

**BOULDER COUNTY PLANNING COMMISSION  
RECONSIDERATION OF BVCP-15-0001  
LAND USE DESIGNATION CHANGE DECISION**

**MEETING DATE: January 18, 2017**

**AGENDA ITEM:** Planning Commission public hearing to reconsider Sep. 21, 2016 decision regarding public Land Use Designation change Requests #35 and #36 for 6655 Twin Lakes Road, 6500 Twin Lakes Road and 0 Kalua Road. **The initial public hearing for this item was held on August 30, 2016.**

**STAFF:**

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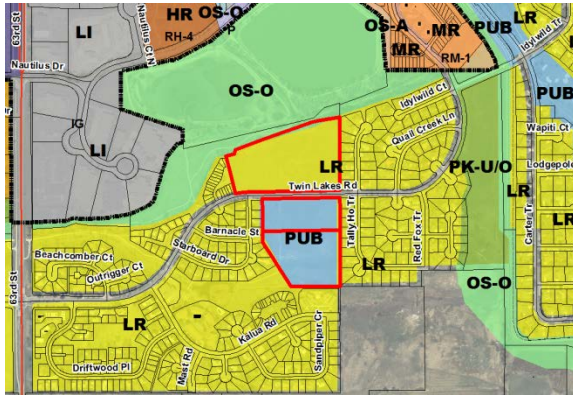
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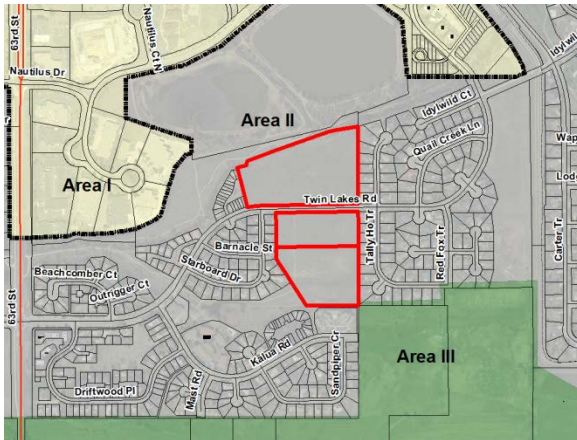
# Requests #35 and #36

# 6655 and 6500 Twin Lakes, 0 Kalua Road

Existing BVCP Land Use Map



Existing Planning Area Map



### Request Summary

- Requester:  
#35: Boulder Valley School District and Boulder County Housing Authority  
#36: Twin Lakes Action Group, community members
- Type of Request: Land use map change
- Brief Description of Request:  
#35: Low Density Residential (LR) and Public (PUB) to **Mixed Density Residential (MXR)**  
#36: Low Density Residential (LR) and Public (PUB) to **Open Space (OS)** with Natural Ecosystems or Environmental Preservation designation
- Approval Required: Four body

### Existing Conditions

- BVCP Designation: LR and PUB
- Zoning (county): Rural Residential (RR) for all three properties
- Planning Area: II
- Combined Lot Size (estimate): 862,000 sq. ft. (19.8 acres)
- Existing Buildings: none

### Jobs and Housing Assumptions

- Current Estimated Dwelling Units: 2-60 with LR
- Future Estimated Dwelling Units:  
#35: 120-360 with MXR  
#36: n/a with OS
- Future Estimated Jobs: n/a

### Site Photos



## Twin Lakes Staff Recommendation, Addendum to Aug. 30, 2016 Staff Report



### SUMMARY

On Jan. 18, 2017, Boulder County’s Planning Commission will hold a public hearing to reconsider its Sep. 21, 2016 decision regarding public land use designation change requests for 6655 Twin Lakes Road, 6500 Twin Lakes Road and 0 Kalua Road (requests #35 and #36) as part of the Boulder Valley Comprehensive Plan (BVCP) Update (Docket BVCP-15-0001), per their request. The Sep. 21, 2016 decision followed a joint Board of County Commissioners – Planning Commission public hearing on this matter and other BVCP public land use designation change requests. This report is an addendum to the staff report presented for the Aug. 30, 2016 public hearing. This report focuses on new information that was not available for consideration as part of the Planning Commission’s Sep. 21, 2016 decision. Also see staff’s analysis of the requests available in the original report at the Aug. 30 meeting which is available in the Twin Lakes section on the [BVCP website](#). Additional information is available at [BVCP-15-0001 docket webpage](#), and in a document staff prepared to respond to common questions: Key Facts about the Twin Lakes Land Use Change Requests (Attachment A).<sup>1</sup>

This addendum is organized as follows:

- Background
- Discussion of New Information / Topics of Focus
- Next Steps

### Amended Staff Recommendation

Per this addendum, staff amends its original recommendation and would like to additionally designate as Environmental Preservation those areas included in the corridors and buffers proposal submitted by BCHA and BVSD on Dec. 22, 2016.<sup>2</sup> The amended recommendation expands the area that was originally recommended for designation as Environmental Preservation, and continues to support a Medium Density Residential designation for the remainder of the acreage on the parcels.

The rationale for the amended staff recommendation is that the requesters for Request #35 propose to place binding restrictions on their property in the interest of protecting wildlife and the environment and accommodating the interests of members of the community. The proposed

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<sup>1</sup> <http://www.bouldercounty.org/property/build/pages/lubvcp150001.aspx>

<sup>2</sup> Staff has reviewed all additional information provided. Except as specified in this report, the information does not alter the determinations made by staff in its initial report to the Planning Commission.

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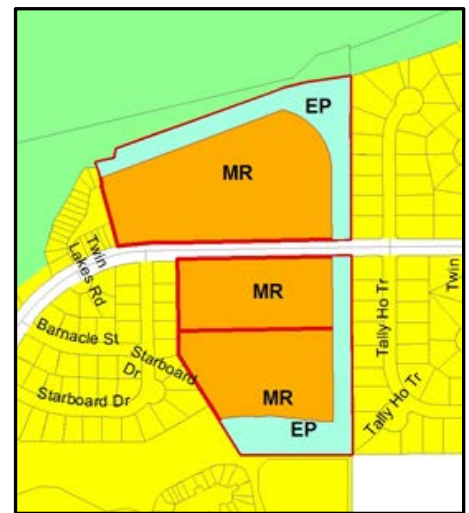
buffer areas would meet professional biologists' assessments of the needs of local wildlife, while allowing opportunities for the public to continue using the land and gain improved access to the Twin Lakes Open Space area to the north. The outcome would also align with multiple BVCP core values. The complete revised staff recommendation follows, incorporating points from the Aug. 30 report.

### REVISED STAFF RECOMMENDATION FOR REQUESTS #35 and #36

Staff recommends that the sites' Land Use Map designation be changed to **Medium Density Residential (MR)**, with **Environmental Preservation (EP)** on the north, east and southern portion of the parcels for the following reasons:

- The parcels are in Area II (the area designated for urban services) and have been intended for annexation into the city since the 1970s.
- Urban services (i.e., water, wastewater, stormwater, roads) are readily available near the site.
- Diversity of housing types and costs is a core value of the Comprehensive Plan, recognizing that the availability of housing affordable to both low and moderate income populations is "a growing concern".
- There is a scarcity of sites for housing in the Boulder Valley. Allowing Medium Density Residential will allow for a diversity of housing types and prices, and a significant portion of the units will be permanently affordable.
- The recommended designations advance other key BVCP policies, including jobs:housing balance, compatibility of adjacent land uses, sensitive infill and redevelopment, and strengthening community housing partnerships.
- The recommended Environmental Preservation (EP) designation protects the drainage way on the northern edge and wetlands on the southern edge from future development. The EP designation also provides a buffer on the eastern portion of the site for a future trail, as identified on the 2010 BVCP Trails Map, for human and wildlife movement. Inclusion of a corridor was also among the guiding principles resulting from the Twin Lakes Stakeholder Group process.
- While the parcels have clear value to the adjacent neighbors for their scenic quality and other resource values, neither the county nor city has found the sites to meet their respective criteria for open space designation or acquisition for broader community benefit, nor do the current owners wish to sell the developable property to the neighbors for preservation.
- The 2014 update to the Boulder County Comprehensive Plan's Environmental Resources Element did not identify the parcels as Critical Wildlife Habitat. Two species with protected status have been sighted on the parcels. However, based on available information, presence of these species would not preclude development, and future studies will guide steps to address wildlife concerns when and if development occurs.
- Mixed Density Residential (MXR) is not recommended because that designation allows up to 18 dwelling units per acre (360 units) and is higher than the 6-12 dwelling units per

Revised Recommended  
Land Use Designation



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acre discussed in the Twin Lakes Stakeholder Group process.

- The recommended designations allow 6-14 dwelling units per acre (87-203 units total) on the MR portion of the site, with no development permitted on the EP portion of the site. Staff finds the recommendation best achieves the numerous and diverse interests articulated by the Twin Lakes Stakeholder Group.
- The recommendation is consistent with the mix of densities present in the surrounding area and could be compatible with the surrounding developments.
- The combined sites are large enough that, within the recommended designations, design flexibility can address concerns about visual, environmental, infrastructure, and existing neighbor character while still meeting the requesters' objectives of providing a mixture of housing types.

### **Suggested Motion Language:**

Staff recommends that Planning Commission consider this matter and take action in the form of the following motions:

Move to approve a Boulder Valley Comprehensive Plan Land Use Map change to *Medium Density Residential and Environmental Preservation* for 6655 Twin Lakes Road, 6500 Twin Lakes Road and 0 Kalua Road (Requests #35 and #36) as shown and described in the Jan. 18, 2017 staff report.

Move to request that the Board of County Commissioners reconsider their decision of Sep. 27, 2016 to consider new information and the Planning Commission's updated decision as reflected in the official record of the Planning Commission's public hearings dated January 18, 2017 and [date of decision meeting].

### **Attachments**

<b>Item</b>	<b>Description</b>	<b>Pages</b>
A	Key Facts about the Twin Lakes Land Use Designation Change Requests	A1-A22
B	Staff report for Sep. 27, 2016 Board of County Commissioners Meeting with a summary of the Sep. 21, 2016 Planning Commission decision (summary begins on page B3)	B1-B14
C	Meeting Summary from Board of County Commissioners Sep. 27, 2016 decision on Twin Lakes requests	C1-C8
D	Oct. 19, 2016 Planning Commission Meeting Minutes documenting Planning Commission's decision to reconsider their Sep. 21, 2016 decision	D1-D7
E	BCHA and BVSD Dec. 22, 2016 proposal for establishment of wildlife corridors and buffers, and responses to clarifying questions requested by staff	E1-E36
F	Maps related to the Twin Lakes Land Used Designation Change Requests	F1-F5
G	G. Staff response to questions from members of the public [Note: Staff provided responses to several questions of material significance to the interpretation of facts. The need for those responses reached a high volume. Therefore, staff assembled the "Key Facts" document (Attachment A).]	G1

## **BACKGROUND**

### **The BVCP Land Use Map Public Change Request Process**

The BVCP, jointly adopted by the city and county and updated at least every five years, guides development and preservation in the Boulder Valley. The BVCP articulates a vision for the future and details policies that represent long-standing community values. The BVCP's Land Use Map provides a sketch plan of the desired land use pattern in the Boulder Valley. The Land Use Map designations specify the maximum development potential that can occur on a particular parcel (e.g., units per acre of density in the case of residential designations), and city or county zoning assigned to a particular parcel must remain consistent with the specifications of its BVCP Land Use Map designation. As part of the five year BVCP update process members of the public have an opportunity to request changes to the Land Use Map designations.

The public map change request process is one track within the much larger 2015 BVCP Update. Decision makers are informed of the broader context of the policy updates that are concurrently underway, and it is expected that their decision making will reflect their understanding of the BVCP's core values and long-standing policy framework, as well as emerging issues under discussion.

Each component of the BVCP update entails extensive community dialogue and engagement. The webpage for the project, [www.BoulderValleyCompPlan.net](http://www.BoulderValleyCompPlan.net), includes the full project schedule and a link to the 2010 plan and maps.

### **Summary of Previous Action and Decision Process for Requests #35 and #36**

On Sep. 21, 2016 the Planning Commission voted (4-3) in favor of staff's recommendation to change the land use designation for the Twin Lakes parcels to Medium Density Residential and Environmental Preservation for a buffer along the northern and southern boundaries of the properties. The decision included a recommendation to designate wildlife corridors and buffers as appropriate at time of annexation and site review. Planning Commission made this decision having considered two alternative public requests in addition to the staff recommendation:

- Request #35, Request Submitted by Boulder County Housing Authority (BCHA) and Boulder Valley School District (BVSD)- Mixed Density Residential Designation: BCHA and BVSD submitted requests to change the land use to address the county's need for affordable housing. They plan to work in collaboration to build affordable housing for employees of BVSD and other community members in need. They are seeking to develop at 12 units per acre. The requesters cite the difficulty of purchasing developable land and the magnitude of the affordable housing need in the county as reasons for seeking to develop at a higher intensity than is allowed under the current designation. They cite an interest in building a non-residential structure (e.g., a day care) as a reason for originally requesting the Mixed Density Residential designation (which allows up to 18 dwelling units per acre).
- Request #36, Request Submitted by Neighbors-Open Space Designation: Neighbors of the Twin Lakes parcels submitted requests to change the BVCP land use designation to "Open Space," which would limit how the property may be zoned in the future. The

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requesters cite that the wildlife, wetlands, open space, and recreational value of this land warrant protection through an open space designation.

Planning Commission met on Sep. 21, 2016, with 7 members present at the time a vote was taken. A summary of the discussion and deliberation related to the Twin Lakes Road parcels is included in Attachment B. Table 1 presents a summary of the approved motion language and vote outcome.

### Summary of Decision Outcomes

Item	Motion Language	Vote Summary
6655 Twin Lakes Rd, 6500 Twin Lakes Rd and 0 Kalua Rd (Requests #35 and #36)	<p>Motion to approve the following Land Use Map change to the Boulder Valley Comprehensive Plan, as shown in Attachment C, to 6655 and 6500 Twin Lakes Road and 0 Kalua Road to change to Medium Density Residential and Environmental Preservation.</p> <p>We recommend that future bodies ensure that the Guiding Principles that were developed in the stakeholder process are honored and that future development of the property, in particular, ensure that wildlife values and appropriate corridors are established.</p>	Yes: 4 No: 3

Following the Planning Commission decision, the Board of County Commissioners (BOCC) voted on the matter on Sep. 27, 2016 as documented in the summary of Sep. 27, 2016 BOCC decision meeting (Attachment C). BOCC also approved the recommended change to a Medium Density Residential designation, citing factors including that the parcels do not meet the criteria for open space acquisition, and that the parcels have been located in Area II for over 30 years; regional affordable housing challenges; limited availability of land for developing affordable housing in Boulder County; and an appreciation commitment by BCHA and BVSD to adhere to the guiding principles that came out of the Twin Lakes Stakeholder Group process.

Public land use change requests affecting Area II of the BVCP are subject to four body review, requiring approval by Boulder County's Planning Commission and BOCC, and City of Boulder's Planning Board and City Council. Therefore, following the Sep. 27, 2016 BOCC public meeting Requests 35 and 36 were scheduled to advance to city decision-making bodies for consideration. However, the process and outcome of the Sep. 21, 2016 decision was an agenda item discussed at the Oct. 19, 2016 regular Planning Commission meeting. At that meeting, Planning Commission voted to reconsider its September decision and to hold another public hearing to receive comments regarding new information related to the proposals.

Topics of discussion leading to Planning Commission's decision to reconsider their September decision are documented in the minutes for the Oct. 19, 2016 Planning Commission meeting (Attachment D).<sup>3</sup> While procedural topics contributed to Planning Commission's decision to

<sup>3</sup> Reconsideration of a Planning Commission decision is unprecedented and is not addressed in the Planning Commission Bylaws. Until the Oct. 19, 2016 meeting, all decisions arrived at by a quorum of Planning

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reconsider their decision on the Twin Lakes parcels, topics related to Planning Commission meeting format, procedures, and Bylaws will not be the focus of the Jan. 18 meeting. A broad discussion of Planning Commission procedures and Bylaws is expected to take place later in 2017.

Another unique aspect of the Planning Commission's decision-making related to the Twin Lakes parcels is a request to make every effort to schedule the reconsideration on a date when all Planning Commissioners are able to attend. The Jan. 18, 2017 hearing date was selected based on a poll of Planning Commissioners' planned attendance. On Jan. 4 staff learned that one Planning Commissioner is no longer able to attend on Jan. 18. Consequently, the Jan. 18 public hearing will proceed, but the associated decision will take place when all Planning Commissioners are able to attend. Planning Commissioners unable to attend the Jan. 18 meeting will listen to the recording of the Jan. 18 hearing prior to participating in any vote on the matter.

### **DISCUSSION OF NEW INFORMATION AND TOPICS OF FOCUS**

Planning Commissioners requested that the reconsideration of the Sep. 21, 2016 decision focus only on new information. Specifically, Planning Commissioners expressed interest in the following topics:

- Appropriate width and location of a wildlife corridor;
- Infrastructure and services available in the area, and how the city and county would address potential impacts of development; and
- Considerations related to land use designation categories, and options that would result in housing density in between the existing low and medium density residential categories.

Each topic is discussed below, along with discussion of other new information that emerged since the Aug. 30 public hearing.

#### **Appropriate Width and Location of a Wildlife Corridor**

Staff's Aug. 30, 2016 recommendation recognized that at the Annexation / Site Review stage of development, any potential development on the parcels would be required to set aside land for a future trail for human and wildlife movement. Establishment of a wildlife corridor on the parcels was among the guiding principles developed as part of the Twin Lakes Stakeholder Group process. In addition, the 2010 BVCP Trails Map and the updated 2015 Draft Trails Map also include plans for a trail across the BCHA and BVSD parcels. Staff's position was that determining the specific location and dimensions of a wildlife corridor is a more detailed planning process that is best addressed at the time of Annexation / Site Review, when a specific development proposal is put forward for consideration.

On Dec. 22, 2016, BCHA and BVSD submitted a proposal to set aside 5.33 acres (27 percent) of their property as wildlife corridors and buffers (Attachment E). Corridors would be located along the north, east, and south of the combined parcel location (see Figure 1), and would serve a hybrid function, acting as both wildlife corridor for the urban-adapted species that use the parcels and the surrounding lands, as well as a trail corridor for neighbors. The proposal was in response to requests by some Planning Commissioners to define a specific north-south wildlife buffer as

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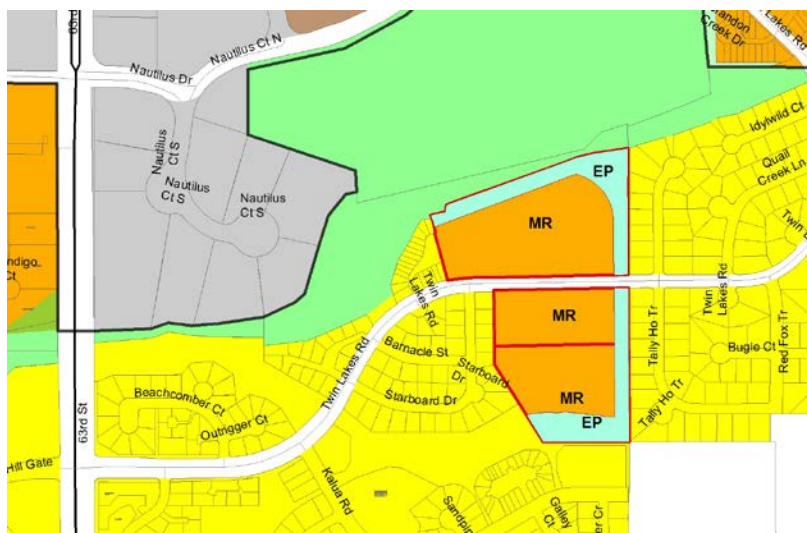
Commissioners have been deemed final.



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part of the land use designation process. The proposed wildlife corridor and buffer locations are based on the analysis of Felsburg Holt and Ullevig (FHU), the same firm that BCHA commissioned to complete a wildlife assessment for the parcels in August 2016.<sup>4</sup> In light of this proposal, staff has amended its recommendation to adopt an Environmental Preservation designation for the land proposed by BCHA and BVSD to be set-aside as wildlife corridors and buffers in their Dec. 22, 2016 proposal.

### Recommended BVCP Land Use Designations



Address	Total Square Feet	Total Acres	Buffer Square Feet	Buffer Acres
6655 Twin Lakes Rd	438,578	10.1	119,485	2.7
6600 Twin Lakes Rd, 0 Kalua Rd	424,228	9.7	112,515	2.6
<b>Total</b>	<b>862,807</b>	<b>19.8</b>	<b>232,001</b>	<b>5.3</b>

Staff amended its recommendation to include the new proposal for corridors and buffers by BCHA and BVSD based on the following factors:

- Addresses interests in maintaining the parcels' role as a wildlife corridor.
- Balances interests in maintaining wildlife habitat with interests in using the Area II lands to help address the community's affordable housing needs.
- Addresses neighbors' interests in maintaining use of the land for recreation and to enhance quality of life. The corridors would provide neighbors with recreational opportunities and improved legal access to the combined 68 acres of designated open space directly to the north of the BCHA property (42 acres of designated Twin Lakes Open Space land, owned and maintained by Boulder County; and Eaton Park, and an additional 26 acres of designated park and open space land directly north of the Twin Lakes Open Space, owned and maintained by City of Boulder).
- Boulder County Parks and Open Space staff biologists find that the proposed corridors and buffers meet the needs of the urban adapted species that use the parcels and the

<sup>4</sup> Felsburg Holt & Ullevig, "Boulder County Habitat Assessment for 6655 Twin Lakes Road, 6500 Twin Lakes Road and 0 Kalua Rd." August, 2016. Available at: <https://ourbouldercounty.org/document/interim-twin-lakes-habitat-assessment>

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surrounding land.

- Based on a professional study by a firm with experience guiding wildlife-related planning decisions across the front range.

BCHA and BVSD's wildlife corridor proposal, along with responses to clarifying questions submitted by staff, are included as Attachment E. A summary of the information provided is below:

- The main intent of the wildlife corridors is to provide safe movement for various species to connect with the broader system of wildlife habitat / open space in the area. BCHA provided a list of species expected to use the corridors, and a map that shows how the corridors connect into this larger system.
- In regard to deciding on the proposed 70-foot width for the north-south corridor, BCHA and their consultant reviewed how the parcels currently accommodate animal movement. Some, like coyotes, used the site for food and movement; most large animals used an existing trail to travel through the site without stopping. Additionally, smaller animals would still have enough room to inhabit and reproduce on the site. Seventy feet balances what is needed to accommodate wildlife movement, pedestrian access and movement, and tie into existing access points.
- The location of the proposed north-south corridor would replace the corridor that runs from the northeast corner of 6655 Twin Lakes Rd, across Twin Lakes Rd, and to the southwestern corner of 0 Kalua Rd. Vertical structures would encourage animals to take the new route, while some wildlife may still go through the development in a similar path to what exists today.
- In regard to how the wildlife corridors impact hydrology and storm water mitigation, it is likely that the wildlife corridors will provide benefits. BCHA and BVSD would coordinate civil and storm water engineering with designing the wildlife corridor to ensure that these designs are mutually beneficial.

### **Infrastructure and Services, and City - County Coordination to Address Potential Impacts**

Some Planning Commissioners expressed interest in further discussion of infrastructure and services in the area of the Twin Lakes parcels in question. The Aug. 30, 2016 staff report described the site's close proximity and access to urban services and infrastructure, and addressed concerns expressed by community members about infrastructure capacity (primarily transportation and stormwater). Staff expands on that content here, including additional information and reflecting outcomes of additional discussions with city and county officials. Several maps are included as Attachment F to provide context for parcel location and vicinity.

When reviewing the characteristics of the parcels it is important to consider the broader context of the Boulder County real estate market, and the future of Gunbarrel as an employment center (see "Access to Current and Future Jobs" below). The high cost of real estate located closer to transit and urban services, and the magnitude of affordable housing challenges in Boulder County (i.e., the need to develop permanently affordable housing at multiple sites) support staff's finding that the Twin Lakes parcels are an appropriate location for affordable housing.

### **City-County Coordination to Address Potential Impacts**

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The city and county would coordinate to address the infrastructure needs of any city development that impacts county-owned infrastructure. As additional infill development occurs in the BVCP Area II Service Area it will become increasingly important for the city and county to continue to work together and develop additional arrangements to address infrastructure needs. This is an area that can be addressed through an agreement between the City of Boulder and Boulder County. In addition, the Boulder County and City of Boulder Transportation departments have already discussed the importance of updating BVCP policy language to address the growing need for city and county coordination to accommodate future infill development that will have impacts on infrastructure in both jurisdictions. Staff is considering policy language that would guide a proportional sharing of maintenance costs in cases of cross jurisdictional impacts. Both agencies are committed to pursuing a collaborative approach to addressing needs resulting from potential development on the parcels.

### Access to Public Transportation

Relative to most potential development sites in the county, the site is well served by transit. The closest local bus stop is approximately 0.5 miles from the BCHA and BVSD parcels; the 205 bus route stops at the intersection of Twin Lakes Road and 63rd St, and provides connections to the Gunbarrel Town Center, 28th St, and Downtown Boulder. This distance to public transportation is consistent with the Colorado Housing Finance Authority's (CHFA) guiding principles for the selection of projects to receive an award of federal or state tax credits.<sup>5</sup> An additional bus stop within walking or bicycling distance of the BCHA and BVSD parcels is located at the intersection of Williams Fork Dr and Spine Rd. That stop also serves the 205 bus route.<sup>6</sup> The 205 has 30 minute frequency 7 days per week, which is superior to local service available in Longmont.<sup>7</sup>

In addition, there is frequent regional transit connecting Longmont to Boulder (the BOLT) and the FLEX which connects Boulder, Longmont and the North Front Range along the SH119 Corridor that stops at 63<sup>rd</sup>/Diagonal (approximately 2 miles from the parcels). RTD has funding programmed for implementation of Bus Rapid Transit service along the corridor for 2021, with preliminary design beginning this year.

While the development would meet the CHFA guiding principles, Boulder County and the City of Boulder will continue to strive to improve services to the area, both in terms of distances to transit, and in terms of the frequency and schedule of bus service. For example, it is possible, depending on funding priorities within the county, that RTD service to the area could be increased in the near-term. Boulder County can contract with RTD or other providers for transit services supporting the Twin Lakes area if such an expansion is deemed necessary when more detailed studies are completed. Each year, Boulder County purchases additional service on regular transit routes to increase service levels to a point beyond standard service levels provided

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<sup>5</sup> Colorado Housing Finance Authority. "Low Income Tax Credit Qualified Allocation Plan 2016." December, 2015. Available at: [https://www.chfainfo.com/arh/lihtc/LIHC\\_Documents/CHFA\\_QAP\\_2016.pdf](https://www.chfainfo.com/arh/lihtc/LIHC_Documents/CHFA_QAP_2016.pdf)

A guiding principle for selection of sites to receive federal and state tax credits is, "To provide opportunities for affordable housing within a half-mile walk distance of public transportation such as bus, rail, and light rail." P. 11 of 160.

<sup>6</sup> This is 0.7 mile walk from the center of Twin Lakes Rd by way of Twin Lakes trail, Eaton Park, a parking lot, and Catamaran Court Rd; or a 1.1 mile walk along the road.

<sup>7</sup> The 205 bus route provides service seven days per week, including service at approximately half-hour intervals on weekdays from 6:25 am – 11:35 pm Eastbound, and on the hour from downtown Boulder.

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by RTD on the route, in the form of a transit “buy-up.” In some cases, strong-performing transit capacity purchased by the county is adopted by the transit operator into the annual budgets, assuming that the additional service runs meet transit operator service standards. Transit buy-ups have proved successful in helping to strengthen the transit market and level of service for several Boulder County routes, and this mechanism could be used to address increased demand for RTD service in the Gunbarrel area.

BCHA also has a track record for providing Eco Passes to residents of affordable housing projects upon move-in. County Transportation Department staff reports that providing Eco Passes upon move-in helps new residents establish a routine of transit ridership.

### Access to Services

Gunbarrel Town Center is 1.7 miles by road and 1.3 miles by a multi-use path from the parcels in question. There are several dedicated walking/cycling routes to the Gunbarrel Town Center. Services in Gunbarrel Town Center include a full service grocery store, restaurants, professional offices and medical and dental offices.

CHFA evaluates potential affordable housing sites on the basis of “suitability and overall marketability including, but not limited to proximity to schools, shopping, public transportation, medical services, parks/playgrounds; conformance with neighborhood character and land use patterns; site suitability regarding slope, noise (e.g., railroad tracks, freeways), environmental hazards, flood plain, or wetland issues.” Furthermore, CHFA seeks to provide funding for projects in a variety of location types. Planning literature highlights that low and moderate income households seek the same amenities and services as those households able to afford market-rate housing. The residential real estate market is strong in the neighborhood surrounding the parcels. Therefore, staff believes that the distances to services likely would be similarly desirable, and are appropriate for members of the community who would reside in homes developed on the BCHA and BVSD parcels. Specifically, BVSD has a list of 550 BVSD employees interested in living in affordable housing at the Twin Lakes parcels. BCHA has also assembled a list of over 200 households interested in residing affordable housing at the Twin Lakes parcels.

### Access to Current and Future Jobs

Gunbarrel is a current and growing employment center within the Boulder Valley with a diversity of retail, commercial, professional, manufacturing, research and development employment opportunities. According to the BVCP 2015-2040 Projections, Gunbarrel had 12,700 jobs in 2015 and the potential for an additional 12,850 jobs at zoning capacity, while the availability of zoned land for additional nearby residential development to house potential future employees is limited. At full zoning capacity, Gunbarrel would be the third largest employment center within the Boulder Valley.<sup>8</sup> Community members living in homes located on the BCHA and BVSD parcels would reside less than two miles from potential places of employment, which could be accessed by a bike ride or walk along a multi-use path. Locating housing close to a growing job center aligns with the principles espoused in the BVCP.

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<sup>8</sup> City of Boulder. “2015 – 2040 Projections.” Boulder Valley Comprehensive Plan 2015 Major Update. August, 2015. Available at: [https://www-static.bouldercolorado.gov/docs/BVCP\\_Projections\\_Summary\\_Formatted\\_082815-1-201508281637.pdf?\\_ga=1.46893731.586192584.1470052088](https://www-static.bouldercolorado.gov/docs/BVCP_Projections_Summary_Formatted_082815-1-201508281637.pdf?_ga=1.46893731.586192584.1470052088)

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### Road Capacity, Traffic and Parking

Neighbors expressed concern about increased traffic resulting from new development. Based on information available at this time, staff believes that the potential impacts on traffic and parking could be mitigated, and that traffic or parking concerns should not prevent a change in land use designation. The area has been planned for development and the incremental increase would not substantively impact the transportation infrastructure.

Twin Lakes Rd is currently operating at less than its rated capacity, and based on the development scenarios, would still be under capacity if developed under the Medium Density Land Use Designation. Two-lane collector roads typically have a range of capacity of about 700 vehicles per hour (vph) each direction for Level of Service A (free flow) to 2000 vph each direction at Level of Service E (breakdown / stop conditions). The current use of Twin Lakes Rd has a peak hour volume of about 255 vehicles for both directions between 5 and 6 p.m. The a.m. peak is 240 vehicles in both directions between 8 and 9 o'clock in the morning. All other times of day reflect far fewer vehicle trips.

In 2012, the Boulder County Department of Transportation measured the average annual daily vehicle traffic on Twin Lakes Rd at 2,400 vehicles per day. The average vehicle speed was 30 MPH and the average annual daily bike traffic was 56 per day.

The proposed development would have to submit a [Concept Plan](#) and would be subject to the guidelines established in the City of Boulder's Land Use Code, Section 9-2-13 B.R.C., 1981.<sup>9</sup> The purpose of a Concept Plan is to solicit feedback from staff, the public and the Planning Board on a specific development proposal. The feedback received throughout the process is meant to inform the subsequent steps in the process, including Annexation and Site Review. An analysis of vehicle trips is required at the time of Concept Plan submittal so that staff, the public and the Planning Board have some preliminary understanding of the potential traffic impacts.

At the time of Annexation and Site Review, the city would require a Traffic Impact Analysis and Transportation Demand Management (TDM) plan. The TDM plan would outline strategies to mitigate traffic impacts created by the proposed development, and implementable measures for promoting alternate modes of travel, in accordance with section 9-2-14(d)(16) & 9-2-14(h)(2)(D)(v) B.R.C., 1981 and section 2.03(I) of the City of Boulder Design and Construction Standards. Per 9-2-14(h)(2)(D) & (E) B.R.C. 1981, as a part of the Site Review process, the applicant must also address impacts related to circulation and parking.<sup>10</sup> Additionally, any necessary right-of-way dedications, reservations and or improvements would be considered through the Annexation and Site Review processes. If the transportation impacts at the proposed

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<sup>9</sup> The first Twin Lakes Stakeholder Group Meeting included a staff presentation about the development process, which is included in the meeting materials. See: [https://www-static.bouldercolorado.gov/docs/BVCP\\_Twin\\_Lakes\\_stakeholders\\_Meeting\\_1\\_material-1-201604221522.pdf?\\_ga=1.260868489.586192584.1470052088](https://www-static.bouldercolorado.gov/docs/BVCP_Twin_Lakes_stakeholders_Meeting_1_material-1-201604221522.pdf?_ga=1.260868489.586192584.1470052088)

<sup>10</sup> Impacts related to circulation include: discouraging high speeds, minimizing potential conflicts with vehicles, ensuring safe and convenient multi-modal travel/connections, promoting alternatives to single-occupant vehicles, use of Transportation Demand Management techniques, providing on-site facilities for external linkages for other modes of transportation, minimizing the amount of land devoted to the street system, designing for types of traffic expected from all modes of travel, and controlling noise and exhaust (Boulder, CO Municipal Code 9-2-14. h-2)

## Twin Lakes Staff Recommendation, Addendum to Aug. 30, 2016 Staff Report

density would result in a lower road service level and those impacts could not be mitigated, the proposal could be denied. Any subsequent application for development at a lower density would be reviewed under the same criteria.

Note that transportation and land use planners apply a regional perspective when considering potential development. Planners agree that a lack of affordable housing near employment centers, especially in an area with a tight housing market, increases congestion on regional roads. Development at the Twin Lakes parcels may cause localized impact within the adjacent network. However, should housing not be constructed on the parcels and other similar sites, those who work in the Boulder Valley area will otherwise have to commute from farther away where more affordable housing is available (Longmont, East County, Weld County, Larimer County). This would result in increased commuting costs for lower income families, increased energy consumption and emissions of greenhouse gases and other air pollutants, and increased congestion on Lookout Road, Niwot Road, Valmont/Isabelle, 75th, 95th, Baseline, South Boulder Rd, SH52, SH7, SH119, SH287, etc. Dispersed long distance trips are also more difficult to serve with public transit service than trips that originate closer to their destination and are infill development.

### Water, Stormwater, and Wastewater

The site is close to existing infrastructure and the city's water, stormwater, and wastewater master plans anticipate providing services to the site (similar to all Area II lands). The map to the right shows the existing sewer system mains. Connecting to the system and any needed upgrades would be the responsibility of the developer (similar for all infrastructure).

All properties surrounding the Twin Lakes site that are within the city service area (Area I and II) are connected to the city's water line. A large, 12-inch diameter water main runs adjacent to the site along Twin Lakes Road. The site, along with the rest of Gunbarrel, is served by Water Pressure Zone 1, which generally serves areas that are below an elevation of 5,270 feet.

The major drainage way (or creek) associated with Gunbarrel is Dry Creek. The majority of the stormwater near the surrounding site is channeled to an intermittent creek that runs east along the south side of the Twin Lakes property. This intermittent creek continues to travel east and meets Boulder Creek. The intermittent creek on the south side of the parcel crosses under the Boulder Supply canal in an 18-inch culvert. Development of the site may require improvements such as up-sizing this culvert to maintain adequate hydraulics.

The county currently maintains storm drainage infrastructure associated with Twin Lakes Road. Should annexation of the parcels occur, the county and city would establish a maintenance arrangement that would ensure the needs generated by any new development are addressed.



Existing Water Mains

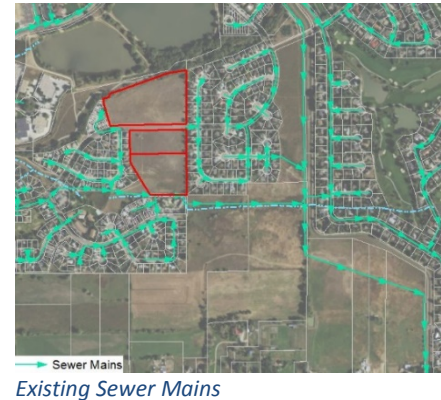


Existing Storm Mains

## Twin Lakes Staff Recommendation, Addendum to Aug. 30, 2016 Staff Report

Stormwater runoff from the BCHA and BVSD parcels would be managed by a storm drainage system that would be constructed to meet the standards outlined in the Boulder Valley Comprehensive Plan's Urban Service Requirements, as well as city building codes. Those code requirements are in compliance with specifications provided by the Urban Drainage and Flood Control District.

