



Land Use

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BOARD OF COUNTY COMMISSIONERS AGENDA ITEM

March 5, 2015 – 2:00 PM

Commissioners' Hearing Room, Third Floor
Boulder County Courthouse, 1325 Pearl Street

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

Request: Review and decision 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 17.0 +/- 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: At 365 Eldora Road (SE ¼ of the SE ¼ of Section 14, T1N R73W)

Zoning: Forestry (F) Zoning District

Applicant: Town of Nederland

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

Action Requested: *Decision on docket following staff and applicant presentations and public hearing.*

Public Testimony will be taken

(Staff Planner: Peter Fogg)

Docket Webpage: www.bouldercounty.org/property/build/pages/iga140001.aspx

SUMMARY: The Town of Nederland has referred by Resolution 2014-14 an annexation petition to Boulder County for review and action as stipulated in Sections 4. b ANNEXATION and 6. AMENDMENTS of the Nederland Area Boulder County Comprehensive Development Plan Intergovernmental Agreement, or IGA (2002). Annexation proposals, with very limited exceptions, constitute an amendment to the IGA. Both procedures require that the county Planning Commission review the proposals and forward a recommendation to the Board of County Commissioners - approval, approval with conditions, table, or denial – who must then make a decision at a public hearing and forward that to the Town. On December 16, 2014 the Planning Commission approved the staff recommendation of denial by a 4 – 2 vote.

Subsequent to that hearing, the Land Use Department and Board of County Commissioners received a memorandum from the Town of Nederland dated February 24, 2015 communicating the Town Planning Commission's desire that the annexation application be allowed to proceed through the full five step process prescribed in the IGA between the Town and Boulder County based on the presentation of additional and clarifying information that was not available to them when they voted to recommend denial in February 2014. The Land Use Department is recommending denial of the IGA amendment and annexation petition for the reasons that follow.

BACKGROUND: In 2002 the Town of Nederland and Boulder County concluded and signed a Comprehensive Development Plan Intergovernmental Agreement with a term and effective date of 20 years. The Agreement was struck "...in order to ensure that the unique and individual character of Nederland is preserved..."¹. Two Plan Area categories were created:

- 1) Nederland Town Limits - "...all lands currently within or subsequently added, accordance with the provisions of this Agreement and Plan, to the boundaries of the Town of Nederland."; and
- 2) Rural Preservation Area (RPA) - "...all lands commencing at the edge of the Nederland Town Limits and extending West to the Continental Divide, South to the Gilpin County Line, North to north of Sugarloaf Road, and East to Boulder Falls..."

The county commitment to the preservation of the rural character within the RPA included precluding rezoning or other discretionary land use approvals which would be contrary to that designation. In other words, "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."² For its part Nederland agreed that, with very limited exceptions³, any expansion of the Town boundaries into the Rural Preservation Area through annexation would require an IGA amendment process gaining approval from the county, the Town, and finally the qualified electors of Nederland via a vote.⁴

IGA Amendment Process

Section 4 b. **ANNEXATION** of the IGA spells out the steps that must be followed once an annexation petition has been accepted by the town as complete, meeting statutory requirements such as 1/6th contiguity to the existing town corporate boundary, and referred to the county. Here are the steps in abbreviated form (steps 1 – 4 each require public notice and public hearing):

- 1) **County Planning Commission** - reviews referral, makes a recommendation on action, forwards to the County Commissioners;
- 2) **County Commissioners** – reviews Planning Commission recommendation, takes a decision action (approve, approve with conditions, table), forwards to Nederland Planning Commission. A **denial action** by the Commissioners terminates the review – Nederland is notified, no further processing occurs;
- 3) **Nederland Planning Commission** - if forwarded by the Commissioners, Nederland Planning Commission reviews county referral, makes a recommendation on action, forwards to the town Board of Trustees;
- 4) **Board of Trustees** – reviews town Planning Commission recommendation, takes a decision action (approve, approve with conditions, table), forwards to qualified electors of Nederland for a vote. A **denial action** by the Board of Trustees terminates the review – no further processing occurs;
- 5) **Qualified Town Electors** - if approved by the Board of Trustees, the approval is referred for a vote to the qualified electors of Nederland to approve or deny the application.

Actions Taken to Date by Nederland It needs to be noted here that the Nederland Planning Commission received the Board of Trustees' resolution to initiate annexation proceedings for the annexation proposal in February of 2014. The Planning Commission subsequently scheduled and held a public hearing on the proposal on February 26th. Fourteen people spoke during public testimony. After deliberation the Planning Commission recommended by a vote of 4 - 1 that "...the Board of

¹ Nederland Area Boulder County CDP IGA – pg. 1, 2nd "WHEREAS"

² Ibid. Pg. 3 – 3. **CONTROLLING REGULATIONS** c. (1)

³ "...the Nederland Board of Trustees may determine, in its sole discretion, that it needs land in the Rural Preservation Area for utilities..." Ibid. Pg. 4 – 4, **ANNEXATION** c.

⁴ Ibid. Pg. 4 – 4. **ANNEXATION** b..

Trustees deny consideration of annexation of the 17-acre parcel at 1250 Eldora Road on the basis that the Comprehensive Plan didn't include annexation of the property, and the Plan is in favor of focusing infill in the town core area.”⁵

The Town Board of Trustees held a public hearing on the matter March 18th. At that time, the Trustees continued the hearing to May 6th, 2014 “...to permit the collection of additional evidence the Board deemed relevant to the proposed annexation, including Housing Needs Assessment;”⁶ This assessment had been requested by Boulder County in conversations with Nederland staff. Extensions to the hearing continuation were granted two more times over the summer and early fall of 2014 as the Housing Assessment proceeded, ending with a hearing on October 7th after the Assessment was completed and presented. The full Assessment, conducted by Bowen National Research (BNR), is included in the Planning Commission packet. Their conclusion was that a significant shortage of rental opportunities existed within Nederland and the region for those with incomes of less than \$60,000 a year and especially for those earning under \$30,000 a year. Their conclusion was that the regional needs would support an additional 210 rental units in the \$750 - \$1,500 per month range with the vast majority (172) being in the \$750 range. BNR also concluded that opportunities for improving the lower income housing market inventory did exist within the Town of Nederland (vacant land, upgrades/redevelopment of existing dwellings), and that development of the Evans parcel under consideration for annexation be kept to 40 units or less, two-thirds of which ought to be in the \$750 range.

IGA Effect on the Nederland Comprehensive Plan

Passage of the IGA has led Nederland to fundamentally contain its comprehensive planning programs, policies and land use mapping to the town's corporate boundaries. Annexation remains an option but would need to comply with the five step process and procedures described in the IGA. The focus inward to a limited geographic area continued during the Town's most recent Plan update, which was concluded in the fourth quarter of 2013 and which subsequently won the Colorado Chapter, American Planning Association award for “Sustainability and Environmental Planning”. Land Use Policies 1 and 10 both “emphasize” and “encourage” infill development and redevelopment as significant for the Town in promoting a compact and sustainable land use pattern, reflecting some of the community values identified in 2011 through the Town's *Envision 2020* process. Mixed use development including a range of affordable and senior housing types, especially in and within walking distance of the downtown, are also advocated both as an acknowledgement of the expansion restraints at the core of the IGA and as fundamental to developing the compact, sustainable rural community called for in *Envision 2020*, several of the Town's master plans, and in Chapter 5 Implementation of the 2013 Comprehensive Plan. Two mixed use “Future Land Use Opportunities” locations within the Town were identified and included in the 2013 Future Land Use Map.

EVANS ANNEXATION (ASPEN TRAILS) PROPOSAL: Contiguous to but outside of the 2013 Comprehensive Plan and within the Rural Preservation Area, the Aspen Trails annexation conceptual proposal includes the following features and conditions:

- **Acreage:** 17+/- acres
- **Adjacent Lands:** south – US Forest Service; east – five private properties within Town of Nederland; north/northwest – Arapaho Ranch, one private developed parcel; County Road 130
- **Current Use:** Undeveloped – part of the 455 acre Arapaho Ranch (predominantly under a conservation easement less the 17+/- acre subject parcel of this docket)
- **Current Zoning:** County Forestry (F)

⁵ Nederland Planning Commission Minutes – Wednesday, February 26, 2014.

⁶ Town of Nederland Resolution 2014-24.

- **Adjacent Zoning:** County Forestry (F) – north, west, south: Nederland Mountain Residential (MR) – east.
- **Terrain/Cover:** north/northwest; U-shaped drainage between two ridges; mostly pine/aspen with mix of some meadow/open land areas
- **Boulder County Comprehensive Plan Designations:** adjacent to riparian areas and wetlands (2014 mapping); critical wildlife habitat/migration corridor (2014 mapping); open roadside corridor; Indian Peaks Environmental Conservation Area
- **Proposed Zoning:** Nederland Medium or High Density Residential PUD
- **Proposed Uses:** multi-family residential of 45-60 units (affordable, senior, other) contained in 16 buildings in three clusters; community trail linking Town to Nederland High School; two potential community amenity sites
- **Proposed Access:** internal looped road with two access points onto County Road 130

The Aspen Trails Annexation Impact Report and other conceptual narrative/images materials are included in the Commissioners' packet.

REFERRALS: Land Use sent referrals to 15 public/quasi-public agencies and entities as well as 87 private parties. Several other letters both in support and opposition were received from non-referral parties. All letters and referrals received are included in the Commissioners' packet. A summary of their remarks follow:

Public/Quasi-Public

- Nederland Fire Protection District – support for annexation. Service can be provided; mixed and affordable housing opportunities could help improve volunteer participation in FPD
- Nederland Middle/Senior High School – support for annexation. Affordable housing opportunities for teachers, families.
- Boulder County Transportation Department – concerns about annexation. (1) *Site Lines* – very poor and unsafe at proposed eastern access off CR 130. Other better sites will require substantial earthwork. (2) *Transit* – RTD N Route service is once every two hours and stop is located on SH 119, some distance away from proposed annexation. Local bus service has been hard to develop – current service (Thursdays only) is not funded into the future. (3) *Maintenance (CR 130)* – some agreement would need to be worked out between county and Town if annexed. (4) *Trail* – unclear who would maintain. Trail on south side of CR 130 would require excavation and possible soil nail or concrete walls due to steep loose cobble. (5) *Shoulders* – CR 130 heavily used by cyclists in warm weather months. Maintenance of existing shoulders/plans for future improvements should be considered and addressed now.
- Boulder County Parks and Open Space Department - does not support annexation. Would constitute a further “adverse modification” to elk migration corridor. Boulder County Land Use Department, Building and Safety Services Division – no conflicts with the proposal.
- Public Service Company/Xcel – no comment yet but will provide input later in the review process.
- Colorado Department of Natural Resources – concerns about the negative impacts of annexation and high density development on further restricting the elk migration corridor between Arapaho Ranch and Magnolia Road eastward, and potentially risky interaction between residents, elk and other wildlife such as bears.
- Eldora Civic Association – does not support the annexation due to wildlife impacts, its variance with the stated intent of the IGA, the unsuitability of the site for senior housing (north-facing), the adequacy of infill sites within Nederland's existing corporate limits, and its promoting visible sprawl near a major intersection (SH 72 and CR 130).

Private Parties

Letters sent to the Planning Commission and County Commissioners included the following positions:

- Support for annexation – 20 to date (not including repeat respondents.) Twelve from Nederland, four from CR 130, four from outside area. Principle points were:
 - ✓ providing more needed affordable and senior housing (retain younger people and families with limited economic means, offer seniors option to stay in community);
 - ✓ providing improved and safer pedestrian/bicycle access and connectivity from Town to middle/senior high school;
 - ✓ providing additional community amenity sites including a pool and senior center;
 - ✓ providing clustered, sustainably designed development;
 - ✓ providing additional wildfire mitigation work/wildfire break;
 - ✓ providing additional property taxes;
 - ✓ providing revenue for continued maintenance and costs of operating Arapaho Ranch.
- Opposition to annexation – 26 to date (not including repeat respondents.) Five from Nederland, 12 from CR 130, seven from outside area. Principle points were:
 - ✓ not consistent with recently adopted comprehensive plan policies and maps;
 - ✓ detracts from compact community form, existing infill/redevelopment opportunities and community upgrade needs;
 - ✓ inconsistent with intent and purpose of Nederland/Boulder County IGA;
 - ✓ poor location for senior/affordable housing (distance from Town, north-facing, no regular and committed transit to/from site);
 - ✓ increased traffic and user safety conflicts on CR 130 and at CR 130/SH 119 intersection;
 - ✓ increased environmental impacts (wildlife, significant site disturbance, light pollution, visibility from Peak-to-Peak);
 - ✓ no assurances that annexed site development will be marketable or attractive to mixture of senior, lower income and family demographics.

COUNTY PLANNING COMMISSION ACTION DECEMBER 14, 2014

Fifteen people spoke at the December 14th public hearing on this docket; 10 in support of the annexation and five opposed. Those in support cited several factors including the need for more affordable housing options to help retain seniors, young people, lower income residents, and teachers (community and economic diversity); the need to help the community with this housing deficit now vs. waiting with hope that potential infill opportunities will materialize; and the logical geographical extension the property presents given that Nederland is virtually surrounded by publicly owned or controlled lands. Those opposed reiterated concerns found in the letters including incompatibility with the IGA, adjacent property owners and lands, and the town's comprehensive plan; development impacts on wildlife, traffic and the visual rural landscape; the inappropriateness of locating high density development outside of the existing core area of Nederland and the greater costs associated with providing town services to the proposed site; the lack of assurances that the project would be marketable to the intended clientele; and the negative effect it may have on promoting infill development.

The Planning Commission deliberated for some time after the public hearing was closed, and expressed empathy for the tight housing situation in the town, discussing whether there were other ways to address it through partnerships, incentives or other means. In the end the vote was 4 – 2 for denial and recommending that the County Commissioners follow suit.

DISCUSSION AND RECOMMENDATION: Staff believes it is evident that both opponents and supporters of the annexation are at odds more over the location of the proposed development and requirement that the site be annexed in order for it to materialize than they are over many of the

attributes of the development itself, principally the real needs and reasons to increase affordable and senior housing opportunities for the Nederland community. County staff have also looked at the specifics of the concept plan and the site as well as whether the proposed annexation is in harmony and compatible with the intent of the Nederland Area Boulder County Comprehensive Development Plan IGA and the 2013 Nederland Comprehensive Plan, which was formulated and designed in substantial ways by the IGA.

Our conclusion is that the site location presents problems both from a development standpoint and in its relationship to the direction provided by both the IGA and the Nederland Comprehensive Plan. The IGA is quite explicit in describing the larger benefits to be gained by maintaining a unique, compact community in a surrounding environment where competing or inappropriate development would not be allowed to occur without the consent of the Town, the county, and residents through an accessible public amendment process and procedure. The Nederland Comprehensive Plan is also clear in policy and maps about maintaining and enhancing Nederland's vitality primarily through infill, redevelopment and renewal within its corporate boundaries. The Future Land Use Opportunities map is a painting of what the vision and policies of the Plan intend to achieve. The county is very aware of the housing needs and aspirations described by the Plan, the assessment conducted by Bowen National Research, and indeed by the designers of the Aspen Trails concept plan. Overtures to the Town by the county to assist in addressing and meeting those needs still stand and are open.

Staff therefore recommends that the Board of County Commissioners DENY Docket IGA-14-0001 Proposed Amendment to the Nederland Area Boulder County Comprehensive Development Plan: Evans Annexation and forward that decision to the Town of Nederland.

ATTACHMENTS:

- A. Nederland Area Boulder County Comprehensive Development Plan Intergovernmental Agreement Text and Maps**
- B. Correspondence from Town of Nederland, Annexation Impact Report, and Draft Annexation Agreement**
- C. Correspondence from Town of Nederland Updated Information (February 24, 2015)**
- D. Bowen National Research Housing Needs Assessment**
- E. Referrals**
- F. Letters of Support for Annexation**
- G. Letters of Opposition to Annexation**

ATTACHMENT A

Nederland Area Boulder County Comprehensive Development Plan Intergovernmental Agreement Text and Map

**INTERGOVERNMENTAL AGREEMENT
Nederland Area Boulder County
Comprehensive Development Plan**

This Intergovernmental Agreement by and between the Town of Nederland, a Colorado municipal corporation (Nederland); and the County of Boulder, a body politic and corporate of the State of Colorado (Boulder County); (collectively the "Parties") is made to be effective on the 7th day of MARCH, 2002.

WITNESSETH:

WHEREAS, section 29-20-101 et seq., C.R.S. as amended, enables the Parties to enter into Intergovernmental Agreements to plan for and regulate land uses, in order to minimize the negative impacts on the surrounding areas and protect the environment, and specifically authorizes local governments to cooperate and contract with each other for the purpose of planning and regulating the development of land by means of a "Comprehensive Development Plan"; and

WHEREAS, in order to ensure that the unique and individual character of Nederland is preserved, the Parties believe that a Comprehensive Development Plan which recognizes the annexed areas and development approved by Nederland, accompanied by binding commitments by the responsible jurisdictions for the preservation of the rural character of surrounding lands within the Plan Area, is in the best interest of the citizens of each of the Parties; and

WHEREAS, the prohibition of rezoning or other discretionary land use approvals by Boulder County and of annexation or development of certain lands within the Plan Area by Nederland is intended to preclude unplanned development and urban sprawl which, if permitted in the unincorporated area, require the provision of urban services by Boulder County, in contravention of provisions of the Boulder County Comprehensive Plan; and

WHEREAS, the Parties find that designating a portion of the Plan Area to remain as rural preservation for the purpose of preserving a community buffer serves the economic and civic interests of their citizens and meets the goals of the Boulder County Comprehensive Plan; and

WHEREAS, with respect to the annexation provisions herein, the Town of Nederland declares that the rural preservation designations and land use regulations contained in this Agreement affect its future development. Consistent with the municipal annexation, utility service, and land use laws of the State of Colorado, this Agreement, including specifically the annexation and utility service portions hereof, is intended to encourage the natural and well-ordered future development of each Party; to promote planned and orderly growth in the affected areas; to distribute fairly and equitably the costs of government services among those persons who benefit therefrom; to extend government services, and facilities to the affected areas in a logical fashion; to simplify providing utility services to the affected areas; to simplify the governmental structure of the affected areas; to reduce and avoid, where possible, friction between the Parties; and to promote the economic viability of the Parties; and

WHEREAS, the functions described in this Agreement are lawfully authorized to each of the

Parties which perform such functions hereunder, as provided in article 20 of title 29; part 1 of article 28 of title 30; part 1 of article 12 of title 31; and parts 2 and 3 of article 23 of title 31, C.R.S., as amended; and

WHEREAS, section 29-1-201, et seq., C.R.S., as amended, authorizes the Parties to cooperate and contract with one another with respect to functions lawfully authorized to each of the Parties and the people of the State of Colorado have encouraged such cooperation and contracting through the adoption of Colorado Constitution, Article XIV, 18(2); and

WHEREAS, the Parties have each held hearings after proper public notice for the consideration of entering into this Agreement and the adoption of a comprehensive development plan for the subject lands, hereinafter referred to as the "Plan Area", as shown on the map attached hereto and incorporated herein as Exhibit A.

