twin Lakes Road is a small lake and an intermittent stream that includes several areas containing wetlands-type vegetation. These water features also provide water to the underlying shallow aquifer system. The wetlands are an indication of shallow groundwater conditions in this portion of the residential area south of the BCHA property.

### Hydraulic Limitations in the Vicinity of the BCHA Property

Twin Lakes, two irrigation ditches, and to a lesser extent a supply canal are all located hydraulically upgradient of and in close proximity of the BCHA property and surrounding residential areas. Collectively these provide ample sources of water to feed the area's shallow groundwater system. The water table of the shallow groundwater system is located relatively close to the land surface as shown by the commonly-occurring wetlands present in the area. The shallow depth to bedrock helps support and maintain the shallow aquifer. In addition, many homes in the Twin Lakes neighborhoods have sump pumps which are further evidence of shallow groundwater.

The USDA Natural Resources Conservation Service has compiled soils data and developed an interactive web-based graphical database that allows the user to examine the suitability of a given area to a set of potential uses (NRCS, 2015). The suitability analyses are based on geotechnical and engineering properties of the soils. The soils beneath the BCHA property (Figure 2) were evaluated as part of this preliminary hydrologic analysis as to their suitability for the construction of dwellings. Dwellings are defined by the NRCS as single-family houses of three stories or less. For dwellings with basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of approximately 7 feet. For dwellings without basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper.

Each soil type is assigned a suitability rating based on the limitations posed by individual soil properties. Two sets of criterion are applicable to dwellings: (1) properties that affect the ability of the soil to support a load without movement and (2) properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility (inferred from the Unified Soil Classification System classification of the soil). The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

Ratings indicate the extent to which the soils are limited by each of the applicable soil properties that affect the specified use, in this case the construction of dwellings. Numeric ratings are provided and indicate the severity or degree with which a given soil property contributes to the overall suitability rating. An assigned rating of "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected. An assigned rating of "Somewhat limited"

indicates that the soil has features that are moderately unfavorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. An assigned rating of "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected (NRCS, 2015).

The suitability of soils for accommodating dwellings on and near the BCHA property was found to be somewhat limited to very limited for dwellings with basements (Figure 4). The main reasons were due to flooding potential and shallow depth to groundwater, and the shrink-swell potential of the soils. The flooding potential and shallow depth to groundwater are expected outcomes given the number and proximity of water sources in the immediate vicinity. The shrink-swell potential is associated with the shrinking of soil when dry and the swelling when wet – a common feature of many clay-rich soils. Shrinking and swelling of soil can damage roads, dams, building foundations, and other structures (NRCS, 2015). The suitability to accommodate dwellings without basements on and near the BCHA property was found to be very limited, for the same reasons.

To minimize the impacts from flooding potential, shallow groundwater and shrink-swell of the site soils, dwellings built on the BCHA property may require additional design components. These may include addition foundation footers, exterior tile drains around the foundations, sump pumps in basements and crawl spaces, setbacks for landscaping, and gutter downspouts that extend beyond a critical setback distance from the dwellings.

#### Hydrologic Concerns Associated with Development of the BCHA Property

The preceding discussion suggests potential limitations associated with constructing dwellings on the BCHA property and offers general guidelines to mitigate those limitations. However, it does not address potential hydrologic impacts to adjacent residential buildings associated with development of the property. The key impacts are:

- higher risk of basement flooding,
- increases in the frequency and/or volume required to be pumped from homes with existing sump pump systems, and
- the need for homes to install and operate sump pump systems that historically have not had to do so.

The causes of these potential impacts relate to constructing dwellings, dwelling foundations and foundation footers, and even the sump or drain systems that might be installed for the new homes. Dwellings typically are constructed so that the soil beneath the building foundation supports some of the weight of the building, with the remaining load supported by foundation

footers. The weight of a structure compresses the underlying soil. Sand- and gravel-rich soils have very little compressibility but the clay-rich soils beneath the BCHA property are likely to have a relatively high compression potential. In the northern portion of the BCHA property where shallow depth to groundwater is more likely due to the nearby lakes and irrigation ditches, it is possible that compressed soils could extend below the water table. If this were to occur, the groundwater previously occupying those pore spaces in the soil would be displaced and would migrate elsewhere. Depending on the density of building construction and how close those buildings were to existing residences, at least some of the displaced groundwater would migrate toward the existing residences with a resulting rise in the water table and increased risk of basement flooding. Deep foundation footers or foundations that extended to the underlying bedrock would similarly displace existing groundwater.

In addition, sump or drain systems that might be installed in new dwellings could also pose an addition hydrologic risk to nearby homes. It is common for water extracted from sump/drain systems to be discharged into nearby gutters or storm drains. Depending on how the storm drain system for the new dwellings is designed, the extracted water may end up infiltrating along the edges of the BCHA property which would lead to higher groundwater conditions for the adjacent residences.

An additional hydrologic concern associated with development of the BCHA property, which one hopes never occurs, is the impact of a dam breach of the East or West lakes on the Twin Lakes property. The hydraulic analyses conducted for the East Lake indicates a portion of the discharge from a hypothetical southern breach would traverse the east side of the BCHA property. Should homes be constructed in that area, their presence would divert the flows caused by the breach and, based on the inundation analyses, most of that diverted water would be routed to the neighborhood to the east. No analysis was performed for a breach of the West Lake, but it is reasonable to assume that newly built dwellings on the BCHA property would also divert some of the released lake water into adjacent neighborhoods.

### Conclusions

Before any dwellings are built on the BCHA property the developer must take into account the shallow groundwater conditions that likely exist in the region so that existing homes are not adversely affected. Any homes that are built should be designed to overcome the limitations posed by flooding potential, shallow depth to water, and shrink-swell conditions of the soil. Installing wells on the property and instrumenting them to characterize the depth to groundwater in the shallow aquifer, over the course of at least one year, and performing geotechnical testing on soils are both necessary to better characterize the hydraulic properties and gain a better understanding of potential impacts to adjacent residences.



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Figure 1. View looking northwest at the BCHA property from Twin Lakes Road.

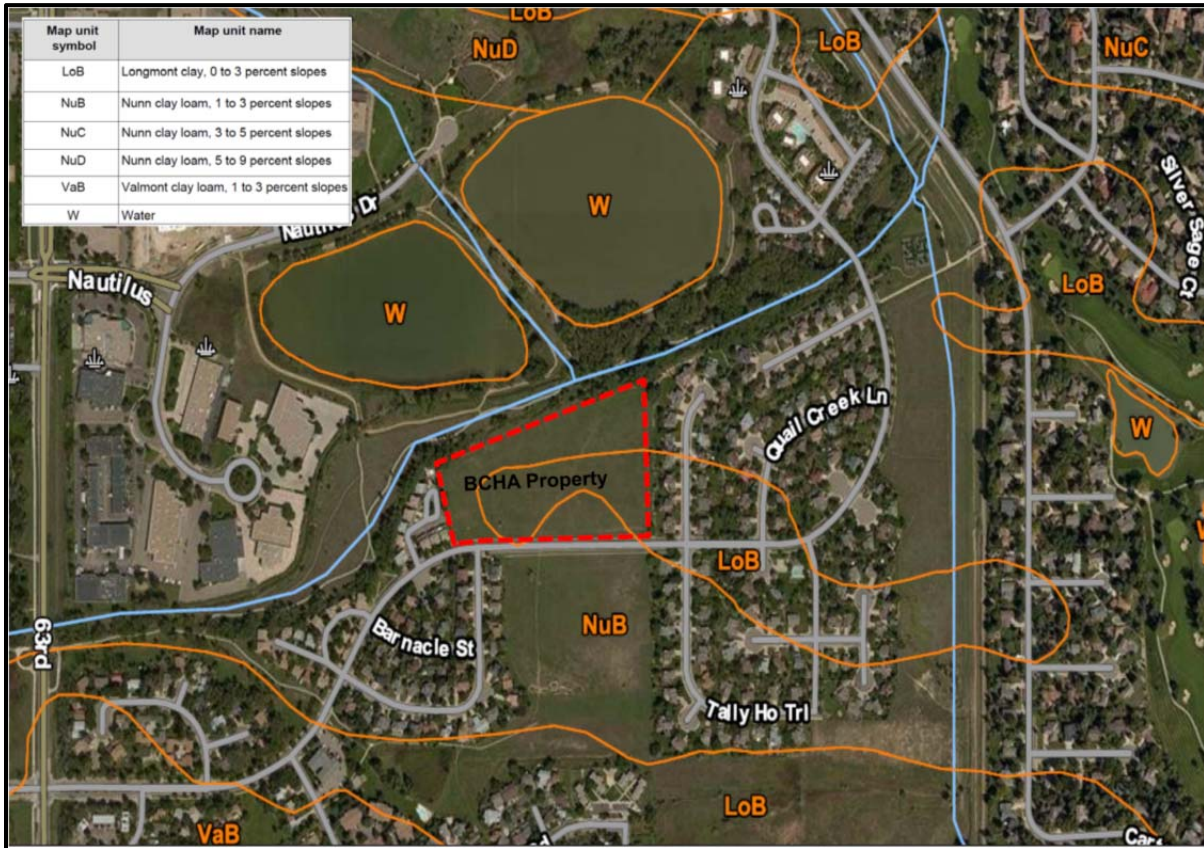


Figure 2. Soils in the vicinity of the BCHA property.

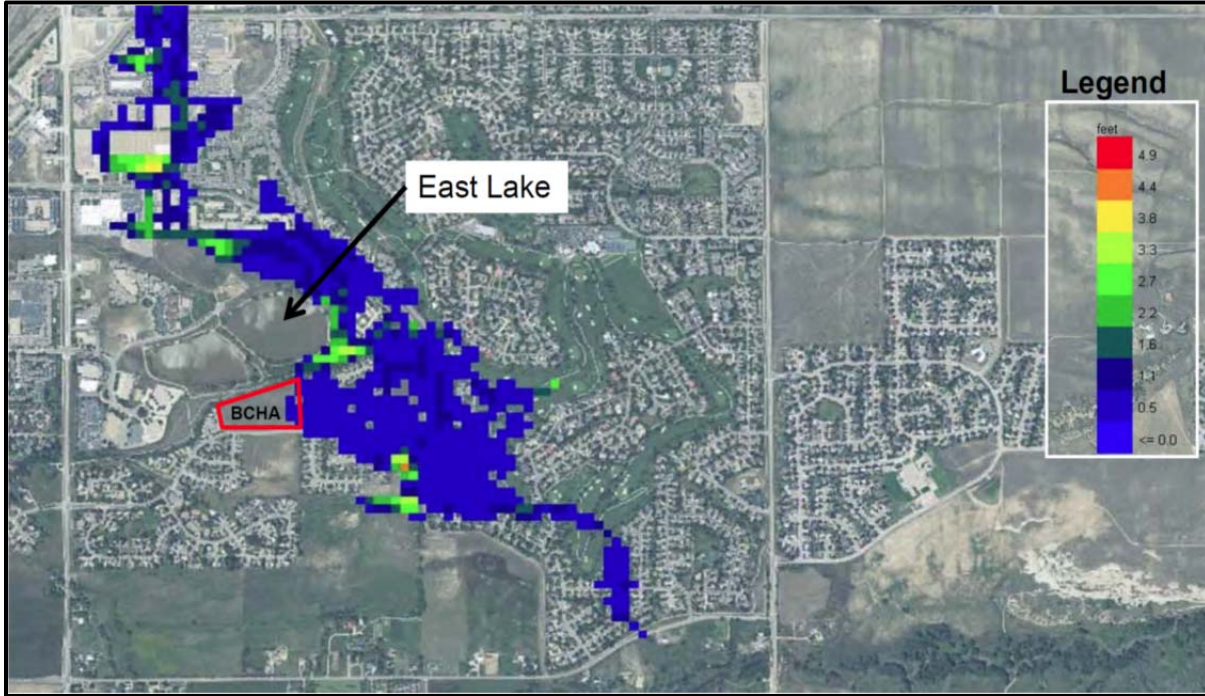


Figure 3. Inundation area and maximum flow depths for a dam breach of the East Lake.

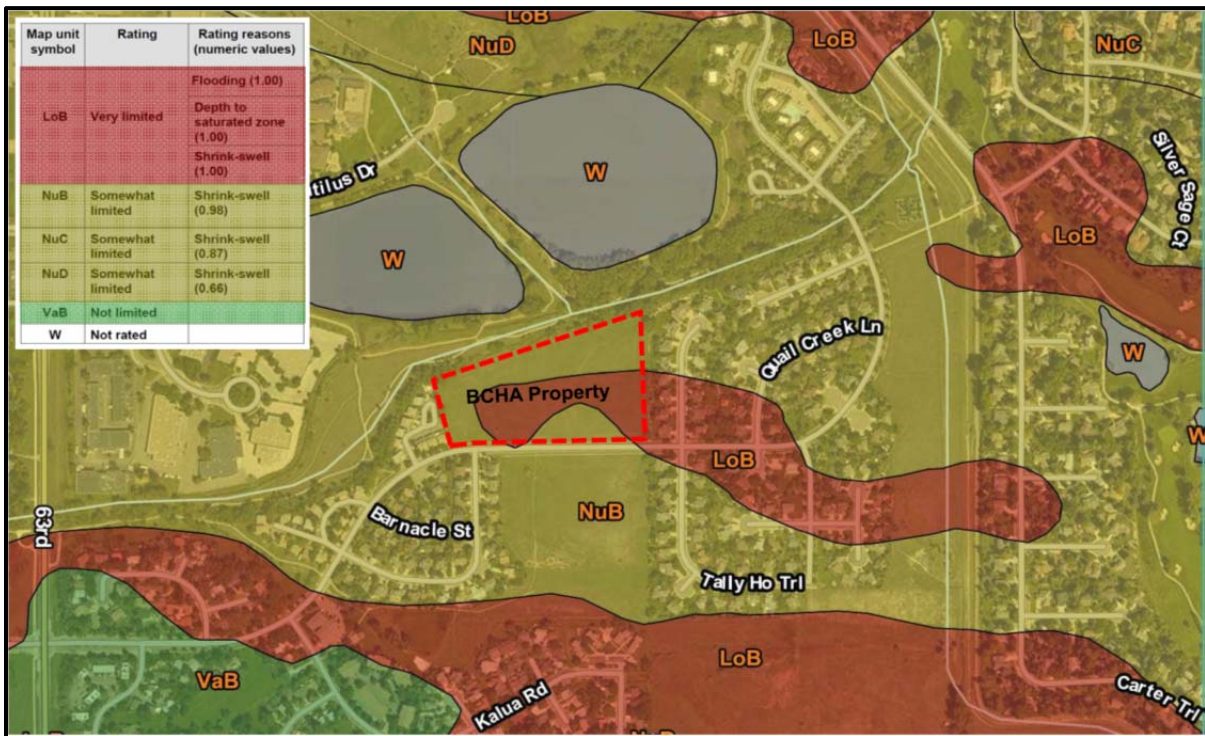


Figure 4. Limitations for construction of dwellings with basements.

## **Memorandum**

To: Mr. David Rechberger, Twin Lakes Action Group  
From: Gordon McCurry, Ph.D.  
Date: November 16, 2015  
Subject: Preliminary Hydrologic Analysis of the BVSD Properties at 6600 Twin Lakes Road

The Boulder Valley School District RE-2 (BVSD) owns a pair of undeveloped parcels totaling 10 acres located at approximately 6600 Twin Lakes Road. The northern property is 3.95 acres in area and is located on the south side of Twin Lakes Road while the adjacent southern property is 6.08 acres in area with an address of 0 Kalua Road (Figure 1). The BVSD has reportedly filed a request to change the land use designation of these parcels from Rural Residential to Mixed Use Residential. Residents of the surrounding community are concerned that developing the BVSD properties land could lead to an increase in basement flooding or other hydrologic impacts. This memorandum presents my preliminary analysis of the hydrology of these BVSD properties and surrounding areas, and provides recommendations on how to reduce flooding-related impacts related to their development.

