



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

MEMO TO: Agencies
FROM: Pete Fogg, Senior Planner
DATE: November 26, 2014
RE: **Docket IGA-14-0001**

Docket IGA-14-0001: Proposed Amendment to the Nederland Area Boulder County Comprehensive Development Plan: Evans Annexation

Request: Review and recommendation to the Board of County Commissioners on a proposed amendment to the Nederland Area Boulder County Comprehensive Development Plan regarding an application to the Town of Nederland for the annexation of a 19.0 +/- acre portion of the Evans Property aka Aspen Trails, located on the east side of County Road 130 in Section 14, T1S R73W for a mixed residential use

Location: 365 Eldora Road (SE ¼ of the SE ¼ of Section 14, T1N R73W)

Applicant: Town of Nederland

Property Owners: Kayla Evans, Joseph Evans and Tamara Ann Holmbe

Webpage: <http://www.bouldercounty.org/property/build/pages/iga140001.aspx>

Boulder County entered into an Intergovernmental Agreement (IGA) with the Town of Nederland in March 2002 whereby both local governments have agreed it is in our mutual best interest to have a Comprehensive Development Plan. The purpose of the plan is to minimize negative impacts on surrounding areas, protect the environment, preclude urban sprawl, and promote orderly growth for the Town.

The applicants have requested an amendment to the existing IGA. Amending this IGA includes public hearings before the Boulder County Planning Commission and the Board of County Commissioners. Adjacent property owners and referral agencies are notified of these hearings.

The Land Use staff, Planning Commission, and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter. Late responses will be reviewed as the process permits; all comments will be made part of the public record and given to the applicant. Only a portion of the submitted documents may have been enclosed; you are welcome to review the entire file posted on our webpage (address above) or at the Land Use Department, 13th and Spruce, Boulder. If you have any questions regarding this application, please contact the Land Use Department office at (303) 441-3930 or via email at pfogg@bouldercounty.org.

Please return responses to the above address by **9:00 a.m. on December 8, 2014.**

_____ We have reviewed the proposal and have no conflicts.
_____ Letter is enclosed.

Signed _____ PRINTED Name _____
Agency or Address _____

Please note that all Land Use Department property owner's mailing lists and parcel maps are generated from the records maintained by the County Assessor and Treasurer Office. We are required to use this list to send notices to the "property owner" of land in Boulder County. If you feel that you should not be considered a "property owner," or if the mailing address used is incorrect, please contact the County Assessor's Office at (303) 441-3530.



MEMORANDUM

To: Dale Case, Boulder County Land Use Director
From: Alisha Reis, Zoning Administrator
Date: Oct. 20, 2014
Re: Aspen Trails Annexation (Evans)

Dale,

Please find attached the Evans Annexation case, as reviewed by the Town. The Board of Trustees voted on Oct. 7, 2014 to move the case for County review (please see attached Resolution 2014-24) in a more formal fashion. This does not negate the fact that we notified the County of the annexation petition, as required by the Town-County IGA, in February and have updated you as new evidence has become available.

Prior to this date, you have received the 1) petition for annexation, 2) Resolution 2014-02 to initiate annexation proceedings and set public hearing, 3) notification of public hearing, 4) property survey, 5) annexation impact report and other items (e.g. meeting minutes).

In discussions with the County as this case was moving to submission, we understood the following issues to be of interest to County officials:

- **Extension of the IGA between the Town and County.**
 - The Board of Trustees has been informed of this but has not yet discussed the subject fully.
- **Limiting proposed annexation to the proposed Aspen Trails acreage only, not to allow for a gateway to further annexations.**
 - The applicant has not proposed and the Board of Trustees has not expressed support for further annexation in this area.
- **Note that property is contiguous with the current Town boundary.**
 - Contiguity is shown on the annexation map attached and is noted in attached Resolution 2014-24, determining findings of fact related to the annexation request.

- **The property can provide a safer connection between the Town and the nearby high school.**
 - Trail right of way is proposed for dedication in this project to make the final connection of the community trail to the high school. Multi-modal connections are planned, including bus service to the proposed neighborhood.
- **Concerns from neighbors are uncovered and addressed.**
 - Various neighbors have expressed concern about the project (see the letters of opposition attached, particularly for neighbors Blatnik and Virginia Evans). The applicant has attempted to address concerns of denser development near to single-family residences in placement of proposed housing, leaving 5-plus acres between.
 - The applicant engaged biologists to attest to elk migration routes in response to neighborhood concerns of disruption (letter attached).
 - The applicant can speak more to neighborhood concerns when she presents her case at the County Planning Commission and Board of County Commissioners.
- **Project will need to address wildfire mitigation concerns.**
 - The property is part of a wildfire mitigation plan for the overall Arapaho Ranch, and the applicant is working on a site-specific plan for the Aspen Trails proposed subdivision.
- **The applicant would consider deletion of Transferable Development Credits held by the Arapaho Ranch.**
 - There are 10 such credits attached to the Ranch, and the applicant has expressed interest in negotiating their deletion.

Per your request to receive the entirety of the case at once, all documents are attached in one electronic file here. Attachments include:

- Annexation Petition with cover letter
- Resolution 2014-02 to initiate annexation proceedings and set public hearing
- Annexation Impact Report
- Annexation Map
- Survey
- Concept Plan
- Draft Annexation Agreement
- NMC Sec. 16-33
- Annexation Master Plan
- Public Comments

- Letter from wildlife biologists
- Resolution 2014-24 to adopt findings of fact related to annexation
- Housing Needs Assessment memo re: Evans Annexation proposal
 - Full Housing Needs Assessment is available at:
<http://nederlandco.org/government/town-documents/>
- Updated project narrative

Please let me know if you have any questions and what next steps may be. Please note: the applicant's contact information is as follows.

Kayla Evans
Arapaho Ranch
1250 Eldora Road, Nederland, CO 80466
(303) 258-3405 or arapahoranch47@msn.com

TOWN OF NEDERLAND
Boulder County, Colorado

RESOLUTION 2014 - 24

A RESOLUTION MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF PROPERTY TO THE TOWN OF NEDERLAND AND REFERRING THE SAME TO THE BOULDER COUNTY PLANNING COMMISSION AND BOARD OF COUNTY COMMISSIONERS FOR REVIEW AND ACTION

WHEREAS, the Town of Nederland, Colorado (“Town”) received an annexation petition dated January 10, 2014, from Kayla Evans, Joseph Evans and Tamara Ann Holmboe, owners of 100% of the property identified as Aspen Trails and further described in **Exhibit A** hereto (“Annexation Petition”); and

WHEREAS, on February 4, 2014, in accordance with C.R.S. § 31-12-108 and by Town Resolution No. 2014-02, the Town Board of Trustees (“Board”) found the Annexation Petition to substantially comply with C.R.S. § 31-12-107(1) and Section 15-3 of the Nederland Municipal Code (“Code”) and scheduled a public hearing thereon for March 18, 2014; and

WHEREAS, the Town is a party to an intergovernmental agreement with Boulder County (the “County”), dated March 7, 2002, entitled “Intergovernmental Agreement Nederland Area Boulder County Comprehensive Development Plan (the “Intergovernmental Agreement”), the terms of which require the Board to refer any proposed annexation to the Town electors and to refer any annexation petition it receives to the County for review and recommendation by the County Planning Commission and review and approval or disapproval by the County Board of County Commissioners (“County Commissioners”); and

WHEREAS, the Board finds that it is necessary and desirable to conclude its own consideration of the Annexation Petition and to receive the recommendation of the County Planning Commission and decision of the County Commissioners on the Annexation Petition prior to calling a special election on the Annexation Petition in the interests of receiving and referring any recommended conditions on the proposed annexation to the voters and to prevent the unnecessary expenditure of Town time and resources in preparation for such an election if the annexation is disapproved by the County Commissioners; and

WHEREAS, after accepting well over an hour of testimony and evidence during the March 18, 2014 public hearing on the Annexation Petition, the Board continued the hearing to May 6, 2014 to permit the collection of additional evidence the Board deemed relevant to the proposed annexation, including a Housing Needs Assessment; and

WHEREAS, still awaiting the completion of the Housing Needs Assessment on May 6, 2014, the Board continued the public hearing on the Annexation Petition to July 15, 2014, and again, on that date, to October 7, 2014; and

WHEREAS, on October 7, 2014, the Board opened the public hearing on the Annexation Petition and accepted additional testimony and evidence thereon, including the Housing Needs Assessment, and

WHEREAS, after concluding the hearing on October 7, 2014, the Board finds that it has accepted sufficient evidence and testimony to render its findings and conclusion on the Annexation Petition, as required by C.R.S. § 31-12-110, and to definitively and formally refer the matter to the County Planning Commission and County Commissioners to request that those bodies conduct and complete their review and action on the Annexation Petition as required by the Intergovernmental Agreement, as further set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND, COLORADO, THAT:

Section 1. The above and foregoing recitals are hereby adopted as findings and determinations of the Board and are incorporated herein by reference.

Section 2. The Board hereby finds and concludes with regard to the annexation of the territory described in **Exhibit A**, attached hereto and incorporated herein by reference, that:

- a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the Town;
- b. No land held in identical ownership has been divided or included without written consent of the owner thereof;
- c. A community of interest exists between the area proposed to be annexed and the Town, the subject property will be urbanized in the near future and is capable of being integrated with the Town;
- d. No annexation proceedings have been commenced by another municipality;
- e. The annexation will not result in the detachment of area from a school district;
- f. The annexation will not result in the extension of the Town boundary more than three miles; and
- g. In establishing the boundaries of the area to be annexed the entire width of any street or alley is included within the area annexed.

Section 3. Based upon the foregoing findings, the Board determines and concludes as follows:

- a. The proposed annexation meets the applicable requirements of Sections 31-12-104 and 105, C.R.S. and Section 30 of Article II, Colorado Constitution;
- b. An election is not required under C.R.S. 31-12-107(2) or Section 30(1)(a) of the Colorado Constitution, though an election on the proposed annexation may occur in accordance with the Intergovernmental Agreement if the proposed annexation is approved by the County Commissioners and referred to the voters by the Board; and
- c. No additional terms and conditions specific to this annexation are to be

imposed by the Board at this time, recognizing and allowing that additional terms and conditions may be recommended or imposed as the Annexation Petition proceeds through the referral process pursuant to the Intergovernmental Agreement.

Section 4. The Board hereby formally refers the Annexation Petition to the County Planning Commission and County Commissioners and respectfully requests the prompt review and action required of each respective body by the Intergovernmental Agreement.

Section 5. The Board directs Town Staff to provide to the County any materials and assistance necessary or requested to facilitate County review and action on the Annexation Petition, including but not limited to the review and/or preparation, as appropriate, of an amendment to the Intergovernmental Agreement to reflect the amended boundaries of the Town, if the proposed annexation is ultimately approved, if such amendment is determined by the County to be a prerequisite to its action on the Annexation Petition.

Section 5. This Resolution is neither intended nor shall it be construed to constitute approval of the Annexation Petition by the Town, it being the intent of the Board to further act by one or more ordinances, as necessary and as determined desirable by the Board, to call an election, refer the matter to Town electors, approve the annexation upon voter approval or perform any other formal act necessary or desirable to affect the annexation, depending on the recommendation and decision rendered by the County under the terms of the Intergovernmental Agreement and all other relevant facts and circumstances.

RESOLVED, APPROVED and ADOPTED this 7th day of October, 2014.

TOWN OF NEDERLAND

By: 
Joe Gierlach, Mayor

ATTEST:


Cynthia Bakke, Deputy Town Clerk

{SEAL}

EXHIBIT A

[Insert Legal Description]

Town of Nederland
Board of Trustees
45 West First Street
PO Box 396
Nederland, CO 80466

Date: January 10, 2014

RE: Petition for Annexation

To the Town of Nederland Trustees,

Attached is our Petition for Annexation for the Trustees to review and approve so it can be added it to the next public ballot.

The proposed property is a +/- 19.0 acre site that is part of the current Arapahoe Ranch Property. The property is bordered by Town of Nederland on the east side, the Eldora Road (Hyw 130) on the North and West side and Forest Service Property / BVSD Property and Town of Nederland Water Treatment Plant on the South Side.
(See legal description for exact location and size)

The proposed annexation would provide a contiguous addition to the town limits without creating an island or expensive extension of Town services and roads.

The petition includes the following:

- Official petition with required signatures and legal description
- \$1,500 escrow for Town Engineering Staff
- Topo Survey and other survey information by Zenith Land Surveying
- Potential development Map prepared by RE Architecture, Boulder CO
- Vision Statement and explanation of the proposed annexation and proposed development.
- Community / County Support

We are looking forward to your review comments and valuable input on this exciting proposal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kayla Evans', with a long horizontal flourish extending to the right.

Kayla Evans
Manager, Aspen Trail's LLC
1250 Eldora Road
Nederland CO 80466

PETITION FOR ANNEXATION

TO: The Board of Trustees of the Town of Nederland, Colorado

The undersigned owners of more than fifty percent (50%) of property proposed to be annexed, exclusive of streets and alleys, which property is described in Exhibit "A", attached hereto and made a part hereof, hereby petition the Town of Nederland for annexation of the property described in Exhibit "A" (the "Property"), in accordance with the provisions of Part 1 of Article 12 of Title 31, C.R.S.

In support of this petition, petitioners' state:

1. It is desirable and necessary that the Property be annexed to the Town of Nederland.
2. The requirements of the applicable provisions of Sections 31-12-104 and 31-12-105, C.R.S. exist or have been met.
3. Not less than one-sixth of the perimeter of the Property is contiguous with the Town of Nederland.
4. A community of interest exists between the Property and the Town of Nederland.
5. The Property is urban or will be urbanized in the near future.
6. The Property is integrated with or capable of being integrated with the Town of Nederland.
7. In establishing the boundaries of the Property, no land held in identical ownership has been divided into separate parts or parcels without the written consent of the landowner unless separated by a dedicated street, road or other public way.
8. No land held in identical ownership comprising twenty (20) acres or more which has a valuation for assessment in excess of Two Hundred Thousand Dollars (\$200,000.00) for the preceding tax year has been included in the boundary of the Property without the written consent of the landowner.
9. The boundaries of the Property to be annexed include the full width of any county road abutting any of the property to be annexed.
10. No annexation proceedings have been commenced for the annexation of all or part of the Property to another municipality.
11. Annexation of the Property will not result in the detachment of area from any school district or attachment of area to another school district.

12. Upon the effective date of the Annexation Ordinance, all lands within the Property shall become subject to all ordinances, resolutions, rules and regulations of the Town of Nederland, except for general property taxes of the Town of Nederland, if any, which shall become effective on January 1st of the next succeeding year following passage of the Annexation Ordinance.

13. Petitioners are owners of more than fifty percent (50%) of the territory included in the area proposed to be annexed, exclusive of streets and alleys, and comprise more than fifty percent (50%) of the landowners of such area, and are, in fact, owners of one hundred percent (100%) of the area proposed to be annexed, exclusive of streets and alleys.

14. Accompanying this petition are four copies of an annexation map showing the seal of a registered engineer or land surveyor, containing:

- a. A written legal description of the boundaries of the Property proposed to be annexed;
- b. The boundary of the Property and the boundary of the Property contiguous with the Town of Nederland and any other municipality abutting the Property;
- c. The location of each ownership tract of unplatted land, there being no platted land on the Property;
- d. The total acreage, more or less, of the Property;
- e. The total length of the perimeter of the boundary of the Property and the length of the boundary of the Property contiguous with the Town of Nederland;
- f. The width of any county roads abutting the Property.

15. No part of the area proposed to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will take place.

16. The area proposed to be annexed is located within, or will be incorporated into, the following overlapping local government boundaries: Boulder County, Boulder Valley School District RE-2, and the Nederland Fire Protection District.

17. The mailing address of each signer, the legal description of the land owned by each signer and the date of signing of each signature are all shown on this Petition.

18. The territory to be annexed is not presently a part of any incorporated Town.

19. Petitioners understand that the Town of Nederland does not guarantee municipal water and sewer services to the Property. Failure to provide such services to the Property shall not be cause for disconnection of the Property at any future time.

20. No vested rights to use or develop the Property in any particular way, as defined in Section 24-68-101, et seq., C.R.S. have been requested by Petitioners from any governmental entity. Petitioners waive any vested land use rights attached to any or all of the Property, except as specifically provided in the Annexation Agreement referred to herein.

21. Petitioners shall dedicate all water rights for the Property to the Town as required by ordinance.

22. The Property Owner shall pay all fees and costs incurred by the Town in processing this annexation petition through the annexation hearing before the Board of Trustees.


23. In the event the Property is annexed to the Town and conveyed to a governmental entity within ten years of such annexation, this Petition shall constitute an application to the Town for disconnection by the Property owner and the Town, in its discretion, may determine to disconnect the Property ~~as provided by C.R.S. Section 31-12-501, et seq., as amended.~~

24. The petitioners acknowledge that upon annexation of the Property to the Town, the Property, the owners thereof, and uses thereon will be subject to all taxes and fees imposed by the Town. The Property, the owners thereof, and the uses thereon are also bound by any taxes imposed and voter authorization under Art. X, Sec. 20 adopted prior to annexation of the Property. The petitioners waive any claims they may have under Art. X, Sec. 20 of the Colorado Constitution related to such taxes and fees.

25. The proposed Annexation Agreement attached hereto has been negotiated with Town staff and is acceptable to Property Owner. Any changes to the agreement agreed to by the Town and the Property Owner prior to the annexation being effective shall not be considered additional terms and conditions imposed by the Town.

WHEREFORE, the undersigned petitioners request that the Town of Nederland approve the annexation of the Property.

Property Owner:

KAYLA EVANS

1250 ELDORA ROAD
NEDERLAND, CO 80466

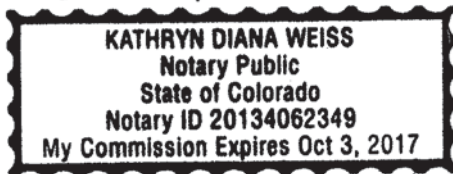
Dated: 1/30/2014

By: Kayla Evans

Its: _____

Mailing Address:

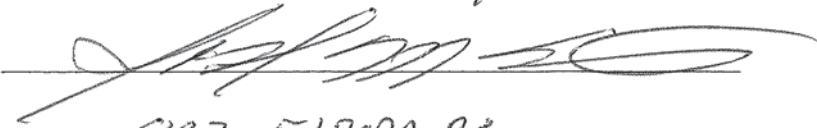
The foregoing instrument was acknowledged before me
this 30th day of January 2014 by Kayla Evans.
County of Boulder, State of Colorado.



KD Weiss
my Comm. exp 10/3/17

WHEREFORE, the undersigned petitioners request that the Town of Nederland approve the annexation of the Property.

Property Owner:

JOSEPH EVANS

897 ELDORA RD
NEDERLAND, CO 80466

Dated: _____

By: _____

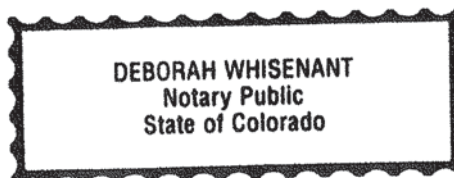
Its: _____

Mailing Address: _____

The foregoing instrument was acknowledged before me this 6th day of January 2014 by Joseph Evans. County of Boulder State of Colorado.



My commission expires
June 27, 2016



WHEREFORE, the undersigned petitioners request that the Town of Nederland approve the annexation of the Property.

Property Owner:

Tamara Ann Holmboe
7904 S. Franklin Ct.
Centennial, CO 80122
Tamara Ann Holmboe

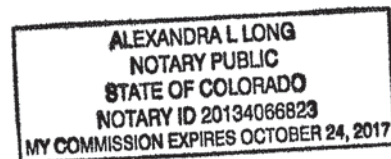
Dated: 12/31/13

By: _____

Its: _____

Mailing Address:

Subscribed and sworn to before me this 31 day of December 2013
by Alexandra L. Long
County of Jefferson, State of Colorado
Alexandra L. Long




Wells Fargo Bank, N.A.
Southwest Plaza
8500 W. Bowles Ave.
Littleton, CO 80123-3200

AFFIDAVIT OF CIRCULATOR

The undersigned, being of lawful age, who being first duly sworn upon oath, deposes and says:

That (he or she) was the circulator of the foregoing Petition for Annexation of lands to the Town of Nederland, Colorado, and that the signatures thereon were witnessed by affiant and are the signatures of the persons whose names they purport to be.



Circulator

STATE OF COLORADO)

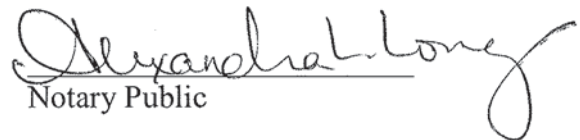
) ss.

COUNTY OF Jefferson

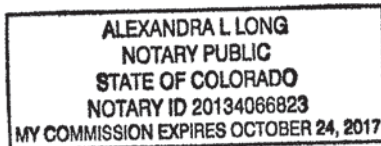
On the 31 day of December, 2013, before me personally came Kayla Lee Evans to me known, and known to me to be the individual described in, and who executed the foregoing instrument, and who acknowledged to me that he executed the same.

Witness my hand and official seal.
My Commission expires:

[S E A L]



Notary Public



**TOWN OF NEDERLAND
Boulder County, Colorado**

RESOLUTION 2014 - 02

A RESOLUTION OF THE NEDERLAND BOARD OF TRUSTEES ACCEPTING AN ANNEXATION PETITION, INITIATING ANNEXATION PROCEEDINGS, AND SETTING A PUBLIC HEARING

WHEREAS, the Town of Nederland, Colorado ("Town") received an annexation petition from Kayla Evans, Joseph Evans and Tamara Ann Holmboe, owners of 100% of the property identified as Aspen Trails, dated January 10, 2014 ("Annexation Petition"); and

WHEREAS, the Town Clerk has communicated her receipt of the Annexation Petition to the Town Board of Trustees pursuant to C.R.S. §§ 31-12-107; and

WHEREAS, a copy of the Annexation Petition is attached to this Resolution; and

WHEREAS, Town staff has reviewed the Annexation Petition and found the same to substantially comply with C.R.S. § 31-12-107(1) and Section 15-3 of the Nederland Municipal Code ("Code").

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND, COLORADO, THAT:

Section 1. The Board of Trustees of the Town of Nederland ("Board") hereby finds that the Annexation Petition substantially conforms to the requirements of C.R.S. § 31-12-107(1) and Code Section 15-3.

Section 2. The Board hereby directs that procedures for annexation be commenced pursuant to Title 31, Article 12, Part 1 of the Colorado Revised Statutes and Chapter 15 of the Code.

Section 3. The Board hereby declares that on March 18, 2014, at 7:00 P.M., or as soon thereafter as the matter may be heard, at the Nederland Community Center, 750 Highway 72 North, Nederland, Colorado, a public hearing will be held to determine if the proposed annexation complies with C.R.S. §§ 31-12-104 and 31-12-105, and any other requirements concerning eligibility for annexation under Part 1 of Article 12 of Title 31, Colorado Revised Statutes and Chapter 15 of the Code.


Section 4. The Town Clerk and Town Administrator are hereby directed to provide notice of the hearing in accordance with C.R.S. § 31-12-108(2) and Code Section 15-3(a)(2) and (3).

Section 5. Town Staff is further directed to prepare an Annexation Impact Report, and provide copies thereof, all in accordance with C.R.S. § 31-12-108.5 and Code Section 15-4.

RESOLVED, APPROVED and ADOPTED this 4th day of February, 2014.

TOWN OF NEDERLAND

By:


Joe Gierlach, Mayor

ATTEST:


Michele Martin, Town Clerk



PETITION FOR ANNEXATION

TO: The Board of Trustees of the Town of Nederland, Colorado

The undersigned owners of more than fifty percent (50%) of property proposed to be annexed, exclusive of streets and alleys, which property is described in Exhibit "A", attached hereto and made a part hereof, hereby petition the Town of Nederland for annexation of the property described in Exhibit "A" (the "Property"), in accordance with the provisions of Part 1 of Article 12 of Title 31, C.R.S.

In support of this petition, petitioners' state:

1. It is desirable and necessary that the Property be annexed to the Town of Nederland.
2. The requirements of the applicable provisions of Sections 31-12-104 and 31-12-105, C.R.S. exist or have been met.
3. Not less than one-sixth of the perimeter of the Property is contiguous with the Town of Nederland.
4. A community of interest exists between the Property and the Town of Nederland.
5. The Property is urban or will be urbanized in the near future.
6. The Property is integrated with or capable of being integrated with the Town of Nederland.
7. In establishing the boundaries of the Property, no land held in identical ownership has been divided into separate parts or parcels without the written consent of the landowner unless separated by a dedicated street, road or other public way.
8. No land held in identical ownership comprising twenty (20) acres or more which has a valuation for assessment in excess of Two Hundred Thousand Dollars (\$200,000.00) for the preceding tax year has been included in the boundary of the Property without the written consent of the landowner.
9. The boundaries of the Property to be annexed include the full width of any county road abutting any of the property to be annexed.
10. No annexation proceedings have been commenced for the annexation of all or part of the Property to another municipality.
11. Annexation of the Property will not result in the detachment of area from any school district or attachment of area to another school district.

12. Upon the effective date of the Annexation Ordinance, all lands within the Property shall become subject to all ordinances, resolutions, rules and regulations of the Town of Nederland, except for general property taxes of the Town of Nederland, if any, which shall become effective on January 1st of the next succeeding year following passage of the Annexation Ordinance.

13. Petitioners are owners of more than fifty percent (50%) of the territory included in the area proposed to be annexed, exclusive of streets and alleys, and comprise more than fifty percent (50%) of the landowners of such area, and are, in fact, owners of one hundred percent (100%) of the area proposed to be annexed, exclusive of streets and alleys.

14. Accompanying this petition are four copies of an annexation map showing the seal of a registered engineer or land surveyor, containing:

- a. A written legal description of the boundaries of the Property proposed to be annexed;
- b. The boundary of the Property and the boundary of the Property contiguous with the Town of Nederland and any other municipality abutting the Property;
- c. The location of each ownership tract of unplatted land, there being no platted land on the Property;
- d. The total acreage, more or less, of the Property;
- e. The total length of the perimeter of the boundary of the Property and the length of the boundary of the Property contiguous with the Town of Nederland;
- f. The width of any county roads abutting the Property.

15. No part of the area proposed to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will take place.

16. The area proposed to be annexed is located within, or will be incorporated into, the following overlapping local government boundaries: Boulder County, Boulder Valley School District RE-2, and the Nederland Fire Protection District.

17. The mailing address of each signer, the legal description of the land owned by each signer and the date of signing of each signature are all shown on this Petition.

18. The territory to be annexed is not presently a part of any incorporated Town.

19. Petitioners understand that the Town of Nederland does not guarantee municipal water and sewer services to the Property. Failure to provide such services to the Property shall not be cause for disconnection of the Property at any future time.

20. No vested rights to use or develop the Property in any particular way, as defined in Section 24-68-101, et seq., C.R.S. have been requested by Petitioners from any governmental entity. Petitioners waive any vested land use rights attached to any or all of the Property, except as specifically provided in the Annexation Agreement referred to herein.

21. Petitioners shall dedicate all water rights for the Property to the Town as required by ordinance.

22. The Property Owner shall pay all fees and costs incurred by the Town in processing this annexation petition through the annexation hearing before the Board of Trustees.


23. In the event the Property is annexed to the Town and conveyed to a governmental entity within ten years of such annexation, this Petition shall constitute an application to the Town for disconnection by the Property owner and the Town, in its discretion, may determine to disconnect the Property as provided by C.R.S. Section 31-12-501, et seq., as amended.

24. The petitioners acknowledge that upon annexation of the Property to the Town, the Property, the owners thereof, and uses thereon will be subject to all taxes and fees imposed by the Town. The Property, the owners thereof, and the uses thereon are also bound by any taxes imposed and voter authorization under Art. X, Sec. 20 adopted prior to annexation of the Property. The petitioners waive any claims they may have under Art. X, Sec. 20 of the Colorado Constitution related to such taxes and fees.

25. The proposed Annexation Agreement attached hereto has been negotiated with Town staff and is acceptable to Property Owner. Any changes to the agreement agreed to by the Town and the Property Owner prior to the annexation being effective shall not be considered additional terms and conditions imposed by the Town.

WHEREFORE, the undersigned petitioners request that the Town of Nederland approve the annexation of the Property.

Property Owner:

KAYLA EVANS

1270 EDNA ROAD
NEDERLAND, CO 80466

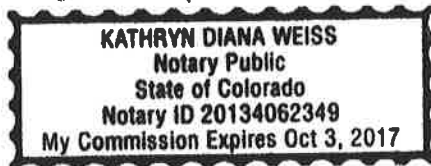
Dated: 1/30/2014

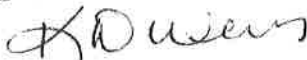
By: Kayla Evans

Its: _____

Mailing Address:

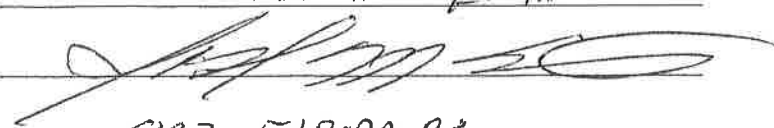
The foregoing instrument was acknowledged before me
this 30th day of January 2014 by Kayla Evans
County of Boulder, State of Colorado.




my Comm. exp. 10/3/17

WHEREFORE, the undersigned petitioners request that the Town of Nederland approve the annexation of the Property.

Property Owner:

JOSEPH EVANS

897 ELDORA RD
NEDERLAND, CO 80466

Dated: _____

By: _____

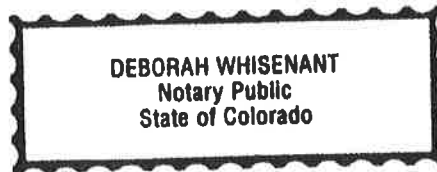
Its: _____

Mailing Address:

The foregoing instrument was acknowledged before me this 6th day of January 2014 by Joseph Evans. County of Boulder State of Colorado.



My commission expires
June 27, 2016



WHEREFORE, the undersigned petitioners request that the Town of Nederland approve the annexation of the Property.

Property Owner:

Tamara Ann Holmboe
7904 S. Franklin Ct.
Centennial, CO 80122
Tamara Ann Holmboe

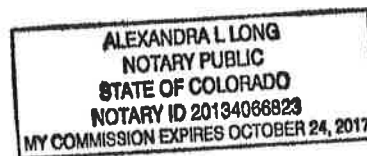
Dated: 12/31/13

By: _____

Its: _____

Mailing Address:

Notary Public
I, Alexandra L. Long
do hereby certify that on this 31 day of December, 2013,
at Centennial, Colorado,
County of Jefferson, State of Colorado,
Alexandra L. Long




Wells Fargo Bank, N.A.
Southwest Plaza
8500 W. Bowles Ave.
Littleton, CO 80123-3200

AFFIDAVIT OF CIRCULATOR

The undersigned, being of lawful age, who being first duly sworn upon oath, deposes and says:

That (he or she) was the circulator of the foregoing Petition for Annexation of lands to the Town of Nederland, Colorado, and that the signatures thereon were witnessed by affiant and are the signatures of the persons whose names they purport to be.



Circulator

STATE OF COLORADO)

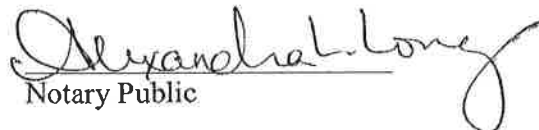
) ss.

COUNTY OF Jefferson

On the 31 day of December, 2013, before me personally came Kayla Lee Evans to me known, and known to me to be the individual described in, and who executed the foregoing instrument, and who acknowledged to me that he executed the same.