NOW THEREFORE, in consideration of the above and the mutual covenants and commitments made herein, the Parties agree as follows:

1. DEFINITIONS:

As used in this Agreement, the following terms shall be defined as indicated:

DEVELOPMENT:	Construction or establishment of structures, parking areas, and/or surfaced vehicular roadways (except expansion of existing roads), or establishment of new land uses.
PLAN AREA:	Lands included within the boundaries of the designated Plan Area as set forth on the Map attached as Exhibit A, including right-of-way, setback areas, and parcels subject to the Plan's development regulations.
STRUCTURE:	Any thing which is built or constructed, including but not limited to an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, but excluding fences, retaining walls not over 6 feet in height, stone drainage facilities, and buried utility lines.
REGULATORY PARTY:	That party having regulatory jurisdiction over the subject property at the relevant time.

2. THE PLAN AREA AND ITS COMPONENTS:

The Plan Area shall be divided into two (2) categories of land, each depicted on Exhibit A and generally described as follows:

- a. Nederland Town Limits. This category shall include all lands currently within or subsequently added, in accordance with the provisions of this Agreement and Plan, to the boundaries of the Town of Nederland.
- b. Rural Preservation Area. This category shall include all lands commencing at the

edge of the Nederland Town Limits and extending West to the Continental Divide, South to the Gilpin County Line, North to north of Sugarloaf Road, and East to the Boulder Falls, as depicted by the Plan Area Boundary on Exhibit A. Due to water quality concerns and possible impacts on the Town of Nederland, Boulder County agrees to refer to the Town of Nederland all applications affecting water quality and for residential development other than single family homes.

- c. Regarding the Eldora Townsite, although it is included within the Rural Preservation Area, and notwithstanding any other provisions of the Boulder County Land Use Code, Boulder County agrees to refer to Nederland for comment all development applications affecting water quality and for residential development other than single family homes, and applications for installation or replacement of septic systems.

3. CONTROLLING REGULATIONS:

- a. Any proposed use or development of any portion of the parcels in the Rural Preservation Area shall conform to the provisions of this Agreement, or, if nonconforming, shall require amendment of the Plan in the manner provided in Section 6 of the Agreement. Any proposed rezoning, subdivision, special use or other regulatory process, or amendment or modification of any existing zoning, PUD, special or conditional use, or subdivision plat, or proposed annexation, whether or not coupled with any such regulatory process, entered into for any lands within the Rural Preservation Area, shall conform to the Plan, or with an approved amendment thereof, in order to be approved by the Regulatory Party.
- b. Within the Nederland Town Limits the Nederland Planning Commission and the Nederland Board of Trustees shall have the sole authority to review and approve or deny applications for subdivisions or other developments or land uses proposed to take place entirely within the Nederland Town Limits and no approval by the Boulder County Planning Commission or the Boulder County Board of County Commissioners shall be required.
- c. (1) Within the Rural Preservation Area, existing uses of parcels which conform to Boulder County's regulations, or which are legally nonconforming, shall be permitted to continue, either as legal or legal nonconforming uses, in accordance with the provisions of the Boulder County Land Use Code. 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.
 (2) Pursuant to regulations in the Boulder County Land Use Code as it may exist from time to time, parcels within the Rural Preservation Area may be "sending parcels" for purposes of transferring development rights (TDRs). However, such parcels shall not serve as "receiving parcels" without amendment of this Agreement. TDR units shall not be "sent" from parcels designated in this Agreement as Rural Preservation to be located upon a receiving site within the Nederland Town Limits without the consent of the Nederland Board of Trustees.
 (3) Development on parcels for which "vested rights" for further development have been acquired through an estoppel against Boulder County for parcels in the Rural Preservation Area, precluding the prohibition of such development, established by a

final non-appealable court judgment in a proceeding of which Nederland has been given timely notice and the opportunity to join or intervene, shall be permitted notwithstanding this Agreement, to the extent such development is in conformance with the rights so acquired and occurs within the vested period. Boulder County represents that it has disclosed to Nederland all vested rights of which it has knowledge for any of the properties in the Plan Area that may have been established or approved by Boulder County.

4. ANNEXATION:

- a. Nederland commits that it is not currently pursuing any annexations within the Rural Preservation Area.
- b. Except as provided in sub-paragraph c. below, the Rural Preservation Area as shown on Exhibit A is intended to remain in Boulder County's regulatory jurisdiction for the term of this Agreement. Further, the Town Board of the Town of Nederland, by authorizing the execution of this Agreement, finds and determines, for the term of this Agreement, that there is no community of interest between the Rural Preservation Area and the Town, that none of the Rural Preservation Area is urban nor is likely to urbanize, and that none of the Rural Preservation Area is currently integrated with, nor will it be capable of being integrated with the Town. The Town agrees it will not initiate nor approve any annexation of any Rural Preservation Area lands unless such annexation is referred for recommendation to the Boulder County Planning Commission, approved by the Boulder County Board of County Commissioners, referred for recommendation by the Nederland Planning Commission, approved by the Nederland Board of Trustees, and approved at an election of the qualified electors of the Town of Nederland, with the applicant for any such annexation to bear all costs and fees associated with such election.
- c. Notwithstanding any other provisions of this Agreement, the Nederland Board of Trustees may determine, in its sole discretion, that it needs land in the Rural Preservation Area for utilities, including but not limited to water, water storage, water treatment, sewer, sewage treatment, or roads. Should the Town proceed with acquisition of such land, whether or not through the exercise of eminent domain, the Town may then annex such land, and such annexation need not be submitted to review or approval by the Boulder County Planning Commission or the Boulder County Board of County Commissioners. However, such annexation will require referral to the Nederland Planning Commission for recommendation, approval by the Nederland Board of Trustees, and approval by the qualified electors of the Town of Nederland at an election.
- d. The County agrees that it will not initiate or approve or consent to annexation of any Rural Preservation Area lands to a municipal entity other than the Town of Nederland unless such annexation is referred to the Boulder County Planning Commission for recommendation, approved by the Boulder County Board of County Commissioners, referred to the Nederland Planning Commission for recommendation, and approved by the Nederland Board of Trustees.

5. REFERRALS:

Any petition, application or other proposal for development or land use on any parcel within the Rural Preservation Area, other than an application for a building permit or an individual site plan, shall be immediately referred in writing by the County to the Town of Nederland. Any offer, proposal, request or application by the County to purchase any parcel within the Nederland Town Limits shall be immediately referred in writing by the County to the Town of Nederland. No action shall be taken thereon by the referring Party until the other Party has had the opportunity to respond concerning the proposal's conformity to this Agreement and Plan, and other land use concerns, all such responses to be received within twenty (20) days of date of referral. No action shall be taken thereon by the referring Party unless it is in compliance with this Agreement and Plan, or an amendment thereto is agreed upon by the Parties.

6. AMENDMENTS:

This Agreement, including Exhibit A, contains the entire agreement between the Parties. Any proposed amendment of the Plan affecting the jurisdiction over lands or the development or regulation of lands must be referred to the other Party by the Party initiating such proposed amendment in writing. Amendment of the Plan shall take place only after referral to and recommendation by the Nederland Planning Commission and the Boulder County Planning Commission, and after approval by resolution or ordinance adopted by the governing body of each of the Parties, after notice and hearing as may be required by law. No Party shall acquire any parcel, or approve or permit any development or change of use, of any parcel in the Rural Preservation Area by any means or in any manner inconsistent with this Agreement until and unless the Agreement and Plan have been amended so that the proposed acquisition, development, or use of such parcel is consistent with the Agreement and Plan. Any proposed amendment that would affect the process for annexations as provided in Section 4. above, in addition to requiring the approval of the bodies listed above, shall also require approval at an election by the qualified electors of the Town of Nederland.

7. BENEFICIARIES:

The Parties, in their corporate and representative governmental capacities, are the only entities, intended to be the beneficiaries of the Plan, and no other person or entity is so intended.

8. ENFORCEMENT:

Any one or more of the Parties may enforce this Agreement by any legal or equitable means including specific performance, declaratory and injunctive relief. No other person or entity shall have any right to enforce the provisions of this Agreement.

9. DEFENSE OF CLAIMS/INDEMNIFICATION:

If any person allegedly aggrieved by the Rural Preservation Area provisions of this Agreement or the Plan and who is not a Party to the Plan should sue any Party concerning such Plan provisions, Boulder County shall, and Nederland may, defend such claim upon receiving timely and

appropriate notice of pendency of such claim. Defense costs shall be paid by the Party providing such defense. The defense by Boulder County shall include defending the Town of Nederland, unless the Town requests otherwise.

In the event that any person not a Party to the Plan should obtain a final money judgment against any Party for the diminution in value of any regulated parcel resulting from the Rural Preservation Area provisions of this Agreement or the Plan or regulations adopted by the Regulatory Party implementing said provisions of the Plan, Boulder County shall, to the extent permitted by law, indemnify such Party for the amount of said judgment.

10. GOVERNING LAW AND VENUE:

This Agreement shall be governed by the laws of the State of Colorado and venue shall lie in the County of Boulder.

11. TERM AND EFFECTIVE DATE/NON-SEVERABILITY:

- a. This Agreement shall become effective upon signature of an authorized representative of the governing bodies of the Parties. Except as provided herein, this Agreement shall remain in effect for a period of twenty (20) years from the effective date, unless terminated prior thereto by agreement of the Parties.
- b. If any portion of this Plan is held by a court in a final, non-appealable decision to be per se invalid or unenforceable as to any Party, the entire Agreement and the Plan shall be terminated, it being the understanding and intent of the Parties that every portion of the Agreement and Plan is essential to and not severable from the remainder.

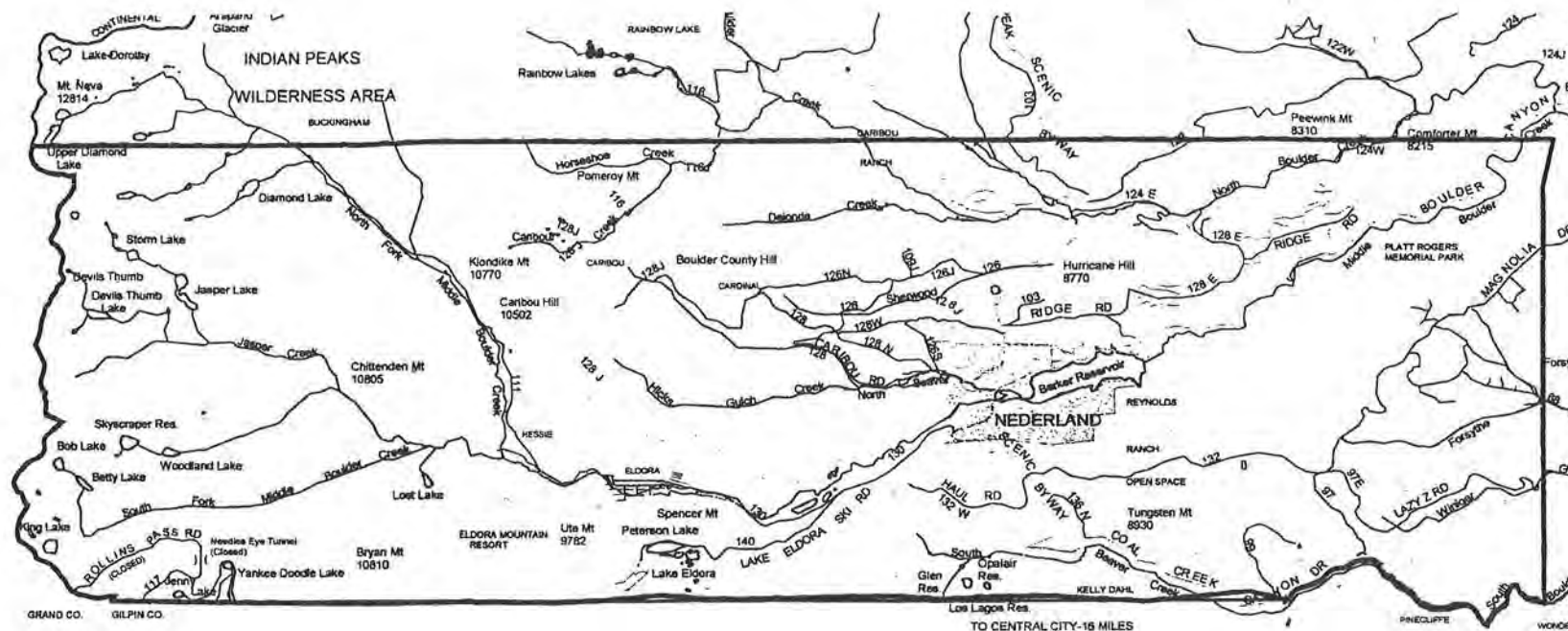
12. PARTY REPRESENTATIVES:

Referrals made under the terms of this Agreement shall be sent to the Parties' representatives as follows:

County of Boulder:
 Director
 Boulder County Land Use Department
 Post Office Box 471
 Boulder, CO 80306

Town of Nederland:
 Mayor, Town of Nederland
 45 West First Street
 Post Office Box 396
 Nederland, CO 80466

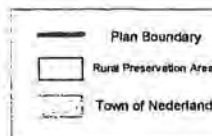
Name and address changes for representatives shall be made in writing, mailed to the other Party at the then current address.



**NEDERLAND AREA - BOULDER COUNTY
COMPREHENSIVE DEVELOPMENT PLAN
Exhibit A**



June 5, 2001



This map is for illustrative purposes only, and is not suitable for precise location decision making. The areas depicted here are approximate. More accurate studies may be required to draw accurate conclusions.

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THIS AGREEMENT is made and entered into to be effective on the date set forth above.

ATTEST:

Sheridan Garcia

Sheridan Garcia, Town Clerk



TOWN OF NEDERLAND

Jim Miller

Jim Miller, Mayor

APPROVED AS TO FORM:

Scotty P. Krob

Scotty P. Krob, Town Attorney

[SEAL]



BY:

COUNTY OF BOULDER

BOARD OF COUNTY COMMISSIONERS

Jana L. Mendez

Jana L. Mendez, Chair

(EXCUSED)

ATTEST:

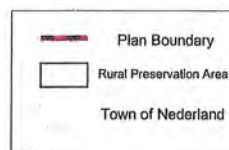
Susan M. Wahneft
Clerk to the Board

Paul D. Danish, Vice-Chair

Ronald K. Stewart
Ronald K. Stewart, Commissioner

APPROVED AS TO FORM:

H. Lawrence Hoyt
H. Lawrence Hoyt County Attorney



This map is for illustrative purposes only, and is not suitable for parcel-specific decision making. The areas depicted here are approximate. More site-specific studies may be required to draw accurate conclusions.

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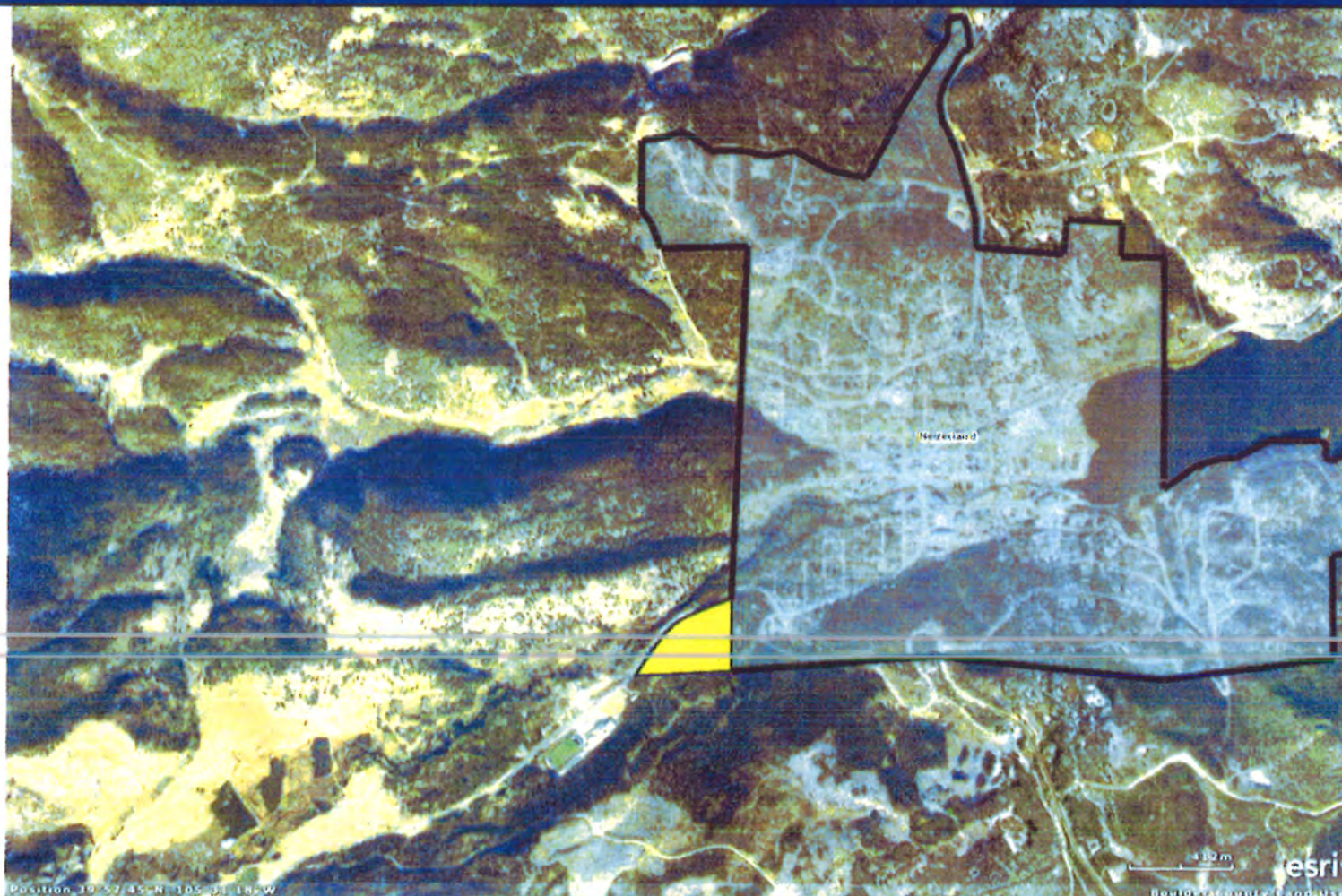


Boulder County Land Use Department

2045 13th Street, Boulder, Co 80304

303-441-3930

www.bouldercounty.org



1 inch = 1300 feet

Page 7 of 183

N:\Evans Annexation Nederland 2014\Map-pfogg-11-18-2014-11-32AM.pdf

Saved 11/18/2014

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ATTACHMENT B

**Correspondence from Town of Nederland
Including Annexation Impact Report, Evans
Annexation Project Graphics, and Draft
Annexation Agreement**



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.

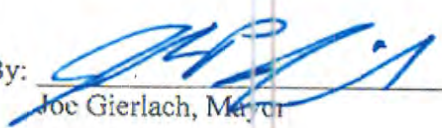
Section 4. The Board hereby formally refers the Annexation Petition to the County Planning Commission and County Commissioners and respectfully requests the prompt review and action required of each respective body by the Intergovernmental Agreement.