### Site Environmental Setting

The BVSD properties are located northeast of the City of Boulder in unincorporated Boulder County, in the south-central portion of Section 11 of Township 1 North, Range 70 West. The land is undeveloped with a native grass cover (Figure 2). The property ranges in elevation from approximately 5165 to 5150 feet and slopes gently to the southeast towards Boulder Creek. South of the southern property are several small intermittent eastward-flowing streams that drain into Boulder Creek. Soils in the area consist of clay loam and clay, defined by the USDA Natural Resources Conservation Service as Nunn B clay loam and Longmont B clay soils (NRCS, 2015). The BVSD properties are predominantly Nunn clay loam with the southern portion containing Longmont clay soil types (Figure 3). Underlying the soils is the Pierre Shale, a regionally extensive and low-permeability bedrock layer (USDA, 1975). Borehole logs from wells drilled in the vicinity of the BVSD properties and the Twin Lakes neighborhood indicate that the depth to bedrock is approximately 20 to 25 feet below ground surface. A shallow aquifer exists within the soils that overlie the shale bedrock.

### Hydrology Near the BVSD Properties

Several man-made features exist in the area that influence the hydrology of the BVSD and surrounding properties. Approximately 700 feet north of the northern property are two lakes on the 42-acre County Open Space Twin Lakes property and three regional irrigation ditches. The lakes have a combined area of 27 acres and storage capacity of 218 acre-feet. They have been in use since 1910 to store water used for agricultural purposes (BCPOS, 2004). The embankments for the lakes consist of compacted earth fill (GEI Consultants, 2014). Wetlands exist around the

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lakes as a result of seepage through the lake bed and berms, creating shallow groundwater conditions (BCPOS, 2004).

Several ditches exist west and north of the BVSD property and contribute to shallow groundwater conditions in the area. The North Boulder Farmer's Ditch, the Boulder and Left Hand Ditch, and the Boulder and White Rock Ditch flow into the Twin Lakes. The first two of these ditches flow towards Twin Lakes from the southwest and cross 63<sup>rd</sup> Street several times. The North Boulder Farmer's Ditch and Left Hand Ditch merge west of 63<sup>rd</sup> Street just north of Twin Lakes Road and then the resulting two ditches run parallel to each other, traversing east toward the Twin Lakes and continuing to the east (Boulder County, 2000). Over at least the past 20 years an average of approximately 145 acre-feet per year has flowed through the ditches to supply the lakes (BCPOS, 2004). Like most ditches, these are unlined and leak a portion of their water to the underlying soils and shallow groundwater system, supporting the wetlands vegetation and lush growth around them.

Leakage from these ditches helps sustain the small pond and wetlands located south of Twin Lakes Road and east of Kalua Road. Seasonal outflow from this pond flows east and traverses the southern border of the southern BVSD property (Figure 1). The pond and intermittent outflow drainage also provide water to the underlying shallow aquifer system. The wetlands associated with the pond are an indication of shallow groundwater conditions in this portion of the residential area south of the BVSD property.

#### Hydrologic Limitations in the Vicinity of the BVSD Properties

Twin Lakes to the north, the two irrigation ditches to the west and north, and the pond with its outflow to the west and south are all located hydraulically upgradient of and in close proximity of the BVSD properties and surrounding residential areas. Collectively these provide much more water to feed the area's shallow groundwater system than occurs in other areas. The water table of the shallow groundwater system is located relatively close to the land surface as shown by the wetlands present in the area. The depth to impermeable bedrock is relatively shallow and this helps support and maintain the shallow aquifer overlying the bedrock. Many homes in the Twin Lakes neighborhoods have sump pumps which are further evidence of shallow groundwater. Future development of the BVSD properties must take these hydrologic factors into account to minimize impacts both on surrounding properties and on buildings that would be constructed.

Conducting site-specific investigations will be necessary to evaluate potential limitations to development that may exist on the BVSD properties. Prior to doing so, an assessment of site soils and their suitability to different uses of the properties provides insight into those limitations.

The USDA Natural Resources Conservation Service has compiled soils data and developed a web-based graphical database that allows the user to examine the suitability of a given area to a

set of potential uses (NRCS, 2015). The suitability analyses are based on geotechnical and engineering properties of the soils. The soils beneath the BVSD properties (Figure 3) were evaluated as part of this preliminary hydrologic analysis as to their suitability for the construction of dwellings, both including and not including basements. Dwellings are defined by the NRCS as single-family houses of three stories or less. For dwellings with basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of approximately 7 feet. For dwellings without basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper.

Each soil type in the area of interest is assigned a suitability rating based on the limitations posed by individual soil properties. Two sets of criterion are applicable to dwellings: (1) properties that affect the ability of the soil to support a load without movement and (2) properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility (inferred from the Unified Soil Classification System classification of the soil). The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

Ratings indicate the extent to which the soils are limited by each of the applicable soil properties that affect the specified use, in this case the construction of dwellings. Numeric ratings are provided and indicate the severity or degree with which a given soil property contributes to the overall suitability rating. An assigned rating of "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected. An assigned rating of "Somewhat limited" indicates that the soil has features that are moderately unfavorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. An assigned rating of "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected (NRCS, 2015).

The suitability of soils for accommodating dwellings on and near the BVSD properties was found to be somewhat limited for dwellings with basements in all but the southwest corner, where the suitability is very limited (Figure 4). The main reasons were due to the shrink-swell potential of the soils, flooding potential and shallow depth to groundwater. The shrink-swell limitation is associated with the shrinking of soil when dry and the swelling when wet. This is a common feature of many clay-rich soils, including those that comprise most of the properties. Shrinking and swelling of soil can damage roads, dams, building foundations, and other

structures (NRCS, 2015). The flooding potential and shallow depth to groundwater are expected outcomes given the number and proximity of water sources in the immediate vicinity.

Perhaps more important is that the suitability of the soils to accommodate dwellings without basements was found to be very limited, for the same reasons of shrink-swell potential, flooding and shallow depth to groundwater.

#### Hydrologic Concerns Associated with Development of the BCHA Property

The preceding discussion suggested potential limitations associated with constructing dwellings on the BVSD properties but did not address potential hydrologic impacts to adjacent residential buildings associated with development of the property. Homes located adjacent to the BVSD properties are most likely to experience impacts from development and includes homes south of Twin Lakes Road along Tally Ho Trail and Starboard Drive, and homes in the eastern end of Kalua Road. Possible impacts include:

- a higher risk of basement flooding,
- increases in the frequency and/or volume needed to be pumped by existing sump pump systems, and
- the need for homes to have sump pump systems installed that previously have not had them.

The causes of these potential impacts relate to increases in groundwater levels associated with constructing buildings, building foundations and foundation footers, and the sump or drain systems that might be installed for the new buildings. Typically the soil beneath a building foundation supports some of the weight of that building with the remaining load supported by foundation footers. The weight of a structure compresses the underlying soil. The clay-rich soils beneath the BVSD properties are likely to have a relatively high soil compression potential. It is possible that compressed soils could extend below the water table in areas of shallow groundwater. If this were to occur, the groundwater previously occupying the pore spaces in the soil would be displaced and would migrate elsewhere. Depending on the density of building construction and how close those buildings were to existing residences, at least some of the displaced groundwater could migrate toward existing residences with a resulting rise in the water table and an increased risk of basement flooding. Deep foundation footers or foundations that extended to the underlying bedrock would displace existing groundwater and force it to flow into adjacent areas, also potentially increasing the risk of basement flooding to nearby homes.

Sump or drain systems that might be installed in new buildings could also pose an addition hydrologic risk to nearby homes. It is common for water extracted from sump/drain systems to be discharged into nearby gutters or storm drains. Depending on how the storm drain system for

the new buildings is designed, the extracted water may end up infiltrating along the edges of the BVSD properties which would lead to higher groundwater conditions for the adjacent residences.

### Conclusions

Before any structures are built on the BVSD properties the developer must undertake appropriate site-specific studies and monitoring to characterize soil properties and the shallow groundwater conditions that likely exist in the region so that existing homes are not adversely affected. Any structures built should be designed to overcome the limitations posed by shrink-swell conditions of the soil, flooding potential, and shallow depth to water. Installing monitoring wells on the properties and instrumenting them to characterize the depth to groundwater in the shallow aquifer, over the course of at least one year, and performing geotechnical testing on soils are necessary to gain a better understanding of potential impacts to adjacent residences.

Structures built on the BVSD properties may require additional components to minimize the impacts posed by the site soils and shallow groundwater conditions. These may include:

- addition foundation footers,
- exterior tile drains around the foundations,
- sump pumps in basements and crawl spaces or elimination of basements,
- setbacks for landscaping, and
- gutter downspouts that extend beyond a critical setback distance from the buildings.

Results of the field investigations and the size, number and density of proposed buildings would affect the need for these components but some would likely be needed and should be factored into early planning should the BVSD properties be developed.



References

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<http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

USDA, 1975. Soil Survey of Boulder County Area, Colorado. United States Department of Agriculture, Soil Conservation Service.



Figure 1. Map showing the BVSD and surrounding properties.



Figure 2. View looking southwest at the BVSD properties from Twin Lakes Road.



Figure 3. Soils in the vicinity of the BVSD properties.

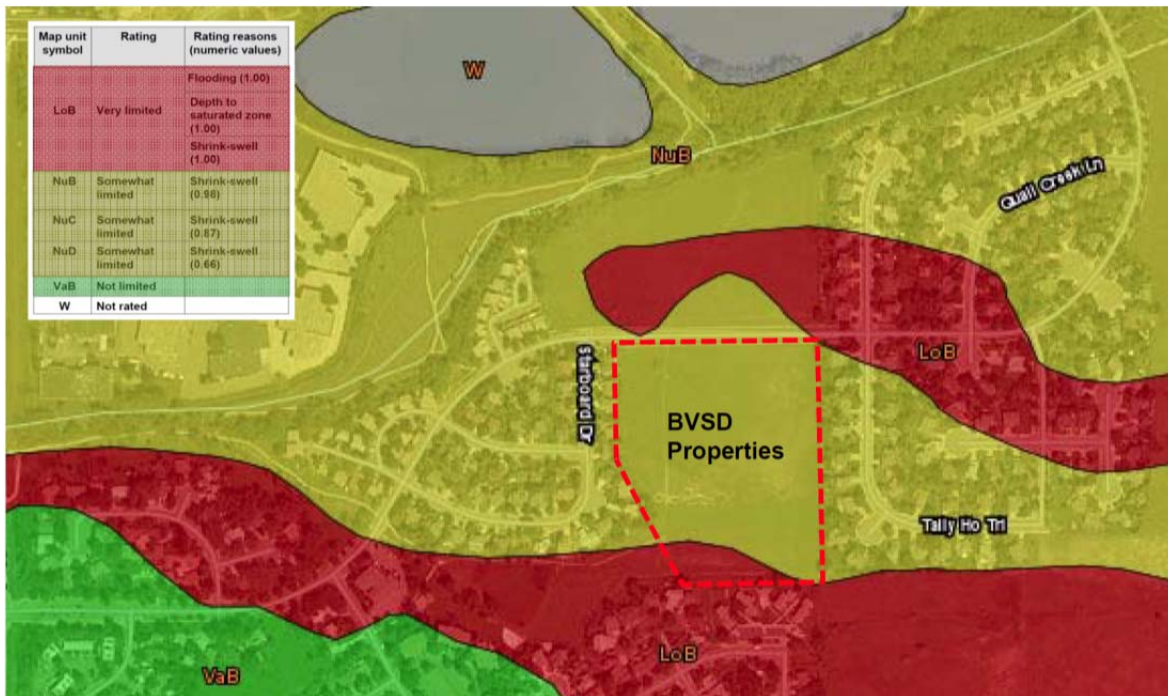


Figure 4. Limitations for construction of dwellings with basements.

**From:** [AG](#)  
**To:** [Boulder County Board of Commissioners](#); [council@bouldercolorado.gov](mailto:council@bouldercolorado.gov); [#LandUsePlanner](#); [boulderplanningboard@bouldercolorado.gov](mailto:boulderplanningboard@bouldercolorado.gov)  
**Subject:** Proposed Housing Developments 6655 & 6600 Twin Lakes Road, in Gunbarrel  
**Date:** Tuesday, December 01, 2015 1:27:46 PM  
**Attachments:** [TLR.OpenSpacel.Ltr.Dec2015.wpd](#)

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From: Angela Green,

4895 Twin Lakes Rd. #5

Boulder, 80301

To: Boulder City Council; County Commissioners; Boulder Planning Board;  
County Planning Board:

RE: My opposition to Proposed Housing Developments 6655 Twin Lakes Road, 6600 Twin Lakes Road; and, 0 Kalua Road, in Gunbarrel Boulder 80301.

-

Dear Administrators,

Over 15 years ago I purchased my home on Twin Lakes Road, because of the proximity to open space, walking trails, wildlife, safety, low human population, outside exercise, and fresh air. Currently, I am very concerned that a proposed housing development will greatly reduce, if not obliterate, my neighborhood's natural beneficial characteristics.

My major concern is the impending **reduction of wildlife** caused by hundreds of people using the trails; more biking; buildings that block the Wildlife corridor; and homes looking over Twin Lakes Trails ruining the natural environment. Whoever resides in the proposed development will have immediate access to Open Space and therefore trail usage will increase dramatically.

I have observed people, often parents with children, throwing rocks and boulders from the levy into the water and at wild birds chasing away wildlife, potentially compromising damn safety and thus creating more water problems for adjacent home owners. We don't need more unconscious people diminishing our wildlife populations; and causing more

water problems for homeowners. With great consternation, I wonder what the increased numbers of humans will do to the safety of this area? Will I be able to walk around the lakes at will, alone, at dusk and be as safe as I am now? Personally, I doubt it. Will I be run over by a rude cyclist? Or will I become feeble from lack of exercise?

Another major concern is: Where will the water from rain and underground go if 20 acres of water absorbing land is filled in with concrete and asphalt? Many of the homes in this area have ground water issues and frequently running sump pumps. Parts of Twin Lakes Road, 4900 block, are low lying with current drainage problems. More water could mean certain flooding for surrounding neighborhoods: Twin Lakes, Red Fox Hills, Brandon Creek, Twin Lakes Condos, Stone Gate Condos and Portal estates.

Of lesser concern is the increased traffic on Twin Lakes Road. The proposed multi-use trail on Williams Fork Trail to the 4800 block of Twin Lakes road will allow for parking only on the side of the road opposite Twin Lakes Condos. This will create problems for people who will be forced to walk across Twin Lakes Road to access their cars. With a considerable increase in traffic from the proposed housing developments, the dangers of crossing the street will greatly escalate. Also, it will be much more difficult for drivers to safely access Twin Lakes Road. The increased traffic on Twin Lakes Road will create excessive noise and air pollution; and, make pedestrian traffic very dangerous when streets are icy.