A collector sewage line runs parallel with the intermittent creek south of the site and feeds into the city's waste water treatment plant, which is located about a mile south-east of the site. The pipeline that provides this connection has been ranked by the Waste Collection System Master Plan as a medium priority for future improvements to the city's waste water system.



Links: City of Boulder Public Works Department Master Plans

- [Comprehensive Flood and Stormwater Plan, 2004](#)
- [Stormwater Master Plan, 2007](#) – update in progress
- [Water Utility Master Plan, 2011](#)
- [Wastewater Utility Master Plan, 2009](#)
  - [Wastewater Collection System Master Plan](#) – update in progress
  - [Wastewater Treatment Plant Master Plan](#)
  - [Water Quality Strategic Plan](#)

### **Considerations Related to Land Use Designation Categories**

A Planning Commissioner requested further exploration of options that would result in housing density in between the existing low and medium density residential categories. Specifically, the Planning Commissioner inquired about options for achieving a density of 10 dwelling units per acre. As noted previously, BVCP Land Use Map designations define the maximum development potential for a parcel (i.e., zoning assigned to a parcel cannot exceed the parameters of the BVCP designation). No existing BVCP Land Use Map designation specifically limits development to 10 units per acre.

The existing Low Density Residential designation on the BCHA parcel would allow up to 6 units per acre. The existing Public designation on the BVSD parcels could be associated with a variety of zoning categories and is not as readily translatable to units per acre. The Medium Density Residential land use designation recommended by staff would allow up to 14 units per acre. Staff has not identified a need for a designation that specifically allows for a density between the Low Density Residential (6 units/acre) and Medium Density Residential (14 units/acre) designations, as there are other mechanisms in place later in the development process to ensure that development occurs at a suitable density for a particular site. At later stages of the development process (i.e., Concept Plan, Site Review and Annexation), Planning Board and City Council have an opportunity to guide and place limitations the intensity of the development that occurs within the city's jurisdiction.

## **Twin Lakes Staff Recommendation, Addendum to Aug. 30, 2016 Staff Report**

Staff notes that the Environment Preservation designation staff recommends placing on the BCHA and BVSD-proposed wildlife corridor and buffer areas could be structured in such a way as to reduce the total acreage to which the Medium Density Residential density limit would apply. Reducing the developable area by the total acreage of the Environmental Preservation designation (i.e., the area of the proposed wildlife corridors and buffers, 5.3 acres), would leave 14.5 acres available to develop at a Medium Density limit of 14 units per acre, based on the estimated parcel acreages. With 14.5 of land at Medium Density designation, it would limit the total number of units that could be developed to 203, which equates to an effective density of 10.14 units per acre. Development at 14 units per acre would not be an assured outcome. Final development approval and density allowances will be based on the specific proposal that is ultimately put forward for approval, an evaluation of impacts based of that proposal, and the ability of the applicants to mitigate those impacts.

Mechanisms for ensuring that the Environmental Preservation land use designation has the effect of limiting the total number of units on the site include a commitment to place a deed restriction on the properties at the time of Annexation or approving the land use designation with recommended stipulations. At this time, a sufficient demonstration of intent would be for Planning Commission to approve a motion approving the Environmental Preservation designation but recommending that the designation should not allow density to be transferred to the Medium Density Residential portions of the site.

### **Additional New Information**

Staff accepted public comments for consideration as part of this staff report through Jan. 5, 2017. A full set of comments received related to Requests #35 and #36 is available on the [BVCP website](#) (including a pdf of comments received since the Aug. 23, 2016 comment deadline for the Aug. 30, 2016 staff report through Jan. 10, 2017).<sup>11</sup> Comments received generally reiterated points made in previous comments related to this matter, or information that was already available for consideration as part of the original decision on this matter.

**New topics and perspectives** presented in comments received since the comment deadline for the Aug. 30, 2016 staff report include, but are not limited to the following information. Staff has attempted to represent the range of “new” perspectives and topics here, but Planning Commission is encouraged to review all comments received. Staff provided responses to several questions of material significance to the interpretation of facts (see Attachment G). The need for those responses reached a high volume. Therefore, staff assembled the “Key Facts” document (Attachment A).

### **Professional Studies**

- Open space assessment, including a professional study by Blue Mountain Environmental Consulting, accompanying an additional wildlife assessment by TLAG (TLAG, Sep. 19, 2016)
- Wildlife assessment conducted by Felsburg Holt and Ullevig (BCHA, Aug. 31, 2016)

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<sup>11</sup> <http://www.bouldercounty.org/doc/landuse/bvcp150001comments20170110.pdf>



## **Twin Lakes Staff Recommendation, Addendum to Aug. 30, 2016 Staff Report**

- Preliminary geotechnical and hydrologic investigation conducted by Martinez Associates (BCHA, Aug. 31, 2016)
- Wildlife corridors and buffers study conducted by Felsburg Holt and Ullevig (BCHA and BVSD, Dec. 22, 2016)

### Legal Analysis

- Legal analysis by Alderman Bernstein on behalf of TLAG asserts that use of the BVSD parcel would violate Colorado dedication law. (Jan. 5, 2017)
- Legal analysis on behalf of TLAG by Mike Chiropolos asserts that the BVSD parcel can only be used as a school, and possibly for parks and recreation while under county jurisdiction; that Medium Density development on the parcels would be incompatible with the surrounding neighborhood; concerns about overuse of Twin Lakes open space; a request to designate the BCHA and BVSD parcels for dogs on-leash only; concern that staff's Key Facts about the Twin Lakes Land Use Change Requests document is not objective or accurate; a request that sub-community planning occur before a land use change request is approved; proposals for alternative sites for affordable housing in Gunbarrel; concern that staff's analysis of the parcels' open space merits has focused on the fact that the land is not Critical Wildlife Habitat, and a belief that "wildlife habitat" alone should be used as the basis for determining whether a parcel meets open space acquisition criteria. The legal analysis also refers to the intangible emotional attachment of residents to the parcels. (Jan. 5, 2017)

### Public Comments

#### *Wildlife Corridors*

- As noted previously, a wildlife corridors and buffers study was conducted by Felsburg Holt and Ullevig. (BCHA and BVSD, Dec. 22, 2016)
- A typical wildlife corridor is 1,000 feet wide. A 70 foot corridor would be inadequate. The width of a wildlife corridor should be dictated by the needs of the wildlife that would use it. (Jan. 5, 2017)
- Sense that BCHA and BVSD are appropriately addressing concerns about wildlife in its efforts to also address a great need for more affordable housing. (Jan. 3, 2017)
- There is limited value to a wildlife corridor if it is surrounded by human activity. (Jan. 4, 2017)

#### *Location*

- The location is within reasonable distance to services and should be developed at a medium density to address the community's affordable housing needs. (Jan. 3, 2017)
- The location facilitates ease of transport to a range of employment centers, including Boulder and Longmont. (Jan. 4 and 5, 2017)
- Those who have family members or know of individuals with a disability indicating that the location is close enough to services to meet their needs, given the available of transportation services available in the community. (Jan. 4, 2017)
- Concerns from a senior citizen and a person with a chronic health condition who lives in affordable housing that the location is not close enough to services. (Jan. 5, 2017)

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### *Housing Affordability Challenges in Boulder County*

- Comment referencing studies finding that the housing crisis disproportionately affects children. (Aug. 29, 2016)
- Comment with a summary of statistics regarding the need for affordable housing in Boulder County. (BCHA, Aug. 30, 2016)
- Comment referencing housing cost data. (Oct. 14, 2016, Jan. 5, 2017)
- Concerns about the inability of long-time residents of the county to remain in their current market rate housing due to rental cost increases. This concern was expressed by individuals representing a range of professions, such as nurses, BVSD employees, and grocery store workers. (Jan. 2, 3, 4, and 5, 2017)
- Rents are so high that Section 8 vouchers are insufficient to close the gap. (Jan. 3, and Jan. 4, 2017)
- Concerns about potential housing on the parcels being only for BVSD employees, as the need for affordable housing spans many professions. (Jan. 3 and 5, 2017)
  - Staff issued a clarification on this point, noting that BCHA and BVSD have communicated that they plan to use the development to house a combination of BVSD employees and others in need.
- Affordable housing in Gunbarrel should not count toward affordable housing in Boulder. There is sufficient need for affordable housing in Gunbarrel on its own. (Jan. 4, 2017)
- Those with high levels of educational attainment are unable to afford homes in Boulder County. (Jan. 4, 2017)
- The flood resulted in a loss of affordable housing in Lyons, and former residents of that housing are still displaced and in need of an affordable alternative. (Jan. 4, 2017)
- A suggestion to take money from housing projects and pay teachers more so they don't need affordable housing. (Jan. 4, 2017)
- The need for affordable housing shortage is urgent. (Jan. 4, 2017)
- Approval of the Twin Lakes parcels for potential housing is just a start, as the need for affordable housing in the community is so great there will need to be many sites approved for affordable housing. (Jan. 5, 2017)
- Proposal to integrate low and moderate income homes into the community by approving the land use for a modified version of low density single family housing that allows for an increased number of accessory backyard cottages restricted to low income rentals. The rental income would make the single family home more affordable to middle income households who also experience great affordability challenges in the community. (Jan. 5, 2017)

### *Density and Neighborhood Compatibility*

- Concerns that higher density in the neighborhood would affect air quality and crime. (Jan. 5, 2017)
- The density is compatible with the surrounding neighborhood. (Jan. 5, 2017)

### *Traffic*

- Interest in improved measures to ensure traffic safety in the neighborhood, and

## **Twin Lakes Staff Recommendation, Addendum to Aug. 30, 2016 Staff Report**

establishment of a bike connection to Boulder. (Jan. 3, 2017)

### *Proposed Alternative Sites for Affordable Housing*

- A request to consider alternative sites for affordable housing, including the old Boulder Community Hospital. (Aug, 2016; Jan. 4, 2017)
- As noted previously, legal analysis submitted by Mike Chiropolos references alternative locations for affordable housing, including 5145 63<sup>rd</sup> Street, and land in the Area III Planning Reserve. (Jan. 5, 2017)

### *Other*

- A letter from BVSD referencing other Colorado examples of housing focusing on school district employees. (Sep. 16, 2017)
- Comments on proposed policy updates related to affordable housing and open space. (Dec. 14 – 28, 2016)
- The role of the marijuana industry in driving up real estate prices. (Dec. 30, 2016)
- A pdf compilation of letters to the editor and opinion pieces printed in the Daily Camera related to the Twin Lakes parcels. (Jan. 2, 2016)
- Comments indicating that the BCHA and BVSD parcels are designated open space. (Jan. 3, 2017)
- Recognition of the challenges of advancing housing and open space objectives, and that pollution would result if working class households need to drive in to Boulder for jobs. A belief that working class households should have the opportunity to purchase in the area to enjoy the quality of life opportunities, and a suggestion for city and county to maintain 90 - 95% of previous open space commitments in perpetuity. (Jan. 4, 2017)
- Belief that BCHA and BVSD are doing a good job to address environmental issues while balancing the environment with the need for affordable housing. Trust that BCHA and BVSD have the community's best interests at heart in pursuing the development plans. (Jan. 4, 2017)
- Information summarizing BCHA and BVSD's perspectives on topics of focus for the Jan. 18 hearing, and providing more information on the types of professions that would be housed in potential development on the parcels. (Jan. 5, 2017)
- A concern that there is not enough school capacity in Gunbarrel. (Jan. 5, 2017)
- Request to table decision on the Twin Lakes requests until further research can be completed. (Jan. 5, 2017)
- A suggestion that cash-in-lieu funds paid related to market rate housing in Gunbarrel should go toward affordable housing in Gunbarrel. (Jan. 5, 2017)
- Concern that TLAG's recommendations for BCHA's hydrology study to include test borings within the LoB soil, a soil type with particularly poor drainage, were ignored. (Jan. 5, 2017)
- Concern that the county purchased the land with funds that were intermixed with the Gunbarrel General Improvement District Funds, and that the county has not fulfilled its open space purchase obligations under the Gunbarrel General Improvement District. (Oct. 26, 2016, Jan. 1, 2017)
  - Staff provided a written response to a letter received on this topic in October. See the letter included in (Attachment G)

## **Twin Lakes Staff Recommendation, Addendum to Aug. 30, 2016 Staff Report**

Staff has reviewed all additional information provided. Except as specified in this report, the information does not alter the determinations made by staff in its original report to the Planning Commission.

### **NEXT STEPS**

If the Planning Commission approves the revised staff recommendation, the recommendation would go forward for review by the other three decision making bodies.



## Land Use

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# Key Facts about the Twin Lakes Land Use Change Requests

## Introduction

Parcels of land totaling 20 acres (6655 and 6500 Twin Lakes Road, and 0 Kalua Road) are the subject of two land use designation change requests still under consideration as part of the [2015 Boulder Valley Comprehensive Plan \(BVCP\) Major Update](#) process. The BVCP Land Use Designation Map defines the type of development and the range of development intensity that can occur throughout the Boulder Valley. The parcels are located in Area II of the BVCP planning area, meaning that the BVCP identifies the parcels as eligible for annexation and development. This is part of the BVCP's vision for creating an efficient development pattern that places housing close to existing infrastructure and helps to avoid sprawl.

The content assembled here presents responses to some of the most common questions related to the Twin Lakes land use designation change requests. Additional information:

- [Staff report for the August 30 joint Planning Commission- Board of County Commissioners hearing](#)
- [Staff presentation for the August 30 joint Planning Commission – Board of County Commissioners \(report summary, maps and visuals – see Twin Lakes components\)](#)
- Materials associated with the [Twin Lakes Stakeholder Group](#) process
- Technical studies commissioned by the Twin Lakes Action Group
  - [Blue Mountain Environmental Consulting Open Space Evaluation](#) (page 16)
  - McCurry Hydrology LLC studies of [BCHA property](#) and [BVSD properties](#)
- Technical studies commissioned by the Boulder County Housing Authority:
  - [Felsburg Holt & Ullevig Habitat Assessment](#)
  - [Felsburg Holt & Ullevig Wildlife Corridors Technical Memorandum](#)
  - [Martinez Associates Geotechnical and Hydrologic Investigation](#)
  - Apex Wetlands Delineation Study for [BCHA Property](#) and for [BVSD Properties](#)
- [Request #35](#): Requests submitted by Boulder County Housing Authority and Boulder Valley School District to change from Low Density Residential and Public to Mixed Density Residential land use designation
- [Request #36](#): Requests submitted by members of the public to change from Low Density Residential and Public to Open Space land use designation
- Materials related to past meetings available on the [BVCP docket webpage](#)

## Submitting Comments and Staying Informed

We welcome comments and questions about the land use designation change requests in the Twin Lakes neighborhood. Please submit any questions or comments via the [comment form available on the BVCP-15-0001 docket webpage](#). Comments prior to January 5, 2017 will inform a staff report to Planning Commission in advance of the January 18 reconsideration hearing on this matter.

Comments are also assembled and shared with decision makers and on the [BVCP-15-0001 docket webpage](#).

[Sign up to receive email updates and notices](#) of meetings from Boulder County about the Boulder Valley Comprehensive Plan.

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## Frequently Asked Questions

*Each of the questions listed below is a hyperlink to the key facts associated with that question.*

### **Background and Process Questions**

1. [What are the \*\*current land use designations\*\* of the parcels, and who owns them? Specifically, is there currently an open space designation on any of the parcels?](#)
2. [What \*\*land use designations were requested\*\* for these parcels?](#)
3. [How was the \*\*request for an open space designation \(Request #36\)\*\* studied as part of staff's analysis of the proposals?](#)
4. [Would the \*\*potential density\*\* associated with the staff-recommended Medium Density Residential designation be compatible with the surrounding neighborhood?](#)
5. [Was the county obligated to purchase the Twin Lakes parcels as open space as part of its commitments under the \*\*Gunbarrel Public Improvement District \(GPID\)\*\*?](#)
6. [If developed, would these parcels meet the park requirement of the \*\*Urban Services Criteria\*\* in the BVCP?](#)
7. [Is \*\*staff putting affordable housing ahead\*\* of comprehensive plan policies related to environmental preservation?](#)
8. [Should \*\*more studies\*\* be completed prior to the decision on the land use designation change?](#)

### **Environmental, Open Space and Agricultural Significance of the Land**

9. [Do the BCHA and BVSD parcels serve as \*\*critical wildlife habitat\*\*?](#)
10. [Would development on the BCHA and BVSD parcels threaten \*\*Great Horned Owls\*\* that live in the area?](#)
11. [Do the BCHA and BVSD parcels meet the county or city's \*\*criteria for purchasing land as open space\*\*, and why isn't the city or county planning to purchase these parcels for preservation?](#)
12. [How \*\*much open land is protected from development\*\*, both within Gunbarrel and in the Boulder Valley Planning Area as a whole?](#)
13. [What \*\*species of special concern\*\* are present on the properties?](#)
14. [How do findings from the \*\*TLAG-commissioned open space study\*\* compare to those from \*\*BCHA's wildlife study\*\*?](#)
15. [Are the parcels designated \*\*Prime Farmland or Farmland of Statewide Importance\*\*?](#)
16. [How has staff's research and analysis addressed \*\*groundwater and hydrology concerns\*\*?](#)

### **Transportation, Traffic and Cross-Jurisdictional Impacts**

17. [What \*\*traffic and parking impacts\*\* would result from medium density development, and is there sufficient infrastructure to support the increased traffic?](#)
18. [How would \*\*road infrastructure\*\* needs be addressed, recognizing that development would be in city jurisdiction but would have impacts on county-owned road infrastructure?](#)

19. [What is the likelihood that additional RTD service would be added in the Gunbarrel area?](#)
20. [Could a patchwork of city/county jurisdiction lead to unsafe outcomes in case of a 911 emergency?](#)

### ***Housing and Location***

21. [Are there more appropriate locations for affordable housing \(e.g., closer to services and jobs\)?](#)
22. [Why is there a cash-in-lieu option to meet the City of Boulder's Inclusionary Housing Program requirements?](#)
23. [Is Gunbarrel a job center in need of more housing?](#)

### ***Parcel History***

24. [Were the BCHA and BVSD parcels envisioned as open space and community park area in the original 1977 Boulder Valley Comprehensive Plan?](#)
25. [Are there restrictions on how the BVSD parcel can be used based on its history as a subdivision dedication?](#)
26. [Were there any requirements in the purchase agreement with the Archdiocese affecting how the BCHA-owned parcel \(6655 Twin Lakes Rd.\) can be used?](#)

### ***Annexation***

27. [When would annexation of the parcels occur and why is it necessary for developing these parcels?](#)
28. [One of the paths for annexation contiguity for the BCHA and BVSD parcels is annexation of a county-owned parcel used as a trail corridor. This parcel is managed as open space located to the northwest of 6655 Twin Lakes Rd. What would be the effect of annexing this parcel, and would it set a precedent of using open space to support development?](#)
29. [Would the annexation of open space for the BCHA development set up a situation that would enable the city to forcibly annex other parts of Gunbarrel?](#)

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## **Background and Process Questions**

1. **What are the current BVCP [land use designations](#) of the parcels, and who owns them? Specifically, is there currently an open space designation on any of the parcels?**
  - The 10 acre parcel north of Twin Lakes Road (6655 Twin Lakes Road) is currently owned by Boulder County Housing Authority (BCHA ) and is designated Low Density Residential (up to six dwelling units per acre). The parcels south of Twin Lakes Road (6500 Twin Lakes Road and O Kalua Road), owned by Boulder Valley School District (BVSD), have a Public land use designation.<sup>1</sup> There is not a BVCP Open Space designation on any of the three vacant parcels under consideration.
  - The parcels are all located south of Twin Lakes Open Space, which is managed by the Boulder County's Parks and Open Space Department. Although the three parcels under consideration for land use designation changes are frequented by neighbors, they are not open to the public, nor are they designated as Open Space.
  - A mapping error that has been corrected may be the reason some members of the public have referred to the BCHA parcel as having an Open Space land use designation. A mapping error previously showed a sliver of Open Space designation from the adjacent parcel extending into the northern portion of the BCHA parcel, which caused

the parcel's designation to appear as "Low Density Residential and Open Space." The correct [current designation for the BCHA-owned parcel is "Low Density Residential."](#)<sup>ii</sup>

**2. What [land use designations](#) were requested for these parcels?**

- Request Submitted by Neighbors-Open Space Designation: Neighbors of the Twin Lakes parcels submitted requests to change the BVCP land use designation to "Open Space" which would limit how the property may be zoned in the future. The requestors cite that the wildlife, wetlands, open space, and recreational value of this land warrants protection through an open space designation.
- Request Submitted by Boulder County Housing Authority (BCHA) and Boulder Valley School District (BVSD)- Mixed Density Residential Designation: BCHA and BVSD submitted requests to change the land use to address the county's need for more affordable housing. They plan to work in collaboration to build affordable housing for employees of BVSD and other members of the community in need of affordable living<sup>1</sup>. They are currently seeking to develop at 12 units per acre. The requestors cite the difficulty of purchasing developable land and the magnitude of the affordable housing need in the county as reasons for seeking to develop at a higher intensity than is allowed under the current designation. They cite an interest in building a non-residential structure (e.g., a day care) as a reason for requesting the Mixed Density Residential designation (which allows up to 18 units per acre).
- County and city staff recommendation dated August 30, 2016 - A hybrid of the two requests including Medium Density Residential and Environmental Preservation designations: The Medium Density designation would allow up to 14 units per acre. Areas around the wetlands and the drainage canal would receive an Environmental Preservation designation. The full staff analysis and recommendation from the Aug. 30 county hearing on this matter is available [here](#).

**3. How was the request for an open space designation (Request #36) studied as part of staff's analysis of the proposals?**

- In early 2016, the city and county bodies decided which land use change requests warranted further study as part of the BVCP update process. Staff recommended advancing [Request #36](#) for further study with the understanding that a change to an Open Space designation would only be appropriate under a limited set of circumstances (i.e., characteristics of the land warranted a change to an open space land use designation). In addition, staff was aware that much of the research that would be conducted to analyze [Request #35](#) (a proposal to change the land use designation to Mixed Density Residential) would also inform a review of Request #36 and that there may be an outcome where staff would recommend a portion of the parcels be designated as Open Space or Environmental Preservation. It is in that context that Request #36 has been studied by staff.
- Staff has reviewed existing information, including that submitted by TLAG, BCHA and others, to determine if the environmental resource value of the land warrants changing the existing comprehensive plan that envisions development for the parcels. Staff has found that the conditions present do not warrant an Open Space designation, and that open space values can be maintained with the commitment by the property owners to incorporate a wildlife corridor through the properties.

<sup>1</sup> Corrected Jan. 10, 2017



**4. Would the potential density associated with the staff-recommended Medium Density Residential designation be compatible with the surrounding neighborhood?**

- Staff considers density as just one factor in a broader assessment of neighborhood compatibility. Other factors that determine how a new development would fit into the surrounding neighborhood include scale, massing and design of the development, as well as the character of development that already exists in the neighborhood. Staff highlights that the presence of existing medium and higher density pockets of development within the Twin Lakes neighborhood plays a key role in defining the neighborhood character, and establishes the neighborhood as one in which a mix of densities currently exists (ranging from 2.3 units per acre in Red Fox Hills to 15.6 units/acre in Snug Harbor). Based on the mix of densities in the neighborhood, as well as the neighborhood's close proximity to urban services and infrastructure, staff does not characterize the neighborhood as "rural residential."
- TLAG offers an alternate density assessment using an approach in which average density for the neighborhood as a whole is the primary focus. TLAG calculates the average density for the entire Twin Lakes neighborhood at 4.8 units / acre (or a median of 4.3 units / acre), and characterizes the neighborhood as "rural residential." In contrast to staff's analysis, TLAG's density analysis excluded Brandon Creek, a subdivision with a density of 8.2 units / acre located just north of the Red Fox Hills subdivision.
- Parts of the neighborhood surrounding Twin Lakes Road do fall within the county's Rural Residential Zone District (e.g., Red Fox Hills), and parts are in the Suburban Residential Zone District which allows for more intensity of use. Rural Residential is a common zone district for residential development in county jurisdiction, and is not a reflection of the development density that already exists throughout the Twin Lakes neighborhood. Current development in the neighborhood far exceeds the intensity of development typically seen in the Rural Residential Zone District, which allows just one unit per 35 acres, or per legal building lot.<sup>iii</sup> Furthermore, the county zoning category is only applicable to development while in county jurisdiction; areas in Area II (those eligible for annexation) would be assigned city zoning that is compatible with the BVCP land use designation upon annexation. That zoning can be more intense than what is allowed under county jurisdiction as long as it is consistent with the BVCP land use designation.

**5. Was the county obligated to purchase the Twin Lakes parcels as open space as part of its commitments under the Gunbarrel Public Improvement District (GPID)?**

- No. The 1993 Election Notice for the GPID initiative indicated that Boulder County would match GPID funds up to a maximum amount of \$1.9 million. The Election Notice states that the county agreed to match up to that amount; it does not state that the county's match would equal that amount. Since the GPID ballot initiative passed, the county has provided \$1,305,634 in matching funds towards GPID open space acquisitions, meeting the commitment that was made in the Election Notice.
- Prior to passage of the GPID ballot initiative, with input from the GPID steering committee and Gunbarrel residents, properties in the Rural Preservation Area of Area III of the Boulder Valley Comprehensive Plan were targeted for open space acquisition with GPID sales tax proceeds. The clear intent of the GPID steering committee was to purchase rural areas surrounding Gunbarrel, not to prevent infill development in areas surrounded by current development which were contemplated for potential future annexation. The Twin Lakes parcels under consideration for land use designation change are not within the Rural Preservation Area; rather, it is within Area II of the

Boulder Valley Comprehensive Plan and was never on the list of targeted GPID open space properties.

- While it is inaccurate to say the county has a remaining obligation to invest additional matching funds, it is possible the county might invest additional funds to acquire open space properties within the GPID’s targeted area. If the county were to do so, it would likely invest in the remaining priority properties identified by the GPID steering committee. Those properties lie east of 63rd Street, north of Jay Road up to the south side of the subdivisions, and west of the Johnson Trust open space property.

**6. If developed, would these parcels meet the park requirement of the Urban Services Criteria in the BVCP?**

- Yes. Staff finds that proximity to the City of Boulder’s Eaton Park, Coot Lake Park and the Boulder Reservoir, and potential for introduction of playground facilities on or near the BCHA and BVSD parcels enables the BCHA and BVSD parcels to meet the park requirement of the Urban Services Criteria. Policy 1.27 (Adequacy of Urban Facilities and Services)(c) of the BVCP states, “In order to make efficient use of existing infrastructure and investment, new development and redevelopment will be located in areas where adequate public services and facilities presently exist or are planned to be provided under the city’s Capital Improvement Program.” Policy 1.27(a) includes “developed urban parks” in the list of what is deemed adequate facilities and services, and the BVCP’s Urban Service Criteria and Standards includes further specifications.<sup>iv</sup> The BVCP Urban Services Criteria for developed urban parks specifies that adequate facilities and services for new residential development include: 1) “neighborhood parks of a minimum of five acres in size within one half mile of the population to be served;” 2) community parks of a minimum of 50 acres in size within three and one-half miles of the population to be served; and 3) playground facilities for toddlers, preschoolers and school-aged children up through age 12 within one-quarter mile of residents.<sup>v</sup>
- Eaton Park is a 26 acre park area located just north of Boulder County’s Twin Lakes Open Space. TLAG has pointed out that the developed section of Eaton Park is only 1.5 acres. However, the city and county take into consideration the size of the entire park when reviewing a parcel for this criterion, and the City of Boulder’s Parks and Recreation Master Plan does not specify the type of development necessary to be considered a “neighborhood park.”<sup>vi</sup>
- Approximately 11 acres of Eaton Park is classified as wetlands, though the full acreage is available to provide the range of benefits associated with parks, including scenic views, and use by local residents and wildlife. Furthermore, the city currently has plans for the remaining 15 acres not classified as wetlands. Those plans are included in the City of Boulder Capital Improvements Program. They include recreational use and development (e.g., play areas, ballfields), and passive recreation opportunities such (e.g., walking, picnicking).
- In addition, the BCHA and BVSD parcels are located 2.6 from Coot Lake, a 65 acre natural area with trails, an art walk, fishing, picnic tables, a variety of nature play opportunities and restrooms. The Coot Lake trails also provide access to the 67 acre Boulder Reservoir Regional Park and the 380 acre Boulder Reservoir Natural Area, which offers additional trails and recreational opportunities. In addition, across 63<sup>rd</sup> Street from Coot Lake is Tom Watson Park, a 31 acre community park with a playground, picnic shelter, ball fields, a basketball court, tennis courts, a volleyball court, charcoal grills, and restrooms.

- Staff anticipates that any development BCHA and BVSD would pursue would include the addition of playground equipment, or support for development of such equipment within one-quarter mile of the parcels.

**7. Is staff putting affordable housing ahead of comprehensive plan policies related to environmental preservation?**

- No, staff's recommendation reflects the key circumstances that exist, and we believe, accommodates many of the interests addressed by stakeholders.
  - Staff has not found any information indicating that the land could not support appropriately designed medium density development while still adhering to and furthering environmental and other BVCP policy objectives
  - The land has been contemplated for development since the original BVCP due to its location in Area II
  - The parcels have access to city water and sewer services
  - The owners of the parcels seek to develop affordable housing
  - There is a demonstrated affordable housing need in Boulder County
  - There is a scarcity of available land on which to develop affordable housing, so it is prudent to efficiently utilize development opportunities that exist on available land, using smart design principles that are sensitive to environmental factors and the interests of the surrounding community
- Note that the current decision making process pertains to a land use designation change; no specific development proposal has been put forward. Environmental and neighborhood character factors will be addressed in greater depth at the site review phase of development, to come later. An overview of the stages of development for property undergoing annexation is included in a [staff presentation presented at a Twin Lakes Stakeholder Group meeting](#).

**8. Should more studies be completed prior to the decision on the land use designation change?**

- The focus of the land use designation change process is an analysis as to whether the change would meet the goals and policies of the BVCP and whether any existing information would prevent changing a land use designation. While it is not standard practice to complete additional studies as part of the land use designation change request process, preliminary wildlife and hydrology studies have been submitted by BCHA/BVSD and TLAG. Staff has reviewed those studies along with other existing information, and doesn't feel additional information is necessary to move forward with the recommended designations.
- It is important for staff to be consistent across the evaluation of the various properties going through the land use designation change request process. More detailed studies and information will be provided during the later phase of the development process and will further inform the extent and location of development.

## Environmental, Open Space and Agricultural Significance of the Land

**9. Do the BCHA and BVSD parcels serve as critical wildlife habitat?**

- No. Based on assessments by Boulder County Parks and Open Space, the Boulder County Housing Authority's (BCHA) wildlife consultant, and a consultant commissioned by the Twin Lakes Action Group (TLAG), the BCHA and BVSD parcels do not serve as

critical wildlife habitat. The results of future research as part of the development review process can guide steps to address wildlife concerns when and if development occurs.

- According to a habitat assessment completed for BCHA in August 2016, “[Colorado Parks and Wildlife] CPW does not classify any of the project site as critical wildlife habitat, rare plant areas, significant natural communities, or significant riparian areas. Also, based on information from the [U.S. Fish and Wildlife Service] USFWS, there is no Critical Habitat for threatened and endangered species present at or near the project site.”<sup>vii</sup>
- The county conducted an update to the Environmental Resources Element of the Boulder County Comprehensive Plan in 2013-2014. That process engaged numerous county biologists and peer scientists in a process of identifying high priority habitat for preservation both at the site-specific and at the landscape scale. The Twin Lakes parcels were not identified as Critical Wildlife Habitat as part of that assessment.
- A third party study commissioned by TLAG also finds that the BCHA and BVSD parcels provide limited wildlife value. In an August 2016 report Blue Mountain Environmental Consulting states, “The urban location of the parcels and homogenous vegetative composition limit the wildlife value.”<sup>viii</sup> The report notes that species of concern may reside in the Twin Lakes Open Space area to the north, but does not cite the BCHA and BVSD parcels as habitat for those species. The report also lists Migratory Birds of Conservation Concern in the region and notes that the Twin Lakes Open Space area to the north of the parcels in question may serve as suitable habitat for some of those species; it does not claim that those species reside on the BCHA and BVSD parcels.
- The findings from the Blue Mountain Environmental Consulting report generally align with those of Boulder County Parks and Open Space staff and BCHA’s wildlife consultant. The experts find that the BCHA and BVSD parcels are not critical wildlife habitat, but do serve as a wildlife corridor. This finding informed staff’s recommendation to include a wildlife corridor requirement at the time of annexation, when more detailed site development plans are available. As noted, BCHA and BVSD have also committed to including a wildlife corridor in any development plans.

**10. Would development on the BCHA and BVSD parcels threaten Great Horned Owls that live in the area?**

- No, development on these parcels is unlikely to pose a threat to the owls. Great Horned Owls are generalists and an urban-adapted species, as demonstrated by the fact that existing development in Red Fox Hills is located so close to a nest.
- A pair of Great Horned Owls nests within the Open Space designated land to the north and east of the BCHA parcel. Most years a mating pair successfully reproduces. Great horned owls start nesting in January, raise their family during the winter, and will continue to care for their young for several months, sometimes as late as October. They don’t make their own nests – they find cavities in barns or other buildings. They have the most diverse diet of any raptor in North America, and open space in and around Gunbarrel (See [Figure 1](#)) contributes to their hunting ground.

**11. Do the BCHA and BVSD parcels meet the county or city’s criteria for purchasing land as open space, and why isn’t the city or county planning to purchase these parcels for preservation?**

- No, these parcels do not meet the criteria for open space acquisition by the Boulder County Parks and Open Space Department. Parks and Open Space staff has reviewed the parcels, and due to: 1) the parcels location within a developed area, 2) their designation for development, and 3) the fact that adjacent open space is already

available for public use, the land does not meet the criteria for acquisition. Further explanation is available in comments by Boulder County Parks and Open Space staff in a [staff report for the July 28, 2016 county Parks and Open Space Advisory Committee](#) meeting. The city’s open space department has also reviewed the open space value of the land and concluded that it does not fulfill their criteria for acquisition.

- A fundamental principle of land use planning and the BVCP is to be deliberate about where development will go and what areas will remain undeveloped. The parcels in question have been part of Area II of the BVCP and envisioned for development since 1977. Area II is the area intended to be annexed into the city and become part of the urban service area. By clearly establishing areas intended to ultimately be annexed into the city (Area II) and establishing areas intended to remain rural, the BVCP is designed to preserve land and support biodiversity across the Boulder Valley as a whole. The city and county greatly value open space and have done great things over the years to preserve and protect our lands. At the same time because of the great need for affordable housing in the community it is important to be extremely thoughtful about developing on parcels which have long been envisioned and planned for development.
- The purchase of the land containing the Twin Lakes just north of these parcels was a unique acquisition within a city’s planning area. Boulder County did not pursue acquisition of the property containing Twin Lakes based on its open space value. The county purchased the 42-acre Twin Lakes Open Space property from the Boulder and Left Hand Irrigation Company (B&LHIC) in January 2002 in response to the ditch company’s liability concerns and a request that the county acquire and manage the property.<sup>ix</sup> The B&LHIC has been operating the reservoirs since 1910. Prior to Boulder County Parks and Open Space’s acquiring the property, Gunbarrel residents were using the reservoirs for recreation, effectively trespassing onto B&LHIC’s private property and raising liability concerns for B&LHIC. In 2002, the county purchased the land and began managing the land and public recreation use around the reservoirs, while B&LHIC retained the right to use the reservoirs to store water.

**12. How much open land is protected from development, both within Gunbarrel and in the Boulder Valley Planning Area as a whole?**

- As shown in Table 1, 440 acres, or 15% of the total Gunbarrel subcommunity is protected from development as either city or county managed open space, easement, or park land. At the level of the Boulder Valley planning area as a whole, over 39,000 acres are protected from development, or 60% of the planning area as a whole.
- As shown in Figure 1 the Gunbarrel subcommunity is surrounded by open space, much of which can serve as wildlife habitat and hunting grounds.