Witness my hand and official seal.
My Commission expires:

[S E A L]



Notary Public

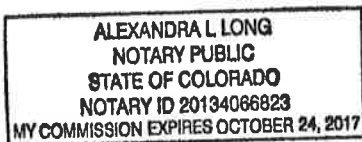


EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY



LAND SURVEY PLAT

AND TOPOGRAPHIC MAP OF A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF
THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 1 SOUTH,
RANGE 73 WEST OF THE 6TH P.M, COUNTY OF BOULDER, STATE OF COLORADO

PROPERTY DESCRIPTION:

A PARCEL OF LAND FOUND IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 1 SOUTH, RANGE 73 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 14 AS MONUMENTED BY A 1941 GENERAL LAND OFFICE BRASS CAP ON A PIPE, SAID CORNER BEING THE TRUE POINT OF BEGINNING, AND CONSIDERING THE SOUTH LINE OF THE SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, AS MONUMENTED ON THE WEST END BY A 2011 FOREST SERVICE ALUMINUM CAP, TO BEAR SOUTH 87°17'10" WEST WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE ALONG THE SAID SOUTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14 SOUTH 87°17'10" WEST 1,237.04 FEET TO A POINT ON THE EAST RIGHT-OF-WAY (ROW) OF COUNTY ROAD 130 (ELDORA ROAD) AS DOCUMENTED IN RECEPTION #2348500 & #2348501 AT THE BOULDER COUNTY CLERK AND RECORDER'S OFFICE;

THENCE DEPARTING THE SAID SOUTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14 AND ALONG THE SAID EAST ROW OF COUNTY ROAD 130 THE FOLLOWING THIRTY (30) COURSES:

NORTH 34°14'19" EAST 91.93 FEET (L1);
NORTH 34°25'06" EAST 86.91 FEET (L2);
NORTH 37°28'10" EAST 47.48 FEET (L3);
NORTH 40°19'30" EAST 77.49 FEET (L4);
NORTH 46°26'05" EAST 65.16 FEET (L5);
NORTH 46°08'53" EAST 129.10 FEET (L6);
NORTH 20°21'01" EAST 20.09 FEET (L7);
NORTH 29°10'17" EAST 45.82 FEET (L8);
NORTH 39°39'48" EAST 99.50 FEET (L9);
NORTH 41°22'10" EAST 35.13 FEET (L10);
NORTH 43°03'09" EAST 70.82 FEET (L11);
NORTH 43°26'23" EAST 44.90 FEET (L12);
NORTH 47°54'31" EAST 65.10 FEET (L13);
NORTH 50°11'17" EAST 89.14 FEET (L14);
SOUTH 45°52'08" EAST 21.85 FEET (L15);
NORTH 63°42'59" EAST 30.50 FEET (L16);
NORTH 62°39'40" EAST 59.22 FEET (L17);
NORTH 62°14'05" EAST 64.31 FEET (L18);
NORTH 31°51'32" EAST 40.68 FEET (L19);
NORTH 68°23'19" EAST 62.36 FEET (L20);
NORTH 66°58'21" EAST 52.05 FEET (L21);
NORTH 66°27'04" EAST 47.18 FEET (L22);
NORTH 75°22'38" EAST 36.20 FEET (L23);
NORTH 66°04'04" EAST 41.69 FEET (L24);
NORTH 70°06'12" EAST 31.54 FEET (L25);
NORTH 73°43'58" EAST 45.69 FEET (L26);
NORTH 66°18'12" EAST 40.59 FEET (L27);
NORTH 64°05'34" EAST 61.42 FEET (L28);
NORTH 74°59'21" EAST 51.90 FEET (L29);
NORTH 69°42'31" EAST 4.10 FEET (L30) TO A POINT ON THE EAST LINE OF THE SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14;

THENCE DEPARTING THE SAID SOUTH ROW OF COUNTY ROAD 130 AND ALONG THE SAID EAST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14 SOUTH 00°47'24" WEST 926.97 FEET TO THE TRUE POINT OF BEGINNING AND CONTAINING 16.8 ACRES, BEING ALSO 732.993.6 FT² MORE OR LESS.

TOPOGRAPHY NOTES:

1. BENCHMARK: NGS MONUMENT DESIGNATION 8449.1, PID K00778, A CHISELED □ IN THE TOP OF A GRANITE BOULDER ON THE NORTH SIDE OF THE PEAK TO PEAK HIGHWAY RECOVERED AS DESCRIBED IN THE NGS DATASHEET. ELEVATION=8452.50 (NAVD83).

2. PER THE CLIENT'S REQUEST, VISIBLE EVIDENCE TOGETHER WITH MARKED UTILITY LOCATIONS ARE SHOWN. THE LOCATION AND ALIGNMENT OF BURIED UTILITIES WAS BASED ON BOTH VISIBLE SURFACE EVIDENCE AND SURFACE MARKINGS PLACED BY THE UTILITY COMPANY OR A PRIVATE UTILITY LOCATING SERVICE. THESE MARKINGS ARE ±18" FROM THE TRUE LOCATIONS. ZENITH LAND SURVEYING, INC. CAN MAKE NO WARRANTY, EXPRESSED OR IMPLIED, THAT ALL BURIED UTILITIES ARE SHOWN OR THAT THOSE SHOWN WERE ACCURATELY MARKED. ZENITH LAND SURVEYING, INC. RELIED UPON THE EXPERTISE OF THE LOCATING TECHNICIAN TO PROPERLY AND ACCURATELY MARK ALL BURIED UTILITIES. IF MORE ACCURATE LOCATIONS ARE REQUIRED, THE COVER MATERIAL MUST BE REMOVED AND THE EXPOSED UTILITY CAN BE FIELD LOCATED.

3. THERE IS AN UNDERGROUND WATERLINE ALONG THE SOUTH SIDE OF COUNTY ROAD 130 APPROXIMATELY ALONG THE DITCH CENTERLINE. IT IS SHOWN HEREON BASED ON A PLAN DATED APRIL 10, 1979 OBTAINED FROM THE TOWN OF NEDERLAND WATER DEPARTMENT. THE UTILITY LOCATING COMPANY WAS NOT ABLE TO DETERMINE AND MARK THE LOCATION, SO THE LOCATION HEREON IS APPROXIMATE. THE WATER VALVE WAS EXPOSED AND LOCATED IN THE FIELD.

4. SOME OF THE SANITARY MANHOLES ARE SHOWN HEREON WITH AN INVERT AT CENTERLINE ONLY, BECAUSE THE MANHOLE LIDS WERE OFFSET ENOUGH TO MAKE A PRECISE DETERMINATION OF THE INVERT AT THE EDGES OF THE MANHOLE BASES IMPRACTICAL.

5. THE BARBED WIRE FENCE ALONG THE NORTH PORTION OF THE EAST PROPERTY LINE AND THE WOMEN WIRE/WOOD FENCE ALONG THE SOUTH PORTION OF THE EAST PROPERTY LINE ARE BOTH APPROXIMATELY COINCIDENT WITH THE PROPERTY LINE.

6. ACCORDING TO RECEPTION #2348500 (STENGEL'S RIGHT-OF-WAY (ROW) PLAT DEPOSITED AS LS-02-0152 AT THE BOULDER COUNTY LAND USE DEPARTMENT) AND THE QUIT CLAIM DEED RECORDED AS RECEPTION #2348501 AT THE BOULDER COUNTY CLERK AND RECORDER'S OFFICE, THE ROW FOLLOWS ALONG THE BARBED WIRE FENCE ALONG COUNTY ROAD NO. 130. THE LINEWORK FOR THE ROW (L1-L30) IS SHOWN PER STENGEL'S CALLS.

BOUNDARY NOTES:

1. ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NORTH AMERICAN DATUM 1983. THE BEARING OF THE LINE BETWEEN THE FOUND MONUMENT AT THE SOUTHEAST CORNER OF SECTION 14 AND FOUND MONUMENT AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14 IS S 87°17'10" W.

2. AT THE REQUEST OF THE CLIENT, AND IN ACCORDANCE WITH 38-51-106(1)(a)(ii), RIGHTS-OF-WAY AND EASEMENTS ARE NOT SHOWN ON THIS LAND SURVEY PLAT.

3. AT THE REQUEST OF THE CLIENT, THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A TITLE REPORT. A TITLE SEARCH WAS NOT CONDUCTED BY ZENITH LAND SURVEYING, INC. THERE MAY BE EASEMENTS, RIGHTS OF WAY, OR OTHER ENCUMBRANCES IN THE PUBLIC RECORD THAT MAY AFFECT THIS PROPERTY THAT ARE NOT SHOWN ON THIS SURVEY.

4. ALL ADJONER OWNER INFORMATION WAS TAKEN FROM THE BOULDER COUNTY EMAPPING WEBSITE.

5. ALL MEASUREMENTS ARE IN US SURVEY FEET.

6. THIS LAND SURVEY PLAT IS IN PRELIMINARY FORM. NO PROPERTY CORNER MONUMENTATION HAS BEEN SET AT THIS TIME. THIS PRELIMINARY LAND SURVEY PLAT IS INTENDED TO BE A PART OF A SUBMISSION FOR ANNEXATION INTO THE TOWN OF NEDERLAND. UPON ANNEXATION MONUMENTATION WILL BE SET AND THIS LAND SURVEY PLAT WILL BE COMPLETED AND DEPOSITED AT THE BOULDER COUNTY LAND USE DEPARTMENT.

7. THE PROPERTY SHOWN HEREON IS A PART OF THE ARAPAHO RANCH PROPERTY AND IS NOT AT THIS TIME CONSIDERED A SEPARATE PARCEL. THEREFORE, A RECORD DESCRIPTION OF THIS PARCEL DOES NOT EXIST SEPARATE FROM THE OVERALL RANCH. THE CURRENT VESTING DEEDS ARE RECEPTION #683211-14. THE PROPERTY DESCRIPTION SHOWN ON THIS SHEET IS A NEW PROPERTY DESCRIPTION FOR THIS PARCEL ONLY AND FOR THE PURPOSES OF ANNEXATION ONLY.

LEGEND

S 89°39'28" W 217.44' AS MEASURED DIMENSION

(S 89°37'00" W 217.50') PLATTED OR DEEDED DIMENSION
(IF DIFFERENT FROM MEASURED)

◆ MONUMENT FOUND AS DESCRIBED.
● MONUMENT SET, #5 REBAR WITH 2" ALUMINUM CAP STAMPED "ZLS PLS 34993" UNLESS OTHERWISE NOTED