The least of my concerns is the lack of services. My neighbors are already complaining about problems finding parking in King Soopers parking lot. Monday at ~3:30PM I counted 5 parking spaces in front of King Soopers. The only Gunbarrel grocery store. Currently apartments are under construction and will create more traffic congestion. It's reasonable to perceive that if hundreds of apartments are constructed on Twin Lakes Road, there will be considerable and constant parking problems at King Soopers, with cars backed up on Spine, Lookout and Gunpark roads. Parking at the remainder of Gunbarrel Square will also be a major problem. We can forget about gassing up at our lone service station.

Yesterday, while briskly walking on Twin Lakes Trail, getting much needed exercise, I heard the Twin Lakes Owls calling. Their voices had dropped in tone, added some additional short syllables, perhaps shifting to their winter melody or in precognitive knowing of the impending loss of their home.

Tears are welling up inside my cheeks. The owls are an essential part of Twin Lakes Open space. Our hearts and souls need the wildlife diversity that also includes herons, cormorants, avocets, mallards, rabbits and foxes to name a few. The earth is not ours alone.

Please preserve the open, undeveloped parcels on 6600, 6655 Twin Lakes and O Kalua Road, so future generations can use the entire area to appreciate wildlife and fill their hearts with joy from nature's diversity. Please convert these undeveloped parcels to Open Space, and maintain the wildlife corridor, so our wildlife and neighborhood will thrive instead of die. These parcels are essential hunting grounds that Great Horned Owls, Red Tailed Hawks, Falcons and other wild creatures depend upon for their sustenance.

Sincerely,

Angela A. Green

P.S. I really want my real property value to increase due to low human population density and proximity to open space, instead of decreasing due to high density housing, congestion, pollution, and blighted, diminished, ruined Neighborhood Open Space.

From: Angela Green,  
4895 Twin Lakes Rd. #5  
Boulder, 80301

To: Boulder City Council; County Commissioners; Boulder Planning Board; County Planning Board:

RE: My opposition to Proposed Housing Developments 6655 Twin Lakes Road, 6600 Twin Lakes Road; and, 0 Kalua Road, in Gunbarrel Boulder 80301.

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Sincerely,  
Angela A. Green

P.S. I really want my real property value to increase due to low human population density and proximity to open space, instead of decreasing due to high density housing, congestion, pollution, and blighted, diminished, ruined Neighborhood Open Space.



**From:** [Chris OBrien](#)  
**To:** [Boulder County Board of Commissioners](#); [council@bouldercolorado.gov](mailto:council@bouldercolorado.gov); [brocketta@bouldercolorado.gov](mailto:brocketta@bouldercolorado.gov); [jones@bouldercolorado.gov](mailto:jones@bouldercolorado.gov); [shoemakera@bouldercolorado.gov](mailto:shoemakera@bouldercolorado.gov); [yatesb@bouldercolorado.gov](mailto:yatesb@bouldercolorado.gov); [youngm@bouldercolorado.gov](mailto:youngm@bouldercolorado.gov); [weavers@bouldercolorado.gov](mailto:weavers@bouldercolorado.gov); [lisamorzel@gmail.com](mailto:lisamorzel@gmail.com); [burtonj@bouldercolorado.gov](mailto:burtonj@bouldercolorado.gov); [appelbaum@bouldercolorado.gov](mailto:appelbaum@bouldercolorado.gov); [ellisi@bouldercolorado.gov](mailto:ellisi@bouldercolorado.gov); [HyserC@bouldercolorado.gov](mailto:HyserC@bouldercolorado.gov); [ZachariasC@bouldercolorado.gov](mailto:ZachariasC@bouldercolorado.gov); [hirtj@bouldercolorado.gov](mailto:hirtj@bouldercolorado.gov); Fogg, Peter; Shannon, Abigail; Giang, Steven; #LandUsePlanner; [boulderplanningboard@bouldercolorado.gov](mailto:boulderplanningboard@bouldercolorado.gov); [openforum@bouldercamera.com](mailto:openforum@bouldercamera.com)  
**Subject:** Letter regarding proposed development at 6600 Twin Lakes Road  
**Date:** Wednesday, December 02, 2015 11:04:03 AM  
**Attachments:** [Letter regarding 6600 Twin Lakes Road - Chris OBrien.pdf](#)

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Dear Commissioners, Members of the Council, Planning Commission, Planning Board, and Comprehensive Plan Staff,

Please find, attached, a letter outlining my concerns and considerations for the proposed development at 6600 Twin Lakes Road. I would sincerely appreciate your review of this prior to any meetings or decisions, welcome your feedback, and am available for further discussion or to answer any questions you may have.

Thank you,

Chris O'Brien  
6474 Kalua Road  
Boulder, CO 80301

December 2, 2015

Chris O'Brien  
Gunbarrel Resident  
6474 Kalua Road  
Boulder, CO 80301

Boulder County Commissioners  
Boulder City Council  
Boulder County Planning Commission  
Boulder Valley Comprehensive Plan  
Boulder County Planning Board

Dear Commissioners, Members of the Council, Planning Commission, Planning Board, and Comprehensive Plan Staff:

I'm writing about the proposed development at 6600 Twin Lakes Road. As a resident living on Kalua Road, just around the corner, I am deeply concerned about the impact of certain types of development on that parcel to our community, lifestyle, safety, environment, traffic, crime and pollution.

I, like many of my neighbors, chose to live in a more rural setting because I like the quiet, the space, the safety for my child, the natural environment – such as the owls that have been nesting in close proximity to the proposed development for years – and the general feeling of ease. In fact, I moved out of the City of Boulder 5 years ago to improve my lifestyle in this way.

From what I understand, little consideration has been given to the impact on the community and environment with the proposed development. I've been informed that the City wants to annex an island parcel, and then build high-density, affordable housing on the lot.

On a practical level, this land is not suitable for such a development, as hydrology studies show a very shallow water table, high risks of flooding, and the paralleling irrigation ditch could flood as well. Another concern is access to the parcel. Twin Lakes is the only road going in and out, and adding several hundred cars would significantly increase noise and emissions pollution, traffic and road safety issues. We have a safe neighborhood, but no City Parks in our area; our kids ride bikes on the road and cross the road to get to the lakes and trails.

The nesting owls, as well as foxes, hawks, coyotes, deer and other wildlife will certainly be impacted dramatically as that lot contains a wildlife corridor bridging the lakes and the open space bordering Jay Road.

From a political/policy perspective, it's very concerning to see developments going up all over the place (Gunbarrel Center, near Pollard Motors, and many others) that have close proximity

to amenities and services that would benefit low-income individuals, but do not contain affordable housing. Even more disturbing is the fact that developers are allowed to cash out of the affordable housing option. The impact of this option is antithetical to the whole approach of inclusivity and affordability. It limits the supply of affordable homes (even more important, ownable homes, as many are now apartments versus condos) within the City, thereby forcing City residents into high rents and untenable and rising income-to-expense ratios. It also transfers the burden of affordable housing to inappropriate, under-accessible, and sensitive rural areas such as 6600 Twin Lakes Road.

Considering 6600 Twin Lakes Road, there are no services or amenities within walking distance, insufficient egress for proper traffic control or safety evacuation, and inadequate space for mixed use with bikes and peds, and only one bus stop services the area approximately ½ mile away. Further, this would require the City to annex an island of county property that does not meet the requirements in terms of borders to be annexed. The City would have to also annex a strip of Twin Lakes Road, which, I presume, they would then maintain. More pressing, the increase in noise and emissions pollution, traffic and safety risk is deeply concerning.

The County Plan contains clear language related to maintaining the qualities of rural communities such as open spaces, low-density, and so forth. Therefore, the annexation, and proposed development is clearly in conflict with County Codes, and worse, an unfortunate and irresponsible solution to the lack of affordable housing in Boulder City as a result of financial incentives for developers.

Following are sections of the Boulder Valley Comprehensive Plan that will be violated or at least ignored should this development proceed:

2.03 Compact Development Pattern (BVCP, p.26): "The city and county will, by implementing the Boulder Valley Comprehensive Plan, ensure that development will take place in an orderly fashion, **take advantage of existing urban services**, and **avoid**, insofar as possible, patterns of **leapfrog, noncontiguous, scattered development** within the Boulder Valley. The city prefers redevelopment and infill as compared to development in an expanded Service Area in order to prevent urban sprawl and create a compact community."

2.06 Preservation of Rural Areas and Amenities (BVCP, p.27): "The city and county will attempt to **preserve existing rural land use and character** in and adjacent to the Boulder Valley where...vistas...and established rural residential areas exist."

3.16 Hazardous Areas (BVCP, p.36): "Hazardous areas that **present danger to**...property from **flood**...will be delineated, and development in such areas will be carefully controlled or prohibited."

6.08 Transportation Impact (BVCP, p.47): "**Traffic impacts from a proposed development that cause unacceptable community or environmental impacts...will be mitigated.** All development will be designed and built to be multimodal, pedestrian oriented and include strategies to

reduce the vehicle miles traveled generated by the development."

6.13 Improving Air Quality (BVCP, p.48): "The city and county will design the transportation system to **minimize air pollution** by promoting the use of non-automotive transportation modes, reducing auto traffic...and maintaining acceptable traffic flow."

Further, public representative and elected official Cindy states the importance of preserving rural areas in unincorporated Boulder County, and directing development to municipalities where services, accessibility, and different density codes exist, on her website:

*"The cornerstone governing the use of land is the Boulder County Comprehensive Plan. The Comprehensive Plan is the result of thirty years of discussions within our community. One of the key elements is to preserve rural areas in unincorporated Boulder County and to direct development where it is best supported—within our municipalities. We continue to work cooperatively with cities and towns through intergovernmental agreements that preserve community buffers and protect our agriculture heritage and conserve wildlife corridors."*

### **Considerations for a Reasonable Solution**

Looking at the big picture, living anywhere in the County is desirable and housing is limited. Therefore, developing the land within the County Plan and with the input of the existing community would be a more reasonable option. For example, building affordable, single-family homes at the current density, and allocating some of the land as open or community space to preserve wildlife access would make more sense.

What hasn't happened is this: the people of community have not been asked what they would see as a reasonable development or even compromise to the given plan, and the proposed development has not been properly considered relative to the existing Boulder Valley Comprehensive Plan and the serious flooding, density, pollution, wildlife impact, neighborhood impact, traffic and other issues.

In summary, the current development plan is a disaster, and a travesty of policy. To tuck away high-density affordable housing on an isolated island parcel in the rural county, with no services, limited access, profound impact of wildlife, pollution, safety and the existing community, with such community resistance, and on land that is not suitable for such development according to engineers, is unacceptable.

I implore to consider these serious and real concerns over spreadsheets that focus on numeric ways to get affordable housing numbers up to par on time and under budget. This development will change forever a beautiful and quiet rural community, and set a dangerous precedent that the City can strong-arm any piece of land and/or group of people it chooses to achieve its end goals.

Please say no to this proposal, and call for a quorum of planners and residents to define a more reasonable development plan for the parcel at 6600 Twin Lakes Road that honors the Boulder Valley Comprehensive Plan, the existing residents, the environment, and the need for affordable housing in our community at large.

Thank you for taking the time to hear my concerns, and thanks in advance for your voice against this development as currently proposed.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris O'Brien". The signature is fluid and cursive, with a distinct loop at the end.

Chris O'Brien  
6474 Kalua Road  
Boulder, CO 80301  
(303) 808-1142

**From:** [Gary Miller](#)  
**To:** [Boulder County Board of Commissioners](#); [council@bouldercolorado.gov](mailto:council@bouldercolorado.gov); [ellis@bouldercolorado.gov](mailto:ellis@bouldercolorado.gov); [#LandUsePlanner](#); [boulderplanningboard@bouldercolorado.gov](mailto:boulderplanningboard@bouldercolorado.gov); [glen.segrue@bvsd.org](mailto:glen.segrue@bvsd.org)  
**Subject:** Gunbarrel - Affordable Housing ...  
**Date:** Friday, December 04, 2015 1:30:27 PM

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Hello all ...

I live at 4745 Tally Ho Court in Gunbarrel. The property at 6655 Twin Lakes Road is approximately 50 yards west of my home. I am writing to voice my concern for plans to build "affordable housing" on this property.

On a sunny afternoon in May of 2013, our basement unexpectedly began to flood. After confirming that it was not due to a leak in any pipes that carried water, it was determined that the ground water in the area had unexpectedly risen and was causing the damage.

To address this problem, we had two sump pumps installed at each end of the basement. We also had our perimeter drain pipe checked out. Despite all of these precautions taken to keep the flooding at bay, the ground water level, at least under my home, remains at a continuous level of approximately 14" below my basement floor, and that level definitely rises during the spring runoff and during any prolonged period of rain.

In addition, we installed an access pipe to the perimeter drainpipe to monitor the flow of ground water through the pipe. Since it was installed, there is a year round continuous flow of water through the drainpipe. Feel free to stop by any time to listen to the flow and to check it out – access to this pipe is easily accessible from the front lawn.

Adding housing units on the two open spaces will most likely cause additional flooding problems for the current homeowners adjacent to and near these properties. In short, we already know that the groundwater level in this location is a serious issue, one that has cost some of us thousands of dollars. And now, it becomes a "known issue" to you as well even before the first spade of dirt has been turned.

I would hope that before any development is considered for this property, the BCHA would contract to have a Hydrologic Analysis performed, as well as for the lot directly to the south.

In addition to the high ground water table in this area, other factors that must be considered include:

1. **Size of the project:** 60+ three story units with over 300 parking spaces is simply a way too large a project for the 6655 location. (Note: I have heard various estimates regarding the size & scope being considered for 6655.)
2. **Access:** Twin Lakes Road is the only artery going in and out of this neighborhood. Adding several hundred more cars to the daily flow of traffic would significantly increase noise and emissions pollution, as well as create increased traffic and road safety issues.
3. **Lack of Services:** Despite the large number of families that live in this area and have children, there are no parks, libraries or recreation centers in Gunbarrel.

Market: There is one grocery store that is located approximately 1.6 miles from the proposed location. Parking there is already an issue and once the apartments that are being built behind it (with none designated as "affordable housing") are rented out, parking and shopping there will become a nightmare. It will undoubtedly force some residents to consider driving a considerable distance just to buy groceries elsewhere for their families.

Gas: We currently have one gas station that serves this area. In addition to the aforementioned apartments currently being built, adding more units at 6655 would make it difficult to buy gas at this location, again, most likely forcing residents to drive a considerable distance to gas up their vehicles.

4. **"Affordable Housing" - Parking Spillover:** Undoubtedly, the residents of this project as a whole, will have too many cars that can be handled by assigned parking. These residents, and their visitors, will ultimately turn to the surrounding neighborhood streets to park their vehicles. Having a large number of vehicles parked on the streets overnight will only increase the potential for increased crime in this quiet neighborhood and also invite break-ins by thieves looking for anything that they can steal and sell.

5. **Wildlife:** The infamous "Owl Tree" is directly behind my home. Each year,

hundreds upon hundreds of people come out to catch a glimpse of the nesting owls – photographers, children on field trips, neighbors and folks from surrounding communities. From what I've been told, the owls have used this tree for at least the past 20+ years. Erecting a "mesh fence" around the tree during construction at 6655 will not stop the increase in noise and could conceivably drive these owls to another location.

Despite Willa Williford's recent comment that "One of our wildlife biologists has assessed the properties proposed for housing for its habitat values and summarized it as largely devoid of wildlife, and "a monoculture of improved pasture grasses [mowed smooth brome] surrounded by homes," there are many birds of prey that hunt in that field, such as hawks and bald eagles (I've seen both.) Coyotes use both of the fields to get from point A to point B, and it is also territory to raccoons, rabbits, voles & mice.