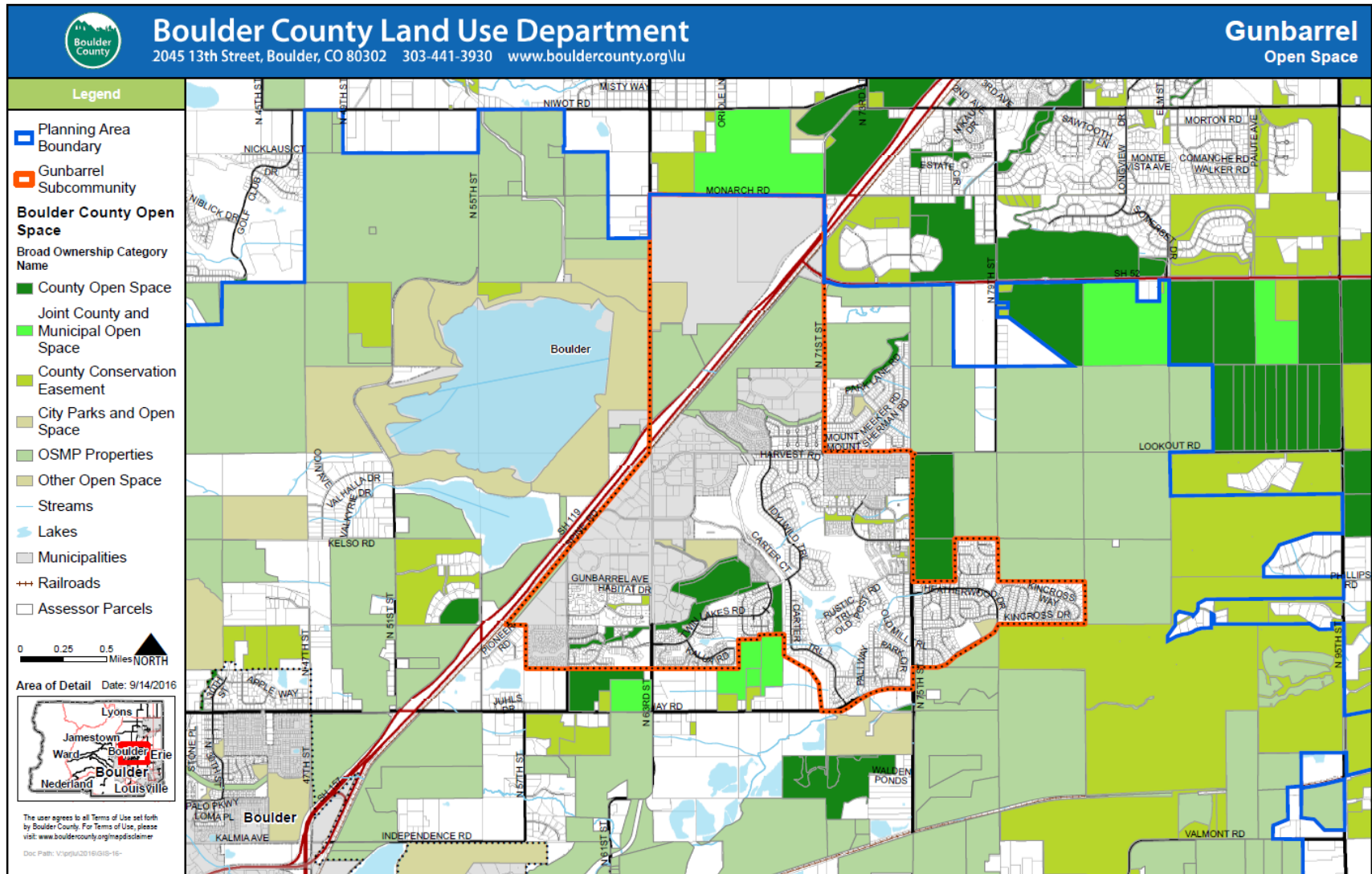
**Table 1. Summary of Protected Lands, Gunbarrel, Boulder Valley Planning Area**

Area	Size of Area (Acres) <sup>^</sup>	Total Acres Protected from Development	% of Total
Gunbarrel subcommunity	2,852	440	15%
BVCP as a whole	64,729	39,155	60%

<sup>^</sup> Acreages are based on Boulder County and City of Boulder open space mapping.

Source: City of Boulder GIS

Figure 1. Open Space in the Gunbarrel Subcommunity and Surrounding Area



**13. What species of special concern are present on the properties?<sup>2</sup>**

- Prior to completion of the staff report for the Aug. 30, 2016 public hearing (completed Aug. 23, 2016), staff was made aware of four Boulder County Species of Special Concern (SSC)<sup>x</sup> sighted on the BCHA and BVSD parcels, either by neighbors or the wildlife consultants. Those include bald eagle, great blue heron, garter snakes, and tiger salamander. In addition, nesting western meadowlarks, protected by the Migratory Bird Treaty Act (MBTA), have been identified on the BVSD parcels.
- The [consultant habitat assessment completed for BCHA](#) (submitted Aug. 31, 2016) noted the presence of two SSC detected on the sites (common garter snake and meadow vole) and potential habitat for an additional 10 SSC.<sup>xi</sup> The [consultant habitat assessment completed for TLAG](#) (submitted Sep. 19, 2016) notes that, according to the Twin Lakes Action Group, four to five SSC have been sighted on the parcels (wood ducks, tiger salamander, meadow vole, common garter snake and periodically long-eared owl).<sup>xii</sup>
- The consultant reports and potential additional studies would inform the future Site Review phase of development to determine if steps should be taken to protect species of concern on any portions of the property.
- Commenters at the Aug. 30, 2016 hearing cited the presence of 28 species which the BCCP classifies as SSC. The Parks and Open Space Twin Lakes Management Plan notes many potential mammalian and avian species may be present at the Twin Lakes Open Space.<sup>xiii</sup> However, this should not be confused with actual sightings of SSC on the BCHA and BVSD parcels which lay south of the Twin Lakes Open Space.
- Available information indicates that movement of wildlife across the properties can be accommodated through careful site design and other strategies that would be required during the city’s Concept Plan and Site Review processes. The BCHA consultant habitat assessment completed in August notes specific measures recommended during site design, as well as during and after construction.<sup>xiv</sup> BCHA and BVSD submitted a [proposal and technical study for wildlife corridors](#) in Dec. 2016.<sup>xv</sup>

**14. How do findings from the TLAG-commissioned open space study compare to those from BCHA’s wildlife study?**

**Table 2. Comparison of the TLAG-commissioned and BCHA-commissioned wildlife studies**

Topic	<a href="#">Blue Mountain Open Space Study (TLAG-commissioned)</a> <sup>xvi</sup>	<a href="#">Felsberg, Holt and Ullevig (FHU) Wildlife Assessment (BCHA-commissioned)</a> <sup>xvii</sup>
Value of Habitat	<ul style="list-style-type: none"> <li>• The urban location of the parcels and homogenous vegetative composition limit the wildlife value. However, parcels do function as a wildlife corridor. The area is frequented by a</li> </ul>	<ul style="list-style-type: none"> <li>• No Critical Wildlife Habitat per Colorado Parks and Wildlife (CPW) classification</li> <li>• Mammalian and reptile wildlife observed: coyote, deer, raccoon,</li> </ul>

<sup>2</sup> Updated bullets one and two Jan. 10, 2017

Topic	<a href="#">Blue Mountain Open Space Study (TLAG-commissioned)</a> <sup>xvi</sup>	<a href="#">Felsberg, Holt and Ullevig (FHU) Wildlife Assessment (BCHA-commissioned)</a> <sup>xvii</sup>
	variety of urban-adapted mesopredators (e.g., cameras have captured fox, coyote, raccoon, skunk, occasionally a mountain lion and a moose). Deer, eastern cottontail, fox squirrel, and vole are also expected to utilize the parcels.	cottontail, field mice, meadow voles, fox squirrels, red fox <sup>3</sup> , a common garter snake, western garter snake <ul style="list-style-type: none"> <li>• Bird species as noted below</li> <li>• A monoculture of non-native plants and grasses</li> </ul>
Species of Special Concern	<ul style="list-style-type: none"> <li>• According to TLAG, 4-5 species: wood ducks, tiger salamander, meadow vole, common garter snake and periodically long-eared owl</li> </ul>	<ul style="list-style-type: none"> <li>• No threatened or endangered species</li> <li>• Reviewed TLAG list of species, 2 detected: Common Garter Snake and Meadow Vole; 10 additional SSC have potential habitat there, including tiger salamander and long-eared owl. Wood ducks were found to not have potential habitat on the sites.</li> </ul>
Raptors	<ul style="list-style-type: none"> <li>• Expect fields are used for foraging habitat for great horned owl, red-tailed hawk, and American kestrel</li> </ul>	<ul style="list-style-type: none"> <li>• Observed nesting near but outside of the parcels: great horned owl and American kestrel</li> </ul>
Migratory Birds	<ul style="list-style-type: none"> <li>• List 10 within the region: bald eagle, burrowing owl, ferruginous hawk, golden eagle, Lewis’s woodpecker, loggerhead shrike, mountain plover, short-eared owl, Swainson’s hawk, and Williamson’s sapsucker</li> <li>• Observed 1: western meadowlark</li> </ul>	<ul style="list-style-type: none"> <li>• 2 found nesting: mallard and western meadowlark</li> <li>• 5 observed foraging for food, collecting nesting material or traveling through the site: American robin, common grackle, red-winged black bird, tree swallow, blue jay (also the Eurasian collared dove, not protected by the MBTA)<sup>4</sup></li> </ul>
Agricultural Land of Significance	<ul style="list-style-type: none"> <li>• Designated as Prime Farmland and Farmland of Statewide Importance</li> <li>• Future large scale agriculture is unlikely, could use the fields as community gardens</li> </ul>	<ul style="list-style-type: none"> <li>• FHU report does not address this topic due to its focus on wildlife</li> </ul>
	<ul style="list-style-type: none"> <li>• The Boulder County Comprehensive Plan does not identify this land as having agricultural significance. See response to <a href="#">[Question #15]</a> for further information.</li> </ul>	

<sup>3</sup> Corrected Jan. 10, 2017

<sup>4</sup> Corrected Jan. 10, 2017



Topic	<a href="#">Blue Mountain Open Space Study (TLAG-commissioned)</a> <sup>xvi</sup>	<a href="#">Felsberg, Holt and Ullevig (FHU) Wildlife Assessment (BCHA-commissioned)</a> <sup>xvii</sup>
Open Space Acquisition Criteria	<ul style="list-style-type: none"> <li>Meets all county criteria for open space acquisition</li> <li>County Parks and Open Space staff found that the land does not meet open space acquisition criteria. See response to <a href="#">[Question #11]</a> for further information.</li> </ul>	<ul style="list-style-type: none"> <li>FHU report does not address this topic.</li> </ul>

**15. Are the parcels designated Prime Farmland or Farmland of Statewide Importance?**

- No. They are not designated through the Boulder County Comprehensive Plan as Prime Farmland or Farmland of Statewide Importance. The soil types present on the parcels are rated by Natural Resource Conservation Service (NRCS) as “Farmland of Statewide Importance” or “Prime Farmland if Irrigated.” The county’s designation considers site-specific conditions, whereas the NRCS designation only considers soil types. Therefore, a developed parcel of land with those same soil types would also be rated as “Farmland of Statewide Importance” based on NRCS’s data sets. In fact, a large portion of Red Fox Hills, and much of the commercial area of Gunbarrel sit on the same Longmont clay that is rated as “Farmland of Statewide Importance.” Furthermore, much of the entire Gunbarrel area sits on soils rated by NRCS as “Farmland of Statewide Importance” or “Prime Farmland if Irrigated.”

**16. How has staff’s research and analysis addressed groundwater and hydrology concerns?**

- Staff concludes that the hydrologic constraints present on the site would not preclude future development based on currently available data.
- Staff’s analysis is informed by: 1) comments by TLAG’s hydrologist, Dr. Gordon McCurry, as well as city and county staff with expertise in hydrology at a May 19, 2016, Twin Lakes Stakeholder Group meeting; 2) staff’s review of the reports by TLAG’s hydrologist, Dr. Gordon McCurry,<sup>xviii</sup> and BCHA’s hydrologic consulting firm, Martinez Associates; and 3) county staff’s review of hydrology-related materials in Twin Lakes area subdivision files, as well as Natural Resource Conservation Service (NRCS) soils data.
- A [preliminary geotechnical and hydrologic](#) study commissioned by the Boulder County Housing Authority and completed by Martinez Associates in August 2016 found:

“Based on the subsurface conditions encountered by our site investigation and the proposed site development concepts, we believe the site is suitable for development provided particular attention is given to the conditions discussed above during design and construction. These conditions can be addressed using standard engineering and construction practices used in the Front Range.”<sup>xix</sup>

The report also addresses concerns about the potential for development on the parcels to result in increased groundwater levels in neighboring areas. The report concludes that impacts due to compaction would be minimal if development proceeds using the types of foundation systems and construction practices discussed in the report. The report states, “It is anticipated that based on the site conditions encountered in our borings and the laboratory test results, the amount of rise in groundwater levels adjacent to the buildings would be a matter of inches and would likely dissipate in a few days.”<sup>xx</sup>

The study includes geotechnical engineering recommendations to address the site conditions and other site development aspects of the project.

## Traffic Impacts, Road Infrastructure and Cross-Jurisdictional Concerns

### 17. What traffic and parking impacts would result from medium density development, and is there sufficient infrastructure to support the increased traffic?

- Based on the information available at this time, staff believes that the potential impacts on traffic and parking could be mitigated, and that traffic or parking concerns should not prevent a change in land use designation. The area has been planned for development and the incremental increase would not substantively impact the transportation infrastructure.
- Twin Lakes Road is currently operating at less than its rated capacity, and based on the development scenarios, would still be under capacity if developed under the Medium Density Land Use Designation. Two-lane collector roads typically have a range of capacity of about 700 vehicles per hour (vph) each direction for Level of Service A (free flow) to 2000 vph each direction at Level of Service E (breakdown / stop conditions). The current use of Twin Lakes Road identifies a peak hour volume of about 255 vehicles for both directions between 5 and 6 p.m. The a.m. peak is 240 vehicles in both directions between 8 and 9 o'clock in the morning. All other times of day reflect far fewer vehicle trips.
- Transportation and land use planners apply a regional perspective when considering potential development. Planners agree that a lack of affordable housing near employment centers, especially in an area with a tight housing market, increases congestion on regional roads. Development at the Twin Lakes parcels may cause localized impact within the adjacent network. However, should housing not be constructed on the parcels and other similar sites, those who work in the Boulder Valley area will otherwise have to commute from farther away where more affordable housing is available (Longmont, East County, Weld County, Larimer County). This would result in increased commuting costs for lower income families, increased energy consumption and emissions of greenhouse gases and other air pollutants, and increased congestion on Lookout Road, Niwot Road, Valmont/Isabelle, 75th, 95th, Baseline, South Boulder Road, SH52, SH7, SH119, SH287, etc. Dispersed long distance trips are also more difficult to serve with public transit service than trips that originate closer to their destination and are infill development.
- County and city transportation staff, working collaboratively with other departments and agencies, are committed to finding affordable ways for people to get to and from work with services that do not require people to drive long distances to work in Boulder.
- The proposed development would have to submit a [Concept Plan](#) and would be subject to the guidelines established in the City of Boulder's Land Use Code, Section 9-2-13 B.R.C., 1981.<sup>xxi</sup> The purpose of a Concept Plan is to solicit feedback from staff, the public and the Planning Board on a specific development proposal. The feedback received throughout the process is meant to inform the subsequent steps in the process, including Site Review and Annexation. A vehicle trips analysis is required at the time of Concept Plan submittal so that staff, the public and the Planning Board have some preliminary understanding of the potential traffic impacts. Please note that Concept Plan applications are advisory in nature and do not result in an approval or a denial.
- At the time of Site Review and Annexation, the city would require a Traffic Impact Analysis and Transportation Demand Management (TDM) plan. The TDM plan would outline strategies to mitigate traffic impacts created by the proposed development, and implementable measures for promoting alternate modes of travel, in accordance with

section 9-2-14(d)(16) & 9-2-14(h)(2)(D)(v) B.R.C., 1981 and section 2.03(l) of the City of Boulder Design and Construction Standards. Per 9-2-14(h)(2)(D)&(E) B.R.C. 1981, as a part of the Site Review process, the applicant must also address impacts related to circulation and parking.<sup>xxiii</sup> Additionally, any necessary right-of-way dedications, reservations and or improvements would be considered through the Annexation / Site Review processes.

**18. How would road infrastructure needs be addressed, recognizing that development would be in city jurisdiction but would have impacts on county-owned road infrastructure?**

- The city and county would coordinate to address the infrastructure needs of any city development that impacts county-owned infrastructure. As additional infill development occurs in the BVCP service area it will become increasingly important for the city and county to continue to work together and develop additional arrangements to address infrastructure needs. This is an area that can be addressed through an agreement between the City of Boulder and Boulder County.

**19. What is the likelihood that additional RTD service would be added in the Gunbarrel area?**

- It is possible, depending on funding priorities within the county. Boulder County can contract with RTD or other providers for transit services supporting the Twin Lakes area if such an expansion is deemed necessary when more detailed studies are completed, depending on future funding priorities. Each year, Boulder County purchases additional service on regular transit routes to increase service levels to a point beyond standard service levels provided by RTD on the route, in the form of a transit “buy-up.” In some cases, strong-performing transit capacity purchased by the county is adopted by the transit operator into their annual budgets, assuming that the additional service runs meet transit operator service standards.
- Transit buy-ups are based on demand and available funding. Potential buy-ups are prioritized relative to one another, and compared to other dedicated uses and corridors outlined in the Boulder County Transportation Sales Tax. Boulder County attempts to leverage its funding through this program as much as possible through utilizing state and federal grants.
- Service buy-ups can be purchased proactively, based upon a perceived demand for service to determine the viability of a market, or reactively, based upon demonstrated demand along existing routes that will benefit from additional transit runs. These strategies have proved successful in helping to strengthen the transit market and level of service for several Boulder County routes, and this mechanism could be used to address increased demand for RTD service in the Gunbarrel area.

**20. Could a patchwork of city/county jurisdiction lead to unsafe outcomes in case of a 911 emergency?**

- The county and city work together to ensure seamless response to 911 emergencies. The Boulder County Sheriff’s Office provided the following statement: “Calls are routed to the appropriate 9-1-1 center based on the location of the call. If a call is misrouted to the wrong center, the caller will be transferred to the other center with the original center staying on the line to confirm that a call is not dropped. It is not uncommon based on the severity of the call to have resources from the City of Boulder, Boulder County, or local fire protection districts respond to law enforcement, fire, or EMS type calls. Ultimately, it is more likely that you will get too many resources going to a call, especially in an area where there is a question on jurisdiction, until it can be verified.”

## Housing and Location

### 21. Are there more appropriate locations for affordable housing (e.g., closer to services and jobs)?

- Any location within the city service area that is suitable for residential development is considered suitable for affordable housing. Low-income and middle-income affordable housing serves households earning between 30-120% area median income (AMI). These households include seniors on a fixed income, families and professionals that earn a decent salary but cannot afford to live in the community where they work. With the exception of some seniors, these types of households do not typically need to be located closer to services than other residents.
- The parcels are located in close proximity to services. Local Transit is available approximately 0.5 miles from the parcels (the RTD 205 route stops at Twin Lakes and 63<sup>rd</sup> St.) and includes stops at the Gunbarrel Town Center, along 28th St, 29<sup>th</sup> Street Mall and Downtown Boulder, with connections to the University of Colorado at Boulder and Boulder Junction at Depot Square. Regional bus service in the form of the RTD J and BOLT routes are located approximately 1.5 miles<sup>5</sup> from the location (on Spine/63<sup>rd</sup> Street and along SH119, respectively) providing service to Boulder (Downtown Boulder, Boulder Junction at Depot Square, University of Colorado at Boulder) and Downtown Longmont (BOLT only). The SH119 corridor was also identified by RTD as a near-term Bus Rapid Transit Corridor that would provide high frequency all day service along the corridor between Boulder and Longmont.
- Gunbarrel currently has approximately 12,700 jobs and a zoned capacity for an additional 12,850 jobs. Siting housing in close proximity to those jobs aligns with several BVCP policies. Specifically, BVCP policy 7.13 provides guidance on the location and types of affordable housing.
  - 7.13 Integration of Permanently Affordable Housing. *Permanently affordable housing, whether publicly, privately or jointly financed will be designed as to be compatible, dispersed, and integrated with housing throughout the community.*
- Research shows that very little vacant land (publicly or privately owned) exists within the service area (BVCP Areas I and II). Much of the undeveloped land in the Boulder Valley that would be considered for locating affordable housing is either in a floodplain or has other use restrictions based on the source of funding used to purchase the land. This underscores the importance of making use of sites that have been long-planned for development as the community works to address a shortage of low- and middle-income housing.

### 22. Why is there a cash-in-lieu option to meet the City of Boulder's Inclusionary Housing Program requirements?

- The city's Inclusionary Housing (IH) program requires that new residential development contribute at least 20% of the total units as permanently affordable housing. The city has adopted a multi-faceted program to account for the limitations under state law (see bullet below). Options for meeting this requirement include providing the permanently affordable units on-site, dedicating off-site newly constructed or existing units as permanently

<sup>5</sup> Corrected Jan. 10, 2017

affordable, dedicating vacant land for affordable unit development or making a cash contribution to the Affordable Housing Fund in lieu of providing affordable units (Cash-in-lieu).

- Colorado law prohibits rent control by counties and municipalities except by a voluntary agreement with the owner. The statute does not limit the rights of counties or municipalities to manage and control the rent for properties they own through a housing authority or similar agency. Courts in Colorado have determined that requiring developers to build permanently affordable rental housing on-site is a form of rental control.
- In order for a market developer and their financing partners to create on-site affordable rental housing, they must enter into a permanent partnership for the affordable portion of the development, or the units must be sold by the nonprofit. The city cannot require a developer to pursue this path. Moving forward in this direction depends on the desire of the developer to do so and the capacity, financial ability and willingness of the partner agency. To address this situation, as noted, the city's IH program offers alternative pathways for a developer to contribute to the development of affordable housing in the community.
- The cash-in-lieu funds received through the IH Program are used to support critical housing needs such as affordable housing for very low income, shelter housing, and housing for individuals with special needs that cannot be realized through on-site inclusionary housing requirements. Cash-in-lieu funds can also leverage additional funding sources (state and federal), producing a multiplier effect and greatly increasing the total funds available to support additional affordable housing investments.<sup>xxiii</sup>
- Between 2000 and 2015, the cash-in-lieu component of the IH program helped increase the total number of new affordable housing units beyond what would have resulted if all units had been built on-site. The total share of new units affordable to low and moderate income households (i.e., deed restricted) was 24 percent of all new housing units added during that period. The Inclusionary Housing requirement is for only 20 percent, and the additional four percent is due, in part, to the cash-in-lieu.

### 23. Is Gunbarrel a job center in need of more housing?

- Yes. According to the [BVCP 2015-2040 Projections](#), Gunbarrel had 12,700 jobs in 2015 and the potential for an additional 12,850 jobs by 2040 based on existing zoning.<sup>xxiv</sup> The availability of zoned land for additional nearby residential development to house potential future employees is limited and insufficient to meet future needs.

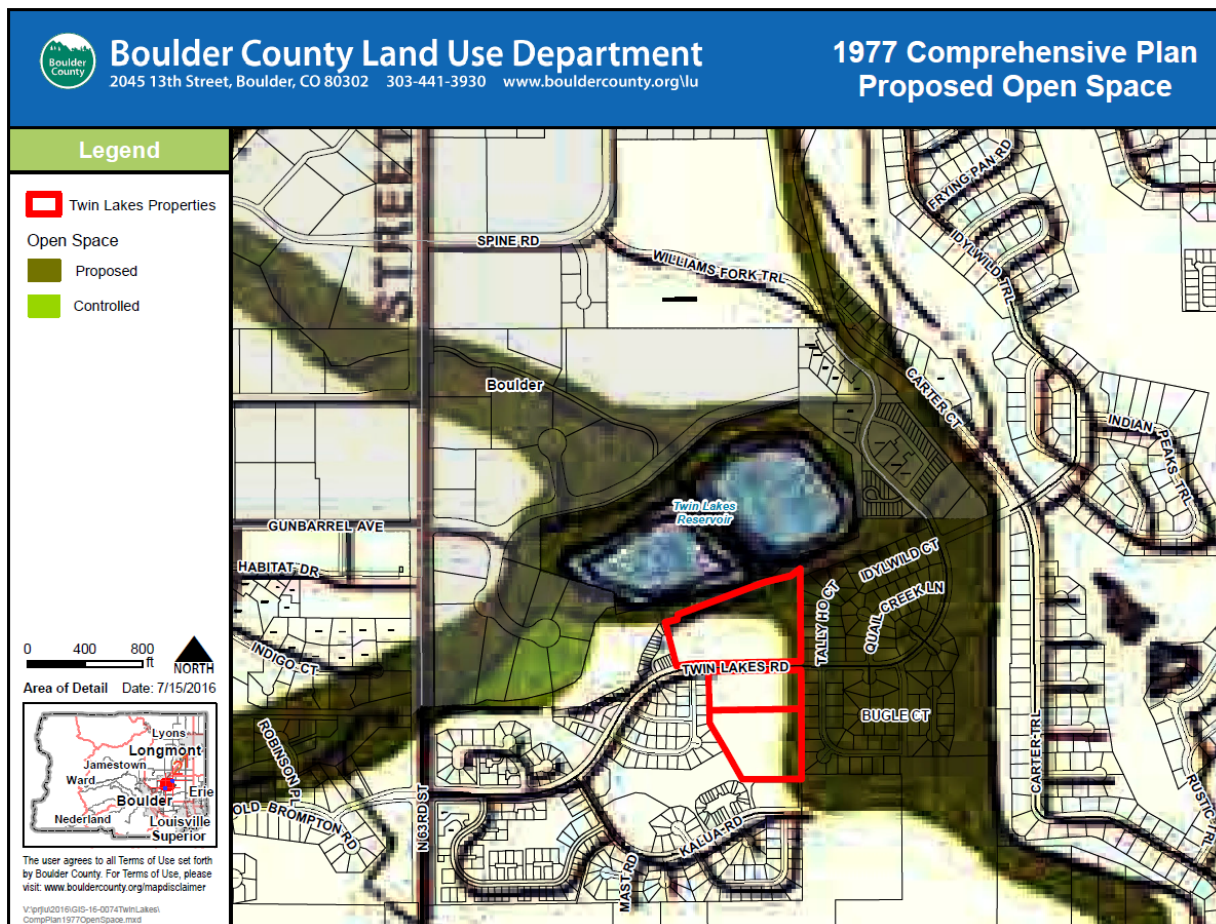
## Parcel History

### 24. Were the BCHA and BVSD parcels envisioned as open space and community park area in the original 1977 Boulder Valley Comprehensive Plan?

- Plans for a park and north-south greenbelt located to the south and east of the east lake appeared in the 1977 BVCP, but were dependent on the assumption that those areas would annex to become part of City of Boulder jurisdiction. A 40-acre community park was envisioned for the area that is now Red Fox Hills; only a small portion of the planned park area covered land currently owned by BCHA and BVSD. See Figure . The city's capital improvement plans at that time were developed based on the expectation that residents of Gunbarrel would ultimately annex into the City of Boulder and share equitably in supporting the full range of urban services the city provides to its citizens, and which are not offered by the county (e.g., libraries, recreation facilities and fire protection).<sup>xxv</sup> Annexation of Gunbarrel has been put to vote multiple times and failed. Lacking property and use tax

revenue from the residents in unincorporated Gunbarrel, the City of Boulder did not carry out those early plans for park and other city-supported services in the Gunbarrel area. The fact that many Gunbarrel residents do not pay city property and use taxes remains a barrier to their receiving city services like libraries, parks and recreation centers.

Figure 2. Overlay of BCHA and BVSD Parcels, and 1977 Comprehensive Plan Proposed Open Space



Source: Boulder County Land Use; 1977 Boulder Valley Comprehensive Plan

**25. Are there restrictions on how the BVSD parcel can be used based on its history as a subdivision dedication?**

- The Land Use Map change that BVSD requested affects how the property may be zoned post-annexation. While the property is under county jurisdiction, the parcel remains subject to state law governing county subdivisions<sup>6</sup>. Upon annexation, however, the annexing city has land use authority over the property and controls subdivision and zoning. Therefore, whether there are restrictions on the BVSD parcel post-annexation depends on whether the city places restrictions on the use of the parcel. The Municipal Annexation Act requires a city to zone (or rezone) a property upon or within 90 days

<sup>6</sup> Corrected Jan. 10, 2017

after annexation. It also specifically allows a city to subdivide (or resubdivide) a property upon annexation.

**26. Were there any requirements in the purchase agreement with the Archdiocese affecting how the BCHA-owned parcel (6655 Twin Lakes Rd.) can be used?**

- The Archdiocese understood that it was transacting with Boulder County in the interest of building affordable housing under the Boulder County Housing Authority. Therefore, the Archdiocese may have had expectations as to how BCHA intended to develop the property, but there are no legal restrictions on the use of the parcel in the purchase agreement, in the deed conveying the property to BCHA, or elsewhere.

## Annexation

**27. When would annexation of the parcels occur and why is it necessary for developing these parcels?**

- No annexation proposal has been submitted to the city at this time. Any annexation of the BCHA and BVSD parcels would occur at a later date and be subject to a separate city process.
- In order to develop more than one housing unit per building lot (the maximum allowed under county jurisdiction) the parcels must be annexed so they will be part of the city's jurisdiction. Annexation requires 1/6 contiguity, which means 1/6 of the border of the parcel proposed for annexation needs to touch parcels or right-of-way (ROW) in the City of Boulder. Adjacent parcels and/or ROW can be annexed at the same time as the proposed parcel to provide contiguity.
- To address future annexation of the parcels along Twin Lakes Road, there may be multiple options available to gain the necessary contiguity. However, the specifics of annexation would need to be worked out between the city and the owners of the parcels proposed to be annexed at the time of an actual annexation proposal.
- The BVCP does provide a process in which a property owner can pursue annexation and land use designation change simultaneously. That process only requires review by the city's decision making bodies. BCHA and BVSD have chosen to pursue a land use designation change request through the "four body" decision making process that is open to wider public review.

**28. One of the paths for annexation contiguity for the BCHA and BVSD parcels is annexation of a county-owned parcel used as a trail corridor. This parcel located to the northwest of 6655 Twin Lakes Rd. is managed as open space. What would be the effect of annexing this parcel, and would it set a precedent of using open space to support development?**

- No. Annexation of the trail corridor parcel (Outlot 7 of the original Twin Lakes subdivision plat) would not set a precedent of using open space to support development. Annexation of the trail corridor, or of open space, would only change the jurisdiction in which the land is located. The ownership or management would not change. Therefore, if the Boulder County-owned trail corridor parcel in question was annexed, the parcel would remain county-owned and still be maintained as a trail corridor available for public use.
- Regarding setting precedence, this is a fairly unique situation in which there is county-owned land used as open space within a community service area. A community service area is an area planned for annexation and development. Any request for annexation of county-

owned property interest would be considered based on the specific circumstances of the request, and its consistency with the Boulder Valley Comprehensive Plan (BVCP) and Boulder County Comprehensive Plan (BCCP). In this case:

1. The BVCP and BCCP support a compact urban development pattern
2. The BVCP anticipates all Area II land will be annexed into the service area
3. There is a demonstrated need for affordable housing in the community, and addressing that need is consistent with BVCP policy

Therefore, in this case the county would support and pursue potential annexation of open space to facilitate affordable housing development on the BCHA and BVSD parcels. Note that the county has agreed previously to allow open space land in which it owns an interest to be annexed within a city's planning area.