ASPHALT PAVEMENT

—T-S-W— UNDERGROUND TELEPHONE,
SANITARY SEWER, WATER,
OVERHEAD ELECTRIC,

□ WOOD FENCE

□ GUARD RAIL

—X— BARBED WIRE FENCE

—O— CHAIN LINK FENCE

~~~~~ TREE LINE

X 5893.5 SPOT ELEVATION

⋈ POWER POLE

○ GUY POLE WITH GUY WIRE

⊙ SANITARY SEWER MANHOLE

⋈ TELEPHONE PEDESTAL

◆ UNDERGROUND UTILITY MARKER

○ CLEAN OUT

⋈ WATER VALVE

↓ SIGN

## GENERAL NOTES:

1. ACCORDING TO COLORADO STATE LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

2. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.

3. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF ASPEN TRAILS LLC. USE OF THIS PLAT BY ANY OTHER PERSON OR ENTITY WITHOUT THE EXPRESSED WRITTEN CONSENT OF ZENITH LAND SURVEYING, INC. IS PROHIBITED.

4. THIS SURVEY IS VALID ONLY WITH THE ORIGINAL SIGNATURE AND SEAL OF THE SURVEYOR.

## SURVEYOR'S CERTIFICATION:

I, EARL F. HENDERSON, A LICENSED LAND SURVEYOR IN THE STATE OF COLORADO, CERTIFY FOR AND ON BEHALF OF ZENITH LAND SURVEYING, INC. TO ASPEN TRAILS LLC THAT THE SURVEY SHOWN HEREON WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE TOPOGRAPHIC FIELD WORK WAS COMPLETED ON 05/24/2013 AND THAT THE BOUNDARY FIELD WORK WAS COMPLETED ON XX/XX/2014, THAT IT IS BASED UPON MY KNOWLEDGE, INFORMATION AND BELIEF, THAT IT HAS BEEN PREPARED IN ACCORDANCE WITH APPLICABLE STANDARDS, THAT IT IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED AND IS, TO THE BEST OF MY KNOWLEDGE, ACCURATE AND COMPLETE.

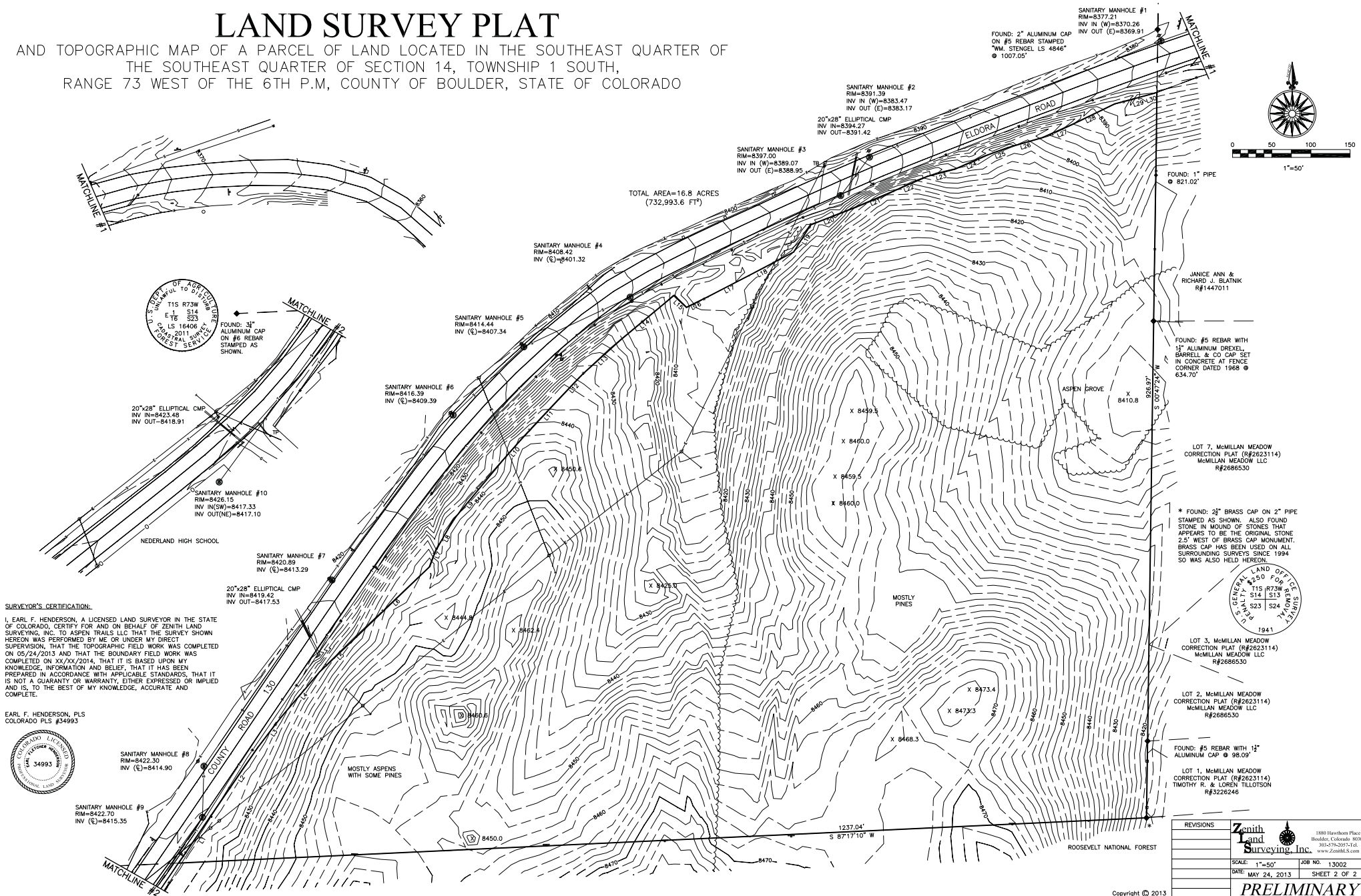
EARL F. HENDERSON, PLS  
COLORADO PLS #34993




| REVISIONS | Zenith Land Surveying, Inc. | 1880 Hawthorn Place<br>Boulder, Colorado 80304<br>303.478-2097 • Fax:<br>www.zenithland.com |
|-----------|-----------------------------|---------------------------------------------------------------------------------------------|
|           | SCALE: 1"=50'               | JOB NO. 13002                                                                               |
|           | DATE: MAY 24, 2013          | SHEET 1 OF 2                                                                                |
|           |                             | <b>PRELIMINARY</b>                                                                          |

Copyright © 2013

AND TOPOGRAPHIC MAP OF A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF  
THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 1 SOUTH,  
RANGE 73 WEST OF THE 6TH P.M. COUNTY OF BOULDER, STATE OF COLORADO

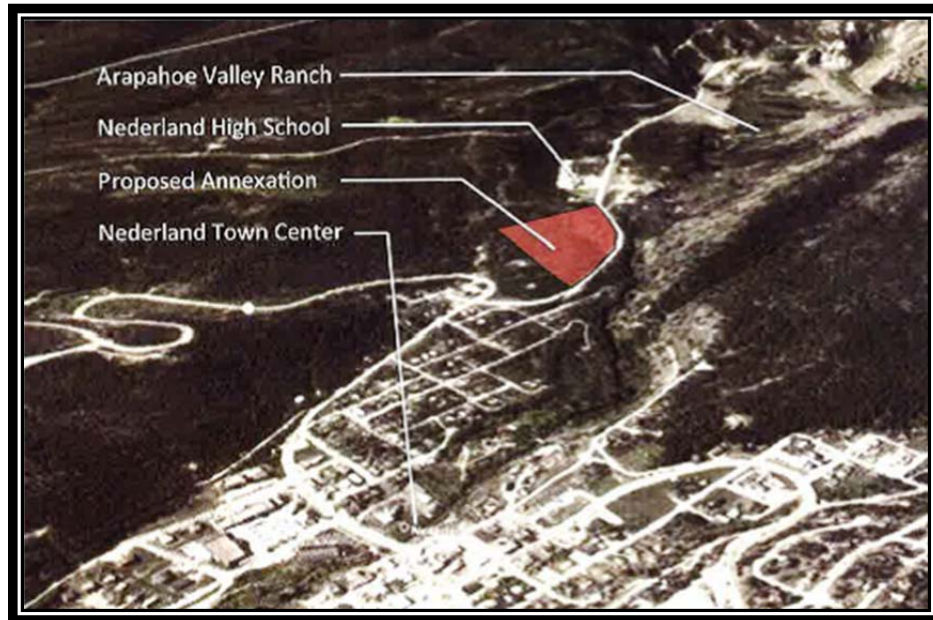


|                                         |                                                                                                                                                                                                                |               |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| REVISIONS                               |  1880 Hawthorn Pl<br>Boulder, Colorado 80303<br>303-579-2057-Tel.<br><a href="http://www.ZentilS.com">www.ZentilS.com</a> |               |
|                                         | SCALE: 1"=50'                                                                                                                                                                                                  | JOB NO. 13002 |
|                                         | DATE: MAY 24, 2013                                                                                                                                                                                             | SHEET 2 OF 2  |
| <h1 style="margin: 0;">PRELIMINARY</h1> |                                                                                                                                                                                                                |               |



# ANNEXATION IMPACT REPORT

## ASPEN TRAILS (EVANS)



Proposed annexation of 17 acres of Arapaho Ranch property,  
1250 Eldora Road, to the  
Town of Nederland, Colorado

February 2014  
(Updated October 2014)

## INTRODUCTION

The following report has been prepared pursuant to Section 31-12-108.5 of the Colorado Revised Statutes (C.R.S.) and concerns the proposed annexation by Kayla Evans, Joseph Evans and Tamara Ann Holmboe (collectively, the “Applicant”) of certain real property to be known as the Aspen Trails property to the Town of Nederland (Town). The applicant is proposing annexation of land comprising a total of +/- 17 acres (732,993.6 square feet) generally located in the Southeast Quarter of the Southeast Quarter of Section 14, Township 1 South, Range 73 West of the 6<sup>th</sup> Principal Meridian, Boulder County, Colorado, as further described and depicted on the Annexation Map, attached hereto as **Exhibit A** (the “Property”).

The Property is generally located west of the Town of Nederland on County Road 130 (Eldora Road) and includes a non-platted approximately 17-acre parcel bound by County Road 130, the Town water treatment plant (509 Eldora Road, on 5 acres of land leased from the U.S. Forest Service), 1,250 acres of U.S. Forest Service land (south and southeast of the site), and 10 acres of Nederland residential properties. The Property is contiguous to the Town of Nederland at its eastern boundary. Given that the non-contiguous borders of the Property are adjacent to, respectively, forest land, Town utility land, and the 455-acre Arapaho Ranch (under conservation easement), no further annexations in this area are anticipated.

The Property consists of hummocky subalpine terrain with moderate pine and aspen forest cover. The majority of the site slopes downward toward the north and northwest (toward County Road 130 and Middle Boulder Creek) with surface elevations ranging from elevation 8,470 feet along the southern boundary to elevation 8,390 feet at the northeast corner.

The Applicant proposes development of three residential clusters, each containing four multi-family buildings, oriented to local transit and community-wide trail system.

### A. CURRENT ZONING/USES/PROCESS

#### **Zoning**

The Property is currently zoned F: Forestry by Boulder County. Such lots are minimum 35-acre lots per Boulder County zoning regulations. This approximately 17-acre property is part of the larger Arapaho Ranch and would require subdivision prior to development. A change in zoning from this Forestry district to the Town’s zoning districts congruent with higher density, multi-family residential development (e.g. High Density Residential or Medium Density Residential) under the Town’s Planned Unit Development (PUD) regulations is proposed for the Property.

#### **Land Uses**

The Property is currently vacant land with various social trails contained.

## Process

The Annexation Petition for the Property was submitted to the Town of Nederland and the Nederland Board of Trustees approved a Resolution of Substantial Compliance (Resolution 2014-02) on February 4, 2014, acknowledging receipt of the petition for annexation for the Property, initiating annexation proceedings, and setting the date, time, and place for the Public Hearing as March 18, 2014 at 7:00 p.m., at the Nederland Community Center, 750 Highway 72 North, Nederland. Notice of this Public Hearing has been mailed to neighbors within 300 feet of the Property, as well as posted and published in the local newspaper.

Notification of the petition was sent to Boulder County Land Use and the Boulder County Attorney on February 5, 2014.

Public hearing and consideration of the annexation proposal was set for the Town of Nederland Planning Commission for February 26, 2014 at 7 p.m. at the Nederland Community Center, 750 Highway 72 North, Nederland.

\*Update (Oct. 20, 2014): The public hearing was continued several times to admit into evidence various new pieces of information, finally ending on Oct. 7, 2014, with the approval by the Nederland Board of Trustees of Resolution 2014-24, adopting findings of fact related to the proposed annexation.

## B. ANNEXATION IMPACT REPORT REQUIREMENTS

This section is divided into the six elements that correspond to section 31-12-108.5(1)

### 1. MAPS PER C.R.S. § 31-12-108.5(1)(a)

Two maps and one narrative are included as exhibits to this report as required by Subparagraph (a) of C.R.S. 31-12-108.5(1):

#### *Exhibit A:* Annexation Map

The Annexation Map reflects the present and proposed boundaries of the municipality in the vicinity of the proposed Aspen Trails annexation, including highlighting and summarizing the contiguity with the Town, as required in the Colorado State Statutes. The Annexation includes the following contiguity calculations:

| Total Perimeter | Req. Contiguity | Actual Contiguity | Percent |
|-----------------|-----------------|-------------------|---------|
| 3,823.9'        | 637.3'          | 926.97'           | 24.24%  |

As demonstrated, this annexation meets the requirement found in the Colorado Revised Statutes §31-12-104 that property be at least 1/6 (16.6%) contiguous with the municipality that is being petitioned for annexation.

#### *Exhibit B:* Topographical/Survey Map

Development on the Property will be required to connect to existing water and sewer main lines located in County Road 130, in compliance with Town connection and infrastructure development specifications. No costs or locations for water lines, pumps and pumping stations, water tanks, service lines or other appurtenances related to the construction and operation of any potable water system have been determined at this time. No costs or locations for wastewater lines, pumping stations, service lines or other appurtenances related to the construction and operation of any wastewater system have been determined at this time. All expenses related to design and construction of wastewater facilities will be borne by the developer of the Property.

It is anticipated that water and wastewater system design work would begin upon completion of the annexation and zoning process for the Property.

### ***Exhibit C: Conceptual Plan***

The Conceptual Plan identifies general land uses proposed on the Property. Anticipated uses for the property include multi-family residential development of 40 to 50 units contained in 16 buildings in three clusters. Development will be oriented to local RTD bus service and a community trail, to be further developed to connect the development and nearby high school to the main Nederland community. Development is also anticipated to include minimal roadway development (looped roadway).

#### **Streets:**

No streets currently exist across or through the property. Street access into the Property will be developed in a looped fashion from County Road 130, with an additional spur for emergency access at a different location on the site. An annexation agreement and subdivision improvement agreement between the Town and the Applicant will address the timing of any public street improvements and associated impacts to the street system that is related to development of the Property.

#### **Major trunk water mains, sewer interceptors and outfalls:**

There are no water mains, sewer interceptors or outfalls on-site. It is anticipated that water and sewer service will extend from the main line at the north boundary of the property, at County Road 130.

#### **Other Utility Lines and Ditches:**

No other utility lines or ditches are apparent on the Property.

## **2. PREANNEXATION AGREEMENT – C.R.S. § 31-12-108.5 (1) (b)**

No preannexation agreement has been entered into. An annexation agreement is being negotiated with the Applicant. A copy of the draft annexation agreement is appended to this Report as Exhibit D.

**3. EXTENSION & PROVISION OF MUNICIPAL SERVICES – C.R.S. § 31-12-108.5 (1) (c)**

The Applicant will have the obligation to develop and install all on-site and off-site transmission and/or infrastructure facilities necessary to serve the Property with water, wastewater, storm water facilities and other municipal services.

**Water:**

Water facilities are currently located adjacent to the Property, providing no issues for connection to water service. As with development of any property, the applicant will be responsible for tapping to the main water line at County Road 130 and then providing for all internal water service lines, any needed water services support structures, and meters. Water demand is conservatively estimated at 12,800 gallons per day (based upon 40 units of housing at a conservative average of 3.2 persons per unit at approximately 100 gallons consumption per day, as indicated in the Town code), which would represent about 3 percent of the current water treatment plant's demand. The Town has the capacity to meet such an additional demand.

Additionally, our estimate for the proposed pool use is based upon research of small-scale municipal pools, including the lap pool at the Gilpin County Recreation Center, which uses about 170,000 gallons of water to fill. Via a number of calculations, our Utilities Division has determined a conservative average daily use (due to use, evaporation, etc.) of 5,000 gallons, adding approximately 2 percent demand.

Both new domestic consumptive use and recreational use of water related to the proposed pool are well within the capacity of the Town's water utility.

**Wastewater:**

Additionally, sewer service is also currently located adjacent to the Property, providing service to the site. The applicant will also be responsible for tapping to the main sewer lines at County Road 130 and then providing for all internal sewer collection lines, any required lift stations, and any other ancillary sewer support structures. Wastewater demand is calculated based upon similar assumptions for use as water (above), representing an 8 percent demand increase for the Town's wastewater treatment plant. The Town has the capacity to meet such an additional demand.

It may be advantageous for both new water and wastewater infrastructure to connect with existing mains at two or more locations along County Road 130 to create service loops. All new water/wastewater infrastructure will be required to be designed and constructed in accordance with applicable Town standards.

**Storm water:**

It is not anticipated that the Town will extend storm water service to the Property.

Within the site vicinity, the May 24, 2013 Preliminary Survey Plat, by Zenith Land Surveying, Inc. indicates three existing storm water culvert crossings beneath Eldora Road. Two of the culverts are immediately adjacent to the Property (and within the

County Road 130 right-of-way), and the third culvert is located near the water treatment plant driveway, south, and upgradient of the County Road 130 development frontage. Middle Boulder Creek is the immediate recipient of storm water flowing off-property and must be protected by adverse water quality effects potentially created by site development.

Site development design and construction must include suitable provisions for storm water collection, detainment, and treatment prior to discharge off-property. Site development design and construction must incorporate pertinent best management practices (BMPs) to control and treat storm water. The Town of Nederland encourages the use of infiltration methods to the fullest extent possible to reduce the amount of storm water flowing off-property.

Storm water drainage design may require construction of additional culverts beneath County Road 130 and easements across properties north of County Road 130. All sitework and storm water drainage will be required to be designed and constructed in accordance with applicable Town standards. Downgradient properties must be protected from adverse effects created by construction and development.

**Other Dry Utilities:**

Telephone, gas, electric and cable television/internet services are not provided by the Town, but are provided by private providers in the area. The annexation petition and proposal was reviewed by CenturyLink (cable/internet/telephone) and Xcel Energy (electric/gas). Neither provider had any issue with the proposal.

**Emergency Services:**

The Nederland Police Department will provide law enforcement services. The Nederland Area Fire Protection District will provide fire protection.

**Wildfire Mitigation:**

The Property is identified as part of the Nederland Community Wildfire Protection Plan (CWPP). The Arapaho Ranch as a whole is recommended for an ecosystem and fire management plan, with consideration of the impacts of insects and tree disease on wildfire behavior. The Plan also advocates for fuels mitigation at the Nederland Water Treatment Plant to the west. This 5-acre mitigation was 50 percent completed in the summer of 2013 and is planned for completion on October 26, 2014. The applicant proposes mitigation of the Property, in line with the general mitigation recommendations contained in the CWPP. She is working on a plan specific to this 17-acre parcel at this time.

**Open Space/Parks/Public Land Dedication:**

The annexation agreement will document the public land dedications and/or fees that will be suitable for parks, schools, fire and other public facilities as appropriate.

**Streets:**

The proposed access to the Property will be from County Road 130. The applicant will be required to construct and/or improve both off-site and on-site streets to Town road and driveway standards.

**General Site Development Considerations:**

A preliminary geotechnical engineering investigation of the site should be conducted to characterize subsurface conditions and to provide engineering recommendations regarding drainage, slopes, roads, utilities, and permanent structures.

It may be advantageous to develop the property in phases with initial rough or overlot grading, preliminary infrastructure development, and then final or detailed grading as individual lots are developed. Temporary and permanent measures for site restoration should be developed and provided for each development phase.

**4. FINANCING SERVICE EXTENSIONS – C.R.S. § 31-12-108.5 (1)(d)**

As mentioned, Town water and sewer mains currently exist within County Road 130 adjacent to the Property. No extension of such main lines is therefore required. The Applicant will be required to pay for the extension of these two Town services into and within the Property. Real property taxes on the Property will fund police protection and other general Town services.

**5. EXISTING DISTRICTS IN THE AREA TO BE ANNEXED – C.R.S. § 31-12-108.5 (1) (e)**

The Boulder County Treasurer's office records reflect that the Property is subject to the following taxing authorities:

| <b><u>Tax District</u></b>         | <b><u>Levy</u></b> |
|------------------------------------|--------------------|
| Boulder County                     | 25.120             |
| Boulder Valley School District     | 45.372             |
| Nederland Fire Protection District | 17.449             |
| Nederland EcoPass District         | 1.850              |
| Nederland Library District         | <u>6.770</u>       |
| <b>Total</b>                       | <b>96.561</b>      |

**6. EFFECT ON SCHOOL DISTRICT – C.R.S. § 31-12-108.5 (1) (f)**

Multi-family dwellings are planned for the Property, thus some impact to the local schools' enrollment is anticipated. The Boulder Valley School District planners are currently reviewing the annexation proposal and will contribute more detailed information shortly. The District will see an increase in property tax revenue upon development of the Property.

**EXHIBIT A: ANNEXATION MAP**



**EXHIBIT B: TOPOGRAPHIC/SURVEY MAP**

**EXHIBIT C: CONCEPTUAL PLAN**

**EXHIBIT D: DRAFT ANNEXATION AGREEMENT**

# ASPEN TRAILS ANNEXATION MAP

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER  
OF SECTION 14, TOWNSHIP 1 SOUTH, RANGE 73 WEST OF THE 6TH P.M,  
COUNTY OF BOULDER, STATE OF COLORADO

## PROPERTY DESCRIPTION:

A PARCEL OF LAND FOUND IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 1 SOUTH, RANGE 73 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 14 AS MONUMENTED BY A 1941 GENERAL LAND OFFICE BRASS CAP ON A PIPE, SAID CORNER BEING THE TRUE POINT OF BEGINNING, AND CONSIDERING THE SOUTH LINE OF THE SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, AS MONUMENTED ON THE WEST END BY A 2011 FOREST SERVICE ALUMINUM CAP, TO BEAR SOUTH 87°17'10" WEST WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE ALONG THE SAID SOUTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14 SOUTH 87°17'10" WEST 1,237.04 FEET TO A POINT ON THE EAST RIGHT-OF-WAY (ROW) OF COUNTY ROAD 130 (ELDORA ROAD) AS DOCUMENTED IN RECEPTION #2348500 & #2348501 AT THE BOULDER COUNTY CLERK AND RECORDER'S OFFICE;

THENCE DEPARTING THE SAID SOUTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14 AND ALONG THE SAID EAST ROW OF COUNTY ROAD 130 THE FOLLOWING THIRTY (30) COURSES:

NORTH 34°14'19" EAST 91.93 FEET (L1);  
NORTH 34°25'06" EAST 86.91 FEET (L2);  
NORTH 37°28'10" EAST 47.48 FEET (L3);  
NORTH 40°19'30" EAST 77.49 FEET (L4);  
NORTH 46°26'05" EAST 65.16 FEET (L5);  
NORTH 46°08'53" EAST 129.10 FEET (L6);  
NORTH 20°21'01" EAST 20.09 FEET (L7);  
NORTH 29°10'17" EAST 45.82 FEET (L8);  
NORTH 39°39'48" EAST 99.50 FEET (L9);  
NORTH 41°22'10" EAST 35.13 FEET (L10);  
NORTH 43°03'09" EAST 70.82 FEET (L11);  
NORTH 43°26'23" EAST 44.90 FEET (L12);  
NORTH 47°54'31" EAST 65.10 FEET (L13);  
NORTH 50°11'17" EAST 89.14 FEET (L14);  
SOUTH 45°52'08" EAST 21.85 FEET (L15);  
NORTH 63°42'59" EAST 30.50 FEET (L16);  
NORTH 62°39'40" EAST 59.22 FEET (L17);  
NORTH 62°14'05" EAST 64.31 FEET (L18);  
NORTH 31°51'32" EAST 40.68 FEET (L19);  
NORTH 68°23'19" EAST 62.36 FEET (L20);  
NORTH 66°58'21" EAST 52.05 FEET (L21);  
NORTH 66°27'04" EAST 47.18 FEET (L22);  
NORTH 75°22'38" EAST 36.20 FEET (L23);  
NORTH 66°04'04" EAST 41.69 FEET (L24);  
NORTH 70°06'12" EAST 31.54 FEET (L25);  
NORTH 73°43'58" EAST 45.69 FEET (L26);  
NORTH 66°18'12" EAST 40.59 FEET (L27);  
NORTH 64°05'34" EAST 61.42 FEET (L28);  
NORTH 74°59'21" EAST 51.90 FEET (L29);  
NORTH 69°42'31" EAST 4.10 FEET (L30) TO A POINT ON THE EAST LINE OF THE SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14;

THENCE DEPARTING THE SAID SOUTH ROW OF COUNTY ROAD 130 AND ALONG THE SAID EAST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14 SOUTH 00°47'24" WEST 926.97 FEET TO THE TRUE POINT OF BEGINNING AND CONTAINING 16.8 ACRES, BEING ALSO 732,993.6 FT² MORE OR LESS.

## GENERAL NOTES:

1. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.

2. THIS MAP WAS PREPARED FOR THE EXCLUSIVE USE OF ASPEN TRAILS LLC. USE OF THIS MAP BY ANY OTHER PERSON OR ENTITY WITHOUT THE EXPRESSED WRITTEN CONSENT OF ZENITH LAND SURVEYING, INC. IS PROHIBITED.

3. THIS MAP IS VALID ONLY WITH THE ORIGINAL SIGNATURE AND SEAL OF THE SURVEYOR.

4. THIS IS AN ANNEXATION MAP. IT IS NOT A LAND SURVEY PLAT, AN IMPROVEMENT SURVEY PLAT OR A SUBDIVISION PLAT NOR DOES IT REPRESENT THE RESULTS OF A MONUMENTED LAND SURVEY, ALL OF WHICH ARE DEFINED IN C.R.S. 38-51-102.

## BOUNDARY NOTES:

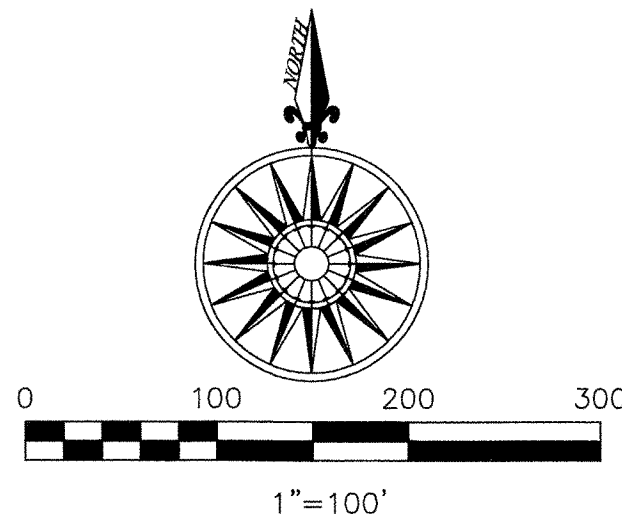
1. ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NORTH AMERICAN DATUM 1983. THE BEARING OF THE LINE BETWEEN THE FOUND MONUMENT AT THE SOUTHEAST CORNER OF SECTION 14 AND FOUND MONUMENT AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14 IS S 87°17'10" W AS SHOWN HEREON AND AS IN THE PROPERTY DESCRIPTION.

2. AT THE REQUEST OF THE CLIENT, THIS MAP WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. A TITLE SEARCH WAS NOT CONDUCTED BY ZENITH LAND SURVEYING, INC. THERE MAY BE EASEMENTS, RIGHTS OF WAY, OR OTHER ENCUMBRANCES IN THE PUBLIC RECORD THAT MAY AFFECT THIS PROPERTY THAT ARE NOT SHOWN ON THIS SURVEY.

3. ALL ADJOINER OWNER INFORMATION WAS TAKEN FROM THE BOULDER COUNTY EMAPPING WEBSITE.

4. ALL MEASUREMENTS ARE IN US SURVEY FEET.

5. THE PROPERTY SHOWN HEREON IS A PART OF THE ARAPAHO RANCH PROPERTY AND IS NOT AT THIS TIME CONSIDERED A SEPARATE PARCEL. THEREFORE, A RECORD DESCRIPTION OF THIS PARCEL DOES NOT EXIST SEPARATE FROM THE OVERALL RANCH. THE CURRENT VESTING DEEDS ARE RECEPTION #1683211-14. THE PROPERTY DESCRIPTION SHOWN ON THIS SHEET IS A NEW PROPERTY DESCRIPTION FOR THIS PARCEL ONLY AND FOR THE PURPOSES OF ANNEXATION ONLY.



**CURRENT OWNERSHIP SUMMARY**  
FILM 2191, RECEPTION #1683212-JOSEPH MALCOLM EVANS  
FILM 2191, RECEPTION #1683213-KAYLA LEE EVANS  
FILM 2191, RECEPTION #1683214-TAMARA ANN EVANS HOLMBOE

ROW FOR ELDORA ROAD (STATE HWY 130)  
IS SHOWN PER RIGHT-OF-WAY PLAT  
PREPARED BY WILLIAM J. STENGEL AND  
DEPOSITED AS LS-02-0152 AT THE  
BOULDER COUNTY LAND USE DEPARTMENT  
AND AS RECEPTION #2348500 AT THE  
BOULDER COUNTY CLERK AND  
RECORDER'S OFFICE.

**ZONING**  
CURRENT=FORESTRY (F)  
PROPOSED=PLANNED UNIT DEVELOPMENT (PUD)

**PERIMETER SUMMARY**  
TOTAL PERIMETER: 3,823.9'  
REQUIRED CONTIGUITY (1/6 TOTAL PERIMETER): 637.3'  
PERIMETER CONTIGUOUS TO EXISTING CITY LIMITS: 927.0'  
CONTIGUITY CALCULATION: 927.0' > 637.3'

## SURVEYOR'S STATEMENT:

I, EARL F. HENDERSON, A LICENSED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE, FOR AND ON BEHALF OF ZENITH LAND SURVEYING, INC. THAT THE PROPERTY DESCRIPTION SHOWN HEREON ACCURATELY DESCRIBES THE AREA PROPOSED FOR ANNEXATION AS GRAPHICALLY DEPICTED ON THIS ANNEXATION MAP, THAT IT IS BASED UPON MY KNOWLEDGE, INFORMATION AND BELIEF, THAT IT HAS BEEN PREPARED IN ACCORDANCE WITH APPLICABLE STANDARDS, THAT IT IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED AND IS, TO THE BEST OF MY KNOWLEDGE, ACCURATE AND COMPLETE.

EARL F. HENDERSON, PLS  
COLORADO PLS #34993



FOUND: 2" ALUMINUM CAP  
ON #5 REBAR STAMPED  
"WM. STENGEL LS 4846"  
© 1007.05'

FOUND: 1"  
PIPE ©  
821.02'

JANICE ANN &  
RICHARD J. BLATNIK  
R#1447011

FOUND: #5 REBAR WITH  
1 1/2" ALUMINUM DREXEL,  
BARRELL & CO CAP SET  
IN CONCRETE AT FENCE  
CORNER DATED 1968 ©  
634.70'

LOT 7, McMILLAN MEADOW  
CORRECTION PLAT (R#2623114)  
McMILLAN MEADOW LLC  
R#2686530

LOT 3, McMILLAN MEADOW  
CORRECTION PLAT (R#2623114)  
McMILLAN MEADOW LLC  
R#2686530

LOT 2, McMILLAN MEADOW  
CORRECTION PLAT (R#2623114)  
McMILLAN MEADOW LLC  
R#2686530

LOT 1, McMILLAN MEADOW  
CORRECTION PLAT (R#2623114)  
TIMOTHY R. & LOREN TILLOTSON  
R#3226246

FOUND: #5 REBAR  
WITH 1 1/2" ALUMINUM  
CAP © 98.09'

FOUND: 2 1/2" BRASS CAP ON 2" PIPE  
STAMPED AS SHOWN. ALSO FOUND  
STONE IN MOUND OF STONES THAT  
APPEARS TO BE THE ORIGINAL STONE  
2.5' WEST OF BRASS CAP  
MONUMENT. BRASS CAP HAS BEEN  
USED ON ALL SURROUNDING  
SURVEYS SINCE 1994 SO WAS ALSO  
HELD HEREON.

## TOWN OF NEDERLAND CERTIFICATE OF APPROVAL:

THE FOREGOING MAP IS APPROVED FOR FILING PER THE TOWN OF NEDERLAND. THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND ADOPT AND APPROVES THIS ANNEXATION MAP.

APPROVED BY THE TOWN OF NEDERLAND BOARD OF TRUSTEES THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

ATTEST:

MAYOR \_\_\_\_\_ DATE \_\_\_\_\_

TOWN CLERK \_\_\_\_\_ DATE \_\_\_\_\_

CLERK AND RECORDER'S CERTIFICATE:

STATE OF COLORADO  
COUNTY OF BOULDER

ACCEPTED FOR FILING IN THE OFFICE OF THE CLERK AND RECORDER OF THE COUNTY OF BOULDER,  
STATE OF COLORADO AT \_\_\_\_\_ O'CLOCK ON THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_  
AND IS RECORDED IN PLAN FILE \_\_\_\_\_, RECEPTION  
NO. \_\_\_\_\_

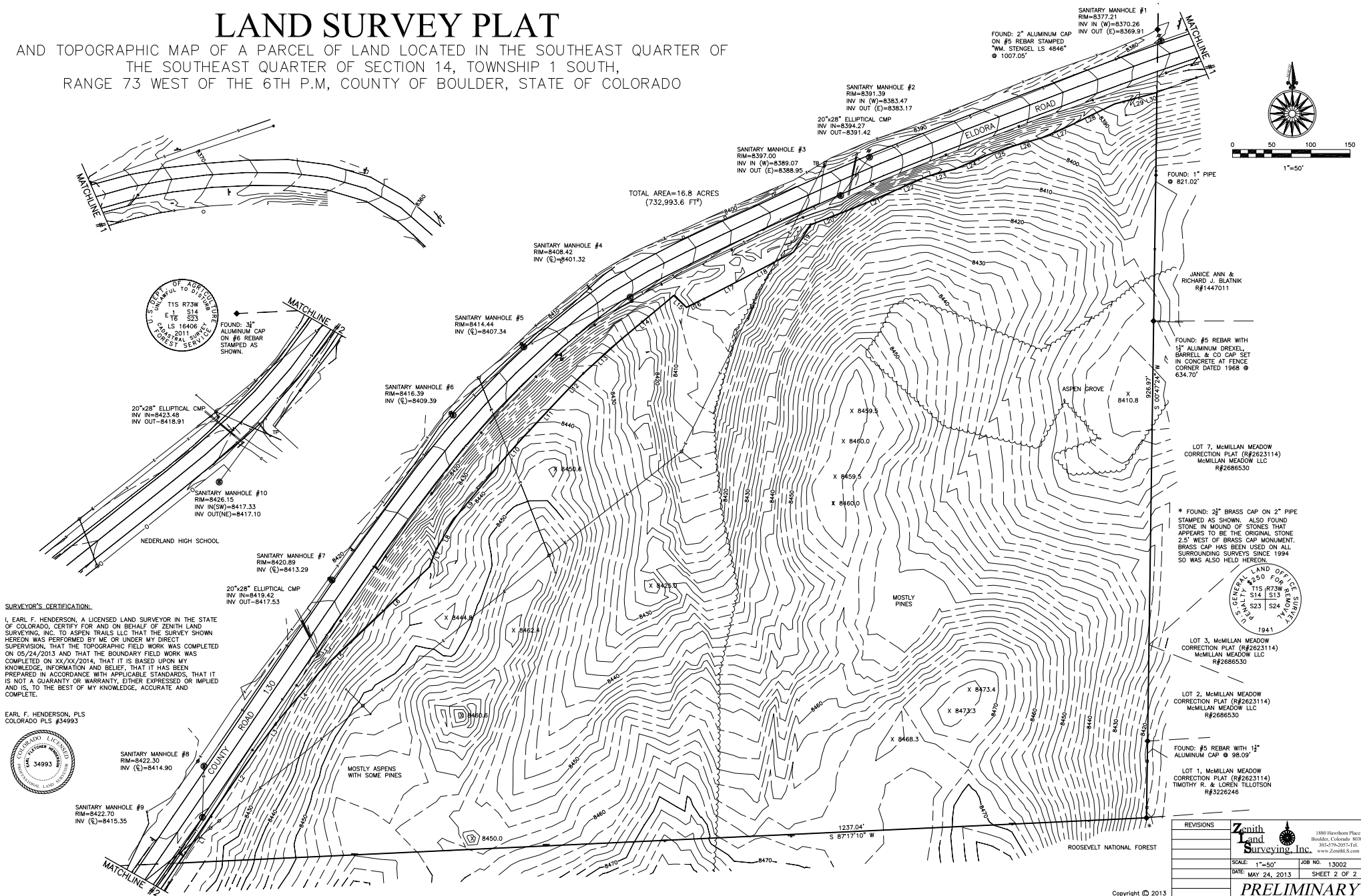
CLERK AND RECORDER \_\_\_\_\_

## APPLICANT:

ASPEN TRAILS LLC  
KAYLA EVANS  
1250 ELDORA ROAD  
NEDERLAND, CO 80466

| REVISIONS | <b>Zenith Land Surveying, Inc.</b>                                                      |                  |
|-----------|-----------------------------------------------------------------------------------------|------------------|
|           | 1880 Hawthorn Place<br>Boulder, Colorado 80304<br>303-579-2057-Tel.<br>www.ZenithLS.com |                  |
|           | SCALE: 1"=100'                                                                          | JOB NO. 13002 AM |
|           | DATE: FEB. 25, 2014                                                                     | SHEET 1 OF 1     |

AND TOPOGRAPHIC MAP OF A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF  
THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 1 SOUTH,  
RANGE 73 WEST OF THE 6TH P.M. COUNTY OF BOULDER, STATE OF COLORADO





## PROJECT GOALS

1. **CONNECT**
2. **PROTECT**
3. **SUSTAIN**
4. **DIVERSIFY**



## CONNECT

### STUDENTS

Safe pedestrian connection to High School

### TOWN

High School is linked to Town through Annexed Property

### BIKING

Direct Connection from town bike paths to West Magnolia Open Space

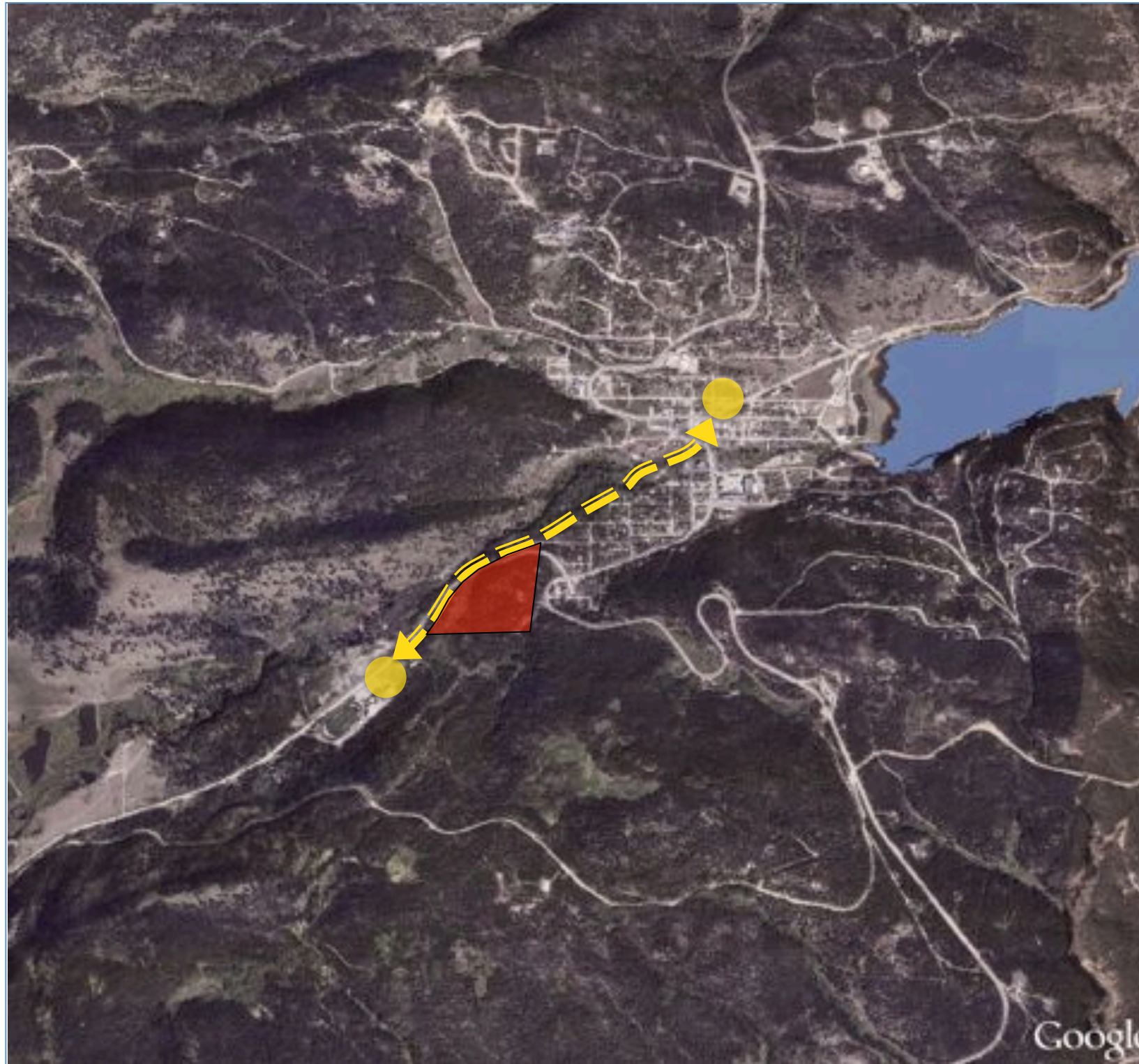
### TRANSIT

Near RTD Stops – Connects to Town and Region

### UTILITIES

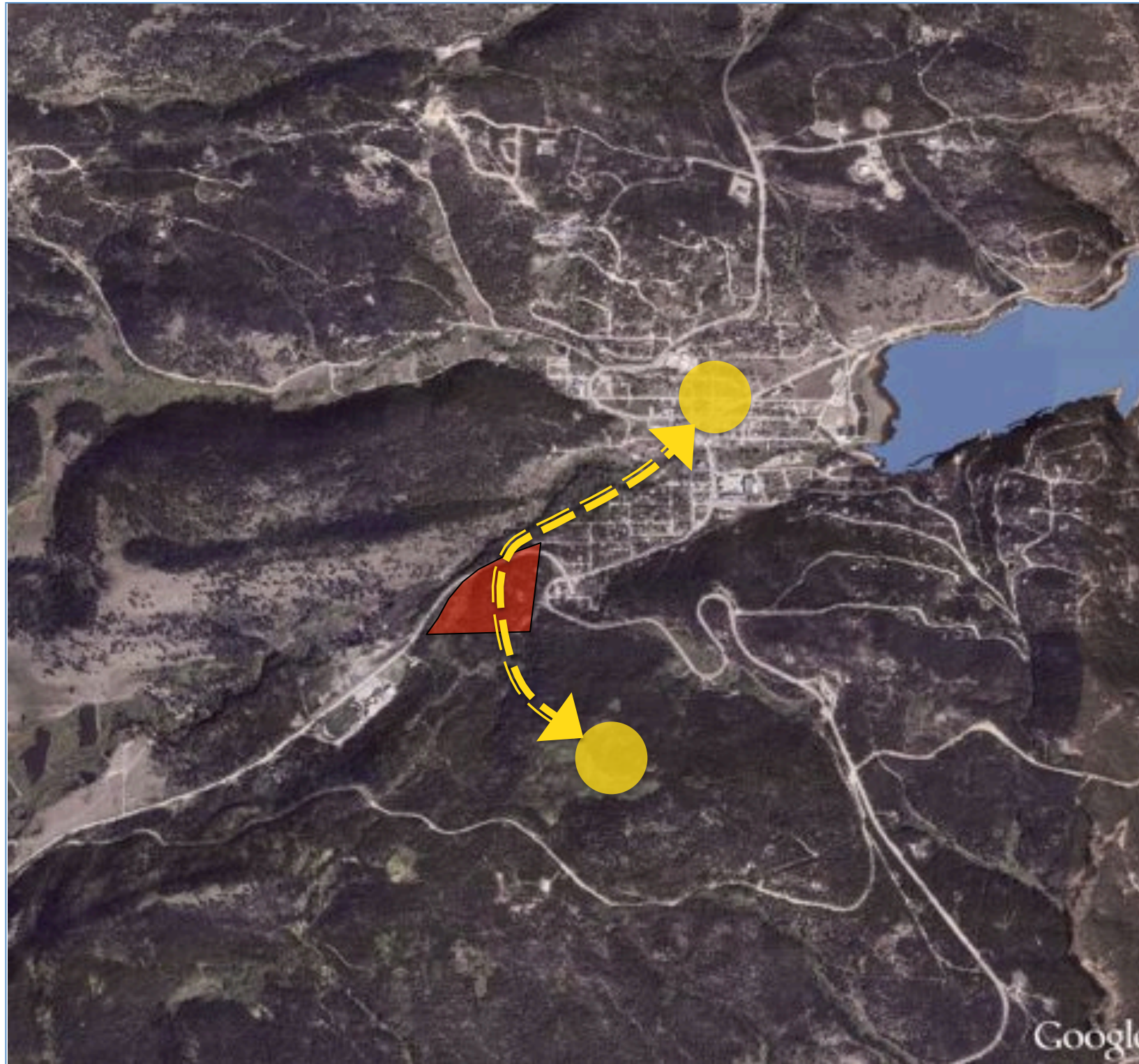
Sewer/Water Taps already in place





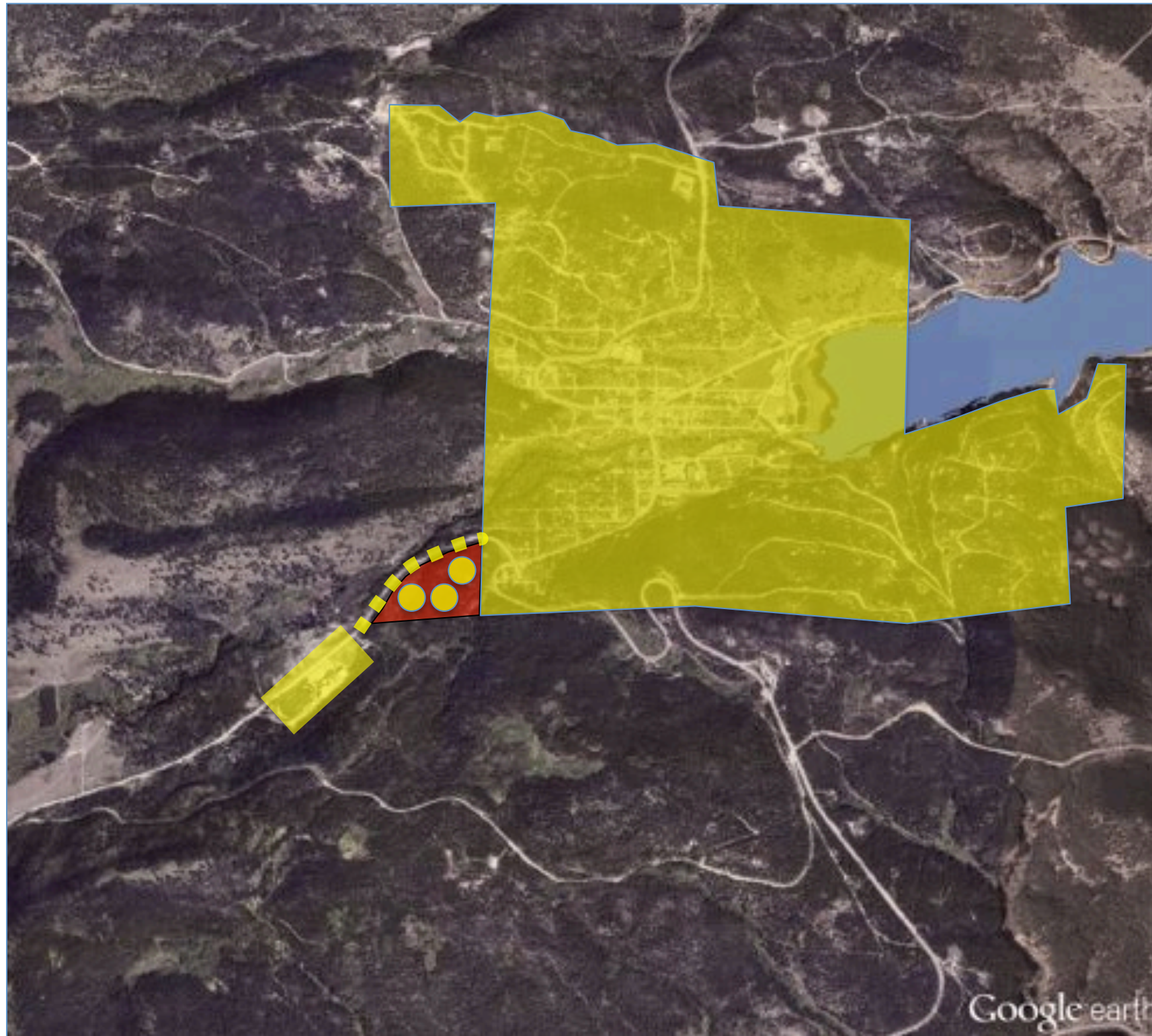
Bike and Pedestrian  
**Connection** From  
Town to High School





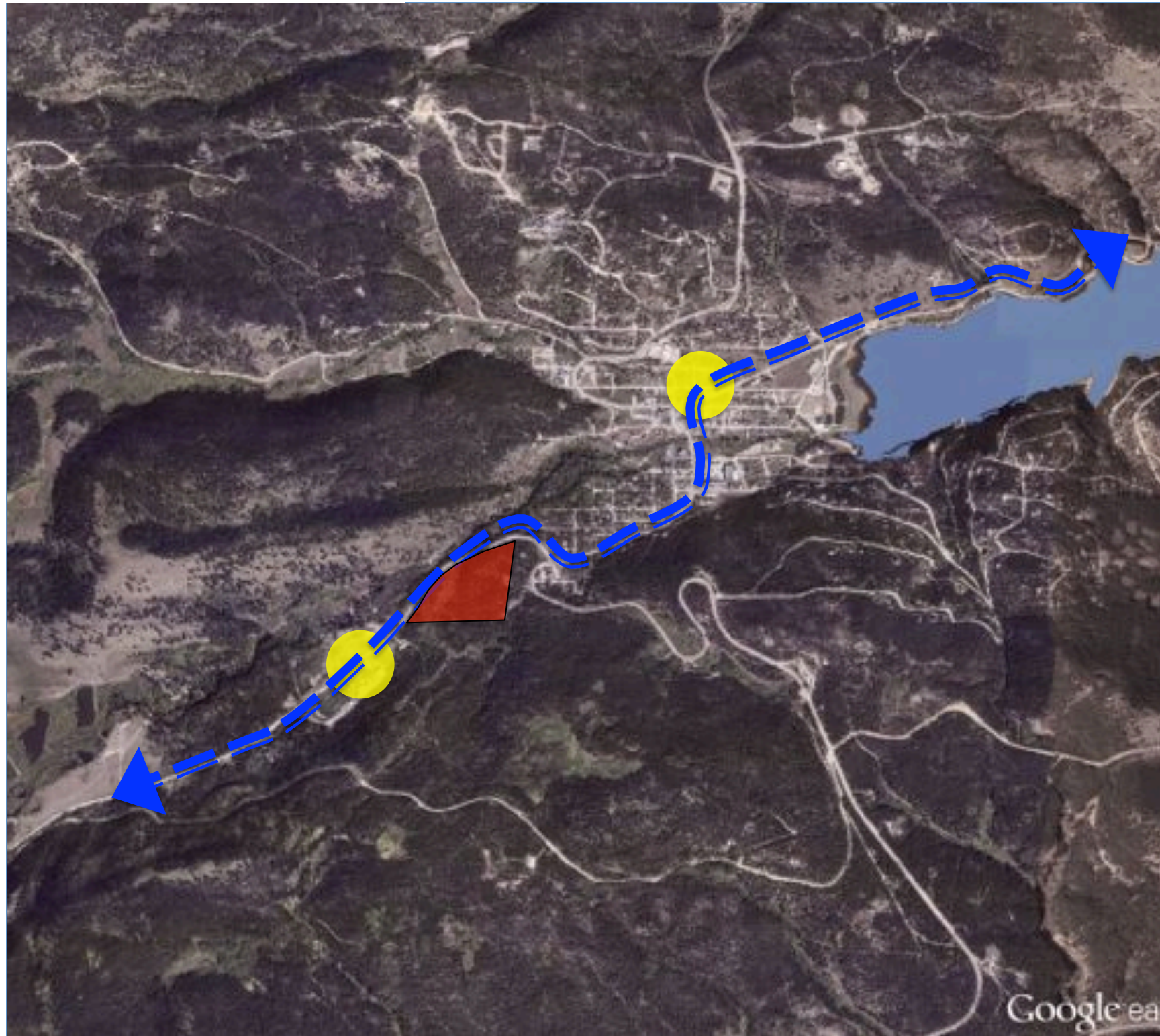
Bike and Pedestrian  
**Connection** From  
Town to West Magnolia  
Open Space





**Connect** Town to  
High School:  
One Community



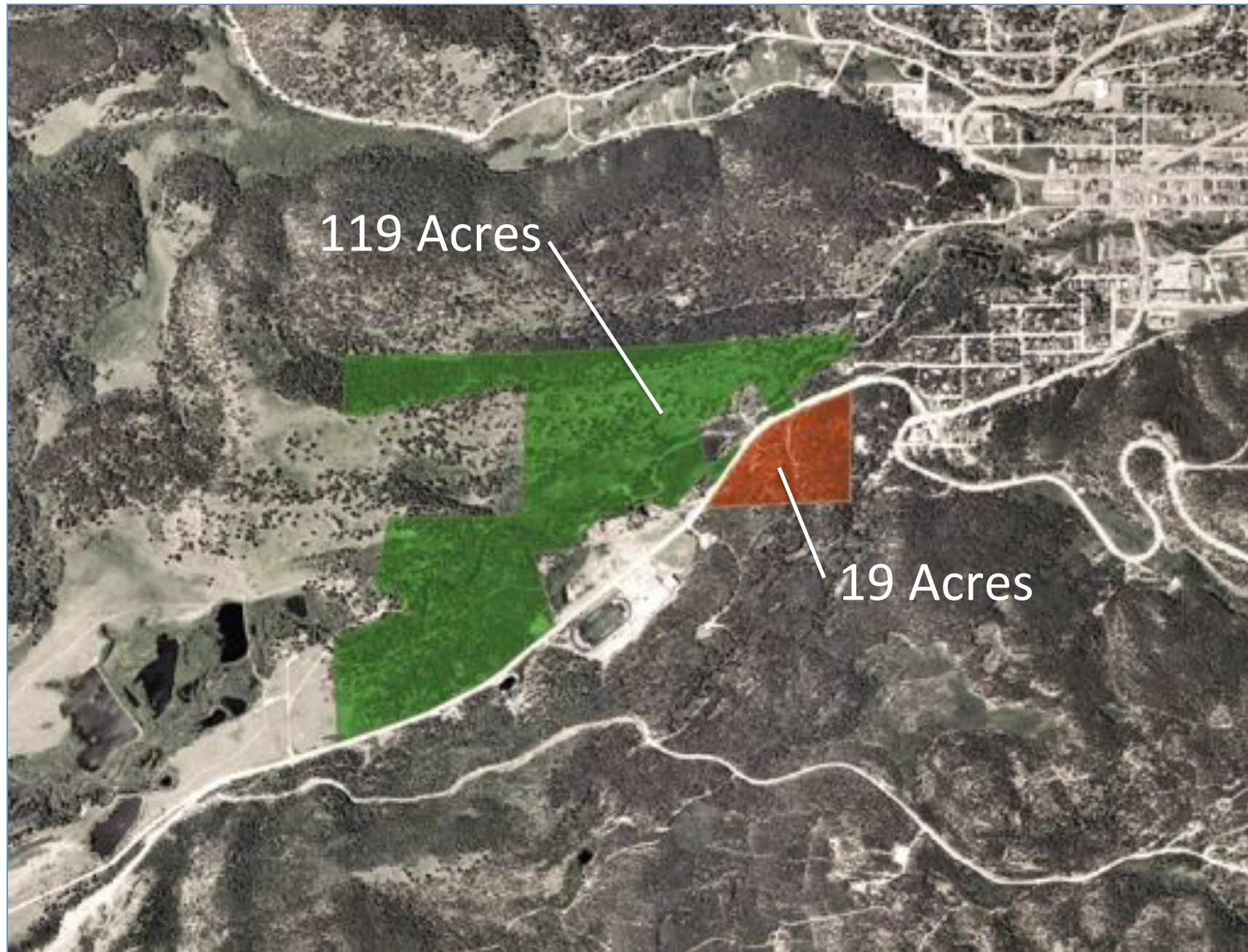


On Transit Route to  
Town and Region

## PROTECT

1. Development provides **income** to preserve the Ranch
2. Clustered design approach **preserves** much of the property
3. Careful design approach **conserves** topography and natural features
4. Use of Topography to **minimize visual impact** of development
5. Fire Mitigation Best Practices – Remove Beetle Kill and **restore** forest health

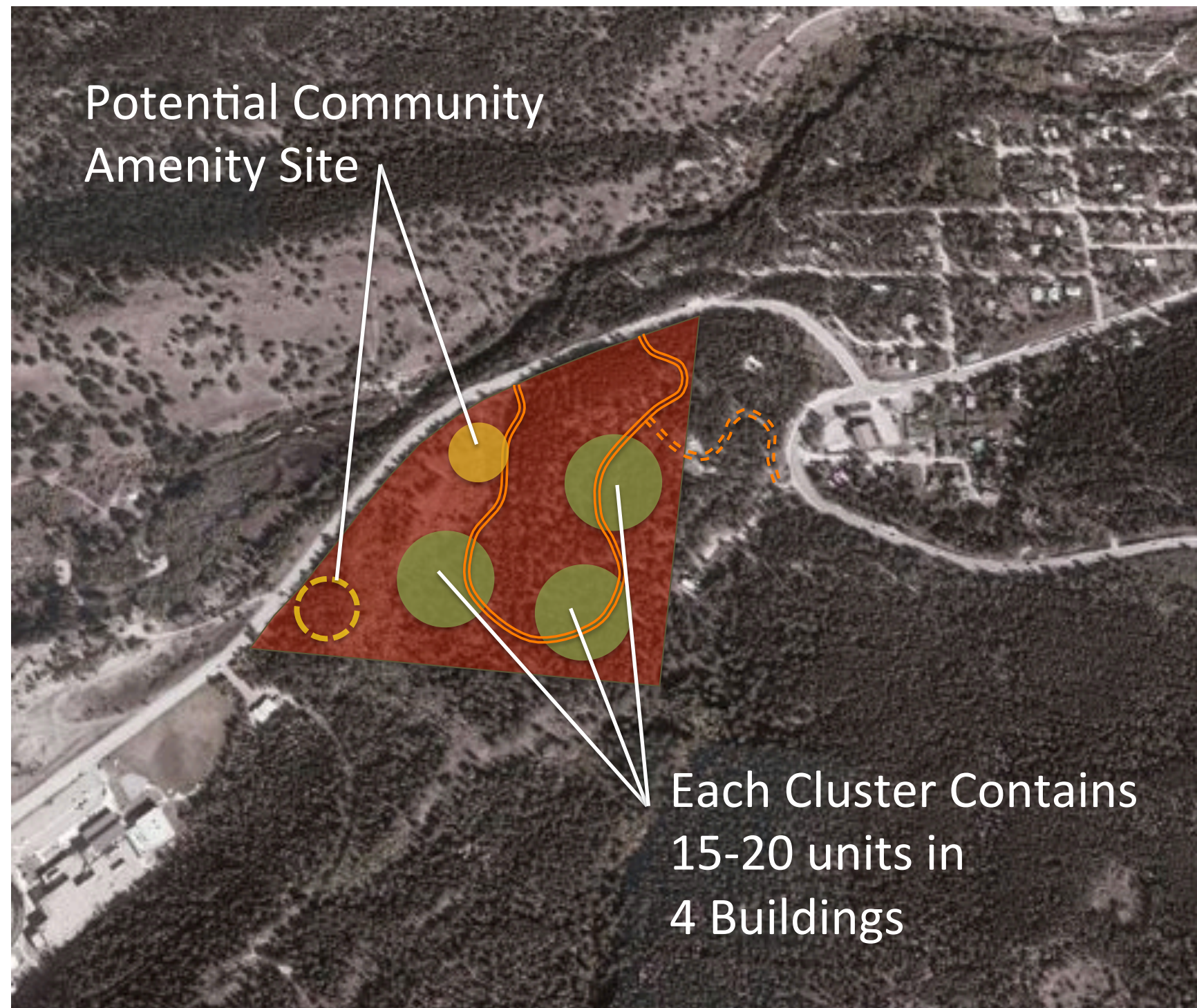




Development provides income to **preserve** Arapahoe Valley Ranch



## PROTECT



Careful, **clustered** development  
**preserves** much of the site & **respects** topography

Preliminary Concept:  
45-60 Multifamily Units  
in 16 Buildings +  
Potential Rec Center/  
Mixed Use Site



## PROTECT



Careful development  
**preserves** views and  
**screens** development

## SUSTAIN

1. Sustainable Design Principles at its core
2. Renewable Energy: Sun, Wind, Water strategies (Energy Garden)
3. Explore Renewable Energy Municipal District
4. Innovative Water strategies
5. Cutting edge Passive Solar design
6. Explore LEED ND (Neighborhood Development)
7. Explore NED-ZED (Net Zero Energy Development)
8. New Model for Sustainable Mountain Development
9. Wellness Based, Low Carbon Living
10. Sustainable Community – Not just Buildings



## DIVERSIFY

### Diversify Nederland Housing Types

- High-Quality attached housing
- Gen Y, Seniors, Families
- Affordable Housing

### Live/Work Opportunities

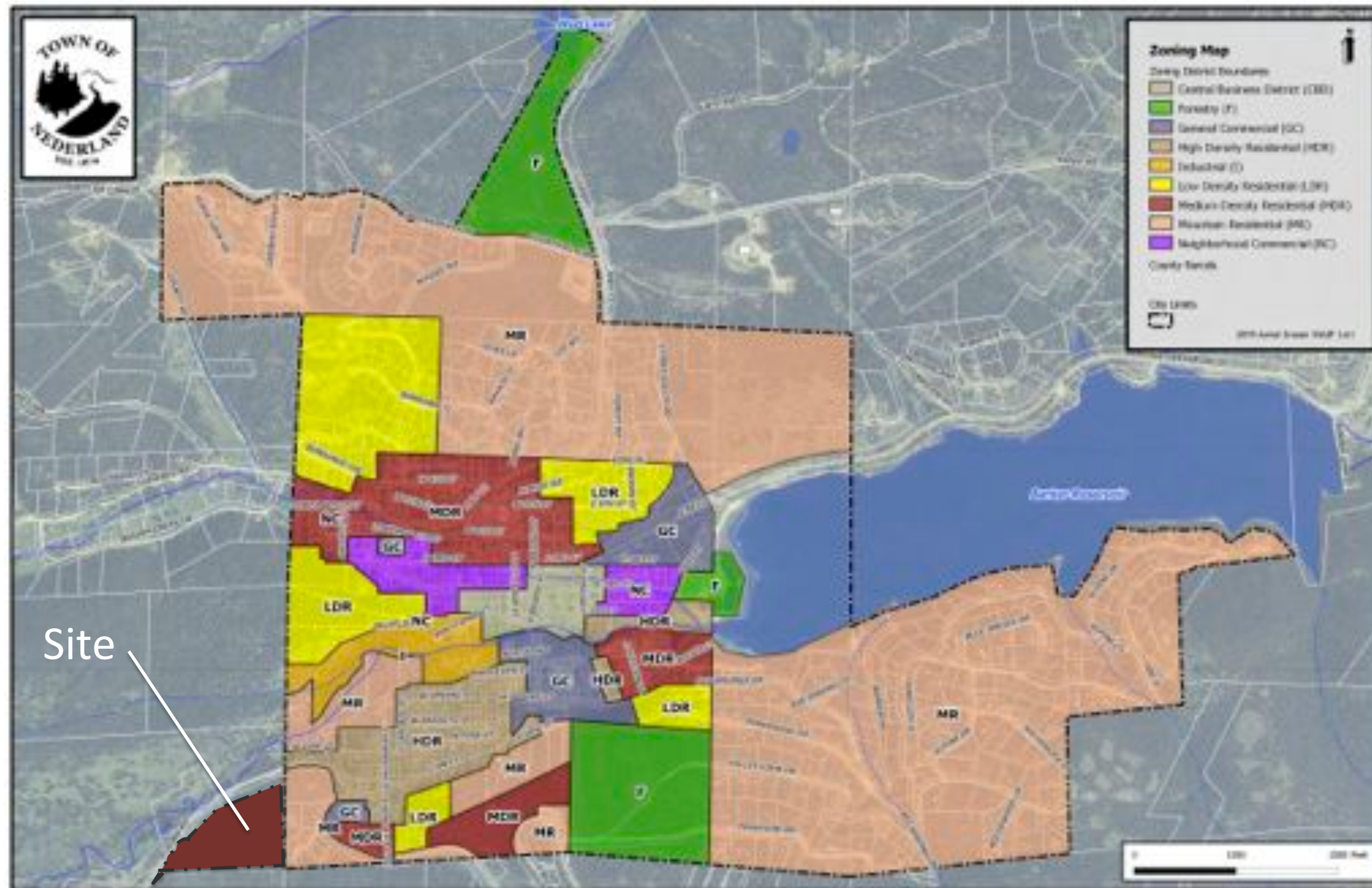
- CoWorking & Work/Share Facilities on site
- Reduction in Traffic Counts
- Opportunities for Shared Community Services

## OTHER

1. Sewer/Water Taps already in place
2. Xcel Energy Service Improvements and Line Relocation
3. Sustainable Design reduces Infrastructure Demand

# EVANS ANNEXATION

## CONTIGUITY



Site is  
Contiguous with  
Town Limits



**ANNEXATION Agreement**  
*(ASPEN TRAILS ANNEXATION)*

THIS Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 201\_\_, by and between Kayla Evans, Joseph Evans and Tamara Ann Holmboe, collectively hereinafter referred to as the "Annexor," and the Town of Nederland, a municipal corporation of the State of Colorado, hereinafter referred to as "Nederland" or "Town".

**WITNESSETH:**

WHEREAS, the Annexor desires to annex to the Town of Nederland the following described unincorporated territory located in the County of Boulder and State of Colorado, to wit:

*A parcel of land in the southeast quarter of the southeast quarter of Section 14, Township 1 South, Range 73 West of the 6<sup>th</sup> Principal Meridian, County of Boulder, State of Colorado being more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference, hereinafter referred to as "Property" or "the Property".*

WHEREAS, the Town wishes to control its growth in a planned and orderly fashion, maintaining and improving quality of life and the Town's ability to provide and enhance environmental amenities, services and local opportunity for its citizens; and,

WHEREAS, Annexor wishes to develop the Property for uses compatible with its objectives and those of Town; and

WHEREAS, Annexor acknowledges that upon annexation, the Property will be subject to all ordinances, resolutions, and other regulations of the Town of Nederland, as they may be amended from time to time; and

WHEREAS, the parties mutually recognize and agree that it is necessary and

desirable for orderly development that the Town be the source of necessary urban services for property to be developed, such as police protection, water treatment, and local government administration; and

WHEREAS, the parties agree that it is in the public interest of the parties hereto to enter into a written agreement as to the overall plan of development, including location and dedication of public ways and public areas, zoning, dedication of water rights and location and payment regarding roads, utilities and other improvements; and

WHEREAS, Annexor acknowledges that the need for conveyances and dedication of certain property, including but not limited to property for streets, rights-of-way and easements, parks and open space, utility facilities and other public improvements, to Town as contemplated in this Agreement is directly related to and generated by the development intended to occur within the Property and that no taking thereby will occur requiring any compensation;

NOW, THEREFORE, in consideration of the foregoing covenants, promises and agreements of each of the parties hereto, to be kept and performed by each of them, it is agreed by and between the parties as follows:

1. **BASIC INTENT.** The intent of this Agreement is to set forth the basic requirements for annexation and general development of the Property. Specific requirements for development of the Property, or portions thereof, in the case of phased development, shall be further addressed at the time the Property is subdivided or otherwise developed. It is not the intent of this Agreement to provide such detailed information, requirements and understandings as are typically set forth in a public improvements agreement (PIA) or other development agreement. This Agreement shall be binding upon the parties and may not be modified except by further written agreement.
2. **DEVELOPMENT.** The Parties anticipate that the Property will be developed in general conformity with the Conceptual Plan for the Property, attached hereto as **Exhibit C**. The Annexor agrees that the Property annexed shall be developed in conformity with Town comprehensive plans, subdivision regulations, zoning code, building codes and other applicable statutory and local requirements in effect at the time of further development application, including, without limitation, those pertaining to subdivision, zoning, streets, storm drainage, utilities, landscaping, parks and open spaces and flood control. The Annexor acknowledges that the Town may amend the Town's comprehensive plans, subdivision regulations, zoning code, building codes and other applicable statutory and local requirements from time to time as needed to address changing effects upon the Town's infrastructure, administration and delivery of governmental services as a result of development occurring within the Town.
  - a. **Zoning.** The Annexor desires and plans to apply for residential zoning

established via Planned Unit Development that is compatible with multi-family housing development of a density no less than one dwelling unit per 12,000 square feet, such as High Density Residential (HDR), Medium Density Residential (MDR) or Neighborhood Commercial (NC) in accordance with the zoning categories contained in **Exhibit D**, Section 16-33 *Nederland Municipal Code*. Annexor shall take all action necessary to permit the establishment of zoning for the Property in accordance with state statutes.