6. **Road Maintenance:** Boulder County has chosen to not maintain the subdivision roads in unincorporated Boulder County. The current proposed development at 6655 would add X-number of cars to Twin Lakes Road and the surrounding area, placing more pressure on already deteriorating asphalt. While Twin Lakes Road was recently repaved, the surrounding streets have not been paved in quite a while and there does not appear to be a plan in place by the County to make this happen.

In conclusion, I strongly urge you to reconsider using these two locations to build any type of affordable housing or housing for BVSD personnel. These parcels of land are not suited for high density development of any kind. To preserve the rural residential look and feel of our neighborhoods and the surrounding areas, these two locations need to stay in the County and should be designated as Open Space.

Best,

Gary Miller



**From:** [Kristin Bjornsen](#)  
**To:** [Boulder County Board of Commissioners; #LandUsePlanner](#)  
**Subject:** Greater Twin Lakes Open Space and Owl Preserve  
**Date:** Tuesday, December 08, 2015 10:04:10 AM  
**Attachments:** [Owl\\_Preserve\\_county.pdf](#)

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Dear County Commissioners and Planning Commissioners,

I live in Gunbarrel with my husband and two sons. Please find attached a pdf letter concerning the fields at 6655 and 6600 Twin Lakes Road and 0 Kalua Road.

Thank you for your consideration and I look forward to your reply,

Kristin Bjornsen

Dear County Commissioners and Planning Commissioners,

I live in Gunbarrel with my husband and two sons. One of the things that make Boulder so unique is its green space. I'm writing to encourage you to make the fields at 6655 and 6600 Twin Lakes Road and 0 Kalua Road open space. Here are some of the many reasons they're so special and deserve protection.

**10 reasons why these meadows should be protected as Open Space:**

**1) They serve as a critical wildlife corridor.** These fields link the Twin Lakes Open Space with larger Open Space to the south, allowing movement of animals and sustenance of viable populations.



**2) Great horned owls have nested within meters of the north field for nearly 30 years.** Each spring, hundreds of people come weekly to gaze at the fluffy owlets. High-intensity construction and habitat loss would surely displace them.



**3) A rich array of wildlife lives, travels or hunts on these fields.** This includes red foxes, coyotes, weasels, mink, raccoons, rabbits, and bats, as well as birds such as great blue herons, osprey, song birds, bald eagles, red-tailed hawks, and more.



**4) The south field already has a little bike park.** Kids love to ride on the small rolling hills, jumps and loops built and maintained by the community.



**5) This is a favorite spot for walkers, runners, dog owners, bird watchers, and even horseback riders.**



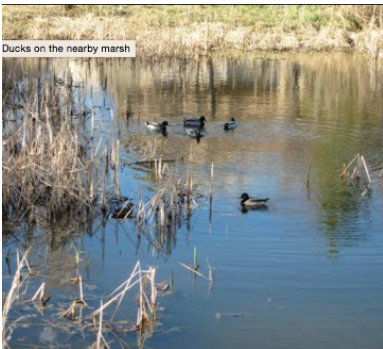
**6) These fields provide a natural floodplain.** According to Boulder County's floodplain management goals, open space "serves an important function of maintaining an undeveloped floodplain to allow natural flooding to occur while minimizing damage to homes and infrastructure." Although high groundwater makes these fields unsuitable for large structures (McCurry Hydrology, 2015), they serve an important function as floodplains, and without them, the 2013 flood would likely have caused more damage in surrounding houses.



**7) Having local green spaces cuts down on the number of people who drive to open space elsewhere, reducing traffic and carbon emissions.**



**8) Ecologically valuable wetlands lie directly on the southwestern edge of these fields.** They provide a haven for ducks, songbirds, many aquatic species,



**9) Protecting these fields in turn protects the Twin Lakes Open Space.** The addition of potentially almost a thousand more users—along with noise and light pollution right next to it—would negatively impact the Twin Lakes through overuse. Boulder County's Parks and Open Space website calls the Twin Lakes a "hidden gem" and a "haven for wetland wildlife;" its management plan seeks to "protect and enhance" its plant and wildlife.



**10) A Greater Twin Lakes Open Space and Owl Preserve honors the wishes of Gunbarrel residents and protects the wildlife that depends on the meadows.** Leaders should respect the vision of a community. Below are shown wonderstruck people gazing at the great horned owls.



Lastly, regarding the Housing Authority's poorly conceived development plans for the fields, such building should occur in a smart spot. It makes more sense to place this development near amenities such as grocery stores, bus lines, and other services, rather than annexing and rezoning these meadows. In fact, the County is ignoring its own Parks and Open Space acquisition criteria by seeking to develop land threatened by development adjacent to existing open space. They have failed to do their due diligence.

The Twin Lakes Action Group has identified at least two other great alternate locations; and the BCHA also can acquire existing properties

I respectfully ask that you consider all of this with an open mind and support the creation of a Greater Twin Lakes Open Space and Owl Preserve.

Many thanks for your time and thoughtfulness.

Sincerely,

Kristin Bjornsen

**From:** [Jeffrey D. Cohen](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** FW: Twin Lakes Parcels  
**Date:** Thursday, December 10, 2015 8:57:12 AM  
**Attachments:** [image001.png](#)  
[Ron West Email.pdf](#)  
[twin.lakes.parcels.memorandum.101415.pdf](#)  
[POS & BCHA Email.pdf](#)  
[TLAG Rebuttal.pdf](#)

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Dear Boulder County Planning Commission members - On behalf of The Twin Lakes Action Group ([www.tlag.org](http://www.tlag.org)), please see the following items relating to wildlife habitat values of Twin Lakes parcels for your review:

1. Email from Ron West, POS Department Director dated 10/07/2015
2. Memorandum prepared by Dave Hoerath, POS Wildlife Expert dated 10/14/2015
3. Email from Vivienne Jannatpour, POS Communications Specialist dated 12/02/2015 sent to Boulder County Nature Association's listserv which was forwarded by Willa Williford from BCHA on 12/03/2015 to BCHA email distribution list
4. TLAG rebuttal response dated 12/09/2015.

Based on Ms. Jannatpour's email on 12/02/2015, we felt it was very important for you to have the complete memorandum prepared by Mr. Hoerath since her email does not reflect all his conclusions. We also felt it was important to issue a rebuttal response relating to this issue to clarify any miscommunication caused by her email.

Based on the POS's five acquisition criteria listed below and which is indicated on their website (<http://www.bouldercounty.org/os/openspace/pages/acquisitions.aspx>) TLAG does feel that the Twin Lakes land is ideal for open space:

- Land threatened by development that is near or adjacent to existing open space
- Prime agricultural land
- Wildlife habitat
- Riparian and scenic corridors
- Land that could provide trail connections.

We feel that all 5 acquisition criteria are satisfied regarding the Twin Lakes property. We would appreciate it if you could review all of these attachments in order to get a complete understanding of the Twin Lakes parcels prior to the BVCP screening hearing on January 26<sup>th</sup>. We would like to explore options for this land which would result in a win/win for the County and the citizens.

If you should have any questions, please let me know.

Thanks for your consideration in this matter.

Jeff



**Jeffrey D. Cohen, Esq., C.P.A.**

**Managing Shareholder**

**The Cohen Law Firm, P.C.**

***Legal, Tax & Business Advisors***

**6610 Gunpark Drive, Suite 202**

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## Le Roy, Lauren

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**From:** Swallow, Ian  
**Sent:** Wednesday, October 07, 2015 2:37 PM  
**To:** Williford, Willa; Doyle, Ben; Boyd, Norris (Norrie)  
**Subject:** FW: BVCP 2015 Update - FYI

FYI on some wildlife at Twin Lakes. I'll reach out to POS biologist to get a better idea.

---

**From:** Fogg, Peter  
**Sent:** Wednesday, October 07, 2015 2:25 PM  
**To:** Lesli Ellis (EllisL@bouldercolorado.gov); Mark Gershman (GershmanM@bouldercolorado.gov)  
**Cc:** Shannon, Abigail; Giang, Steven; Swallow, Ian  
**Subject:** RE: BVCP 2015 Update - FYI

Hi Lesli and Mark:

A few comments from Ron West of our Parks and Open Space Dept.

Pete

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**From:** West, Ron  
**Sent:** Wednesday, October 07, 2015 1:04 PM  
**To:** Fogg, Peter; Moline, Jeffrey; Stewart, Ron; Glowacki, Therese  
**Cc:** Case, Dale; Shannon, Abigail; Giang, Steven  
**Subject:** RE: BVCP 2015 Update

I'll offer a few quick things: (I did not read the entire Twin Lakes Action Group doc.)

There is a small piece of the BCHA parcel that is mapped as wetland – about 0.7 acres in the NE corner. This may or may not actually be wetland. Regardless, in any design we would likely want some distance of buffer from the Boulder and Whiterock Ditch, which basically forms the north property boundary.

Several of the noted bird species are specific to the ponds/ditches at Twin Lakes; there is no habitat (with a tiny ditch caveat) for these on the subject parcels. These are avocet, coot, widgeon, kingfisher, goose (likely grazes, though this is unimportant), cormorant, heron, and mallard. (About 1/3 of those listed.) Ditto on snapping turtle. With ditch caveat, there is no fox squirrel habitat, and they are non-native. Several of the listed bird and mammal species readily adapt to, or even prefer, "suburban" areas.

I have not been on-the-ground, but the subject parcels are likely dominated by, or a monoculture of, non-native smooth brome, with a scattering of remnant alfalfa.

Yes, there is wildlife habitat on the parcels, but it is very limited. If the sites were full of native forbs and grasses, things would be different, especially for invertebrates, including pollinators, and thus additional bird species would be foraging.

Two more things: It would be good if a biologist did walk the parcels before the public meeting; I'd suggest someone from Susan's group, more familiar with Twin Lakes proper than me. I could do so if need be.

And, not that it makes much difference, but I note that there's what looks like a bicycle BMX type course on the BVSD parcel. (There's a "real" one on the north side of Twin Lakes, on City land.)

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**From:** Fogg, Peter  
**Sent:** Wednesday, October 07, 2015 9:50 AM  
**To:** Moline, Jeffrey; Stewart, Ron; Glowacki, Therese  
**Cc:** Case, Dale; Shannon, Abigail; West, Ron; Giang, Steven  
**Subject:** BVCP 2015 Update

Hi Folks:

As you may know, the Boulder County Housing Authority has acquired the 9.97 acre parcel south of Twin Lakes and is requesting a BVCP land use designation change/annexation/rezoning as part of the BVCP 2015 Major Update to set the stage for building up to 120 affordable and moderate income housing units. The two properties to the south are owned by the Boulder Valley School District, total 10 acres, and are seeking a similar BVCP change in order to partner with the BCHA in also providing affordable/moderate income housing. Refer to the attached pdf "[Twin Lakes aerial](#)" for locations, etc.

Both the BCHA and BVSD properties are in unincorporated Area II of the BVCP and have been since 1978, meaning they have been anticipated to and been eligible for annexation since that time. The BCHA parcel is currently designated as Low Density Residential in the BVCP and zoned Rural Residential in the county. The BVSD parcels are designated Public in the BVCP and also zoned Rural Residential. The recent update to the BCCP Environmental Resources Element shows Wetlands and Riparian Areas around the lakes but north of the BCHA/BVSD parcels and Twin Lakes Road...no environmental/open space designations have been applied to the properties in question.



## Parks and Open Space

5201 St. Vrain Road • Longmont, Colorado 80503  
303.678.6200 • Fax: 303.678.6177 • [www.bouldercounty.org](http://www.bouldercounty.org)

Memorandum

14 October 2015

**To:** Therese Glowacki, POS Resource Management Manager

**From:** Dave Hoerath, POS Wildlife Specialist

**Subject:** Comments on wildlife habitat values of Twin Lakes Parcels

The pair of parcels astride Twin Lakes Road, south of POS/Twin Lakes, is about 19 acres of mowed, smooth brome pasture. It is a very sterile environment from a wildlife perspective. It is a monoculture of improved pasture grasses surrounded by homes. The center is bisected (East/West) by the paved Twin Lakes Road, and each parcel is further bisected (North/South) by a local social trail. The far north and far south boundaries of each are adjacent to ditches or drainages that have some habitat value.

The north parcel is nearly 10 acres in size and has a very few trees that have escaped mowing along the Boulder and Whiterock Ditch. There is a nice pocket of trees at the far northeast corner of the parcel adjacent to the ditch. But all of the ditch vegetation is subject to clearing and burning at any time. The social trail from Twin Lakes Road (and from the south parcel) links to a large green pipe across the ditch, joining the Willows Trail/Regional Trail, immediately south of POS/Twin Lakes. There is an additional faint trail that parallels the ditch to the east, between the homes and the ditch (off the parcel). There is also a faint return trail along the eastern edge of the parcel back to Twin Lakes Road. There are no trees or shrubs within the interior of the parcel due to the mowing. The main social trail did have multiple predator scats on it (coyote, fox) and will function as a connector for them within the neighborhood. If the parcels are filled in with housing, the limited habitat value will disappear and the connector function will be greatly diminished. However, the ditch system will still function as movement corridors and connectors for terrestrial species. There were also red-tailed hawks circling during my visit. The grassy areas will also function (somewhat) as foraging habitat for birds of prey, when the areas are quiet.

The south parcel is nearly 9 acres in size and connects to the paved neighborhood trail, which dead ends, presumably at the property boundary. The social trail joins it and links the southwest corner neighborhood trail up to Twin Lakes Road, and across the street to the northern parcel trail to the green pipe/ditch crossing. This parcel is mostly the same smooth brome (mowed) pasture, but it does have a mature, tall Russian olive tree in it. The southern portion of the parcel has the remnants of some BMX bike trails and jumps that seem little used now. The far

south end of the parcel (or the adjacent parcel/dedicated green space) contains a lateral/drainage toward parcels southeast of the south parcel (POS/Johnson Trust). This area is wet much of the time and has some more mesic vegetation, including cattails, teasel, and wheatgrass. Neither parcel has any current or past signs of prairie dogs.

These parcels seem to function as an urban park of green space and trail connectors for local residents, but do not offer much in the way of wildlife habitat.

Photos are located in: <G:\WILDLIFE\MEMOS\Acquisitions\Twin Lakes Oct 2015\photos>

**Jeffrey D. Cohen**

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**To:** 'VJannatpour@bouldercounty.org'  
**Cc:** 'RStewart@bouldercounty.org'  
**Subject:** RE: BVCP date changes and information update

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**From:** Boulder County Housing and Human Services [<mailto:wwilliford@bouldercounty.org>]  
**Sent:** Thursday, December 03, 2015 11:22 AM  
**To:** Jeffrey D. Cohen <[jeff@cohenadvisors.net](mailto:jeff@cohenadvisors.net)>  
**Subject:** BVCP date changes and information update

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## BVCP Date Changes and Informational Update

Good afternoon,

We wanted to share a process and informational update related to our assessment of the 6655 Twin Lakes property for potential affordable housing.

First, as you may know, some hearings and meetings on the Boulder Valley Comprehensive Plan process have been postponed from this month and will now begin in January. Here are the new dates:



January 26, 2016	Boulder County Commissioners and the Boulder County Planning Commission will hold a joint hearing on land use designation change requests.
January 27, 2016	Boulder County Commissioners will deliberate and consider motions on land use designation change requests.
February 2, 2016	Boulder City Council and Planning Board will hold a joint hearing to consider land use designation change requests.
Spring 2016 (Dates to be determined)	Hearings will be held on whether to approve requested land use designation changes.



In addition, in light of information included recently in communications around a Great Horned Owl petition for the Twin Lakes area, we wanted to pass along this note

from the Boulder County Parks and Open Space Department that may help provide some clarification around some of that information.