- State statute (C.R.S. 31-12-104(a)(1)) allows a municipality to ignore certain types of property (roads, state-owned land, etc.) for purposes of contiguity, but does not allow a municipality to ignore county-owned open space to gain contiguity. This provision does not, however, preclude a county from seeking or allowing annexation of property that is used for or managed as open space, as long as all the statutory requirements for annexation are met.
- Boulder County-owned open space may only be annexed at the request of the county. Given the unique circumstances described above that would need to exist, the small portion of county open space in a community service area, and the county's deep commitment to the policies of the BVCP and BCCP, the county would only support annexation of open space in rare instances.
- In recognition of the long history around annexation in Gunbarrel and lack of interest of unincorporated neighborhoods in annexation, the city and county have not moved forward with annexation and have adopted policy language specific to Gunbarrel (BVCP Policy 1.24 Annexation: h).<sup>xxvi</sup>

**29. Would the annexation of open space for the BCHA development set up a situation that would enable the city to forcibly annex other parts of Gunbarrel?**

- No. The parcel under consideration for annexation is Outlot 7 of the original Twin Lakes subdivision plat. Annexation of the parcel would not create any enclaves (i.e., land in county jurisdiction that is surrounded by land in city jurisdiction), a condition that would create the need to annex other parts of Gunbarrel.
- When the subdivisions in the Twin Lakes area were developed they were provided city water and sewer services contingent on an expectation that they would promptly annex to the city. However, Gunbarrel voters elected not to annex.<sup>xxvii</sup>
- As stated in Question 28, in recognition of the long history around annexation in Gunbarrel and lack of interest of unincorporated neighborhoods in annexation, the city and county have not moved forward with annexation and have adopted policy language specific to Gunbarrel (BVCP Policy 1.24 Annexation: h).<sup>xxviii</sup>

<sup>1</sup> See Boulder Valley Comprehensive Plan Land Use Map Descriptions, available at: [https://www-static.bouldercolorado.gov/docs/iii-land-use-map-descriptions-1-201307121132.pdf?\\_ga=1.245515520.586192584.1470052088](https://www-static.bouldercolorado.gov/docs/iii-land-use-map-descriptions-1-201307121132.pdf?_ga=1.245515520.586192584.1470052088)



- <sup>ii</sup> One can view current BVCP land use designations by going to the City of Boulder's eMapLink, searching for a particular address and turning on the "Future Land Use" map layer in the Legend. The eMapLink is available at: [https://maps.bouldercolorado.gov/emaplink/?\\_ga=1.10650928.586192584.1470052088](https://maps.bouldercolorado.gov/emaplink/?_ga=1.10650928.586192584.1470052088)
- <sup>iii</sup> The county's Rural Residential Zone District would also allow one unit per acre if the parcel is within a Community Service Area and has access to water and sewer service. See Boulder County Land Use Code, Article 4-103(E). Available at: <http://www.bouldercounty.org/doc/landuse/lucodearticle04.pdf>. However, in this case the BVCP is the guiding document and in order to obtain those necessary services the parcels would need to be annexed.
- <sup>iv</sup> 2010 Boulder Valley Comprehensive Plan. Policy 1.27 Definition of Adequate Urban Facilities and Services. Pg. 15; Chapter VI. Urban Services Criteria and Standards. Pg. 94. Available at: [https://www-static.bouldercolorado.gov/docs/boulder-valley-comprehensive-plan-2010-1-201410091122.pdf?\\_ga=1.249323651.586192584.1470052088](https://www-static.bouldercolorado.gov/docs/boulder-valley-comprehensive-plan-2010-1-201410091122.pdf?_ga=1.249323651.586192584.1470052088).
- <sup>v</sup> Ibid.
- <sup>vi</sup> Boulder Parks and Recreation Master Plan. 2014. Pg. 26 Available at: [https://www-static.bouldercolorado.gov/docs/MP\\_Layout\\_V7.8\\_Final\\_sm-1-201404020833.pdf?\\_ga=1.252341773.586192584.1470052088](https://www-static.bouldercolorado.gov/docs/MP_Layout_V7.8_Final_sm-1-201404020833.pdf?_ga=1.252341773.586192584.1470052088)
- <sup>vii</sup> Felsburg Holt & Ullevig, "Boulder County Habitat Assessment for 6655 Twin Lakes Road, 6500 Twin Lakes Road and 0 Kalua Road." August, 2016. Available at: <https://ourbouldercounty.org/document/interim-twin-lakes-habitat-assessment>
- <sup>viii</sup> Blue Mountain Environmental Consulting, LLC. "Memorandum Re: Open Space Evaluation of 6655 and 6600 Twin Lakes Road (Twin Lakes Parcels)." Pg. 16, August 23, 2016. Available at: [https://static1.squarespace.com/static/57d084b68419c274d399543c/t/57ed9d9fd2b857477bc8178c/1475190193151/tlag\\_assessment\\_9-29.pdf#page=16](https://static1.squarespace.com/static/57d084b68419c274d399543c/t/57ed9d9fd2b857477bc8178c/1475190193151/tlag_assessment_9-29.pdf#page=16)
- <sup>ix</sup> Boulder County Parks and Open Space. "Twin Lakes Open Space Resource Evaluation and Management Plan." 2004. Available at: <http://www.bouldercounty.org/doc/parks/twinlakesmplan.pdf>.
- <sup>x</sup> The Boulder County Comprehensive Plan (BCCP) Environmental Resources Element includes a list of Species of Special Concern (SSC), which are locally threatened or endangered flora and fauna that the county seeks to protect. A list of the BCCP SSC is available at: <http://www.bouldercounty.org/doc/landuse/bccp-wssc.pdf>
- <sup>xi</sup> Felsburg Holt & Ullevig, "Boulder County Habitat Assessment for 6655 Twin Lakes Road, 6500 Twin Lakes Road and 0 Kalua Road." Prepared for the Boulder County Housing Authority. August, 2016. Available at: <https://ourbouldercounty.org/document/interim-twin-lakes-habitat-assessment>
- <sup>xii</sup> Blue Mountain Environmental Consulting, LLC. "Memorandum Re: Open Space Evaluation of 6655 and 6600 Twin Lakes Road (Twin Lakes Parcels)." Prepared for the Twin Lakes Action Group. Pg. 16, August 23, 2016. Available at: [https://static1.squarespace.com/static/57d084b68419c274d399543c/t/57ed9d9fd2b857477bc8178c/1475190193151/tlag\\_assessment\\_9-29.pdf#page=16](https://static1.squarespace.com/static/57d084b68419c274d399543c/t/57ed9d9fd2b857477bc8178c/1475190193151/tlag_assessment_9-29.pdf#page=16)
- <sup>xiii</sup> Boulder County Parks and Open Space. Twin Lakes Open Space Resource Evaluation and Management Plan, 2004. See appendices 3 and 4. Available at: <http://www.bouldercounty.org/doc/parks/twinlakesmplan.pdf>.
- <sup>xiv</sup> Felsburg Holt & Ullevig, "Boulder County Habitat Assessment for 6655 Twin Lakes Road, 6500 Twin Lakes Road and 0 Kalua Road." Prepared for Boulder County Housing Authority. August, 2016. Available at: <https://ourbouldercounty.org/document/interim-twin-lakes-habitat-assessment>
- <sup>xv</sup> Felsburg, Holt & Ullevig. "Boulder County Wildlife Corridors Technical Memorandum for 6655 Twin Lakes Road, 6500 Twin Lakes Road and 0 Kalua Road." Prepared for Boulder County Housing Authority. December, 2016. Available at: <http://www.bouldercounty.org/doc/hhs/twin%20lakes%20wildlife%20corridors%20and%20buffers%20-%20bcha%20and%20bvsd.pdf>
- <sup>xvi</sup> Blue Mountain Environmental Consulting, LLC. "Memorandum Re: Open Space Evaluation of 6655 and 6600 Twin Lakes Road (Twin Lakes Parcels)." Prepared for the Twin Lakes Action Group. Pg. 16, August 23, 2016. Available at: [https://static1.squarespace.com/static/57d084b68419c274d399543c/t/57ed9d9fd2b857477bc8178c/1475190193151/tlag\\_assessment\\_9-29.pdf#page=16](https://static1.squarespace.com/static/57d084b68419c274d399543c/t/57ed9d9fd2b857477bc8178c/1475190193151/tlag_assessment_9-29.pdf#page=16)
- <sup>xvii</sup> Felsburg Holt & Ullevig, "Boulder County Habitat Assessment for 6655 Twin Lakes Road, 6500 Twin Lakes Road and 0 Kalua Road." Prepared for Boulder County Housing Authority. August, 2016. Available at: <https://ourbouldercounty.org/document/interim-twin-lakes-habitat-assessment>
- <sup>xviii</sup> TLAG hydrology report for BCHA property: McCurry Hydrology LLC. "Preliminary Hydrologic Analysis of the BCHA Property at 6655 Twin Lakes Road." Prepared for Twin Lakes Action Group. June 24, 2015. Available at: [https://static1.squarespace.com/static/57d084b68419c274d399543c/t/57d9d1cf8419c23a9b7bd300/1473892816531/Hydrology\\_Analysis\\_6655TwinLakesRd\\_06-24-15.pdf](https://static1.squarespace.com/static/57d084b68419c274d399543c/t/57d9d1cf8419c23a9b7bd300/1473892816531/Hydrology_Analysis_6655TwinLakesRd_06-24-15.pdf)
- TLAG hydrology report for BVSD properties: McCurry Hydrology LLC. "Preliminary Hydrologic Analysis of the BCHA Properties at 6600 Twin Lakes Road." Prepared for Twin Lakes Action Group. November 16, 2015. Available at: [https://static1.squarespace.com/static/57d084b68419c274d399543c/t/57d9d20229687fdaba1f1729/1473892867252/Prelim\\_Hydrology\\_Analysis\\_BVSD\\_property\\_11-16-15.pdf](https://static1.squarespace.com/static/57d084b68419c274d399543c/t/57d9d20229687fdaba1f1729/1473892867252/Prelim_Hydrology_Analysis_BVSD_property_11-16-15.pdf)

<sup>xix</sup> Martinez Associates. "Preliminary Geotechnical and Hydrologic Investigation, Twin Lakes Properties, Boulder, CO." Prepared for the Boulder County Housing Authority. August 19, 2016. Pg. 6. Available at:

<https://www.ourbouldercounty.org/sites/ourbouldercounty.org/files/document/pdf/Preliminary%20Geotech%20report.pdf>

<sup>xx</sup> Ibid.

<sup>xxi</sup> The first Twin Lakes Stakeholder Group Meeting included a staff presentation about the development process, which is included in the meeting materials. See: [https://www-static.bouldercolorado.gov/docs/BVCP\\_Twin\\_Lakes\\_stakeholders\\_Meeting\\_1\\_material-1-](https://www-static.bouldercolorado.gov/docs/BVCP_Twin_Lakes_stakeholders_Meeting_1_material-1-201604221522.pdf?_ga=1.260868489.586192584.1470052088)

[201604221522.pdf?\\_ga=1.260868489.586192584.1470052088](https://www-static.bouldercolorado.gov/docs/BVCP_Twin_Lakes_stakeholders_Meeting_1_material-1-201604221522.pdf?_ga=1.260868489.586192584.1470052088)

<sup>xxii</sup> Impacts related to circulation include: discouraging high speeds, minimizing potential conflicts with vehicles, ensuring safe and convenient multi-modal travel/connections, promoting alternatives to single-occupant vehicles, use of Transportation Demand Management techniques, providing on-site facilities for external linkages for other modes of transportation, minimizing the amount of land devoted to the street system, designing for types of traffic expected from all modes of travel, and controlling noise and exhaust (Boulder, CO Municipal Code 9-2-14. h-2)

<sup>xxiii</sup> For example, in the case of Boulder Housing Partners' High Mar project, the city contributed \$2.5M for a project totaling \$12.2M. More details are available at: <https://www-static.bouldercolorado.gov/docs/affordable-housing-development-trends-1-201411041604.pdf>.

<sup>xxiv</sup> See Boulder Valley Comprehensive Plan Key Resources and Maps, BVCP Phase 1. Available at:

<https://bouldercolorado.gov/bvcp/key-resources-and-maps-bvcp-phase-1>

<sup>xxv</sup> Boulder Valley Comprehensive Plan, Revised 1978, p. 55, see Note 1. The Capital Improvements Program described in the 1978 version of the BVCP also makes reference to plans for other parks, library services, and recreational facilities in Gunbarrel, contingent on annexation.

<sup>xxvi</sup> BVCP Policy 1.24 Annexation: h) 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.

<sup>xxvii</sup> Cornett, Linda, "Gunbarrel Area Voters Reject Annexation," *Boulder Daily Camera*, November 2, 1978.

<sup>xxviii</sup> BVCP Policy 1.24 Annexation: h) 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.



# Land Use

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**BOARD OF COUNTY COMMISSIONERS**

**September 27, 2016 – 3:30 PM**

**Commissioners Hearing Room, Third Floor**

**Boulder County Courthouse**

## **CONTINUATION FROM AUGUST 30 JOINT PLANNING COMMISSION-BOARD OF COUNTY COMMISSIONERS PUBLIC HEARING, NO TESTIMONY**

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

#### **STAFF PLANNERS:**

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

#### **BACKGROUND**

The Board of County Commissioners and Planning Commission held a joint public hearing on August 30, 2016 to consider staff recommendations and public comments related to four land use change requests as part of the Boulder Valley Comprehensive Plan (BVCP) Major Update. The hearing agenda included staff and requestor presentations for requests for land use changes at: 3261 3rd Street (Request #25), 2801 Jay Road (Request #29), and 6655 and 6500 Twin Lakes Rd., 0 Kalua Road (Requests #35 and #36). Public testimony for those requests was also provided, but no decisions were made, and the public hearing was closed as previously advertised in the public hearing announcement.

Planning Commission decided on the land use change requests at the September 21 hearing. Decisions by the other three decision making bodies will follow. Board of County Commissioners (BOCC) will decide on September 27, City of Boulder Planning Board will decide on October 13, following a joint City of Boulder Planning Board – City Council public hearing, and City Council will decide on November 1. Please refer to the staff memo submitted in advance of August 30 hearing for the full staff recommendation. All public comments received related to the public requests for land use designation changes are available here:

<http://www.bouldercounty.org/property/build/pages/lubvcp150001.aspx#PublicComment>

In advance of decision-making by BOCC on September 27, staff would like to provide a summary of discussion and outcomes from the September 21 Planning Commission meeting, as well as clarification on a number of topics raised at the hearing related to the Twin Lakes requests. Please see the summary of the September 21 Planning Commission meeting that follows provides clarification on information presented at the August 30 hearing. Staff will also be available at the hearing to respond to questions the Commissioners may have.

### **SUGGESTED MOTION LANGUAGE**

Staff offers the following suggested motion language. The motion language has been reorganized from the version included in the original staff memo to provide a separate motion for each relevant request. Note that all references to attachments in the suggested motion language refer to the attachments to the original staff memo for the August 30 public hearing (see Attachment 1, and embedded attachments A, B, and C).

#### **Suggested Motion Language:**

Staff requests Board of County Commissioners consideration of this matter and action in the form of the following motions:

- A. Motion to approve the Land Use Map change and the Area I, II, III Map change to the Boulder Valley Comprehensive Plan, as shown and described in **Attachment A**, as to 3261 3rd St. (Request #25): Change to Low Density Residential and Open Space - Other & Change to Area II for a portion of the site.
- B. Motion to approve the Land Use Map change to the Boulder Valley Comprehensive Plan, as shown and described in **Attachment B**, as to 2801 Jay Road (Request #29): Change to Medium Density Residential.

With a strong recommendation to any decision-making bodies overseeing future development on the property that the focus of this development be on family housing, and density be kept below 10 units per acre.

- C. Motion to approve the following Land Use Map change to the Boulder Valley Comprehensive Plan, as shown and described in **Attachment C**, as to 6655 and 6500 Twin Lakes Road and 0 Kalua Road to change to Medium Density Residential and Environmental Preservation.

With a recommendation to any decision-making bodies overseeing future development on the property that the Guiding Principles that were developed in the Twin Lakes Stakeholder Group process are honored, and that future development of the property ensures that wildlife values and appropriate corridors are established.

### **ATTACHMENTS**

- Attachment 1: Staff report for August 30 Joint Public Hearing Planning Commission and Board of County Commissioners (embedded attachments A, B, and C are referenced in the recommended motion language)
- Attachment 2: Staff memo providing clarifications following the August 30 joint Planning Commission-Board of County Commissioners hearing

## **Guiding Principles from Twin Lakes Stakeholder Group Process**

The following guiding principles were agreed to by the parties to by the Twin Lakes Stakeholder Group facilitated process:

- Continue an advisory group to influence development, design elements, etc.
- Be thoughtful and clear about communication and ensure transparency going forward.
- Mitigate impacts on existing infrastructure and neighborhoods.
- Delineate wildlife habitat and corridor, open space, trails, and create a set-aside for no development.
- Ensure a diversity of housing types.
- Create a design that is consistent with the current surrounding neighborhoods.
- Ensure adequate parking to minimize negative impacts on the surrounding neighborhoods.
- Supply appropriate numbers and types of community amenities to the public.
- Supply appropriate numbers and types of affordable housing units.

## **SEPTEMBER 21, 2016 PLANNING COMMISSION MEETING SUMMARY**

### **Overview and Key Outcomes**

Planning Commission members in attendance included: Natalie Feinberg Lopez (Chair), Doug Young (Vice Chair), Michael Baker, Lieschen Gargano, Ann Goldfarb, Dan Hilton, Leah Martinsson, and W.C. Pat Shanks. Planning Commission member Ben Blaugrund was not in attendance. Natalie Feinberg Lopez left the meeting at 4 p.m. due to another commitment. She was present for decisions on 3261 3<sup>rd</sup> Street and 2801 Jay Road, but not for the Twin Lakes parcels.

Pete Fogg of the Boulder County Land Use Department provided a summary of the BVCP process leading up to the Planning Commission decision, as well as next steps.

County Attorney's Office staff provided responses to a number of legal questions she received from Planning Commission members following the August 30 meeting.

3261 3<sup>rd</sup> Street (Request #25) was discussed and decided on first, followed by 2801 Jay Road (Request #29) and then the Twin Lakes properties (Requests #35 and #36). Staff recommendations were approved for all three items, with specific recommendations included for 2801 Jay Road and the Twin Lakes parcels. Table 1 provides a summary of decision outcomes.

**Table 1. Summary of Decision Outcomes**

<b>Item</b>	<b>Motion Language</b>	<b>Vote Summary<sup>1</sup></b>
3261 3 <sup>rd</sup> Street (Request #25)	Motion to approve the Land Use Map change to the Boulder Valley Comprehensive Plan including A. 3261 3 <sup>rd</sup> Street (Request #25): Change to Low Density Residential and Open Space - Other and A. map change to the Boulder Valley Comprehensive Plan as shown and described in Attachment A, 3261 3rd Street: Change to Area II for the portion of the site designated.	Yes: 8 No: 0
2801 Jay Road (Request #29)	Move that the Boulder County Planning Commission approve the Land Use Map change to the Boulder Valley Comprehensive Plan, as shown and described in Attachment B, as to 2801 Jay Road otherwise known as Request #29 Change to Medium Density Residential.  With a strong recommendation to the other three bodies that the focus of this development be on family housing and density kept below 10 units per acre.	Yes: 6 No: 1
6655 Twin Lakes Road, 6500 Twin Lakes Road and 0 Kalua Road (Requests #35 and #36)	Motion to approve the following Land Use Map change to the Boulder Valley Comprehensive Plan, as shown in Attachment C, to 6655 and 6500 Twin Lakes Road and 0 Kalua Road to change to Medium Density Residential and Environmental Preservation.  We recommend that future bodies ensure that the Guiding Principles that were developed in the stakeholder process are honored and that future development of the property, in particular, ensure that wildlife values and appropriate corridors are established.	Yes: 4 No: 3

**Summary of Discussion and Deliberation for 3261 3<sup>rd</sup> Street**

A planning commissioner asked what the development implications would be if the Blue Line were not a factor, and the entire property were placed within Area II, as requested by the requestor. This question reflected that moving the Blue Line to the western edge of the parcel is a potential outcome of a November ballot measure. City of Boulder planning staff noted that four units would be allowed if the entire parcel were in Area II. A representative for the requestor explained that the requestor does not wish to develop more than one unit on the property, and recognizes that a one-unit limit could ultimately be made a condition of annexation. The requestor seeks flexibility in where that unit of development is located on

<sup>1</sup> Note that the original version of the meeting included an incorrect tally of the vote for 2801 Jay Road (7-1). In fact the vote was 6 in favor and 1 opposing the motion.

the property. Staff noted that RL-1 zoning would allow up to four units on the property, unless there was a condition made with annexation.

At the request of a planning commissioner, staff confirmed that the staff recommendation is for the conditions on the property to revert to what would have existed prior to the possible mapping error with regard to the area designation.

Staff noted that Area II / III designations would need to be further explored on roughly a dozen properties that are currently in Area III if the Blue Line adjustment is approved in the November election. The intent of the Blue Line is to prevent further development up the foothills on the western edges of the Boulder Valley. Therefore, a shift in the Blue Line would call into question whether a shift in the Area II / III boundary is also appropriate for affected properties.

Responding to a question from a planning commissioner, staff explained that the land use in the area around 3261 3<sup>rd</sup> Street is Low Density Residential.

Pat Shanks made a motion which was seconded.

Following the motion, a planning commissioner asked how common it is for properties to be bisected by the Blue Line, leaving part of the parcel in Area III and part in Area II. City staff noted that five or six properties are so affected; if the Blue Line clean-up is approved with the November election there will be approximately 12 properties that will need to be reviewed for a possible Area II / Area III shift. 3261 3<sup>rd</sup> Street would also be reviewed for such a shift. Two planning commissioners noted that that information makes them more comfortable with approving the staff recommendation.

Planning Commission voted 8-0 to APPROVE the staff recommendation.

### **Summary of Discussion and Deliberation for 2801 Jay Road**

A planning commissioner asked for a summary of road infrastructure ownership, maintenance and access. The County Engineer provided an overview, noting that a portion of Jay Road nearest the intersection with 28<sup>th</sup> Street is within city jurisdiction. He also confirmed there is no specific road management arrangement currently in existence between the city and county with regard to the development proposed at the site.

In response to a question about the dirt access road to the east of the parcel, it was confirmed that when the property is developed, the access would have to comply with any existing easements or agreements. The change in the designation would not affect the easements.

A planning commissioner asked about other potential choices in land use designation categories. Staff summarized the residential land use designations and noted that development approval may be for less density than the maximum allowed for a particular designation.

A planning commissioner asked which of the land use designations would allow for a coffee shop or small retail establishment to be located at the site. City staff explained that the zoning

districts corresponding with the Low Density Residential land use designation strictly prohibit inclusion of any commercial uses, whereas the Mixed Density designation would allow them.

A planning commissioner asked city planning staff whether there is an ideal distance from services that is targeted for affordable housing. City staff responded that it is up to a private developer to determine what to propose during annexation and development. County staff added that the shortage of housing supply and land available for residential development is a factor when evaluating whether affordable housing should be limited to ideal locations, such as those proximate to services.

Pat Shanks commented that, given the hard growth boundary in the Boulder Valley, most future development will be infill, and development at the site would effectively be infill. He expressed that a change in the type of development that exists on the site may be warranted given the community's need for affordable, and in particular, middle income housing. He believes that development at the maximum density allowed under Medium Density Residential would be a little out of scale with the surrounding neighborhood. He recognized that, given the location, the development is likely to be car-focused, which may be better-suited to a middle income target. Something in between the Low Density Residential and Medium Density Residential land use designation ranges, similar to the Poplar development in north Boulder (14 units on 1.4 acres), would be preferable.

Ann Goldfarb commented that she has concerns related to density, as well as serving the middle of the population.

A planning commissioner asked about the range of incomes that are considered eligible for affordable housing. Staff replied that it ranges from 30 percent of Area Median Income (AMI) up to 120 percent. In Boulder that could include a four person household earning \$113,000 per year.

Natalie Feinberg Lopez commented that, while recognizing the need for affordable housing, her decision would be based on what she thinks is best from the broader perspective of the Boulder Valley. She does not see multi-modal access, but rather sees a dangerous intersection, and it is not clear how the development would benefit the neighbors and the larger county as a whole. She thinks the proposal is out of character with the neighborhood. She would like for annexation to be the last resort to address the housing problems. She noted that Google moving into town has displaced those already living and working in the area.

Daniel Hilton concurred with others' concerns about traffic, but believes that many of those issues can be mitigated through development. He does not think it is a terrible location, nor that it would spur additional peripheral growth due to its proximity to the Area III Planning Reserve. The site is not that far from services, such as those at Iris and 28<sup>th</sup> Street. He also acknowledged that moving from the Mixed Density Residential proposal down to the Medium Density level was a compromise.

Lieschen Gargano noted that the site is close to bikeways located on 26<sup>th</sup> Street to the west. Although the site is not ideal, it is in Area II and is close to a busier corridor, which is the



type of area where Planning Commission has previously said they would support higher densities of development.

Natalie Feinberg Lopez noted that the community that uses low income housing is not always car-centric.

Michael Baker noted that the property is already developed. He would be comfortable with a Medium Density designation but would prefer that development not end up at the higher end of the range of density allowed within the Medium Density designation.

Doug Young had micro-level concerns with the site's development, in recognition of the bigger needs of the community he would be comfortable approving Medium Density Residential. He thinks developing at the lowest range of density would be too low. He anticipates traffic improvements would occur there in the future.

Natalie Feinberg Lopez noted that in areas with limited land availability such as the Boulder Valley, the focus should transition to redevelopment strategies and methods, rather than on developing undeveloped sites. She wishes the city would look for more creative ways to accommodate more affordable housing within the city first. Ms. Feinberg Lopez would like to protect what we have in Area II for a time when we don't have anything else left to develop that is closer to services, or that can be redeveloped. She referenced Iris and 28<sup>th</sup> as a place that would be more appropriate for development. Interest in the status of the city's plans to potentially rezone industrial areas to accommodate some housing was also noted.

Doug Young presented a motion that was seconded by Daniel Hilton.

Pat Shanks asked to include a strong recommendation that the focus of the development be on middle income housing and that the density of units be kept below 10 units per acre (putting it in the range of the Poplar development). Other planning commissioners supported the importance of focusing on family housing, not only low income housing.

Planning commissioners voted 7-1 to APPROVE the staff recommendation. Natalie Fienberg Lopez voted to deny the recommendation.

### **Summary of Discussion and Deliberation for Twin Lakes Road Parcels**

A planning commissioner asked staff for clarification on how the "public" land use designation relates to any limitations that may exist related to the land's history as a dedication to BVSD associated with a subdivision development allowed on the property. It was clarified that any potential issues related to the land's history as a dedication to BVSD are separate from the range of uses associated with a "public" land use designation. Furthermore, the Public designation allows a wide range of land uses and does not require the land to be publicly owned.

At a planning commissioner's request, a representative of Twin Lakes Action Group (TLAG) explained that the south field was dedicated to BVSD in 1967 as part of the development of the Gunbarrel Greens subdivision. She believes that a condition of development was that land needed to be set aside for the use and benefit of residents. She believes that the land

dedication must serve the subdivision and that nothing in state statutes says that annexation would clear that requirement. She believes there are many properties within the City of Boulder for which annexation has not had an effect on the earlier land dedications. She noted that someone wishes to start a new charter elementary school in Gunbarrel and use the BCHA and BVSD fields as part of her curriculum.

A planning commissioner asked again whether there is a radius within which affordable housing is ideally located, and specifically whether a higher level of density of affordable housing should be located. City staff responded that it is city policy that any place appropriate for housing is appropriate for affordable housing. He noted those in need of affordable housing are not always in need of special services.

A planning commissioner questioned how development at the Twin Lakes parcels would fit into the 15-minute neighborhood concept addressed in the proposed updated BVCP policies. City staff explained that the 15 minute neighborhood is an ideal situation, but a lot depends on the market and having a sufficient number of people to support those businesses. Another commissioner asked specifically how the 15-minute neighborhood concept would apply to parks and recreation facilities, and whether the city has a target ratio of residents to parks. City staff noted that most if not all neighborhoods in the City of Boulder are well-served by parks compared to other cities nationally, and that the city does not have a specific standard. County staff noted that, with regard to the 15 minute neighborhood concept, it is appropriate to consider potential Twin Lakes parcel development within the context of the land's proximity to both Gunbarrel Town Center, an area with significant projected job growth, and downtown Boulder.

Boulder County Parks and Open Space staff provided a summary of the neighborhood's proximity to open space, but not specifically to parks. She noted that Twin Lakes is an open space park with trails, amenities and a regional trail, and that Eaton Park (26 acres), managed by the City of Boulder, is just north of Twin Lakes. A commissioner asked if staff could respond to citizens' concerns regarding access to open space and parks. City staff pointed out the distinction between urban parks, with developed amenities, and open space, which does not have developed amenities. He noted that in comparison with the rest of the city, all neighborhoods in Boulder are roughly equally well-served by parks, and he noted that the city does not typically provide urban parks to county residents.

A planning commissioner asked for clarification about any deed requirements associated with the trail corridor outlot property north of the BCHA parcel that was the subject of a letter to the county. It was confirmed that the parcel, that could potentially be annexed to provide contiguity to city jurisdiction for the BCHA parcel, has always been used for purposes consistent with the reverter clause in the deed.

A planning commissioner asked whether and how, if the land were developed for affordable housing, the housing could be restricted to BVSD employees. BVSD staff explained that many other school districts supply their own affordable housing, including the Telluride and Roaring Fork school districts in Colorado. Given the size and diversity of BVSD's employee base, potential concerns about limitations related to the Fair Housing Laws should not be a factor. BVSD has over 3,000 employees that cover a wide range of groups reflective of the population of the region as a whole.

A planning commissioner asked whether the units would be just for teachers, whether the units could be for home ownership, and whether they would need to be sold to another BVSD employee. BVSD staff noted that BVSD has not yet decided on a model but does favor one that would include both rental and ownership opportunities. He noted that home ownership units could be restricted to other school district employees when sold in the future. This is currently the case in Telluride Colorado and Jackson Hole Wyoming, and Roaring Fork Colorado is pursuing that model as well. He also explained that the units would be available to all BVSD employees, not just teachers, and that a range of employees across BVSD positions would be eligible. About two-thirds of BVSD employees are teachers. BVSD's survey found interest from a broad range of employees, including experienced teachers and administrators. He noted that concerns about affordable housing among experienced BVSD employees has become particularly acute within the last few years.

A planning commissioner asked Boulder County Housing Authority (BCHA) whether they have specific targets related to proximity to services. BCHA staff explained that the site was selected because it is a great site for affordable housing. She referenced both Aspinwall and Josephine Commons developments, noting that they have similar locational factors. The services available to the community on-site (e.g., access to Via to provide rides to appointments and mobility training and transportation solutions) have been key to the success of the projects.

A planning commissioner asked whether there were too many studies of the parcels. BCHA staff explained that geotechnical, wildlife and site suitability studies were being procured and conducted through a transparent process, and that they were necessary to understand what type of development could occur on the site.

A planning commissioner asked what type of services BCHA would plan to provide onsite. BCHA staff noted that BCHA would plan to provide a full range of services that would help ensure stability in households. There would be many opportunities available due to the unique partnership with BVSD. BCHA staff noted that, given the Medium Density Residential land use designation, physical amenities may include a community garden and trail system.

At approximately 4:00 p.m., Natalie Feinberg Lopez excused herself from the meeting due to another commitment. Before leaving, she provided comments indicating that she is very interested in supporting affordable housing for school district employees, but would want to hold off on annexing land until she sees more pressure, or a greater need for affordable housing. She wishes to save the undeveloped land to be developed later. She also expressed concern about having Gunbarrel annexed in its entirety.

A planning commissioner asked whether certain density requirements may need to be met in order for the project to get financed or to maximize BCHA's investment. BCHA staff indicated that they seek to serve a range of incomes and the best way to do that effectively is by offering higher-density housing. Low density development would only enable BCHA to serve a narrow band of the population, and does not allow building an inclusive community. Financing mechanisms work much better with a medium density designation, enabling BCHA to leverage funds to build for-sale housing.

A planning commissioner asked whether many in the target population may prefer a single family home. BCHA staff noted that at their existing developments there is much more demand for than supply of attached dwelling units, as evidenced by their waiting list. The target population has a greater preference for an affordable place to live than they do for a single family detached unit. BCHA staff indicated that the waiting lists are comprised of a majority (on the order of 80 percent) of residents who currently live and work within the communities where the developments are located. There are over 1,000 people on BCHA's waiting lists.

A planning commissioner noted that the majority of public comment has come from members of the Twin Lakes neighborhood, and input from those supporting the development has largely been from those who live in BCHA's communities or are affiliated with affordable housing-related organizations. He asked where the input was from the rest of the community. The Executive Director of BCHA noted that there are over 40,000 individuals in Boulder County spending more than 50 percent of their income on housing, and reiterated the opportunity that the Twin Lakes parcels provide for helping to address the need for affordable housing in the community. He noted that many who need affordable housing are a disenfranchised population that has trouble attending meetings or having time to participate in the public processes related to the land use designation change.

A planning commissioner asked about whether BCHA has been able to find other infill sites for development. BCHA staff explained that they have worked for three years to find sites for land banking in the area and have only been able to purchase two, the Kestrel development site and the Twin Lakes parcel. City staff noted that efforts to pursue creative infill development opportunities, such as those envisioned in the scenarios being explored through the BVCP update, will take a long time to come to fruition. The housing shortage is significant, and the Boulder Valley is on track to exhaust the supply of potential housing development well before the 2040 planning time horizon.

BCHA highlighted that BCHA's Twin Lakes parcel has been in Area II and designated for development for 30 years, and would consider it infill development. A planning commissioner recognized that it is scheduled for development and in Area II but stated a concern about the "mixed residential upzoning." BCHA highlighted the presence of mixed residential developments throughout the surrounding community, and noted there aren't 20 acres of land available in Boulder County suitable for development with a high proportion of affordability that can support the community's large need for affordable housing.

Planning commissioners had questions about the prior uses and designations of the land purchased for BCHA's other recent developments, and BCHA provided a summary. BCHA staff also clarified that they would not be looking to exceed a level of density of 12 units per acre. They would look to develop smaller units (in the range of 950 square feet), and townhome-style units so they can serve many in a limited amount of space, and offer for-sale units. Details regarding which specific areas of the development would have higher or lower levels of density would come at the next phase of development, after the land use designation change.

A planning commissioner commented on the importance of maintaining the 30,000 foot view for the purposes of deciding the land use designation change, and recognizing the current focus is not on a specific development proposal.

A planning commissioner asked about the motivation behind BCHA having originally applied for a Mixed Density Residential designation. BCHA staff explained that the mixed density designation would allow for more flexibility in zoning, and potentially enable them to build a community facility available to the public (e.g., a childcare facility, or other community amenity). The intent was not to develop at the maximum density associated with the Mixed Density designation, but rather to have greater flexibility to offer more community benefits.

A planning commissioner asked if it would be possible to include a specific wildlife corridor in the land use designation approval in order to ensure there would be a connection from the Twin Lakes to the Johnson-Coen Trust open space to the southeast. The wildlife biologist from the firm hired by BCHA to conduct a wildlife study provided some additional context. He noted that wildlife will use what humans make available for ease of travel. There is an area on the eastern side of the property with informal trails, and there could be a wildlife corridor along the eastern side of the properties. He also commented that a variety of approaches could be used to enhance the effectiveness of a corridor (e.g., use of native vegetation, canopy cover, etc.). When asked what would be an ideal width for a wildlife corridor, he explained that the ideal width will vary depending on the species. Something in the range of 25 to 50 feet provides a good range of movement for many species. Determining an appropriate width would be based on an assessment of the width of area around the ditch currently being used by wildlife. The majority of current wildlife use is within a 25 to 30 foot area of the southern ditch, and an even narrower width is used in the northern area. The needs will vary depending on the species. There are many generalized species in that area, including great horned owl. To determine the needs of more specialized species would require more work.

A planning commissioner asked whether there are any culverts connecting the north and south properties. BCHA's consultant explained that there are not. He noted that many best management practices could be incorporated in the development that would help facilitate movement of species.

In response to a question, a representative of TLAG noted that the staff-recommended environmental preservation areas would protect what would already be required for protection. He noted that larger is better in terms of specifying a wildlife corridor width. He noted that the majority of the wildlife use is along the eastern side of the parcels. Another representative of TLAG noted that minimum corridor width would depend on the type of habitat; a riparian corridor could be narrower than a grassland corridor. She noted that a wildlife corridor best practices study indicates that a 1,000-foot corridor would be appropriate there to support sensitive species, which is about the width of the properties. She noted that making the corridor narrower would limit use to species like coyotes, which could be dangerous given human use of the area. She later noted that the ideal corridor width would be density-dependent, citing a concern that development would also have associated parking lots. She also cited BVCP policies explaining that land use map changes would need to maintain or improve environmental quality, and avoid cross-jurisdictional impacts.

A planning commissioner asked, if the entire width were not designated a corridor, what portion would be most important to designate as a corridor. The TLAG representative noted that wildlife use occurs along trails that run diagonally across the property as well as on the

eastern side, and that there would need to be corridors going two directions, both west and north.

A planning commissioner asked whether it would be appropriate to create a wildlife-only corridor. TLAG's representative responded that that would help ground-nesting birds. BCHA's consultant noted that it would be important to minimize human and pet interaction in the wildlife corridor through vegetation and micro-topography. He noted that the areas to the north also act as a wildlife corridor.

City staff noted that determining the specific location and dimensions of the wildlife corridor is very site-specific and would be most appropriate to occur at the time of site plan review. He noted that the Twin Lakes Stakeholder Group's guiding principles could be applied at that time. A planning commissioner wondered whether those guiding principles could be made to be binding. County Attorney's Office staff noted that the Planning Commissioners could vote to impose a wildlife corridor that is specifically identifiable on a map, or that they could include a recommendation to include a wildlife corridor in the future.

A planning commissioner asked to confirm that the Environmental Preservation (EP) designation means there could never be development on those areas. City staff confirmed that no new development could occur in an EP area, with the exception of vegetation improvements. A planning commissioner asked whether, if a portion of the land is designated EP, that would reduce the total acreage to which the available development density were to apply. Staff answered that it would not reduce the number of total units allowed on the parcel, and staff referenced the EP designation description highlighting that the goal is to achieve preservation of the land through a variety of methods.

A planning commissioner recognized the need for affordable housing, as well as a need for a wildlife corridor. He thinks a compromise is warranted, such as lower density, or specifying a wildlife preservation area. Possibilities would include calling for a lower density to minimize impacts, or to specify a wildlife preservation area. He also noted the possibility of designating an EP area, and going with a slightly higher density on the remainder of the parcels to balance loss of land to the EP.

Another planning commissioner questioned how the item would flow to the other three bodies for approval if a specific wildlife corridor were identified. A planning commissioner noted that would effectively be denying the staff recommendation, and noted that it would be difficult to specify a wildlife corridor with no scales on the maps shown. He noted there could also be a recommendation associated with the approval, as there was for the last approval item (Jay Road). Another planning commissioner noted support for the spirit of compromise but recognized that there is currently a lack of enough information on which to base identification of specific wildlife corridor dimensions. She would not want to unintentionally limit the flexibility later in the process that would be needed to arrive at more appropriate wildlife corridor dimensions and location. By attaching a recommendation to the approval of the staff recommendation it would send a meaningful signal. She said she does believe the Medium Density Residential designation aligns with the BVCP core values. Another planning commissioner concurred, and noted a trust in the next stages of the process to provide the desired outcomes.

A planning commissioner considered potentially tabling the decision and requesting that staff come back with a recommendation for a specific wildlife corridor dimension. City staff noted that staff has already given a great deal of consideration to where a potential wildlife corridor could be located and concluded that it is not the appropriate stage of the process to provide that level of detail. That would be better addressed when a specific development plan is on the table at the annexation and site review stage. Staff also noted that tabling the decision could be challenging because all of the other bodies have already set their hearing dates and have limited time on their meeting agendas during the fall to accommodate a shift in the schedule.

Another planning commissioner agreed that it is not an ideal time to consider details of the potential development. He noted that the property could ultimately be sold to another entity, so he likes the idea of guaranteeing something related to the land use now, such as the proposal to lock in a land use on the eastern edge. A planning commissioner considered whether it would make sense to specify a wildlife corridor of 15 percent of the width of the property along the eastern edge. Another planning commissioner stated that she was not comfortable with locking in dimensions of a wildlife corridor from a procedural or practical perspective, noting that this is not the appropriate time to provide that level of detail for the site. She stated that the best practical approach at this stage is to provide a recommendation. City staff noted that recommendations from decision bodies carry a great deal of weight at annexation.

Planning commissioners considered a variety of options for how to proceed. A planning commissioner announced that he would not support the motion unless it included a specific wildlife corridor on the order of 100 feet wide, recognizing that a long process lies ahead and the property may not get developed as envisioned by BCHA today. Another commissioner suggested the idea of including a small 25-foot wildlife corridor just to encumber a portion of the properties.

Leah Martinsson made a motion to approve the staff recommendation and requirements shown in Attachment C to the staff report for the August 30 hearing. She made the motion with a recommendation that the Guiding Principles from the Twin Lakes Stakeholder Group are honored going forward, and that wildlife values and appropriate wildlife corridors are established during the site review and development process. Lieschen Gargano seconded the motion.

Doug Young cited large benefits with Request #35, along with recognition of impacts (e.g., annexation, protected species, and loss of fields). He said he was voting in favor of the motion based on a high level perspective that he believes is warranted in making BVCP-related decisions.