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,



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 CEDUNA ROAD
 NEDERLAND, CO 80460

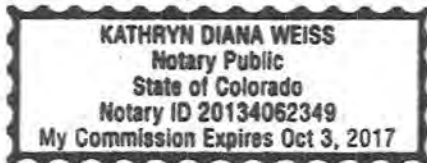
Dated: 1/30/2014

By: Kayla Evans

Its: _____

Mailing Address:

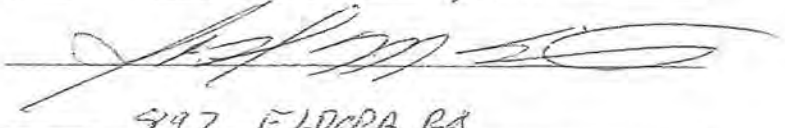
The foregoing instrument was acknowledged before me this 30th day of January 2014 by Kayla Evans County of Boulder, State of Colorado



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

597 ELDORA RD
NEDERLAND CO 80466

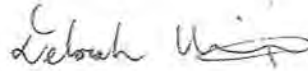
Dated: _____

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 Hulmbee
7904 S. Franklin Ct.
Centennial, CO 80122
annexation of Hulmbee

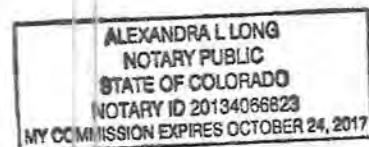
Dated: 12/31/13

By: _____

Its: _____

Mailing Address:

Notary Public
 I, 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.

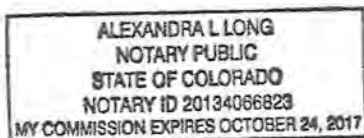
COUNTY OF Jefferson

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]

Alexandra L. Long
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
[Signature]
1250 ELONA ROAD
NEDERLAND, CO 80466

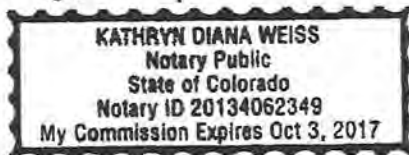
Dated: 1/30/2014

By: Kayla Evans

Its: _____

Mailing Address:

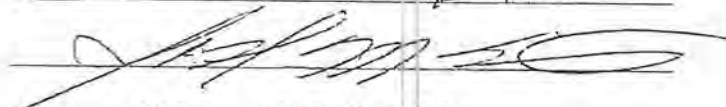
The foregoing instrument was acknowledged before me
 this 30th day of January 2014 by Kayla Evans
 County of Boulder, State of Colorado



[Signature]
 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: _____

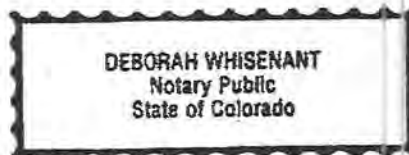
Its: _____

Mailing Address:

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

Deborah Whisenant 

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

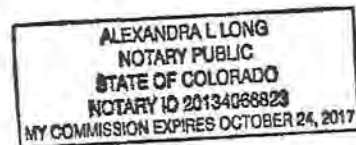
Dated: 12/31/13

By: _____

Its: _____

Mailing Address:

Notary Public
 I, Alexandra L. Long
 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)

1 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:

[SEAL]

Alexandra L. Long
Notary Public

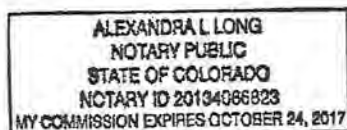
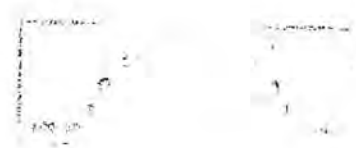


EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY



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 P.M., COUNTY OF BOULDER, STATE OF COLORADO DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 14 AS MONUMENTED BY A 10" IRON ROD 10" DIAMETER 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 20" IRON SURVEY ALUMINUM CAP, 10" DIAMETER SOUTH 87° 17' 10" WEST WITH ALL BEARINGS HEREIN RELATIVE THERE TO;

THENCE ALONG THE SAID SOUTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14 SOUTH 87° 17' 10" WEST 1,237.64 FEET TO A POINT ON THE EAST RIGHT-OF-WAY (ROW) OF COUNTY ROAD 130 (BLUESA ROAD) AS DOCUMENTED IN RECEPTION #2348500 & #2348501 AT THE BOULDER COUNTY CLERK AND RECEPTIONS 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 "NXT" COURSES:

NORTH 34° 14' 18" EAST 9.95 FEET (0.19)
NORTH 34° 22' 06" EAST 88.91 FEET (0.22)
NORTH 37° 20' 10" EAST 47.48 FEET (0.32)
NORTH 40° 19' 23" EAST 72.48 FEET (0.43)
NORTH 46° 20' 02" EAST 63.16 FEET (0.53)
NORTH 48° 08' 54" EAST 25.10 FEET (0.63)
NORTH 20° 31' 01" EAST 20.65 FEET (0.73)
NORTH 20° 10' 17" EAST 45.82 FEET (0.87)
NORTH 35° 36' 48" EAST 65.50 FEET (0.98)
NORTH 41° 22' 10" EAST 35.13 FEET (1.01)
NORTH 43° 03' 09" EAST 30.62 FEET (1.11)
NORTH 43° 26' 27" EAST 44.90 FEET (1.15)
NORTH 47° 34' 31" EAST 65.10 FEET (1.33)
NORTH 50° 11' 13" EAST 86.14 FEET (1.44)
SOUTH 45° 59' 08" EAST 71.60 FEET (1.53)
NORTH 83° 42' 59" EAST 30.50 FEET (1.60)
NORTH 62° 14' 03" EAST 19.22 FEET (1.72)
NORTH 62° 14' 03" EAST 64.31 FEET (1.85)
NORTH 31° 51' 32" EAST 40.68 FEET (1.93)
NORTH 68° 23' 18" EAST 62.36 FEET (2.00)
NORTH 66° 58' 21" EAST 52.05 FEET (2.13)
NORTH 66° 27' 04" EAST 47.18 FEET (2.22)
NORTH 75° 22' 58" EAST 36.20 FEET (2.32)
NORTH 66° 04' 04" EAST 41.62 FEET (2.44)
NORTH 70° 06' 12" EAST 31.54 FEET (2.53)
NORTH 72° 45' 28" EAST 45.89 FEET (2.62)
NORTH 66° 18' 12" EAST 40.59 FEET (2.72)
NORTH 64° 05' 34" EAST 61.42 FEET (2.80)
NORTH 74° 05' 21" EAST 61.50 FEET (2.93)
NORTH 68° 42' 31" EAST AND FEET (3.00) 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 ROW OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14 SOUTH 00° 47' 24" WEST 926.92 FEET TO THE TRUE POINT OF BEGINNING; AND CONTAINING 18.8 ACRES, BEING ALSO 732.9316 ± ± MORE OR LESS.

TOPOGRAPHY NOTES:

1. BENCHMARK AND MONUMENT DESIGNATION 8445.1, PID 460778, A CHISELED PIN IN THE TOP OF A GRANITE BOLLER ON THE NORTH SIDE OF THE PEAK TO PEAK HIGHWAY RECOVERED AS DESCRIBED IN THE NGS DATASHEET. ELEVATION 8450.50 (NAD83).

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 "AS SHOWN" 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. RELIES UPON THE EXPERTISE OF THE LOCATING TECHNOLOGIST 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, 1975 OBTAINED FROM THE TOWN OF NEDERLAND WATER DEPARTMENT. THE UTILITY LOCATING COMPANY WAS NOT ABLE TO DETERMINE AND MARK THE LOCATION OF THE UTILITY HEREON IS APPROPRIATE. 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 BISECT IMPRACTICAL.

5. THE BARRIER WIRE FENCE ALONG THE NORTH PORTION OF THE EAST PROPERTY LINE AND THE MOBILE WAREHOUSE FENCE ALONG THE SOUTH PORTION OF THE EAST PROPERTY LINE ARE BOTH APPROXIMATELY CONSISTENT WITH THE PROPERTY LINE.

6. ACCORDING TO RECEPTION #2348500 (STENGER'S RIGHT-OF-WAY (ROW) PLAT) DEPOSITED AS LS-02-0152 AT THE BOULDER COUNTY LAND USE DEPARTMENT AND THE GUT CLAMP USED RECORDED AS RECEPTION #2348501 AT THE BOULDER COUNTY CLERK AND RECEPTIONS OFFICE, THE ROW FOLLOWS ALONG THE BARBED WIRE FENCE ALONG COUNTY ROAD NO. 130. THE INPROX FOR THE ROW (11-102) IS SHOWN WITH ELEVATION CHAIN.

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 38-01-106(1)(b)(i), 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 ADJOINER OWNER INFORMATION WAS TAKEN FROM THE BOULDER COUNTY TAPPING MAPS.

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 SUBSEQUENT PLAT FOR ANNECTATION INTO THE TOWN OF NEDERLAND. UPON ANNECTATION 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 EXISTING DEEDS ARE RECEPTION #2348501-14. THE PROPERTY DESCRIPTION SHOWN ON THIS SHEET IS A NEW PROPERTY DESCRIPTION FOR THIS PARCEL ONLY AND FOR THE PURPOSES OF ANNECTATION ONLY.

LEGEND

S 89° 39' 28" W 217.44' AS MEASURED DIMENSION
(S 89° 37' 00" W 217.50') PLATTED ON DEEDED DIMENSION
(OF DIFFERENT FROM MEASURED)

- MONUMENT FOUND AS DESCRIBED
- MONUMENT SET: #5 REBAR WITH 2" ALUMINUM CAP STAMPED "ALS PLS 34850" UNLESS OTHERWISE NOTED
- ASPHALT PAVEMENT
- UNDERGROUND TELEPHONE
- OVERHEAD ELECTRIC
- WOOD FENCE
- QUARD RAIL
- BARBED WIRE FENCE
- CHAIN LINK FENCE
- FREE LINE
- SPOT ELEVATION
- POWER POLE
- GUY POLE WITH GUY WIRE
- SANITARY SEWER MANHOLE
- TELEPHONE PEDESTAL
- UNDERGROUND UTILITY MARKER
- CLEAN OUT
- WATER VALVE
- SIGN

SURVEYOR'S CERTIFICATION:

I, EARL F. HENDERSON, A LICENSED LAND SURVEYOR IN THE STATE OF COLORADO, CERTIFY THAT I AM THE SURVEYOR OF THE LAND SHOWN HEREON AND 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 TOPOGRAPHIC FIELD WORK WAS COMPLETED ON 05/24/2014. 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 GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED, AND IS TO THE BEST OF MY KNOWLEDGE, ACCURATE AND COMPLETE.

EARL F. HENDERSON, P.E.
COLORADO PLS #34893

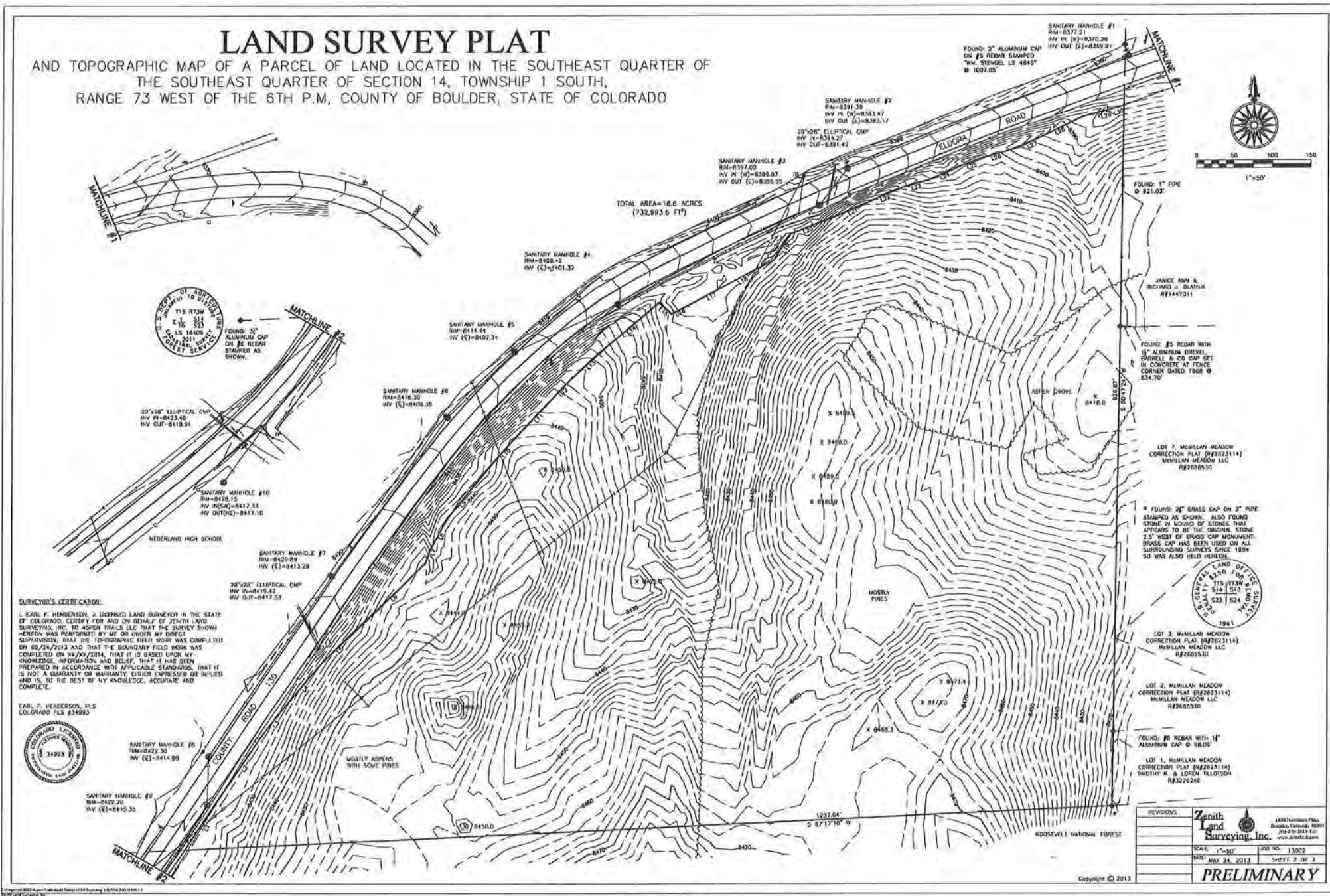


REVISIONS	Zenith Land Surveying, Inc.	FILED HEREON FILE
		Bohemia, Colorado 80501
		304.470-3053.6
		www.ZenithLS.com
SCALE: 1"=50'	JAN NO 13002	
DATE: MAY 24, 2013	SHEET 1 OF 2	
PRELIMINARY		

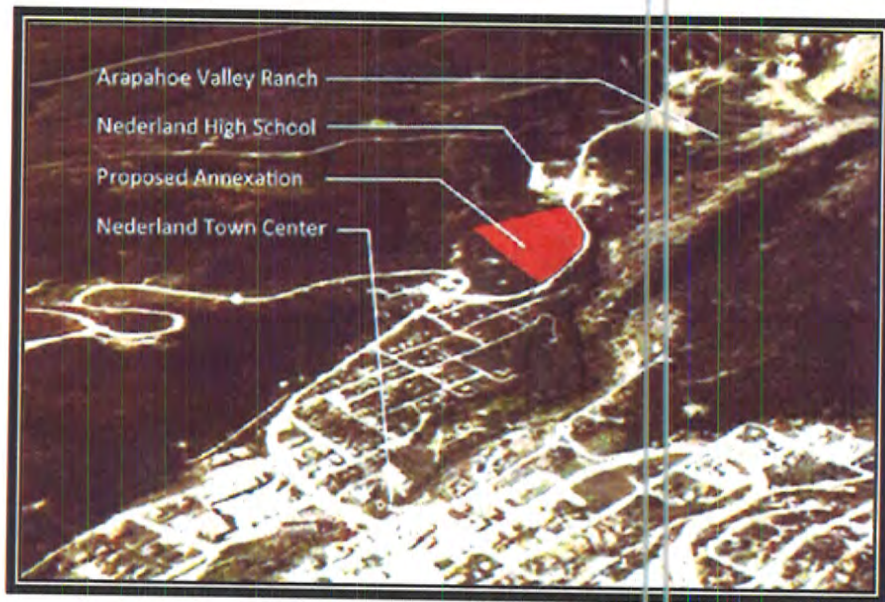
Copyright © 2013

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



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 6th 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.

*Annexation Impact Report***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.

*Annexation Impact Report***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.

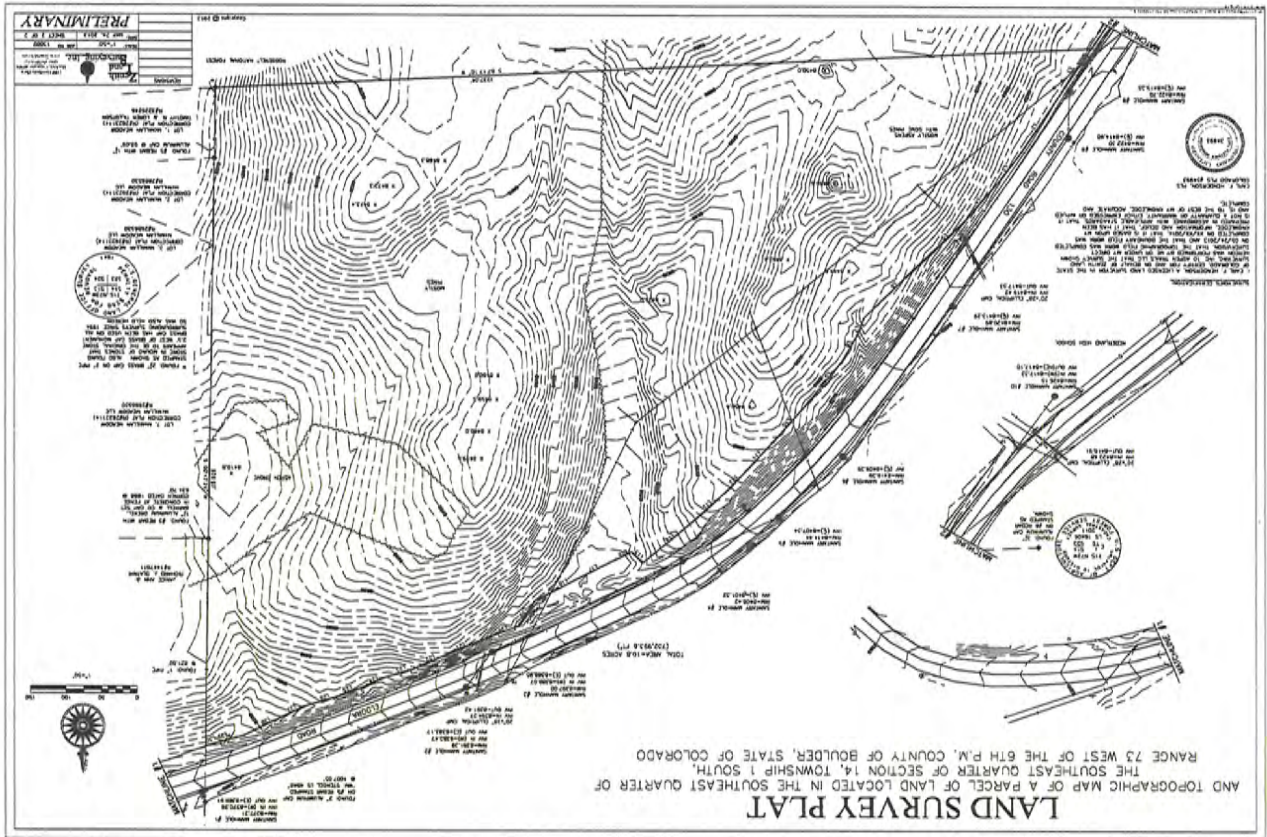
5. EXISTING DISTRICTS IN THE AREA TO BE ANNEXED – C.R.S. § 31-12-108.5 (1) (e)

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

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

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.