The parties recognize that it is the intent and desire of the Annexor to develop the Property in a manner generally consistent with the Conceptual Plan (**Exhibit C**) and that the zoning options identified herein are necessary to permit such development. As such, the granting of such zoning by the Town of Nederland is a condition to annex the Property. In the event that the Town Board fails or refuses to enact an ordinance or ordinances zoning the Property as above described, the annexation of the Property shall be deemed null, void and of no effect, and the annexation map and plat of the Property shall not be filed for record with the Boulder County Clerk & Recorder pursuant to C.R.S. § 31-12-113(2). In the event of invalidity of the annexation ordinance pursuant to this subsection, such invalidity shall not be deemed a breach of the Agreement by either party, and the parties shall be deemed released from further obligations hereunder. .

b. **Phased Development.** Town and the Annexor recognize that property development is subject to market conditions. To assure Town that the development of the Property proceeds in an orderly manner, Annexor may phase the development.

- i. **Preliminary Plat.** If phased development is utilized, a “Preliminary (Plat) Map” for the entirety of the Property must be provided in accordance with Chapter 17 Subdivisions of the *Nederland Municipal Code*.
- ii. **Final Plat.** If phased development is utilized, for each development phase, a “Final Plat” in accordance with Chapter 17 Subdivisions of the *Nederland Municipal Code* must be submitted to the Nederland Planning Commission and the Board of Trustees for review and approval. The Final Plat shall be in general conformance with the “Preliminary Plat” for the Property, as approved and/or amended by the Board of Trustees.

3. **MUNICIPAL SERVICES.** Town agrees to provide the Property with all of its usual municipal services in accordance with the ordinances and policies of the Town and the provisions of this Agreement. Municipal services provided shall include, but are not limited to, general government administration, public works, police protection, and all other services customarily and currently provided by the Town to properties in its jurisdiction. The Annexor acknowledges, agrees and



accepts that the Town does not provide electricity, natural gas services, or fire protection services to the area to be annexed. Nothing in this Agreement shall provide the Annexor with priority for utility, public safety, and other public services by the Town.

4. **PUBLIC IMPROVEMENTS.** Annexor agrees to design, construct and install at Annexor's sole cost and expense, in accordance with Town-approved plans, all public improvements within or adjacent to the Property necessary to serve the Property, including but not limited to, water distribution, sewage collection, gas service, electric service, street and trail lighting, streets, curb, gutter, sidewalks, storm sewer lines, storm drainage improvements, fire hydrants, pedestrian and non-motorized trails, street median/ boulevard, subdivision entryway landscaping and park improvements, as particularly specified at the time the Property is subdivided in accordance with Chapter 17 of the Nederland Municipal Code. All of the above described public improvements shall be constructed to Town standards, or where applicable, to the standards of the utility or fire protection district providing the service. All utilities shall be placed underground. The Town and the Annexor agree that such public improvements are directly related to and generated by development intended to occur within the Property and that no taking thereby will occur requiring any compensation.
  - a. All public and private roads shall be constructed to Town standards. Trails shall be constructed as an integral feature of the development, in accordance with Town construction standards. All public roads, trails and rights-of-way shall be dedicated to the Town. The Town will install, at Annexor's expense, street name signs, striping, stop signs, speed limit and other signs on all streets, in accordance with the Model Traffic Code, as from time to time amended, and other applicable legal requirements.
  - b. Lights along streets and trails shall be installed in accordance with plans approved by the electric service provider and the Town. The type of light shall be coordinated with the Town.
  - c. Utilities and streets shall be sized to provide for development of the Property
  - d. Annexor agrees to provide to Town, a two (2) year guarantee, from the time of conditional acceptance of construction, for all public improvements. If requested by Town, Annexor agrees to dedicate to Town any or all required public improvements. Financial guarantees related to the construction of such improvements shall be provided at the time of subdivision of the Property in accordance with Nederland Municipal Code § 17-59, as existing or as hereafter amended.

e. Annexor agrees to enter into a Development Agreement pertaining to public improvements and other matters prior to any development of the Property. The construction of public improvements shall be subject to reimbursement which shall be provided for in the Development Agreement.

f. Annexor agrees to pay the full cost of relocating existing utilities that may be required by the development of the Property. All existing overhead utilities within the Property or in road rights-of-way adjacent to the Property, including but not limited to electric or telecommunications lines and cables shall be relocated underground. Facilities designed for the transmission or distribution of electric energy at voltages greater than 15,000 volts shall be exempt from this requirement.

g. Annexor agrees to design, construct and install landscaping and park improvements which shall minimize the need for outdoor irrigation at Annexor's sole cost and expense, in accordance with a landscaping and park development plan approved by the Town, to be included as part of any subdivision final plat. The design, construction and installation of landscaping and park improvements shall be subject to the Development Agreement for the Property.

5. **WATER RIGHTS.** It is agreed by the parties that the property will receive domestic water service from the Town.

The Town may, at its sole discretion, require the dedication of sufficient water rights, or cash in lieu of water rights dedication, to irrigate parks and open space dedicated to the Town by the Annexor in accordance with the *Nederland Municipal Code*. This requirement may be satisfied by the dedication of surface water rights or tributary groundwater rights (adjudicated and augmented as necessary).

The Annexor shall by Special Warranty Deed acceptable to the Town convey to the Town all non-tributary and not non-tributary groundwater as defined by C.R.S. § 37-90103, whether adjudicated, unadjudicated, permitted or unpermitted, underlying the property.

The Town and the Annexor agree that such dedication of water to irrigate lands dedicated for public use and open space and non-tributary and not non-tributary water is directly related to and generated by development intended to occur within the Property and that no taking thereby will occur requiring any compensation.

6. **LAND DEDICATION.** The dedication of public easements for utilities, rights-of-way for streets and other public ways shall be by plat dedication. Dedications for parks and open space and other public purposes shall be by Special Warranty Deed or appropriate instrument of conveyance acceptable to the Town. Such



dedications and transfer of ownership shall occur immediately upon request of the Town, except that internal rights-of-way shall be dedicated at the time of subdivision platting, unless the Town specifies another time. The suitability and acceptance of any land proposed to be dedicated to the Town shall be at the sole discretion of the Town. The Town and the Annexor agree that such dedications are directly related to and generated by development intended to occur within the Property and that no taking thereby will occur requiring any compensation.

a. **Parks and Open Space.** The Annexor agrees to dedicate to the Town of Nederland, public parks, trails and functional open space in accordance with Chapter 17 Subdivisions of the *Nederland Municipal Code*. The suitability of the land to be dedicated for public purposes and the credit to be given toward the land dedication requirement is at the Town's sole option and discretion. The dedication of land or cash in lieu is at the Town's sole option and discretion. Annexor agrees to provide a landscaping and development plan meeting Town specifications for dedicated public land. Provision for the construction and development of the public land in accordance with the approved plans are to be included as part of any subdivision final plat approval.

b. **Roads and Utility Easements.** The Annexor shall dedicate rights-of-way for all roads and utility easements to Town by plat dedication. All utility easements dedicated to Town, shall be non-exclusive, for the use and the benefit of the various entities furnishing utility services, i.e., electrical, telephone, gas, cable TV, water, sewer, and storm sewer. Utility easements for utilities may be within the road or trails right-of-way and may be identical or overlapping. All utilities shall be placed underground.

c. **Gravel Pits and Lakes.** Annexor shall dedicate to the Town the existing gravel pits and/or lakes currently located on the Property upon written notice from the Town that it desires to acquire said gravel pits and lakes. The suitability of the gravel pits or lakes to be dedicated for public purposes and the credit to be given toward any land dedication requirement is at the Town's sole option and discretion.

7. **WATER SERVICE.** It is agreed by the parties that the Property will receive domestic water from the Town. The Annexor shall comply at the time of development with the Town's requirements.

The Town shall require proof of purchase of a water tap for the building site before a building permit will be issued for the site.

8. **SEWER SERVICE.** It is agreed by the parties that the property will receive sanitary sewer service from the Town. The Town shall require proof of purchase of a sewer tap for the building site before a building permit will be issued for the site.

9. **DRAINAGE.** In conformance with Town standards and specifications, the Annexor shall make provisions to control all storm water runoff greater than that historically generated from the Property. The Annexor shall not alter historic flows in a manner that would adversely affect upstream, downstream or internal properties. The Town and the Annexor agree that such drainage improvements are directly related to and generated by development intended to occur within the Property and that no taking thereby will occur requiring any compensation.
- a. **Drainage Plan.** Prior to any development of the Property, the Annexor, at Annexor's sole expense shall prepare a master drainage plan for the Property. The master drainage plan shall show the location and extent of all drainage system improvements, including but not limited to collection and detention facilities. If the master drainage plan results in changes to drainage or irrigation facilities affecting other property or facility owners, the Town may require the Annexor to obtain written consent from each property or facility owner for the changes before the Town will approve the plan. The Annexor shall construct all improvements in an appropriate manner approved by the Town.
- b. **Drainage Improvements.** The master drainage plan, as approved by the Town, shall state the Annexor's responsibility for on-site drainage improvements. The master drainage plan may include construction of facilities to convey, collect and detain irrigation and storm water. The master drainage plan shall also state the Annexor's responsibility for off-site improvements. The Development Agreement will address these responsibilities in detail, including any proportionate reimbursements from adjacent and/or benefiting property owners or as stated in the *Nederland Municipal Code* then in effect.
- c. **Flood Plains.** If any portion of the Property lies within a floodplain, including unmapped flood plains, as defined by the Federal Emergency Management Agency (FEMA), the Annexor must identify property for proposed changes to the floodplain designation. Any submittal to FEMA must be reviewed and approved by the Town before submittal to FEMA.
- d. **Maintenance of Drainage Facilities** Detention ponds, private storm sewers, underdrains, and other drainage facilities shall be owned and maintained by the Annexor or a Homeowners' Association unless otherwise agreed to by the Town and stated in the Development Agreement.
10. **TRANSPORTATION FACILITIES.** The Annexor shall provide the Town a traffic study in accordance with the criteria as specified by the Town at the time of submittal of the Preliminary Plat, unless the Town waives the requirement.

- b. For full development of the Property to occur, certain on-site and off-site transportation improvements, as identified in the approved traffic study, may be required. The Annexor shall construct the improvements in a sequence acceptable to the Town to meet the demands that development of each phase of the Property will generate. The Annexor shall follow all applicable provisions and standards of the *Nederland Municipal Code*. The Annexor agrees to construct or contribute to the construction of all on-site and off-site transportation improvements to accommodate needs that development of each phase of the Property will generate.
- c. The Annexor's construction of arterial street improvements, and arterial intersection improvements in excess of the cost of a collector street, excluding on-site rights-of-way and site specific improvements, will be subject to reimbursement by the Town or adjacent benefitted property as specified in the Development Agreement.
- d. The Annexor is solely responsible for construction of all transportation improvements to accommodate development of the Property that do not directly benefit other properties. The Town shall not provide for reimbursement to the Annexor for these expenses.
11. **FIRE PROTECTION.** The Annexor shall be solely responsible for installing all fire hydrants and other fire protection measures on the Property and its perimeter as may be required by the Nederland Fire Protection District.
12. **WILDFIRE MITIGATION.** The Annexor shall provide the Town with an ecosystem and fire management plan for the Property, as recommended by the Nederland Community Wildfire Protection Plan (CWPP). The Annexor shall be solely responsible for mitigation of fuels on the Property and any other recommended efforts of the ecosystem and fire management plan.
13. **COST ALLOCATION AND RECAPTURE OF COSTS FOR PUBLIC AND COMMON IMPROVEMENTS.** The Town may require the Annexor to pay for other public improvements that relate to development of the Property. These public improvements may benefit not only the Property, but also adjacent landowners and the public.
- a. The Town shall assure construction of public improvements by requiring the Annexor to execute a Development Agreement. The Town may require financial security by the Annexor before development of all or any applicable phases of development.
- b. Where the Annexor constructs public improvements that will also benefit other property owners and the public, reimbursement to the Annexor shall be according to the *Nederland Municipal Code* in effect at the time of development,

and detailed in the Annexor's Development Agreement.

- c. Where the Annexor's property abuts or benefits from existing public improvements that have been constructed by others (including the Town), the Annexor may be required to participate in those public improvements according to the *Nederland Municipal Code* in effect at the time of development and as detailed in the Annexor's Development Agreement.
14. **DEVELOPMENT IMPACT FEES.** The Town has established certain uniform development impact fees that directly address the effect of development intended to occur within the property upon the Town's infrastructure, administration, and delivery of governmental services. The Annexor agrees to the payment of these uniform development impact fees as established by the Town. The Town and the Annexor further agree that the Town may amend the development impact fees from time to time as needed to address changing effects upon the Town's infrastructure, administration, and delivery of governmental services as a result of development occurring within the Town. The development impact fees are to be paid at the then current rate upon subdivision of the property and/or the issuance of building permits. The Town and the Annexor agree that the necessity of such development impact fees is directly related to and generated by development intended to occur within the Property and that no taking thereby will occur requiring any compensation.
15. **CONFORMANCE WITH TOWN REGULATIONS.** Annexor agrees, without limitation, that the design, improvement, construction, development, and use of the Property shall be in conformance with the *Nederland Municipal Code* including, without limitation, those codes and guidelines pertaining to subdivision and site design, streets and pedestrian ways, storm drainage, utilities, landscaping, park and open space design, and flood control. The Town and the Annexor further agree that the Town may amend the *Nederland Municipal Code* from time to time as needed to address changing effects upon the Town's infrastructure, administration, and delivery of governmental services as a result of development occurring within the Town.
16. **VESTED RIGHTS.** Town and Annexor agree that only the Final Plat (s) of the Property, approved by the Town in accordance with Chapter 17 Subdivisions of the *Nederland Municipal Code*, and amendments thereto, constitutes a site specific development plan pursuant to C.R.S § 24-68-101 et. seq., as amended, (the "Vested Rights Act") for that portion so platted, and in addition, that the rights which vest pursuant to the "Vested Rights Act" shall vest for a period of three (3) years.

Furthermore, Annexor and Town agree that vesting shall only occur in the event that the Annexor specifically requests the approval of the Town to designate the Final Plan as the "site specific development plan(s)" for the Property. Failure of

the Annexor to request such an approval renders the Final Plan not a “site specific development plan” and no vested rights shall be deemed to have been created.

17. **EXCLUSIVITY OF ANNEXATION PETITION.** Annexor agrees to not sign any other petition for annexation of the Property or any petition for an annexation election relating to the Property, except upon request of Town.
18. **NEDERLAND AREA BOULDER COUNTY COMPREHENSIVE DEVELOPMENT PLAN (IGA).** The “Nederland Area Boulder County Comprehensive Development Plan” (IGA) encompasses the entire Property. The IGA, along with accompanying maps, plats, charts and descriptive material, has been adopted by the governing boards of the Town of Nederland and Boulder County. The IGA and its associated Plan, concerning jurisdiction over all lands within the Plan Area, must therefore be amended prior to the effective date of the annexation.
19. **SPECIAL PROVISIONS APPLYING TO THE ASPEN TRAILS ANNEXATION.** Certain provisions shall apply to the Aspen Trails Annexation as contained in **Exhibit B** as attached hereto.
20. **MISCELLANEOUS PROVISIONS.**
  - a. **Interpretation.** Nothing in this Agreement shall constitute or be interpreted as a repeal of the Town’s ordinances or resolutions, or as a waiver of the Town’s legislative, governmental, or police powers to promote and protect the health, safety, and welfare of the Town and its inhabitants, nor shall this Agreement prohibit the enactment or increase by the Town of any tax or fee.
  - b. **Severability.** If any part, section, subsection, sentence, clause or phrase of this Agreement is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Agreement. The parties hereby declare that they would have agreed to the Agreement including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.
  - c. **Amendments to the Agreement.** This Agreement may be amended, at any time, upon agreement of the parties hereto. Such amendments shall be in writing, shall be recorded with the Boulder County Clerk & Recorder, shall be covenants running with the land, and shall be binding upon all persons or entities having an interest in the Property subject to the amendment unless otherwise specified in the amendment.

d. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of and be binding upon the parties, their successors in interest, or their legal representatives, including all developers, purchasers and subsequent owners of any lots or parcels within the Property, and shall constitute covenants running with the land.

e. **Indemnification.** Annexor agrees to indemnify and hold harmless the Town and the Town's officers, employees, agents, and contractors, from and against all liability, claims, and demands, including attorney's fees and court costs, which arise out of or are in any manner connected with the annexation of the Property, or with any other annexation or other action determined necessary or desirable by the Town in order to effectuate the annexation of the Property, or which are in any manner connected with Town's enforcement of this Agreement. Annexor further agrees to investigate, handle, respond to, and to provide defense for and defend against or at the Town's option to pay the attorney's fees for defense counsel of the Town's choice for any such liability, claims, or demands.

f. **Termination.** If the annexation of the Property is, for any reason, not completed, then this Agreement shall be null and void and of no force and effect whatsoever.

g. **No Right or Remedy of Disconnection.** No right or remedy of disconnection of the Property from the Town shall accrue from this Agreement, other than provided by applicable state laws. In the event the Property or any portion thereof is disconnected at Annexor's request, the Town of Nederland shall have no obligation to serve the disconnected property or portion thereof and this Agreement shall be void and of no further force and effect as to such property or portion thereof.

h. **Annexation and Zoning Subject to Legislative Discretion.** The Annexor acknowledges that the annexation and subsequent zoning of the Property are subject to the legislative discretion of the Board of Trustees of the Town of Nederland, as well as the Boulder County Commissioners, in the case of annexation, in accordance with the IGA. No assurances of annexation or zoning have been made or relied upon by the Annexor. In the event that the Town of Nederland Board of Trustees, in the exercise of its legislative discretion, does not take any action with respect to the Property herein contemplated, then the sole and exclusive remedy for the breach hereof accompanied by the exercise of such discretion shall be the disconnection from the Town in accordance with state law, as may be appropriate.

i. **Legal Discretion in the Case of Challenge.** The Town of Nederland reserves the right to not defend any legal challenge to this annexation. In the event such a challenge occurs prior to any expiration of any statute of limitation, Town may, at its discretion, choose to legally fight the challenge or allow the challenge to

proceed without defense. This does not restrict the Annexor from requesting to engage the Town's legal representatives in such a defense at no cost to the Town.

j. **Application of Town Policies.** Upon annexation, all subsequent development of the Property shall be subject to and bound by the applicable provisions of Town ordinances, as amended, including public land dedications, provided however, that changes or amendments to the *Nederland Municipal Code*, after the date of this Agreement shall in no way limit or impair Town's obligation hereunder, except as specifically set forth in this Agreement.

k. **Amendments to Governing Ordinances, Resolutions and Policies.** As used in this Agreement, unless otherwise specifically provided herein, any reference to any provision of any Town ordinance, resolution, or policy is intended to refer to any subsequent amendments or revisions to such ordinance, resolution, or policy, and the parties agree that such amendments or revisions shall be binding upon Annexor.

l. **Legal Fees.** In the event that either party finds it necessary to retain an attorney in connection with a default by the other as to any of the provisions contained in this Agreement, the defaulting party shall pay the other's reasonable attorney's fees and other costs, including but not limited to court costs, incurred in enforcing the provisions of this Agreement.

m. **Reimbursement for Other Costs.** The Annexor shall reimburse the Town for any third party costs necessary for the orderly and proper development of the Property, including but not limited to consultant's fees for planning and engineering, and attorney's fees for legal services beyond the normal document review, which is directly linked to the Property.

n. **Cooperation.** The parties agree that they will cooperate with one another in accomplishing the terms, conditions, and provisions of the Agreement and will execute such additional documents as necessary to effectuate the same.

o. **Timely Submittal of Materials.** Annexor agrees to provide legal documents, surveys, engineering work, newspaper publication, maps, reports and other documents necessary to accomplish the annexation of the Property and the other provisions of this Agreement, in a timely manner.

p. **Compliance with State Law.** The Annexor shall comply with all applicable State law and regulations.

q. **Recording of Agreement.** This Agreement and any amendments thereto shall be recorded in the records of the Boulder County Clerk & Recorder, at Annexor's expense.

r. **Choice of Law.** In all litigation arising out of this agreement, the statutory and common law of the State of Colorado shall be controlling, and venue shall be the District Court of Boulder County, Colorado.

21. **COMPLETE AGREEMENT.** The instrument embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein, and this Agreement shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties hereto. Except as provided herein there shall be no modifications of the Agreement except in writing, executed with the same formalities as this instrument. Subject to the conditions precedent herein, this Agreement may be enforced in any court of competent jurisdiction.

22. **ORIGINAL COUNTERPARTS.** This Agreement may be executed in counterparts, each of which shall be an original, but all of which together shall constitute one and the same instrument.

By this acknowledgement, the undersigned hereby certify that the above Agreement is complete and true and entered into of their own free will and volition.

Town of Nederland

Annexor

\_\_\_\_\_  
By Joe Gierlach, Mayor

\_\_\_\_\_  
By Kayla Evans

ATTEST:

\_\_\_\_\_  
By LauraJane Baur, Town Clerk

\_\_\_\_\_  
By Joseph Evans

\_\_\_\_\_  
By Tamara Ann Holmboe



State of Colorado )  
                              ) ss.  
County of \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_ by \_\_\_\_\_.

My Commission expires:

Witness my hand and official seal.

Notary Public

## **EXHIBIT A: LEGAL DESCRIPTION**

A Parcel of land found in the Southeast Quarter of the Southeast Quarter of Section 14, Township 1 South, Range 73 West of the 6th Principal Meridian, County of Boulder, State of Colorado described as:

Beginning at the Southeast Corner of said Section 14 as monumented by a 1941 General Land Office Brass Cap on a pipe, said corner being the True Point of Beginning, and considering the South line of the said Southeast Quarter of the Southeast Quarter of Section 14, as monumented on the west end by a 2011 Forest Service aluminum cap, to bear South 87°17'10" West with all bearings herein relative thereto;

Thence along the said South line of the Southeast Quarter of the Southeast Quarter of Section 14 South 87°17'10" West 1,237.04 Feet to a point on the East Right-of-Way (ROW) of County Road 130 (Eldora Road) as documented in Reception #2348500 & #2348501 at the Boulder County Clerk and Recorder's Office;

Thence departing the said South line of the Southeast Quarter of the Southeast Quarter of Section 14 and along the said East ROW of County Road 130 the following thirty (30) courses:

North 34°14'19" East 91.93 Feet (L1);  
North 34°25'06" East 86.91 Feet (L2);  
North 37°28'10" East 47.48 Feet (L3);  
North 40°19'30" East 77.49 Feet (L4);  
North 46°26'05" East 65.16 Feet (L5);  
North 46°08'53" East 129.10 Feet (L6);  
North 20°21'01" East 20.09 Feet (L7);  
North 29°10'17" East 45.82 Feet (L8);  
North 39°39'48" East 99.50 Feet (L9);  
North 41°22'10" East 35.13 Feet (L10);  
North 43°03'09" East 70.82 Feet (L11);  
North 43°26'23" East 44.90 Feet (L12);  
North 47°54'31" East 65.10 Feet (L13);  
North 50°11'17" East 89.14 Feet (L14);  
South 45°52'08" East 21.85 Feet (L15);  
North 63°42'59" East 30.50 Feet (L16);  
North 62°39'40" East 59.22 Feet (L17);  
North 62°14'05" East 64.31 Feet (L18);  
North 31°51'32" East 40.68 Feet (L19);  
North 68°23'19" East 62.36 Feet (L20);  
North 66°58'21" East 52.05 Feet (L21);  
North 66°27'04" East 47.18 Feet (L22);  
North 75°22'38" East 36.20 Feet (L23);  
North 66°04'04" East 41.69 Feet (L24);  
North 70°06'12" East 31.54 Feet (L25);  
North 73°43'58" East 45.69 Feet (L26);  
North 66°18'12" East 40.59 Feet (L27);  
North 64°05'34" East 61.42 Feet (L28);  
North 74°59'21" East 51.90 Feet (L29);  
North 69°42'31" East 4.10 Feet (L30) to a point on the East line of the said Southeast Quarter of the Southeast Quarter of Section 14;

Thence departing the said South ROW of County Road 130 and along the said East line of the Southeast Quarter of the Southeast Quarter of Section 14 South 00°47'24" West 926.97 Feet to the True Point of Beginning and containing 16.8 Acres, being also 732,993.6 Ft<sup>2</sup> more or less.

**EXHIBIT B: SPECIAL PROVISIONS**

**[If applicable]**

DRAFT

**EXHIBIT C: CONCEPT PLAN**

DRAFT

**EXHIBIT D: SECTION 16-33 NEDERLAND MUNICIPAL CODE**

DRAFT

(Ord. 209 Art. II §2, 1981; Ord. 263 §1, 1985; Ord. 382 §1, 1994; Ord. 435 §1, 1996; Ord. 569 §1, 2003; Ord. 570 §1, 2003; Ord. 621 §1, 2006; Ord. 634 §3, 2007; Ord. 645 §5, 2008; Ord. 650 §2, 2008)

**Sec. 16-33. Yard and bulk requirements.**

|                                                               | <i>Zoning Districts and Requirements</i> |           |            |            |            |                    |            |           |          |          |
|---------------------------------------------------------------|------------------------------------------|-----------|------------|------------|------------|--------------------|------------|-----------|----------|----------|
| <i>Yard and Bulk Items</i>                                    | <i>F</i>                                 | <i>MR</i> | <i>LDR</i> | <i>MDR</i> | <i>HDR</i> | <i>NC</i>          | <i>CBD</i> | <i>GC</i> | <i>I</i> | <i>P</i> |
| Minimum lot area per lot and per dwelling unit (sq. ft.)      | 5 acres <sup>3</sup>                     | 1 acre    | 16,000     | 8,000      | 4,000      | 4,000 <sup>4</sup> | 0          | 8,000     | 8,000    | 0        |
| Minimum lot width (ft.)                                       | 330                                      | 150       | 100        | 70         | 40         | 40                 | 0          | 40        | 40       | 0        |
| Maximum lot coverage (% of lot area)                          | 10                                       | 15        | 20         | 30         | 40         | 40                 |            | 40        | 40       | 100      |
| Minimum setback from a street for all uses (ft.) <sup>1</sup> | 50                                       | 30        | 30         | 25         | 20         | 25                 | 0          | 25        | 25       | 0        |
| Minimum front yard setback for all uses (ft.) <sup>1</sup>    | 50                                       | 30        | 30         | 25         | 20         | 25                 | 0          | 25        | 25       | 0        |
| Minimum side yard setback from an interior lot line           |                                          |           |            |            |            |                    |            |           |          |          |
| Principal uses (ft.)                                          | 30                                       | 20        | 15         | 10         | 5          | 5                  | 5          | 10        | 10       | 0        |
| Accessory uses (ft.)                                          | 10                                       | 10        | 10         | 5          | 5          | 5                  | 0 or 10    | 5         | 5        | 0        |
| Minimum rear yard setback                                     |                                          |           |            |            |            |                    |            |           |          |          |
| Principal uses (ft.)                                          | 50                                       | 40        | 40         | 25         | 15         | 15                 | 15         | 15        | 15       | 0        |
| Accessory uses (ft.)                                          | 10                                       | 10        | 10         | 5          | 5          | 5                  | 10         | 5         | 5        | 0        |
| <i>Structure Criteria</i>                                     |                                          |           |            |            |            |                    |            |           |          |          |
| Maximum building height <sup>2</sup>                          |                                          |           |            |            |            |                    |            |           |          |          |
| Principal uses (ft.)                                          | 35                                       | 35        | 35         | 35         | 35         | 35                 | 35         | 35        | 35       | 35       |
| Accessory uses (ft.)                                          | 25                                       | 25        | 25         | 20         | 20         | 20                 | 20         | 20        | 20       | 25       |

**Design Standards and Guidelines – Section 18**

<sup>1</sup> Or, in the case of a principal structure only, an established set back line.

<sup>2</sup> Measured to the uppermost point of the roof. See Section 16-6(9).

<sup>3</sup> One acre equals 43,560 square feet.

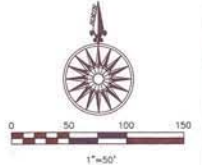
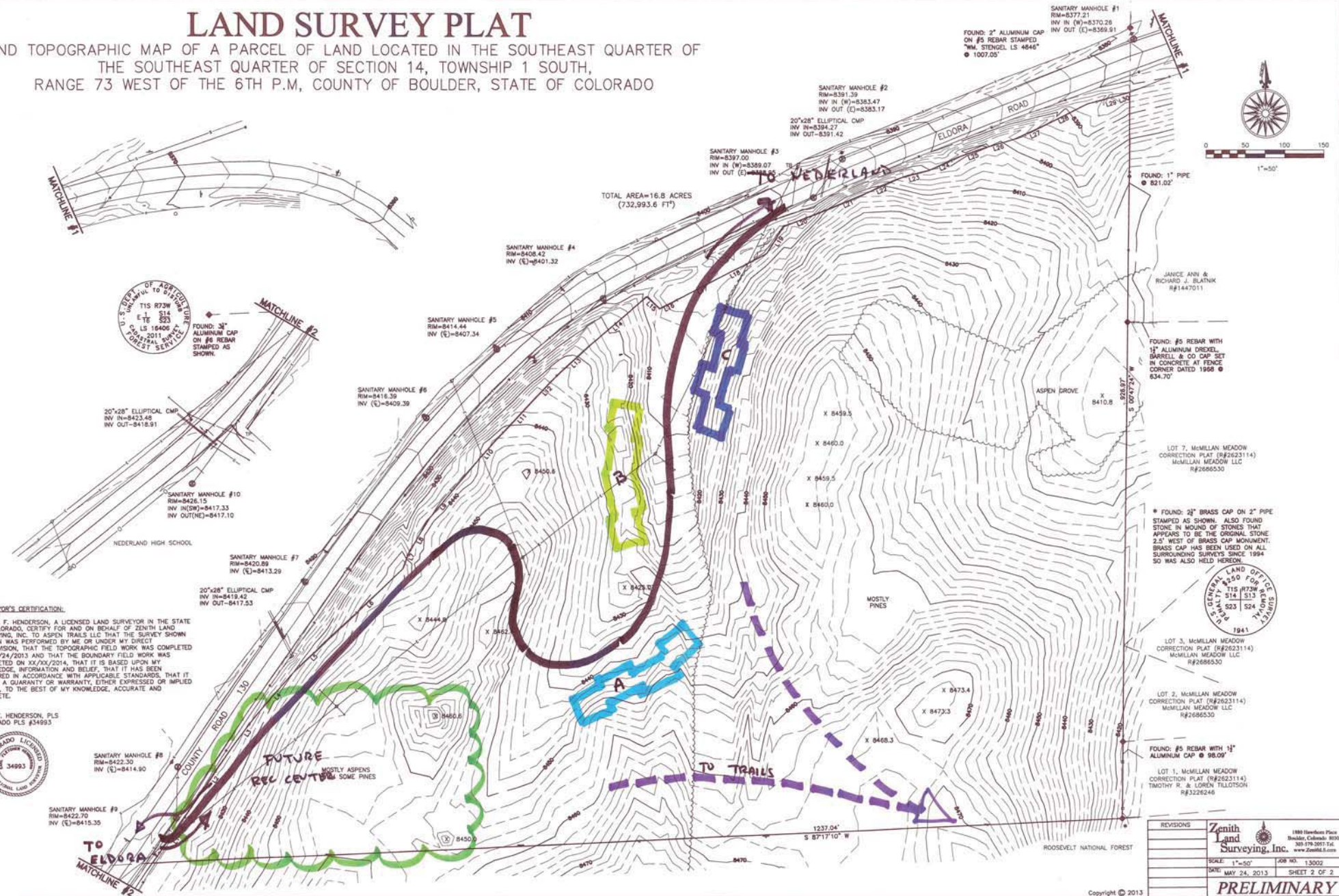
<sup>4</sup> Minimum lot area per dwelling unit may be reduced to 2,000 sq. ft. upon approval of the Board of Trustees in the Neighborhood Commercial District through the Planned Unit Development provisions of this Chapter. See Article IV.

(Ord. 209 Art. II §3, 1981; Ord. 246 §§2, 3, 1983; Ord. 327, 1991; Ord. 645 §6, 2008; Ord. 650 §3A, 2008)