Daniel Hilton said he believes, on balance, that the staff recommendation advances the BVCP goals more than it detracts from them. He also supports channeling growth to developed areas, and supports addressing affordable housing needs.

Michael Baker stated that he does not support the motion. He believes the city and county need to look at developed areas first for potential redevelopment. He does not support up-zoning areas in the middle of residential communities. He also doesn't like the idea of BVSD getting into the development business. He noted it is a tough decision, but a lot more work

needs to be done before changing zoning for one part of the community at the expense of another part of the community that has worked and purchased homes there. He noted that the Kestrel and Josephine Commons lands were in a different situation pre-development. They were commercial and industrial areas.

Pat Shanks explained that he supports having a wildlife corridor along the eastern edge because it would provide access for the neighbors as well. The Guiding Principles don't specify where the wildlife corridor should go. He believes strongly in the need for affordable housing, and he trusts that the city and county will work out the issues as needed (e.g., with transportation) during the next stages. However, he cannot support the motion without a specific wildlife corridor included.

Leah Martinsson asked if there was anything that could be added to the motion language to ameliorate Pat Shanks's concerns short of specifying dimensions for a wildlife corridor. He said he supported adding more language, but probably would still not vote in favor.

A roll call vote was taken. Voting in favor of the motion were Dan Hilton, Doug Young, Lieschen Gargano and Leah Martinsson. Voting against the motion were Michael Baker, Ann Goldfarb and Pat Shanks.

All remaining items on the Planning Commission agenda were tabled.



## Land Use

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### BOARD OF COUNTY COMMISSIONERS MEETING SUMMARY

September 27, 2016 – 3:30 PM  
Commissioners Hearing Room, Third Floor  
Boulder County Courthouse

#### CONTINUATION FROM AUGUST 30 JOINT PLANNING COMMISSION-BOARD OF COUNTY COMMISSIONERS PUBLIC HEARING, NO TESTIMONY

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

##### **STAFF PLANNERS:**

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

##### **BACKGROUND**

This document summarizes discussion and outcomes from a September 27 Board of County Commissioners (BOCC) public hearing at which deliberation and decisions took place related to land use change requests as part of the Boulder Valley Comprehensive Plan (BVCP) Major Update. The meeting was a continuation of the joint Board of County Commissioners and Planning Commission public hearing on August 30, 2016 at which staff presented recommendations, requestors made presentations, and members of the public provided public comment on these matters. The August 30 hearing agenda included staff and requestor presentations for requests for land use changes at: 3261 3rd Street (Request #25), 2801 Jay Road (Request #29), and 6655 and 6500 Twin Lakes Rd., 0 Kalua Road (Requests #35 and #36). No decisions were made at that hearing. As scheduled, Planning Commission decided on the land use change requests at the September 21 hearing, and decision making advanced to the BOCC on September 27.

Decisions by the City of Boulder's decision making bodies will follow. A joint Planning Board – City Council hearing on these matters will take place on October 13 and November 10 (a shift from the original schedule). Planning Board is scheduled to make decisions following public testimony at the October and November hearings. City Council will decide on December 6.

Please refer to the staff memo submitted in advance of August 30 hearing for the full staff recommendation. All public comments received related to the public requests for land use designation

changes are available here:

<http://www.bouldercounty.org/property/build/pages/lubvcp150001.aspx#PublicComment>

In advance of decision-making by BOCC on September 27, staff provided a summary of discussion and outcomes from the September 21 Planning Commission meeting, as well as clarification on a number of topics raised at the hearing related to the Twin Lakes requests.

## **SEPTEMBER 27, 2016 BOARD OF COUNTY COMMISSIONERS MEETING SUMMARY**

### **Overview and Key Outcomes**

All three members of the Board of County Commissioners, Elise Jones (Chair), Cindy Domenico (Vice Chair) and Deb Gardner, were in attendance. Staff from the Boulder County Land Use Department provided a summary of the BVCP process leading up to the Planning Commission decision, as well as next steps. Staff noted that Request #29 (2801 Jay Road) withdrew from the BVCP land use designation change process because the requestors will pursue the change along with an annexation request they submitted to the city on September 17.

BOCC addressed Requests #35 and #36 first, voting to adopt the staff recommendation that had previously been approved by the Planning Commission on September 21, along with similar motion language, provided in Table 1.

BOCC's vote on 3261 3<sup>rd</sup> Street (Request #25) followed. BOCC approved the staff recommendation, consistent with the outcome of the September 21 Planning Commission decision.

With two approvals from the county's decision-making bodies, the motion language in Table 1 will advance to the city's decision making bodies for their consideration. Note that references to attachments in Table 1 refer to attachments to the August 30 staff report. Full descriptions of staff recommendations related to the land use designation changes are included in the staff report for the August 30 joint hearing for the Boulder County decision making bodies (Planning Commission – Board of County Commissioners), and will also be included in the staff report for the upcoming City of Boulder joint Planning Board – City Council Hearing.<sup>1</sup>

<sup>1</sup> The staff report for the Planning Commission – Board of County Commissioners hearing is available at: <http://www.bouldercounty.org/property/build/pages/lubvcp150001.aspx>.

**Table 1. Summary of Decision Outcomes**

<b>Item</b>	<b>Motion Language</b>	<b>Vote Summary</b>
3261 3 <sup>rd</sup> Street (Request #25)	Motion to approve the Land Use Map change and the Area I, II, III Map change to the Boulder Valley Comprehensive Plan, as shown and described in Attachment A, as to 3261 3rd St. (Request #25): Change to Low Density Residential and Open Space - Other & Change to Area II for a portion of the site.	Yes: 3 No: 0
6655 Twin Lakes Road, 6500 Twin Lakes Road and 0 Kalua Road (Requests #35 and #36)	Motion to approve the following Land Use Map change to the Boulder Valley Comprehensive Plan, as shown in Attachment C, to 6655 and 6500 Twin Lakes Road and 0 Kalua Road to change to Medium Density Residential and Environmental Preservation.  With a recommendation to any decision-making bodies overseeing future development on the property that the Guiding Principles that were developed in the Twin Lakes Stakeholder Group process are honored, and that future development of the property ensures that wildlife values and appropriate corridors are established.	Yes: 3 No: 0

**ATTACHMENTS**

- Attachment: Letter withdrawing Request #29 from the BVCP Major Update land use designation change process

**Guiding Principles from Twin Lakes Stakeholder Group Process**

The Twin Lakes Stakeholder Group agreed to the following guiding principles during the facilitated process, to apply if development occurs:

- Continue an advisory group to influence development, design elements, etc.
- Be thoughtful and clear about communication and ensure transparency going forward.
- Mitigate impacts on existing infrastructure and neighborhoods.
- Delineate wildlife habitat and corridor, open space, trails, and create a set-aside for no development.
- Ensure a diversity of housing types.
- Create a design that is consistent with the current surrounding neighborhoods.
- Ensure adequate parking to minimize negative impacts on the surrounding neighborhoods.
- Supply appropriate numbers and types of community amenities to the public.
- Supply appropriate numbers and types of affordable housing units.

**Summary of Discussion and Deliberation for 3261 3<sup>rd</sup> Street**

The BOCC had no questions of staff related to this request. The Commissioners cited their familiarity with the case, and that the property owner's pursuit of the land use designation change is consistent with the direction BOCC provided in their decision on the property's Subdivision Exemption application to the county.

All three Commissioners supported the staff recommendation because it would not result in additional housing units on the site. Commissioner Jones acknowledged discussion at the Planning Commission

hearing about the importance of a comprehensive review of potential changes in Area II / III mapping for this and about a dozen other properties if a November ballot measure to shift the Blue Line is approved.

Planning Commission voted 3-0 to APPROVE the staff recommendation.

### **Summary of Discussion and Deliberation for Twin Lakes Road Parcels**

The Commissioners acknowledged that members of the Twin Lakes Action Group requested the Commissioners recuse themselves from the decision on the Twin Lakes parcels. The Commissioners decided not to recuse themselves, and the Assistant County Attorney provided an explanation of the legal basis for that decision. Legal analysis on the topic is included in a memo prepared by the County Attorneys' Office dated September 26, 2016. That memo is part of the public record and is available at this link: <http://www.bouldercounty.org/property/build/pages/lubvcp150001.aspx> .

The Commissioners asked questions related to:

- The significance of Area II within the Boulder Valley Comprehensive Plan
- Procedural clarification regarding the advancement of the requests to the remaining decision making bodies
- The history and any potential restrictions on the types of uses that can occur on the Boulder Valley School District parcels
- The significance of potential annexation of open space
- The ability to limit the sale of potential affordable housing to teachers
- The cash in lieu component of the city's inclusionary housing program
- Potential impacts of development on nearby owls
- Wildlife compatibility

Regarding the significance of the Area II designation of the Boulder County Housing Authority and BVSD parcels, county staff highlighted that Area II is the area within the BVCP planning area that is intended for annexation and potential future development in accordance with the appropriate comprehensive plan land use designation. It is the area that has been pre-determined through planning and agreements involving the city and the county to be appropriate for annexation in the interest of achieving a compact development pattern for the Boulder Valley as a whole. City staff described Area II in the context of Area I and Area III, commenting that Area I is the area within the city of Boulder and is more urban in character. Area III is the area intended to stay rural, and Area II is the area intended to be annexed into the city.

The Assistant County Attorney addressed procedural questions related whether the BOCC should specifically vote on each of the requests separately. She explained that the BOCC was just required to take an action related to the parcels involved. She noted that an approval of the staff recommendation would result in denial of both requests #35 and #36. She also clarified that recommendations associated with a decision-making body's approval do not need to perfectly match one another, as they are not binding.

The Assistant County Attorney also addressed questions related to the significance of the history of the BVSD parcel, and the legality and significance of annexation of land designated as open space, which are also summarized in the memo from the County Attorney's Office dated September 26, 2016, referenced previously. The legal analysis finds that nothing related to the history of the BVSD parcels or the potential annexation of open space would preclude approval of the staff recommended changes in the land use designations of the BCHA and BVSD parcels.

Regarding the question of whether potential future affordable housing developed to serve BVSD employees could be limited just to those employees, staff highlighted BVSD's previous comments that other jurisdictions have successfully implemented such programs. Those jurisdictions include Telluride Colorado and Jackson Hole Wyoming, and Roaring Fork Colorado is pursuing the model as well.

The Assistant County Attorney also responded to the question related to why cash-in-lieu is offered as an option for developers. The response was consistent with legal analysis in the September 26 memo prepared by the County Attorney's Office. City staff also noted that cash-in-lieu would not be an option for any development of land that is annexed into the city. All permanently affordable housing built on land that is annexed must include on-site affordable housing.

Staff from Boulder County's Parks and Open Space (POS) Department responded to the Commissioners' question about potential impacts on owls nesting in the area of the BCHA and BVSD parcels. POS staff explained that the nesting owls are located northeast of the BCHA parcel, between the Twin Lakes trail and the neighborhood located to the south. The county POS Department has monitored the owls for about eight years, and POS has a program to educate the public about the owls. The owls have successfully fledged in close proximity to the heavily traveled trail and nearby residential development for many years.

POS staff noted that great horned owls are urban-adapted, and that there is a healthy population in the county. POS knows of 80 nests located in the county. Great horned owls are not on the county's list of Species of Special Concern. They are migratory birds and any potential development would need to proceed in compliance with provisions of the Migratory Bird Treaty Act. That would involve taking steps to minimize the impacts of potential construction (e.g., planning related to the timing of construction, etc.).

In response to questions about wildlife present on the BCHA and BVSD parcels themselves, POS staff noted that the species present on the parcels are urban adapted. Furthermore, the vegetation on the parcels is non-native, so it does not support a large diversity of animals and plants. Animals do make use of the trails on the property, but there is also land serving as a wildlife corridor to the north, and other areas serving as wildlife corridors in close proximity to the parcels.

Commissioner Gardner expressed gratitude for the hard work on the part of all parties involved in the robust public process up to this point. She noted that the parcels do not meet the criteria for open space acquisition, and that they have been located in Area II for over 30 years. She commented that affordable housing is a county-wide and a national issue, and it warrants a regional approach to identifying solutions in Boulder County. She also cited the limited availability of land for developing affordable housing in Boulder County. She noted that the only way to address the supply and demand imbalance for affordable housing is to introduce new permanently affordable housing and supportive housing where possible. She heard the concerns of the neighbors, especially around density, compatibility and the need for wildlife corridors. She values the guiding principles that came out of the Twin Lakes Stakeholder Group process, and appreciated BCHA and BVSD's commitment to adhere to those principles, as noted in a letter following the September 21 Planning Commission meeting. She values and supports the recommendations attached to the Planning Commission's vote to approve the staff recommendation.

Commissioner Domenico also thanked the public and staff for the work that has gone into the process surrounding the Twin Lakes requests, and thanked the Planning Commission for the extensive exploration of numerous issues at their decision hearing. She emphasized the importance of maintaining a 30,000 foot view in decision making related to the comprehensive plan land use designation changes. She also commented on the importance of advancing opportunities to address

the regional affordable housing crisis, noting the difficulty of teachers and young families to find affordable places to live in the county. She cited the parcels' location in Area II since the beginning of the Boulder Valley Comprehensive Plan, meaning the parcels have been planned for annexation for many years. She also commented on the large tracts of open space that surround and contribute to the quality of life in the area. She recognized BCHA and BVSD's commitment to wildlife values and corridors in any development that proceeds, honoring the outcomes of the Twin Lakes Stakeholder Group process. She agrees with the staff recommendation and the decision by the Planning Commission.

Commissioner Jones highlighted the challenge of the decision and that the debate around the issue reflects a split in the community. She commented on the importance of balancing the values and core principles of the BVCP. She recognized the community's relationship to the land, and why many would prefer not to see the Twin Lakes parcels developed. She recognized her eight years of experience on the Boulder Planning Board during which time she saw many proposals to develop vacant parcels that were frequently accompanied by requests to preserve the land as open space, and that is an understandable reaction. She commented on the critical need to address housing affordability in the community, recognizing that 40,000 Boulder County residents spend more than half of their income on housing. She highlighted the Boulder County's land use philosophy to keep the outskirts rural and focus development in the cities, and that Area II of the BVCP is designated as an area where development is planned to occur. Boulder County is protecting land as open space on the outskirts of the urban areas. Affordable housing needs to be located somewhere in the community, though potential new affordable housing developments are consistently met with resistance from neighbors.

Commissioner Jones remarked that BCHA has a great track record for building successful projects that are sensitive to issues of environmental protection. She expressed excitement about the opportunities associated with partnering with the school district (e.g., bike share and car share programs), and noted the importance of creating affordable places for teachers to live.

Commissioner Jones expressed appreciation for the extensive discussion and deliberation by the Planning Commission and concurred with their recommendation for a wildlife corridor. She appreciated BCHA and BVSD's letter of commitment to include a trail corridor in any development that occurs on the parcels, and to keep density no higher than 12 units per acre to help achieve compatibility with the neighborhood.

Commissioner Domenico moved to approve the staff recommendation, and Commissioner Gardner seconded the motion. All three commissioners voted in favor of the staff recommendation, along with the recommendation put forward by the Planning Commission.

# **ATTACHMENT**

Letter withdrawing Request #29 from the BVCP Major Update land use designation change process.

**Ed Byrne, P.C.**

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

September 23, 2016

Boulder County Land Use Department  
P.O. Box 471  
Boulder, CO 80306

Planning and Development Services  
P.O. Box 791  
Boulder, CO 80306

**Re: Withdrawal of BVCP Land Use Designation Map Change Request #29**

Dear People,


The owners of 2801 Jay Road have asked me to notify the City of Boulder and Boulder County that we have decided to withdraw BVCP Land Use Designation Map Change Request #29 from the BVCP major update process.

2801 Jay Road has been designated as “Area II” in the Boulder Valley Comprehensive Plan (BVCP) since the 1970s, so it has been and is eligible for annexation at any time. Two years ago, the owner of 2801 Jay Road submitted a City application for concept review. While the process was ongoing, staff suggested we submit a BVCP Major Update land use map change request (even though participation in the Major Update is not required for an Area II annexation), so we submitted BVCP map change request #29.

On January 28, 2016, Planning Board voted against further consideration of our request. Planning Board later voted to reconsider their decision not to study our request, even though we did not appear at the hearing or ask that they do so. We had instead decided to prepare and submit to the City an application for annexation, rezoning and site review, a process which we completed on Monday, September 17, 2016. Having submitted a detailed, comprehensive annexation application, there is no need for a parallel, non-specific analysis of 2801 Jay Road by the County Commission, Planning Board and City Council.

Thank you for your consideration in this matter. The input we received during the BVCP process has made our annexation and site review proposal for 2801 Jay Road a much better project, and we appreciate it.

Sincerely,

  
Edward R. Byrne

cc: Dale Case  
Kathy Parker  
David Driskell  
David Gehr  
Hella Pannewig





# Land Use

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930 • Fax: 303.441.4856  
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • [www.bouldercounty.org](http://www.bouldercounty.org)

**BOULDER COUNTY PLANNING COMMISSION**

**MINUTES**  
**October 19, 2016**

**AFTERNOON SESSION – 1:30 PM**

**Hearing Room, Third Floor,  
County Courthouse, Boulder**

2

**PUBLIC HEARING**

**AFTERNOON SESSION – 1:30 PM**

4

6 On Wednesday, October 19, 2016, the Boulder County Planning Commission held a regular afternoon session, convening at approximately 1:35 p.m. and adjourning at approximately 6:32 p.m.

6

8

8 Commissioners Present: Ann Goldfarb, Natalie Feinberg Lopez, Doug Young, Michael Baker, Dan Hilton, W.C. Pat Shanks, Ben Blaugrund

10

10 Commissioners Excused: Lieschen Gargano, Leah Martinsson

12

12 Staff Present: Kim Sanchez, Kathy Parker (County Attorney), Anna Milner, Steven Giang, Nicole Wobus, Dale Case, Amy Oeth, Rick Hackett, Garry Sanfacon, Dave Webster (Transportation)

14

16

16 Others: 70-80

**MINUTES**

18

20

**MOTION:** Doug Young **MOVED** that the Boulder County Planning Commission **APPROVE** the Minutes from August 30, 2016 joint hearing of the Planning Commission and Board of County Commissioners.

22

24

**SECOND:** Ann Goldfarb

26

**VOTE:** Motion **PASSED** {6 to 0} **Abstained:** Ben Blaugrund

28

28 Doug Young requested that staff make two changes to the Minutes for the September 21, 2016 Planning Commission meeting. He requested changes, specifically to Line 126, to note that Leah Martinsson excused herself from approximately 2:35 and returned at 3:15pm. That change will bracket the time she was out of the room. He also requested a change to Line 139 to indicate that the vote was done by roll call.

30

32

34 Pat Shanks requested a change to Line 54 where it states that “PC was supportive because it would  
36 not result in additional units of density.” He did not recall having a discussion on that topic and  
requested changing the line to read “Planning Commission was supportive of the staff  
38 recommendation.”

**STAFF UPDATE(S) ON PROJECTS AND/OR DEVELOPMENT REVIEW ITEMS**

40 None

**Discussion of Request for Reconsideration of Planning Commission Decision Received from  
Members of the Public**

42 Planning Commission (PC) discussed whether to reconsider its September 21, 2016 decision to  
44 change the land use map designation for the parcels at 6655 Twin Lakes Road, 6500 Twin Lakes  
Road, and 0 Kahlua Road as part of the Boulder Valley Comprehensive Plan (BVCP) Five Year  
46 Major Update process. This discussion was in response to a request from members of the public.

48 **Ann Goldfarb put forward a motion to enter into an EXECUTIVE SESSION** to discuss recently  
received material she believed warranted legal advice. **Michael Baker seconded that motion. The**  
50 **motion failed {4 to 3}.**

52 Land Use Director, Dale Case, presented staff’s recommendation that PC take no action on the  
request to reconsider, citing the existence of no standards for reconsideration, policy reasons  
54 indicating that PC should not open the door to citizen-requested or self-initiated reconsideration of its  
decisions, and the fact that a review by staff found that the concerns presented by the public did not  
56 warrant reconsideration of the decision. Specifically, Mr. Case noted the many hours of public  
testimony and discussion by PC on the matter, and that a quorum of PC members had voted on the  
58 matter. Mr. Case also noted that staff has reviewed the procedural complaints and found no  
deficiencies that would compromise the integrity of PC’s decision or of the BVCP process.

60 Commissioners asked questions regarding legal and procedural matters. Assistant County Attorney  
62 Kathy Parker and Mr. Case responded to the questions. The agenda item moved to discussion. Topics  
discussed included the unique circumstances of the decision (specifically, Natalie Feinberg-Lopez  
64 leaving the September 21 meeting after stating her opposition to staff’s recommendation for a land  
use designation change), and perceived pressure by the county attorney to move ahead with a  
66 decision. A Planning Commissioner also noted presence of new information (not specified) that some  
Planning Commissioners believe warrant a new public hearing.

68 The Planning Commission entered an **EXECUTIVE SESSION following a motion by Doug**  
70 **Young, a second by Ann Goldfarb, and a vote of five to two.**

72 Discussion continued following the Executive Session. Discussion topics included whether all nine  
Planning Commissioners should be present at a reconsideration meeting, the concept of a quorum  
74 (noting that rules specifying a quorum obviate the need for presence of all nine members), whether or  
not a precedent would be set by reconsidering the decision, and the decision being part of the four-  
76 body review for the BVCP as rationale for not rushing to an outcome.

78 Other points raised by Planning Commissioners included concerns about transparency, a preference  
for reconsideration to be as focused as possible, a belief that grounds for reconsideration should be

80 limited only to significant changes in facts, the fact that a quorum of Planning Commissioners had  
82 already voted on the matter, and new information related to the matter. A Planning Commissioner  
84 noted that new information included having been made aware that some speakers were substituted  
86 after the initial list of speakers was established for the August 30 meeting, as well as learning that  
88 some members of the Twin Lakes Action Group were turned away or could not speak because of the  
90 late timing of their speaking position. The Planning Commissioner also noted that PC members were  
92 told they should not speak to members of the Twin Lakes Action Group, while the Board of County  
94 Commissioners was not limited from speaking with the group. The Planning Commissioner explained  
96 that his vote against approval of the staff recommendation at the last meeting was because he wanted  
98 to see a significant (i.e., greater than 10 feet wide) wildlife corridor established, with an  
100 Environmental Preservation designation, to link the Twin Lakes Open Space to Area III lands to the  
south.

Ms. Goldfarb made a motion to vote to reconsider the PC decision made on September 21 regarding  
the Land Use map designation changes to parcels at 6655 Twin Lakes Road, 6500 Twin Lakes Road  
and 0 Kalua Road. A recommendation was made to make as much effort as possible to schedule the  
reconsideration meeting for a date when all nine members of the PC can be present. The vote was five  
to one in favor of the reconsideration, with Mr. Blaugrund abstaining. A Planning Commissioner  
stated his understanding that Land Use staff would publicly notice and hold another public hearing on  
the docket item that would allow for public comment as well as for staff and requestors to respond to  
new information.

102           **MOTION:**     **Ann Goldfarb MOVED that the Boulder County Planning Commission**  
104                           **enter into an EXECUTIVE SESSION.**

106           **SECOND:**     **Michael Baker**

108           **VOTE:**       **Motion FAILED {4 to 3}**

110           **MOTION:**     **Doug Young MOVED that the Boulder County Planning Commission**  
112                           **enter into an EXECUTIVE SESSION.**

114           **SECOND:**     **Ann Goldfarb**

116           **VOTE:**       **Motion PASSED {5 to 2}**

118           **MOTION:**     **Ann Goldfarb MOVED that the Planning Commission vote to**  
120                           **reconsider the Planning Commission decision made on September 21**  
122                           **regarding the Land Use map designation changes to parcels at 6655**  
124                           **Twin Lakes Road, 6500 Twin Lakes Road and 0 Kalua Road.**

126           **SECOND:**     **W.C. Pat Shanks**

128           **VOTE:**       **Motion PASSED {5 to 1} Abstained: Ben Blaugrund**

**Docket DC-16-0003 Storm Drainage Criteria Manual Update**

126 Dave Webster, Water Resources and Projects Engineer, presented the updated Storm Drainage  
128 Criteria Manual (SDCM) to the Planning Commission and companion text amendments to the Land  
130 Use Code. He noted the Board of County Commissioners, at their September 20, 2016 Business  
Meeting, had given authorization of the docket to draft amendments to the Land Use Code. He  
highlighted the proposed changes to the SDCM and text amendments.

132 Dave recognized the project team and stakeholder process that worked on developing the updated  
134 manual. He also introduced the project manager from the engineering consultant, Jessica “Jessie”  
136 Nolle from the firm RESPEC. He presented on what the SDCM, how it is used and why an update  
was necessary. He then presented key highlights of several sections in the SDCM.

138 Finally, Dave presented recent proposed edits (not included in the commission’s packets) from the  
Saint Vrain and Left Hand Water Conservancy District (SVLHWCD), noting they had come in as a  
140 late stakeholder with a desire to clarify practices and criteria involving raw water ditches, irrigation,  
dams, reservoirs, detention storages and ground water handling.

142 Dave recommended that Planning Commission approve and recommend to the Board of County  
Commissioners approval of Docket DC-16-0003 and certify the Docket for action to the Board of  
144 County Commissioners as outlined in the staff report dated October 19, 2016. He added that a motion  
to approve the Docket should include the edits from the SVLHWCD as presented and discussed.

146

**STAFF PRESENTATION CONCLUDED**

148

**QUESTIONS AND COMMENTS FROM THE BOARD**

150

152 W.C. Pat Shanks, Planning Commission inquired if links to the Urban Storm Drainage Criteria  
Manual (USDCM) as referenced in Section 105 and the Design Exception Request Form as  
referenced in Section 109 be provided in the Manual? Staff responded this will be done.

154 Commissioner Shanks also noted the policy statement under 305 is confusing and inquired if staff  
could provide further explanation. Staff answered the question to Commissioner Shanks’ satisfaction  
156 and agreed that an edit for clarity would be considered for the final draft.

158 Doug Young, Planning Commission, asked how the policy language in Section 302 works with  
Master Planning described in staff’s presentation. Staff answered the question to Commissioner  
160 Young’s satisfaction. Commissioner Young also inquired how the requirement to provide full  
spectrum detention applies to a single family residence homeowner. Staff referred to the list of  
162 exemptions in Section 1203 and answered the question to Commissioner Young’s satisfaction.

164 Natalie Feinberg Lopez, Planning Commission, inquired whether the county’s experience with the  
2013 Flood goes beyond the limits of Urban Drainage’s Urban Storm Drainage Criteria Manual. Staff  
166 answered the question to Commissioner Feinberg Lopez’ satisfaction. Commissioner Feinberg Lopez  
also inquired how the water quality section seeks compliance with industrial zoned sites. Staff  
168 answered the question to Commissioner Feinberg Lopez’ satisfaction.

170 W.C. Pat Shanks, Planning Commission, requested that the last sentence of the policy statement in  
Section 307 remove the words, “where feasible”? Staff noted the recommended edit and  
172 acknowledged that it could be removed. Commissioner Shanks also noted, as a general comment,  
Section 400 includes too much use of “should be” and instead should be revised to “must” or “shall”.  
174 Staff acknowledged Commissioner Shanks’ request and noted that these changes would be made.

176 **PUBLIC HEARING OPENED**

178 **SPEAKERS:** None

180 **PUBLIC HEARING CLOSED**

182 **FURTHER DISCUSSION FROM THE BOARD**

184 Commissioners Young, Feinberg Lopez and Shanks complimented the project team and noted the  
185 document was well written and easy to read.

186

187           **MOTION:**     **Doug Young MOVED that the Boulder County Planning Commission**  
188                           **APPROVE AND RECOMMEND Docket DC-16-0003 Storm Drainage**  
189                           **Criteria Manual Update with accepted edits proposed by the Saint Vrain**  
190                           **and Left Hand Water Conservancy District, text amendments to the**  
191                           **Land Use Code and related provisions and certify the docket for action**  
192                           **to the BOCC.**

193           **SECOND:**     **Ben Blaugrund**

194           **VOTE:**        **Motion PASSED Unanimously {7 to 0}**

**Docket BCCP-15-0001: Boulder County Comprehensive Plan Open Space Element Update**

198

199 Tina Nielsen of the Parks and Open Space Department presented the latest version of the narrative  
200 and policy component of the Boulder County Comprehensive Plan (BCCP) Open Space Element  
201 (OSE) Update (BCCP-15-0001) with a request for approval. Nicole Wobus presented a an update on  
202 mapping efforts for the OSE Update, and noted plans for a more comprehensive discussion and  
203 review of the mapping component of the OSE Update at the November Planning Commission  
204 meeting. The Planning Commissioners deliberated on the policy updates and asked questions about  
205 the mapping efforts. Topics discussed included proposed goals for the OSE, including the role of  
206 conserving agricultural land; potential for conflicting policies (e.g., with regard to trails); clarification  
207 of use of the terms ‘values and functions’ and a request for inclusion of definitions of those terms in  
208 the next draft; clarification that the purpose of new policy 3.06.07 is to address infrastructure built to  
209 restore natural functions; updates to the Scenic Roadway Corridor designation approach; and the role  
210 of cultural resource criteria in the Scenic Roadway Corridor mapping methodology. The Planning  
211 Commission expressed interest in having another opportunity to review the next iteration of changes  
212 to the narrative, goals, and policy element so that approval of the entire element could be approved as  
213 one package.

214

**PUBLIC HEARING OPENED**

215

216           **SPEAKERS:**    Dinah McKay – 4695 Portside Way Boulder, CO 80301 - Ms. McKay expressed  
217 concern about the Twin Lakes open space and impacts of potential development. She  
218 recommended that consideration be given to the value of open space in the area of the  
219 Twin Lakes open space.

220

**PUBLIC HEARING CLOSED**

221

222           **MOTION:**     **Pat Shanks MOVED that the Boulder County Planning Commission**  
223                           **TABLE docket BCCP-15-0001 Boulder County Comprehensive Plan**  
224                           **update until items from the discussion have been incorporated and so**  
225                           **Planning Commission can consider this document along with the**  
226                           **corridor maps.**

227

228           **SECOND:**     **Doug Young**

229

230           **VOTE:**        **Motion PASSED {7 to 0}**

231

234

**Docket DC-15-0003: Proposed Boulder County Land Use Code Amendments to Article 4 and Article 18 regarding firing ranges**

236 Amy Oeth, Land Use Planner II, presented the proposed code amendments to Article 4 and Article 18  
238 of the Boulder County Land Use Code regarding firing ranges. She also went over the reasons for the  
240 amendments. The staff report for this agenda item also provides the proposed code amendment,  
242 referral process and comments, and staff recommendation. Two minor formatting corrections in the  
memo were noted. Staff recommended that the Boulder County Planning Commission recommend to  
the Board of County Commissioners APPROVAL of Docket DC-15-0003 as outlined in the staff  
recommendation dated October 19, 2016.

244 **PUBLIC HEARING OPENED**

246 **SPEAKERS:** Cary Ludtke – 2817 Shoshone Trail, Lafayette, CO; David Pinkow – 2815  
248 Heidelberg Drive, Boulder, CO and 19354 State Hwy. 7, CO pooled time with Chet  
250 Kamin – 18673 State Hwy. 7, Allenspark, CO; Doug McKenna – 1140 Linden Ave,  
252 Boulder, CO and 47517 State Hwy. 72, Ward, CO – pooled with Andrew McKenna  
– 740 Willowbrook Road, Boulder, CO, and Judith Houlding – 1140 Linden Ave,  
Boulder, CO; Lane David – 445 Horan Ave., Eldora, CO; Jane Lewenthal – 454  
Nightshade Drive, Boulder, CO; Dennis Rodgers – 1319 Venice Street, Longmont,  
CO

254

**PUBLIC HEARING CLOSED**

256

**PLANNING COMMISSION DISCUSSION**

258

260 **SPEAKERS:** The following Boulder County Land Use staff answered questions from the  
commissioners: Dale Case, Garry Sanfacon, and Amy Oeth.

262 **SUMMARY:** The Planning Commissioners discussed the amendment and issues that were brought to  
264 their attention by the public. The topics discussed included appropriate noise levels; setback distances  
266 and the origin point for measuring setbacks; firing distance versus firing power; conservation  
268 easements; special review process; supervision requirements; existing ranges and nonconforming  
270 uses; availability of viable locations; risk of forest fires and mitigation; banning dispersed shooting;  
272 environmental and safety impacts of dispersed shooting; safety concerns due to the number of people  
274 in the mountains and questioning if shooting should be permitted; Northern Front Range Recreational  
Sport Shooting Management Partnership’s progress on closing areas to dispersed shooting, locating  
sites in each county, and implementing education strategies; Boulder County’s preliminary status in  
locating a site; conflicts between recreational uses; availability of indoor ranges; enforcement;  
potential future agreements between Boulder County and the U.S. Forest Service; U.S. Forest  
Service’s plans to close areas to dispersed shooting; and the possibility of excluding Forestry zoning  
from the regulation.

276 **MOTION:** Ben Blaugrund **MOVED** to recommend to the Board of Boulder County  
278 Commissioners exclude shooting ranges on Boulder County public  
property.

280 **SECOND:** There was **NO** second, motion **FAILED**

282           **MOTION:**     **Ben Blaugrund MOVED to recommend the Board of County**  
284                           **Commissioners APPROVE Docket DC-15-0003: Proposed Boulder**  
286                           **County Land Use Code Amendments to Article 4 and Article 18**  
288                           **regarding firing ranges and encourage the County Commissioner to 1)**  
290                           **also look at the idea of having supervision added and 2) consider the**  
292                           **idea of prohibiting shooting ranges in the forestry district and certify**  
294                           **the docket for action to the Board which certification includes the**  
296                           **approved text of the docket and the official record of the docket before**  
                              **the Commission with the staff comments, public testimony and**  
                              **Commission discussion/action.**

292           **SECOND:**     **Michael Baker**

294           **VOTE:**       **Motion PASSED Unanimously {7 to 0}**

**Docket BVCP-15-0001: Boulder Valley Comprehensive Plan Policy Update**

298     Planning Commission requested to table this item due to the length of the meeting. Nicole Wobus  
300     provided an overview of timing considerations related to the BVCP policy updates, and noted that she  
       will email an updated BVCP schedule to Planning Commissioners.

302           **MOTION:**     **Michael Baker MOVED to table the discussion to the next available**  
304                           **date.**

306           **SECOND:**     **Natalie Feinberg Lopez**

308           **VOTE:**       **Motion PASSED Unanimously {7 to 0}**

**ADJOURNED**

*Detailed information regarding these items, including maps and legal descriptions, is available for  
public examination at the Boulder County Land Use Department, 2045 13<sup>th</sup> St., Boulder, Colorado  
303-441- 3930.*

310



December 22, 2016

Dear Members of the Boulder County Planning Commission and Board of County Commissioners and Boulder City Council and Planning Board,

As part of our request for a Boulder Valley Comprehensive Plan land use designation change on our properties near Twin Lakes in Gunbarrel, the Boulder County Housing Authority (BCHA) and Boulder Valley School District (BVSD) are providing the attached proposal to include significant wildlife buffers across these properties. The proposed wildlife buffers came out of discussions at the September 21<sup>st</sup> Planning Commission hearing during which many Commissioners expressed a desire to have a north-south wildlife buffer (and others) defined and included as part of any land use designation change for the properties. We took these discussions to heart and are committed to including the following wildlife buffers should you approve the staff recommendation of a medium-density land use designation for the parcels. The proposed wildlife buffers include:

- A 70-foot wide landscaped zone to provide a buffer from the Boulder and White Rock Ditch centerline on the northern edge of the BCHA property.
- An approximate 160-foot wide landscaped zone to provide a buffer from the southern parcel boundary of 0 Kahlua Rd. to facilitate wildlife movement and potentially areas needed for drainage and water quality best management practices.
- A 70-foot wide landscaped zone which will provide a buffer between the existing parcel boundary and any site development features on the eastern edge of all three parcels (note that this is similar to the existing opening at the southeastern corner of the 0 Kahlua Rd. parcel).
- Site-appropriate native landscaping, micro-topography grading, cover, etc., to provide natural wildlife habitat in all three corridors.

Please see the attached draft technical memorandum and concept drawings for more detail on our proposed wildlife buffer. We appreciate your consideration of this information as part of our proposal. Please don't hesitate to reach out with any questions.

Sincerely,

Handwritten signature of Frank Alexander in black ink.

Frank Alexander, Director  
Boulder County Housing Authority

Handwritten signature of Norrie Boyd in black ink.