EVANS ANNEXATION

PROJECT GOALS

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



EVANS ANNEXATION

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

Epstein
+ Dodd

EVANS ANNEXATION

CONNECT

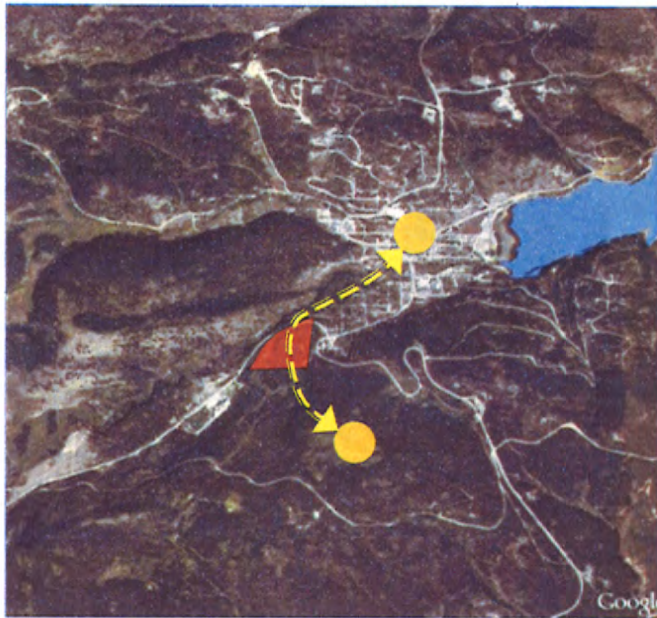


Bike and Pedestrian
Connection From
Town to High School

Epstein
+ Dodd

EVANS ANNEXATION

CONNECT



Bike and Pedestrian
Connection From
Town to West Magnolia
Open Space

Epstein
+ Dodd

EVANS ANNEXATION

CONNECT



Connect Town to
High School:
One Community

Epstein
+ Dodd

EVANS ANNEXATION

CONNECT



On Transit Route to
Town and Region

Epstein
+ Dodd

EVANS ANNEXATION

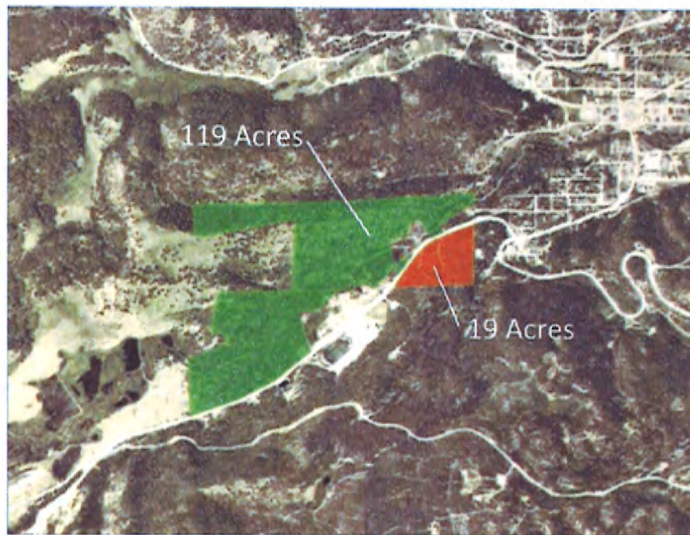
PROTECT

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

Epstein
+ Dodd

EVANS ANNEXATION

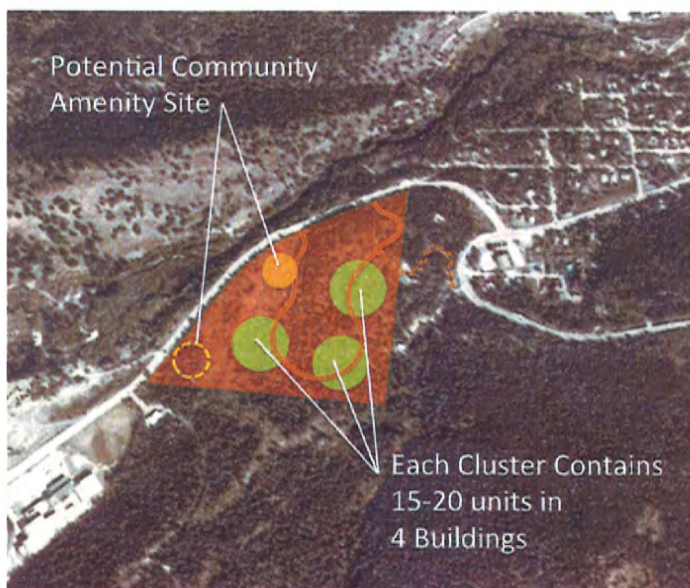
PROTECT



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

EVANS ANNEXATION

PROTECT

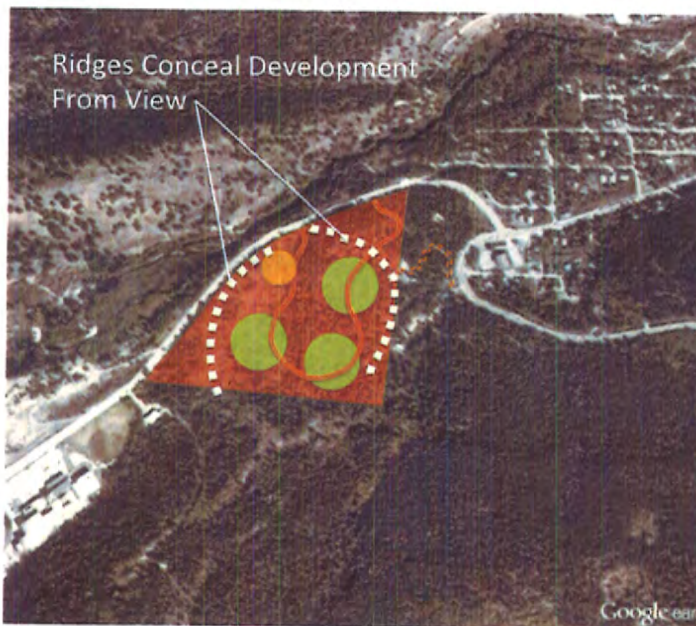


Careful, **clustered** development **preserves** much of the site & **respects** topography

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

EVANS ANNEXATION

PROTECT



Careful development
preserves views and
screens development

Epstein
+ Dodd

EVANS ANNEXATION

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

Epstein
+ Dodd

EVANS ANNEXATION

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

EVANS ANNEXATION

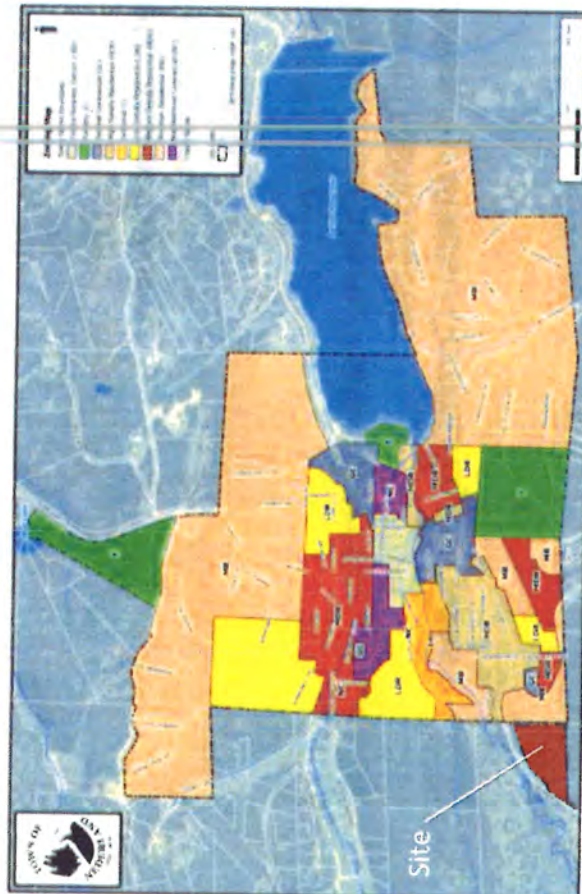
OTHER

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



Epstein
+ Dodd



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 6th 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 Annexer 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 Annexer shall follow all applicable provisions and standards of the *Nederland Municipal Code*. The Annexer 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 Annexer'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 Annexer 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 Annexer for these expenses.
11. **FIRE PROTECTION.** The Annexer 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 Annexer 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 Annexer 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 Annexer 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 Annexer to execute a Development Agreement. The Town may require financial security by the Annexer before development of all or any applicable phases of development.
- b. Where the Annexer constructs public improvements that will also benefit other property owners and the public, reimbursement to the Annexer shall be according to the *Nederland Municipal Code* in effect at the time of development,

and detailed in the Annexer's Development Agreement.

- c. Where the Annexer's property abuts or benefits from existing public improvements that have been constructed by others (including the Town), the Annexer 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 Annexer'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 Annexer agrees to the payment of these uniform development impact fees as established by the Town. The Town and the Annexer 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 Annexer 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.** Annexer 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 Annexer 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 Annexer 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, Annexer and Town agree that vesting shall only occur in the event that the Annexer 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 Ft² more or less.

EXHIBIT B: SPECIAL PROVISIONS

[If applicable]

EXHIBIT C: CONCEPT PLAN

EXHIBIT D: SECTION 16-33 NEDERLAND MUNICIPAL CODE

(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.

Yard and Bulk Items	Zoning Districts and Requirements									
	F	MR	LDR	MDR	HDR	NC	CBD	GC	I	P
Minimum lot area per lot and per dwelling unit (sq. ft.)	5 acres ³	1 acre	16,000	8,000	4,000	4,000 ⁴	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.) ¹	50	30	30	25	20	25	0	25	25	0
Minimum front yard setback for all uses (ft.) ¹	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
Structure Criteria										
Maximum building height ²										
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

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

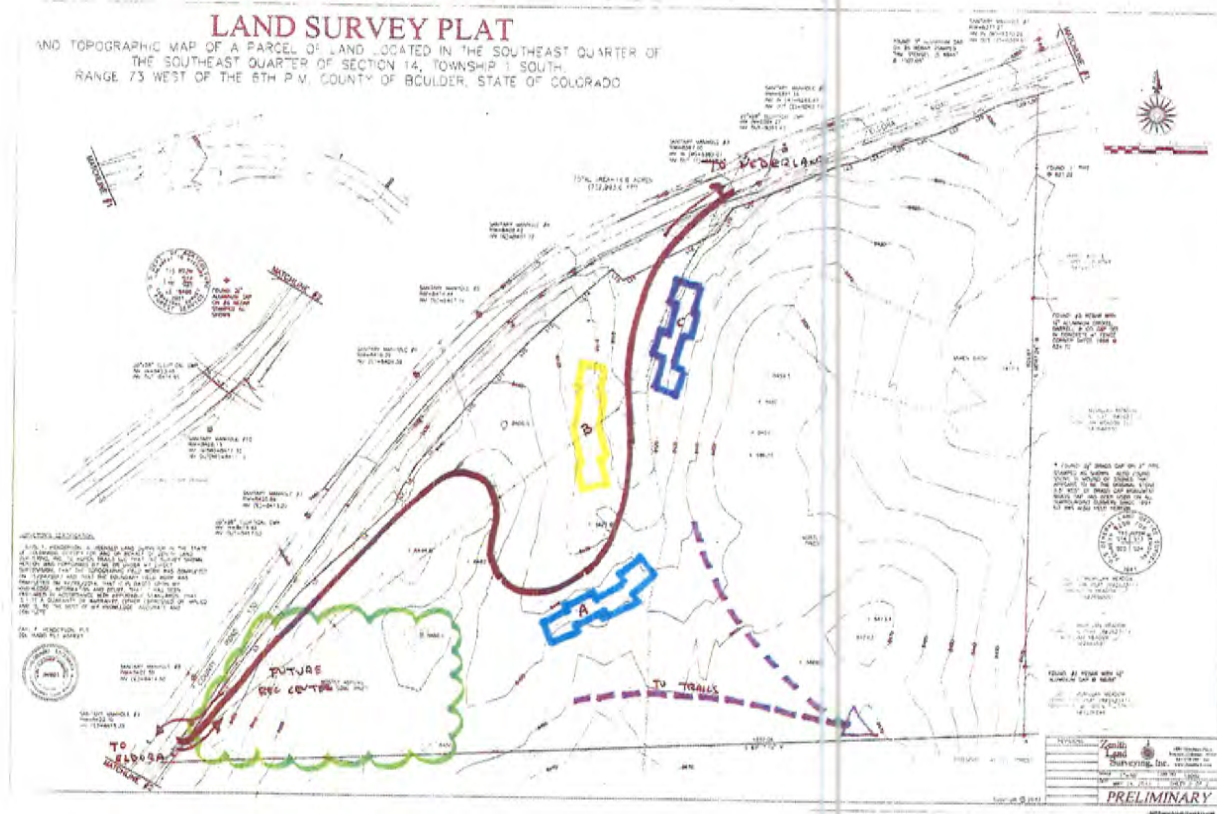
² Measured to the uppermost point of the roof. See Section 16-6(9).

³ One acre equals 43,560 square feet.

⁴ 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.



Evans – Aspen Trails Annexation

Letters of Support in Favor of Annexation

ATTACHMENT C

**Correspondence from Town of Nederland Updated
Information Date February 24, 2015
(Town Planning Commission Discussion January 28, 2015)**



MEMORANDUM

To: Boulder County Land Use Department
Board of County Commissioners

From: Alisha Reis, Zoning Administrator

Date: February 24, 2015

Re: Aspen Trails Annexation (Evans) –
Updated information

Upon review of the Evans Annexation application and related IGA amendment request at the Boulder County Planning Commission on Dec. 16, 2014, it is apparent there is some misunderstanding related to the Town's Comprehensive Plan (updated 2013). This memo is meant to clarify those points, as well as to communicate to you the Planning Commission's further comment on the application, as offered at their meeting of January 28, 2015.

Indeed, the Plan encourages infill development as a first course of action whenever possible – "Encourage infill development and redevelopment as the primary response to growth in Nederland (p. 37)." It also referenced the IGA with Boulder County as governing over this development focus; the IGA prescribes a thoughtful, multi-step process for which the Town and the County collaboratively consider annexations.

The Comprehensive Plan, however, does not, *preclude* consideration of annexation. At the time the Nederland Planning Commission, project steering committee and Town staff worked on the updated plan in 2013, it was understood that annexation requests would be very unlikely. This was due to the fact that much of the land bordering the town's limits is public lands or private land held in conservation easement. Surrounding the community lies extensive parcels of Boulder County Open Space, U.S. Forest Service lands, a publicly owned reservoir and the Arapaho Ranch (all but the subject 17 acres held in conservation easement).

Nederland Planning Commission Update

The Nederland Planning Commission discussed the situation further on January 28, 2015, when the Evans Annexation applicant spoke at the Commission's meeting, to

update them on the County Planning Commission's review and to ask questions. The applicant had signed up to speak during the Public Comment period, which allows citizens to speak on topics not on the posted agenda.

The Commission discussed whether the Boulder County Planning Commission on Dec. 16, 2014 had placed too much weight upon their original recommendation on the annexation given in February 2014. The applicant subsequently developed more in-depth information in response to the Commission's and local residents' concerns; also, subsequently added to the record was the release of the Town/County-sponsored Housing Needs Assessment in October 2014. The Commission said that this additional information has served to alter their consideration. Specifically, conversation ensued related to the identified need for affordable housing in Nederland.

The Commission also acknowledged their understanding during the Comprehensive Plan update that annexation requests were unlikely and thus, did not generate substantive discussion in the Plan.

Given these deliberations, the Planning Commission directed Town staff to communicate their support for the annexation application to extend through the full process prescribed in the IGA between the Town and Boulder County. This includes the remaining consideration by the Board of County Commissioners on March 5, final consideration by the Nederland Board of Trustees, and referral to a vote of Nederland residents.

Attached

1. Nederland Planning Commission Draft Minutes, Jan. 28, 2015

***DRAFT – Not Yet Approved By The Planning Commission ***



TOWN OF NEDERLAND PLANNING COMMISSION REGULAR BUSINESS MEETING

**NEDERLAND COMMUNITY CENTER
750 Hwy 72 Nederland, CO 80466**

January 28, 2015, 7:00 P.M.

Minutes

A. CALL TO ORDER

Chairman Cornell called the meeting to order at 7:04 pm.

B. ROLL CALL

Present: Chairman Roger Cornell, Vice Chairman Steve Williams, Commissioners Greg Guevara, Betty Porter, and Trustee Liaison Topher Donahue. Commissioner Seavers arrived 9:05 pm due to an accident in Boulder Canyon.

Absent: Commissioners Timmy Duggan and Stephanie Herring

Also Present: Town Administrator Alisha Reis, Deputy Clerk Cynthia Bakke

C. APPROVAL OF MINUTES FROM October 22, 2014

Motion to approve October 2014 minutes was made by Trustee Donahue, seconded by Commissioner Porter, with 4 in favor, and abstention from Commissioner Guevara, who had not yet been appointed to the Commission.

D. PUBLIC COMMENT

Kayla Evans, of the greater Nederland area, asked to provide further clarification regarding the Aspen Trails Annexation. She referenced the relevancy of the Housing Needs Assessment, which quantifies the lack of available housing, to her proposal. Evans emphasized the difference between development and affordable development, noting that her project is fully funded, in addition to the family's ownership of the land allowing an opportunity which most developers cannot provide.

Evans referenced the Comprehensive Plan's directive to focus development toward town infill, noting that the major parcels available are either for single-family residences, lots within the floodplain or in ownership of Glenna Carline, whom Evans said has told her she (Carline) will not develop herself. She added that due to confusion about the boundaries of the Conservation Easement upon Arapaho Ranch during the update process for the Comprehensive Plan, it was not a parcel identified for future annexation.

***DRAFT – Not Yet Approved By The Planning Commission ***

Evans emphasized the need for Nederland Planning Commission support, noting that recently the Boulder County Planning Commission heavily weighted the PC's February 2014 motion to recommend denial of the project to the Board of Trustees.

Chairman Cornell stated that the BOT informational packet regarding the proposal was added to after the Commission's review. Trustee Donahue inquired about the Nederland Planning Commission's determination now, asking if new information has altered their assessment.

Board discussion ensued.

Commissioner Porter stated that she voted against the project initially due to the infill directive, adding that despite public interest for a swimming pool, it may not be a viable possibility. Evans said that funding was predicated on the passage of the BVSD improvement bond, and she will provide a letter of support from BVSD. Chairman Cornell said that elements such as agreement for development of a pool may be included within an annexation agreement, at the direction of the Commission.

Vice Chairman Williams said that he voted in favor at the time, due to housing needs, along with possible added benefits of a pool/recreation center, and remains supportive.

Chairman Cornell stated that the list of vacant properties he prepared included more than residential properties.

Reis explained that the discussion of annexation came up during the Comprehensive Plan update process, but that it was not known then that this 17-acre parcel was not included within the conservation easement on the remainder of the ranch.

Chairman Cornell asked for clarification from Reis about how the Planning Commission might express support of the project. Reis said that the town is the applicant in the process requesting to amend the IGA with the county to allow for the annexation to be considered. She will clarify questions about the Comprehensive Plan policies to the Boulder County Commissioners and can add anything else the Planning Commission wishes to express.

Commissioner Guevara said he agrees with continuation of the review process.

Trustee Donahue said that the project deserves reconsideration due the aforementioned confusion about the conservation easement, the October 2014 presentation of the Housing Needs Assessment (HNA) data, and the distance the proposed housing would be from nearby properties (about 5 acres), which may serve to sooth resistance from adjacent property owners. He added that the BOT has expressed interest in allowing the process to continue.