**Secs. 16-34—16-50. Reserved.**

# LAND SURVEY PLAT

AND TOPOGRAPHIC MAP OF A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 1 SOUTH, RANGE 73 WEST OF THE 6TH P.M, COUNTY OF BOULDER, STATE OF COLORADO



**Zenith Land Surveying, Inc.**  
1888 Stearns Place  
Boulder, Colorado 80504  
303.479.2611 fax  
www.zenithland.com

DATE: MAY 24, 2013  
SHEET 2 OF 2

**PRELIMINARY**

## Evans – Aspen Trails Annexation

### Letters of Support in Favor of Annexation



**Alisha Reis**

---

**From:** BOT <bot-bounces@nederlandco.org> on behalf of Adam Fels <adam.fels@bvsd.org>  
**Sent:** Tuesday, September 30, 2014 4:07 PM  
**To:** bot@nederlandco.org  
**Subject:** [BOT] Support for Evans annexation proposal  
**Attachments:** Untitled attachment 00466.txt

**Dear Nederland Trustees,**

**Please accept this email of support for the Evans Project annexation adjacent to Nederland Middle High school. I had the good fortune to meet with Ms. Evans and review her project proposal and believe this project holds promise for potential increased housing that would support our local residents and local economy. What I am most impressed by is her clear support for partnerships possibilities with our town and school and her willingness to develop residential units that would be affordable to educators. I believe that it is essential to support projects of this type, that will help our teachers to find housing here in our local town. Many of my current and former staff have reflected on the lack of local housing( both for sale and rent) that would allow them to accept and remain on our teaching staff. and it is clear from my perspective that our small town is in need of increased residential development.**

**I appreciate your consideration of this proposal.**

**Best Regards,**  
Adam Fels  
Principal, NMSHS

## Alisha Reis

---

**From:** BOT <bot-bounces@nederlandco.org> on behalf of Vera Schulte  
<vera.schulte@gmail.com>  
**Sent:** Saturday, March 15, 2014 12:26 AM  
**To:** BOT Nederland  
**Subject:** [BOT] letter in support for Evans annexation  
**Attachments:** Untitled attachment 00576.txt

Dear Trustees,

this note is to express my support for the Evans annexation. I have reviewed the proposal, and consider the design to be very progressive and beautifully in line with Nederland's efforts towards sustainability. The proposed model of multifamily housing in clusters of small buildings with coworking and work/share facilities and access to nonmotorized and public transportation is perfectly suited for Nederland. I grew up in Europe and Asia and still visit family there, and am always struck by the pleasing aesthetics and common sense of sparsely scattered higher density housing in small towns nestled within rural environments. The proposal offers a great answer to the unsustainable and obsolete suburbia model of single family property sprawl. It ties in with efforts to make Nederland a more walkable and bikeable town and would allow access to the West Magnolia Open Space, which currently requires driving or risking one's neck in highway traffic on foot or bicycle. It would also connect the middle/high school to town rather than leaving it in its current isolation, making foot and bike commutes to the school safer and much more likely to be used by students and staff. To reject this proposal on principles of limiting development would be shortsighted and counterproductive, and would propel Nederland further down along an undesirable track towards an overpriced and sterile bedroom community full of high-income car commuters. I urge you to recognize the visionary and sustainable nature of the proposed plan and to approve the annexation petition.

Sincerely,

Vera Schulte-Pelkum

To the Town Board of Trustees,

3/12/14

During the time I have lived in Nederland, I have had the good fortune to live on Arapaho Ranch (no "e" at the end) for 15 years. Due to my unique perspective of the area, I would like to comment on the proposed annexation and development of the 17 acres east of the ranch, known as Aspen Trails.

Unless you have lived or worked on the ranch, it is hard to understand what goes into preserving and protecting such a large piece of land. It is a common misconception that because the ranch has been given by the Evans family to a conservancy easement, it will be taken care of...by someone. Well, it is the Evans family who takes care of Arapaho Ranch. They are the ones who have been responsible for paying property taxes, conserving, maintaining and keeping safe this amazing property. It is a huge responsibility and expense to the family in terms of both time and money. They have given tremendously to every one of us by being the stewards of the land. The property does not take care of its self. The work is endless, take for example the invasive plant species that would have taken over the wild flower and native plant habitat, pine and spruce beetle would have destroyed the forest and created a huge fire danger, there would be human encroachment/development on the elk breeding and calving grounds, the beaver would have been killed off for the operation of the town water works, the road to Eldora would have been widened, fences and outbuildings would be dilapidated and the ranch more than likely, would not even exist. There are no golf courses or condominiums in the meadows and valley, thanks to the foresight, care and planning from the Evans family.

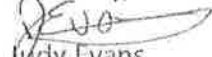
So now, they are asking the community to help preserve Arapaho Ranch. The "engine" that runs the ranch right now (the guest cabins) may not be running past this generation. So, there needs to be a way to keep the ranch beautiful and at the same time contribute to the community. This is the idea driving the Aspen Trails Development, which could establish a trust to sustain the ranch. When the conservancy easement was created, 17 acres was left out, so that it might someday be used for this very purpose.

The 17 acres used for the Aspen Trails development is not part of the conservancy. I understand that the neighboring property owners did not realize this and thought it would not be developed. The neighbor's property has been subdivided for the development of single family homes. I understand why the neighbors are against the development of the 17 acres adjacent to their property, because it may be more difficult to develop and sell homes, when they boarder affordable housing instead of undevelopable open space. I just want to assure the

neighbors that with the development, they may still use the trails that they have so enjoyed over the years, but will no longer need to trespass.

Certainly there are many aspects to be considered with this annexation, but overall I say that if the Evans family needs to develop their 17 acres of private property, for the benefit of Arapaho Ranch and the community, then let them! Thank you

Sincerely,



Judy Evans

1250 Eldora Rd.

## Cynthia Bakke

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**From:** Beth David [bdavid@nednet.net]  
**Sent:** Wednesday, March 12, 2014 8:03 AM  
**To:** bot@nederlandco.org  
**Subject:** Evans annexation

Date: March 11, 2014  
Board of Trustees  
Town of Nederland

Dear Nederland Board of Trustees:

I am writing about the Evans proposal for annexation of 17 acres to be discussed at the March 19<sup>th</sup> meeting. I attended the planning board meeting where this issue was discussed, and was surprised when the board chose to recommend not moving forward in exploring the proposal. I think this plan has many ideas that would be beneficial to the community of Nederland and surrounding communities such as Eldora, where I am a resident.

The first benefit would be senior housing. We have many retirees in this community. I plan to retire and stay in the community, but I realize that at some point the upkeep of my home may become too much of a burden for me, or it may not be safe for me to drive anymore. At that point, I would prefer to transition to a place in this community, rather than moving to Boulder or beyond. This plan provides senior housing that will be serviced by public transportation, but still provides enough of a buffer from the highway and Nederland that it would be a quiet community.

The second benefit would be a pool. I would love to have a pool in this community. It would promote good health for many, provide additional recreation options for families, and benefit the school by making a swim team possible.

The third benefit would be affordable housing. Kayla pointed out that real estate agents in the area have told her there is a rental housing shortage. Affordable housing would benefit current residents of our community. Many long-term residents have recently told me that current housing prices in the area have become too expensive for their budgets.

Finally, I support having development in this community guided by a local developer who has knowledge of this community and will be accountable to the community.

I urge you to seriously consider this proposal, and explore it further.

Sincerely,

Beth David  
425 Huron Avenue, Eldora

Cynthia Bakke

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**From:** BOT [<mailto:bot-bounces@nederlandco.org>] **On Behalf Of** Kathleen Pullin  
**Sent:** Tuesday, March 11, 2014 11:06 PM  
**To:** [bot@nederlandco.org](mailto:bot@nederlandco.org)  
**Subject:** [BOT] Kayla Evans Annexation Petition

To the Nederland Board of Trustees,

I attended the tail end of the Planning Commission meeting about a proposed senior and mixed income development near the high school. I was surprised when the commission voted to recommend the Board of Trustees not move forward with the plan because there are infill lots available and unknown developers will somehow appear to build affordable housing in Nederland.

I came to Eldora from California (via Arizona). California is a state famous for its tract housing and out-of-control development. Building "ticky-tacky" suburbs is fine if you're an outside corporation and will never have to live there. But Californians do have to live forever with the hillside stucco suburbs and all their problems long after the profit makers have moved on to build the next one. I believe this is a fundamental problem with development in California—the builders are not community members.

The proposal before the Planning Commission did not come from an outside developer. It came from people who live and work and volunteer in our community. This is a proposal for something Nederland needs, affordable and senior housing. The proposal is by people who have a lifetime of commitment to the town of Nederland, people who will live next door to the development, and people who are building for a community future. They want our input, because after they build the development they will continue to be our neighbors, they will continue to do business with us, and they will continue to volunteer in our community.

The time to get the most input into development is early on in the process. The Planning Commission seems to be banking on Nederland attracting for-profit strangers to town to develop senior housing. But we shouldn't have to wait, nor should we want to wait for outside developers to come to town when we have potential developers who are lifetime community members.

I urge the Nederland Board of Trustees to weigh the value of development by lifetime community members versus not-yet-materialized outsiders and to move forward with discussing this local application for annexing land near Nederland High School for affordable and senior housing.

Sincerely yours,

Kleo Pullin

Eldora, CO

**Cynthia Bakke**

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**From:** BOT [<mailto:bot-bounces@nederlandco.org>] **On Behalf Of** [Prof.D@comcast.net](mailto:Prof.D@comcast.net)  
**Sent:** Tuesday, March 11, 2014 8:34 PM  
**To:** [bot@nederlandco.org](mailto:bot@nederlandco.org)  
**Subject:** [BOT] Proposed Evans Annexation

To Whom it may Concern,

I am writing to urge the Nederland Board of Trustees to consider seriously the proposal by Joe and Kayla Evans to the Town of Nederland to annex 17 acres they own west of town. The project is forward looking and addresses serious needs in the community, both immediate and long-term. It is my belief that the vote of the Planning Commission to deny approval of the project should be reconsidered.

I shall assume those reading this are familiar with the proposal as it stands and not rehash every detail but rather just highlight those aspects I think most important. It seems to me there is little doubt that the town needs affordable housing (California-high real estate prices only benefit those who already own). Just as importantly, there is very strong demand for senior housing, an area I am given to understand that the Town is already behind in its commitments. A safe walk to the school for students and a pool that both the school and the community would benefit from seem like important infrastructure additions. And can additional tax revenues hurt the town?

It should be emphasized that the project details concerning the forgoing are far from finalized. How many units, how many senior units, how "green", etc., are details that will not be determined unless the project moves forward to the next step. For the Board to allow this project to go forward does not commit the town to anything but does put the onus on the Evans to commit to the specifics on which the merits of the project can be determined.

I would like to note that I am a resident of Eldora not of Nederland. As your neighbors, however, what happens in Nederland affects all of us. It was reported in the Mountain-Ear that a representative of the Eldora Civic Association (ECA) "...brought in a bunch of letters asking the PC not to approve the annexation." I wish to make clear that the ECA does not represent all, or even the majority of, property owners in Eldora and that there are some of us up here who are not opposed to this project being further explored.

If Nederland truly wishes to be a town known for dead guys, drugs, and dreads then they should certainly reject any plans like these that attempt to address current needs in the town as well as improve the outlook for the town. Should the town leadership feel otherwise, then I strongly encourage you to consider the annexation further so as to allow the project to advance to the stage where it can be determined a) what precisely is on the table, and b) does the community at large wish it.

Sincerely,

Harry Lane David

445 Huron Ave

Eldora, CO 80466

COLUMBINE FAMILY CARE  
Dr. Michael A Camarata MD  
20 Lakeview Dr. #204 Box 127  
Nederland CO 80466  
(303)258-9355

03/11/2014

To Whom It May Concern:

I have reviewed the project goals for the proposed annexation of land by Dr. Joe Evans. I strongly support this plan without reservation. As a local Nederland business owner, I believe the proposed annexation would benefit the Nederland citizens and business owners.

Sincerely,



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Michael A Camarata MD  
Family Practice



Hon. Mayor Joe Gierlach  
And Members of the  
Nederland Board of Trustees  
March 10, 2014

Barbara (BJ) Doane  
1008 County Rd. 99  
Black Hawk, Colorado  
970-301-6658

I am writing to you today to express my enthusiastic support for the proposed Evans Annexation project. This project is an excellent idea for the Town of Nederland and for the greater Nederland Community.

I was so disappointed to see that the Planning Commission was so quick to deny this proposal. Having read the Envision 2020 plan, it is abundantly clear that the Evans Annexation, or Aspen Trails proposal meets, or exceeds the hopes and visions of that 2020 plan.

There is such a definite need for senior housing in the Nederland Community, as anyone who has parents and grand-parents or senior friends who love living up here will tell you. Waiting for eight years to secure a spot at Prime Haven simply isn't good enough, and we can, and should, do better. The Evans Annexation proposes to do just that.

The location for the proposed Evans Annexation couldn't be more perfect. It is, as stated, contiguous to Nederland, with water, sewer, power, access to RTD, and the Peak to Peak already in place.

My family comes from Eldora, our great-grand-father settled at the west of Eldora in 1895, and the Close family roots are firmly planted in these mountains. I have known the Evans family all of my life, and I know that Joe and Kayla care deeply for the Nederland Community, and for the Arapaho Ranch, which is and always has been, such an important part of the Nederland area. It is no surprise, then, that it is this very community which is at the heart of the Evans Annexation. The planned Aspen Trails does not call for some huge, commercial development. It calls for mountain-compatible, centralized housing and amenities for some of our most precious resources---our people, young and not-so-young, who live in and love these mountains, and this area as much as those of us whose histories go back six generations now.

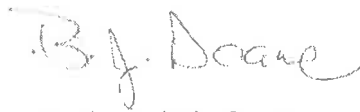
The benefits of the Evans Annexation go beyond safe, suitable housing for our senior citizens, to affordable housing families, and for teachers, something which should be a top priority, and a swimming pool would be an ideal addition to the Nederland Community.

The Evans Annexation has sustainability, low-impact, preservation of the area and the environment as core values. I have read some of the comments voiced which spoke against the proposed Aspen Trails, and fail to see the basis for these arguments. This will not impede nor interfere with the Eldora Civic Association in any way whatsoever, , and the design for Aspen Trails is completely compatible with the unique spirit that is Nederland and the Arapaho, all the while maintaining the amazing view of the Peaks, the Arapaho Ranch and Valley, at the same time providing safe, quiet, convenient and centralized

housing for our Seniors, many of them whose families have also been here for four, five and now six generations. They deserve this.

Nederland has a long, colorful, storied history, from the mining days which brought my great-grand-father and so many others here, to now. There have been a lot of changes, both in Eldora and Nederland, just in my lifetime. Joe and Kayla Evans, who are my generation, can, and hopefully will, help tell some of the stories we learned from our parents and grand-parents, the real history of this area we all love so very much. Please give fair, serious, careful consideration to passing the Evans Annexation, it is a brilliant plan for, and addition to Nederland.

Sincerely,

A handwritten signature in cursive script that reads "Barbara (BJ) Doane". The signature is written in dark ink and is positioned above the printed name.

Barbara (BJ) Doane

Maryanne Flynn

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**From:** "Joan Chamberlain" <ladyhawke2552@gmail.com>  
**To:** <arapahoranch47@msn.com>  
**Sent:** Saturday, March 08, 2014 5:41 PM  
**Subject:** Kayla - here's your letter, hope it helps - Joan

To Whom It May Concern:

It has come to my attention that there is a possibility of constructing a swimming pool in Nederland. This is a wonderful idea. It would be beneficial to the school and the community. My son attended Nederland schools until 2004, at which time we began attending school in Boulder. Among the reasons we decided to transfer to Boulder was the athletic programs offered. My son is a swimmer and there were opportunities to join year round swim clubs and swim for his high school. My son is a serious, competitive swimmer who swam Senior State this year and is hoping to swim in college. If there had been a pool in Nederland, swimming at 8,500 feet would have been a great asset to his training.

The more this community can offer to its young people, the better and stronger a community it will become. Swimming is a healthy, positive sport that is perfect in a high school setting. It would open opportunities to year round swim clubs that would love to train at altitude. Boulder County is a destination point for professional tri-athletes around the world, who I am sure would jump at the chance to train here. From my experience with the swimming world, lane space is at a premium and hard to come by. Therefore, financially, I believe this can be an economically feasible proposition.

In conclusion, I think a pool for Nederland would be a positive addition and a wonderful asset to the youth and all the members of this community.

Thank you for your consideration,  
Joan Chamberlain  
Nederland, Colorado

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Sarah & Iain Irwin-Powell  
40 Pomo Way  
Nederland  
Colorado 80466

Kayla & Joe Evans  
Arapahoe Ranch  
1250 Eldora Road  
Nederland  
Colorado 80466

6<sup>th</sup> March 2014

Dear Kayla & Joe

Thank you for both taking the time to explain your plans to us. It sounds like an interesting project and both Sarah and I fully support you in your efforts to make this go forward. Please pass our comments below on in your efforts to move your plan forward.

Kayla & Joe Evans have spoken to both Sarah & myself and we have both examined their proposal document regarding their proposal for the annexation and development of a small part of the Arapahoe Ranch property.

What they propose is a great idea for our community. It is a well known and documented fact that there is a lack of suitable residential property for seniors in our community. We live in a society where the average age of our population is increasing and approaches need to be made to allow those who wish to continue their lives here to do so.

We all have the privilege in this wonderful place, but we all know that it comes with a cost. Conditions up here in the mountains can be challenging for the fittest and most able bodied amongst us. I frequently find myself considering what we will do as I clear the snow for the 5<sup>th</sup> time in a day because the wind helpfully deposited back in front of my house or repair the damage that the never-ending wind inflicts. Unfortunately it is common for the older population to either struggle to continue living here or being faced with having to move away as their options are limited in terms of moving into a residential property suitable for their needs.

Having a small, cohesive residential community for our seniors where their requirements can be met and they can continue to enjoy our mountain world would be a great asset to the town and would speak volumes about our commitment to maintaining and supporting our community. Seniors often become isolated and depressed and living opportunities like this allow them to be engaged with other people easily and consistently and will improve their quality of life.

Having considered their proposal we feel that it is a small development that is suitable for the town and has significant benefits that should be taken into account when you make your decisions.

Yours sincerely



Sarah & Iain Irwin-Powell



March 6<sup>th</sup>, 2014  
Town of Nederland  
Board of Trustees  
Planning Commission

To whom it may concern:

I am a resident of the Town of Nederland. I am in 100% full support of the Evans'/Arapahoe Ranch property annexation. With the legalization of Marijuana, I am seeing rental property becoming unavailable, or simply priced out of reach of the average "blue-collar worker". This last year my rent has gone up astronomically to the point that I can barely afford to live in town. I am fearful that if rent continues to increase I will have to move out of town. As a member of our local Fire Department this will have a negative effect on my response times, (by being out of district) and ability to participate.

I am in full support of any efforts made to improve housing, and any attempts to lower, and/or control the cost of rental property in the Town of Nederland.

I thank you for this opportunity to comment on this issue.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Harrison", with a stylized flourish at the end.

Jim Harrison  
108 E. 3<sup>rd</sup> Street #2  
P.O. Box 623  
Nederland, CO. 80466

**Maryanne Flynn**

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**From:** "Ken Robinson" <rkenrob@gmail.com>  
**To:** <arapahoranch47@msn.com>  
**Sent:** Wednesday, February 26, 2014 12:43 PM  
**Subject:** Annexation

To Whom it may concern

Kayla Evans has shared and previewed her plan to annex and develop some of her property with me and has asked for my opinion. I offer the following points which I believe will enhance the Town of Nederland.

1. The property is entirely wooded and has some beetle kill trees and some ground fuel. This property is west of the Town of Nederland, in the path of predominant winds. A development in this area could provide a substantial fire break for the Town. As the former Town Marshall, I personally responded to numerous calls for service on behalf of the Boulder County Sheriff's office on or near the Evans property for complaints of transient camps and or unextinguished campo fires.
2. Extending the Town boarder to the west could enable further annexations, including the Middle/High School, extending the reach of the water and sewer services provided by the Town of Nederland. Bringing the schools into the community has an aesthetic appeal, and may cause the area to be more appealing.
3. Negotiations with the Boulder County regarding annexations of the Middle/High School may provide a revenue stream for the Town by taking over the police services at the schools.
4. Housing in the Nederland area is limited, especially with the advent of the changing marijuana growing laws. Housing in the vicinity of the schools and the ski resort can only provide stability for the community.

I am available to discuss any of these ideas with you,

R Kenneth Robinson

2/26/2014

February 26, 2014

To Town of Nederland, CO. Planning Commission  
PO Box 396, Nederland, CO. 80466  
Re: Evans Petition for Annexation

Dear Commission Members,

In your decision about this project, please take into consideration several lost projects presented in years past which could have been so beneficial to the Town. The Evans families have been long time, great contributors to several venues in Nederland and I think have the foresight and financial ability to see this project through in a worthwhile way which will contribute to the quality of life and revenue base of our town.

Sincerely,

A handwritten signature in cursive script, appearing to read "Glenna Carline".

Glenna Carline

PO Box 220  
Nederland, CO 80466



# Mountain Market

*Your Friendly Independent Grocer*

To Whom It May Concern:

First of all, I cannot stress enough the need for housing of this nature in the town of Nederland. As the owner of B&F Mountain Market, we are in a way, the social hub of the town of Nederland. The most asked question by customers consistently is, do you know of any affordable housing available? Any type of housing whatsoever!! This question is asked week after week, year after year by our customers. It is an issue that we have for employees also. It is one that needs to be addressed in order to grow in a fashion that keeps our community sustainable for the future.

As I reviewed the proposal by the Evans Family, I was very impressed at how it covers a variety of housing needs and not just one. They has obviously done their homework as to the need of senior housing along with entry level housing for those just getting started and transitional housing for those downsizing. A sidewalk from the High School into the town goes without question for safety of our students and for connecting future trails from the town into the west magnolia area. A future swimming pool for the town is a wonderful idea. This would be used by everyone in the Peak to Peak area and is one more thing to keep people in our community versus going down the mountain for a service of this nature. Keeping as many tax dollars as possible in our town versus being spent elsewhere is a vital piece for future services in our town. Can you imagine a swimming team in our schools!! That would be great for our students.

The location just makes sense for annexation by the town.

I know a project of this nature can be a little scary to some people but I must say, I have had the privilege of knowing the Evans Family since 1987 and we could not have a better family to do a project of this nature. They have had the best of Nederland at heart since the day I met them all and that will never change. I would feel very comfortable knowing they are the ones doing this project. They would keep all aspects of the town of Nederland and its charm as we know it on the forefront of this project.

Dan Ball  
02/26/14



Mr. and Mrs. Frank W. Irwin

550 W. Breed Street

PO Box 446

Nederland, CO 80466

Tuesday, February 25, 2014

To: Nederland Board of Trustees

Nederland Planning Commission

Dear Friends:

We urge you to accept the Application for Annexation presented to you by Kayla Evans and Arapaho Ranch for annexation of 17 acres of ranch property south of Eldora Road and east of the Nederland Middle-Senior High School for proposed development of affordable housing for the Nederland community. Such a project has been long sought by elder citizens of Nederland. Let me review the background of this proposed project.

After our full retirement in 1995 we returned to our family homestead property on Breed Street and immediately declared our intention to make Nederland our primary residence. At that time we joined and have participated actively in the Nederland Community Presbyterian Church; Nederland Area Seniors; Nederland Area Historical Society; and the Lions Club. Each of these groups during our tenure has sought the development of affordable housing and appropriate amenities in Nederland for Senior citizens. I was also privileged to serve six years on the Boulder County Aging Advisory Council where I was introduced to and advocated for the concept of Aging Well within the local community, a major driver of the master plan for the Boulder County Area Agency on Aging.

In the mid-nineties, Nederland Area Seniors invested donated memorial funds with Boulder Community Foundation with the express purpose of establishing an endowment fund for the establishment of a free standing Senior Center once land within town became available. Those plans were altered when the Town purchased the school to form the Nederland Area Community Center, which then housed the Senior Center and meal site. The Nederland Lions Club donated funds for a stairwell elevator and commercial kitchen for the senior meal site. The roof collapse of 2003 closed the Senior Center and the meal site. The Presbyterian Church and local restaurants stepped into the breach to continue the meal site at various locations until the repair of the Community Center was completed. But affordable housing for elder citizens remained allusive.

At that point the Nederland Area Historical Society picked up the ball with the purchase of an acre property from the Jack Snyder estate in the heart of downtown Nederland with the intent of possibly building a senior housing complex similar to one that had been recently built in the town of

Lyons. The economic collapse of 2008 and wetland issues at the creek's edge destroyed that idea and the Society sold the property to shore up its own financial position.

As the aging population of the Peak to Peak area increases, the proposed project now before you seeking annexation to the Town of Nederland offers the Town and the elder citizens of western Boulder County the appropriate, affordable housing and recreational facility long sought after.

As currently planned, the project is highly sustainable. It meets the community's 2020 Vision plans; is environmentally sustainable through the use of solar energy; and is well situated on a current RTD route for transportation needs. Situated just east of the Nederland Middle-Senior High School the project offers opportunities for intergenerational learning and recreational activities. The swimming pool could be made available to the school for the formation of a school swim team; the solar center could be utilized by the school as a science and technology learning center.

But best of all, this project is being proposed by a well known neighbor and local business person, not an out-of--community developer. We encourage you to approve this Annexation Application.

Sincerely,

Justine C. Irwin and

Frank W. Irwin

Cynthia Bakke

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**From:** Planningcommission [planningcommission-bounces@nederlandco.org] on behalf of Patricia Everson [patricia.everson@gmail.com]  
**Sent:** Monday, February 24, 2014 8:17 AM  
**To:** planningcommission@nederlandco.org  
**Subject:** [Planningcommission] Evans Annexation on the Feb 26 Agenda

To all Planning Commission members:

As a private citizen of Nederland, I would like to encourage you to approve this application for annexation. The plan is well presented and if built would fill a very large housing need in the community.

Also, additional property tax revenue created outside of the Downtown Development District will go directly to the Town for continuation of vital services. The tap fees will also be a valuable addition to the Water and Waste Water Treatment Funds for upgrades and maintenance in the future.

Further, this should also contribute to sustainability in Nederland by bringing more people to live in the mountains and use the various restaurants and services which are already established, as well as creating more opportunities for new businesses.

A vibrant community should have controlled growth. This project would provide the growth that is necessary for fiscal sustainability as well as a lovely place for people to live.

Thank you for your service to the community.

Pat Everson - 114 E. 2nd St. Nederland, Co.

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Planningcommission mailing list  
[Planningcommission@nederlandco.org](mailto:Planningcommission@nederlandco.org)  
[http://nederlandco.org/mailman/listinfo/planningcommission\\_nederlandco.org](http://nederlandco.org/mailman/listinfo/planningcommission_nederlandco.org)

**Maryanne Flynn**

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**From:** "Patricia Everson" <patricia.everson@gmail.com>  
**To:** "Kayla Evans" <arapahoranch47@msn.com>  
**Sent:** Monday, February 24, 2014 8:05 AM  
**Subject:** Annexation

Kayla, I just had an opportunity to review the Planning Commission Packet for Wednesday's meeting. I am particularly impressed with the professional and thorough plan you are presenting.

As a private citizen, I would like to express my support of your project. The location is excellent for all the reasons already stated in the report. Furthermore, the "sidewalk to nowhere" as it was previously called, now has a somewhere with your plan and shows a great deal of foresight on the part of the previous NDDA board.

If you are able please express my opinions to the Planning Commission. I will not be able to attend as I am in Florida, (thank goodness), but I wish you the best outcome with your plan.

Pat Everson

PS I will also convey my thoughts to the BoT when they have their meeting.

2/24/2014



**NEDERLAND FIRE PROTECTION DISTRICT**  
**P.O. BOX 155**  
**NEDERLAND, CO 80466**  
**PH: (303) 258-9161    FAX: (303) 258-9162**

February 6, 2014

Dear Nederland Planning Commission/Trustees:

I recently supplied comment to Town Staff regarding concerns with the Evans Annexation regarding water supply issues and potential impact to Town ISO rating. Unfortunately this was supplied without correct understanding of the location of the annexation.