This message was sent through the Boulder County Nature Association's [NATURE-NET email listserv](#) on Wednesday (12/2/15):

The Boulder County Parks & Open Space Department thought it would be helpful to add some information to the discussion about the proposed Boulder County Housing Authority (BCHA) and Boulder Valley School District (BVSD) affordable housing project being considered on three parcels (6500 and 6655 Twin Lakes Road and 0 Kalua Road) near Twin Lakes Open Space in Gunbarrel.

The BCHA property is an undeveloped building lot that was sold to the county by the Catholic Archdiocese to be used for a common public interest/human need. The lot was purchased with the understanding it would be used for affordable housing. It was not an open space acquisition. It is also surrounded by residential housing on all but the one side that abuts an urban ditch/open space property that serves more like an urban park than a true open space property. There are many homes close to the nest, much closer than the parcels in question.

One of our wildlife biologists has assessed the properties proposed for housing for its habitat values and summarized it as largely devoid of wildlife, and "a monoculture of improved pasture grasses [mowed smooth brome] surrounded by homes." BCHA is committed to fully understanding any impacts on area wildlife and will be conducting a thorough wildlife and habitat study prior to any development proceeding.

The great-horned owl nest sits in a stand of trees on the Twin Lakes Open Space property that is immediately north of existing homes in the area. This parcel will remain protected and is managed by the Parks and Open Space Department. Since 2014, Boulder County staff places a protective fence around the nest during nesting season due to reports from neighbors that visitors were getting too close to the nest. Volunteer naturalists are also assigned shifts near the nest with a spotting scope to educate visitors and to help them see the nest without creating a disturbance. The owl nesting period commences in mid-December/early January with courtship behavior by the adult pair, and continues through July when the young owls fledge.

Vivienne Jannatpour  
Communications Specialist  
Boulder County Parks and Open Space

-----  
We'll continue to be in touch as we know more. You may also contact Housing Development Planner [Ian Swallow](#) if you have additional questions.

Sincerely,

Willa Williford  
Boulder County Housing Authority



**BCHA's Aspinwall @ Josephine Commons, Lafayette**



Boulder County Housing and Human Services · [hhsfrontdesk@bouldercounty.org](mailto:hhsfrontdesk@bouldercounty.org)  
[www.BoulderCountyHHS.org](http://www.BoulderCountyHHS.org)  
3400 Broadway, Boulder, CO 80304

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Boulder County Housing and Human Services | 3400 Broadway | Boulder | CO | 80304





**Response to Nature-Net posting from Vivienne Jannatpour of POS (and Willa Williford's forwarding of the same to City & County decision makers on behalf of Boulder County Housing Authority)**

Submitted on behalf of Twin Lakes Action Group:

Mike Smith

4596 Tally Ho Trail

Boulder CO 80301-3862

[m\\_l\\_smith@earthlink.net](mailto:m_l_smith@earthlink.net)

09 Dec 15

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Members of Twin Lakes Action Group (TLAG) recently learned of a recent posting to Nature-Net by POS Communication Specialist Vivienne Jannatpour. That posting was a highly edited version of an internal POS e-mail by Boulder County Parks and Open Space (POS) Wildlife Specialist Dave Hoerath. Mr. Hoerath's original 14 October 2015 e-mail summarized the results of his cursory inspection of two 10-acre parcels of rural residential county land immediately south of the Twin Lakes Open Space and was written to support the planned annexation, upzoning, and construction of dense rental apartments on these parcels by Boulder County Housing Authority (BCHA) and Boulder Valley School District (BVSD). The two parcels are located at 6655 and 6600 Twin Lakes Road in unincorporated Boulder County. Each parcel is approximately 10 acres in size.

Mr. Hoerath's original POS e-mail was obtained by TLAG in a CORA (Colorado Open Records Act) request and is posted on the TLAG website ([http://tlag.org/wp-content/uploads/2015/08/Hoerath-twin.lakes\\_.parcels.mem\\_.101415.pdf](http://tlag.org/wp-content/uploads/2015/08/Hoerath-twin.lakes_.parcels.mem_.101415.pdf)). It falls far short of the needed objective wildlife and habitat assessment of these parcels and completely ignores the wealth of wildlife and habitat information already available in POS's own Twin Lakes Management Plan (<http://www.bouldercounty.org/doc/parks/twinlakesmplan.pdf>).

Even more unfortunately, the highly edited version of Mr. Hoerath's original e-mail that Ms. Jannatpour posted to Nature-Net selectively eliminates every positive comment about the wildlife and habitat that Mr. Hoerath did make in his original e-mail. That same "scrubbed" rewrite has been widely circulated to elected City and County decision makers and staff by BCHA Director Willa Williford and was also posted on the Boulder County Housing Division's website: (<http://www.bouldercounty.org/doc/hhs/2015.12.03%20bvcp%20date%20changes%20and%20informational%20update.pdf>).

TLAG represents the residents of 13 Gunbarrel neighborhoods surrounding and near these parcels. We value the rural residential qualities of our neighborhoods and open space. We would like to "set the record straight" concerning the wildlife and habitat on

these two undeveloped parcels and the permanent damage that will occur if large apartments and parking lots are constructed on them. (More information on TLAG and its work can be found at [www.tlag.org](http://www.tlag.org).)

With that background, TLAG respectfully offers the following comments to Nature-Net:

- 1) Vivienne Jannatpour's (VJ's) posting to Nature-Net is a highly selective rewrite of Dave Hoerath's (the POS biologist) original 14 Oct 15 e-mail. Hoerath's comments about the S parcel have been removed ("...wet much of the time...Neither parcel has any current or past signs of prairie dogs.") More importantly, the same edit also strips out *all* of Hoerath's comments about the positive aspects of the 6655 parcel and the evidence of wildlife that he did note in his original e-mail ("**...multiple predator scats...[parcels] will function as a connector for them...If the parcels are filled in with housing, the limited habitat value will disappear and the connector function will be greatly diminished...also red-tailed hawks circling during my visit...grassy areas will also function [somewhat] as foraging habitat for birds of prey...**"). The end result of Jannatpour's scrubbing is that the Twin Lakes Road parcels come across as having roughly the same wildlife habitat quality as the surface of the Moon. It was that same highly scrubbed rewrite that was picked up and subsequently forwarded to multiple City & County officials by BCHA Director Willa Williford.
- 2) The lack of detail in Hoerath's original e-mail clearly shows that it was written based on only a very quick inspection of the property. There is no species list, and many other details that should be part of any meaningful analysis of the parcels were never included. Also missing is any mention of the long-established and locally famous great-horned owl nest (20 meters away from the NE corner of the N parcel), the annual rearing and fledglings of the owlets, or the importance of the parcels' 20 acres of habitat in providing a prey base and hunting ground to the adult owls and their young as well as other raptors and mammalian predators (coyote, fox, raccoons, and also the mink that inhabit the irrigation ditch bordering the N parcel).
- 3) Hoerath correctly notes that the parcels are regularly mowed. But he does not mention that a full or even partial cessation of mowing would improve their quality as wildlife habitat and allow more trees, shrubs, and natural grasses to repopulate the area.
- 4) Hoerath also notes (but Jannatpour does not) that the S parcel is wet much of the time and that there is no past or present evidence of prairie dogs on either parcel. Independent hydrologic analyses of these parcels have noted the high groundwater and deemed them unsuitable for large structures. Because of the high groundwater underlying both parcels, prairie dog burrows would flood. In addition, Boulder City Water Systems Maintenance officials cite that running, flowing groundwater exists two feet under the surface.

- 5) Hoerath mentions multiple predator scats along the N-S social trail across the parcels (another finding removed from Jannatpour's edited version) and speculates that if the parcels are filled in with housing, the predators using the current social trail will somehow switch to the E-W ditch system along the extreme N boundary of the N parcel. That seems unlikely given that the connectivity between Twin Lakes and larger contiguous parcels of wildlife habitat south of the parcels is in a N-S direction. (The wildlife habitat E and W of the parcels is much more limited by the Red Fox Hills, Twin Lakes, and Portal Estates residential subdivisions.) Construction on the Twin Lakes Road parcels would destroy the habitat contiguity between Twin Lakes and the large habitat areas S of the parcels.
- 6) While it is true, as Hoerath notes, that the grasses on the parcels are no longer pristine short-grass prairie, both memos fail to mention that the parcels are excellent at producing mice, voles, rabbits, and snakes that serve as prey for the owls as well as other raptors and the local coyotes, foxes, raccoons, etc. That small-rodent abundance is a reality very well known to the residents of the Red Fox Hills and Twin Lakes subdivisions whose homes border the parcels.
- 7) Hoerath and Jannatpour both imply that the nearby homes compromise the value of the immediate area as owl habitat. But these quiet homes, and the resident owls, have co-existed there very well for over 20 years, and the one or two Red Fox Hills fenced back yards close to the owl tree create very little human disturbance with respect to the owl nest--far less even than the many wildlife watchers and photographers along the Twin Lakes Trail. The owls are habituated to well-behaved humans and even the occasional barking dog watching them from along the Trail. What is not discussed is what will very likely happen to the owls when large, noisy construction equipment begins the destructive work of scraping and leveling the parcels less than 30 meters away, and the subsequent long-duration disturbance caused by construction of large structures every day over a year or more throughout daylight hours (while the female owl is on-nest). That level of noise and disturbance is orders of magnitude beyond anything caused by the quiet owl watchers along the Twin Lakes Trail, and it is virtually guaranteed to cause abandonment of the nest, possibly even before the young have fledged. In recent years, the young remain in the immediate area for a number of months after fledging, spending a lot of time very nearby (within 100 meters) on a daily and nightly basis well into November. But even after the construction disturbance has concluded, the hunting habitat and wildlife travel corridors afforded by the parcels will remain permanently destroyed.
- 8) That same site preparation, construction disturbance, and the presence of large buildings and permanently increased human activity very nearby will also cause the great blue and lesser blue herons that rest and feed in the ditch on the north boundary of 6655 to abandon that compromised ditch habitat. And it will significantly diminish the habitat values within the currently designated Twin Lakes Open Space itself.

- 9) The wildlife viewing/photography opportunity afforded to hundreds (maybe thousands) of people who watch the owls each year from along the Twin Lakes Trail is very well known to Boulder POS. POS puts up barriers along the primitive paths on the S side of the ditch each year warning people not to disturb the owls--and rightly so. Given this demonstrated caution, it is ironic that POS now apparently has no problem with habitat destruction, lengthy and large-scale construction disturbance, and the eventual presence of hundreds of housing units, and vastly increased human activity (lights, noise, vehicle traffic, etc.) as close as 20 meters to the owl tree.
- 10) Federal (US Fish & Wildlife Service) guidelines for spatial & seasonal buffers around great-horned owl nests specify a 0.25 mile buffer during the courtship and nesting periods running December through September:  
<http://www.oilandgasbmps.org/docs/UT35-RAPTOGUIDE.pdf> (see especially pp. 19-30 [their pagination]) While these guidelines were developed by the USFWS Utah Office, and a 0.25 mile buffer cannot be achieved around the Twin Lakes owl nest due to existing single-family homes near the nest tree, the UT guidelines clearly indicate the sensitivity of great horned owl nests to exactly the sorts of construction activities BCHA is planning for the Twin Lakes Road parcels.
- 11) It is unfortunate that POS management allowed such a selectively scrubbed memo to be publically distributed on Nature-Net. (We doubt that any credible wildlife biologist would approve of public distribution of his/her professional work following such a one-sided edit.) That BCHA would subsequently take that same scrubbed memo and redistribute it to an extensive list of City and County decision-makers smacks of considerable desperation to make their one-sided case for high-density development on this land. As Boulder City and County residents, we expect a higher standard of integrity from both POS and BCHA. This misrepresentation of facts is a disappointing example from both, shameful in fact, and it violates their duty to be honest with the public.
- 12) As the contiguous, southern continuation of the wildlife habitat in Twin Lakes Open Space, these parcels are ideal for inclusion into a Greater Twin Lakes Open Space according to all five of the County's acquisition criteria:
- “Parks and Open Space staff strive to acquire land that meet these criteria:
- Land threatened by development that is near or adjacent to existing open space
  - Prime agricultural land
  - Wildlife habitat
  - Riparian and scenic corridors
  - Land that could provide trail connections”
- (<http://www.bouldercounty.org/os/openspace/pages/acquisitions.aspx>)

But at present, County POS has stated it is uninterested in open space designation for these parcels, apparently because another agency wants to the City to annex, upzone, and develop dense rental apartments on this land. POS criteria lack any exception for when the County itself is behind the threatened development of otherwise eligible lands adjacent to existing open space.

13) Significant planning for these parcels should begin with a comprehensive, thorough analysis of the parcels as wildlife habitat. That analysis should include a full list of the species that throughout the year use these parcels, the adjoining ditches and Twin Lakes. It should also include an assessment of the likely impacts of the full range of potential development activities, and it should be completed and distributed before making any decisions about or undertaking any significant action that might alter or compromise the wildlife habitat of these parcels.

SUMMARY COMMENT:

The POS website calls the Twin Lakes Open Space “a haven for wetland wildlife, a hidden gem in the heart of Gunbarrel area” and lists more than 35 wildlife and bird species that inhabit the area (<http://www.bouldercounty.org/os/parks/pages/twinlakes.aspx>).

Given that statement, how is it now credible for POS to publically state (and BCHA to parrot) that these adjoining unspoiled parcels straddling Twin Lakes Road are “largely devoid of wildlife”? The answer is: It is not credible at all.

The two Twin Lakes Road parcels should be protected as wildlife habitat within a Greater Twin Lakes Open Space, not sacrificed to BCHA’s fatally-flawed, single-purpose development project.

=====

**From:** [Brian Lay](#)  
**To:** [Boulder County Board of Commissioners](#); [council@bouldercolorado.gov](mailto:council@bouldercolorado.gov); [#LandUsePlanner](#)  
**Cc:** [Stewart, Ron](#); [Jannatpour, Vivienne](#); [Williford, Willa](#); [Swallow, Ian](#); [glen.segrue@bvsc.org](mailto:glen.segrue@bvsc.org); [don.orr@bvsc.org](mailto:don.orr@bvsc.org)  
**Subject:** Accurately Representing Information to the Public (Twin Lakes Properties)  
**Date:** Thursday, December 10, 2015 10:54:50 PM  
**Attachments:** [Brian Lay POS.docx](#)  
[POS & BCHA Email.pdf](#)  
[twin.lakes.parcels.memorandum.101415.pdf](#)

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I wanted to take this opportunity to express my disappointment concerning how information has been misrepresented and distributed by BCHA and POS relative to the Twin Lakes Properties under consideration for development for affordable housing. Please take the time to read my attached letter, the supporting documents, and look at the photos of the Coyote who uses the Twin Lakes fields often. He will be the victim if these properties are developed.

Thank you very much,  
Brian Lay

attachments:

Brian Lay POS - my letter

POS & BCHA Email.pdf - Letter sent by BCHA including letter by POS

twin.lakes.parcels.memorandum.101415.pdf - The original report by POS created by Dave Hoerath

MFDC0024.jpg - Coyote entering the fields from the Open Space to the south of twin lakes @~noon on Dec 6 th

MFDC0028.jpg - Coyote returning to the Open Space to the south of Red Fox Hills @8:30pm Dec 6th

location.jpg - approximate location and orientation of the trail camera

I am writing to express my deep disappointment with the documents that were received by Twin Lakes Action Group (TLAG) via the Colorado Open Records Act (CORA). This investigation was keyed off an email sent by Willa Williford to a broad county email list sharing a “process and informational update related to our assessment of the 6655 Twin Lakes property for potential affordable housing” (attachment #1). This email included a Boulder County Parks and Open Space letter written by Vivienne Jannatpour. Vivienne summarized a report conducted by Dave Hoerath, a Parks and Open Space wildlife specialist.