E. INFORMATION ITEMS

There were no information items.

***DRAFT – Not Yet Approved By The Planning Commission ***

F. ACTION ITEMS

1. 8 W. Boulder – Zoning Use Determination request by Ronald Mitchell

Property Owner Ronald Mitchell was unable to attend, with representatives: daughter Annette Mitchell and Hostel Manager Andi LaMartina speaking on his behalf.

Annette Mitchell noted that the hostel has changed the use over time, with the hostel model no longer prevalent.

Reis said that the property is in the General Commercial (GC) district, with the use falling under hotel/motels. She noted that the original Special Review Use (SRU) Agreement cited conditions specific to a youth hostel, and that the proposed name change would indicate a change in use from the original SRU Agreement. Reis said that the Planning Commission can recommend an SRU amendment or termination of the SRU Agreement, if conversion to a classic hotel/motel model is sought.

Mitchell said that the current use is more of a classic hotel, as opposed to the hostel model, which may employ chores in trade for rent. Mitchell noted that as the proposed "Hop Inn", the applicant would be paying sales tax for short-term stays of less than 30 days.

Vice Chairman Williams said that the change to an inn would appear to be a partial change of use. Reis noted that the governing SRU for this property has specific conditions associated with the operation of a hostel. Mitchell noted the operational differences for hostels, which is no longer the technical use of the property.

Chairman Cornell said that staff can generate a relevant SRU Agreement, to include a building inspection and address other aspects, such as sign conformance.

Trustee Donahue said he has no issue with the proposed sign change, so long as the SRU Amendment can be reviewed as soon as possible. He expressed the need for a business plan to understand intended business operation parameters.

Chairman Cornell questioned whether the location of the existing Alpaca Store sign is appropriate. Deputy Clerk Bakke explained that the parcel contains both the hostel as well as the adjacent retail location upon Boulder Street, which allows for such type of advertising. Reis clarified that the review can include elements such as business sign conformance.

Trustee Donahue asked if trademark requirements for the proposed business name are achievable with placement of a banner upon the building, which Mitchell will research.

A motion to recommend review of existing SRU at 8 W. Boulder and direction to staff to draft an SRU Agreement Amendment to document the proposed use, to include the business sign and provision of business plan, was made by Commissioner Porter, seconded by Vice Chairman Williams, with 4 in favor, and abstention by Trustee Donahue.

***DRAFT – Not Yet Approved By The Planning Commission ***

2. Adoption of 2015 Work Plan–Work Plan Matrix with proposed time frame

Reis referenced the spreadsheet included within the packet that incorporates PC-relevant items from the Sustainability Action Plan matrix, composed of actionable elements from the Comprehensive Plan, the Master Infrastructure Plan, the Sustainability Action Plan and items from STAR.

Reis said that most are Comprehensive Plan action items, aside from the use group review to improve code understanding, and the addition added post-work session to incentivize energy efficient building. She said a few items were incorporated into existing goals, such as prioritizing the Public zoning district, with expected public projects in the queue. Currently, the public parcels may reflect random overlay zoning throughout town, she said, in reference to the performance space requiring minor subdivision in order to provide electricity for events. In the current Forestry zone, subdivisions are prohibited for parcels less than 5 acres.

Rental licensing is a subset of the housing element, to help identify the quantity and quality of units available, Reis said, noting past complaints of rental housing safety.

Reis said that there are mapping items to be undertaken prior to the establishment of historic sites, and identification of areas ripe for redevelopment and alternative energy. She noted that significant work will require professional GIS expertise, and she'll assemble the GIS scope of work to bid.

Referencing the SAP matrix, Reis said that the SAP ID correlates to the software program allowing tracking of each item, listing project involvement and associated progress. She explained that the list also notes BOT prioritization, although Trustee Donahue added that the Trustees view most items as a high priority.

Reis asked the Commission to consider the work plan timeline to identify when items would be most optimal for review/implementation. Vice Chairman Williams mentioned the interdependence between items. Reis said that some items can be grouped, whereas, others are dependent upon actualization of other items.

Trustee Donahue asked if the consideration for mixed use/multi-family housing is solely a consideration between use group allowances and yard and bulk requirements. He suggested keeping the review process as simple as possible, mentioning the ability to borrow guidelines established by other municipalities for elements such as alternative energy generation.

Board discussion centered upon addressing items deemed "low hanging fruit", grouping together like-items for PC review, as well as identifying those items which require staff or SAFEbuilt input/action.

Commissioner Porter noted that the complexity of historic site identification and preservation should be a separate discussion unless there is a champion. Chairman Cornell noted the difference between historic preservation versus property

*****DRAFT – Not Yet Approved By The Planning Commission *****

redevelopment. Reis said that there can be a separate session with outreach to the interested public for involvement with historic sites. Chairman Cornell mentioned different neighborhoods for redevelopment, with Reis indicating that the PC will serve as the guide.

The Commission agreed that housing items have the highest overall priority with respect to identified need.

Reis said that the town has been selected for the EPA Small Communities Sustainability Program to provide technical assistance for enacting Comprehensive Plan items that support smart growth to be in alignment with the Municipal Code.

Reis said that Town Clerk LauraJane Baur is doing more research on rental licensing codes, with implementation planned in summer 2015. She said some property owners are already familiar with Boulder city rental licensing requirements, so these will not be new to many with income properties.

Reis indicated that the BOT desires the PC's input on the DDA Master Plan draft, anticipated in late summer 2015.

Chairman Cornell said he would champion reform of the use group tables, inviting anyone on the Commission to review and discuss wonky elements, which could be a supplement to the existing table, if so decided. Trustee Donahue suggested that this may be premature in the face of other alterations expected from review, although Chairman Cornell the desire to begin the process in April.

Reis referenced the expected heavier building season from June to September with request to prioritize staffing assistance in spring and fall of 2015.

Trustee Donahue mentioned concern about putting items into Advisory Board scope, which may not be pertinent to those boards. Reis said they can reject or co-support items. Donahue requested items identified for the DDA.

Reis said the date for a Joint Session of the BOT, PC and BZA is forthcoming.

G. DISCUSSION ITEM

There were no discussion items.

H. OTHER BUSINESS

1. Land Use Case Updates

Reis said that the commercial development at 80 Big Springs and 110 Jefferson Street (Kathmandu) restaurant renovation are in the building permitting process.

She said that staff has met with Caribou Ridge Owner/Developer David Nassar, whom indicated his intention to build 3 houses in 2015, and erect an entrance sign to generate interest in the development.

*****DRAFT – Not Yet Approved By The Planning Commission *****

Reis said that she will be absent for the February meeting. Bakke will ascertain quorum needs for February and March meetings immediately.

I. ADJOURNMENT

Motion to adjourn was made by Vice Chairman Williams, seconded by Commissioner Porter, with all in favor. Meeting adjourned at 9:11 pm.

Approved by the Planning Commission,

Roger Cornell, Chairman, Planning Commission

ATTEST:

Cynthia Bakke, Deputy Town Clerk

ATTACHMENT D

Bowen National Research Housing Assessment Needs For Nederland



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.

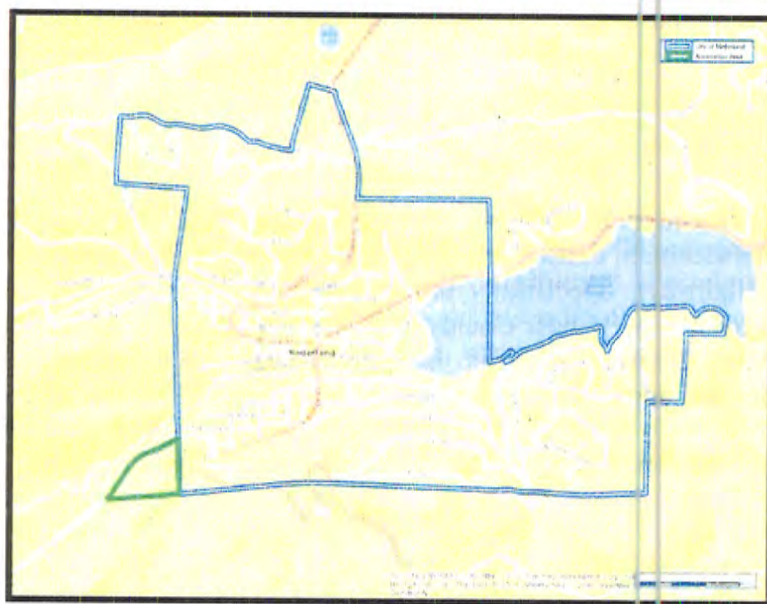
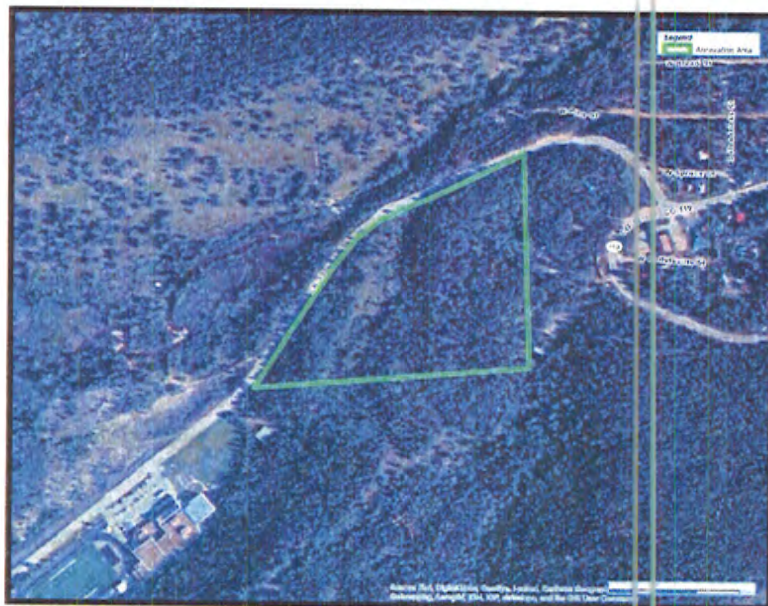
Subject Site

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 (Nederland)	SSA (Region)	Boulder 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

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 (Nederland)	SSA (Region)	Boulder 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 (Nederland)	SSA (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
PSA (Nederland)	2010	107	57	87	251
	2013	131	59	98	288
	2018	133	63	102	298
	Change '13-'18	2	4	4	10
SSA (Region)	2010	371	249	209	829
	2013	457	263	253	973
	2018	443	283	280	1,006
	Change '13-'18	-14	20	27	33

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

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 its 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.

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.

2013 - 2018 Rental Demand Potential by Income Level & Rent Nederland, Colorado Primary Study Area			
Household Income Range	Less Than \$30,000	\$30,000-\$60,000	\$60,001+
Rent Affordability	Less Than \$750	\$750-\$1,500	\$1,501+
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
Site Specific -Units of Potential Support	26	14	6

*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

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



Boulder County Land Use Department

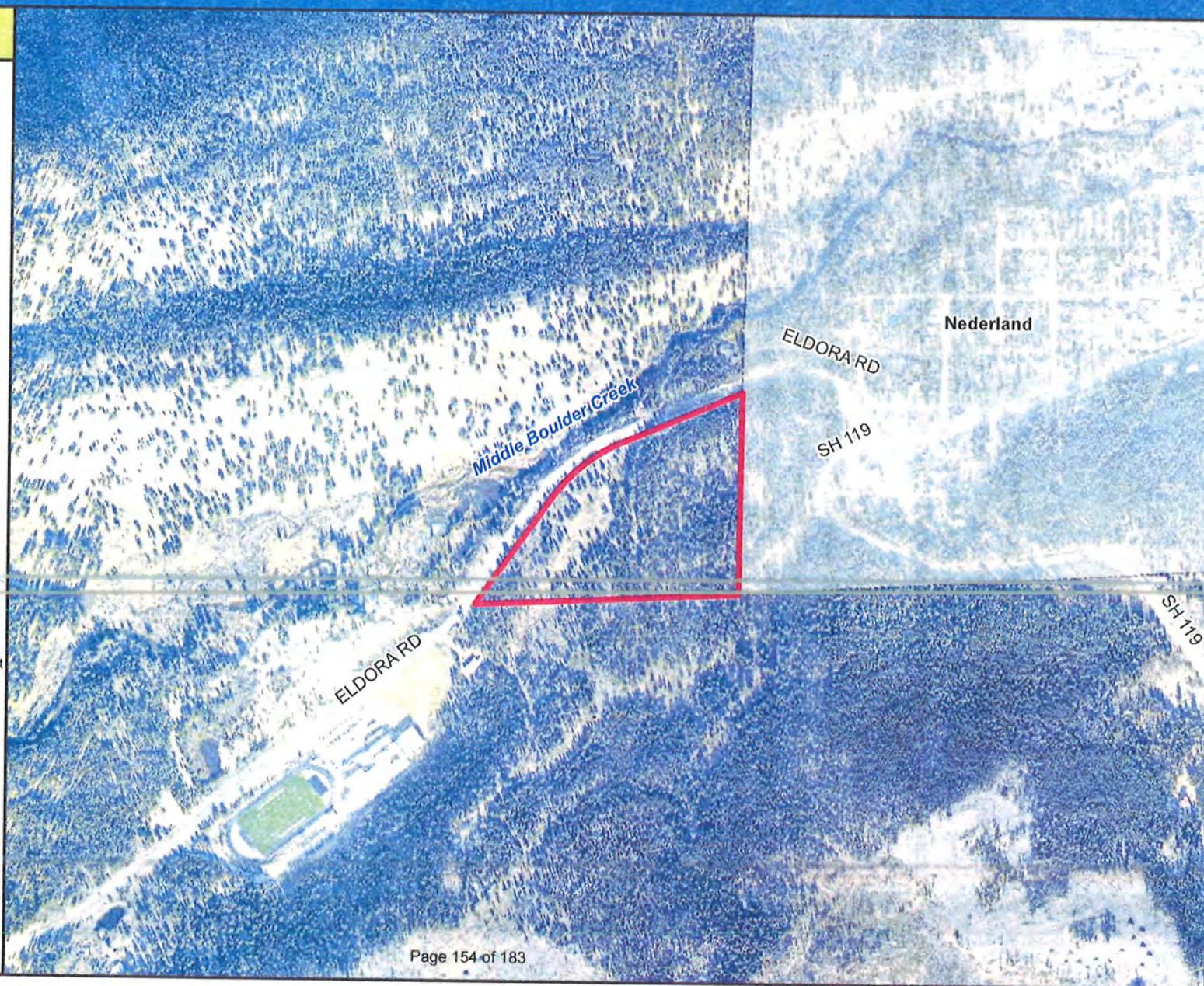
2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org/lu

Land Use PreApplication Map: Aerial

Parcel No: 158323000009

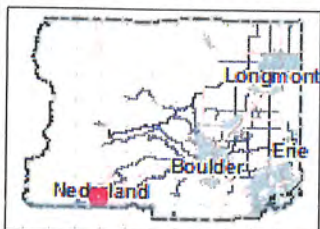
Legend

-  Subject Property
-  Municipality



 0 810 Feet

Area of Detail Date: 11/19/2014



The user agrees to all Terms of Use set forth by Boulder County. For Terms of Use, please visit: www.bouldercounty.org/mapdisclaimer

ATTACHMENT E

Referrals



Right of Way & Permits
1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: 303.571.3306
Facsimile: 303.571.3660
donna.l.george@xcelenergy.com

December 9, 2014

Boulder County Land Use
PO Box 471
Boulder, CO 80306

Attn: Pete Fogg

Re: Proposed Amendment to the Nederland Area Boulder County Comprehensive Development Plan: Evans Annexation, Case # IGA-14-0001

Public Service Company of Colorado (PSCo) has reviewed the plans for **Proposed Amendment to the Nederland Area Boulder County Comprehensive Development Plan: Evans Annexation** project and has no objection to this annexation proposal. PSCo owns and operates existing electric distribution facilities located in this area. **PSCo is requesting that Boulder County send us notification after approval of the proposed annexation has been finalized.** This notification should be sent to **Sandi Cardenas** (303-571-3635) at: Xcel Energy, 1123 West 3rd Avenue, Denver, Colorado 80223 or sandra.cardenas@xcelenergy.com. This will allow our mapping department to make the necessary updates to our mapping system.

The property owner/developer/contractor must contact the **Builder's Call Line at 1-800-628-2121** and complete the application process for any new gas or electric service, or modification to existing facilities including relocation and/or removal. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details. Additional easements may need to be acquired by separate document for new facilities.

As a safety precaution, PSCo would like to remind the developer to call the **Utility Notification Center** for utility locates prior to any construction, and as an additional preventative measure, please indicate on construction plats/documents the following information: ***"Contact the Utility Notification Center at 1-800-922-1987 to have all underground utilities located prior to any digging."***

If you have any questions about this referral response, please contact me at (303) 571-3306.

Donna George
Contract Right of Way Referral Processor
Public Service Company of Colorado

Fogg, Peter

From: McCarey, Scott
Sent: Monday, December 08, 2014 8:57 AM
To: Fogg, Peter; Thomas, Mike; Schroeder, Chad
Cc: Riley, Anita A.; Gerstle, George; Hershman, Dan
Subject: RE: Evans Annexation Petition to Nederland
Attachments: iga140001ref.pdf

Pete,

Here are a couple of comments from me. I have not had time to coordinate these comments with Anita so they may be redundant or irrelevant.

Transit

1. While the RTD N-route does come by the site it is unrealistic to state that anyone in a new development here would use RTD to access town because:
 - a. The frequency of service is once every 2 hours – too infrequent to actually use due to both schedule convenience and time waiting at the stop for a bus (regional routes with infrequent schedules have higher arrival time variability leading to more time waiting for a bus).
 - b. It would be a considerable hike to get to the nearest stop which is at SH 119. While it is possible for RTD to add another stop, the location of the most logical location (where the east road access is) is on a curve making. Reduce site distances would prohibit RTD from electing to put a new stop here. Also, this would be below the recommended distance between regional bus stops (local buses have smaller distances between stops).
 - c. The fare is \$4 (express fare) although RTD is currently looking at eliminating this fare classification which would lead to a fare of \$5 for any boarding.
2. Other local service has been very hard to develop in and around Nederland. There is currently a local bus run by Via that makes three round trips once a week (Thursday only) that passes by the Evans site. The funding for this is set to expire before this development would be built and there is currently no identified funding to continue the service.

Site lines

1. The proposed location of the eastern access road into the development has very poor site lines (page 75 of the PDF that was sent around). Nederland-bound traffic coming around the turn will not be able to see vehicles or bikes exiting from this proposed location (and exiting vehicles will not be able to see EB approaching vehicles). It appears from the topo map—and reinforced from street view photos – that any other location with better site lines for access would require substantial earthwork. In any consideration of a newly located access it is worth noting that the safest access onto CR 130 would be a perpendicular access such that drivers can most easily see both EB and WB approaching vehicles. Small angle approaches (as drawn) are the most dangerous.

Maintenance

1. In the docket it states that the Town will take over ownership of the section of road that is adjacent to the property. It is unclear if the Town would then be responsible for winter maintenance of this section. If so this could create an awkward situation where Boulder County is responsible for snow plowing the CR 130 and CR 140 sections past this section, creating inconsistencies in winter road conditions for users. This is particularly important as there will be a high correlation between heavy snow fall and heavy vehicle traffic of skiers wanting to access Eldora Mountain Resort in peak conditions. I'm assuming this could be addressed with an IGA between the Town and Boulder County but details of this (e.g. what happens when a BoCo plow damages a section of this road) may be relevant to work through before proceeding with annexation.