Norrie Boyd, Deputy Director  
Boulder County Housing Authority

Handwritten signature of Don Orr in blue ink.

Don Orr, Chief Facilities Officer  
Boulder Valley School District





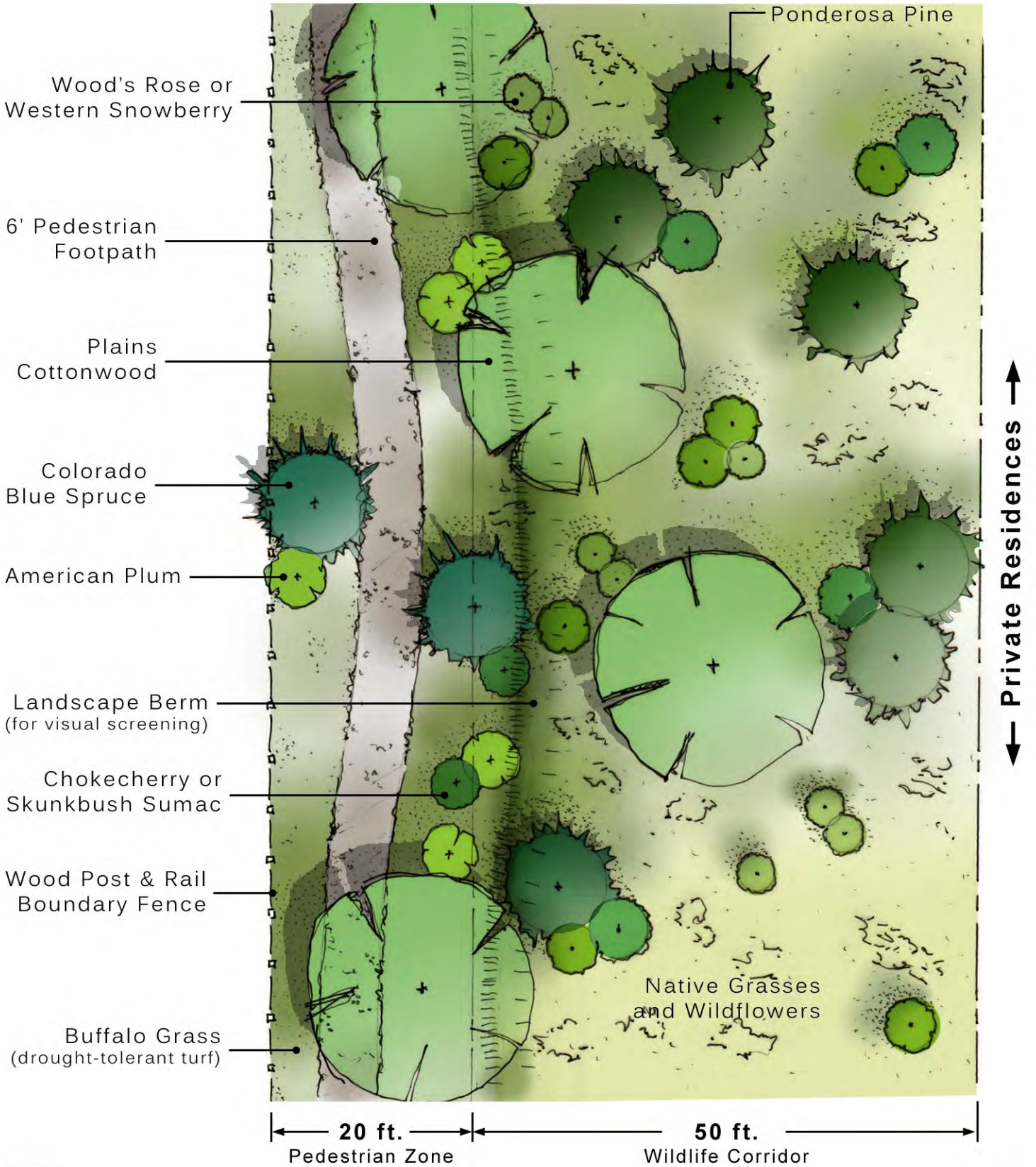
# Proposed Wildlife-Recreation Trail Hybrid Concept



## Existing Conditions



# BCHA Property Wildlife-Recreation Hybrid Concept Typical Section for Plant Layout



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**BOULDER COUNTY WILDLIFE CORRIDORS TECHNICAL MEMORANDUM  
FOR 6655 TWIN LAKES ROAD, 6500 TWIN LAKES ROAD, AND 0 KALUA  
ROAD**



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***Prepared for:***

Boulder County Housing Authority  
2025 14<sup>th</sup> Street  
Boulder, CO 80302



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***Prepared by:***



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Felsburg Holt & Ullevig  
6300 South Syracuse Way, Suite 600  
Centennial, CO 80111  
303-721-1440

FHU Reference No. 116168-01

December 2016

1

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28

## 1 1.0 INTRODUCTION

2 This wildlife corridor technical memorandum was compiled for the Boulder County Housing  
3 Authority (BCHA) to identify preliminary areas that are compatible for wildlife and residents to  
4 travel through 6655 Twin Lakes Rd, 6500 Twin Lakes Rd, and 0 Kalua Rd without barriers, such  
5 as privacy fencing or vertical structures. This memorandum is meant to support site design and  
6 to facilitate concerns from the community about wildlife movement through the aforementioned  
7 parcels.

8 This memorandum uses information provided as part of, and expands upon recommendations  
9 identified in, the *Boulder County Habitat Assessment for 6655 Twin Lakes Road, 6500 Twin  
10 Lakes Road, and 0 Kalua Road* (FHU 2016).

### 11 1.1 Site Description

12 The project site consists of three parcels of land bisected by Twin Lakes Rd:

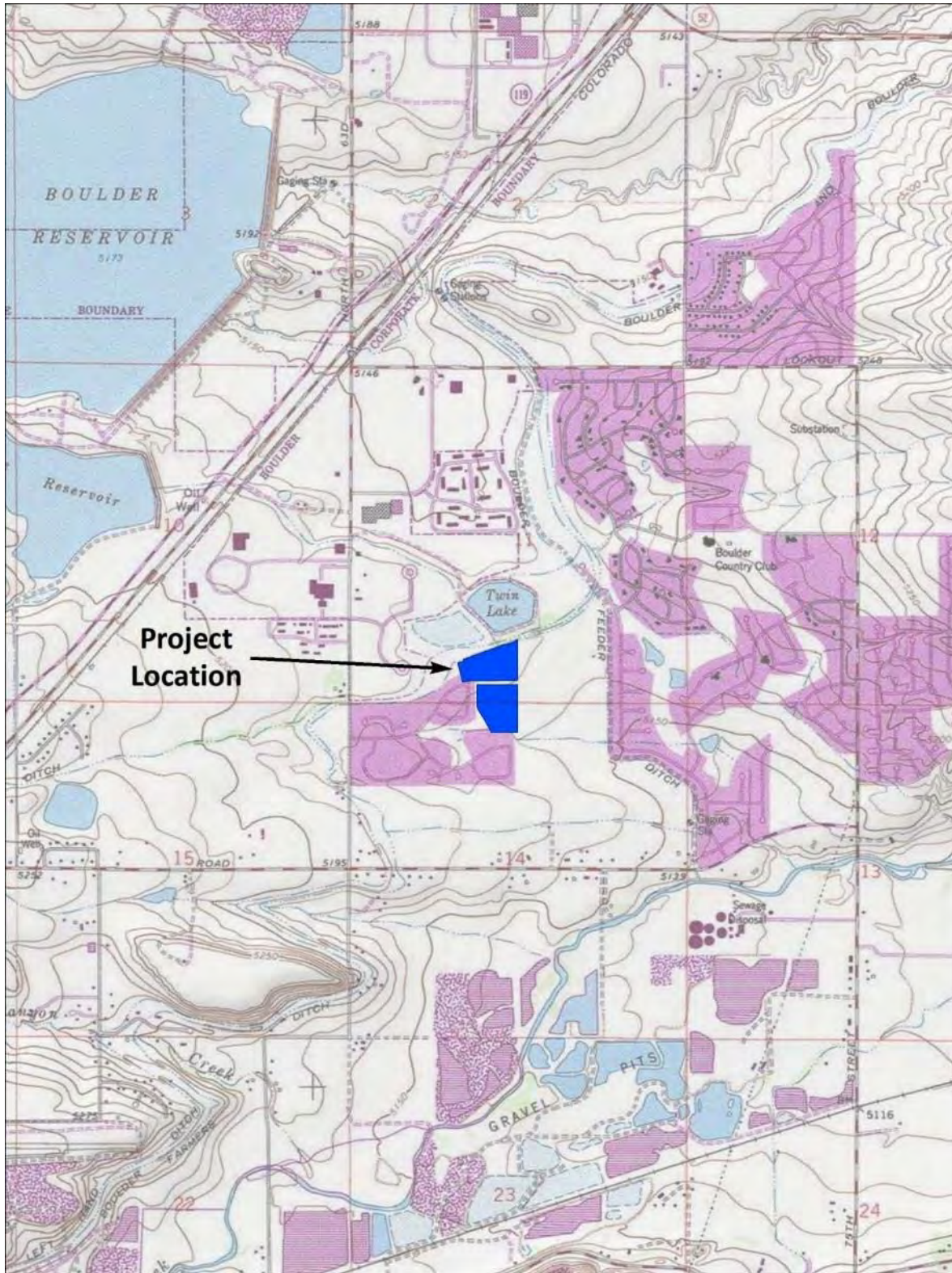
- 13 • 6655 Twin Lakes Rd is 9.97 acres in size and is undeveloped. The parcel is owned by  
14 BCHA, and has a Boulder County Assessor Parcel Identification Number of  
15 #146311300011.
- 16 • 6500 Twin Lakes Rd is 3.95 acres in size and is also undeveloped. 6500 Twin Lakes Rd  
17 is owned by Boulder Valley School District (BVSD), and has a Boulder County Assessor  
18 Parcel Identification Number of #146311300009.
- 19 • 0 Kalua Rd is 6.08 acres in size and is undeveloped. 0 Kalua Rd is owned by BVSD, and  
20 has a Boulder County Assessor Parcel Identification Number of #146314200001.

21 The project is located in Boulder County, Colorado, in Sections 11 and 14, Township 1 North,  
22 Range 70 West (Latitude 40.05908° and Longitude -105.19868°). See **Figure 1: Vicinity Map**.

23 The project site is bordered by residential developments to the south, east, and west. The Twin  
24 Lakes Open Space, Boulder and Left Hand Ditch, and Boulder and Whiterock Ditch are located  
25 north of 6655 Twin Lakes Rd, and the 6500 Twin Lakes Rd parcel is located to the south, just  
26 south of the paved Twin Lakes Rd. The 6500 Twin Lakes Rd parcel is also bordered by  
27 residential developments to the east and west and the paved Twin Lakes Rd abuts the parcel to  
28 the north. The 0 Kalua Rd parcel abuts the 6500 Twin Lakes Rd parcel to the south.

29 The 0 Kalua Rd parcel has residential developments to the east, west, and south along with a  
30 drainage ditch just north of the southern residential properties. The Coen/Johnson Trust, a large  
31 undeveloped parcel of land owned by the Gunbarrel Public Improvement District and managed  
32 by Boulder County Parks and Open Space, is also located outside of the project site to the  
33 southeast (**Figure 2: Project Location and Vicinity Map**).

**Figure 1 Project Location and Vicinity Map**



**Figure 2 Project Site Map**





1   **2.0   WILDLIFE MOVEMENT CORRIDORS**

2    2.1    *Importance of Wildlife Corridors*

3    A wildlife corridor links wildlife habitat, contains native vegetation, and joins two or more larger  
4    areas of similar wildlife habitat. Wildlife corridors provide various wildlife species with an  
5    opportunity to traverse between islands of habitat where development has occurred or when  
6    future development is possible. As identified by the U.S. Fish and Wildlife Service (USFWS):

7           “Wildlife corridors are tracts of land or habitat that are linked and allow wildlife  
8           to travel from one location to another to find food, shelter, a mate and a place  
9           to raise their young. They are especially important because they ensure genetic  
10          exchange between wildlife populations. The human population is growing and  
11          wildlife is getting crowded out. Urbanization, highways and agriculture are just  
12          some of the challenges that keep wildlife from dispersing and make them  
13          vulnerable to predators and many other dangers. Wildlife corridors help wildlife  
14          travel to the places where they can find what they need.” (USFWS 2016)

15   Wildlife corridors not only provide the above benefits, they are also necessary to maintain  
16   ecosystem health, species migration & dispersal, nutrient cycling, plant pollination, reduce  
17   human-wildlife conflicts, etc.

18   The importance of wildlife corridors has been captured in numerous laws and regulations across  
19   the United States, at the state and federal levels focusing on public lands. Many laws and  
20   regulations also focus on making roadways more permeable to wildlife across regional  
21   landscapes (FAST, Map 21, etc.). One current effort (December 2016) in the House of  
22   Representatives includes an effort to introduce the Wildlife Corridors Conservation Act to  
23   Protect Biodiversity (Representative Beyer, Virginia, (D)).

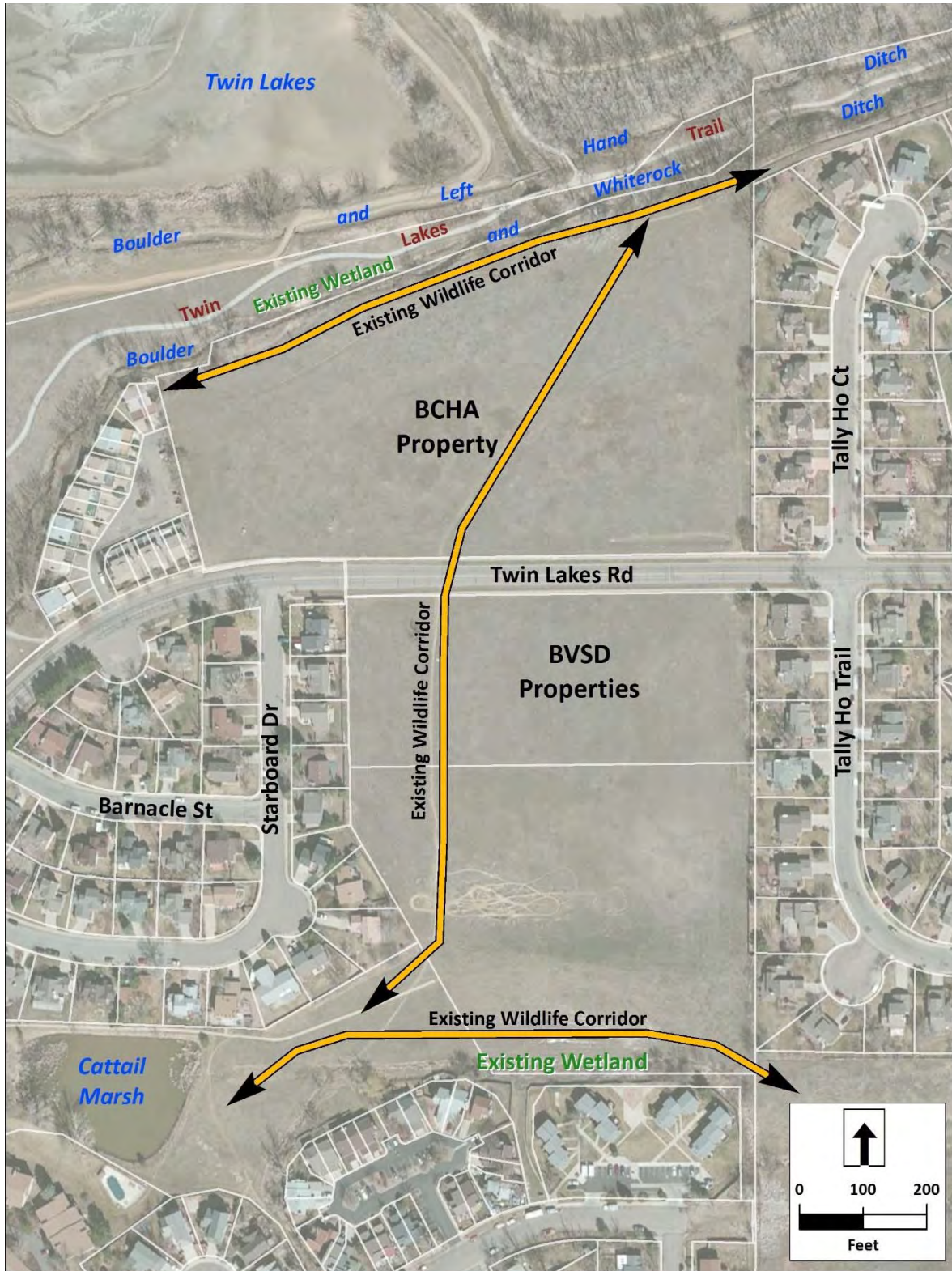
24   2.2    *Existing Wildlife Corridors across the Project Parcel Boundaries*

25   FHU staff identified several localized movement areas where wildlife movement was  
26   concentrated on man-made paths or associated with wetland and riparian areas, and not diffuse  
27   across the entirety of the parcels.

28   Three separate existing wildlife corridors were identified based on observed wildlife sign and  
29   location of blocks of undeveloped land (**Figure 3: Twin Lakes Wildlife Movement**). These  
30   wildlife corridors are considered local corridors and facilitate small movements through the  
31   neighborhood. The overall movement corridors across these three parcels are not of the same  
32   scale or quality as movement corridors across a pristine grassland or regional landscape as the  
33   parcels are surrounded on all four sides by either residential development or water bodies.  
34   Instead movement is constrained by access into the three parcels.

- 35           • The first wildlife corridor runs from the northeast corner of 6655 Twin Lakes Rd, across  
36           Twin Lakes Rd. and continues to the southwest corner of O Kalua Rd, on the informal  
37           trail. Coyote scat was identified on this wildlife corridor. This area was heavily used by  
38           recreationalists, destroying any potential tracks left by other wildlife species.

1 **Figure 3 Twin Lakes Wildlife Movement**



2

1 While this corridor seems to be used often by wildlife, it appears wildlife use it based on  
2 ease of travel, rather than any habitat features it provides. This corridor follows the  
3 informal recreation trail and connects the Twin Lakes Open Space to the un-named  
4 drainage ditch which runs by Boulder Twin Lakes Inn, as well as the second wildlife  
5 corridor identified below.

6 • The second wildlife corridor parallels the southern boundary of 0 Kalua Rd. This corridor  
7 runs along the ditch which has a wet, clay like substrate which contained several animal  
8 tracks, including raccoon, deer, and coyote. This corridor connects the un-named  
9 drainage ditch, which runs by the Boulder Twin Lakes Inn, to the Coen/Johnson Trust, a  
10 large conservation easement to the southeast of the project site.

11 • The third wildlife corridor runs east-west at the northern boundary of the project site.  
12 Several species of mammals and birds were encountered in this corridor, as well as a  
13 diversity of tree and shrub species. This corridor is at the southern edge of the Boulder  
14 and Whiterock Ditch, which is adjacent to the Twin Lakes Open Space and Boulder and  
15 Left Hand Ditch and regional trail. These open space and riparian corridors found to the  
16 north and south of our project site contain a large diversity of species. These two  
17 corridors connect to a large undeveloped property east of the project site to a series of  
18 smaller undeveloped properties west of the project site.

### 19 **3.0 BCHA'S EFFORT TO INTEGRATE WILDLIFE MOVEMENT CONCERNS**

20 The BCHA has listened to concerns of the Twin Lakes community and reviewed the  
21 recommendations provided in the *Boulder County Habitat Assessment for 6655 Twin Lakes*  
22 *Road, 6500 Twin Lakes Road, and 0 Kalua Road* (FHU 2016).

23 The BCHA will incorporate environmental protection areas in future site plans to maintain  
24 corridors that can be used for wildlife and residents to move through these three parcels so that  
25 wildlife and residents are able to access the Twin Lakes Open Space, the Johnson/Coen Trust  
26 Open Space, and areas beyond. The width of these corridors focuses on high-level planning  
27 and the width can potentially change based on site-specific conditions (drainage, micro-  
28 topography, grading, development codes, etc.).

29 Fencing associated with these wildlife corridors will be minimal and focus on split-rail fences or  
30 fences that do not create barriers to wildlife like the privacy fences do that are already in place  
31 on the eastern, southern, and western boundaries of the three parcels.

#### 32 **3.1 Summary of Wildlife Corridor Protection Areas**

33 The areas that will provide enhancements for wildlife include:

34 • A 70-foot wide landscaped zone to provide a buffer from the Boulder and White Rock  
35 Ditch centerline on the northern edge of the BCHA property.

36 • An approximate 160-foot wide landscaped zone to provide a buffer from the southern  
37 parcel boundary of 0 Kahlua Rd. to facilitate wildlife movement and potentially areas  
38 needed for drainage and water quality best management practices.

39 • A 70-foot wide landscaped zone which will provide a buffer between the existing parcel  
40 boundary and any site development features on the eastern edge of all three parcels

1 (note that this is similar to the existing opening at the southeastern corner of the 0  
2 Kahlua Rd. parcel).

- 3 • Site appropriate native landscaping, micro-topography grading, cover, etc. to provide  
4 natural wildlife habitat in all three wildlife corridors.

5 Each of these planned wildlife corridors is described in further detail below and are shown in  
6 **Figure 4: Proposed Wildlife Corridors** and **Figure 5: Wildlife Corridors with Topography**  
7 below. In addition, FHU has also compiled conceptual graphics to provide to BCHA that show  
8 potential options (in plan view and ground-level view format) of what these wildlife corridors  
9 could potentially look like. These conceptual views are provided in **Appendices A – C**.

### 10 3.2 Northern Wildlife Corridor

11 Currently there is an existing easement along the Boulder & White Rock Ditch that provides a  
12 buffer of 35 feet from the centerline of the ditch. BCHA will maintain that buffer and increase it to  
13 70 feet from the northern parcel boundary limits. This buffer will provide areas for wildlife to  
14 move on the south side of the ditch as well as residents of the neighborhood.

15 Currently there is approximately a 20-foot buffer between the ditch and existing residences east  
16 of the parcel and approximately a 0-foot buffer (as residences directly abut the ditch) between  
17 the ditch and existing residences on the west side of the parcel.

18 This buffer provides additional environmental protection areas to reduce the potential for  
19 impacts to occur to wildlife that travel or inhabit the riparian area around these ditches. This also  
20 facilitates the continuing presence of species such as the western tiger salamander  
21 (*Ambystoma mavortium*) that nearby residents say exist in the areas surrounding the ditches.

### 22 3.3 Southern Wildlife Corridor

23 Currently there is an existing drainage swale/ditch that is present at the southern end of 0  
24 Kahlua Rd. which contains wetlands and standing water. As identified by parcel boundaries, 0  
25 Kahlua Rd.'s southern boundary is approximately in the center of this ditch, and the nearest  
26 residential fence is located between 10 – 20 feet from the center of the ditch. This area is also  
27 the low point across all three parcels.

28 Signs of wildlife use was located primarily on the north side of the existing wetlands. BCHA will  
29 incorporate an approximate 160-foot buffer from the southern parcel boundary line. This  
30 additional buffer will facilitate wildlife movement, use by residents, and to fulfill any on-site  
31 drainage or water quality best management practices (BMPs).

### 32 3.4 Eastern Wildlife Corridor

33 BCHA will incorporate a 70-foot north-south buffer on the east side of the three parcels to  
34 facilitate wildlife movement and connect wildlife to habitat present at Twin Lakes Open Space,  
35 Johnson/Coen Trust, and areas beyond. The width of this corridor closely matches the existing  
36 width of the opening located at the southeastern corner of 0 Kahlua Rd. as it connects to the  
37 Johnson/Coen Trust.

1 **Figure 4 Proposed Wildlife Corridors**



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1 **Figure 5 Wildlife Corridors with Topography**



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1 Currently there is an opening of approximately 75 feet between property fences at the  
2 southeastern corner of 0 Kahlua Rd for wildlife to move between the Johnson/Coen Trust and 0  
3 Kahlua Rd., with the wetlands and open water portion of this opening taking up approximately  
4 30 feet of that spacing. The 70-foot landscaped zone identified for the eastern wildlife corridor  
5 will provide areas for wildlife habitat to connect to other habitats outside of the three parcels.

6 In addition, BCHA will incorporate a 260-foot buffer (at its widest point) in the northeastern  
7 corner of 6655 Twin Lakes Rd. This expanded buffer provides additional distance between the  
8 Great Horned Owl nest and future site development, which is more than seven (7) times the  
9 distance between the Great Horned Owl nest and current residential property fences.

### 10 3.5 *Potential Trail Connections*

11 BCHA will also incorporate the appropriate number of trail connections across the three parcels  
12 for wildlife and residents to connect to existing trails or to cross waterways. This includes two  
13 connections to the Twin Lakes Open Space, one connection crossing in the middle of the  
14 parcels northern boundary and another one further east, crossing closer to the eastern wildlife  
15 corridor (but sufficiently away from the Great Horned Owl nest and the presence of additional  
16 ditch features). Another potential trail connection will connect to an existing concrete trail that  
17 ends abruptly at the southwestern corner of 0 Kahlua Rd.

### 18 3.6 *Trail Design Elements*

19 FHU recommends that trail design and planning within these wildlife corridors follow the  
20 *Planning Trails with Wildlife in Mind: A Handbook for Trail Planners* (Colorado State Parks  
21 1998). This report acts as a manual for how to best create wildlife-friendly trails. It identifies that  
22 the narrower the trail is, the less the impact to habitat is and wildlife in general. Trails that are  
23 made with crusher fines are permeable for water and preferred by wildlife. Providing such things  
24 as small slash piles near the trails provide cover for wildlife that would be disturbed by  
25 pedestrians or pets. While trails may be required to meet specific standards, trail alignments,  
26 widths, and materials can facilitate less impacts to wildlife than extra-wide, concrete trails would.

### 27 3.7 *Other Site Planning Enhancements*

28 BCHA will incorporate enhancements specific to site conditions as site planning continues.  
29 These enhancements will be focused on, but not limited to, the following:

- 30 • Incorporating native vegetation at varying levels of vegetation height and foraging value  
31 to provide cover for wildlife in the eastern wildlife corridor.
- 32 • Grading to create more varying degrees of micro-topography in the eastern wildlife  
33 corridor.
- 34 • Enhancing the northern and southern wildlife corridors with additional native vegetation.

35 Conceptual examples of what these wildlife corridors could look like along with potential native  
36 species that could be planted are provided in **Appendices A – C**. Final design of the wildlife  
37 corridors will be completed as the site design of these parcels is undertaken.

1 **4.0 LITERATURE CITED**

2 Colorado State Parks. 1998. *Planning Trails with Wildlife in Mind: A Handbook for Trail*  
3 *Planners*. <http://atfiles.org/files/pdf/Trails-for-Wildlife-Handbk.pdf> September.

4 Felsburg Holt & Ullevig (FHU). 2016. *Boulder County Habitat Assessment for 6655 Twin Lakes*  
5 *Road, 6500 Twin Lakes Road, and 0 Kalua Road*. August.

6 NatureServe Explorer. 2016. Website Accessed on June, 2016.  
7 <http://explorer.natureserve.org/statusus.htm>

8 U.S. Fish and Wildlife Service (USFWS). 2016. *Creating a Wildlife Corridor*.  
9 [https://www.fws.gov/refuge/Lower\\_Rio\\_Grande\\_Valley/resource\\_management/wildlife\\_corridor.](https://www.fws.gov/refuge/Lower_Rio_Grande_Valley/resource_management/wildlife_corridor.html)  
10 [html](https://www.fws.gov/refuge/Lower_Rio_Grande_Valley/resource_management/wildlife_corridor.html)

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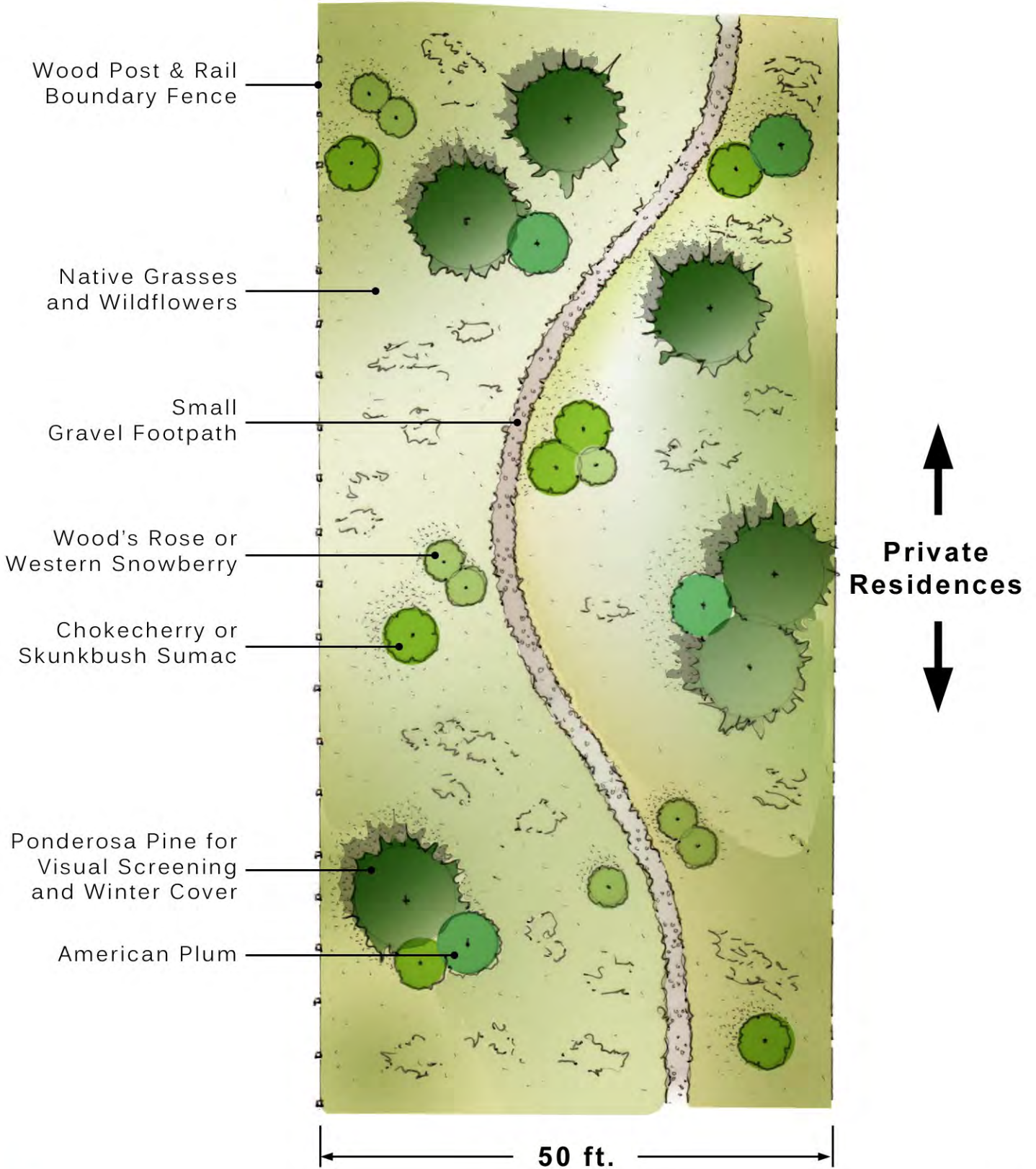
## Appendix A

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### Wildlife Centric Wildlife Corridor Conceptual Design Graphics

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# BCHA Property Wildlife Corridor Concept Typical Section for Plant Layout



## Boulder County Housing Authority Wildlife-Centric Conceptual Plant List

### Recommended Upland Herbaceous, Shrub and Tree Species

Common Name	Scientific Name	Seeding Rate	Pay item	Description
Western Wheatgrass	<i>Agropyron smithii</i>	5 oz./1000 sf	212-00005	Seeding (Native)
Leadplant	<i>Amorpha canescens</i>	5 oz./1000 sf	212-00005	Seeding (Native)
Sideoats Grama	<i>Bouteloua curtipendula</i>	5 oz./1000 sf	212-00005	Seeding (Native)
Blue Grama	<i>Bouteloua gracilis</i>	5 oz./1000 sf	212-00005	Seeding (Native)
Buffalo Grass	<i>Buchloe dactyloides</i>	5 oz./1000 sf	212-00005	Seeding (Native)
Mountain Mahogany	<i>Cercocarpus montanus</i>	1 gal @ 48" O.C. min.	214-00310	Deciduous Shrub (1 Gallon Container)
White Prairieclover	<i>Dalea dandida</i>	5 oz./1000 sf	212-00005	Seeding (Native)
Junegrass	<i>Koeleria macrantha</i>	5 oz./1000 sf	212-00005	Seeding (Native)
Dotted Gayfeather	<i>Liatris punctata</i>	5 oz./1000 sf	212-00005	Seeding (Native)
Ponderosa Pine	<i>Pinus ponderosa</i>	5 gal @ 96" O.C. min.	214-00450	Evergreen Tree (5 Gallon Container)
American Plum	<i>Prunus americana</i>	1 gal @ 48" O.C. min.	214-00310	Deciduous Shrub (1 Gallon Container)
Chokecherry	<i>Prunus virginiana</i>	1 gal @ 36" O.C. min.	214-00310	Deciduous Shrub (1 Gallon Container)
Prairie Coneflower	<i>Ratibida columnifera</i>	5 oz./1000 sf	212-00005	Seeding (Native)
Skunkbush Sumac	<i>Rhus trilobata</i>	1 gal @ 36" O.C. min.	214-00310	Deciduous Shrub (1 Gallon Container)
Wood's Rose	<i>Rosa woodsii</i>	1 gal @ 24" O.C. min.	214-00310	Deciduous Shrub (1 Gallon Container)
Little Bluestem	<i>Schizachyrium scoparium</i>	5 oz./1000 sf	212-00005	Seeding (Native)
Western Snowberry	<i>Symphoricarpos occidentalis</i>	1 gal @ 24" O.C. min.	214-00310	Deciduous Shrub (1 Gallon Container)
Soapweed Yucca	<i>Yucca glauca</i>	5 oz./1000 sf	212-00005	Seeding (Native)

# Existing Conditions



# Proposed Wildlife-Centric Concept



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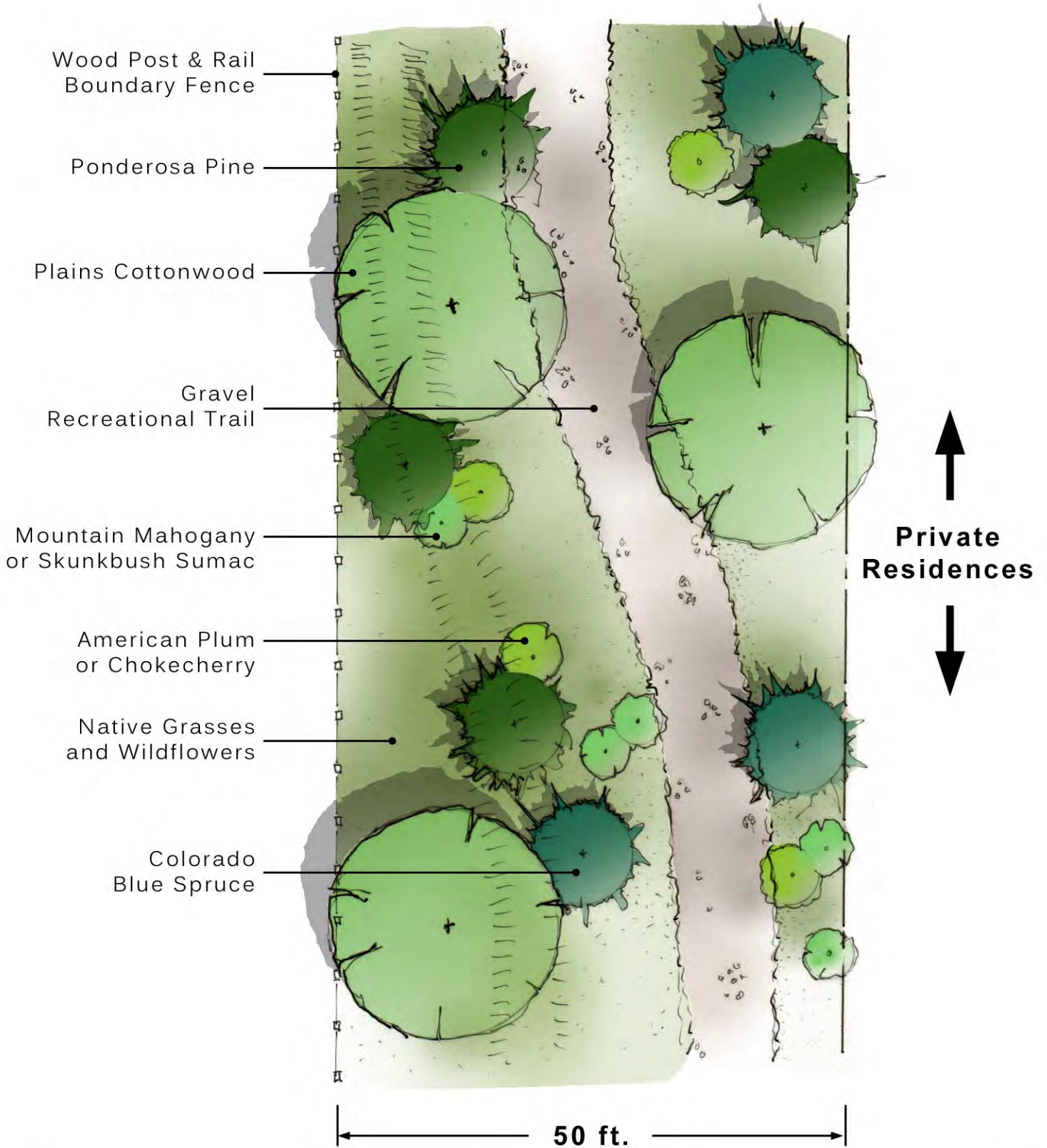
## Appendix B