The summary provided by Vivienne egregiously misrepresents Dave’s report to an extent I would consider unethical. The single quote included by Vivienne from Dave’s analysis of the property consisted of “a monoculture of improved pasture grasses [mowed smooth brome] surrounded by homes”. She took the liberty to severely understate Dave’s analysis by stating “One of our wildlife biologists has assessed the properties proposed for housing for its habitat values and summarized it as largely devoid of wildlife”. I have attached the Dave’s complete report (attachment #2) for you to read and interpret for yourself.

In my opinion Vivienne neglects to “summarize” several key points mentioned by Dave:

- 1) The plethora of social trails accurately described in the analysis
- 2) The presence of multiple predator scat on main social trail that acts as a connector for coyote and fox within the neighborhood
- 3) The fact that the connector function of the trail will be “greatly diminished” if the parcels would be filled with housing.
- 4) The presence of red-tailed hawks circling above the field during his brief visit
- 5) The grassy areas functioning (somewhat) as foraging habitat for birds of prey

The purpose of a Communication Specialist is to “create and maintain positive relationships between their clients and the public often using media outlets”<sup>1</sup>. To do this, I believe that summarizing a report should have been held to journalistic standards when distributing information to such a large audience. Clearly this email was not.

The way this process has been handled by several government organizations (BCHA, POS, to name a few) to this point has really made me question my trust in Boulder’s government organizations. I understand that BCHA wants to develop the fields at pretty much any cost. But, they should not taint or misrepresent facts in the process. It is beginning to feel like a collusion of several agencies or at the minimum several individuals representing these agencies. Had I summarized a report to the Vice President of my company in the same manor Vivienne did, I would have been out of a job. Although I have always been skeptical about the claim of “transparency” in this process, I never really questioned it. Is it possible to work with the community? In a common interest? My faith is waning.

Finally, I wanted to share with you a few images of a coyote using the two properties as a corridor to the Twin Lakes. I purchased a trail camera and set it up in the fields to see what I would “catch”. The day after I mounted the camera to a fence post, I found the coyote who probably left the scat Dave alluded to in his report. He entered the fields close to noon on Dec 6<sup>th</sup> and returned to the open space to the south of twin lakes at approximately 8:30pm the same evening. This is the animal whose habitat will be “greatly diminished” in Dave’s opinion, or in my opinion, destroyed, by developing houses on these parcels of land. Shouldn’t this have been the approach that POS should have taken? Shouldn’t POS



have accurately represented the real value of these fields to wildlife when the summarized their findings to BCHA and the County Commissioners? Do you have the heart to tell this Coyote to find a different hunting ground? The red tail hawks? The bald eagle? The owls? The fox? Or the plethora of other species that use this field that is "largely devoid of wildlife"? Or, can you begin to understand the value these properties provide to the community and the wildlife that inhabit them daily. Please restore my faith.

Sincerely,

Brian Lay  
4555 Tally Ho Trail  
Boulder, CO 80301  
[brian\\_m\\_lay@yahoo.com](mailto:brian_m_lay@yahoo.com)  
617-500-7080

<sup>1</sup> [http://study.com/articles/Job\\_Description\\_of\\_a\\_Communications\\_Specialist.html](http://study.com/articles/Job_Description_of_a_Communications_Specialist.html)

**Jeffrey D. Cohen**

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**To:** 'VJannatpour@bouldercounty.org'  
**Cc:** 'RStewart@bouldercounty.org'  
**Subject:** RE: BVCP date changes and information update

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**From:** Boulder County Housing and Human Services [<mailto:wwilliford@bouldercounty.org>]  
**Sent:** Thursday, December 03, 2015 11:22 AM  
**To:** Jeffrey D. Cohen <[jeff@cohenadvisors.net](mailto:jeff@cohenadvisors.net)>  
**Subject:** BVCP date changes and information update

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## BVCP Date Changes and Informational Update

Good afternoon,

We wanted to share a process and informational update related to our assessment of the 6655 Twin Lakes property for potential affordable housing.

First, as you may know, some hearings and meetings on the Boulder Valley Comprehensive Plan process have been postponed from this month and will now begin in January. Here are the new dates:



January 26, 2016	Boulder County Commissioners and the Boulder County Planning Commission will hold a joint hearing on land use designation change requests.
January 27, 2016	Boulder County Commissioners will deliberate and consider motions on land use designation change requests.
February 2, 2016	Boulder City Council and Planning Board will hold a joint hearing to consider land use designation change requests.
Spring 2016 (Dates to be determined)	Hearings will be held on whether to approve requested land use designation changes.



In addition, in light of information included recently in communications around a Great Horned Owl petition for the Twin Lakes area, we wanted to pass along this note

from the Boulder County Parks and Open Space Department that may help provide some clarification around some of that information.

This message was sent through the Boulder County Nature Association's [NATURE-NET email listserv](#) on Wednesday (12/2/15):

The Boulder County Parks & Open Space Department thought it would be helpful to add some information to the discussion about the proposed Boulder County Housing Authority (BCHA) and Boulder Valley School District (BVSD) affordable housing project being considered on three parcels (6500 and 6655 Twin Lakes Road and 0 Kalua Road) near Twin Lakes Open Space in Gunbarrel.

The BCHA property is an undeveloped building lot that was sold to the county by the Catholic Archdiocese to be used for a common public interest/human need. The lot was purchased with the understanding it would be used for affordable housing. It was not an open space acquisition. It is also surrounded by residential housing on all but the one side that abuts an urban ditch/open space property that serves more like an urban park than a true open space property. There are many homes close to the nest, much closer than the parcels in question.

One of our wildlife biologists has assessed the properties proposed for housing for its habitat values and summarized it as largely devoid of wildlife, and "a monoculture of improved pasture grasses [mowed smooth brome] surrounded by homes." BCHA is committed to fully understanding any impacts on area wildlife and will be conducting a thorough wildlife and habitat study prior to any development proceeding.

The great-horned owl nest sits in a stand of trees on the Twin Lakes Open Space property that is immediately north of existing homes in the area. This parcel will remain protected and is managed by the Parks and Open Space Department. Since 2014, Boulder County staff places a protective fence around the nest during nesting season due to reports from neighbors that visitors were getting too close to the nest. Volunteer naturalists are also assigned shifts near the nest with a spotting scope to educate visitors and to help them see the nest without creating a disturbance. The owl nesting period commences in mid-December/early January with courtship behavior by the adult pair, and continues through July when the young owls fledge.

Vivienne Jannatpour  
Communications Specialist  
Boulder County Parks and Open Space

-----  
We'll continue to be in touch as we know more. You may also contact Housing Development Planner [Ian Swallow](#) if you have additional questions.

Sincerely,

Willa Williford  
Boulder County Housing Authority



**BCHA's Aspinwall @ Josephine Commons, Lafayette**



Boulder County Housing and Human Services · [hhsfrontdesk@bouldercounty.org](mailto:hhsfrontdesk@bouldercounty.org)  
[www.BoulderCountyHHS.org](http://www.BoulderCountyHHS.org)  
3400 Broadway, Boulder, CO 80304

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Boulder County Housing and Human Services | 3400 Broadway | Boulder | CO | 80304





## Parks and Open Space

5201 St. Vrain Road • Longmont, Colorado 80503  
303.678.6200 • Fax: 303.678.6177 • [www.bouldercounty.org](http://www.bouldercounty.org)

Memorandum

14 October 2015

**To:** Therese Glowacki, POS Resource Management Manager

**From:** Dave Hoerath, POS Wildlife Specialist

**Subject:** Comments on wildlife habitat values of Twin Lakes Parcels

The pair of parcels astride Twin Lakes Road, south of POS/Twin Lakes, is about 19 acres of mowed, smooth brome pasture. It is a very sterile environment from a wildlife perspective. It is a monoculture of improved pasture grasses surrounded by homes. The center is bisected (East/West) by the paved Twin Lakes Road, and each parcel is further bisected (North/South) by a local social trail. The far north and far south boundaries of each are adjacent to ditches or drainages that have some habitat value.

The north parcel is nearly 10 acres in size and has a very few trees that have escaped mowing along the Boulder and Whiterock Ditch. There is a nice pocket of trees at the far northeast corner of the parcel adjacent to the ditch. But all of the ditch vegetation is subject to clearing and burning at any time. The social trail from Twin Lakes Road (and from the south parcel) links to a large green pipe across the ditch, joining the Willows Trail/Regional Trail, immediately south of POS/Twin Lakes. There is an additional faint trail that parallels the ditch to the east, between the homes and the ditch (off the parcel). There is also a faint return trail along the eastern edge of the parcel back to Twin Lakes Road. There are no trees or shrubs within the interior of the parcel due to the mowing. The main social trail did have multiple predator scats on it (coyote, fox) and will function as a connector for them within the neighborhood. If the parcels are filled in with housing, the limited habitat value will disappear and the connector function will be greatly diminished. However, the ditch system will still function as movement corridors and connectors for terrestrial species. There were also red-tailed hawks circling during my visit. The grassy areas will also function (somewhat) as foraging habitat for birds of prey, when the areas are quiet.

The south parcel is nearly 9 acres in size and connects to the paved neighborhood trail, which dead ends, presumably at the property boundary. The social trail joins it and links the southwest corner neighborhood trail up to Twin Lakes Road, and across the street to the northern parcel trail to the green pipe/ditch crossing. This parcel is mostly the same smooth brome (mowed) pasture, but it does have a mature, tall Russian olive tree in it. The southern portion of the parcel has the remnants of some BMX bike trails and jumps that seem little used now. The far

south end of the parcel (or the adjacent parcel/dedicated green space) contains a lateral/drainage toward parcels southeast of the south parcel (POS/Johnson Trust). This area is wet much of the time and has some more mesic vegetation, including cattails, teasel, and wheatgrass. Neither parcel has any current or past signs of prairie dogs.

These parcels seem to function as an urban park of green space and trail connectors for local residents, but do not offer much in the way of wildlife habitat.

Photos are located in: <G:\WILDLIFE\MEMOS\Acquisitions\Twin Lakes Oct 2015\photos>







Davis  
Reservoir  
Number 1

RED FOX HILLS  
Twin Lakes Rd



Camera location and approximate orientation. In this case, anything moving to the right is entering the fields and anything moving to the left is leaving the fields

**From:** [Steve Pomerance](#)  
**To:** [Council; Planning Board](#)  
**Cc:** [Boulder County Board of Commissioners](#)  
**Subject:** Comp Plan survey question and concerns  
**Date:** Monday, December 14, 2015 8:29:43 AM

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To the Council and Planning Board:

I have a question and some comments about the BVCP survey that was recently completed.

Question:

Why were the mailout/return-paper-document survey results combined with the mailout/go-to-website survey results? As I remember, these were sent out as separate surveys, with the paper version supposed to be the definitive results, and so I would think that the results should be kept separate. But perhaps I am missing something.

Comments:

As far as the significance of the responses, the survey was generally very good in a number of areas. But some of the background material supplied for the questions on growth issues was incomplete and/or skewed, with the potential result that respondents would chose answers that were more pro-growth than they might have if they had more complete or more accurate information. It's not that what was said was wrong, but it did not convey the full truth. And, in many instances, what was missing was more important than what was included.

For example:

1. Growth numbers:

The section after the "Community Values" is on "Community Livability and Growth Management". The "Background" states that by 2040 we may see an additional 18,000+ more residents and a similar number of more jobs.

But most respondents who read this had no idea that this is not even close to buildout. How would they know, since the "Background" material doesn't tell them? So their answers were likely to be skewed by this lack of information.

In particular, the "Background" states that "there is less land zoned for future housing than for future jobs", but gives no sense of scale to this. If the survey had said that told them that, instead of the 18,000+, that the jobs buildout potential is 100,000 or more above the current almost 100,000 (as the city staff calculated a few years ago), people would have very likely answered very differently. (And if they were told the effect on traffic, they might have reacted even more differently...see below.)

I also should point out that these 18,000 numbers for 2040 future jobs and residents are very uncertain (the last time I checked, the staff didn't even have solid numbers

for Boulder Junction), and that the growth rates for jobs and housing through 2040 are almost exactly identical (why? where did that assumption come from?) This makes it appear that they are simply made up numbers without any real basis.

## 2. Commuters:

There is no mention of the 60,000 in-commuters. All it says is that "there are more people in-commuting for jobs than out." That's a gross understatement. I'd guess it's 6 times or more people that in commute than out commute. Would people have answered differently if they knew the truth? We'll never know unless this was done again, with real facts, not vague statements that imply something other than what the reality really is.

## 3. Growth pays its way:

Then there is the question of impacts and who pays. In the same "Background", it is stated that the Comp Plan "calls for growth to pay its own way." But what is not acknowledged is that this is very far from being true.

For example, the amount currently collected from new development for transportation is almost irrelevant in the big picture. Per the 2014 TMP, the Vision Plan - the only plan in the TMP that actually would prevent traffic from getting worse - is \$459,000,000 underfunded (this is not the total cost, but what is missing even with the 2013 sales tax increase and the current excise taxes, exactions, etc.) over the next 20 years.

This missing \$459 million comes out to be about \$20,000 per new resident or new non-resident worker using the City's growth projections. (Per the same TMP, residents and in-commuters have about the same traffic impact, based on 2013 data — then I took the City's growth data, and made some reasonable assumptions about future jobs:pop ratio. I don't claim perfect accuracy, but it's based on the same data that the TMP used, presumably.)

The TMP Vision Plan is the only plan in the TMP that actually prevents more traffic jams. Certainly, that plan could be refined and per capita costs reduced somewhat, but the real issue is that currently the funding gap is huge. Growth does not come even close to paying its own way with respect to transportation. People should have been told this.

My point is that if the respondents were given this kind of info instead of the "calls for growth to pay its own way" goal statement, they likely would have responded very differently.

(I also note that re general fund departments, over the last 25 years, even with residential growth of almost 25% and jobs growth well over that figure, the City has not added any significant public facilities. So these impact fees also are apparently severely inadequate.)

## 4. Jobs-Housing Linkage Fee:

Question 10 contains a misleading statement that in 2015 the Council approved a linkage fee so that "new commercial development helps pay for the construction of permanently affordable housing units related to the new employees that are generated." While it is true that the linkage fee was put into place, the beneficial effect is minimal: As I learned after multiple inquiries to city staff trying to make sense out of the assertion that the City could gain an affordable unit for under \$70K (really?), the real subsidy for a 1200 ft, attached, new rental unit is \$186,000+! That's the subsidy, not the total cost, to make it affordable to the target group. (It's probably \$190-200K by now...)

So how meaningful is the \$9.53 per ft<sup>2</sup> linkage fee? Well, do the math:  $\$186,000 / \$9.53 = \text{almost } 20,000 \text{ ft}^2$  to get the \$186K. At 150 ft<sup>2</sup> per new office employee (that's the national average), that's 130 employees. Even at Google's level of 200 ft<sup>2</sup> per employee, that's around 100 employees. And only one affordable unit for all those employees. That's a long ways from any meaningful "commercial development helps pay...".

Again, if the survey had told people this, they almost certainly would have responded very differently.

So I would be very careful in taking the survey results as indications that the citizens of Boulder support more growth, given all of this incomplete (and, because of that, deceptive) information that they were given in this survey.