Trail

1. Tim Swope has communicated trail easement requirements to Chad.

2. It is unclear who is to maintain this trail given that none of it would be within unincorporated Boulder County. Maintenance includes regular warm weather sweeping (to remove sand and gravel), winter maintenance (timely snow removal) and reconstruction when cracks and pavement heave occur – a safety and liability concern.
3. In order to fit the trail in on the east (or south) side of CR 130 excavation and possible soil nail or concrete walls will be needed. The plans show immediately uphill of the trail "STEEP LOOSE COBBLE @ 1.5" The experience of Boulder Canyon trail near such steep embankments is that large rocks and or small boulders can fall to the trail requiring regular removal.

Shoulders

1. In warm weather months this section of road is heavily used by bikes. There are currently 3-4 foot shoulders on both sides of the road. Any agreement transferring ownership should (to the greatest extent allowed legally) require the town at a *minimum* to maintain the existing shoulder width. Given that both vehicle volumes and bike volumes will increase over the next few decades it would be preferable to include language now about a possible future joint effort between the County and the Town to widen shoulders.
2. Boulder County uses the pull off areas of this section of road to place informational signage about the Hessie Shuttle. It would be useful to maintain this ability as a by-right transfer of the road (rather than having to go through special use process with the town).

Hope this is helpful!
Scott

Scott McCarey, PE, AICP
Multimodal Division Manager
Boulder County Transportation
smccarey@bouldercounty.org
720-564-2665 (direct)
303-441-3900 (office)



Parks and Open Space

5201 St. Vrain Road • Longmont, Colorado 80503
303.678.6200 • Fax: 303.678.6177 • www.bouldercounty.org

TO: Pete Fogg, Land Use Department
FROM: Ron West, Natural Resource Planner
DATE: December 8, 2014
SUBJECT: Docket IGA-14-0001, Proposed Amendment to the Nederland Area Boulder County Comprehensive Development Plan: Evans Annexation

Site Conditions

I have reviewed the submitted materials, and have visited the area many times in the past. The parcel is a combination of mixed conifer forest/woodland, aspen woodland, and montane grassland.

County Comprehensive Plan Designations

The parcel has the following designations in the Boulder County Comprehensive Plan, and from other resource inventories.

- Adjacent to Wildlife Migration Corridor – primarily elk
- Adjacent to Critical Wildlife Habitat – primarily elk
- Environmental Conservation Area (ECA) – Indian Peaks
- Adjacent to Public Lands – US Forest Service, on south
- Open Corridor, Roadside
- Open Corridor, Streamside
- IGA Rural Preservation Area

Discussion

There are many issues/aspects to the proposal. However, staff will limit discussion here to three of the Comprehensive Plan layers listed above – elk habitats, and the roadside corridor.

Elk

As is discussed in several comment letters in the review packet, the extensive grasslands and woodlands on the north side of CR 130 are a major elk concentration area – primarily in spring and fall. This is the reason most of the immediate valley is designated as Critical Wildlife Habitat. This designated area was enlarged in the Comprehensive Plan map revisions that were approved in October of this year. Based on existing plant community types and historic elk use, the southern boundary of this Habitat Area is effectively the county road. However, any mapped feature or polygon necessarily has a hard edge, a limit, while on-the-ground such an edge is more conceptual in nature, particularly with highly mobile species.

Also added to the Comprehensive Plan was a Wildlife Migration Corridor, again based primarily on elk use, just south of the Critical Wildlife Habitat, and extending far to the east. As the designations have been drawn, the subject parcel is effectively "sandwiched" between the Wildlife Habitat and the Corridor.

Elk must move from the Corridor on the south to the north side of the county road. This occurs in multiple areas between Nederland and the townsite of Eldora, including a crossing documented at the subject parcel (Hallock, Dave, 1991, Lake Eldora Ski Area Elk Study, unpublished report, Lake Eldora Ski Company). On the subject parcel itself, a natural extension of the north-side grasslands/woodlands extends into the parcel. There is a swale here, on the western half of the parcel, vegetated with grasses and aspen. Staff surmises that elk chose this particular crossing area due to this feature, coming from or going to the eastern end of the grasslands/woodlands north of the road.

Staff agrees with the statement, in one of the comment letters, that the subject parcel itself is not key *foraging* habitat for elk, but whether or not the use of this particular road crossing site is crucial is more debatable. While it is true that elk are adaptable, staff does not agree that Estes Park is a valid comparison. If it were valid, then it could be concluded that there is virtually no mountain development that would significantly impact elk. They would "adapt," and their behaviors would simply become more domesticated in nature.

Staff's interpretation of the Comprehensive Plan is that "naturally occurring ecosystems and their native species" are to be maintained under natural occurring conditions (ER 1.03). Goal B.2 states that, "biodiversity and ecosystems" are to be protected "in recognition of the irreplaceable character of such resources...." That an elk herd is wild, and not partially-domesticated, is part of its irreplaceable character.

Policy further states that land uses should "avoid where possible...the destruction or adverse modification" of environmental resources (ER 1.01). The 13-acre school campus, only 250 feet west of the subject parcel, has already negatively impacted elk movement in the area. Staff concludes that the annexation and development of the subject parcel would represent a further "adverse modification," and would therefore not be in compliance with Comprehensive Plan policy. Whether or not elk would "adapt" to the development, using road crossings further to the west, is largely moot. The very nature of cumulative impacts -- that fragmentation is incremental and that total loss occurs over time -- is the most important aspect to these potential impacts.

The movement across CR 130 can also be looked at in another, if simplistic, manner. The distance between the crossing at the subject parcel, and the west end of the valley, just before Eldora, is about 10,000 linear feet. If it is assumed that elk would no longer cross at the subject parcel after it is developed, then this loss, when added to the existing loss at the school campus, would amount to the removal of about 3000 linear feet, or about 30 percent, of this crossing area. This is a significant impact.

Open Roadside Corridor

The Comprehensive Plan states that, "To the extent *possible*, the county shall protect scenic corridors along highways and mountain road systems" (OS 3.03; emphasis added). The designation of Open Roadside Corridors is part of the methodology used to address such impacts. CR 130 has been so-designated since at least 1996, and dozens of development applications along this route have been reviewed for this criterion since then.

It seems a given to staff that parts of the development would be highly visible from the county road. Although specifics of the proposal are currently vague, tree clearing for wildfire mitigation, as well as further pine beetle mortality, will likely allow some of the development to be readily apparent from the well-travelled, scenic roadway, especially if a (presumably) large recreation facility is constructed near the entrance area.

Staff must conclude that the scenic resources of the Open Roadside Corridor would be further degraded if annexation occurs.

Recommendation

- The above discussions should be considered during review.

Eldora Civic Association
PO Box 988
Nederland, CO 80466

February 15, 2015

Boulder County Commissioners,

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

The Eldora Civic Association(ECA) is a self organized community group representing homeowners and residents of the Eldora townsite and the surrounding area.

The ECA Mission states in part to "maintain the historic fabric, and to establish and maintain a reasonable balance between preservation and use of the natural environment in the Eldora area." In 1992 the ECA commissioned a study of the area historical and environmental assets and adopted the resulting Eldora Environmental Preservation Plan.

At a public hearing on July 19, 1995 the Boulder County Planning Commission adopted the following policy from the Eldora Environmental Preservation Plan into the Mountain Subregion Element of the Boulder County Comprehensive Plan:

MS 1.02 Certain types of land use proposals regulated by the Boulder County Land Use Code such as "Areas and Activities of State Interest," rezoning, special uses, and planned unit developments may have impacts reaching well beyond the proposal site. The county may refer such proposals to the Eldora Civic Association when they are located within an extended referral area bounded by the Continental Divide on the west, the Boulder/Gilpin county line to the south, the westerly corporate limits of the Town of Nederland on the east, and the Caribou Townsite/County Road 128 to the north.

It is within context of that policy that the Board of Directors the Eldora Civic Association offer our comments on the Docket IGA-14-0001

1. It is at Variance with Boulder County and Nederland Intergovernmental Agreement (IGA) to minimize negative impacts on surrounding areas , protect the environment, and preclude urban sprawl.
2. It has been documented that the property is within an active elk migration route. It is also habitat for black bear and mule deer as well as other species.
3. The area is on a north facing slope and is unsuitable for the proposed use as senior housing.
4. There is adequate infill building area within the Nederland town limits to accommodate the stated housing needs. This proposal if approved sets an undesirable precedent and discourages infill development.

5. It will destroy the natural habitat and promote sprawl at a very visible intersection just outside the Nederland town limits.

For all the foregoing reasons the Board of Directors of the Eldora Civic Association urges you to deny the annexation request.

Respectfully,

Eldora Civic Association
by Joe McDonald
Vice President



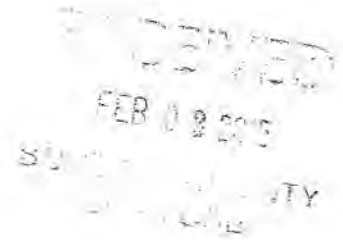
COLORADO

Parks and Wildlife

Department of Natural Resources

Area 2- Lon Hagler
4207 West County Road 16E
Loveland, Colorado 80537
P 970.472.4460 | F 970.472.4468

Page 104 of 195



January 24, 2015

Pete Fogg, Senior Planner
Boulder County
2045 13th Street
Boulder, CO 80302

RE: Proposed Amendment to the Nederland Area Boulder County Comprehensive Development Plan; Evans Annexation.

Dear Mr. Fogg:

Thank you for the opportunity to comment on the proposed Evans Annexation in The Town of Nederland, Boulder County, CO. Colorado Parks and Wildlife (CPW) is entrusted with protecting wildlife and their associated habitat across the state of Colorado and minimizing risk to people from wildlife. Balancing development and natural resource protection can be a difficult and tumultuous process. The 19 acre Evans property located on the west edge of the Town of Nederland is bordered by National Forest to the south and south west and is adjacent to the Arapaho Ranch to the northwest. The location of the Evans property is unique in that it is part of an important historical elk migration corridor that exists between the Indian Peaks Wilderness, Arapaho Ranch, West Magnolia, and to locations further east along East Magnolia Road, Winiger Ridge, and Walker Mountain Ranch. There is also a mapped elk production area in vicinity of the site.

With the first substantial snowfalls of the year the annual elk migration starts in the upper basins east of the continental divide of the Indian Peaks Wilderness moving east along several defined corridors. One such corridor exists from Chittenden Mountain and Caribou Flats where elk move from these areas east and south onto Arapaho Ranch. From Arapaho Ranch the elk move south across County Road 130 on both the west and east side of Nederland high school. The Evans property is adjacent to the high school and Arapaho Ranch where the elk migrate. The elk herd continues its movement south and east into West Magnolia and then east to Winiger Ridge and Walker Mountain Ranch. Constricting this corridor further may alter this important migration corridor making it more difficult for elk, deer and moose to move without stress. Although elk are capable of traversing difficult terrain they generally establish migration corridors where human occupancy and disturbance is low. As towns and cities develop these corridors can be reduced and in some cases entirely blocked. The elk herd that utilizes areas adjacent to Evans Ranch is already limited on migration routes because of roads, traffic, terrain and existing human development and disturbance.



If the Evans annexation occurs and multi-family housing units are developed on the 19 acre parcel consideration should be given to the location and timing of development. We suggest limiting development to the east side of the Evans property adjacent to residential developments along the west side of Colorado Highway 72. The timing of such development should occur when elk are not likely to be present and easily disturbed by construction noise. Elk are likely to be moving through the area during the months of April, May and June as cows are preparing to calve. If possible it would be best if construction avoided these months.

Post construction, noise and associated human use will likely have an impact on migrating elk regardless of the development location on the property, and may also place residents in jeopardy of periodically interacting with aggressive wildlife, especially with cow elk protecting their calves in spring and with bull elk during the fall rut. For these reasons social trails that may be developed in the area because of residents venturing onto adjacent National Forest lands should be strongly discouraged and pets should be kept leashed at all times. Increased signage along with a decrease in speed limit along County Road 130 may help reduce road strikes between motor vehicles and elk. Large patio style windows on ground floors should be eliminated as elk seeing their reflection in the window may charge and shatter the window. Alternatively patio areas on ground levels could have high privacy fencing surrounding patios to decrease the chance of elk charging their reflection in windows. To decrease the risk of an animal being surprised by a person or vice versa, landscaping on site should be open so that it allows clear view of the site by both elk and human residents. Fencing on perimeters and throughout the complex should avoid designs that may trap or constrict ungulates, and should be easy for animals to move under and over. Playground areas on site should not have swings with dangling chains or other contraptions in which male ungulates may become entangled.

Trash storage and removal for multifamily complexes in bear rich habitat like this should be carefully considered and well designed to decrease availability of trash to bears and other wildlife. CPW would recommend that bear resistant trash containers should be used on this site. Alternatively trash containers should be placed in secure bear resistant trash buildings that will also preclude access by magpies, crows, raven, raccoon skunks and other wildlife. Failure to implement wildlife resistant trash control at this site will no doubt result in habituation of wildlife on trash, exacerbate the problem for nearby Nederland and will result in the need to destroy bears because of the lack of concern by humans. If we choose to live in bear rich habitat we should live appropriately so as to minimize risk to wildlife as much as possible.

Again, thank you for considering our comments regarding the annexation of the Evans property. CPW is concerned that the existence of an elk migration corridor in the vicinity coupled with additional human development may further limit the ability for these animals to safely migrate and consequently adversely impact the local elk population. Additionally, placing high density human development on an already restricted elk use area may place human residents at risk from interactions with elk and other wildlife. Migration at this scale takes tremendous effort and energy. Minimizing obstacles and incorporating site design that allows for unencumbered movement by elk will hopefully allow the elk herd to thrive and continue existing along an already heavily human populated Front Range ecological system. Please contact District Wildlife Manager Kris Middendorf at 303-656-1573 if we may be of further service.

Sincerely,


Larry Rogstad, Area Wildlife Manager

CC S. Yamashita, T. Kroening, M. Taylor, L. Rogstad, K. Middendorf

ATTACHMENT F

Letters of Support

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 co working 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.

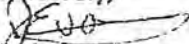
So now, they are asking the community to help preserve Arapaho Ranch. The "engine" that runs the ranch right now (the guest cabins) may not be running past this generation. So, there needs to be a way to keep the ranch beautiful and at the same time contribute to the community. This is the idea driving 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

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 19th 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

From: BOT [mailto:bot-bounces@nederlandco.org] **On Behalf Of** Kathleen Pullin
Sent: Tuesday, March 11, 2014 11:06 PM
To: 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

From: BOT [mailto:bot-bounces@nederlandco.org] **On Behalf Of** Prof.D@comcast.net
Sent: Tuesday, March 11, 2014 8:34 PM
To: 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,



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.

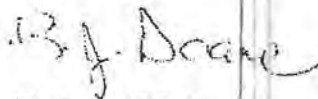
The benefits of the Evans Annexation go beyond safe, suitable housing for our senior citizens, to affordable housing families, and for teachers, something which should be a top priority, and a swimming pool would be an ideal addition to the Nederland Community.

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 "B.J. Doane".

Barbara (BJ) Doane

Maryanne Flynn

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

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

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

6th 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.

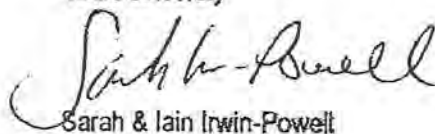
What they propose is a great idea for our community. It is a well known and documented fact that there is a lack of suitable residential property for seniors in our community. We live in a society where the average age of our population is increasing and approaches need to be made to allow those who 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 5th 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 6th, 2014
Town of Nederland
Board of Trustees
Planning Commission

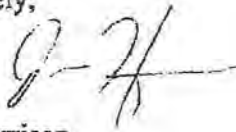
To whom it may concern:

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 black ink, appearing to read "J. Harrison", with a stylized flourish at the end.

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

Maryanne Flynn

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

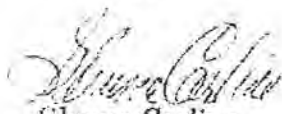
February 26, 2014

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,



Glenn Carline
PO Box 220
Nederland, CO 80466

B&F 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

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.

Planningcommission mailing list
Planningcommission@nederlandco.org
http://nederlandco.org/mailman/listinfo/planningcommission_nederlandco.org

Maryanne Flynn

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

A handwritten signature in black ink, appearing to read "Rick Dirr".

650 WEST FOURTH STREET



P.O. Box 370
98 W. 1st 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,

A handwritten signature in dark ink, appearing to read "Mary Ann Rodak", enclosed within a circular scribble.

Mary Ann Rodak

ATTACHMENT G

Letters of Opposition

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



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

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,

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

Cynthia Bakke

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
 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)

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

To: Planning Commission (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 5th generation (sister Pat and I) and 6th 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!

-2-

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.

-3-

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

-4-

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

-5-

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

303 772-6975

Cynthia Bakke

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
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
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
http://nederlandco.org/mailman/listinfo/bot_nederlandco.org

April 30, 2014

Audrey Godell
135 S. 8th St.
Eldora, CO 80466

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

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
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
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

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

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

BOT mailing list

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,

Richard Blatnik Janice Blatnik

Richard and Janice Blatnik

Cynthia Bakke

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

Michele Martin

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

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 ?

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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

From: Diane J. Brown [aldoradh1@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 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. 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 the 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 1948. 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

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

Fogg, Peter

From: Ronald Alterman <alterman1@yahoo.com>
Sent: Monday, December 08, 2014 12:35 PM
To: Fogg, Peter
Subject: Subject: Docket IGA-14-0001: Proposed Amendment to the Nederland Area Boulder County Comprehensive Development Plan: Evans Annexation Request Boulder County Commissioners Hearing on Evans High Density Development on Eldora Road
Attachments: Evans Proposal.docx

Subject: Docket IGA-14-0001: Proposed Amendment to the Nederland Area Boulder County Comprehensive Development Plan: Evans Annexation Request Boulder County Commissioners Hearing on Evans High Density Development on Eldora Road

Dear Mr. Fogg, I am writing to you and the Boulder County Land Use Department concerning **IGA-14-0001: Proposed Amendment to the Nederland Area Boulder County Comprehensive Development Plan: Evans Annexation** - the proposed annexation of 17 acres of land know as Aspen Trails at 365 Eldora Road which belongs to Kayla Evans, Joe Evans and Tamara Holmboe. The applicants are proposing a 40-50 unit multi-family residential development contained in 16 buildings in 3 clusters on pristine land in unincorporated Boulder County.

I want to start out by saying that I am all for responsible development, but this proposal is anything but responsible. The Evans' proposal would have a negative effect on public safety, the environment, the aesthetics of the area, but most of all - there is no need to build at the proposed site.

I attended the Nederland board meeting where this proposal was presented by Ms. Evan's. As a resident of Eldora (unincorporated Boulder County) I was told by Ms. Evans that I have no say in the matter because I am not a resident of Nederland. In reality, the Evans proposal has very little effect on Nederland (less 5% of its residents) while impacting 100% percent of the residents of Eldora. It is the residents of Eldora that should be evaluating this proposal, even more than Nederland.

The reality is that there is only 1 way in and 1 way out for residents of Eldora and the Evan's proposal would huge impact on the congestion and safety on Eldorado Road. There is very little that can be done to improve the intersection of Hwy. 119 and Eldorado because one side is surrounded by a hill and the other by a ravine which includes homes.