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### Recreation Centric Wildlife Corridor Conceptual Design Graphics

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# BCHA Property Wildlife Corridor Concept Typical Section for Plant Layout



## Boulder County Housing Authority Recreation-Centric Conceptual Plant List

### Recommended Upland Herbaceous, Shrub and Tree Species

Common Name	Scientific Name	Seeding Rate	Pay item	Description
Blue Grama	<i>Bouteloua gracilis</i>	5 oz./1000 sf	212-00005	Seeding (Native)
Buffalo Grass	<i>Buchloe dactyloides</i>	5 oz./1000 sf	212-00005	Seeding (Native)
Mountain Mahogany	<i>Cercocarpus montanus</i>	1 gal @ 48" O.C. min.	214-00310	Deciduous Shrub (1 Gallon Container)
White Prairieclover	<i>Dalea dandida</i>	5 oz./1000 sf	212-00005	Seeding (Native)
Junegrass	<i>Koeleria macrantha</i>	5 oz./1000 sf	212-00005	Seeding (Native)
Colorado Blue Spruce	<i>Picea pungens</i>	5 gal @ 96" O.C. min.	214-00450	Evergreen Tree (5 Gallon Container)
Ponderosa Pine	<i>Pinus ponderosa</i>	5 gal @ 96" O.C. min.	214-00450	Evergreen Tree (5 Gallon Container)
Plains Cottonwood	<i>Populus deltoides</i>	2 in. @ 25' O.C. min.	214-00220	Deciduous Tree (2 Inch Caliper)
American Plum	<i>Prunus americana</i>	1 gal @ 48" O.C. min.	214-00310	Deciduous Shrub (1 Gallon Container)
Chokecherry	<i>Prunus virginiana</i>	1 gal @ 36" O.C. min.	214-00310	Deciduous Shrub (1 Gallon Container)
Prairie Coneflower	<i>Ratibida columnifera</i>	5 oz./1000 sf	212-00005	Seeding (Native)
Skunkbush Sumac	<i>Rhus trilobata</i>	1 gal @ 36" O.C. min.	214-00310	Deciduous Shrub (1 Gallon Container)
Little Bluestem	<i>Schizachyrium scoparium</i>	5 oz./1000 sf	212-00005	Seeding (Native)
Western Snowberry	<i>Symphoricarpos occidentalis</i>	1 gal @ 24" O.C. min.	214-00310	Deciduous Shrub (1 Gallon Container)



# Existing Conditions



# Proposed Recreational-Centric Concept



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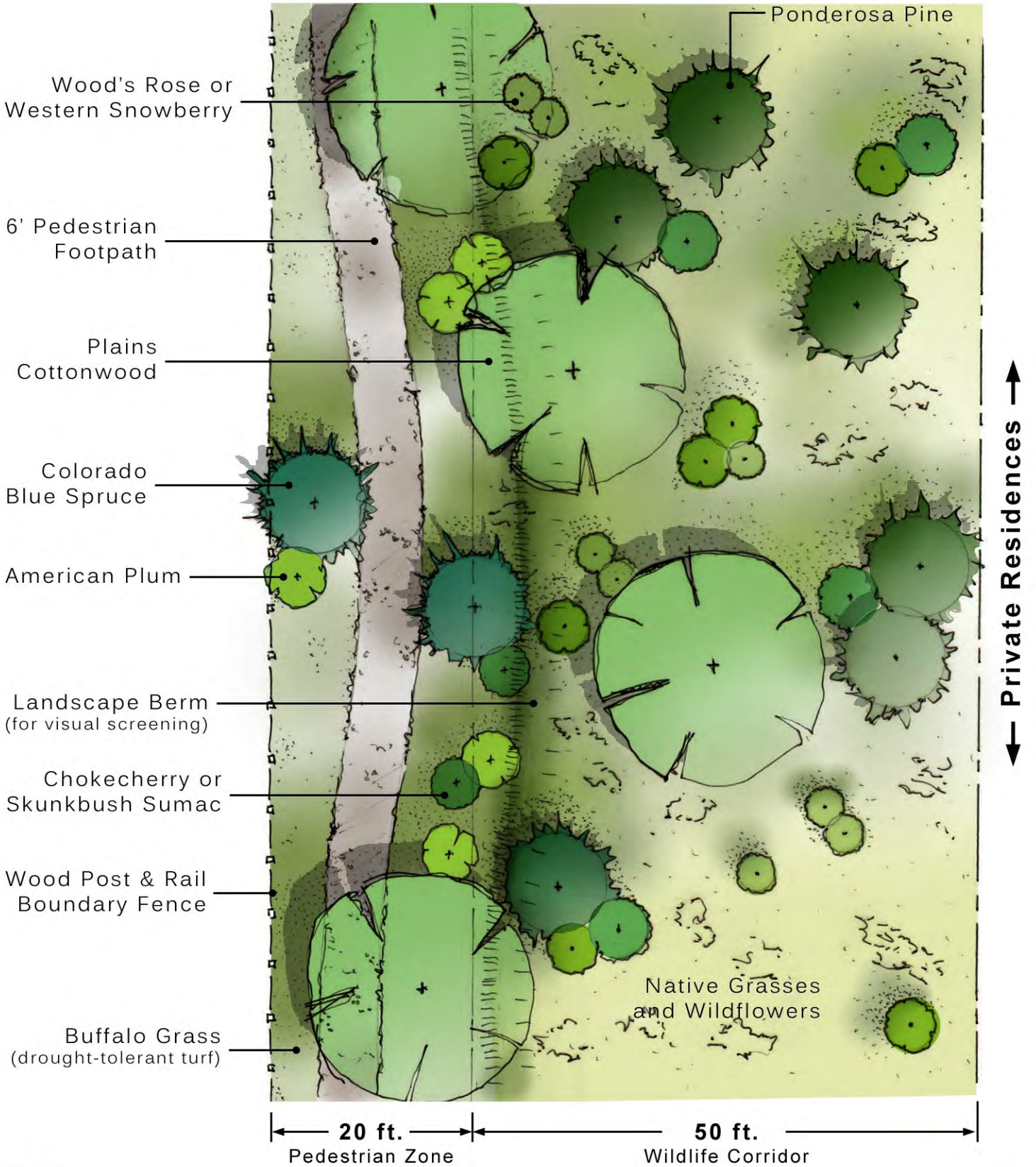
## Appendix C

2

### Hybrid Wildlife Corridor Conceptual Design Graphics

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# BCHA Property Wildlife-Recreation Hybrid Concept Typical Section for Plant Layout



## Boulder County Housing Authority Hybrid Conceptual Plant List

### Recommended Upland Herbaceous, Shrub and Tree Species

Common Name	Scientific Name	Seeding Rate	Pay item	Description
Western Wheatgrass	<i>Agropyron smithii</i>	5 oz./1000 sf	212-00005	Seeding (Native)
Leadplant	<i>Amorpha canescens</i>	5 oz./1000 sf	212-00005	Seeding (Native)
Sideoats Grama	<i>Bouteloua curtipendula</i>	5 oz./1000 sf	212-00005	Seeding (Native)
Blue Grama	<i>Bouteloua gracilis</i>	5 oz./1000 sf	212-00005	Seeding (Native)
Buffalo Grass	<i>Buchloe dactyloides</i>	5 oz./1000 sf	212-00005	Seeding (Native)
Mountain Mahogany	<i>Cercocarpus montanus</i>	1 gal @ 48" O.C. min.	214-00310	Deciduous Shrub (1 Gallon Container)
White Prairieclover	<i>Dalea dandida</i>	5 oz./1000 sf	212-00005	Seeding (Native)
Junegrass	<i>Koeleria macrantha</i>	5 oz./1000 sf	212-00005	Seeding (Native)
Colorado Blue Spruce	<i>Picea pungens</i>	5 gal @ 96" O.C. min.	214-00450	Evergreen Tree (5 Gallon Container)
Ponderosa Pine	<i>Pinus ponderosa</i>	5 gal @ 96" O.C. min.	214-00450	Evergreen Tree (5 Gallon Container)
Plains Cottonwood	<i>Populus deltoides</i>	2 in. @ 25' O.C. min.	214-00220	Deciduous Tree (2 Inch Caliper)
American Plum	<i>Prunus americana</i>	1 gal @ 48" O.C. min.	214-00310	Deciduous Shrub (1 Gallon Container)
Chokecherry	<i>Prunus virginiana</i>	1 gal @ 36" O.C. min.	214-00310	Deciduous Shrub (1 Gallon Container)
Prairie Coneflower	<i>Ratibida columnifera</i>	5 oz./1000 sf	212-00005	Seeding (Native)
Skunkbush Sumac	<i>Rhus trilobata</i>	1 gal @ 36" O.C. min.	214-00310	Deciduous Shrub (1 Gallon Container)
Little Bluestem	<i>Schizachyrium scoparium</i>	5 oz./1000 sf	212-00005	Seeding (Native)
Western Snowberry	<i>Symphoricarpos occidentalis</i>	1 gal @ 24" O.C. min.	214-00310	Deciduous Shrub (1 Gallon Container)
Soapweed Yucca	<i>Yucca glauca</i>	5 oz./1000 sf	212-00005	Seeding (Native)

## Existing Conditions



# Proposed Wildlife-Recreation Trail Hybrid Concept





# Housing Authority

2525 13<sup>th</sup> Street, Suite 204 • Boulder, Colorado 80304 • Tel: 303.441.3929 Fax: 720.564.2283  
[www.bouldercountyhhs.org](http://www.bouldercountyhhs.org)

Date: January 9, 2017

To: Nicole Wobus, Long Range Planning and Policy Manager, Boulder County Land Use  
Dale Case, Director, Boulder County Land Use

From: Frank Alexander, Director, Boulder County Housing Authority  
Norrie Boyd, Deputy Director, Boulder County Housing Authority

Re: **Responses to Questions Regarding BCHA/BVSD Proposed Wildlife Corridors on Twin Lakes Properties**

Dear Ms. Wobus:

Below, please find our responses to planning staff questions regarding BCHA's and BVSD's proposed wildlife corridors at our Gunbarrel properties near Twin Lakes. Planning staff questions are highlighted in bold, followed by our responses below.

- 1. Section 2.1 of the FHU report (p.5) discusses the purpose of wildlife corridors in general. Could you put that in the context of the BCHA and BVSD parcels? What is the importance of wildlife corridors to the parcels in question given the species that use the parcels and the surrounding area?**

The proposed wildlife corridors are important for the BCHA and BVSD parcels and are designed to serve as connectors to broader systems and to encourage movement and passage by wildlife. The proposed corridors will provide movement routes and limited foraging for local wildlife to connect between larger open space tracts to the north, southeast, and southwest. These corridors will provide a safer movement corridor for various species. While these corridors provide cover and movement habitat, these corridors are expected to provide limited habitat for year-round inhabitation and reproduction of species. They are not now, nor will they be, part of a pristine shortgrass prairie habitat; however, they may be designed to support wildlife movement and connections to broader systems.

Species that are expected to use these corridors include:

- Ungulates (specifically mule deer and white-tailed deer, with potential rare occurrences of elk and moose)
- Carnivores (coyotes, red fox, raccoon, skunk, bobcat, domestic and feral dogs/cats, weasel species, with potential occurrences of mountain lions)
- Rodents (field mice, wood rats, voles, moles, etc.)
- Avian species (song birds, raptors, jays, etc.)

- 2. How do the proposed corridor widths relate to the needs / behaviors of the species that use the area? Specifically, what is the basis for the 70 foot width of the north-south corridor?**

The proposed corridor widths were reviewed in the context of existing wildlife use across the three parcels identified during five field surveys and the presence of existing open space/parks outside of the three parcels. Specifying corridor dimensions is challenging in the context of these three parcels because significant development surrounds the parcels and fragments their use.



These parcels are considered in-fill areas and are already fragmented; therefore, they are not part of a pristine shortgrass prairie or a continuous 1,000-foot-wide shortgrass prairie corridor. Residential development exists on the west, east, and south. Man-made, agricultural lakes exist on the north side. The lakes are also a movement barrier to various terrestrial wildlife species (refer to the historic aerial photography provided in the Wildlife Habitat Assessment Report prepared by Felsburg Holt & Ullevig).

Our wildlife consultant, Felsburg Holt & Ullevig, identified, through evidence of tracks, scat, or visual observation, the patterns of movement and behavior of species listed above. While some species cached food (coyotes) on site, others (deer) traveled through the parcel without stopping (no bedding areas or high volumes of scat). Most large-animal movement was along existing hard-packed trails with very little activity dispersed across the site. Deer tracks were highly visible traveling from the area around the cattail marsh southwest of O Kalua Rd to the open space tracts to the southeast of O Kalua Rd.

The basis for the 70-foot width is also based on the context of comparing the widths of existing access points across the three parcels. This includes the access points at the southeastern corner of O Kalua Rd and the dimensions of the Boulder and Whiterock Ditch corridor to the north of 6655 Twin Lakes Rd, between the pedestrian trail and the channel. This 70-foot dimension is a balance between species use and site planning efforts to accommodate both pedestrian access and wildlife movement, and also to tie into existing access points across the three parcels.

The benefit of this infill site is that species are already accustomed to human presence and development adjacent to these parcels. The 70-foot width is more than ample to accommodate wildlife movement, and in fact coyotes, foxes, and deer are regularly spotted using paved roads and sidewalks throughout the Front Range, which are considerably narrower than 70 feet in size.

Finally, the movement corridors will benefit smaller wildlife species because they will provide more areas for smaller wildlife species to inhabit and reproduce than are currently on site.

**3. The report explains (p.5) that one of the existing corridors runs from the northeast corner of 6655 Twin Lakes Rd across Twin Lakes Road to the southwestern corner of O Kalua Rd. Is there an expectation that the proposed configuration of wildlife corridors would accommodate the wildlife activity currently present along that existing corridor?**

Correct. When site development occurs, creating vertical structural barriers across the parcels, the proposed corridors will facilitate new wildlife movement and replace the existing corridor running from the southwest to northeast. However, there is still potential for some wildlife, such as coyotes, to work their way through the new developments in a similar southwest-northeast fashion.

**4. Page 7 of the report notes that, “the widths of these corridors focuses on high-level planning and the width can potentially change based on site-specific conditions (drainage, micro-topography, grading, development codes, etc.)” Given that the widths could change, would BCHA and BVSD be committing to the widths specified in the report as minimum widths?**

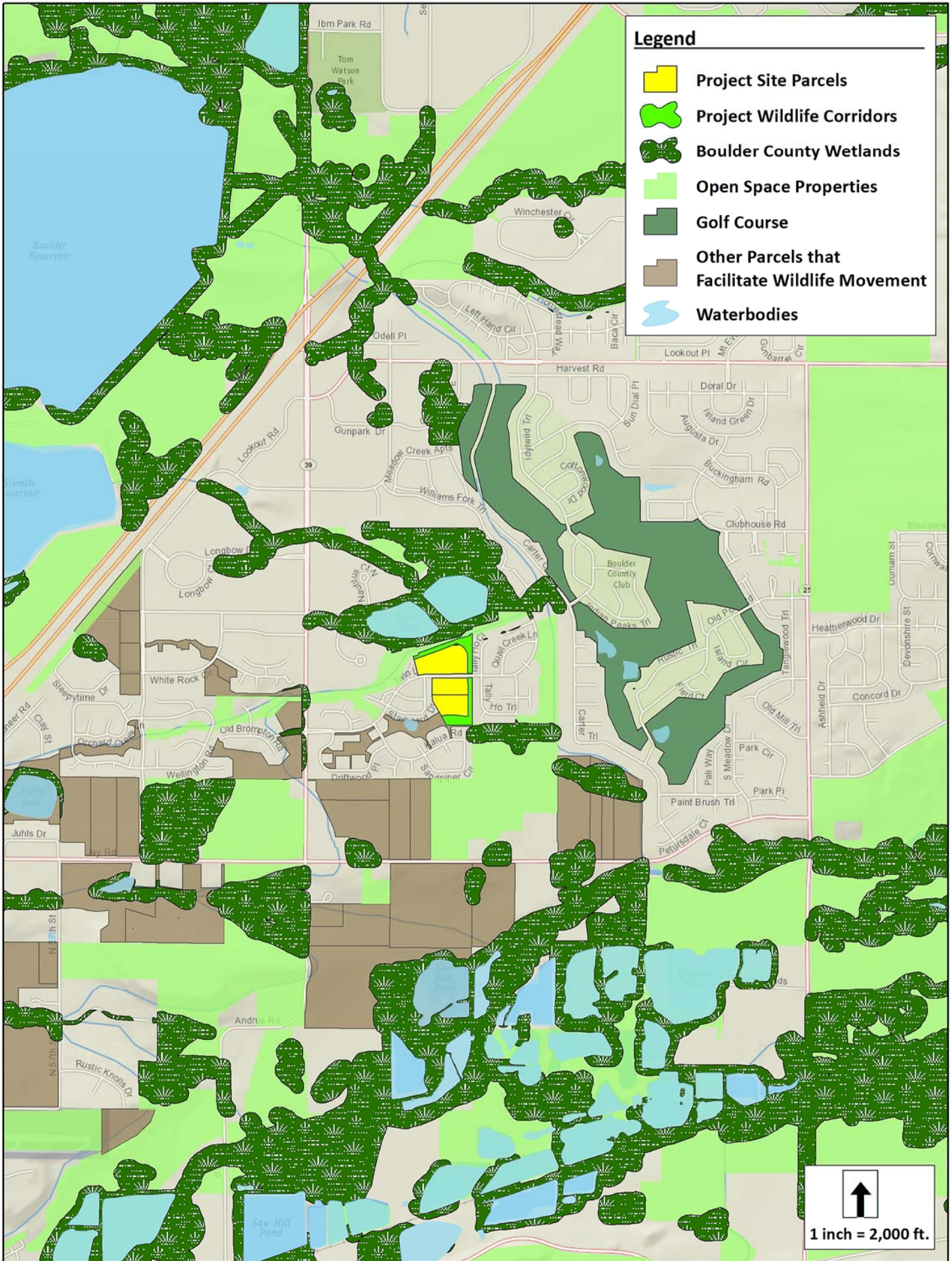
Correct. BCHA and BVSD would consider the 50’ corridor included as one option evaluated in the proposal as the minimum width, although we are proposing implementing the 70’ corridor due to the benefits to both wildlife and pedestrian access, and to tie in with existing wildlife access points and connections to the site described above.

**5. Is it possible to show how the corridors connect to surrounding habitat/open space?**

Please see attached the 200-foot scale graphic that provides an indication of connections to adjacent open space. Our consultant has also included a 2,000-foot scale graphic that clearly illustrates the regional context of wildlife connections through protected lands, undeveloped lands, existing wetlands, and golf courses.

**6. Would the wildlife corridors serve additional purposes beyond serving as wildlife corridors and trails (e.g., would there also be storm water / hydrology benefits associated)?**

Highly likely. The design and use of the wildlife corridors would need to be integrated with the site design, civil design, storm water, hydrology and drainage engineering requirements. While providing swales and other surface areas for water quality can provide wildlife habitat, other hard-engineered elements could remove wildlife habitat or act as additional barriers. BCHA and BVSD do not recommend proceeding with civil and stormwater engineering separate from the wildlife corridor and site design because both design objectives must be achieved in a mutually beneficial manner. BCHA and BVSD will closely coordinate with our wildlife consultants during site-design so that drainage and wildlife needs will be met.

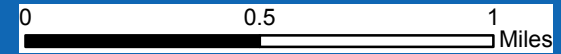










# Boulder County Land Use Department

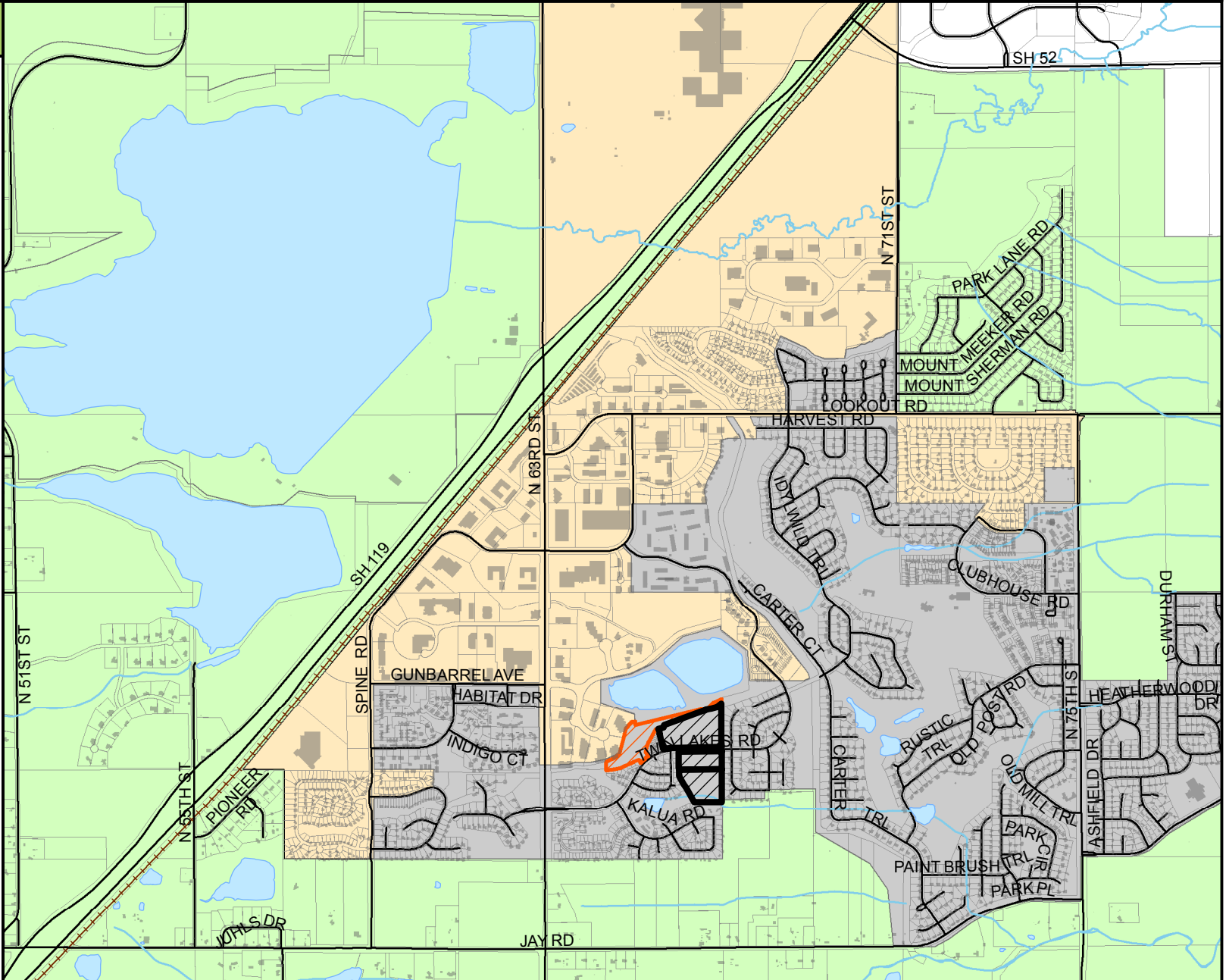
2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org/lu

## Areas I, II, & III



### Legend

-  BCHA & BVSD Parcels
-  Twin Lakes Outlot 7  
Trail corridor under consideration for annexation to gain contiguity between 6655 Twin Lakes Rd. and the City of Boulder jurisdiction.
-  Area I  
Area I is the area within the City of Boulder, which has adequate urban facilities and services and is expected to continue to accommodate urban development.
-  Area II  
Area II is the area now under county jurisdiction, where annexation to the city can be considered consistent with the Boulder Valley Comprehensive Plan. New urban development may only occur coincident with the availability of adequate facilities and services and not otherwise.
-  Area III  
Area III is the remaining area in the Boulder Valley, generally under county jurisdiction. Area III is divided into Area III Rural Preservation Area, where the city and County intend to preserve existing rural land uses and character and the Area III Planning Reserve, where the city and county intend to maintain the option of future Service Area expansion.
-  Lakes

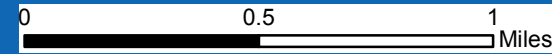




# Boulder County Land Use Department

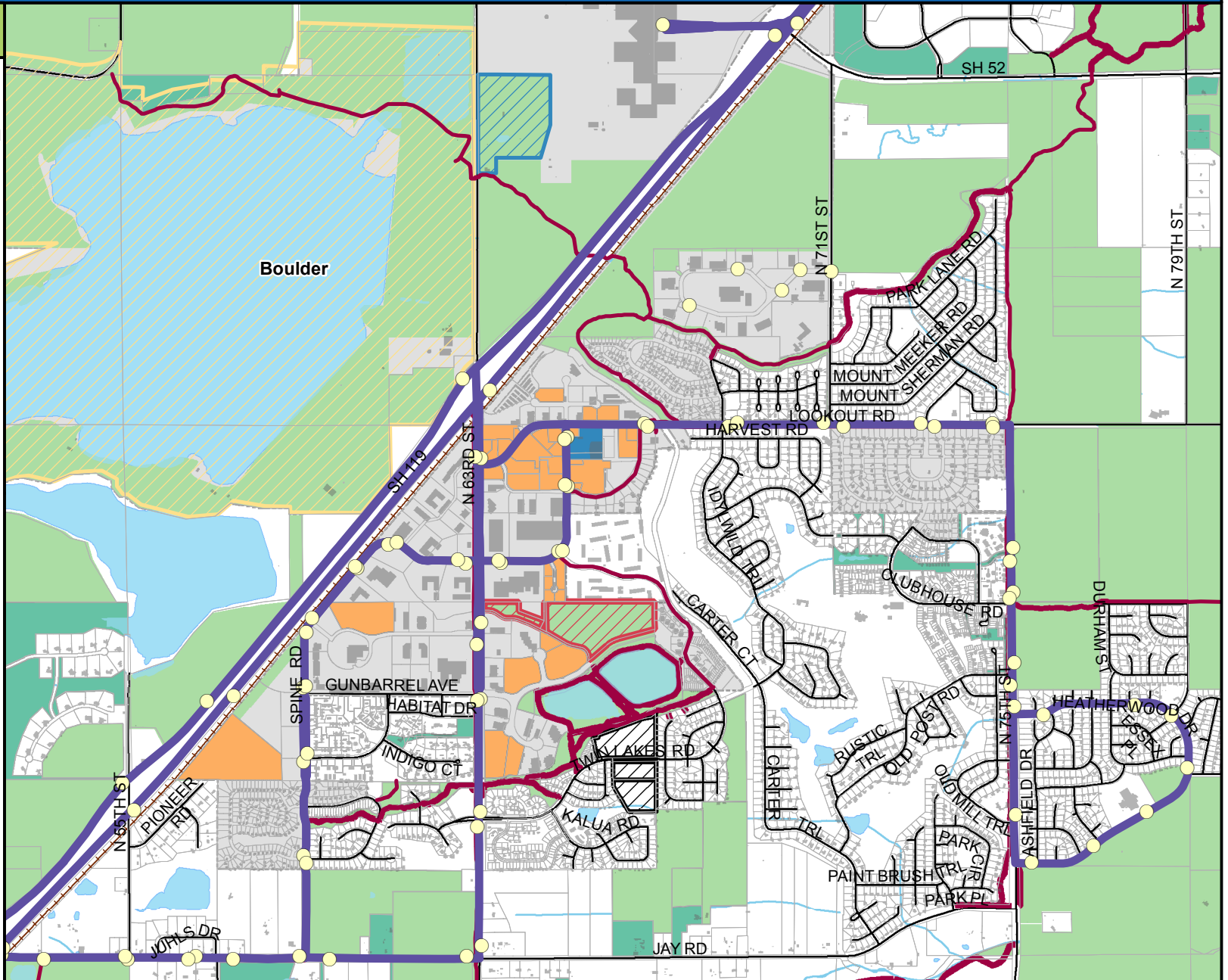
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# Services & Open Space



## Legend

- BVSD & BCHA Parcels
- King Soopers
- Mixed Retail, Services, and Food
- Tom Watson Park
- Boulder Reservoir and Coot Lake
- Eaton Park
- Open Space
- County Conservation Easement
- Local/Regional Multi-Use Trails
- Bus Routes
- Bus Stops
- Lakes

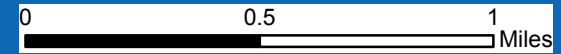




# Boulder County Land Use Department

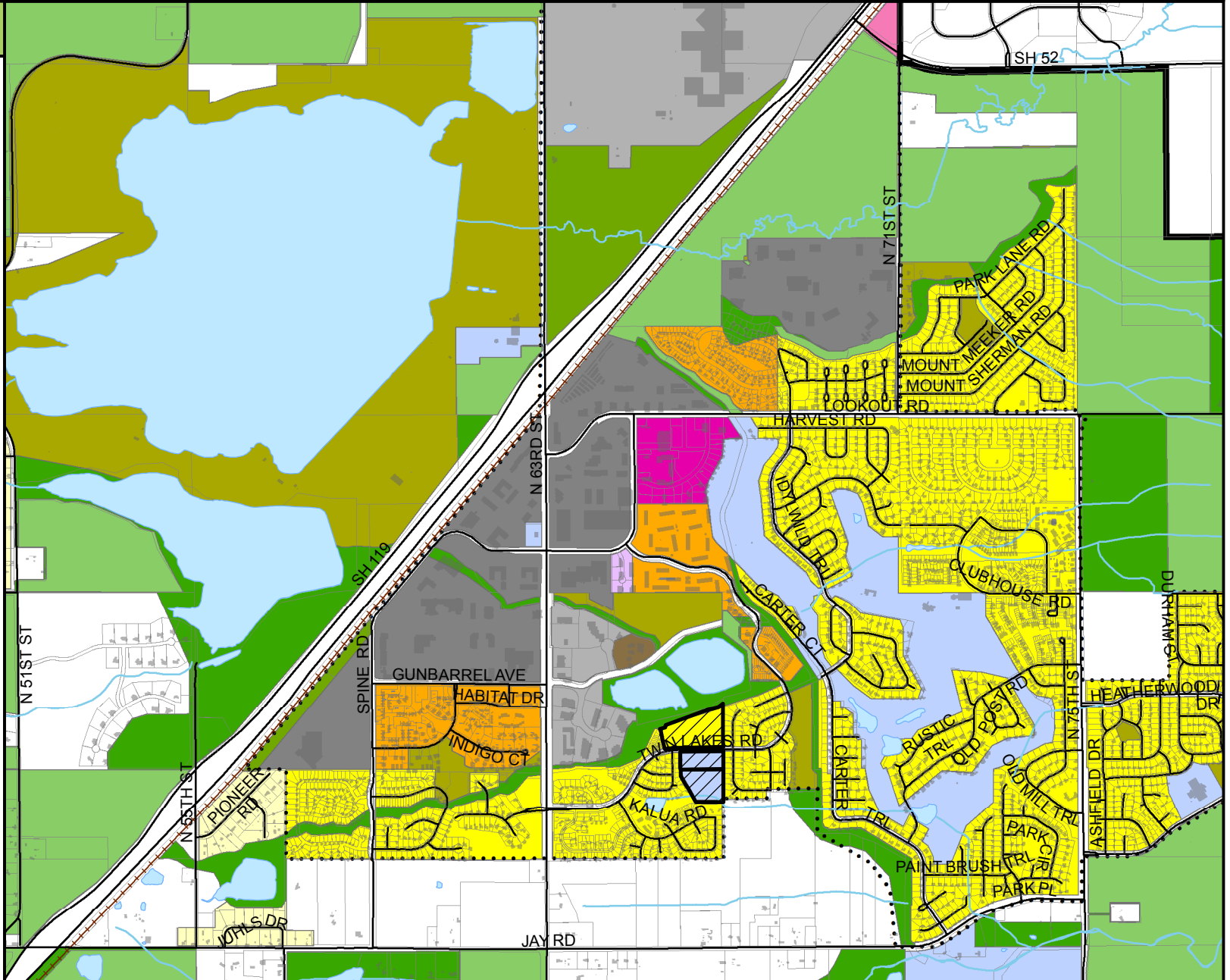
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# Land Use Designations



## Legend

-  BCHA & BVSD Parcels
-  Very Low Density Residential
-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  Community Industrial
-  General Industrial
-  Light Industrial
-  Performance Industrial
-  Community Business
-  Transitional Business
-  Regional Business
-  Open Space, Acquired
-  Open Space, Development Rights
-  Open Space, Other
-  Agricultural
-  Park, Urban and Other
-  Public
-  Lakes





# Boulder County Land Use Department

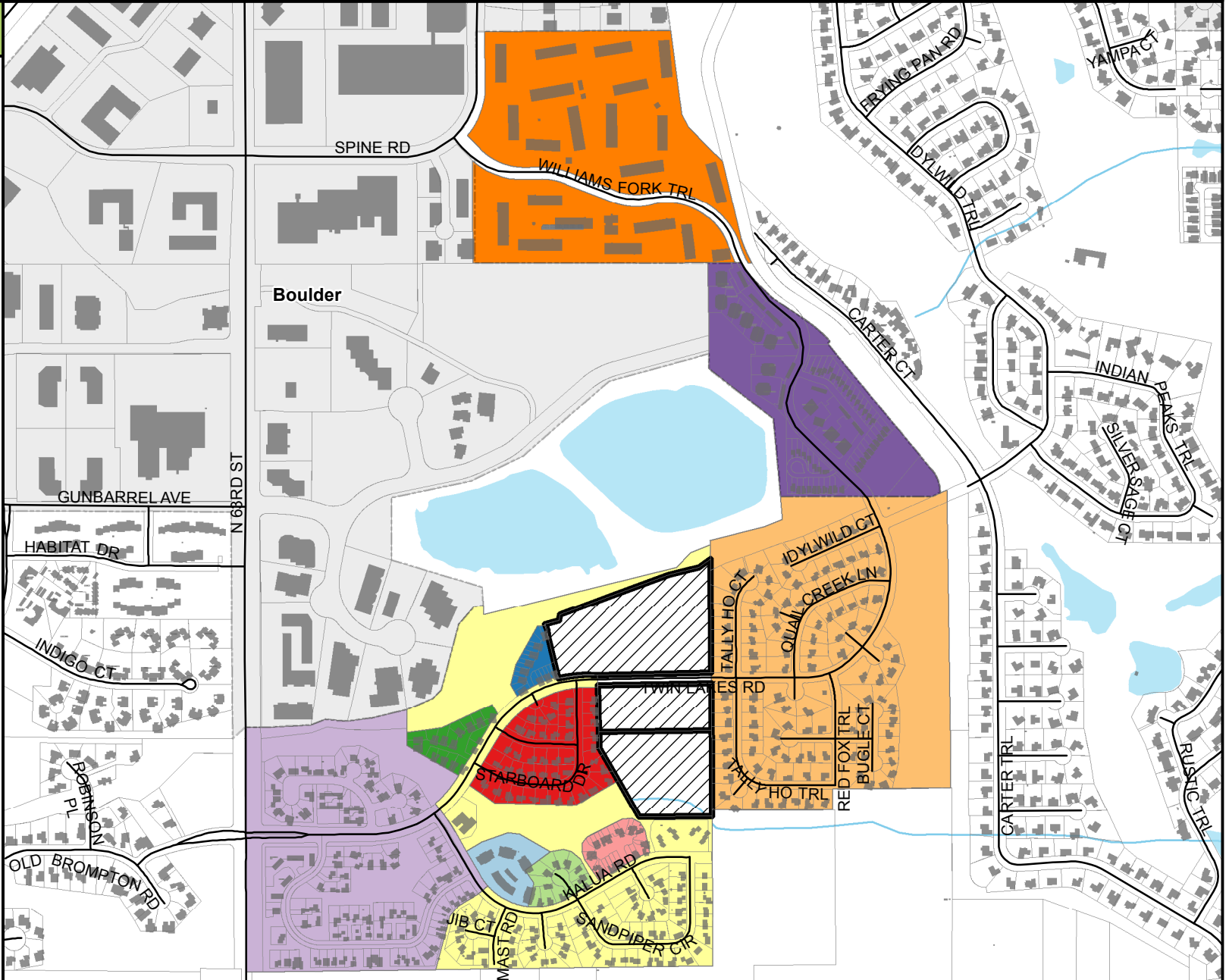
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## Twin Lakes Area Subdivision Density