Regards,  
Steve Pomerance

**From:** [leni.buhler](mailto:leni.buhler)  
**To:** [Boulder County Board of Commissioners; council@bouldercolorado.gov](mailto:council@bouldercolorado.gov); [ellis@bouldercolorado.gov](mailto:ellis@bouldercolorado.gov); [HyserC@bouldercolorado.gov](mailto:HyserC@bouldercolorado.gov); [ZachariasC@bouldercolorado.gov](mailto:ZachariasC@bouldercolorado.gov); [hirtj@bouldercolorado.gov](mailto:hirtj@bouldercolorado.gov); [Fogg, Peter](#); [Shannon, Abigail](#); [Giang, Steven](#); [#LandUsePlanner](#)  
**Subject:** Spam: Open letter re: 6655 Twin Lakes Rd potential development  
**Date:** Monday, December 14, 2015 8:54:05 PM

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December 14, 2015

To Whom It May Concern:

Every morning as I walk my dog through the empty field I stop to fill my being with the splendor of the view of our magnificent mountains. That field gives an unobstructed view of the front and back range enabling me to put my finger on the approaching weather and still feel that I live outside of the hustle of Boulder City. This kind of view is almost lost now in the outskirts of Boulder.

I have lived in Gunbarrel since 1984 when I bought a home on Brandon Creek Dr., just off Twin Lakes Rd. We are the Brandon Creek HOA. The original PUD was the first work of Michael Markel who then had to undertake a mitigation project for having built the development on a wetland. He sold the last part of the development in 1991 to a company in Ohio who simply wanted to get in, build, make money, and be gone. The condos are now the Twin Lakes Condo HOA. In my interactions with residents of the Twin Lakes Condos, I have been told repeatedly that the construction of that development was a mistake. Their parking areas are sinking, cracking, and having to be replaced regularly. Their crawl spaces have water in them. At a recent BVCP meeting I asked an official who was going to pay for parking lot replacement in the affordable housing project - if it (impossibly) happens to go through? Of course, this person had no idea. Those of us in the Brandon Creek HOA have had multiple floodings in our basements. I now have 2 sump pumps in an attempt to forestall any more water damage.

As a Board member of our BCHOA I am aware of much that goes on in the neighborhood. During the downturn in the economy two of our houses were sold to affordable housing. There are a total of 42 homes in our HOA. The purchasers of the lower cost homes are fine people that we have worked with to help them make dues payments on time....and to keep their yards well maintained. I know that people who have not owned before do not know how to care for a home....and renters often do not care about the upkeep of the property. If you have a large development that is entirely renters ....and folks who have not had a sense of pride in their neighborhood....and are often transient...the chances for the complex to deteriorate are great. It makes no sense whatsoever to create an affordable housing project where there is not a predominant element of established, caring, conscientious owners.

I would ask that you read an article from the May 28, 2015 **Boulder Weekly** entitled "Protecting Boulder's wetlands to prevent future floods" by Mollie Putzig. She is writing about our area. Covering up the wetlands cuts off the land's ability to absorb excess water which will then create flooding and damage to whatever mankind has put up to prevent Nature from taking its course. Covering up more land in our area would be a travesty of significant proportion.

Needless to say the impact of such a large number of dwellings will weigh heavily on all infrastructure. Will we need more schools? The concomitant noise, light, air, water, traffic, distress to the land, etc. pollution will cause stress to our peaceful neighborhoods. We wish that you would love the land as we do....that you had a history with this area as we do....that you could understand the extent of the irreparable damage this development will have upon our area. How permission was ever given for the construction of the jam-packed apartments around King Soopers without a blade of grass to soften the impact is beyond my comprehension. Please don't make more mistakes.

Most sincerely,  
Leni Buhler  
4834 Brandon Creek Dr.

**From:** [Lauren Bond Kovsky](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** 6655 and 6600 Twin Lakes Rd. proposed BCHA development  
**Date:** Tuesday, December 15, 2015 6:04:50 PM  
**Attachments:** [PastedGraphic-1.png](#)  
[pastedGraphic.png](#)

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Dear Boulder County Planning Commission members and staff: Mr. Baker, Mr. Blaugrund, Mr. Cohen, Ms. Lopez, Mr. Gargano, Mr. Hilton, Ms. Martinsson, Mr. Shanks, Mr. Young, and staff participants,

My name is Lauren Bond Kovsky and I am a professional naturalist and resident of the Twin Lakes neighborhood in Gunbarrel.

I am writing because I have some concerns about the proposed affordable housing development in my neighborhood at 6655 and 6600 Twin Lakes Rd.

I will start with a response to the "Comments on Wildlife Habitat Values of Twin Lakes Parcels" memorandum since that is my area of expertise.

### **1. Impact on wildlife and biodiversity (a response to the "Comments on Wildlife Habitat Values of Twin Lakes Parcels" memorandum)**

I read the statement that Willa Williford wrote regarding the biodiversity of 6600 and 6655 Twin Lakes Rd. Her statement is incorrect. These properties are NOT "devoid of wildlife" and there is a variety of grass and other plant species, not a monoculture of smooth brome grass.

Three days ago, I walked through 6655 and 6600 and counted at least 6 different species of grass. There are native curlycup gumweed, and several species of native asters that are all over that property. **I would be very happy to go for a walk with you and identify the diverse species that one can find on these 2 properties.**

**In the spring, I will put together a species list of what is growing and living at 6655 and 6600 Twin Lakes Rd including photographs and documentation. I will be very happy to submit this list to the appropriate parties.**

This area is absolutely NOT "devoid of wildlife". I saw a dead fox on the 6655 property 3 days ago, and saw many rabbits and voles. One of my neighbors put up a wildlife camera at the south corner of 6600 Twin Lakes Rd. and got some pretty amazing photographs of a coyote who spent the day on the property. I have also seen raccoons, skunks, red tailed hawks, northern harriers, cooper's hawks, prairie falcons, red winged blackbirds, mallards, Canada Geese, and more on 6655 and 6600 Twin Lakes Rd.

As I am sure you are aware, there is a Great Horned Owl family that lives about 50 feet from the corner of 6655 Twin Lakes Rd. 75% of the time, when I am looking for the owls, I can find at least one of them roosting in a willow tree that hangs over 6655 Twin Lakes Rd. I have watched them catch voles, mice, rabbits, and more on the property to feed their young. I have attached 3 photos below showing the male owl roosting in the willow tree and the female owl with a vole and a rabbit caught at



6655 Twin Lakes Rd.



As far as I understand, great horned owls are a federally protected species under the Federal Migratory Bird Treaty Act. I am greatly concerned that the owls will be displaced by this housing development, in particular at 6655 Twin Lakes Rd.

In response to the comment that "There are many homes close to the nest, much closer than the parcels in question": The concern I have is not the proximity to the nest of the development in comparison with existing houses, but the proximity of construction noise to the nest in addition to the destruction of the owls' primary hunting ground. Construction is loud and disruptive, and would negatively impact the Great Horned Owls. In fact, I expect that there are likely federal laws resulting from the Migratory Bird Act requiring appropriate timing for construction in close proximity to owls and other federally protected birds.

For eagles, the requirement is 1/2 mile from an active nest during nesting season, and I believe the requirement is 300 feet from great blue heron rookeries. I assume the requirement is something similar for owls, though I am not a lawyer and not the best one to determine those regulations.

## **2. Recent condominium developments in Gunbarrel**

I recently learned that the condominium developments near King Soopers have no affordable housing because they paid a fee to allow them to be exempt from that requirement.

First, I do not think that it is appropriate to allow developers to buy their way out of the required percentage of affordable housing. I agree 100% that there is a severe shortage of affordable housing in Boulder County and, in particular, the city of Boulder. With the severe shortage that BCHA is trying to manage, developers should NOT be exempt from affordable housing requirements.

### **3. Annexation with Boulder**

I have learned that the property will need to be annexed and rezoned to allow for the proposed housing density. I understand that for 6655, the proposed housing development could have up to 168 dwellings. I assume that a similar number will be proposed at 6600. This will require rezoning from low density to high density residential.

It is my understanding that, for this development to happen, the City of Boulder will need to annex 6655 and 6600 Twin Lakes Rd. to the city of Boulder. My neighborhood is currently just outside of the city limits and, therefore, I have not had the ability to vote on city of Boulder city council members nor referendums.

Because this would be a city of Boulder affordable housing development, I don't understand why it is legal to build outside of the city limits when the property is surrounded by unincorporated Boulder County residents who have no say in what happens in the city of Boulder. This is not right. If this is happening in our neighborhood, we should have a right to vote on the ballot issues pertaining to this development. In particular, we were not given the option to vote on referendum 300 and 301 in the last election. We were not given the option to choose what city council members we have representing the city of Boulder, because we are not in the city. Referendum 300 would have given us the right to veto the rezoning to high density residential.

### **4. Rural low density housing to high density residential rezoning**

When my husband and I moved to Twin Lakes 6 years ago, it was for several reasons. The number one reason is that we are in a rural neighborhood that is surrounded by open space and farmlands. We hear owls outside of our window nearly every night. Coyotes howl and foxes yip. Rabbits, squirrels, voles, skunks, bald eagles, red winged blackbirds, and double crested cormorants frequent the field behind my house.

The second reason is that it was more than \$100,000 cheaper to buy a house in Gunbarrel than to buy one in Martin Acres where we were living before.

High density housing would completely change the atmosphere of the Twin Lakes neighborhood. It would severely impact the wildlife that use 6655 and 6600 Twin Lakes Road as a corridor to travel from Twin Lakes Open Space to Boulder Creek and Walden Ponds. There would be a lot more traffic on Twin Lakes Road, which is not well suited to much more traffic than we already have.

### **5. Walk score for 6655 and 6600 Twin Lakes Rd.**

The bus service into Boulder is sorely lacking. The 205 comes every half hour on the weekdays and takes a half hour to reach downtown. To connect to the Skip to go into South Boulder, it would take over an hour to arrive.

When I lived in Martin Acres I took the bus regularly. The Skip took me downtown in 15 minutes, and I could catch the B or the AB right from my neighborhood. I barely drove my car in the first several years that I lived in Boulder. It takes a long time to get anywhere on the bus from Twin Lakes, and it is not a convenient place to live

without a car. I assume that some of the people who will live in the affordable housing in Twin Lakes will not have a car, and this is just not a good neighborhood to be in without a car. Our nearest grocery store, King Soopers, is 1.6 miles away and would take a half hour to walk to each way.

Incidentally, all of the recent condominium complexes that were just built in Gunbarrel are all within a 5 minute walk of King Soopers and right next to the bus line. Those complexes would have been much more suited to affordable housing developments.

In fact, according to <https://www.walkscore.com/score/6655-twin-lakes-rd-boulder-co-80301>, the proposed development has a score of 18 out of 100 in walkability. This is in comparison to the City of Boulder which, on average, has a walkability score of 56.

## 6. Flood potential

Another big concern I have in regards to the development of 6655 and 6600 Twin Lakes Rd. is the flooding that I have experienced in the time I have lived here. I am concerned that you have not taken into account that surrounding homes have had to deal with flooded basements twice in the past 2 years. The proposed development will get flooded as well, I can promise you that. The water table is simply too high to have any development below ground level. In fact, I wish I did not have a basement in this neighborhood due to the flooding we have experienced since moving here.

In September 2013, my basement flooded for 3 days after the rain stopped due to the elevated water table. The humidity has remained at 70-90% in my basement since the flood. In June 2015, a friend of mine who lives less than a block from 6655 had the water table rise again enough to soak her carpet in the basement and require a lengthy and involved mold mitigation effort to make her basement inhabitable again.

In fact, I saw a hydrology report that shows that there is a huge potential for basements to be flooded at 6655 Twin Lakes Rd. and it recommended not building basements at all there. I have attached one of the more relevant figures from that report below.



## 7. Conclusion

In conclusion, I think that 6655 and 6600 Twin Lakes Road should become an extension of Twin Lakes Open Space to be sure that the wildlife corridor that crosses 6600 and 6655 remains intact. If affordable housing is built on these properties, it should remain a rural low density residential zoning with special consideration to maintain a wildlife corridor to connect Twin Lakes Open Space with Boulder Creek and Walden Ponds.

Please let us have a say in what happens in our neighborhood.

If you have any questions or concerns, or would like to walk the property with me once the snow melts, please don't hesitate to contact me.

I hope to meet you someday- maybe on a walk in our neighborhood?

Thank you so much for taking the time to listen to my concerns. I look forward to a response.

Sincerely,  
Lauren Bond Kovsky  
Naturalist and wilderness guide  
303-859-7174  
[laurenbkovsky@gmail.com](mailto:laurenbkovsky@gmail.com)  
6394 Twin Lakes Rd.  
Boulder, CO 80301

**From:** [Elizabeth Black](mailto:Elizabeth.Black@bouldercolorado.gov)  
**To:** [elisli@bouldercolorado.gov](mailto:elisli@bouldercolorado.gov); [richstones@bouldercolorado.gov](mailto:richstones@bouldercolorado.gov); [council@bouldercolorado.gov](mailto:council@bouldercolorado.gov)  
**Cc:** "KenCairn, Brett"; "Gershman, Mark"; "Anacker, Brian"; "Matheson, Valerie"; "Abernathy, Rella"; "Alexander, Kathleen"; "Bowes, Megan"; "Hyser, Courtland"; "Gatza, Jean"; "Kolb, Lauren"; "Castillo, Carl"; Card, Adrian; #LandUsePlanner; Boulder County Board of Commissioners  
**Subject:** Please add Soil Sequestration of Carbon to the Comp Plan  
**Date:** Thursday, December 17, 2015 9:05:09 AM

---

Hi Lesli, Susan and Council,

I really appreciated your positive comments and interest last Tuesday night, when I spoke about Soil Sequestration of Carbon during public participation. I believe it is a very hopeful and exciting strategy, in an area that so often seems hopeless. I hope you can see your way to inserting some language about Soil Sequestration of Carbon into the Comp Plan during this update. We can't wait another 5 years before getting this promising strategy going!

Right now, the only time the word "soil" appears in the Comp Plan is in section 3.16, where it talks about not developing houses in hazardous areas, including areas with "unstable soil". The Comp Plan is quite silent on the subject of soil conservation and fertility as well. I think that is probably because it comes from an urban perspective and does not deal with agricultural issues, other than supplying healthy local food to urban dwellers. Even the section on Agriculture (Section 9) does not include the word "soil", or talk about increasing the fertility, water-holding capacity or organic matter in soils. ( <https://www-static.bouldercolorado.gov/docs/boulder-valley-comprehensive-plan-2010-1-201410091122.pdf> ) The closest the Comp Plan comes to talking about soil is in section 9.03 Sustainable Agriculture Practices. But again, section 9.03 is all about the inputs and outputs, and treats the soil as if it were a blank slate to do whatever you like to. It does not acknowledge soil as an active player, an extremely valuable resource, a bank of sorts, that we can withdraw riches from, (overdraw at our peril!), or deposit riches into. All of us carbon based life forms depend on this soil matrix for survival. It's interesting that we don't even see it!

Here are a couple of places to learn more about soil sequestration of carbon, if you are interested:  
<http://www.npr.org/templates/story/story.php?storyId=11951725> from NPR;  
<http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/ok/home/?cid=stelprdb1142544> from USDA NRCS;  
<http://www.kristinohlson.com/books/soil-will-save-us>, a book.