Adding even 40 new condominiums (the low side of the proposal) would more than double the amount of traffic on Eldorado at the spot that will have the greatest public safety impact. This spot has the greatest number of school children, skiers, hikers, bikers, and runners. Because this area is largely not patrolled by the Boulder County Sheriff's Department, it's also the area with the most speeding.

Even if the public safety issue was ignored, there is no basis for 40 or 50 new units to be built. No one disagrees that that there is a need for affordable housing for people who work in Nederland, but there is no credible study that would conclude that that there is a need for housing for 80 to 100 new residents. That number is more than entire retail workforce of Nederland and the majority of those worker have good housing.

Even if the public safety and the numbers (unsubstantiated numbers) are ignored, there is also no reason to build condominiums on pristine land when there is enough open land in Nederland-proper to build several times that

number of units. There is also no technical issue or study that shows that it would require an increase in housing to be in one consolidated area. Condominiums belong in town not in a wilderness area.

The Evan's proposal and application also endangers many fragile habitats for moose, elk, deer, bear, and foxes among others. The proposed condominiums would be adjacent to the conservation area on Arapahoe Ranch.

And last but not least, I don't understand why Eldora residents are being excluded. The proposal being promoted by the town of Nederland has almost no effect on Nederland while it impacts every resident of the town of Eldora. This hearing should be done during the summer months when all residents of Eldora and Nederland are more reliably available.

Mr. Fogg, when you and the Commissioners hear this proposal on December 18th, I hope you will include the town of Eldora and reject the Evan's proposal for the following reasons.

1. There is no credible study to show how many condominiums are needed.
2. There is more than enough land in Nederland-proper to accommodate the current proposed construction on the Evans land. In fact, there is enough land in Nederland proper to satisfy the current (unsubstantiated requirement) several times over.
3. This would have an effect on the safety of Nederland High School students, teachers, and parents because of increased traffic.
4. Would scar a pristine parcel of land.
5. Violates the wishes of the Evan's grandfather about no development at Arapahoe Ranch. I believe that the Evans' agreed to her grandfather's wishes as part of her inheritance.
6. Violates Boulder County land use standards.
7. There are not sufficient 'INDEPENDENT' environmental impact studies to prove it's environment viability - not to even mention waste management for 100 residents in that area.
8. It would have a negative impact on wild like habitats for numerous species including moose, elk, and deer.
9. Would create a traffic issue at Hwy 119 and Eldorado that cannot be resolved by reasonable measures.
10. This plan is a direct violation of Intergovernmental Agreement (IGA) and was put in place to specifically minimize negative impacts of proposals like this one on surrounding areas, to protect the environment, to preclude urban sprawl, and to promote orderly growth of the Town of Nederland.

December 3, 2014

Dave Hallock
Earthwork Conservation Planning LLC
2478 Eldora Road
Nederland, CO 80466
303-258-3672
928-474-9475

Boulder County Planning Commission
Boulder County Commissioners

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

These comments pertain to the proposed annexation to the Town of Nederland of 19 acres of land that are adjacent to the Town on its west side along County Road 130 (Eldora Road). It is my belief that the location for such a development is inappropriate for the following reasons.

1. Wildlife Movement Corridor: The property, particularly the west portion, is used by elk as one of the movement corridors between the Arapaho Ranch and West Magnolia. I have systematically and casually tracked this herd of elk since the late 1970s, and was hired to track radio-collared members of this herd for four years in the late 1980s (Lake Eldora Elk Study 1991). The Arapaho Ranch functions primarily as transitional range (spring and fall) for members of this herd, which is sometimes called the Winiger Ridge herd, and numbers between 150 to 250 individuals. This is a cow/calf/young bull herd and not a bachelor herd of older bulls.

The Arapaho Ranch is a montane parkland, a relatively flat basin of grasslands, wetlands, riparian habitat, and surrounding conifer/aspen forests. It is to Middle Boulder Creek what Caribou Ranch is to North Boulder Creek and Tolland Ranch is to South Boulder Creek. They are nodes of exceptional biodiversity for numerous wildlife species. Elk are generally on the Arapaho Ranch during spring and fall. Pregnant cows may calve on the ranch in May and June. Some elk may stay through the summer, while others may be present during portions of the winter, depending on snow depth and severity of weather.

The primary wintering grounds is east of the Peak-to-Peak Highway along Magnolia Road, running east to Winiger Ridge and further east to Walker Ranch. Spring movements from winter grounds to the Arapaho Ranch are generally conducted from the end of April through May, depending on weather. Spring movements are often long-distance (5-10 miles), over a few nights, and often coincide with a full moon period. Fall movements from the Arapaho Ranch back to winter grounds occur over a longer time period and are often driven by winter storms. Occurrence can run from late October through early January.

West Magnolia, including the property, functions mostly as a habitat connector between winter grounds and the Arapaho Ranch for this herd. To get to and from the Arapaho Ranch, elk must circumvent the Town of Nederland and cross two paved roads, one of which is a State Highway. West Magnolia is important as it falls

between the two paved road crossings - the Peak-to-Peak Highway and County Road 130 (Eldora Road). The highway crossings generally occur at night, and the elk may stay in West Magnolia for a day or two to regroup before making the second paved road crossing. Hiding cover (forested land) is important for movement and seclusion.

The crossing of CR 130 between West Magnolia and the Arapaho Ranch generally occurs around two locations: one is through the property and the other is west of Nederland Jr./Sr. High School. These locations were documented in the 1991 Lake Eldora Elk Study and continue to be valid. The high school presents a significant impediment to elk movement along CR 130, partially due to the tall chain-link fencing around the athletic fields. Through the property along CR 130, movements have been observed starting northeast of the Town of Nederland Water Treatment Plant and continuing northeast to the small swale (see Attachment 1). The movement corridor through the property is the most direct route between West Magnolia and the Park Hill portion of the Arapaho Ranch, a favored location of the elk for daytime hiding cover.

My last sighting of mass movement across CR 130 at this location was on May 6, 2013 at 4:30 AM. I was heading out on a work trip, when I saw elk crossing the road well northeast 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. During 2014 I observed smaller groups of elk using this crossing. Other animals use this same highway crossing. During 2014 I witnessed black bear, mule deer and coyotes crossing CR 130 between the Arapaho Ranch and the property between the swale and the water treatment plant.

How wildlife will respond to the proposed development on the property is difficult to predict. The herd of elk that use the corridor that runs through the property is hunted and generally move away in response to the presence of people. This differs from elk seen in Estes Park, where the animals have little experience with being hunted. The Winiger Ridge herd does not wander into Nederland. They also do not go through the high school. It is not unwarranted to say that development of the property has the potential to alter, and even preclude, use of this particular corridor. The development scenario presented in the application as Annexation Master Plan places all the development, including a future recreation center, directly within the wildlife movement corridor.

The proposed annexation and development extends a finger of urban development from the existing Town limits to the high school. We know that elk will not go through town nor through the high school. The potential is there for the proposed development to preclude the movement of elk and other wildlife from a known movement corridor. Keep in mind that once the land is annexed, the site plan can change and the County has no say. Over time, the trend in urban areas that are constricted by surrounding public lands is to infill and increase density. Twenty or thirty years from now, what is on the property may be very different from what has been proposed.

2. **Compatibility with the Surrounding Area:** The proposed development is incompatible with the existing surrounding land uses. To the east exists low density residential development in the Town of Nederland, which is the designation on the Future Land Use Map of the 2013 Nederland Comprehensive Plan Update. To the northwest is County Road 130 and the Arapaho Ranch that is under a conservation easement with Colorado Open Lands. To the south and southwest is National Forest,

including trail access to the West Magnolia area. Further southwest is Nederland's water treatment plant and the Nederland Jr./Sr. High School.

The applicant is using the presence of the high school as partial justification for the annexation and development proposal, which extends urban development from Nederland to the southwest. This justification appears to be the tail wagging the dog. The high school was located through condemnation and is a land use out of character with its surroundings. One of Nederland's short comings is a lack of flat land for large uses of land; Nederland's flat land lies under Barker Reservoir. So the school district had to look outside of Nederland and focused on a piece of the Arapaho Ranch for the location of the school.

The Intergovernmental Agreement between Nederland and Boulder County classifies this area as Rural Preservation Area. In the Boulder County Comprehensive Plan, the area bordering County Road 130 is classified as "Open Corridor, Roadside." The Town of Nederland and Surrounding Areas Open Space, Trails, Parks and Outdoor Recreation Master Plan has mapped several important resources on all or portions of the property, including High Quality Habitat, High to Highest Visual Resources, and Highest Priority Distance for a Buffer Around Town.

3. Transportation: The ingress and egress for the proposed development will be on CR 130. This road provides access to Nederland Jr./Sr. High School, Eldora Mountain Resort, the Indian Peaks Wilderness, and the community of Eldora. Vehicular and pedestrian traffic is heavy at the beginning and end of the day during the school year. Traffic is also heavy during winter in late afternoon when the ski area is closing. Other peak times include weekends during the summer and fall when the recreating public and going to a from the Indian Peaks. During these times there is often a backup on CR 130 where it intersects the Peak-to-Peak Highway. CR 130 adjacent to the property under consideration for annexation cuts through a north-facing slope of Middle Boulder Creek and is often icy during the winter as it receives little direct sunlight. This combination of factors make this particular site problematic for locating a high number of residences. It is noted that Eldora Mountain Resort is contemplating a significant expansion. EMR's expansion along with this annexation could result in the need for possible upgrading of the intersection of CR 130 and the Peak-to-Peak Highway (will it be time for another traffic circle?).

In closing, in order to protect an important wildlife movement corridor, to preclude further urban development in the valley, and to maintain an urban shaping buffer on Nederland's west side, Boulder County should deny the annexation request and consider either purchasing a conservation easement on the property or purchase the property for eventual trade to the Forest Service. This would stay true to the intent of the Intergovernmental Agreement and the Rural Preservation Area.

Thank you for consideration of these comments.

Sincerely,



David H. Hallock



Boulder County Land Use Department

2045 13th Street, Boulder, CO 80302 303.441.3930 www.bouldercounty.org/lu

Land Use PreApplication Map: Aerial

Parcel No: 158323000009

Legend

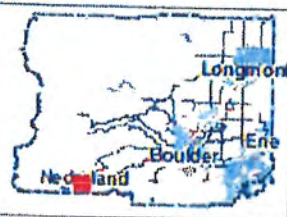
-  Subject Property
-  Municipality

ATTACHMENT 1

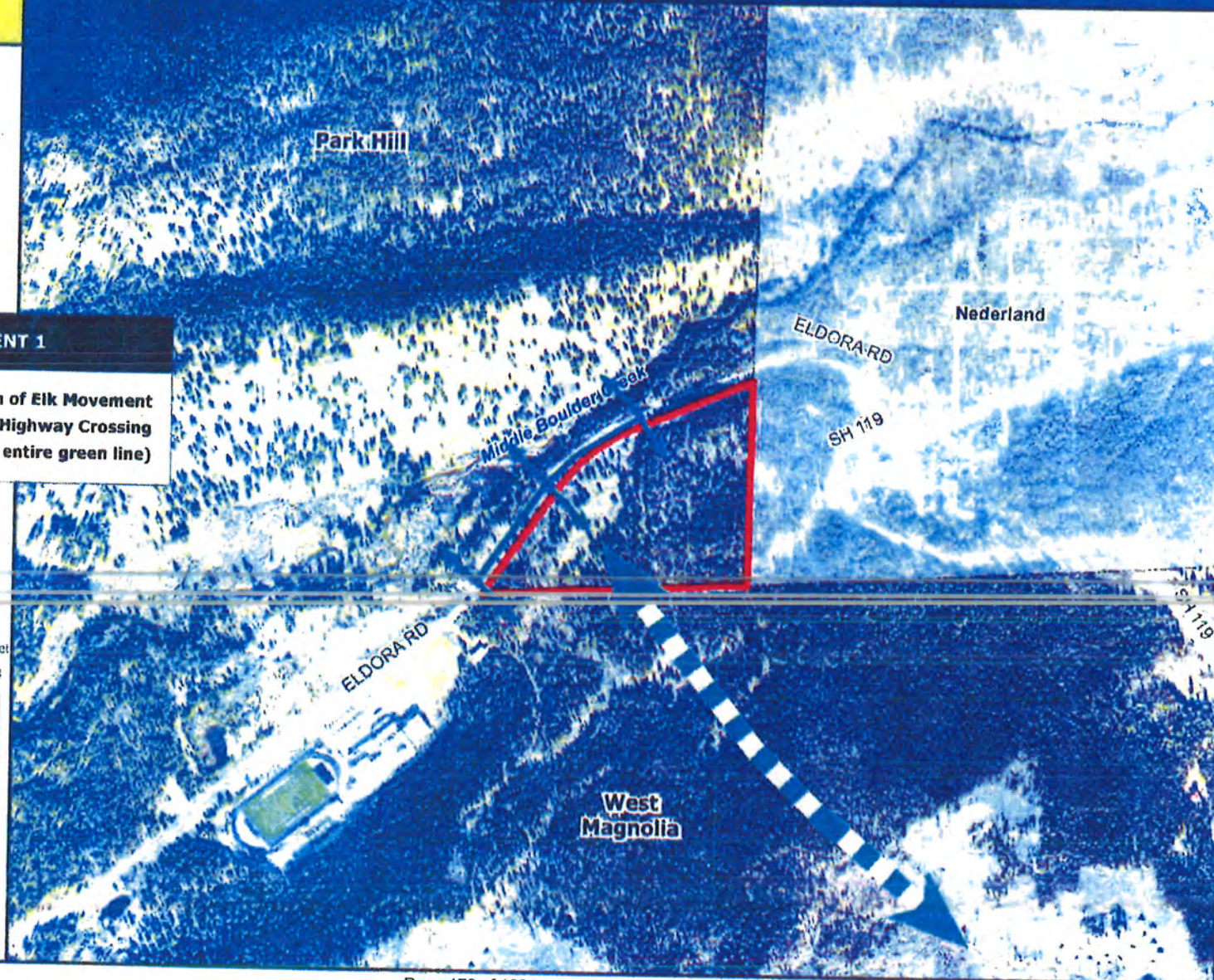
-  General Direction of Elk Movement
-  Area of Highway Crossing
- (along entire green line)

 0 810 Feet

Area of Detail Date: 11/19/2014



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Fogg, Peter

From: Nick Newens <newens@prodigy.net>
Sent: Wednesday, December 03, 2014 8:42 AM
To: Fogg, Peter
Subject: Eldora Road Development.

Opposed as stated for following reasons:

Density of population

Heavy traffic on 2 lane road

Too near school

Wildlife corridor and protection

Intersection already too busy and in need of more traffic control Eyesore instead of current pleasing woodlands Solely a profit motive

A.F. Newens. Eldora home owner.

Sent from my iPhone

Fogg, Peter

From: Shaw, Marilyn <marishshaw@aol.com>
Sent: Wednesday, December 03, 2014 11:00 AM
To: Fogg, Peter
Subject: Nederland Area Boulder County Comprehensive Development Plan

Greetings Mr. Fogg;

I must protest the plan to allow Nederland to annex the 17 acres of land known as Aspen Trails at 365 Eldora Road. This is a dead-end road and already suffers from over-use, especially from Eldora to Buckingham Campground and Arapaho Pass. Please do not forget the problems caused by parking along the 4th of July Road by those wishing to access the Hessie Trailhead. If Nederland wishes to increase its population it should be done within its current boundaries.

Remember we taxpayers with property up the 4th of July Road (I own the structures at 1819 4th of July Road). Inevitably residents of the proposed development would increase the traffic up the canyon. That area is a popular trailhead for hikers and the road is rough (and always has been). This year it is worse than I have ever seen it before. We built our current cabin in 1960.

In a recent communication from George Gerstle of the County staff, he stated:
 "I do recognize the dire condition of 4th of July Road, and the increased traffic the road is experiencing.

This past year has obviously been a busy one for the county, and our road crews. I have explicitly put a priority on expending our resources (time and money) on flood recovery activities. We will make every effort to get back to our prior level of service next year.

Addressing the increase in traffic along the 4th of July Road, and increased demand at the trailhead, will take more work. Though the Hessie Shuttle has been successful, we do not currently have funding to provide a shuttle to the 4th of July trailhead. We will have to work collaboratively with the city of Boulder, the Forest Service, as well as the property owners along the road and the residents of Eldora to address the challenges associated with the increasing popularity of the 4th of July Trailhead."

It would be sheer madness to add to the problems associated with that road at its very beginning simply to allow private owners to make a profit by developing the land to the detriment of the tax payers who already have residential property in the canyon. Again, this is a one-way road (one way in to the dead end, then one way out via the same rough road) which is already over used.

Sincerely,

Marilyn Shaw
 1819 4th of July Rd.
 Nederland, CO
 and
 510 Dexter St.
 Denver, CO 80220-5036

303-377-1278

Fogg, Peter

From: Jess, Charles <JessCJ@state.gov>
Sent: Wednesday, December 03, 2014 8:30 AM
To: Fogg, Peter
Cc: Mary Jess (marykjess@yahoo.com); 'Jess'
Subject: FW: Proposal for Nederland Annexation for Multi-Unit buildings

Forwarding to correct e-mail address

From: Mary Jess [<mailto:marykjess@yahoo.com>]
Sent: Wednesday, December 03, 2014 3:44 PM
To: pfogg@bouldercountyplanning.org
Subject: Proposal for Nederland Annexation for Multi-Unit buildings

Dear Mr. Fogg,

We are homeowners in the town of Eldora. We are in complete opposition to the proposal to partially annex some of the Evans property for multi-unit residential use at the location referred to.

1. We do not believe it is in the best interest of the students attending Nederland Junior/ Senior High which is located directly across the road. One reason is the increase in road traffic. Another reason is the possibility of child predators moving into the buildings.
2. This project would put a strain on Nederland public services, such as providing water, sewers, lighting, and security patrol.
3. The town of Nederland will succumb to more urban sprawl which impairs the natural beauty of the area.
4. It appears that the ground would require substantial landfill to accommodate such buildings which would bring in a substantial number of heavy vehicles. (Along with construction traffic this would also endanger many students.)

5. I believe such development would necessitate additional tax money for all of us to build and maintain another residential area.

We believe that building within the current city limits would benefit the town and be a more viable solution. Would it be possible to annex the entire Evans ranch?

Sincerely,

Mary K. Jess and Charles J. Jess

PERSONAL

This email is UNCLASSIFIED.

December 7, 2014
Audrey Godell
135 S. 8th St.
Nederland, CO 80466

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

As an Eldora resident and home owner, I am concerned about the impacts on the Rural Preservation Area as well as wild plants and animals resulting from the annexation and development of the 19 acres at 1250 Eldora Rd.

Boulder County's 35 acre subdivision rule was put into place for a reason. It has the important effect of preserving the rural character, wildlife, wildflower seed stock, and open space of the surrounding area. It prevents the urban/suburban encroachment that obliterates wild and rural areas. Given the recent vast defoliation of forest that has occurred due to beetle infestation and fire concerns, not to mention the continual forest degradation due to Eldora Mountain Resort development, the disturbance of a healthy 19 acre swath of forest corridor is unthinkable. We are slowly removing forest corridor habitat that links large swaths of natural habitat to another, allowing for mammal migration and genetic mixing of animals and plants alike.