### Legend

Subdivision	DU/Acre
BCHA & BVSD Parcels	
Brandon Creek	8.3
Portal Estates	14.9
Portal Village	14.0
Red Fox Hills	2.3
Sagecrest	12.6
Sandpiper Court	5.3
Starboard	5.0
Snug Harbor	15.6
Twin Lakes	3.3
Twin Lakes 2	2.2
Gunbarrel Greens 2nd Replat	4.4

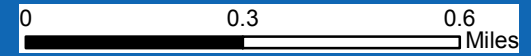






















# Boulder County Land Use Department

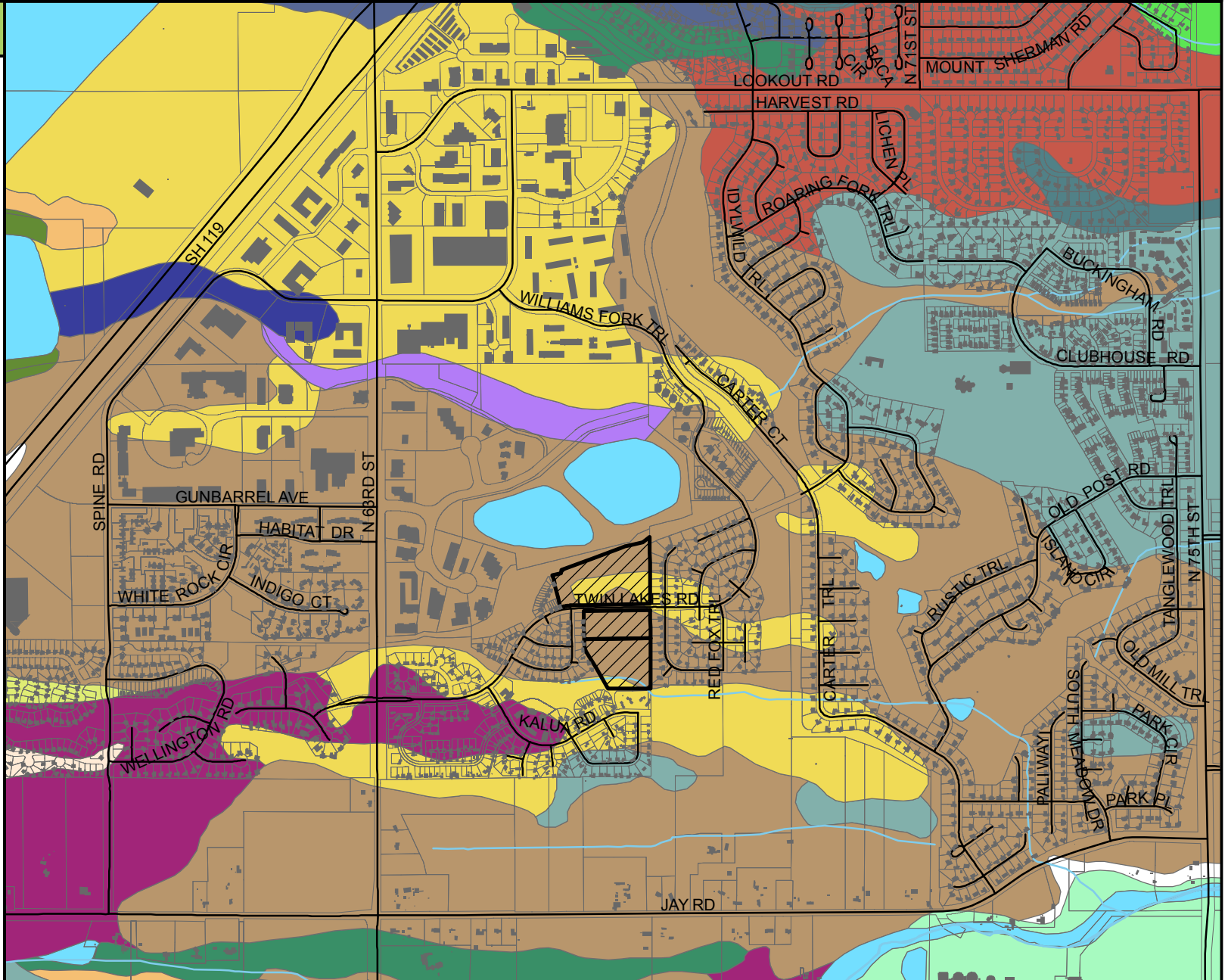
2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org/lu

# NRCS Soils Survey Map



## Legend

-  BCHA & BVSD Parcels
-  Heldt Clay, 0%-3%
-  Renohill Silty Clay Loam, 3%-9%
-  Wet
-  Ascalon-Otero Complex, 5%-9%
-  Heldt Clay, 3%-5%
-  Klutch Clay Loam, 3%-9%
-  Longmont Clay, 0%-3%
-  Renohill Silty Clay Loam, 3%-9%
-  Niwot Soils
-  Nunn Clay Loam, 1%-3%
-  Nunn Clay Loam, 3%-5%
-  Nunn Clay Loam, 5%-9%
-  Samsil Clay, 3%-12%
-  Samsil-Shingle Complex, 5%-25%
-  Valmont Clay Loam, 1%-3%
-  Valmont Clay Loam, 3%-5%
-  Valmont Cobbley Clay Loam, 5%-25%







## 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)

September 13, 2016

Alexandra Niehaus  
Twin Lakes Homeowners Association  
(via email only to [alexandrasniehaus@gmail.com](mailto:alexandrasniehaus@gmail.com))

Re: Twin Lakes HOA Request for Reversion of Outlots

Dear Ms. Niehaus:

I am the Real Estate Division Manager for the Boulder County Parks and Open Space Department (“POS”). The Board of County Commissioners have asked me to respond to your emailed request of September 7, 2016, that Outlot 2, Twin Lakes, First Filing and Outlot 7, Twin Lakes, Second Filing (the “Outlots”) be transferred back to the Twin Lakes Homeowners Association (“HOA”).

The conditions in the possibility of reverter clause in the deed from the HOA to Boulder County recorded at Reception Number 239069 (the “Deed”) have not been met. The Deed was conveyed by the HOA to Boulder County in 1977 as a condition of approval of the development of the property owned by the HOA. Exhibit A to the Deed contains a possibility of reverter that says the Outlots shall be the property of Boulder County for “[s]o long as this property is used for a park or open space.” Since their acquisition in 1977, POS has constructed trails on the Outlots, opened this property for public recreation, enforced its rules and regulations on the Outlots, and mowed and otherwise maintained the Outlots, all for the benefit of the public. The use of the Outlots for public recreation and a trail corridor is entirely consistent with use of the property “for a park or open space” as required by the Deed.

Because the conditions for reversion of the property to the HOA have not occurred, Boulder County will not transfer the Outlots back to the HOA.

Please feel free to contact me if you have any questions about the issues discussed in this letter. Thank you.

Sincerely,

Janis Whisman  
Real Estate Division Manager  
[jwhisman@bouldercounty.org](mailto:jwhisman@bouldercounty.org)  
(303) 678-6263

cc: Board of County Commissioners

---

**From:** Halpin, Barbara  
**Sent:** Wednesday, September 28, 2016 4:10 PM  
**To:** 'roygina5098@comcast.net'  
**Cc:** Boulder County Board of Commissioners  
**Subject:** RE: Please! I Need Answers to These Important Questions!

Good afternoon, Gina.

Your email to the Boulder County Commissioners was forwarded to me for a response to help your HOA grapple with the questions that seem to be circulating in your neighborhood. With the help of several staff members, we have crafted a response to your questions concerning the Twin Lakes area parcels.

Attached is a document with a complete response to your email. (The following text within this email includes just our answers to your questions.)

While working on these responses, it became abundantly clear that there is quite a bit of confusion within the community – and in your HOA in particular – around this matter. If these answers do not help make the issue more clear, we encourage you and your friends and neighbors to visit our [Boulder Valley Comprehensive Plan docket page](#). This page provides many informative documents, several of which may continue to help address your HOA's concerns.

Thank you for reaching out to us with your questions and comments. I hope that, together, we are able to provide your HOA with a more accurate account of the process for the potential annexation of the property owned by Boulder County Housing Authority at 6655 Twin Lakes Road.

Sincerely,

Barb Halpin  
Public Information Officer  
Boulder County Commissioners' Office  
[bhalpin@bouldercounty.org](mailto:bhalpin@bouldercounty.org)  
303.441.3500

**Question #1** – Our tax dollars purchased the open space in Gunbarrel. How can the County just hand it over to the City? (They are referring to the open space buffer in Twin Lakes.)

**Boulder County response #1:**

The County is not proposing to dispose of any open space in the Twin Lakes area. Boulder County will continue to own and manage any land we currently own and manage in the area.

If your question refers to the potential annexation of the strip of land that serves as a trail corridor to the north and west of 6655 Twin Lakes Road (outlot 7 of the Twin Lakes subdivision), that strip of land is owned by Boulder County and adjacent to the City of Boulder. Any potential annexation would not include a change in ownership or management, simply a change in the jurisdiction (county to city) in which the trail corridor parcel resides.

Also, that trail corridor parcel was not purchased with open space tax dollars; rather, it was a subdivision dedication. It was deeded to Boulder County by the developer of the Twin Lakes subdivision and is required to be used by the county for open space or a park. If annexed, this strip of land would continue to be owned and managed by Boulder County; the land and its trails would remain open for open space use by residents and visitors. There would be no change in its use or designation and no development would occur on the parcel.

The lot at 6655 Twin Lakes Road that is being considered for affordable housing is in Area II of the Boulder Valley Comprehensive Plan and has been designated for development for decades. It is not open space. It is currently a vacant lot of buildable land located between developed residential subdivisions. The lot was privately held and owned by the Archdiocese of Denver until the land was sold to Boulder County with the request that the land be used for an acceptable “common good.” The Archdiocese agreed that affordable housing fit their definition of serving as a “common good.”

Question #2 – Is it legal for the County to give county open space to the City when county residents paid for it? If your answer is yes, please let me know what law that is based on.

**Boulder County response #2:**

Annexing a county-owned open space parcel or the Twin Lakes trail corridor outlot parcel would change the jurisdiction in which the parcel lies, but would not change the ownership of the property or how it is managed. The change in jurisdiction would mean that any work that takes place on the parcel, such a trail maintenance or construction, would be subject to the City of Boulder’s land use regulations and building code. Boulder County will continue to own and manage the Twin Lakes Open Space and the trail corridor parcel.

Also, as noted previously, the parcel was dedicated to the county and was not purchased with open space tax funds.

Question #3 – The Williams Brothers intention for the parcel they donated to BVSD was for it be a park for Gunbarrel Green. **Why is housing going on that parcel?** Residents have been begging the City and County for a park and/or library in Gunbarrel since the 1980’s and longtime residents know this and are very upset that the land the Williams brothers wanted to be a school or a park for our neighborhood is now earmarked for residential development.

**Boulder County response #3:**

The Land Use Map change that BVSD requested affects how the property may be zoned post-annexation. While the property is under county jurisdiction, the dedicated parcel remains subject the state law governing county subdivisions. Upon annexation, however, the annexing city (in this case, it would be the City of Boulder) has land use authority over the property and controls subdivision and zoning. Therefore, whether there are restrictions on the

BVSD parcel post-annexation depends on whether the city places restrictions on the use of the parcel.

Regarding Gunbarrel residents' desire for a park or library, the lack of those city-funded resources in Gunbarrel is reflective of the fact that the majority of Gunbarrel's residential units are in unincorporated Boulder County (77%) and do not pay taxes to the city.

Question #4 - I attended the POSAC meeting in August and was shocked to learn that the Boulder County Housing Authority already paid \$400,000 for the parcel in Twin Lakes. Does this mean that it is a done deal and our commissioners gave them the okay in advance?

**Boulder County response #4:**

Boulder County purchased the parcel at 6655 Twin Lakes Rd in 2013 from the Archdiocese of Denver with the intent of providing affordable housing on that site. Ownership of the property was subsequently transferred from the County to the Boulder County Housing Authority (BCHA). Currently, after annexation, up to six units per acre could be developed on the property. Through the BVCP process, BCHA has requested a land use designation change for the property to increase the number of units that may be allowed on the property after the property is annexed and zoned. This change of the land use map must be voted on and approved by four decision-making bodies: Boulder County Planning Commission, Boulder County Board of County Commissioners, City of Boulder Planning Board, City of Boulder City Council.

If the trail corridor south of Twin Lakes were annexed, the land would continue to be owned and managed by Boulder County; the land and associated trails would remain open for use by residents and visitors. There would be no change in use or designation, and no development on that land. Additionally, should the proposed project move forward, BCHA will work with the City of Boulder to identify their preferred path to annexation, which may not include annexing the subject trail corridor parcel.

Question #5 – How can I fight annexation? The City just wants us so they can get the Xcel substation on 75<sup>th</sup> Street. I do not want to be in the City! I have no answer to this question and I hope you do as this question is asked a lot.

**Boulder County response #5:**

The request to change the land use designation for BCHA and BVSD's parcels along Twin Lakes Road was initiated by BCHA and BVSD in an effort to provide affordable housing to serve a critical need in the community. BCHA and BVSD would propose annexation of their own parcels to the city; the city would not be the entity proposing annexation. No other property owners would be forced to join that annexation, but property owners that want to annex could potentially join a petition for annexation under substantially similar terms and conditions. Furthermore, annexation of the subject Twin Lakes parcels would not create an enclave, a condition that would need to exist in order for the city to ultimately unilaterally annex residential areas of Gunbarrel. Any potential future annexation of the parcels along Twin Lakes are unrelated to potential future annexation elsewhere in Gunbarrel.

Question #6 – The County Commissioners are giving away the open space we taxed ourselves to provide but even if this buffer in Twin Lakes was not part of the GID, my tax dollars paid for it. Does the County plan on refunding me the taxes they took to buy open

space that they are now giving to the City?

**Boulder County response #6:**

The County is not proposing to give away any open space. (See response to Questions #1 and #2)

Question #7 – Will the County Commissioners give the Heatherwood Notch open space to the City too?

**Boulder County response #7:**

The Heatherwood Notch was purchased by the Gunbarrel General Improvement District in 1994 and the purchase agreement clarifies that the county manages this property. Boulder County manages Heatherwood Notch and Jafay (an adjacent property also purchased with GGID funds) the same as we manage all our open space. There is no proposal to give this, or any other open space, to the City of Boulder or to anyone else.

Question #8 – Do the commissioners know how congested Gunbarrel is now? You have to circle the King Soopers parking lot to get a space. Traffic is awful. I cannot get access to Lookout Road from Idylwild Trail without a long wait. (I hear this all the time and the City has turned a deaf ear to our pleas for a traffic light. Gunbarrel Green residents are really angry about the traffic on Lookout Road.)

**Boulder County response #8:**

The County Commissioners are aware that traffic has increased in Gunbarrel along with many other areas of Boulder County. Development within the cities (which includes the Gunbarrel commercial area referenced above since it resides within City of Boulder limits) is impacting traffic countywide. Further exacerbating this issue is the fact that people have to commute from further away in order to work at their jobs in Boulder County. This means more and more people are driving in and around Boulder County than ever before. The County Commissioners have long advocated for better transit options that help reduce the number of cars on the roads (and in parking lots) by promoting better public transportation access and encouraging more use of bikes and carpooling as alternative options to single occupancy vehicles.

In response to the specific traffic areas you've noted above, our Transportation Department has responded to your questions with the following data and information:

1. Idylwild/Lookout Intersection: In 2015 Average Daily Traffic on Idylwild south of Lookout was counted as approximately 1,500 vehicles/day. Counts conducted in 2013 on the County section of Lookout (just to the east of the 75th) was 8,000 ADT. The City of Boulder has evaluated this intersection periodically over the past several years to see if a traffic signal is warranted, and has determined it does not meet the relevant warrants. The city has committed to continue to monitor the intersection.
2. General Growth in Traffic: Traffic levels are increasing due to both local and regional growth. A number of factors contribute to the growth in traffic on the primary roads in the county, including both increased local traffic as well as the increase in commuters who come from southern Weld County and Larimer County, and use the east-west roads for their travel,

including Lookout Road to travel from Weld County/Erie to employment centers in Gunbarrel and to the Diagonal. It is for these reasons that the county has been advocating for an increase in more local affordable housing, effective regional transit and ridesharing options, as well as increased opportunities for local residents to use options other than driving by improving safe and convenient bike and pedestrian access to their local destinations, including the King Soopers. We recognize that not everyone can use non-driving options for every trip, but if we make it more safe for more people to make more of their shorter distance trips without driving, we make it more safe and convenient for everyone (including those who do have to drive) and can reduce the growth in traffic.

While I was typing this, I got yet another email from a Gunbarrel resident and I would appreciate if you could tell me how I should respond to the email. Here it is:

“Surely the City of Boulder and Boulder County cannot just take land that has been dedicated for a specific use. How has this gotten so far along without investigating the legal aspects? I want to know why the City/County thinks they can just take this land. There is something that isn't being publicized.”

With the above answers to your questions, we believe the paragraph directly above (in quotes) has been proven not to represent an accurate or fair representation of the Twin Lakes area discussion.

---

**From:** [roygina5098@comcast.net](mailto:roygina5098@comcast.net) [<mailto:roygina5098@comcast.net>]

**Sent:** Sunday, September 25, 2016 6:11 PM

**To:** Boulder County Board of Commissioners

**Subject:** Please! I Need Answers to These Important Questions!

September 25, 2016

Dear Commissioners Elise Jones, Cindy Domenica and Deb Gardner,

My thanks to you for taking the time to read my email and to respond. My apologies to you for the length of this email. I know how challenging your jobs are and I respect your time. Part of your job description states that **“you address important issues facing our communities.”** I have an important community issue that needs to be addressed!

My HOA Annual Meeting is coming up and I must have the answers to the 7 questions below to send in a newsletter prior to the meeting. If you cannot provide the answers in time for the printing of our newsletter (October 5), would one or all of you be willing to attend the Gunbarrel Green HOA Annual Meeting and take questions? The HOA would welcome your participation. The Annual Meeting will be at 7:00 p.m. October 25 at the Hampton Inn on Lookout Road.

I have been a Boulder County resident for 50 years. I have been a resident of unincorporated Boulder County (Gunbarrel Green) for 40 years. I have had the pleasure of working with Commissioners Jack Murphy, Homer Page, Sandy Hume, Ron Steward and many more.

I guess it is because I have been around so long and because I have been a member of my HOA's board of directors for over 30 years that residents of Gunbarrel Green ask me for answers to their questions. There have been so many questions lately that my HOA board has asked me to write a column for our HOA newsletter which is why I am writing to you in hopes you or a member of your staff can answer the questions. **The last thing I want to do is put forth misinformation.**

The majority of Gunbarrel Green residents have voted down annexation to the City twice. They purchased property in unincorporated Boulder County because they do not want to live in the City of Boulder. Now they hear that three years after the County gives the City the open space buffer in Twin Lakes, the City can forcibly annex our subdivision and other unincorporated subdivisions without a vote. As you can tell by the commissioners I have worked with, I am definitely a senior. Six seniors in Gunbarrel Green have called me to tell me that they could not afford to stay in their homes if they have to pay City taxes in addition to County taxes. That is exactly the financial situation I am in. Several times in the past, I have asked City staffers how much my property tax would increase if my home was annexed. To date, no one has answered that question. Can you?

Before I purchased my lot in Gunbarrel Green (1970's) I went to the County Clerk's office and I researched every large non-developed section of land near Gunbarrel Green. (I spent a lot of time viewing micro-fiche!) The land that is now Gunbarrel North was owned by CU and slated for a medical facility. The land that is now the Gunbarrel Center had a large federal acknowledged wet land so I thought that was safe (silly me). The two parcels in Twin Lakes were donated by Everett and George Williams to the Denver Archdiocese for a possible church. Yea! I would not have to drive to Boulder to attend church. The other parcel was donated to BVSD for a school. My research also showed that the Williams Brothers had a caveat in their donation that if a school or church was not built, the land would be used as a **park for the residents of Gunbarrel Green. That really appealed to me!**

Yes, that was then and this is now which brings me to the questions that need to be answered.

I am sure you know the history of the Gunbarrel Improvement District but just in case, here is a recap. I was a member of the liaison committee that worked with the county commissioners to develop the GID.

In 1993, the County residents of Gunbarrel petitioned for two ballot initiatives under what

became the Gunbarrel General Improvement District. One was intended to accelerate road improvements in the County subdivisions in Gunbarrel. It passed by the narrow margin of 1,275 to 1,272 authorizing the collection and expenditure of \$1.70 million for road improvements.

The other was intended **to reduce** the potential for residential development in Gunbarrel by purchasing land with development potential. It passed by the larger margin of 1,511 to 1,191 authorizing the collection and expenditure of **\$1.90 million for the purchase of open space land in Gunbarrel**. The commissioners recognized the importance of reducing residential development!

Question #1 – Our tax dollars purchased the open space in Gunbarrel. How can the County just hand it over to the City? (They are referring to the open space buffer in Twin Lakes.)

Question #2 – Is it legal for the County to give county open space to the City when county residents paid for it? If your answer is yes, please let me know what law that is based on.

Question #3 – The Williams Brothers intention for the parcel they donated to BVSD was for it be a park for Gunbarrel Green. **Why is housing going on that parcel?** Residents have been begging the City and County for a park and/or library in Gunbarrel since the 1980's and longtime residents know this and are very upset that the land the Williams brothers wanted to be a school or a park for our neighborhood is now earmarked for residential development.

**I assume you have legal information of why and how the County can do that and I ask you to share that information with me so I can share it with the residents of Gunbarrel Green.**

Question #4 - I attended the POSAC meeting in August and was shocked to learn that the Boulder County Housing Authority already paid \$400,000 for the parcel in Twin Lakes. Does this mean that it is a done deal and our commissioners gave them the okay in advance?

Question #5 – How can I fight annexation? The City just wants us so they can get the Xcel substation on 75<sup>th</sup> Street. I do not want to be in the City! I have no answer to this question and I hope you do as this question is asked a lot.

Question #6 – The County Commissioners are giving away the open space we taxed ourselves to provide but even if this buffer in Twin Lakes was not part of the GID, my tax dollars paid for it. Does the County plan on refunding me the taxes they took to buy open



space that they are now giving to the City?

Question #7 – Will the County Commissioners give the Heatherwood Notch open space to the City too?

Question #8 – Do the commissioners know how congested Gunbarrel is now? You have to circle the King Soopers parking lot to get a space. Traffic is awful. I cannot get access to Lookout Road from Idylwild Trail without a long wait. (I hear this all the time and the City has turned a deaf ear to our pleas for a traffic light. Gunbarrel Green residents are really angry about the traffic on Lookout Road.)

While I was typing this, I got yet another email from a Gunbarrel resident and I would appreciate if you could tell me how I should respond to the email. Here it is:

“Surely the City of Boulder and Boulder County cannot just take land that has been dedicated for a specific use. How has this gotten so far along without investigating the legal aspects? I want to know why the City/County thinks they can just take this land. There is something that isn't being publicized.”

So, that latest email really sums it up. I have received many, many emails and phone calls about this. I am counting on you, my commissioners, to provide me with the answers I can give to the residents I serve as a member of the HOA board.

Thank you so much for your response,

Sincerely,

Gina Hyatt

303-530-2372

[roygina5098@comcast.net](mailto:roygina5098@comcast.net)

**From:** Wobus, Nicole  
**To:** "[bsmart6836@icloud.com](mailto:bsmart6836@icloud.com)"  
**Bcc:** [Blum, Varda](#); [Hackett, Richard](#); [Giang, Steven](#)  
**Subject:** FW: Is it legal to build on a flood plain?  
**Date:** Thursday, October 27, 2016 3:27:00 AM  
**Attachments:** [image001.png](#)

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Hello Kay and Bill,

Your messages below, and a related message, were passed along to me. I appreciate your concerns. The city codes would apply to the development envisioned by the parcel owners, as the parcels would need to be annexed to the city before the development could occur. Issues related to hydrology were discussed as part of the series of Twin Lakes Stakeholder Group meetings (see notes available for the May 19 TLSG meeting, available [here](#)). Engineers from the city and county attended that meeting. Discussion at the meeting included acknowledgement by Dr. Gordon McCurry that development on the parcels could be engineered in such a way that would avoid, or potentially improve hydrologic conditions for neighboring properties. He noted the challenges of engineering a solution given the presence of wetlands on the vacant parcels.

Again, we appreciate your comments. Note that your communications will be added to the public record.

Best regards,

Nicole

**Nicole Wobus**

Long Range Planning and Policy Manager | Boulder County Land Use Department

Mailing: PO Box 471 Boulder CO 80306

Physical address: 2045 13<sup>th</sup> street, Boulder CO 80302

Ph: 720-564-2298

[nwobus@bouldercounty.org](mailto:nwobus@bouldercounty.org)

[www.bouldercounty.org/lu](http://www.bouldercounty.org/lu)

cid:image001.png@01D18F17.AD2073E0



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

From: Bill Smart [<mailto:bsmart6836@icloud.com>]

Sent: Monday, October 24, 2016 1:09 PM

To: #FloodPlainRegsMapsComment

Subject: Re: Is it legal to build on a flood plain?

It is located at 6655 and 6500 Twin lakes Rd , in Gunbarrel. The Boulder County Housing Authority has been given the results that have been culled from exhaustive research by TLAG, including hydrology tests that prove it is unsuitable for a project the size BCHA is proposing. The Archdiocese of Denver who had proposed to build a church at 6655 Twin Lakes Rd., also determined it was unbuildable. Ducks swim in this field for weeks in the spring...that should be proof enough on its own, what more do they need?

Now the BCHA is asking that the proposed development be even larger. Can the BCHA be held responsible for any damage caused, not only to the proposed development, but to the surrounding housing developments, due to their obvious lack of research? If so, I think this should be more than enough warning.

This project, if it proceeds, could eventually cost the city billions of dollars in damages. The current infrastructure is minimal and deteriorating rapidly. They don't seem to have any intention of repairing or upgrading this infrastructure. There have been at least 9 water main leaks just in this past year. This needs to be repaired and upgraded to accommodate such a development. The only response we get is "Get a Lawyer." This is not a mature response to hear from an elected official.

If they are not willing to give us truthful answers, we are asking you to give us your unbiased response to such a potentially disastrous and irresponsible act. They don't seem to be concerned about anything but their their agenda. They clearly have no regard concerning how it will affect this future development, while arrogantly ignoring the existing neighboring developments. We are trying to save them from creating a potentially devastating event. Such an event that will severely affect the people they profess to be helping and who will in turn face being homeless.

I am forced to write this request because BCHA's response of "Get a Lawyer!" is not a satisfactory, nor is it a responsible answer to hear from Elise Jones, our "current" elected official.

This is deeply troubling and needs to be looked into NOW and not AFTER a DISASTER happens. Please answer this reply as soon a possible.

Thank you for listening to a truly concerned citizen. Show us that our voice is also being heard.

Kay and Bill Smart

Sent from my iPad

> On Oct 21, 2016, at 7:33 AM, #FloodPlainRegsMapsComment  
<[floodplainregsmapscomment@bouldercounty.org](mailto:floodplainregsmapscomment@bouldercounty.org)> wrote:

>

> Hello Kay,

>

> Can you tell us a little more background about why you are asking so that we may focus our

response? A particular address? A particular type of work, development or project you are considering? Timeframe for doing the work?

>

> Thank you.

>

>

> -----Original Message-----

> From: Bill Smart [<mailto:bsmart6836@icloud.com>]

> Sent: Thursday, October 20, 2016 7:30 PM

> To: #FloodPlainRegsMapsComment

> Subject: Is it legal to build on a flood plain?

>

> What are the restrictions for building a development on a flood plain? Do those same restrictions apply to land with a high water table prone to flooding?

>

> Kay Marshall

>

>

> Sent from my iPad

>



## 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)

Sent by email to [nikki\\_dsf@hotmail.com](mailto:nikki_dsf@hotmail.com)

November 4, 2016

Nikki Munson  
4554 Starboard Drive  
Boulder, CO 80301

Re: Your letter to Boulder County Regarding Matching GPID Funds

Dear Ms. Munson:

I have been asked to respond to your letter to the Boulder County Commissioners and the Director of the Parks and Open Space Department regarding issues related to county funds matching GPID funds used for open space acquisitions.

Your letter highlights a statement that was in the Election Notice for the GPID initiative that indicates Boulder County would match GPID funds up to a maximum amount of \$1,900,000. The Election Notice states that the county agreed to match *up to* that amount; it does not state that the county's match would equal that amount. Since the GPID ballot initiative passed, the county has provided \$1,305,634 in matching funds towards GPID open space acquisitions, meeting the commitment that was made in the Election Notice.

Prior to passage of the GPID ballot initiative, with input from the GPID steering committee and Gunbarrel residents, properties in the Rural Preservation Area of Area III of the Boulder Valley Comprehensive Plan were targeted for open space acquisition with GPID sales tax proceeds. The clear intent of the GPID steering committee was to purchase rural areas surrounding Gunbarrel, not to prevent infill development in areas surrounded by current development which were contemplated for potential future annexation. The BCHA property at 6655 Twin Lakes Road is not within the Rural Preservation Area; rather, it is within Area II of the Boulder Valley Comprehensive Plan. The BCHA property was never on the list of targeted GPID open space properties.

While it is inaccurate to say the county has a remaining obligation to invest additional matching funds, it is possible the county might invest additional funds to acquire open space properties within the GPID's targeted area. If the county were to do so, it would likely invest in the remaining priority properties identified by the GPID steering committee. Those properties lie east of 63<sup>rd</sup> Street, north of Jay Road up to the south side of the subdivisions, and west of the Johnson Trust open space property.

Sincerely,

Janis Whisman  
Real Estate Division Manager  
[jwhisman@bouldercounty.org](mailto:jwhisman@bouldercounty.org)  
(303) 678-6263

**From:** [Oeth, Amy](#)  
**To:** [Kristin Bjornsen](#)  
**Cc:** [Wobus, Nicole](#); [Hackett, Richard](#)  
**Subject:** RE: question for land-use change requests  
**Date:** Tuesday, January 10, 2017 2:51:42 PM  
**Attachments:** [Ltr to A Niehaus \(9-13-16\).pdf](#)  
[FW Please! I Need Answers to These Important Questions!.pdf](#)

---

Hi Kristin,

The attached documents relate to your question and should answer to your question.

Please let me know if you have further questions.

Thank you,

Amy Breunissen Oeth, AICP

Long Range Planner II | Boulder County Land Use Department  
2045 13th Street, Boulder, CO 80302  
Office: 720-564-2623  
[aoeth@bouldercounty.org](mailto:aoeth@bouldercounty.org)  
[www.bouldercounty.org/lu](http://www.bouldercounty.org/lu)

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

From: Kristin Bjornsen [<mailto:bjornsenk@yahoo.com>]  
Sent: Monday, January 09, 2017 8:14 PM  
To: Oeth, Amy  
Subject: Re: question for land-use change requests

Hi Amy,

Thanks for your very thoughtful response!

To answer your question, the error message I got was something like "Form Could Not Be Submitted at This Time" or "Form Failed to Load", with smaller text below that. I've only seen the error one time.

I had looked at Question #28 from the "key facts" document, but it didn't entirely address my question. In an email, POS (and also the BOCC) had mentioned that this open space parcel was different from other open space parcels because no funds were used to acquire it, or something like that (maybe because it was a dedication?). So that was what I couldn't remember and was hoping staff could explain.

Thanks!

Kristin

> On Jan 9, 2017, at 11:49 AM, Oeth, Amy <[aoeth@bouldercounty.org](mailto:aoeth@bouldercounty.org)> wrote:  
>  
> Hi Kristin,  
>  
> Thank you for your comment and question. Can you please provide more information regarding your comment saying that the form was not loading on your computer? Was this the BVCP comment form on the BVCP webpage or the Land Use Planner form? Did you receive a particular error message? I saw that you submitted comments through the BVCP comment form previously, and we have not received any other comments saying the form isn't working. We would like to have a better understanding of what the issue may be.  
>

> Your comment will be added to the comment packet for comments received after Jan. 5. and will be included in the comment appendix of the staff packet that goes to Planning Commission next week, along with those received before the January 5 deadline for comments contributing to staff analysis for the January 11 report.

>

> To answer your question, please see question #28 of the Key Facts document (also copied below): <http://www.bouldercounty.org/doc/landuse/bvcp150001twinlakesfaq.pdf#page=19>

>

> 28. One of the paths for annexation contiguity for the BCHA and BVSD parcels is annexation of a county-owned parcel used as a trail corridor. This parcel located to the northwest of 6655 Twin Lakes Rd. is managed as open space. What would be the effect of annexing this parcel, and would it set a precedent of using open space to support development?

> • No. Annexation of the trail corridor parcel (Outlot 7 of the original Twin Lakes subdivision plat) would not set a precedent of using open space to support development. Annexation of the trail corridor, or of open space, would only change the jurisdiction in which the land is located. The ownership or management would not change. Therefore, if the Boulder County-owned trail corridor parcel in question was annexed, the parcel would remain county-owned and still be maintained as a trail corridor available for public use.

> • Regarding setting precedence, this is a fairly unique situation in which there is county owned land used as open space within a community service area. A community service area is an area planned for annexation and development. Any request for annexation of county owned property interest would be considered based on the specific circumstances of the request, and its consistency with the Boulder Valley Comprehensive Plan (BVCP) and Boulder County Comprehensive Plan (BCCP). In this case:

> 1. The BVCP and BCCP support a compact urban development pattern 2. The BVCP anticipates all Area II land will be annexed into the service area 3. There is a demonstrated need for affordable housing in the community, and addressing that need is consistent with BVCP policy 4. The county has agreed previously to allow open space land in which it owns an interest to be annexed within a city's planning area Therefore, in this case the county would support and pursue potential annexation of open space to facilitate affordable housing development on the BCHA and BVSD parcels.

> • State statute (C.R.S. 31-12-104(a)(1)) allows a municipality to ignore certain types of property (roads, state-owned land, etc.) for purposes of contiguity, but does not allow a municipality to ignore county-owned open space to gain contiguity. This provision does not, however, preclude a county from seeking or allowing annexation of property that is used for or managed as open space, as long as all the statutory requirements for annexation are met.

> • Boulder County-owned open space may only be annexed at the request of the county. Given the unique circumstances described above that would need to exist, the small portion of county open space in a community service area, and the county's deep commitment to the policies of the BVCP and BCCP, the county would only support annexation of open space in rare instances.

> • In recognition of the long history around annexation in Gunbarrel and lack of interest of unincorporated neighborhoods in annexation, the city and county have not moved forward with annexation and have adopted policy language specific to Gunbarrel (BVCP Policy 1.24 Annexation: h).

>

> Amy Breunissen Oeth, AICP

>

> Long Range Planner II | Boulder County Land Use Department

> 2045 13th Street, Boulder, CO 80302

> Office: 720-564-2623

> [aoeth@bouldercounty.org](mailto:aoeth@bouldercounty.org)

> [www.bouldercounty.org/lu](http://www.bouldercounty.org/lu)

>

> -----Original Message-----

> From: Kristin Bjornsen [<mailto:bjornsenk@yahoo.com>]

> Sent: Friday, January 06, 2017 12:07 PM

> To: Oeth, Amy

> Subject: question for land-use change requests

>

> Dear Amy,

>

> I tried to submit a question for staff regarding the Twin Lakes land-use change requests. The form wasn't loading on my computer, however.

- >
- > The question I'm staff can address in their Jan. 11 recommendations is this: BCHA has said on record that it intends to seek annexation via the open space parcel to the north. So my question is: In what ways is this open space property different from other open space properties in the POS system?
- >
- > Thanks for your help!
- >
- > Kristin