I would like to dispel any concerns regarding the annexation from the Fire Districts perspective. The proposed parcel has access to Town water and sewer and as a result would not create any insurance rating (ISO) concerns.

Not only would I like to state we have no ISO concerns, but also that the project may in fact present some very real benefits to the Town; specifically with relation to volunteerism at the Fire Department. As you may well know the residential rental market is sparse in the area and that this directly affects timely volunteer firefighter response. Due to the limited and expensive nature of rental property within Nederland, many potential volunteers (the young healthy adult, but with less economic means) are forced to move further out into unincorporated Boulder and Gilpin County. Frequently this results in their inability to participate with our organization due to prolonged incident response times.

The ebb and flow of our younger Fire Department volunteers has always been tied to economy and affordable residential rental property availability. It is truly ironic that emergency response capability has been negatively impacted by marijuana grow ops saturating the rental market. A core group of our responders have moved to the town of Eldora due to an inability to find affordable rentals within Town.

I am excited by the Evans annexation proposal and future development as residential property. This increase in available housing will present a very real opportunity for emergency responders to live closer to the community that they wish to serve.

Please contact me with any additional questions.

Sincerely,  
Rick Dirr, Fire Chief



P.O. Box 370  
98 W. 1<sup>st</sup> Street  
Nederland, Colorado 80466  
Business (303) 258-1122  
Toll Free (800) 943-7757  
Fax (303) 258-1127

2/3/2014

Nederland Board of Trustees

RE: Annexation of Arapaho Ranch

Dear Board of Trustees,

This letter is sent in behalf of Arapaho Ranch and the annexation of the land into the town of Nederland. We are in support of this annexation and the multi-unit housing project proposed. We are a local Real Estate and Property Management company and we can clearly see the need for this type of housing. This multi-unit housing project will supply affordable housing for our lower & middle income families as well as our senior citizen community.

Sincerely,



Mary Ann Rodak

## Evans – Aspen Trails Annexation

### Letters of Opposition Against Annexation



## TOWN OF NEDERLAND

### OFFICE OF Trustee Mueller

*"Nederland is just a little bit cooler... on many levels"*

P.O. Box 396  
45 West First Street  
Nederland, CO 80466  
(303)-258-3266



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**FROM:** Trustee Mueller

**TO:** Town Board of Trustees

**SUBJECT:** Meeting Comments Re: Annexation and Planning Commission recommendations related to retail marijuana uses in residential zoning districts

**DATE:** October 7, 2014

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I offer the following for your consideration.

#### **Annexation**

Annexation should only be considered on an as-needed basis. The questions are not whether our community needs more affordable housing nor whether the subject property is "marketable". The question is whether we should encourage development beyond our current borders. Our policy and the policy of Boulder County (that the Town has agreed to via our IGA) is to encourage infill development, preserve the current rural character and preserve and protect the rural buffer between our rural urban center (rural town center surrounded by rural lands) and the surrounding forest.

- This proposal is not infill development. It is sprawl. It impacts and reduces the rural buffer. It is unnecessary development beyond our borders. We have numerous opportunities within our current borders to satisfy current and future housing needs. It may not be the easiest path, but the science tells us that infill development is the most cost effective and least detrimental to the environment.
- This proposal does not encourage infill development, in fact this development will reduce incentives for current property owners within Town borders to develop or re-develop. This effect on urban centers is well studied and understood. If we want our Town Center to become more vibrant and attractive through re-development, then annexation is to be avoided until such time that our options are more limited. According the Housing Needs Assessment, we currently have more options than what we have a need for ("it is conservatively estimated that there is a physical capacity to add approximately 138 new residential units while there is



an overall housing need for up to 109 units of varying types and tenures through 2018”)

- This proposal does not include creative ways to encourage infill development like partnering with the Evans family to develop Town-owned property that has long been recognized as suitable (ideal) for affordable housing (existing Town shop site). The Evans family would like to invest in development that generates income for maintaining the ranch. Why not partner with them and Boulder County to develop affordable housing that is within walking distance to public transportation and our Town Center?
- This proposal reduces the area recognized by Boulder County as a Critical Wildlife Habitat and Migratory Corridor. Sure the Elk will still have options, but this reduces their options. That’s not the direction we should be headed and that is not aligned with our policy nor the policy of Boulder County.
- This proposal does not even address the fact that this area is recognized as having a Rare Plant Area and Significant Natural Communities. What plants are they and how can we avoid negative impacts? The latest version of our Comp Plan recognizes the importance of having a healthy environment. Not addressing rare plants and significant natural communities is at odds with our policy.
- This proposal includes elements of continued growth and the belief that we must continue to grow to survive. Continued growth is not sustainable. Continuing to extending the municipal services into the surrounding forest is not sustainable. Continuing to develop those areas currently undeveloped, areas currently serving the needs of wildlife and rare plants, is not sustainable. Our recently completed award-winning Comprehensive Plan and Boulder County’s Comprehensive plan recognize a functioning definition of sustainability and both encourage infill develop and discourage sprawl.

It’s for these reasons that I do not support this proposal.

Additional supporting material:

- Our intergovernmental agreement with Boulder County recognizes the following (Whereas):
  - Preservation of the rural character of surrounding lands is in the best interest of our community and Boulder County.
  - Prohibition of rezoning and annexation is intended to preclude unplanned development and urban sprawl.
  - Rural preservation and the preservation of a community buffer serves the economic and civic interests of our community and meets the goals of the Boulder County Comp Plan (and our own Comp Plan)
- Our intergovernmental agreement with Boulder County requires the following:
  - Define those areas commencing at the edge of the Nederland Town Limits as Rural Preservation Area.
  - No density increase beyond the limits currently permissible under the Boulder County Land Use Code shall be approved for any parcel in the Rural Preservation Area.

- For the term of this Agreement, that there is no community of interest between the Rural Preservation Area and the Town. (this contradicts item c. under finding of facts in the packet)
- In addition to rental housing, we are in need of for-sale housing priced under \$200,000. This proposal does not address this need.
- The applicant mentions providing housing to allow for sustainable growth. Continued growth can never be maintained.

*Virginia H. Evans*  
*P.O. Box 100*  
*Nederland, CO 80466*  
*303/258-3855*

October 1, 2014

TO: Mayor Geierlach, Trustees Fiori, ~~Lee~~, Larson, Wood, Mueller, Donahue  
SUBJECT: Aspen Trails Proposed Annexation

I understand that the Town Board is again considering the request for annexation of the Aspen Trails 17-acre parcel. I have written several letters previously, which I would like to request that you review. I have spoken to family members, and they are quite aware of my opposition to the proposal. However, I would prefer to not oppose family members in a public meeting, and because of a health problem it might be unwise for me to attend a potentially stressful meeting. I ask that you please consider my written comments. In summary:

-- Breaking the Intergovernmental agreement is contrary to the original purpose of that agreement. How could such action be defended?

-- This parcel is part of the rural preservation area, which was created to preserve open space. The proposed complex would jeopardize the atmosphere of the entire valley.

-- Development in that location is not consistent with Nederland Comprehensive Plan. Vacant lots are available in the Town.

-- The plan is conceptual only without foundation. There is no developer, no commitment for financing, and there is not a business plan in place. I cannot understand how the request has gone this far without consideration of the lack of soundness and viability of the proposal. The plan is very vague, and there are many missing details.

-- The appeal "Development provides income to preserve the Ranch" is inappropriate. The Ranch is already "preserved" by a conservation easement. Also, there is no plan or guarantee that any potential income would be available for support of the Ranch. Whatever income that might be received does not justify the impact on the Ranch and the entire area.

-- The proposed development is completely incompatible with the surrounding neighborhood of single-family homes.

-- It would be impossible to provide "affordable" units, as promised, due to the cost of building such a complex. There may be need for affordable housing, but it would not be possible for the proposed plan to provide this.

-- The location is inappropriate for seniors due to north-facing slopes where ice and snow linger all winter. Also, this is a particularly windy valley. It is also removed from town, which would be a hardship for seniors.

-- A development of this sort would create traffic problems near the intersection of the Eldora Road and Hwy. 119. There is extremely heavy traffic on the Eldora Road during ski season, and there is significant traffic to the high school and Indian Peaks Wilderness area. Traffic to the Indian Peaks Wilderness area is so heavy on weekends that a shuttle has to be run from the high school. I noted there apparently was a traffic study going on the latter part of August when traffic on the Eldora Road was light, compared to later when school is in session and ski traffic has begun. During ski season weekends we cannot even get out of our front gate.

-- An important elk migration route would be jeopardized by the density of buildings. The elk are already cut off by the high school and the town facility just east of the school.

-- Such a complex would harm the integrity of the Arapaho Ranch conservation easement. This is exactly the sort of thing my husband, Lee, wanted to prevent when he placed the conservation easement on the Ranch.

-- The population of the proposed complex would be very close to the population of the entire town of Eldora and would be situated on only 17 acres instead of approximately a square mile.

-- The town of Nederland would be adversely affected by increased pollution from upstream created by storm runoff and other factors.

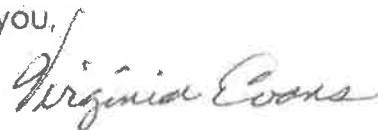
-- When applicants find, after annexation, that the "numbers do not add up" for the proposed project and that the proposal is not feasible, they might be forced to sell to a developer who potentially could build something undesirable and they would have no control.

-- The project sounds appealing to townspeople, but if they realized very likely some of the things promised, such as a pool, would no doubt require city funding and tax increases they might be less enthusiastic.

I urge the Town Board to deny this annexation request, with the plan proposed at the present time. The Board might be in favor of annexation to receive tax revenue, but should the project fail, as seems quite probable with the present plan, the Town would be faced with a serious liability.

I also appeal to you to not defeat the purpose of the Arapaho Ranch conservation easement by approving this inappropriate plan for this location. Most important of all, please do not give approval to a plan with so many unknown parts and so much missing information.

Thank you,

A handwritten signature in cursive script that reads "Virginia Evans".

## Alisha Reis

---

**From:** BOT <bot-bounces@nederlandco.org> on behalf of Virginia Evans <virginia\_evans9@aol.com>  
**Sent:** Friday, April 25, 2014 2:51 PM  
**To:** bot@nederlandco.org  
**Cc:** dcase@bouldercounty.org  
**Subject:** [BOT] Annexation Request for 17-Acre Parcel

I, Virginia H. Evans, wish to make some further comments in addition to my previous emails, which are on record. I regret that my correspondence has to be by email since I am traveling and have only my iPad. Please see my original emails dated February 25 to the Planning Commission and March 13 to the Board of Trustees.

First of all, it is most embarrassing that the appeal is made, "Development provides income to preserve the Ranch." The ranch is already "preserved" by a conservation easement. This inappropriate appeal is made inferring that the ranch is in jeopardy to gain support of a questionable proposal.

My husband, Lee, supported, maintained, and managed the ranch for 63 years prior to his death in 2009. He did this for the love of the land, even in early years when he had a very low salary and no other resources. (Other family members assumed the responsibility for the East End of the ranch after Lee's divorce, but both the East End and the West End are under the same conservation easement.) Public Service sold the land to Lee because he was the only prospective buyer who expressed interest in preserving the land, out of perhaps several hundred offers that had been made. These offers took the space of two legal-size file drawers. When his offer was accepted, Lee was overwhelmed by the realization that he had "committed his entire financial future to buy 640 acres of mountain land." Lee tells the story of his purchase of the land at the beginning of a chapter entitled "Arapaho Ranch" in his autobiography, "Happy Valley to the Mountaintop."

It concerns me that family members feel that this support might not continue. If family members in the future are unwilling to do this, the ranch could be sold to someone who is willing to undertake this sacred trust. The attempt to raise funds for the ranch is no doubt well intended. However, it is questionable whether it is valid to try to appropriate funds for the ranch when that effort, if the development materializes, defeats the objective of preserving the land and creates problems that did not previously exist. The impact of such a large complex in this inappropriate location would have a very adverse impact on the entire valley. In addition, this proposed development would be completely incompatible with the surrounding neighborhood. A development with a few single-family homes would be acceptable.

I have the uneasy feeling that family members could have unrealistic expectations. How could the minor investment of land compared to the cost of building such an ambitious project produce significant long-term income? I understand that the objective was stated that the raising of funds would be to establish a trust fund to support the ranch into perpetuity. Just how would that be possible? What is the plan? As previously mentioned, Lee's and my estate will contribute to the future maintenance of the ranch.

Where is the money coming from? It needs to be investigated whether there is adequate financing for such a complex project. Is this just an impractical dream without foundation of studies, concrete plans, and determination of feasibility? Is there a sound business plan to carry out the development, or is there just a lot of hype to get the proposal approved? If this project should materialize, it could be doomed for failure. I have seen examples of failure by developers who ran out of money with only the foundations poured and no funds to go further. I have great distrust of a firm that cannot even use the correct name for the ranch in the proposal.

Does the proposal comply with the Nederland Area Boulder County Comprehensive Development Plan, which is effective through March 2022? I have cited other questions in my previous letters, such as the improbability of affordable units due to the great cost of building the complex.

The project sounds very appealing to townspeople and there may be desire for some things promised in the proposal, but this is without knowledge of how these facilities could be paid for. Very likely they would require city funding and tax increases.

Lee was grieved by the condemnation of ranch land for the high school, which really is located in an inappropriate place in a windy valley remote from the town. The proposed development would be in this same valley with wind, north-facing slopes, and remote from the town. It is difficult to believe that this location would be beneficial to seniors. In this outlying area altitudes range up to 8,500 feet, and the winters are particularly long, bitter cold with icy conditions, and intense high winds. I myself, a senior, find it desirable to winter in warmer climates at a lower altitude. Please do not violate the intention of the Arapaho Ranch conservation easement by further encroachment upon the land, which has been preserved since 1946 when Lee purchased the ranch.

Please acknowledge receipt of this email. Also, please have it read aloud at the meeting of the Nederland Board of Trustees. Thank you.

(Mrs.) Virginia H. Evans

Sent from my iPad

Sent from my iPad

---

BOT mailing list  
BOT@nederlandco.org  
[http://nederlandco.org/mailman/listinfo/bot\\_nederlandco.org](http://nederlandco.org/mailman/listinfo/bot_nederlandco.org)



Original Message-----

From: BOT [<mailto:bot-bounces@nederlandco.org>] On Behalf Of Virginia Evans  
Sent: Thursday, March 13, 2014 4:02 PM  
To: [bot@nederlandco.org](mailto:bot@nederlandco.org)  
Subject: [BOT] Request for Annexation of 17 Acres Adjacent to Arapaho Ranch

I, Virginia H. Evans of Arapaho Ranch, am opposed to the development plan proposed in the annexation request for the 17 acres adjacent to Arapaho Ranch owned by Evans family members. My husband Lee (now deceased) would be distraught by the plan outlined. I am in my motorhome in Nevada and am unable to attend meetings. I am forwarding to you the protest I wrote to the Nederland Planning Commission, which gave information about family members' ownership and background of this ownership. I am aware that the Planning Commission denied the request. I have had no part in the plan included in this annexation request and would have strenuously objected had I been consulted because in addition to my feelings I well understand what Lee's position would be. I have no ownership or control of the East End of the ranch.

In Lee's autobiography "Happy Valley to the Mountaintop," he discusses his goal and dedication to protect and preserve the valley where Arapaho Ranch is located. It is regrettable that Lee's children apparently do not share Lee's vision and commitment for preservation of the area. Regardless of who might develop the land, I am opposed to this sort of plan in this location.

Fortunately, Lee was able to accomplish a conservation easement to protect the ranch in the future from anyone who might exploit the land for personal financial gain or for development.

I would like to clarify confusion regarding the name of the ranch. Kayla Evans operates a cabin rental business with cabins originally built by Lee in earlier years. Unfortunately, she uses the name "Arapaho Ranch" for the business. It probably should be something like "Arapaho Ranch Cabins." The ranch land is far more than the cabins. As time went by, Lee formed the desire to move the cabins off of the ranch land since the cabins were no longer compatible with his goal of preservation of the land. But he lost ownership of the East End through a divorce, and this was no longer possible. He discusses this decision and his inability to accomplish it in his book. In his book Lee also expresses his deep commitment to preservation of the land by the caption for the second picture in the color section, "Notice the absence of a subdivision."

In the proposed plan there is the statement, "Development provides income to preserve the Ranch." Just how would this be accomplished? There is no plan or guarantee that any income or revenues from the development would be available for financial support of the ranch. Of course, there are expenses to maintain the land, such as taxes, removal of beetle-killed trees, weed control, fences, repair of high water damage, etc. But I would hope that family members would be sufficiently gainfully employed to handle these expenditures, and upon my death Lee's and my estate will contribute to the future maintenance of the Ranch land. The ranch land is already preserved by the conservation easement. Perhaps a modest development of a few single-family homes compatible with the neighborhood might provide some income and would be acceptable. I am not opposed to annexation with an appropriate plan. However, not in any way do I approve of this sort of development in this location. The impact on the area does not justify whatever income might be received.

I understand that Nederland townspeople are in favor of the proposal, but unfortunately they have not yet given any consideration to the impact on the environment or to the practical

execution of the plan. The plan sounds good in theory, but can all that is promised actually be delivered?

Knowledgeable people involved in developing tell me that the cost for building such a complex would make it impossible to have the units actually be affordable for low-income renters or fixed-income seniors. Projects of this sort take a lot of front-end money. Where is the money coming from?

Is there someone backing them?

In addition to my conviction, there are serious faults with the proposal.

The plan is shallow and sketchy. No details are included. Every "buzz word" has been utilized to sell the project. There is no evidence that appropriate studies have been done. There are no plans for buildings or information regarding appearance. I understand two entrances are required for a subdivision. This is not addressed nor are roads or parking areas illustrated. Therefore, it does not appear that there is an adequate site plan. Has there been a traffic study? The Eldora Road is already congested with traffic to and from the ski area. There is traffic to the high school.

The traffic to the Indian Peaks Wilderness has become so heavy that a shuttle has to be run from the high school. This development would be near the intersection where all this traffic converges. Have there been actual studies to ascertain that there is adequate sewer plant capacity and water availability? What about provision for storm water? There is no true idea of what the developer might do and what the impact would be on the Ranch and Nederland. This area is also an important elk migration route, and no consideration has been given to this. The elk are already cut off by the high school.

I urge you to not defeat the purpose of the Arapaho Ranch conservation easement and Lee's vision and dedication to preservation of the valley by approving this inappropriate plan for this location. Most important of all, please do not give approval to a plan with so many unknown parts and so much missing information.

(Mrs.) Virginia H. Evans

Please acknowledge receipt of this email.

July 16, 2014

To: Board of Trustees, Nederland, CO ([bot@nederlandco.org](mailto:bot@nederlandco.org))

To: Boulder County Commissioners ([commissioners@bouldercounty.org](mailto:commissioners@bouldercounty.org))

To: Planning Commission ([mlanning@bouldercounty.org](mailto:mlanning@bouldercounty.org))

REF: HIGH DENSITY RESIDENTIAL DEVELOPMENT PROPOSAL ON ELDORA ROAD, AKA ASPEN TRAILS ANNEXATION

Our family was unable to attend the meeting on July 15, 2014 at the Community Center in Nederland. We are **strongly opposed** to this proposal and trust you will recognize that there are many viable reasons for not pursuing this application.

As 5<sup>th</sup> generation (sister Pat and I) and 6<sup>th</sup> generation (my children Terri and Jeff) Eldora homeowners, we want to present our **absolute objection** to the consideration of these units being built on the proposed site. Breaking an intergovernmental agreement to approve this development is contrary to the whole purpose of the agreement.

Building high density units on the proposed site that receives historically heavy snow and wind is contrary to common sense, and increases the danger to residents, particularly the elderly population who are often compromised by issues of advancing age and inherent physical and mental difficulties. With the proposed target population of seniors and low income residents, greater risks are faced attempting to live in the mountains, on a north-facing slope with inherent high wind and deep snow. Extreme weather conditions exist in Eldora and surrounding areas, often making residences inaccessible for a good part of the year. Approving this development is like trying to put a size 9 foot into a size 7 shoe – it just doesn't fit!

The addition of a swimming pool, an expensive and impractical idea, into this often hostile environment, seems the ultimate in radical thinking. Putting a pool in Nederland, focusing on infill for this purpose, appears to be a much better strategy, with greater benefits to residents. Considering installation of a pool as an inducement for approval of this development is a weak and flawed argument.

Adding in elements of additional traffic from an influx of new residents, their visitors, maintenance personnel visible in every neighborhood, the very likely increase of students, the proximity of the high school, with inherent noise and activities that go on year-round, are, in our estimation, negative aspects when considering approving a residential development in this area.

The destruction of the forest – calling it fire mitigation when in reality it is decimation of wilderness – the effect on wildlife, particularly the large elk and moose populations – are all negative aspects to building in this area. These magnificent animals are incredibly and indelibly part of the landscape, and should not be inhibited in any way from being able to safely exist in this area. The Beaver populations would also be adversely affected by this development. The already delicate balance of human vs. animal existence will be compromised further with additional development. This has been proven repeatedly over time. It is a known negative aspect. You don't have to guess that development adversely affects wildlife.

Allowing an ambitious project such as this development is not conducive to protecting the environment and the animal species that dwell here, nor does it contribute to the protection of the special scenic attributes that encompass the Arapaho Ranch and surrounding areas.

The intent of the IGA, as well as the Conservation Easement, is to protect this area and its many natural endowments from encroachment of development and resultant negative changes. Allowing applicants to ignore an extremely important Agreement is wrong and counter to the intent and purpose of the IGA. The Rural Preservation Area is extensive, and it is important to preserve it and honor its intent. By ignoring this Agreement, Nederland decision makers, as well as County decision makers, will create far-reaching problems.

Twelve years ago the town of Nederland signed the IGA with Boulder County in which it agreed to "minimize negative impacts on the surrounding areas and protect the environment." Changing this Agreement would mean amending the Plan. It also negates current Forestry Zoning requiring a minimum of 35 acre lots for building. Allowing this application will set a precedent for future abuse of public policy, as well as decimation of the scenic corridors that are such an integral part of this area.

This development plan has many negative aspects, with many downsides. I trust that you folks making the decision to approve/disapprove this application will think long and hard on the wisdom of destroying what exists by allowing this radical development, with resultant negative changes, that the applicants are putting forth in their plan.

A female Moose and her offspring were spotted by Jeff Figgs at the NW corner of Highway 119 and Eldora Road recently. They were healthy and calm, and this special glimpse represents a strong and viable group of animals that need to be allowed to live and prosper in this area. The Beaver are alive and well and thriving as part of this entire ecosystem. Disturbing even one aspect of this special and unique animal kingdom could spell

disaster and destruction for all the species that enjoy prosperity. Can you imagine seeing no wildlife because man has destroyed their habitat?

The ability to protect the wilderness is dependent upon man's wisdom in saying 'no' to schemes and plans that disturb this fragile balance. Our land use decisions last for a very long time. We must all be aware of what we are leaving behind.

Tourism dollars are largely dependent upon our wildlife, our majestic mountains, and the tranquility and peacefulness to be found in this area. Disturbing the status quo affects these special aspects. Each development plan needs thorough and diligent research to reach a conclusion about the impact of that development. What will be lost in the transaction? What will be gained? Does this plan meet the intent of the language used in the IGA to "minimize negative impacts on the surrounding areas and protect the environment?"

There was good reason for the language used in this document, carefully thought out language, and to disregard it now is beyond disturbing. It would be tantamount to foolishly ignoring a document that has helped create and protect what now exists. Please don't ignore the importance of the IGA – and its importance to future generations. The implications for ruination of this special and scenic area are numerous and obvious.

Thank you for your time and effort in considering all aspects of this proposal. The negatives far outweigh the positives and the result of development spells disaster on many fronts. As with all things, man must think beyond his own lifetime to ensure that survival of animal species, streams, mountains, the



quality of life for all living things, is not destroyed by decisions that serve only present occupants of the earth.

Our family was raised, as were previous generations of our family – going back to before the turn of the Century when getting to Eldora was an all day trip from Denver by buckboard, long before Boulder Canyon was built - to cherish, respect, and support a very special way of life, and recognize the responsibilities that go with living in the mountains. Our family appreciates how privileged we are to enjoy the abundance and opportunities surrounding us. It has been instilled in us how very important our decisions are and how they affect our neighbors and the world.

Again, thank you for your time and your support. Your service is valued.

Sincerely,

Norma Hockett-Figgs

Patricia Hockett

Terri Figgs,

Jeff Figgs

844 Klondyke Avenue, Eldora, CO 80466.

[normafiggs@hotmail.com](mailto:normafiggs@hotmail.com)

303 772-6975

## Cynthia Bakke

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**From:** Alisha Reis [alishar@nederlandco.org]  
**Sent:** Tuesday, July 15, 2014 3:01 PM  
**To:** Cynthia Bakke  
**Subject:** FW: [BOT] \*\*\*SPAM\*\*\* 17 acre annex. As stated before, we oppose the 17 acre east annex for reasons of increased traffic forest land destruction wild life interference and lack of need for such dwellings.

Please include in Evans Annex file.

Alisha Reis  
Town Administrator  
Town of Nederland  
45 W. 1st St., PO Box 396  
Nederland, CO 80466  
[alishar@nederlandco.org](mailto:alishar@nederlandco.org)  
303-258-3266

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

**From:** BOT [<mailto:bot-bounces@nederlandco.org>] On Behalf Of Nick Newens  
**Sent:** Tuesday, July 15, 2014 2:12 PM  
**To:** [bot@nederlandco.org](mailto:bot@nederlandco.org)  
**Subject:** [BOT] \*\*\*SPAM\*\*\* 17 acre annex. As stated before, we oppose the 17 acre east annex for reasons of increased traffic forest land destruction wild life interference and lack of need for such dwellings.

A.F. Newens  
698 Klondyke. Eldora  
Sent from my iPhone

---

BOT mailing list  
[BOT@nederlandco.org](mailto:BOT@nederlandco.org)  
[http://nederlandco.org/mailman/listinfo/bot\\_nederlandco.org](http://nederlandco.org/mailman/listinfo/bot_nederlandco.org)

Audrey Godell  
135 S. 8<sup>th</sup> St.  
Eldora, CO 80466

April 30, 2014

Nederland Board of Trustees  
Nederland, CO 80466

As an Eldora resident and home owner, I am concerned about the impacts resulting from the annexation and development of the 17 acres at 1250 Eldorado Rd. Boulder County's 35 acre subdivision rule has the effect of preserving the rural character, wildlife, wildflower seed stock, and open space of the surrounding area. Limiting development within the current Town boundaries clusters these impacts within an already developed area, thereby protecting the surrounding forest. Annexing 1250 Eldorado into the Town, and allowing the proposed development, will allow the following detrimental impacts:

- removal of wildlife habitat and disruption of wildlife movement corridor

It is true that the Evans have provided wildlife and movement corridors on Arapahoe Ranch land to the east. However, this does not justify removing the wildlife habitat and movement corridor from the 17 acres in question. Although it may be true that no endangered plant and animal species have currently been shown to use the land in question, habitat loss is also a concern for species that have not yet reached the endangered level.

- increased light pollution

There is already a bright outdoor light that illuminates the property in question all night. There will undoubtedly be increased lighting during construction and after completion of the project. Controlling mountain development is one way we can reduce this growing international problem.

- increased traffic problems

The increase in traffic onto County Road 130 by residents of the proposed development will be considerable. This increase will worsen current safety and congestion problems. It is unlikely that adding an RTD "loop" through the proposed development will eliminate this problem.

- the level of impact that the proposed development will have on senior and low income housing is unclear

I am in favor of the Town of Nederland increasing availability of low-income and senior housing. However, I am not convinced that the proportion of units made available to these two demographic groups from the proposed development will be enough to justify the negative impacts.

Thank you for your consideration,  