My suggestions for additions to the Comp Plan regarding Soil Sequestration of Carbon are below. Thanks very much for your consideration, Elizabeth Black

## Soil Sequestration of Carbon

I ask that you make the following additions to Sections 4 and 9 of the Boulder Valley Comp Plan:

***Section 4.09 Soil Sequestration of Carbon: The City and County will identify and implement innovative and cost-effective actions to sequester carbon on their agricultural, range and forest lands. The City will develop strategies to educate landowners about how to sequester carbon on their own properties. Partnerships with public and private entities will be pursued to amplify the effectiveness of these actions.***

***Section 9.09 Soil Sequestration of Carbon: Although many agricultural practices generate carbon, other agricultural practices can sequester large amounts of carbon in soils, enrich agricultural lands, and increase water retention and soil fertility. The City and County will encourage and support the development of Best Management Practices for soil sequestration of carbon along the Front Range. They will identify suitable sites to run Pilot Projects for Soil Sequestration of Carbon, implement soil protection actions for their own properties, and explore opportunities to incentivize "Carbon Farming".***

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climate change is **soil sequestration of carbon**, which uses specific agricultural, range management and forestry practices to sequester more carbon in the soil than these practices produce. In addition to locking up atmospheric carbon, these practices can also lead to greater soil fertility, better water retention, lower fertilizer/fuel costs, and increased crop yields. Examples of these practices, used in other areas, include reforestation with more resilient drought-tolerant southern species, cover crop cocktails, conservation crop rotation, no-till farming, mob grazing, composted green waste soil applications, biochar applications, and fungal soil inoculations using no-turn composting. Boulder County contains large swaths of agricultural and forest lands which, if managed appropriately, have the potential to annually sequester a large percentage of the CO<sub>2</sub> produced by County residents.

Soil sequestration of carbon is a new science and Best Management Practices for our local climate and soils are still being developed. Very small capital outlays now to support local studies will pay huge future dividends. Boulder has the opportunity to be a Front Range leader in soil sequestration of carbon, in partnership with CSU, a recognized leader in soils. Pilot Project opportunities to test different practices exist on City of Boulder and Boulder County agricultural lands, as well as private farms which are already using many soil sequestration methods.

Currently, most people do not understand the vocabulary or concepts of Soil Sequestration of Carbon. Knowledge about healthy soils is lacking, and most people do not realize that carbon can be sequestered in lawns, mulched flower beds, vegetable gardens, farm fields, rangelands and forest lands. With education, landowners can take simple steps to sequester more carbon themselves.

Elizabeth Black

303-449-7532

4340 N 13<sup>th</sup> St

Boulder CO 80304

[Cottage Foods For Boulder](#)

[Elizabeth@ElizabethBlackArt.com](mailto:Elizabeth@ElizabethBlackArt.com)



**From:** [Elizabeth Black](#)  
**To:** [ellis@bouldercolorado.gov](mailto:ellis@bouldercolorado.gov); [richstones@bouldercolorado.gov](mailto:richstones@bouldercolorado.gov); [council@bouldercolorado.gov](mailto:council@bouldercolorado.gov)  
**Cc:** "[KenCairn, Brett](#)"; "[Gershman, Mark](#)"; "[Anacker, Brian](#)"; "[Matheson, Valerie](#)"; "[Abernathy, Rella](#)"; "[Alexander, Kathleen](#)"; "[Bowes, Megan](#)"; "[Hyser, Courtland](#)"; "[Gatza, Jean](#)"; "[Kolb, Lauren](#)"; "[Castillo, Carl](#)"; [Card, Adrian](#); [#LandUsePlanner](#); [Boulder County Board of Commissioners](#)  
**Subject:** RE: Please add Soil Sequestration of Carbon to the Comp Plan  
**Date:** Friday, December 18, 2015 9:31:33 AM

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FYI, Today in the Daily Camera : [http://www.dailycamera.com/guest-opinions/ci\\_29270358/elizabeth-black-soil-can-save-us](http://www.dailycamera.com/guest-opinions/ci_29270358/elizabeth-black-soil-can-save-us)

## Opinion: Guest Opinions

# Elizabeth Black: The soil can save us!

By Elizabeth Black

Posted: 12/17/2015 07:35:35 PM MST

Click photo to enlarge



Sequestering carbon in soil can help fight climate change, the author... (*Aaron Favila / AP*)

Climate change is the overwhelming challenge of our century. We must rapidly decrease CO<sub>2</sub> production and eliminate more carbon from our atmosphere. A new tactic in the fight against climate change is soil sequestration of carbon, using special agricultural, range, and forestry practices to store carbon in the soil. These special practices sequester more carbon than they produce, and deliver greater soil fertility, better water retention, lower fertilizer/fuel costs, and increased crop yields.

If you've shoveled Boulder's soil, you're familiar with our stony hardpan. But if you've persistently gardened here, you've probably added compost or manure to your pasty clay, eventually turning it into fertile black soil. You've actually been sequestering carbon in your soil by adding all that compost/manure! That new black stuff in your soil is carbon.

Manure or compost isn't the only way to put extra carbon into our soils. We can also use the symbiotic relationship between soil microbes and plants to do the work for us. Remember learning about photosynthesis, where plants take sunlight and CO<sub>2</sub> from the air and make oxygen and carbon-sugars, which they use to grow? But you probably didn't learn that down below the soil line, plants leak carbon-sugars out through their roots, to attract and feed soil-microbes, which in return supply plants with broken down minerals (N-P-K) which plants also need to grow. Then, as the soil-microbes eat each other, the plants' original carbon-sugars pass from one soil-microbe to another. Each time the carbon-sugar is eaten by another microbe, it becomes more concentrated, until it eventually forms humin: rich, black, insoluble sequestered carbon.

A teaspoon of healthy soil holds one billion bacteria, yards of fungal filaments, and thousands of protozoa. We can harness our jillions of soil microbes to make even more humin and sequester even more carbon for us. Practices to keep our soil microbes sequestering carbon at top speed include cover crop cocktails, conservation crop rotation, no-till farming, mob grazing, composted green waste or biochar applications, fungal soil inoculations using no-turn composting, [and more](#).

How much CO2 can our jillions of soil microbes actually sequester? For two years, New Mexico State University molecular biologist David C. Johnson measured carbon sequestration on test plots with cover-crops. His soil organic matter increased 67 percent and soil water-holding capacity jumped over 30 percent. Reporting to Sandia National Labs, he states, "The rates of biomass production we are currently observing in this system have the capability to capture enough CO2 (50 tons CO2/acre) to offset all anthropogenic CO2 emissions on 11 percent of world cropland. Twice **this** amount of land is fallow at any time worldwide." So those itty-bitty microbes could potentially sequester **all** of the CO2 we produce!

Boulder's agricultural and forest lands, if managed appropriately, could sequester large percentages of our residents' CO2. Granted, Boulder has challenges: high altitude, short growing seasons, incessant droughts, and alkaline soils. Practices which work in California may not work here. But in partnership with CSU, a leader in soil science, and with private farmers/ranchers/foresters already using soil sequestration practices, we can test and discover the best ways to sequester carbon along the Front Range.

How can you sequester more carbon yourself? First, lobby your elected officials to support soil sequestration of carbon. Ask them to include soil sequestration in the Boulder Valley Comp Plan Update and their Climate Action Plans. Encourage them to fund pilot projects to test various soil sequestration practices for the Front Range. Next, use your town's organic recycling for organic waste. The compost produced sequesters carbon. Finally, if you have a yard, use a mulching blade on your mower and leave the clippings in place. Keep your soil covered with organic material. Mulch flower beds. Use compost. Plant cover crops on bare vegetable beds in the fall.

Climate change is scary, often appearing hopeless. Soil sequestration of carbon offers hope. We carbon-based life forms spring from the earth, and to it we shall eventually return. It is fitting that the earth, our soil, be our salvation in our time of greatest need.

***Elizabeth Black is an artist and farms in North Boulder. Email: [Elizabeth@ElizabethBlackArt.com](mailto:Elizabeth@ElizabethBlackArt.com).***

Elizabeth Black

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Boulder CO 80304

[Elizabeth@ElizabethBlackArt.com](mailto:Elizabeth@ElizabethBlackArt.com)





**From:** Elizabeth Black [mailto:elizabeth@elizabethblackart.com]

**Sent:** Thursday, December 17, 2015 9:05 AM

**To:** 'ellisl@bouldercolorado.gov'; 'richstones@bouldercolorado.gov'; 'council@bouldercolorado.gov'

**Cc:** 'KenCairn, Brett'; 'Gershman, Mark'; 'Anacker, Brian'; 'Matheson, Valerie'; 'Abernathy, Rella'; 'Alexander, Kathleen'; 'Bowes, Megan'; 'Hyser, Courtland'; 'Gatza, Jean'; 'Kolb, Lauren'; 'Castillo, Carl'; 'Card, Adrian'; 'planner@bouldercounty.org'; 'commissioners@bouldercounty.org'

**Subject:** Please add Soil Sequestration of Carbon to the Comp Plan

Hi Lesli, Susan and Council,

I really appreciated your positive comments and interest last Tuesday night, when I spoke about Soil Sequestration of Carbon during public participation. I believe it is a very hopeful and exciting strategy, in an area that so often seems hopeless. I hope you can see your way to inserting some language about Soil Sequestration of Carbon into the Comp Plan during this update. We can't wait another 5 years before getting this promising strategy going!

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<http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/ok/home/?cid=stelprdb1142544> from USDA NRCS;  
<http://www.kristinohlson.com/books/soil-will-save-us>, a book.

My suggestions for additions to the Comp Plan regarding Soil Sequestration of Carbon are below. Thanks very much for your consideration, Elizabeth Black

## Soil Sequestration of Carbon

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Currently, most people do not understand the vocabulary or concepts of Soil Sequestration of Carbon. Knowledge about healthy soils is lacking, and most people do not realize that carbon can be sequestered in lawns, mulched flower beds, vegetable gardens, farm fields, rangelands and forest lands. With education, landowners can take simple steps to sequester more carbon themselves.

Elizabeth Black

303-449-7532

4340 N 13<sup>th</sup> St

Boulder CO 80304

[Cottage Foods For Boulder](#)

[Elizabeth@ElizabethBlackArt.com](mailto:Elizabeth@ElizabethBlackArt.com)



**From:** [dorcasvick@juno.com](mailto:dorcasvick@juno.com)  
**To:** [Boulder County Board of Commissioners; council@bouldercolorado.gov](mailto:council@bouldercolorado.gov)  
**Subject:** Comprehensive Plan  
**Date:** Tuesday, December 29, 2015 7:53:38 PM

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Ladies and Gentlemen:

We write to urge you to adopt into the Updated Comprehensive Plan information the suggestions that you recently received from Elizabeth Black regarding inclusion of ways to implement sequestration of carbon into the soil.

The science behind this process has only fairly recently become understood as a significant means by which we can slow climate change while vastly improving the quality of the soil we use in our gardens and on our farms. Ms. Black's guest commentary printed in the *Daily Camera* on December 17, 2015, gives a clear, comprehensive explanation of the process.

[http://www.dailycamera.com/opinion/ci\\_29270358/elizabeth-black:-the-soil-can-save-us](http://www.dailycamera.com/opinion/ci_29270358/elizabeth-black:-the-soil-can-save-us)

Any disturbance of the soil releases carbon into the atmosphere. The excavation for the construction of the building at 28th and Canyon and traditional plowing prior to planting are cases in point. Any plant growing and any mulch placed on top of the soil help to retain the carbon.

The methods involved are processes that anyone can use to contribute to the sequestration of carbon. We hope you will encourage the citizens of Boulder County to learn about and practice them.

Vick and Dorothy Williams  
75 Benthaven Pl  
Boulder

**From:** [Chris Hoffman](#)  
**To:** [Boulder County Board of Commissioners](#); [council@bouldercolorado.gov](mailto:council@bouldercolorado.gov)  
**Subject:** Boulder Valley Comprehensive Plan update  
**Date:** Wednesday, December 30, 2015 2:14:50 PM

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To the Boulder County Commissioners and Boulder City Council,

I strongly endorse the recommendations from Elizabeth Black, copied below, with regard to the update of the Comprehensive Plan.

Thank you,  
Chris Hoffman

Chris Hoffman  
1280 Fairfield Drive  
Boulder, CO 80305  
USA  
303-494-8096 (home)  
303-513-3621 (work / cell)

I hope you can see your way to inserting some language about Soil Sequestration of Carbon into the Comp Plan during the current update. Soil sequestration of carbon is a very hopeful and exciting strategy, in an area that so often seems hopeless. We can't afford to wait another 5 years before getting this promising strategy going!

Right now, the only time the word "soil" appears in the Comp Plan is in section 3.16, where it talks about not developing houses in hazardous areas, including areas with "unstable soil". The Comp Plan is quite silent on the subject of soil conservation and fertility as well. I think that is probably because it comes from an urban perspective and does not deal with agricultural issues, other than supplying healthy local food to urban dwellers. Even the section on Agriculture (Section 9) does not include the word "soil", or talk about increasing the fertility, water-holding capacity or organic matter in soils. ( <https://www-static.bouldercolorado.gov/docs/boulder-valley-comprehensive-plan-2010-1-201410091122.pdf> ) The closest the Comp Plan comes to talking about soil is in section 9.03 Sustainable Agriculture Practices. But again, section 9.03 is all about the inputs and outputs, and treats the soil as if it were a blank slate to do whatever you like to. It does not acknowledge soil as an active player, an extremely valuable resource, a bank of sorts, that we can withdraw riches from, (overdraw at our peril!), or deposit riches into. All of us carbon based life forms depend on this soil matrix for survival. It's interesting that we don't even see it!

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[cid=stelprdb1142544](http://www.kristinohlson.com/books/soil-will-save-us) from USDA NRCS; <http://www.kristinohlson.com/books/soil-will-save-us>, a book, The Soil Will Save Us by Kristin Ohlson.

My suggestions for additions to the Comp Plan regarding Soil Sequestration of Carbon are below. Thanks very much for your consideration, Elizabeth Black

## Soil Sequestration of Carbon

I ask that you make the following additions to Sections 4 and 9 of the Boulder Valley Comp Plan:

**Section 4.09 Soil Sequestration of Carbon:** *The City and County will identify and implement innovative and cost-effective actions to sequester carbon on their agricultural, range and forest lands. The City will develop strategies to educate landowners about how to sequester carbon on their own properties. Partnerships with public and private entities will be pursued to amplify the effectiveness of these actions.*

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**From:** [ELLEN GAGER](#)  
**To:** [Boulder County Board of Commissioners](#); [council@bouldercolorado.gov](mailto:council@bouldercolorado.gov)  
**Subject:** Soil Sequestration  
**Date:** Wednesday, December 30, 2015 3:27:03 PM

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To the Boulder County Commissioners and Boulder City Council,

I am writing in support of soil sequestration which seems a sound and effective strategy for dealing with carbon reduction. This is a strategy which can be utilized by everyone from homeowners to farmers to professional land management. With the proper education of front range Coloradans, we can sequester carbon in our vegetable gardens, lawns, flower beds as well as in larger private and commercial farm, range and forest land. I encourage you to do your own research and to include soil sequestration practices in the Boulder Valley Comp Plan Update and the Climate Action Plan. See below for links to learn more about soil sequestration of carbon. Let's work together to make this planet a healthy one for all of us! Thanks for your consideration,

Ellen Gager  
1905 Bluff Str.  
Boulder, CO 80304

<http://www.kristinohlson.com/books/soil-will-save-us>

<https://sciencetriop.wordpress.com/2013/07/12/review-rambunctious-garden-saving-nature-in-a-post-wild-world-by-emma-marris/>

<http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/ok/home/?cid=stelprdb1142544>

<http://www.npr.org/templates/story/story.php?storyId=11951725>