Audrey Godell

## Cynthia Bakke

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**From:** Alisha Reis [alishar@nederlandco.org]  
**Sent:** Friday, April 11, 2014 12:39 PM  
**To:** Cynthia Bakke  
**Subject:** FW: [BOT] Comment Pertaining to Arapaho Ranch Annexation Request  
**Attachments:** Untitled attachment 00025.txt

Please put in the Evans annexation file.

Alisha Reis  
Town Administrator  
Town of Nederland  
45 W. 1st St., PO Box 396  
Nederland, CO 80466  
[alishar@nederlandco.org](mailto:alishar@nederlandco.org)  
303-258-3266

---

**From:** BOT [<mailto:bot-bounces@nederlandco.org>] **On Behalf Of** Gary Berlin  
**Sent:** Thursday, April 10, 2014 5:41 PM  
**To:** [bot@nederlandco.org](mailto:bot@nederlandco.org)  
**Subject:** [BOT] Comment Pertaining to Arapaho Ranch Annexation Request

Nederland Board of Trustees:

As you consider the proposal to develop and annex the 17 acres adjacent to the Arapaho Ranch, I would ask that you strongly consider the detrimental impact that this high density development will have on the migrating elk herd that frequents the West Magnolia and Arapahoe Ranch area.

I was formerly employed as the Colorado Division of Wildlife's Boulder District Wildlife Manager and know all too well how this elk herd has been challenged by continuing and fragmented development in the area. Building a high density housing development in the area will create additional and unnecessary migration restrictions as the herd attempts to go from the winter range southeast of Nederland to their summer range in the Indian Peaks Wilderness Area.

Should the Town choose to annex this property, (which I don't believe is in the Town's or the elk herd's best interest), I would suggest that a very few single family homes would cause less detrimental impact to the elk herd.

Sincerely,

**Gary Berlin**  
Office - (303) 466-4821  
Cell - (303) 887-4663

**Cynthia Bakke**

---

**From:** alan apt [alanrapt@gmail.com]  
**Sent:** Thursday, March 20, 2014 3:26 PM  
**To:** cynthiaB@nederlandco.org  
**Subject:** Evans Annexation

Dear BOT,

I am writing to oppose the Evans Annexation. While the goals of the applicant are well intended, there are much more appropriate locations within Nederland's current boundaries for a development of this density and intensity. Nederland does not have the resources to serve relatively far flung properties that resemble urban sprawl. High density development is more appropriate closer to current town amenities, where residents can possibly walk or bike to their destination; cutting down on vehicle miles traveled.

Thank you for considering my comments.

--

Alan Apt

PH: 303-258-2456  
P.O. Box 620 Nederland, CO 80466

March 18, 2014

Town of Nederland  
Board of Trustees  
Nederland Community Center  
750 Highway 72 North  
Nederland, Colorado 80466

Subject: Public Hearing to consider the proposed annexation of +/- 19.0 acre site that is part of the current Arapahoe Ranch Property

Trustees:

Janice Blatnik and I own the property located at 703 Highway 119 South. This property has been owned by our family since 1948. Our property is located east of and adjacent to the +/- 19.0 acre partial of the Arapahoe Ranch that is the subject of this hearing. Our property is located within the Town of Nederland's City Limits and is zoned Mountain Residential. The property identified in the proposed annexation is currently located in unincorporated Boulder County and is zoned Forestry. This zoning designation is compatible with the Mountain Residential Zoning of our property.

Boulder County has identified this part of the Arapahoe Ranch Property as part of the Peak-to-Peak Highway Scenic Corridor. A scenic corridor designation requires that any proposed development in this corridor be minimally visible from the Peak-to-Peak Highway. The proposed annexation and development is not compatible with the scenic corridor designation because it requires either high or medium density residential PUD development on the property.

The Town of Nederland's Updated 2013 Comprehensive Plan established a development optimization focused on infill development and redevelopment of existing property to prevent Nederland from building outward protecting undeveloped tracts of land for open space, wildlife habitat and watershed protection.

The Comprehensive Plan establishes land use policies and defines Land Use Sustainability to be a compact and walkable land use pattern that encourages growth be directed towards infill and redevelopment parcels in the downtown core rather than outlying areas of Town that have limited access to existing infrastructure. In addition, the Comprehensive Plan addresses land use as it relates to the integration of affordable housing and senior housing within Nederland's Downtown Core, allowing walkable access to goods and services and near-by transportation and community facilities. During their February 26, 2014 meeting, the Town of Nederland Planning Commission identified approximately 47 properties within the existing Town of Nederland Business Core that met the conditions of the Comprehensive Plan without requiring the annexation of additional property outside of the town's city limits.



We oppose the annexation of this partial of the Arapahoe Ranch Property and the resulting change in zoning to either High Density or Medium Density Residential because it is not compatible with the current zoning of other properties adjacent to or contiguous with this property, the Peak-to-Peak Highway Scenic Corridor designation, or the development guidelines and policies established in the 2013 Comprehensive Plan. Based upon these issues, we urge the Town of Nederland's Board of Trustees to deny this application for annexation.

Thank you,

*Richard Blatnik Janice Blatnik*

Richard and Janice Blatnik  
703 Highway 119 South  
Nederland, CO 80466

## Alisha Reis

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**From:** BOT <bot-bounces@nederlandco.org> on behalf of stanstoc tds.net  
<stanstoc@tds.net>  
**Sent:** Sunday, March 16, 2014 6:41 PM  
**To:** bot@nederlandco.org  
**Subject:** [BOT] Arapaho Ranch annexation  
**Attachments:** Untitled attachment 00564.txt

I just read Virginia Evans email to you...As a long time friend of Virginia & Lee Evans I can only commend Virginia's response to proposed annexation. I lived on Magnolia Rd. 15 yrs. & was lucky enough to work for Virginia & Lee at the ranch. Those years included hearing & watching Lee & Virginia's vision of protecting, conserving, & enhancing that place & the wildlife...I learned a great deal from their vision. The annexation appears to threaten that vision & careful conservation. The proposal appears to be about greed & \$...How lucky you are to have Lee & Virginia's conservation easement, care, & continued environmental protection for that irreplaceable resource. Think carefully & watchfully on this annexation; my friends...should that development be approved the resource will change for the worse. Future generations will protest that annexation. On your heads...be careful & thoughtful now. Margaret Stockton

## Alisha Reis

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**From:** BOT <bot-bounces@nederlandco.org> on behalf of Harold Schneider  
<ksuerte@earthlink.net>  
**Sent:** Saturday, March 15, 2014 3:34 PM  
**To:** bot@nederlandco.org  
**Subject:** [BOT] Evans Annexation

Dear BOT,

We are writing in opposition of the Evans Annexation for the following reasons :

I believe this does not comply with Nederlands Comprehensive Plan on infill instead of annexation This development is not compatible with Peak to Peak scenic visibility If 150 or more residents have occupancy ,that might add 150/300 cars to the traffic problem Plus friends & family What about light pollution ?

Will this really be senior living/ low income housing?

Is this rental or ownership property?

I am not for senior living & low income housing to be in the same complex.

Who is the developer/ builder?

These ,plus other questions raises our concerns against this proposal Thanks for your consideration Jan& Harold Schneider

945 Bryan Ave

Eldora,Colorado 80466

303-258-3641

Sent from my iPad

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BOT mailing list

[BOT@nederlandco.org](mailto:BOT@nederlandco.org)

[http://nederlandco.org/mailman/listinfo/bot\\_nederlandco.org](http://nederlandco.org/mailman/listinfo/bot_nederlandco.org)

February 26, 2014

Town of Nederland  
Planning Commission  
Nederland Community Center  
750 Highway 72 North  
Nederland, Colorado 80466

Subject: Public Hearing for a proposed annexation of +/- 19.0 acre site that is part of the current Arapahoe Ranch

Commissioners:

Janice Blatnik and I own the property located at 703 Highway 119 South. This property has been owned by our family since July 1948. Our property is located east of and adjacent to the +/- 19.0 acre partial of the Arapahoe Ranch that is the subject of this hearing.

Our property is located within the Town of Nederland city limits and is zoned Mountain Residential.

The property described in the proposed annexation is currently located unincorporated Boulder County and is zoned Forestry. This zoning designation allows for one residential dwelling to be built per 35 acre partial of property. This zoning designation is compatible with the Mountain Residential Zoning of our property and is supportive of a low density residential development located in a rural community.

The unincorporated partial of land that is the subject of this hearing is also identified in Boulder County's Peak-to-Peak Scenic Corridor Area which designates properties adjacent to public highways for the preservation of scenic mountain environments and pristine Rocky Mountain Landscapes. The proposed annexation is not compatible with this designation.

We oppose the proposed annexation of this partial of the Arapahoe Ranch Property and possible change in zoning designation that could accompany the annexation resulting in a higher density of residential/commercial development which is not consistent with the current zoning designation for this property.

We appreciate the opportunity to express our views concerning the proposed annexation of this partial of the Arapahoe Ranch. We urge the Town of Nederland Planning Commission to reject this application for annexation.

Thank you,

Handwritten signatures of Richard Blatnik and Janice Blatnik in black ink.

Richard and Janice Blatnik

Cynthia Bakke

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From: Bill Ikler [bill@billiklerstudio.com]  
Sent: Tuesday, March 18, 2014 5:31 PM  
To: bot@nederlandco.org  
Subject: Proposed Annexation/Condos

To the Town of Nederland Trustees- I am unable to attend the hearing tonight, so please consider the following comments on the proposed annexation and development west of the Town limits:

These comments pertain to the proposed annexation of 17 acres just west of town on the south side of the Eldora Road. Please forward them to all members of the Board. I understand that if the land in question were to be annexed, a 60-unit condominium complex featuring low income and senior housing is planned for that parcel.

While there may be a need for low income and senior housing, I believe there are at least 2 large parcels of undeveloped land within Town limits that would suit those needs without having to annex more land, and would also accommodate a more modest development. There also was low income housing proposed for the existing Town Shop site once it moved to Ridge Road.

I am also concerned that the proposed high density land use is not compatible with the low density residential and Forest Service recreational designations of contiguous properties. There are also the considerations of the impacts that this one development would have on our sewer and water capacity. The visibility of the project on the hillside west of Town is also a concern, and the impact that the development will have on the hillside.

We should also consider that the Caribou Ridge and Indian Peaks developments, which are on land that was annexed into the Town, are not yet built out, and the Caribou Ridge development is still completely unbuilt, other than a model home. I question if we really need another annexation and development when there are so many unbuilt lots within Town limits. We must also consider whether or not this planned development fits in with the current Comprehensive Plan.

Thanks for considering our views on this issue. Best regards, Bill and Kay

Bill Ikler and Kay Turnbaugh 303-258-3858  
PO Box 873 Nederland, CO 80466  
[bill@billiklerstudio.com](mailto:bill@billiklerstudio.com)

**Michele Martin**

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**From:** stanstoc tds.net <stanstoc@tds.net>  
**Sent:** Sunday, March 16, 2014 6:41 PM  
**To:** bot@nederlandco.org  
**Subject:** Arapaho Ranch annexation

I just read Virginia Evans email to you...As a long time friend of Virginia & Lee Evans I can only commend Virginia's response to proposed annexation. I lived on Magnolia Rd. 15 yrs. & was lucky enough to work for Virginia & Lee at the ranch. Those years included hearing & watching Lee & Virginia's vision of protecting, conserving, & enhancing that place & the wildlife...I learned a great deal from their vision. The annexation appears to threaten that vision & careful conservation. The proposal appears to be about greed & \$...How lucky you are to have Lee & Virginia's conservation easement, care, & continued environmental protection for that irreplaceable resource. Think carefully & watchfully on this annexation; my friends...should that development be approved the resource will change for the worse. Future generations will protest that annexation. On your heads...be careful & thoughtful now. Margaret Stockton



## Michele Martin

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**From:** Harold Schneider <ksuerte@earthlink.net>  
**Sent:** Saturday, March 15, 2014 3:34 PM  
**To:** bot@nederlandco.org  
**Subject:** Evans Annexation

Dear BOT,

We are writing in opposition of the Evans Annexation for the following reasons :

I believe this does not comply with Nederlands Comprehensive Plan on infill instead of annexation This development is not compatible with Peak to Peak scenic visibility If 150 or more residents have occupancy ,that might add 150/300 cars to the traffic problem Plus friends & family What about light pollution ?

Will this really be senior living/ low income housing?

Is this rental or ownership property?

I am not for senior living & low income housing to be in the same complex.

Who is the developer/ builder?

These ,plus other questions raises our concerns against this proposal Thanks for your consideration Jan& Harold Schneider

945 Bryan Ave

Eldora,Colorado 80466

303-258-3641

Sent from my iPad

## Cynthia Bakke

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**From:** Diane J. Brown [eldoradh1@rmi.net]  
**Sent:** Friday, March 14, 2014 1:24 PM  
**To:** bot@nederlandco.org  
**Cc:** joeg@nederlandco.org  
**Subject:** Proposed Aspen Trails Annexation

**To:**  
Nederland Board of Trustees

**Re:**  
Aspen Trails Annexation  
17 acres  
45-60 condominium units  
Applicant: Kayla Evans

**From:**  
Diane Brown  
2478 Eldora Road  
Nederland, CO 80466

I would like to go on record as being strongly opposed to the "Aspen Trails Annexation" for the following reasons:

- The IGA between the Town of Nederland and Boulder County states that in the Rural Preservation Area no density increase beyond the limits currently permissible under the Boulder County Land Use Code shall be approved for any parcel in the Rural Preservation Area. The 17-acre parcel is in the Rural Preservation Area.
- Traffic impacts to Eldora Road at a place where a lot of traffic already converges would be considerable if 45 – 60 residence units were built along with other potential amenities such a swimming pool. Eldora Mountain Resort, Nederland High School and the Indian Peaks Wilderness already contribute heavy traffic at certain times of the year on Eldora Road.
- High density development is not compatible with the surrounding neighborhood. It is more appropriate in the core of town and Nederland appears to have numerous other sites available in more appropriate locations . The nearby Arapaho Ranch has a conservation easement that preserves its scenic and ecological values. The Town of Eldora which occupies the west end of the valley has long worked to protect its historic ambiance, scenic beauty and small town feel by disincorporating and coming under Boulder County Forestry Zoning. Eldora Road is the gateway to the Indian Peaks Wilderness. High density development is simply not appropriate in this special place.
- A large herd of elk uses the Arapaho Ranch as a calving area. They migrate toward the West Magnolia area by crossing Eldora Road. Already the high fences at Nederland High School have blocked their ability to cross through. A high density development will take away even more of their migration options.

Many unanswered questions surround the Aspen Trails Annexation proposal:

- Who is the developer who will fund and carry out the project. Is it a reliable company?
- Are the units rentals or owner occupied? What percentage will be senior vs. low income? Are these really senior units, or can anyone rent/buy them?
- How will Nederland address the increased volume of vehicles being added to the intersection of CR 130 and Hwy 119? Another nightmare round-about, this one on a slick downhill curve? Is there room for one? A traffic light?
- Will there be more glaring light pollution like there is now at the high school and elementary school?
- It all makes one wonder if the new power lines to the ski area and the high density units may be connected. Ski condos?
- Board of Trustees: Would you like this development in your neighborhood? Vote accordingly.

As a resident of Eldora, I will not have the opportunity to vote on this issue if it goes to a ballot. I am required to pay taxes for many of Nederland's amenities and I support local Nederland businesses.  
Thank you for this opportunity to comment via email as I will be unable to attend the meeting on March 18.

Re:  
Aspen Trails Annexation  
17 acres  
45-60 condominium units  
Applicant: Kayla Evans

From:  
Diane Brown  
2478 Eldora Road  
Nederland, CO 80466

I would like to go on record as being strongly opposed to the "Aspen Trails Annexation" for the following reasons:

- The IGA between the Town of Nederland and Boulder County states that in Rural Preservation Areas no density increase beyond the limits currently permissible under the Boulder County Land Use Code shall be approved for any parcel in the Rural Preservation Area. The 17-acre parcel is in the Rural Preservation Area.
- Traffic impacts to Eldora Road at a place where a lot of traffic already converges would be considerable if 45 – 60 condo units were built. Eldora Mountain Resort, Nederland High School and the Indian Peaks Wilderness already contribute heavy traffic at certain times on Eldora Road.
- High density development such as condominiums are not compatible with the surrounding neighborhood. They are more appropriate in the core of a town. The nearby Arapaho Ranch has a conservation easement that preserves its scenic and ecological values. The Town of Eldora which occupies the west end of the valley has long worked to protect its historic ambience, scenic beauty and small town feel by disincorporating and coming under Boulder County Forestry Zoning. Eldora Road is the gateway to the Indian Peaks Wilderness. Condo development is simply not appropriate in this special place.
- A large herd of elk uses the Arapaho Ranch as a calving area. They migrate toward the West Magnolia area by crossing Eldora Road. Already the high fences at Nederland High School have blocked their ability to cross through. A condo development will take away even more of their migration options.

Thank you for this opportunity to comment via email as I will be unable to attend the meeting on February 26.

February 24, 2014

Dave Hallock

2478 Eldora Road Nederland, CO 80466 928-474-9475

3 Wildlife Movement Corridor: The property, particularly the west portion, is used by elk as one of the movement corridors between the Arapaho Ranch, which is important spring and fall range (including calving), and West Magnolia (with eventual movement to and from the Magnolia Road and Winiger Ridge areas where they winter). Elk cross CR 130 through subject property. The tall fences of the Jr./Sr. High School preclude movement through the school property. There is also crossing of CR 130 southwest of the school. High density development has the potential to preclude movement through subject property, further reducing crossing options.

In the late 1980s I tracked radio-collared members of this herd for four years. And I have had many visual sightings of elk crossing CR 130 east of the school and water treatment plant through subject property since that study, particularly during the spring and late fall. This location is closest to Park Hill on the Arapaho Ranch, important daytime hiding cover. So this movement corridor is the most direct route to Park Hill from their movement to and from West Magnolia. My last sighting of movement across CR 130 at this location was on May 6, 2013 at 4:30 AM. I was heading on a work trip, when I saw elk crossing the road well east of the water treatment plant. I stopped and turned off my vehicle, and over the next 5-6 minutes counted 46 animals heading north across CR 130 to the Arapaho Ranch.

Thank you for consideration of these comments.

I, Virginia H. Evans of Arapaho Ranch, am opposed to the plan included in an annexation request of 17 acres, which apparently has been submitted to you. As I understand, this proposal includes development of 45-60 condominium units. I have not seen the proposal and have received my information from others. I want it known that I have had no part in this proposal. My husband Lee (now deceased) would be horrified and appalled by the potential of the high density proposed in this request. Lee spent his life trying to protect and preserve the valley between Nederland and Eldora and was responsible for the conservation easement that was placed on the ranch in 1987. High density development would be totally unacceptable to him. I am in my motorhome in Nevada for the winter, so I am unable to see the proposal that I understand is on file and I am unable to attend the meeting of the Planning Commission on February 26th.

I would like to explain a little about Arapaho Ranch and family members. My husband, Lee, purchased the ranch in 1946. In about 1959 he transferred ownership of half of the ranch to his three children, Joe, Kayla, and Tamara. Then each held a one-sixth interest. When Lee was divorced in 1969, the ranch was split into the West End and the East End. Of the original 650 acres approximately 200 acres became the East End and 450 acres became the West End. After the death of Parthena (Lee's former wife) the East End was then held by the three children. Lee (and now I) held the major portion of the West End. I have no ownership or control of the East End where the land for the proposed annexation is located. I will reiterate I have had no part of this proposal and would not have approved it had I seen it in advance.

Please do not violate Lee's vision of preservation of the valley by giving any consideration to this inappropriate proposal. Also, please share this communication with all seven members of the Planning Commission. Thank you.

(Mrs.) Virginia H. Evans

Sent from my iPad

Sent from my iPad

To:  
Kristopher Larsen  
Chairman, Nederland Planning Commission

Re:  
Aspen Trails Annexation

From:  
Earl Bolton  
502 Eldorado  
Eldora

The proposed Aspen Trails project is a good idea but in the wrong location. The North facing slope does not receive any sun during the winter months so the snow accumulates during the winter to a depth that would make it very dangerous for senior citizens. Shopping for necessities would be a burden for seniors without a means of transportation.

The traffic impact on C-130 which already is heavy during the ski season and summer traffic accessing the Indian Peaks Wilderness would be a negative.

The development is not compatible with the Boulder County Intergovernmental Agreement made in March of 2002 and it also does not fit in with the County's open space plan that has been developed during the past years in the valley.

Hello there,

I have great concern for our wonderful town of Nederland. I purposely moved from the east coast in 1994 to Estes Park and in twenty years Estes has turned into another city in the mountains and has lost it's charm. Over 20 year residing in the mountains I will never understand why we continue to turn out unique mountain communities into over populated, congested places just like the cities we leave.

Lets keep Nederland unique, it represents the modern times along with the past. We are so lucky to live here, lets protect what we have and say NO to high density housing. If that's what someone wants there are plenty of choices in Boulder, etc.

 Thank you for your time, Greg Keller

Ps, please share my feedback.

Sent from my iPod

To the Planning Commission-

These comments pertain to the proposed annexation of 19 acres just west of town on the south side of the Eldora Road. Please forward them to all members of the Commission. I understand that if the land in question were to be annexed, a 60 unit condominium complex featuring low income and senior housing is planned for that parcel.

While there may be a need for low income and senior housing, I believe there are at least 2 large parcels of undeveloped land within Town limits that would suit those needs without having to annex more land, and would also accommodate a more modest development. There has also been low income housing proposed for the existing Town Shop site once it is moved to Ridge Road.

I am also concerned that the proposed high density land use is not compatible with the low density residential and Forest Service recreational designations of contiguous properties. There are also the considerations of the impacts that this one development would have on our sewer and water capacity.

We should also consider that the Caribou Ridge development, which is on land that was once annexed into the Town, is completely unbuilt, other than a model home. I question if we really need another annexation and development when there are so many unbuilt lots within Town limits.

Thanks for considering my views on this issue. Best regards, Bill

 Bill Ikler 303-258-3858  
PO Box 873 Nederland, CO 80466  
[bill@billiklerstudio.com](mailto:bill@billiklerstudio.com)

To:  
Kristopher Larsen  
Chairman, Nederland Planning Commission



30 September 2014

Dear Mayor and Board of Trustees,

We are writing to comment on the proposed annexation and Aspen Trails project on the Evans property. As professional wildlife biologists with 62 years of combined professional experience in human-wildlife interaction issues, and numerous published papers on the subject of habitat fragmentation and wildlife conservation, we are qualified to comment on effects of the project on elk migration and habitat use. We recently surveyed the property to determine whether the proposed project would adversely impact elk migration through the area.

We observed the following:

- The property is predominantly lodgepole and aspen which is not key foraging habitat for elk.
- There is no permanent water on the property that would attract wildlife.
- Elk, like other animals, do not all cross the Eldora Road in the same place, they cross where it is convenient.
- There are no fences on the property that would constitute significant barriers to elk movement.
- Because elk are habituated to predictable and non-threatening human behavior, they will readily pass through areas of human habitation. For example, anyone who has visited Estes Park has seen elk in neighborhoods, golf courses and along roads in that community. The situation is similar here.
- There's no evidence that the population of elk in this area is limited by migration or access to resources, the population is in fact stable and therefore is hunted.

As proposed, the project would not be a barrier to elk migration. The only mitigation measure we would suggest is the use of wildlife-friendly fencing (i.e. **not** barbed wire) if necessary, or to forgo fencing altogether.

Respectfully,

Rob R. Ramey, PhD, and Laura M. Brown, PhD.

Wildlife Science International, Inc.

PO Box 386

Nederland, CO 80466

**TOWN OF NEDERLAND**  
**Boulder County, Colorado**

**RESOLUTION 2014 - 24**

**A RESOLUTION MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF PROPERTY TO THE TOWN OF NEDERLAND AND REFERRING THE SAME TO THE BOULDER COUNTY PLANNING COMMISSION AND BOARD OF COUNTY COMMISSIONERS FOR REVIEW AND ACTION**

WHEREAS, the Town of Nederland, Colorado ("Town") received an annexation petition dated January 10, 2014, from Kayla Evans, Joseph Evans and Tamara Ann Holmboe, owners of 100% of the property identified as Aspen Trails and further described in **Exhibit A** hereto ("Annexation Petition"); and

WHEREAS, on February 4, 2014, in accordance with C.R.S. § 31-12-108 and by Town Resolution No. 2014-02, the Town Board of Trustees ("Board") found the Annexation Petition to substantially comply with C.R.S. § 31-12-107(1) and Section 15-3 of the Nederland Municipal Code ("Code") and scheduled a public hearing thereon for March 18, 2014; and

WHEREAS, the Town is a party to an intergovernmental agreement with Boulder County (the "County"), dated March 7, 2002, entitled "Intergovernmental Agreement Nederland Area Boulder County Comprehensive Development Plan (the "Intergovernmental Agreement"), the terms of which require the Board to refer any proposed annexation to the Town electors and to refer any annexation petition it receives to the County for review and recommendation by the County Planning Commission and review and approval or disapproval by the County Board of County Commissioners ("County Commissioners"); and

WHEREAS, the Board finds that it is necessary and desirable to conclude its own consideration of the Annexation Petition and to receive the recommendation of the County Planning Commission and decision of the County Commissioners on the Annexation Petition prior to calling a special election on the Annexation Petition in the interests of receiving and referring any recommended conditions on the proposed annexation to the voters and to prevent the unnecessary expenditure of Town time and resources in preparation for such an election if the annexation is disapproved by the County Commissioners; and

WHEREAS, after accepting well over an hour of testimony and evidence during the March 18, 2014 public hearing on the Annexation Petition, the Board continued the hearing to May 6, 2014 to permit the collection of additional evidence the Board deemed relevant to the proposed annexation, including a Housing Needs Assessment; and

WHEREAS, still awaiting the completion of the Housing Needs Assessment on May 6, 2014, the Board continued the public hearing on the Annexation Petition to July 15, 2014, and again, on that date, to October 7, 2014; and

WHEREAS, on October 7, 2014, the Board opened the public hearing on the Annexation Petition and accepted additional testimony and evidence thereon, including the Housing Needs Assessment, and

imposed by the Board at this time, recognizing and allowing that additional terms and conditions may be recommended or imposed as the Annexation Petition proceeds through the referral process pursuant to the Intergovernmental Agreement.

Section 4. The Board hereby formally refers the Annexation Petition to the County Planning Commission and County Commissioners and respectfully requests the prompt review and action required of each respective body by the Intergovernmental Agreement.

Section 5. The Board directs Town Staff to provide to the County any materials and assistance necessary or requested to facilitate County review and action on the Annexation Petition, including but not limited to the review and/or preparation, as appropriate, of an amendment to the Intergovernmental Agreement to reflect the amended boundaries of the Town, if the proposed annexation is ultimately approved, if such amendment is determined by the County to be a prerequisite to its action on the Annexation Petition.

Section 5. This Resolution is neither intended nor shall it be construed to constitute approval of the Annexation Petition by the Town, it being the intent of the Board to further act by one or more ordinances, as necessary and as determined desirable by the Board, to call an election, refer the matter to Town electors, approve the annexation upon voter approval or perform any other formal act necessary or desirable to affect the annexation, depending on the recommendation and decision rendered by the County under the terms of the Intergovernmental Agreement and all other relevant facts and circumstances.

**RESOLVED, APPROVED and ADOPTED this 7<sup>th</sup> day of October, 2014.**

TOWN OF NEDERLAND

By:   
Joe Gierlach, Mayor

ATTEST:

  
Cynthia Bakke, Deputy Town Clerk

{SEAL}



## MEMO

**DATE:** 7/31/14

**TO:** Alisha Reis, Town Administrator – Nederland, Colorado

**FROM:** Patrick Bowen, Principal – Bowen National Research

**RE:** Housing Market Support for Potential Annexation Site

Bowen National Research was retained by the town of Nederland, Colorado to conduct a comprehensive housing needs assessment. This assessment is still ongoing and scheduled for completion in late August. However, as part of our assessment, we have provided this supplemental analysis to evaluate a site adjacent to Nederland that is being considered for residential development and potential annexation into the town of Nederland. The specific purpose of this memorandum is to provide:

1. Demographic and rental housing data on the Nederland area.
2. Provide quantitative information on the Nederland area's ability to support additional residential rental units.
3. Determine if the potential annexation site is marketable and conducive to support residential development.

Work elements of this analysis include an on-site evaluation of the subject site, demographic analysis of the market, a survey and analysis of area rental housing alternatives, and preliminary demand estimates. We conclude this analysis by providing our opinion on whether the subject site can support additional residential units.

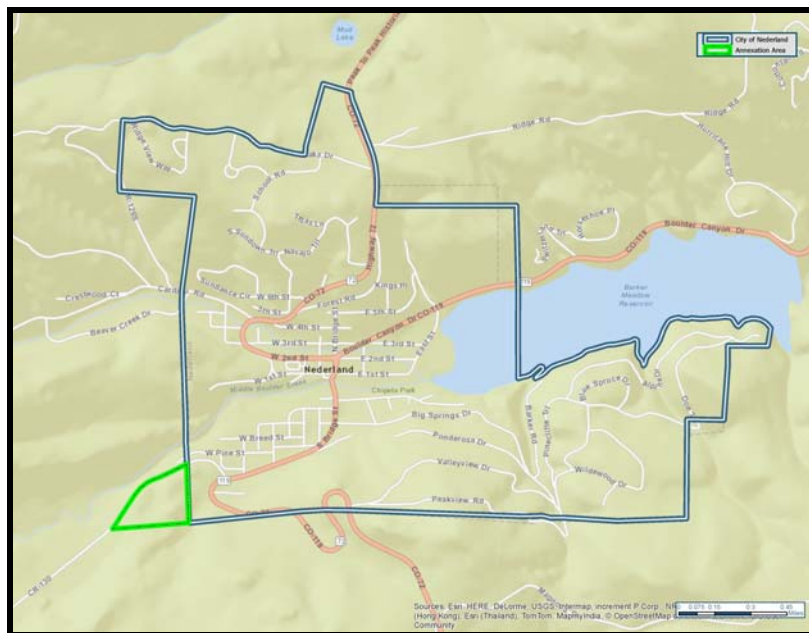
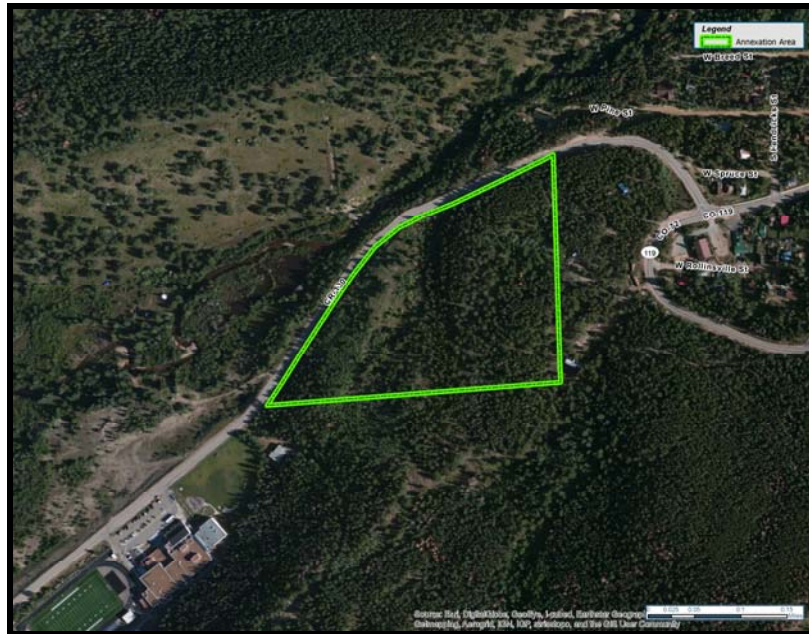
### **Subject Site**

#### **Site Description**

The subject site is located at the southeast corner of County Road 130, approximately 0.2 miles from the intersection of State Route 72/119 (also known as South Bridge Street and the Peak-to-Peak Highway). Specifically, the site consists of approximately 17.0 acres of undeveloped land located in Boulder County, in an unincorporated area just southwest of the Nederland town limits. Nederland is approximately 16.0 miles northwest of downtown Boulder and approximately 45.0 miles northwest of Denver, Colorado. The subject site was personally inspected by an employee of Bowen National Research and the corresponding fieldwork was completed during the week of June 23, 2014.

The surrounding land uses include heavily forested lands, bike trails, Middle Boulder Creek, Nederland Middle-Senior High School and its athletic fields. The immediate neighborhood is predominately forested lands. The Nederland Middle-Senior High School is considered to be in excellent condition and should positively contribute to the marketability of the proposed site. Overall, the subject property fits well with the surrounding land uses and they should contribute to the marketability of residential product developed at the site.

Below are maps of the subject site and its geographic relationship with Nederland.



### Access & Visibility

The site is located at the southeast corner of County Road 130, approximately 0.2 miles from State Route 72/119, at which point County Road 130 terminates. Both roadways are moderately traveled; however there is a significant amount of bicycle traffic in both directions due to a non-motorized trail entryway located just southwest of the proposed site. Additionally, vehicular traffic increases during weekday school hours due to its proximity to the middle-senior high school, as well as seasonally due to the site's proximity to various trailheads and ski resorts. Access to the site is considered good, as State Route 72/119, also known as the Peak-to-Peak Highway, has direct access to Interstate 70 and the City of Boulder.

The site has excellent visibility from County Road 130 and is unimpeded by other buildings or structures. While the site is located within a driving distance of 0.2 miles of State Route 72/119, the subject site is visible due to its raised elevation. Overall, visibility of the site is considered excellent.

### Proximity to Community Services

Caribou Shopping Center, located 0.6 miles northeast, is the closest shopping area to the site. The First Street Shops and Restaurants are within 0.7 miles and include approximately ten (10) retailers and four (4) restaurants. Both of these areas offer numerous employment opportunities for the nearby residents of Nederland and are within walking distance, however, The Ride is Nederland's public transportation that serves the subject site. The nearest bus stops are located 0.1 miles northeast and southwest of the site.

Several employment opportunities are within 5.0 miles of the site and accessible via public transportation. The Ride connects with the larger RTD System located in Boulder, which gives area residents an alternative mode of transportation to employment and shopping opportunities and community services that are located beyond Nederland.

The site is 0.7 miles southwest of Chipeta Park. Additionally, a trail way leads directly to the Nathan Lazarous Skate Park and Teen Inc. Recreational Center, which are both located approximately 0.9 miles northeast of the site. It should be noted that Nederland is central to many trail heads, bike paths, open space camping areas and ski resorts, with easy access via the Pike-to-Pike Highway.

Boulder Valley School District (BVSD) schools serve the subject site and all applicable schools are within 1.8 miles of the site. Notably, the Nederland Middle-Senior High School is within walking distance of the site. Safety services such as the Nederland Police and Fire Departments are within 1.1 miles of the site. The nearest full service hospital with emergency services, Boulder Community Foothills Hospital, is located approximately 17.6 miles from the site. However, the Columbine Family Care Health Center, the only physician's office located in Nederland, accepts walk-in and emergency



patients. Of note, the nearest traditional pharmacy is located in Rollinsville, approximately 4.2 miles south of the site.

### Overall Site Evaluation

The subject site is located within an unincorporated area along the southwest periphery of the town limits of Nederland. The immediate neighborhood is predominately forested lands, with access to non-motorized trail ways nearby.

Basic community services such as grocery and convenience stores, gas stations, restaurants, post office, bank, library and various retailers are all located within 1.3 miles of site. Safety services and basic medical needs are located within 1.1 miles. Potential residential development at the site that includes family-oriented or school staff housing will benefit from the site's proximity to the middle-senior high school.

Access and visibility to the site are considered good and excellent, respectively, as the site has convenient access to State Route 72/119. Public transportation is located 0.1 miles northeast and southwest of the site and provides transportation services to all areas of Nederland and into the surrounding Boulder area.

Overall, the surrounding land uses and the site's proximity to community and safety services are expected to benefit the marketability of the site.

### Demographics

The following summarizes key demographic characteristics for the Primary Study Area (Town of Nederland), the Secondary Study Area (Nederland *and* generally the 10-mile surrounding region), Boulder County, and Colorado (statewide).

#### Population

Population by numbers and percent change (growth or decline) for selected years is shown in the following table.

|                          | Total Population   |                 |                   |           |
|--------------------------|--------------------|-----------------|-------------------|-----------|
|                          | PSA<br>(Nederland) | SSA<br>(Region) | Boulder<br>County | Colorado  |
| 2000 Census              | 1,404              | 7,440           | 269,718           | 4,301,220 |
| 2010 Census              | 1,445              | 8,064           | 294,579           | 5,029,160 |
| Change 2000-2010         | 41                 | 624             | 24,861            | 727,940   |
| Percent Change 2000-2010 | 2.9%               | 8.4%            | 9.2%              | 16.9%     |
| 2013 Estimated           | 1,473              | 8,205           | 300,729           | 5,184,095 |
| Change 2010-2013         | 28                 | 141             | 6,150             | 154,935   |
| Percent Change 2010-2013 | 1.9%               | 1.7%            | 2.1%              | 3.1%      |
| 2018 Projected           | 1,555              | 8,579           | 315,698           | 5,505,236 |
| Change 2013-2018         | 82                 | 374             | 14,969            | 321,141   |
| Percent Change 2013-2018 | 5.6%               | 4.6%            | 5.0%              | 6.2%      |

Source: 2000, 2010 Census; ESRI; Urban Decision Group; Bowen National Research

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Noteworthy observations from the preceding table include:

- From 2000 to 2010, the PSA (Nederland) population is estimated to have increased by only 2.9%. This is not only minimal, but less than half the growth rate of the SSA (region) and Boulder County. However, the PSA population increased by 1.9% between 2010 and 2013, which is similar to regional trends reported during the same time period.
- Between 2013 and 2018, the population within the PSA is projected to increase by 5.6%, which is a greater growth rate than the SSA and Boulder County.
- Over the broader projection period of 2010 to 2018, the population within the PSA is projected to increase by 110, or 7.6%. This projected percent growth in population (as a percentage) is slightly more than the projected growth of 6.4% and 7.2% for the SSA and Boulder County, respectively.

### Households

Households by numbers and percent change (growth or decline) for selected years are shown in the following table:

|                          | Total Households   |                 |                   |           |
|--------------------------|--------------------|-----------------|-------------------|-----------|
|                          | PSA<br>(Nederland) | SSA<br>(Region) | Boulder<br>County | Colorado  |
| 2000 Census              | 614                | 3,212           | 106,496           | 1,658,020 |
| 2010 Census              | 657                | 3,679           | 119,303           | 1,972,852 |
| Change 2000-2010         | 43                 | 467             | 12,807            | 314,832   |
| Percent Change 2000-2010 | 7.0%               | 14.5%           | 12.0%             | 19.0%     |
| 2013 Estimated           | 672                | 3,761           | 122,147           | 2,038,707 |
| Change 2010-2013         | 15                 | 82              | 2,844             | 65,855    |
| Percent Change 2010-2013 | 2.3%               | 2.2%            | 2.4%              | 3.3%      |
| 2018 Projected           | 712                | 3,959           | 128,921           | 2,174,666 |
| Change 2013-2018         | 40                 | 198             | 6,774             | 135,959   |
| Percent Change 2013-2018 | 6.0%               | 5.3%            | 5.5%              | 6.7%      |

Source: 2000, 2010 Census; ESRI; Urban Decision Group; Bowen National Research

Noteworthy observations from the preceding table include:

- From 2000 to 2010, the number of households in the PSA (Nederland) increased by 43, or 7.0%. This percentage increase was substantially less than that reported in the SSA (region), Boulder County and Colorado as a whole.
- Between 2010 and 2013, however, growth within the PSA was on par with regional trends.

- It is projected that growth rate within the PSA will eclipse the SSA and Boulder County between 2013 and 2018. The projected increase of 40 households for the PSA from 2013 to 2018 will increase the need for additional housing units in the market. Additionally, with 198 new households projected to be added to the SSA, the region will require additional housing.

### Income

Median household income for selected years is shown in the following table:

|                          | Median Household Income |                 |                |          |
|--------------------------|-------------------------|-----------------|----------------|----------|
|                          | PSA<br>(Nederland)      | SSA<br>(Region) | Boulder County | Colorado |
| 2000 Census              | \$51,056                | \$57,663        | \$55,437       | \$47,264 |
| 2010 Census              | \$67,913                | \$71,163        | \$65,130       | \$57,206 |
| Percent Change 2000-2010 | 33.0%                   | 23.4%           | 17.5%          | 21.0%    |
| 2013 Estimated           | \$66,436                | \$65,045        | \$60,253       | \$52,514 |
| Percent Change 2010-2013 | -2.2%                   | -8.6%           | -7.5%          | -8.2%    |
| 2018 Projected           | \$67,209                | \$65,267        | \$60,824       | \$52,905 |
| Percent Change 2013-2018 | 1.2%                    | 0.3%            | 0.9%           | 0.7%     |

Source: 2000, 2010 Census; ESRI; Urban Decision Group; Bowen National Research

The PSA's median household income increased by 33.0% between 2000 and 2010. From 2010 to 2013, median household income in the PSA declined by 2.2%, which was likely the result of residual effects from the national recession. This decline is much less than the declines experienced for the other three geographic areas. It is projected that between 2013 and 2018 the PSA will have the fastest growth rate and highest median household income of the four geographic areas.

PSA and SSA renter households by income for selected years are shown in the following table:

|                            |                       | Renter Households by Income |                     |            |           |
|----------------------------|-----------------------|-----------------------------|---------------------|------------|-----------|
|                            |                       | <\$30,000                   | \$30,000 - \$59,999 | \$60,000 + | Total     |
| <b>PSA<br/>(Nederland)</b> | 2010                  | 107                         | 57                  | 87         | 251       |
|                            | 2013                  | 131                         | 59                  | 98         | 288       |
|                            | 2018                  | 133                         | 63                  | 102        | 298       |
|                            | <b>Change '13-'18</b> | <b>2</b>                    | <b>4</b>            | <b>4</b>   | <b>10</b> |
| <b>SSA<br/>(Region)</b>    | 2010                  | 371                         | 249                 | 209        | 829       |
|                            | 2013                  | 457                         | 263                 | 253        | 973       |
|                            | 2018                  | 443                         | 283                 | 280        | 1,006     |
|                            | <b>Change '13-'18</b> | <b>-14</b>                  | <b>20</b>           | <b>27</b>  | <b>33</b> |

Source: 2000 Census; 2010 Census; ESRI; Urban Decision Group; Bowen National Research

As the preceding table illustrates, assuming no significant economic changes occur and no new housing is added, the PSA (Nederland) is projected to increase by only 10 renter households between 2013 and 2018. Under these same assumptions, the entire SSA (region) is projected to increase by 33 renter households during this same time period. Interestingly, growth is projected to occur among the income segments of \$30,000 and higher. There is a projected net decline of 14 renter households making less than \$30,000 within the SSA. Despite this projected decline among lower income households, demand

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for such housing in the near future likely exists as secondary data indicates that there are a large number of low-income households suffering from rent burden (paying a disproportionately high share of their income towards rent) or are living in substandard housing (overcrowded housing or lacking complete plumbing). These housing situations are considered in our demand estimates.

### **Rental Housing Supply**

We conducted a survey of rental housing units in the town of Nederland to determine the performance of the rental market, identify over/under supply of specific rental alternatives, establish the typical rental rates, and identify the age, quality, and amenities typical for the market. Overall, a total of 99 rental units were identified and evaluated. It is important to note that these surveyed rentals do not represent all rental alternatives that exist in Nederland, but they do represent a large portion of the rental housing stock. As a result, these surveyed rentals are representative of the most common rental alternatives offered in the market.

The following table summarizes the surveyed rental housing inventory of Nederland.

| Nederland, Colorado Surveyed Rental Housing Inventory |       |        |                |               |              |
|-------------------------------------------------------|-------|--------|----------------|---------------|--------------|
| Bedrooms                                              | Units | Vacant | Occupancy Rate | Rent Range    | Average Rent |
| Studio                                                | 12    | 0      | 100.0%         | \$510-\$610   | \$538        |
| One-Bedroom                                           | 29    | 1      | 96.6%          | \$400-\$1,395 | \$783        |
| Two-Bedroom                                           | 46    | 1      | 97.8%          | \$400-\$1,395 | \$944        |
| Three-Bedroom                                         | 11    | 0      | 100.0%         | \$610-\$1,900 | \$1,255      |
| Four-Bedroom                                          | 1     | 1      | 0.0%           | \$2,500       | \$2,500      |
| Totals                                                | 99    | 3      | 97.0%          |               |              |

Of the 99 rental units identified and surveyed in Nederland, only three were vacant. This results in a 97.0% occupancy rate. Typically, overall occupancy rates between 94%-96% are considered indications of a healthy and well-balance market. Overall occupancy rates below 94% are often considered possible weak or soft markets while occupancy rates of 97% or higher are often considered markets that may be lacking sufficient rental housing. As such, the 97.0% occupancy rate likely indicates that the current rental housing supply is likely lacking units. The distribution of bedrooms by bedroom type indicates that there may be a disproportionately low share of three-bedroom or larger units in the market, as only 12.1% of the surveyed rental units consist of three-bedroom or larger units. However, after a review of the current household size (persons per unit) composition of renter households for the PSA, it appears that there is a relatively low share of larger family (i.e. four or more persons) households in Nederland and the SSA. As a result, it appears the existing rental market has responded well to the household configurations in the market, at least based on household size.

Nederland has a diverse mix of rental product by price point and quality level. As the rental overview table illustrates, the rents for available rental units identified range from \$400 to \$2,500. These units range in quality from a very good (B+) rating to a below fair (D-) rating. All properties were rated on quality and overall appearance (i.e. aesthetic appeal, building appearance, and landscaping and grounds appearance). Most of the product, however, is rated as average. Vacancy rates are low among all product types, regardless of quality level. This indicates that demand for rental housing product is high, as renters are choosing lower quality product.

The majority of the available housing units are two-bedroom single-family houses ranging in rents from \$400 to \$1,395. According to local sources, available rental housing typically is fully leased for a minimum of one-year by the end of September. Residents typically stay for multiple lease renewals. It was noted that Nederland is a very “pet-friendly” community and the only time available units do not have an immediate turnaround is when pets are prohibited in those units. Due to the lack of available rental units, landlords and/or their property management personnel find it difficult to do a thorough unit clean/turnover because new residents want/need immediate possession.

Multiple sources noted that the rental market is very strong, with multiple inquiries from families looking for rentals and inquiries from younger, single people with roommates. According to local sources, multifamily housing with one-bedroom units with rents under \$1,000 a month and two-bedroom units under \$1,400 a month would likely be consistently fully occupied as they are in great demand.

Medical marijuana has been legal in Colorado since November 2000. Legalization of recreational marijuana occurred in November 2013, effective beginning January 1, 2014. The law allows for the cultivation of up to 6 plants (in varying stages) legally, for individuals over the age of 21. A grow house, also known as a cultivation facility, is a residential unit where marijuana can be cultivated throughout it’s various stages from seedling to mature flowering plant to the drying process in order to make it smokeable or edible. According to local sources, the conversion of residential units to grow houses has become more prevalent over the past year. Based on our interviews with local law enforcement, utility providers, and real estate professionals, it is estimated that around 24 homes have been converted from residential uses to grow houses, thereby reducing the available inventory of available housing to residents. This has been considered in our demand estimates.

Bowen National Research conducted a “windshield survey” of area neighborhoods in Nederland, whereby properties were identified through a visual inspection to have exhibited characteristics often associated with blight. Generally, Bowen National Research classified properties suffering from blight to exhibit the following characteristics: boarded-up windows and doors, missing or severely damaged windows, collapsed porches, missing steps, missing or hanging gutters, missing or seriously damaged siding, severe fire damage, and missing or severely damaged roofs. Overall Bowen National Research identified a total of 12 structures that we believe exhibit blight.

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Of these structures, 7 were residential units ranging from single-family homes to duplex units. The remaining structures we identified were either former commercial or industrial structures. A large majority of the blighted residential units were located in the immediate downtown neighborhoods. Because other homes in and around Nederland likely suffer from some level of substandard housing conditions that may not be visible through a “windshield survey”, we have used Census and American Community Survey data of substandard housing units (i.e. lacking complete plumbing, overcrowded, and rent burdened households) in our assessment of housing needs. Overall, 241 renter-occupied units were classified as substandard within the overall SSA.

### **Demand Estimates**

As part of this analysis, Bowen National Research conducted demand estimates for new residential rental units that could be potentially supported in Nederland. Because Nederland provides a majority of the various community services for the region, it is believed that support for new housing in Nederland, if affordable and marketable, will originate from both Nederland and the surrounding communities that comprise the Secondary Study Area. As such, our demand estimates include the entire SSA.

The factors that influence rental housing demand are dynamic. Our demand estimates include such factors as household growth, units required for a balanced market, and replacement housing (e.g. substandard units, demolitions, and the impact of grow houses). While the overall demand estimates represent the potential units that could be supported for the region, we have also commented on a single site’s ability to absorb a portion of this demand.

Finally, our demand estimates are conducted using three income stratifications and corresponding rent levels. These stratifications include renter demand for households with annual incomes of up to \$30,000, \$30,000 to \$60,000, and above \$60,000.

The following table summarizes key demand components and provides overall housing demand estimates for the region and for a specific site. Note: Detailed calculations and further explanations of assumptions and methodologies will be included in the full Housing Needs Assessment currently being conducted by Bowen National Research.

| <b>2013 - 2018 Rental Demand Potential by Income Level &amp; Rent<br/>Nederland, Colorado Primary Study Area</b> |                           |                          |                  |
|------------------------------------------------------------------------------------------------------------------|---------------------------|--------------------------|------------------|
| <b>Household Income Range</b>                                                                                    | <b>Less Than \$30,000</b> | <b>\$30,000-\$60,000</b> | <b>\$60,001+</b> |
| <b>Rent Affordability</b>                                                                                        | <b>Less Than \$750</b>    | <b>\$750-\$1,500</b>     | <b>\$1,501+</b>  |
| New Income-Qualified Renter Household (2013-2018)                                                                | -14                       | 20                       | 27               |
| Units Needed for Balanced Market (95% Occupancy Rate)*                                                           | 10                        | 8                        | 8                |
| Total Replacement Housing Needed by 2018**                                                                       | 176                       | 62                       | 3                |
| Total Overall Market (SSA) Units of Potential Support by 2018                                                    | 172                       | 90                       | 38               |
| <b>Site Specific -Units of Potential Support</b>                                                                 | <b>26</b>                 | <b>14</b>                | <b>6</b>         |

\*Additional or fewer units required in the rental housing market to achieve a 95.0% or “balanced” market

\*\*Replacement housing includes rent-burdened and overcrowded households, units lacking complete plumbing, units expected to be demolished, and units lost from the inventory due to conversion to marijuana grow houses

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As the preceding table illustrates, the total overall regional demand by income level ranges from 38 rental units for households with incomes above \$60,000 to 172 rental units for households that make less than \$30,000. These estimates assume a variety of product types, with varying bedroom types, features, amenities, services and rent levels in multiple locations are built. Such a scenario is unlikely. However, these estimates illustrate the overall market needs for new rental housing units and can assist in broad, long-term regional housing planning.

A single site can be expected to capture a portion of the region's overall demand. Our demand estimates as they relate to a specific site range from 6 rental units for households making over \$60,000 annually to 26 rental units for households making less than \$30,000 annually. As such, up to 26 units priced below \$750, up to 14 units priced between \$750 and \$1,500, and up to 6 units priced over \$1,500 could be supported at an individual site. In order to achieve support for the number of units cited above, the developer will have to offer a variety of bedroom types and target a broad range of households (i.e. various age groups, household sizes, etc.) in order to attract a sufficient number of renters to the project. Ultimately, product design along with pricing will affect a single site's ability to capture a segment of the market.

### **Conclusions & Recommendations**

It was determined that the subject site being considered for annexation is a marketable site for residential rental development. Its access, visibility and proximity to community services will contribute to the marketability of rental units developed on this site. We believe its proximity to the adjacent education facilities is a positive attribute for a project that serves family households. However, we believe the site will still be marketable to working class, younger people and even seniors, due to the lack of affordable, modern rental housing in the market.

Based on our review of Census housing data, our survey of rental housing supply and interviews with local sources, it is evident that the rental housing supply in the SSA (Nederland and surrounding communities) has limited availability. This in turn, has resulted in renter households living in precarious housing situations. While there is no growth projected for low-income renter households between 2013 and 2018, there is clear evidence that low-income households are suffering from rent burden (paying a disproportionately high share of their income towards rent) and/or living in substandard housing situations. As such, there is a need for affordable housing (generally priced below \$750 a month) within the Nederland area.

It appears that there will be an increase of new renter households with incomes above \$30,000 in the region between 2013 and 2018. Specifically, it is projected that there will be an additional 20 renter households with incomes sufficient to afford a rent between \$750 and \$1,500 and an additional 27 renter households with incomes sufficient to afford a rent of over \$1,500. While it may be difficult for a single site to draw enough support to meet all of the projected growth of these higher income households, we believe the overall region will need to provide such housing over the next few years to accommodate



this higher income renter household growth. The subject site could potentially meet a portion of this need.

Based on our analysis of demographic and housing data, and taking into consideration input from local residents and stakeholders, it appears that a broad mix of unit types that target low to moderate income households would most likely serve the community's needs. It is recommended that the developer of the subject site consider a project no larger than 40 units. In order for the project of this size to succeed, however, it is believed that roughly two-thirds of the units would need to be priced with rents below \$750 so that the project can serve the needs of lower income households in the area. Further, it is strongly recommended that the developer consider a diversity of bedroom types, ranging from one- to three-bedroom units (with approximately 80% consisting of one- and two-bedroom units). This will enable the subject project to attract a diverse base of prospective renters and enhance the project's marketability.

It is important to note, Nederland alone can not support a project of notable size. As a result, the developer of any rental project in or adjacent to Nederland will need to market the new development to people within the entire region in order to attract a sufficient base of support. As such, the developer will need to develop a marketing plan that reaches a broad geographic region (the SSA) and a broad market of prospective renters (low- and moderate income households, young adults to seniors, single persons to small families, etc.). An effective marketing plan that is broad will increase the chances of success for the project.

Finally, there are numerous factors that will affect the ultimate success of any new residential project in Nederland. The unit configuration by bedroom type, the quality of finishes, the floor and site plan layouts, the scope of amenities and corresponding rents must be marketable to the target market. It is critical that these design considerations be taken into account during the design phase of the project. Assuming the project is well designed, there is sufficient support in the area to successfully develop new rental housing at the subject site and/or in the overall Nederland area.



September 30, 2014

Board of Trustees – Town of Nederland CO  
45 West First Street  
PO Box 396  
Nederland, Colorado 80466

RE: Additional annexation request information

Board of Trustees,

As part of the overall submittal process we were asked to comment and add additional information pertaining to the proposed land annexation. The two main issues included traffic concerns by the Eldora Mountain Resort and the consequential needs for housing shown in the independent Housing Needs Assessment Study performed by the Town of Nederland.

**Housing Needs Assessment Study:**

The Town of Nederland, through an independent consultant, prepared a Housing Needs Assessment Study to identify specific housing requirements within the Town of Nederland. Patrick Bowen with Bowen National Research provided a supplemental analysis on July 31, 2014, showing data relating to the subject matter (Attachment A). Page 7 of the report shows a rental housing supply that has an occupancy rate of 97% (3 vacant units out of 99 total units). The report states that occupancy rates above 96% are often considered lacking sufficient rental housing. The report further describes the rental costs and rental products (size and bedrooms) currently available in Town. Between the “Demand Estimate” (page 9) and the “Conclusion & Recommendations” (page 10), it is evident that the Town of Nederland is under supplied.

Our proposal is to provide approximately the identified needed products of the following:

- A rental range from up to \$750 / month (26 each) to
- 14 each units between \$750 to \$1,500 / month to
- 6 units priced above \$1,500 / month.

These are numbers that are currently supported without any consideration of growth beyond a couple years from now.

As for any proposed development, if the annexation should be successful, it is our intent to allow the Town of Nederland to fill some of these housing needs with products ranging from small 1 bedroom units up to 4 bedroom units. The intent is: (A) To provide a variety of products that will fulfill the Town’s mandate to provide low income/affordable housing units, (B) To provide adequate units to allow local businesses sustainable growth from within the community without creating additional commuter traffic from neighboring towns/population centers, (C) To create living spaces that support our growing segment of “baby boomers” who wish to retire into an affordable and sustainable mountain community, and (D) To potentially provide a small amount of professional office space to support a generation of residents that work part- or full-time from home.

Given the above results of the assessment study and should the annexation be successful and deemed feasible by the property owner, we propose to plan 48 or more units, ranging from studio size up to 2 bedroom units with a smaller contingent of 3 and 4 bedroom units. The development will be planned in appropriate phases, and with the full corporation and support from the governing County and Town agencies.

**Traffic Impact:**

If approved, the potential development will provide great opportunities for the local business community to take advantage of public transportation services. It is our intent to provide an RTD bus stop within the development to further our intention to provide a more sustainable living place. The proposed easement that would allow the Town of Nederland to connect the sidewalk from the center of Town to the Nederland Middle/High School grounds to provide a safe walking distance commute for teachers and families living within the proposed new community. Seniors and retirees will be able to take advantage of public transportation and the close proximity of shops, businesses and services close by. It is our intent to limit traffic impact and congestion to the largest extent possible through innovative planning of the internal traffic / parking areas, as well as the access and exit points of traffic into the main streets.



Sincerely,

Kayla Evans, Manager  
Aspen Trail LLC



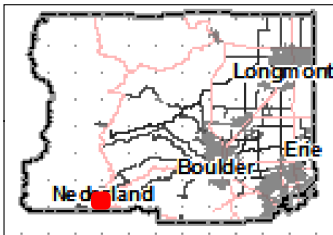


**Legend**

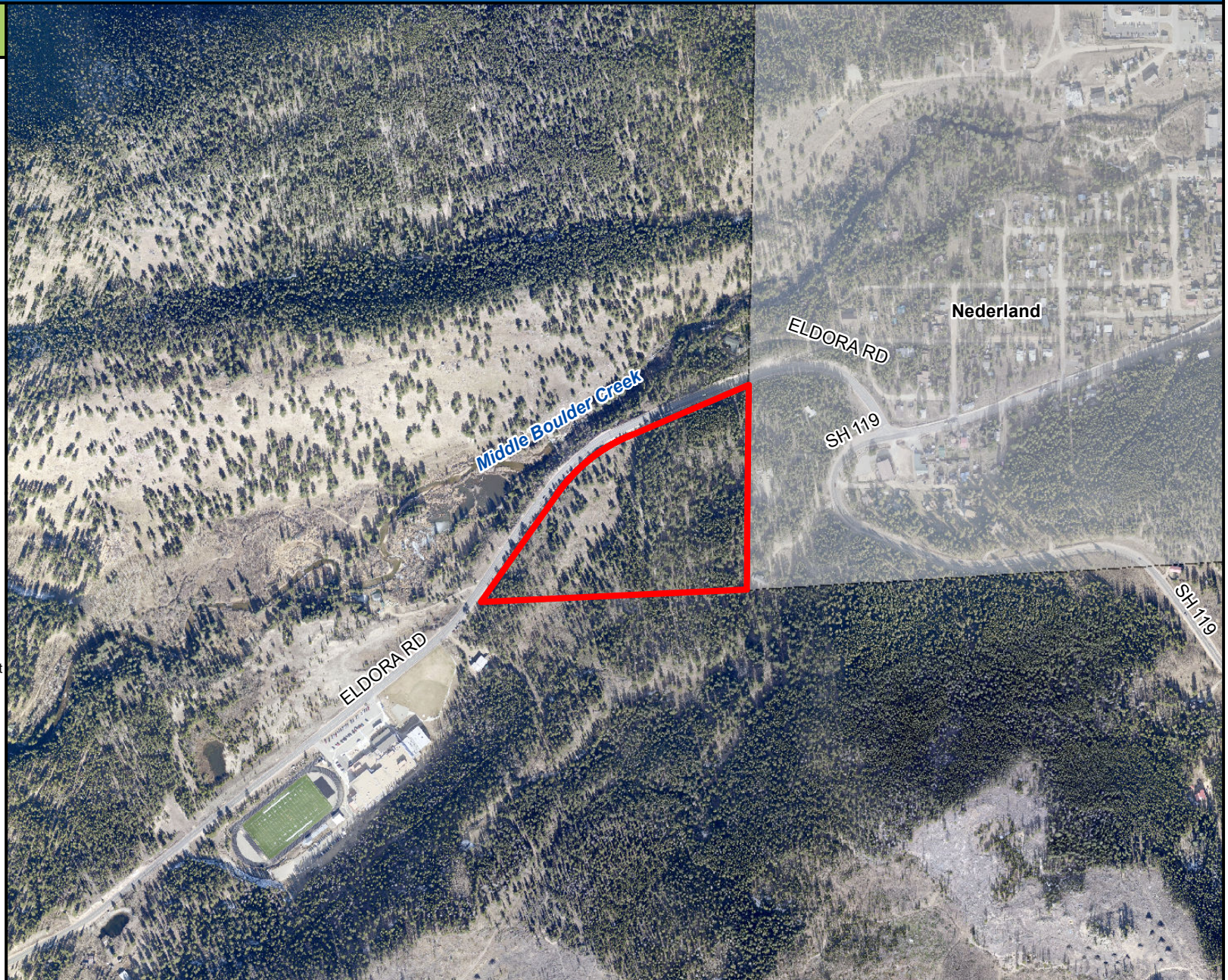
-  Subject Property
-  Municipality

 0 810 Feet

Area of Detail Date: 11/19/2014



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# Boulder County Land Use Department

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## Land Use PreApplication Map: Public Lands and CEs

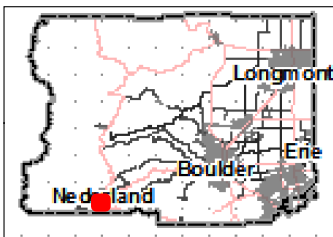
Parcel No: 158323000009

### Legend

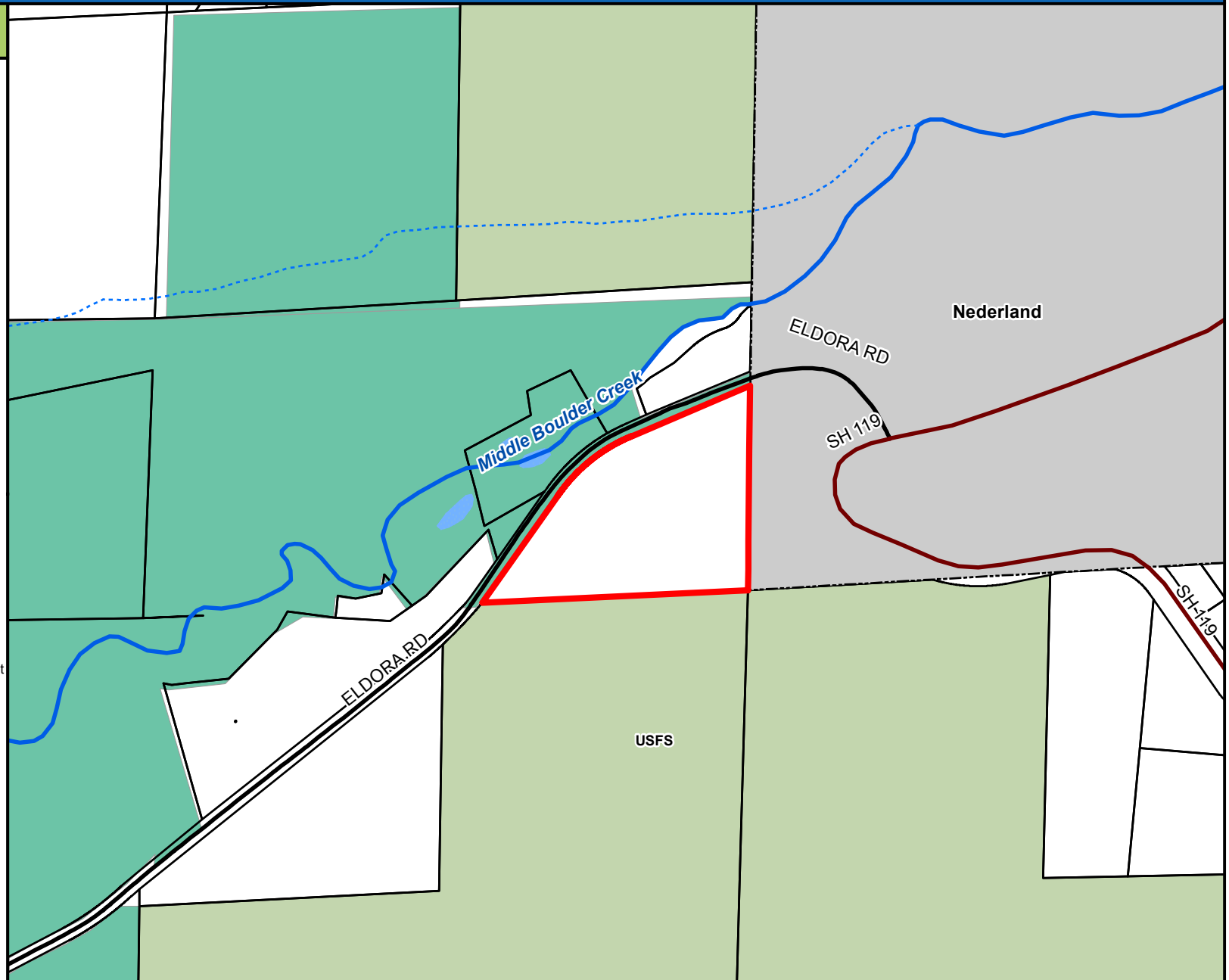
- Subject Property
- Municipality
- Major Perennial Stream
- Intermittent Stream
- USFS Land
- Private Conservation Easements

NORTH  
0 810 Feet

Area of Detail Date: 11/19/2014



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# Boulder County Land Use Department

2045 13th Street, Boulder, CO 80302 303-441-3930 [www.bouldercounty.org/lu](http://www.bouldercounty.org/lu)

## Land Use PreApplication Map: Comprehensive Plan

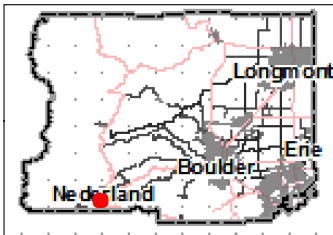
Parcel No: 158323000009

### Legend

-  Subject Property
-  Municipality
-  Major Perennial Stream
-  Intermittent Stream
-  Archeologically Sensitive Travel Routes
-  Roadside Open Corridor
-  Wildlife Migration Corridors
-  Critical Wildlife Habitats
-  Environmental Conservation Areas
-  Riparian
-  Significant Natural Communities
-  Wetlands
-  Riparian Habitat Connectors

 0 500 Feet

Area of Detail Date: 11/19/2014



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