Allowing the annexation of 1250 Eldorado will result in the following detrimental impacts:

1. **Removal of forest habitat and disruption of a critical wildlife movement corridor:** The area for proposed development has long been observed to provide a movement corridor for elk. This area also provides habitat for numerous native plant and animal species. Habitat loss is a concern, not only for species that have been designated as threatened or endangered, but also for those whose populations have not yet reached a critical point.
2. **Increased light pollution:** 19 acre residential complex will add light pollution to a relatively dark night sky. Controlling mountain development is one way to ameliorate this growing international problem.
3. **Increased traffic on County Rd. 130 (Eldora Road):** There are already serious safety and congestion problems caused by high numbers of ski area and wilderness area visitors. Adding to this congestion will be the automobiles of the numerous new residents and their visitors, coming and going from the proposed development.

I would like to see an increased availability of low-income/senior housing in a more appropriate location. Developing such housing within the Town limits makes a lot more sense. Town alternatives do exist, and would be far preferable to the far-reaching impacts of the proposed annexation and development. Furthermore, in-Town housing is far more feasible for seniors, who need to be able to walk to services such as medical doctors, banking and grocery shopping.

Thank you for your consideration,
Audrey Godell

Fogg, Peter

From: Roger Cornell <roger.cornell@Colorado.EDU>
Sent: Saturday, December 06, 2014 7:43 AM
To: Fogg, Peter
Subject: Docket IGA -14-0001 - Evan's Annexation

To: Pete Fogg,

Hello, my name is Roger Cornell and I am the Chair of Nederland's Planning Commission.

I would like to comment on just a few of the issues for the proposed annexation.

Like most mountain communities in Colorado, Nederland has an affordable housing shortage which was shown in the recent housing study.

The Nederland Comprehensive plan states that we need more affordable housing and that we need to have in-fill development in the core area.

There are 4 parcels in the core area that could be developed with up to 20 to 40 housing units and there are 3 other parcels that could be redeveloped with up to 25 additional housing units.

The problem or issue is that there is no developer that is willing to take on these projects and we have never completely worked on partnerships to find ways to increase the affordable housing in Nederland.

So, the big decision before us is, do we work towards a goal of finding a way to do the in-fill development or do we take the shovel ready development and the advantages that the developer is offering.

Fogg, Peter

From: Roger Cornell <roger.cornell@Colorado.EDU>
Sent: Monday, December 08, 2014 6:43 AM
To: Fogg, Peter
Subject: Evan's Annexation

Hello Pete,

I need to make a clarification on the email I sent you, Three of the parcels for housing I referred to are zoned commercial and could be developed as mixed-use.

There is no minimum / maximum number for units just that there is a combination of commercial with housing units.

The one lot zoned residential is just north of the RTD lot and would have a maximum of 20 units.

The two areas for redevelopment zoned residential are the towns shop site and the house trailer complex down on the east side.

They are zoned for a maximum of 14 units if they are ever redeveloped.

I hope that this is helpful.

December 7, 2014

Boulder County Planning Commission
Boulder County Commissioners

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

Our family is strongly opposed to the Aspen Trails Annexation proposal.

Our family owns properties directly adjacent to the proposed annexation parcel. Our property is located within the Town of Nederland and is zoned Mountain Residential with an underlying zoning density of 1 single family residence per 1 acre.

- The zoning density of the proposed annexation is incompatible with adjoining properties.

1. According to Boulder County property records, the 19+/- acres in the proposal is an undivided part of the overall Arapahoe Ranch Open Land Conservation Easement. When we purchased our property in 1989, we were told that this Arapahoe Ranch land was under a conservation easement which could not be further developed.

- How then can this parcel be developed since it enjoys the Colorado Open Lands Conservation Easement designation?
- Also, how can a 19 acre parcel be divided off the larger parcel contrary to Colorado State law that requires a minimum 35 acre subdivision of property in unincorporated portions of the State after 1972?

2. The Nederland Comprehensive Plan (2013) contains the guiding principles and policies for the Town's future development. Nederland's Comprehensive Plan focuses on urban re-development and infill to fulfill the growth needs and desires of our community. Decades of on-going research, work, and discussion continue to show that infill and redevelopment is needed and desired in our community in order to create a vibrant community. Nowhere does the Comprehensive Plan call for annexation and growth outward. The Plan continues to support the preservation of our Rural Land Buffer.

3. The Town of Nederland Planning Commission analyzed these issues.

- The commission voted 4 to 1 to DENY recommendation of annexation.

4. The Nederland Area Boulder County Comprehensive Development Plan IGA was created to preserve and protect our surrounding Rural Land Buffer from development. The IGA states: (whereas).... And of annexation or development of certain lands within the Plan Area by Nederland is intended to preclude unplanned development and urban sprawl.

- This annexation proposal is urban sprawl.
- This annexation proposal is unplanned development (as would be defined by the Nederland Comprehensive Plan (2013)).

No one can deny the validity of these well thought out and researched Comprehensive Plans.

5. The Nederland BOT very recently commissioned a Housing Needs Assessment that concluded Nederland has a need for a broad mix of housing unit types that target low to moderate income households. The report concluded that from 2013-2018 Town should expect a growth of 40 household units. An average growth of 7-8 household units per year. The study did NOT address just how many vacant parcels of land there are for infill development and how these vacant parcels are distributed within the various zoning districts in Town. Data from Boulder County Assessors records show there are about 170 vacant platted parcels (excluding the Central Business District) that would be available for infill development.
 - Of these 170 parcels perhaps one third (55 parcels) could be eligible for multi family zoning (duplex, quadplex, or larger PUD development). Conservatively, this could easily add on 70 household units to 170 creating the available buildable household units total to approximately 240 buildable household units.
 - If you run these conservative numbers, it would indicate Nederland has a present capacity to produce infill housing to last over 30 years. Not to mention very probable Town core redevelopment opportunities that would substantially add to these numbers.
 - Clearly, the need for annexation does not exist on a housing needs basis.

As Town and area residents for 41 years, we want to see a well developed vibrant and attractive Town core. Studies show that urban sprawl only discourages the development/redevelopment of downtown areas. Annexation serves to diminish vision and incentive to encourage creative ideas and partnerships in the revitalization of Town cores.

Please continue to defend Boulder County's preservation of Rural Lands.
Please vote NO to annexation.

Respectfully,

Rich Tillotson
McMillen Meadow

December 6, 2014

To:
Boulder County Planning Commission
Boulder County Commissioners

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

I am an adjoining property owner to the Evans Annexation and opposed to it in it's current form for the following reasons:

- It is incompatible with the surrounding neighborhood of single family homes and Mountain Residential zoning.
- It does not follow the Nederland/Boulder County IGA, Nederland Vision 2020 document, or Nederland and Boulder County Comprehensive Plans.
- It includes a dotted in ,we assume, emergency access road across our private property.
- It does not address the extreme traffic congestion that occurs at the intersection of County Road 130 and State Highway 119. Any high density development or use of the suggested annexed property would amplify the situation.
- The Nederland Planning Commission voted to deny the annexation.

Please read Nederland Board of Trustee member Kevin Muller and Virginia Evan's letters in the packet submitted by the Town of Nederland to Boulder County concerning the annexation.

Thank you for your consideration,

Lee Tillotson
McMillen Meadow

December 5, 2014

Mr. Pete Fogg
Senior Planner
Boulder County
Land Use Department
2045 13th Street
Boulder, Colorado 80302

Subject: Docket IGA-14-0001: Proposed Amendment to the Nederland Area Boulder County Comprehensive Development Plan for the annexation of a 19.0 +/-acre site aka Aspen Trails that is part of the current Arapaho Ranch Property

Mr. Fogg:

We received your public notice dated November 26, 2014 concerning the proposed amendment to the Nederland Area Boulder County Comprehensive Development Plan for the annexation of a 19.0 +/-acre site aka Aspen Trails that is part of the current Arapaho Ranch Property. On April 15, 2014, we sent you a letter to document our opposition to this proposed annexation while it was being considered by the Town of Nederland's Planning Commission and Board of Trustees. You acknowledged receipt of this document and we trust that it is currently in your file. Now that it is before Boulder County for consideration, we want to restate our opposition to this annexation proposal because it is not compatible with the current zoning of other properties adjacent to or contiguous with Aspen Trails, the Peak-to-Peak Highway Scenic Corridor designation which includes the Arapaho Ranch, the development guidelines and policies established in the Town of Nederland's 2013 Comprehensive Plan or the terms of the Intergovernmental Agreement (IGA) that Boulder County and the Town of Nederland entered into in March 2002.

We 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 Arapaho Ranch and is located within the Town of Nederland's City Limits. It is zoned Mountain Residential.

The Town of Nederland's Updated 2013 Comprehensive Plan (NCP) established a development plan focused on infill development and redevelopment of existing property to prevent Nederland from building outward thus protecting undeveloped tracts of land for open space, wildlife habitat and watershed protection. The NCP 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 NCP 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. The NCP includes a Future Land Use Map that

Page 1 of 3

identifies two areas that can be developed to provide for high density affordable housing and senior living housing within Nederland's downtown core. One area is located west of the Post Office and the other is located west of the Library.

The Town of Nederland's Planning Commission did not approve the proposed annexation of this property because they felt that it was not consistent with the NCP and that other developable properties existed within the Town's City Limits that would provide for the housing needs of the Town. In their February 26, 2014 meeting, the Nederland Planning Commission estimated that approximately 47 properties were within the existing Town of Nederland Business Core that met the conditions of the NCP without requiring the annexation of additional property outside of the Town's City Limits. The Planning Commission forwarded a recommendation to the Board of Trustees to not approve the annexation application because it did not comply with the objectives of the NCP.

The Nederland Board of Trustees (BOT) considered the annexation application and held several public hearings to obtain public input. In addition, the BOT commissioned a Housing Needs Assessment that concluded that Nederland has a need for a broad mix of housing unit types that target low to moderate income households. Based upon the housing assessment analysis of the availability of residential development opportunities (properties capable of accommodating new housing units) within the study area, it does not appear to be an obstacle to housing market growth. The Housing Assessment concluded that Nederland has a residential capacity for approximately 276 units. However, the assessment cautioned that if the Aspen Trails annexation was approved, the scope of the Aspen Trails development could not be supported by Nederland alone. A smaller development was recommended. Trustee Mueller's letter dated October 7, 2014 takes exception to the proposed annexation stating that annexation should only be considered after the Town has utilized infill development opportunities that currently exist. He states that "According to the Housing Needs Assessment, we have more options than 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 tenures through 2018)". These options are all within the Town's City Limits and would have minimal impact on the Town's utility infrastructure because utility services such as roads, drainage, water and sewer, electric and telephone already exist or would require minimum expenditures to upgrade them to serve the new housing units. On the other hand, the development of the property proposed in this annexation will require considerable expenditures to establish the topography to support buildable sites and to extend the utility infrastructure to support them.

The stated purpose of the NCP and the Boulder County IGA is to minimize negative impacts on surrounding areas, protect the environment, preclude urban sprawl and promote an orderly growth for the Town of Nederland. These Plans encourage infill development and redevelopment to prevent building outward which protects undeveloped tracts of land for open space, wildlife habitat and water shed protection. The Town of Nederland has concentrated on the development of the Nederland Town Center to focus attention to the Town and enhance the mountain experience for local and Colorado residents and well as other tourists. They have done a great job developing the Town Center. The annexation and

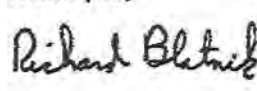
development of Aspen Trails does not enhance the Town Center because it supports an alternative to the development of existing property within the Town.

One of the benefits stated in the Aspen Trails Slide presentation is that the proposed development will provide income to preserve the Arapaho Ranch. Why is this income needed since the Arapaho Ranch is already preserved by a Conservation Easement? Why not roll the Aspen Trails Property into the existing Arapaho Ranch Conservation Easement and preserve this property as a rural preservation area that was created to preserve open space? If the Evans Family desires income rental property, why not consider owning and developing some of the property within the Town's City Limits to generate this income. This option would be a lower cost alternative that could be completed in a shorter time frame than the development of a new partial of undeveloped property.

We are not opposed to growth opportunities for the Town of Nederland. However, this proposal is extreme since it is not compatible with other adjacent land classifications or zoning. The McMillan Meadow LLC located south of our property has a west property line that borders the Aspen Trails Property. The owners of the McMillan Meadow LLC have attended the majority of public hearings concerning this annexation and have voiced their objection to the annexation and proposed development. If Boulder County and the Town of Nederland determine that annexation is appropriate after considering all of the land use impacts, we would be supportive of the annexation of Aspen Trails zoned as Mountain Residential.

Based upon the current development plan for Aspen Trails, we urge the Boulder County Land Use Planning Department and the Planning Commission to deny this proposed Amendment to the Nederland Area Boulder County Comprehensive Development Plan for the annexation Aspen Trails.

Thank you,

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



NATIONAL WILDLIFE FEDERATION®

Rocky Mountains Regional Center
303 East 17th Avenue, Suite 15
Denver, Colorado 80203
<http://www.nwf.org>

February 18, 2015

commissioners@bouldercounty.org

Boulder County Commissioners
Boulder County Courthouse
1325 Pearl Street
Boulder, Colorado 80302

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

Dear Commissioners:

The National Wildlife Federation (NWF) is writing in support of the recent recommendation by the Boulder County Planning Commission to deny the City of Nederland's proposed annexation of 17+ acres of the County's Rural Preservation Area. Annexation would be followed by the construction of housing condominiums or other infrastructure that will permanently disrupt an important wildlife movement corridor already identified in the County's Comprehensive Plan. The annexation would also reduce the ecological value of conservation easements currently held on adjacent lands.

In 2002, the City of Nederland and Boulder County entered into a Comprehensive Development Plan Intergovernmental Agreement (IGA) with a term and effective date of 20 years. The Agreement was struck in order to ensure that the "unique and individual character of Nederland" is preserved. Two planning area categories were created: 1) the Nederland Town Limits and 2) a Rural Preservation Area (RPA). The County's commitment to the preservation of the rural character within the RPA precludes re-zoning or other discretionary land use approvals which would be contrary to that designation. Annexation of the land and construction of housing would be contrary to that designation and to the goal of the Agreement to drive new development to lands within Nederland's existing town limits. There appears to be sufficient undeveloped acreage available within Nederland's town limits to support the proposed housing. No alternative route for wildlife movement is available, however. This change to the IGA would set a bad precedent for its long-term value in preserving the unique community that is the Town of Nederland and the wildlife values that surround it.

The property in question currently is used by elk and other wildlife to move between calving grounds on the Arapaho Ranch property and wintering areas on Winiger Ridge. Fences on the nearby high school property already limit the animals' ability to move through the area. Additional infrastructure could extinguish the animals' seasonal movements and permanently impact the health of the herd. NWF urges the Boulder County Commissioners to follow the recommendation of the Planning Commission and reject the proposed annexation.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen C. Zimmerman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kathleen C. Zimmerman
Policy Director – Public Lands

Fogg, Peter

From: Fran Sheets <fran.sheets@Colorado.EDU>
Sent: Monday, October 13, 2014 3:23 PM
To: Lanning, Meredith; Boulder County Board of Commissioners
Subject: Annexation in Eldora Valley - NO!

Dear Boulder County Planning Commission and Boulder County Commissioners,

The 17-acre parcel between the town of Eldora and the town of Nederland proposal to build condominiums is a bad idea. It is counter to all the careful planning this County has done in the last 40 years. A condominium complex at that location will do nothing but fill the pockets of the developers and nothing for either community or the people who would live there, stuck on a hill without good access in or out, particularly during the winter. This proposal is counter to the agreements not to expand outside Nederland and it would open the door for many other like projects in Nederland, changing the town forever.

Lee Evans did an amazing job of preserving a beautiful property. It is a shame his children do not have his conservation ethic. The elk need this property more than the town of Nederland does.

Please reject the plan to develop this parcel of land outside of Nederland.

Thank you very much.

Sincerely,

Fran Sheets

520 Marine St. Boulder and

150 S. 7th St. Eldora

Fogg, Peter

From: Payson Sheets <payson.sheets@Colorado.EDU>
Sent: Tuesday, October 14, 2014 3:05 PM
To: Boulder County Board of Commissioners
Cc: francine Mandel Sheets
Subject: Evans annexation proposal outside of Nederland

Boulder County Commissioners

14 Oct 2014

Please, by means of this communication, receive my observations and opinions regarding the 17-acre Evans annexation proposal.

It is rare that I see such an inappropriate proposal. What a nutso idea to chop down a healthy forest, level a presently-attractive hill, and build a high-density condo complex for older people at a location that receives the brunt of the cold winds whistling down the valley. And even possibly with a swimming pool that is sure to suck up great amounts of energy to heat and maintain!! And imagine the old folks trying to hobble into town and back on icy steeply inclined sidewalks, trying to avoid snowdrifts and traffic.

This proposal could receive an Ig-Noble award for its inappropriateness. It deserves to go no further, as all it takes is a little bit of consideration to see how foolish it would be to allow this to be done outside the city limits of Nederland. It would be more appropriate in downtown Nederland, but even there it would be an eyesore. At least the old folks could hobble around better.

Best regards,

Payson Sheets, 150 S. 7th St, Eldora 303 444-3037.

To:
Boulder County Commissioners
Boulder County Planning Commission

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.
- Boulder County has done an excellent job of protecting the scenic beauty of the Eldora Valley by purchasing many mining claims as open space on Spencer Mountain and in the Fourth of July Valley. It seems counterproductive to place a high density condominium development on Eldora Road at the very entrance to this one of a kind valley which is the entrance to the Indian Peaks Wilderness.
- 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.
- 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 the increased volume of vehicles being added to the intersection of CR 130 and Hwy 119 be addressed? 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?

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 a public hearing in Boulder.

Fogg, Peter

From: Virginia Evans <virginia_evans9@aol.com>
Sent: Wednesday, December 03, 2014 11:33 AM
To: Boulder County Board of Commissioners
Cc: Fogg, Peter
Subject: Annexation Request for Aspen Trails 17-acre Parcel

I regret that I will not be able to attend the hearing for this proposal since I am wintering in the Southwest to escape the harsh weather this time of year in the Arapaho Ranch valley. Please consider my previous correspondence to you. I would especially appreciate your reviewing my most recent communication on October 18, 2014, in which I tried to summarize objections to the proposal.

It is also regrettable that my deceased husband, Lee Evans, is not here to somehow put a stop to this proposal, since unquestionably he would not have approved it. I am attempting to support what I know his position would be. Perhaps it is fortunate that Lee is spared the knowledge that his children are not respectful of the stewardship entrusted to them by his generous gift of Arapaho Ranch land.

It is my fervent hope that the County will abide by its principles of preservation and prevention of inappropriate development by denying the request for annexation of the Aspen Trails 17-acre parcel. It is also my hope that the County will not be influenced by the persuasiveness of the applicants who are willing to destroy irreplaceable unspoiled open space and change forever the character and atmosphere of the valley and entire area for personal financial gain. They have enlisted support for this proposal by much lobbying and great pressure on townspeople to write letters approving the development.

Furthermore, as I pointed out in previous correspondence, the plan is "sketchy" and unsound, simply a "pipe dream" without a developer or financing. Before even considering the annexation request the County should insist on a substantive detailed plan rather than a vague "powerpoint presentation" without a business plan, site plans, architectural renditions, and pertinent studies. Regardless, even if there were a satisfactory plan, the location is not appropriate or suitable for such a development.

Finally, should the proposal be allowed to go to a vote of Nederland townspeople, this would be grossly unfair since many people who would be affected would not have the opportunity to vote since they are not within the town boundaries.

Thank you for your consideration.

(Mrs.) Virginia H. Evans

Sent from my iPad

Fogg, Peter

From: Jennifer Cole <jcole81768@q.com>
Sent: Thursday, October 30, 2014 4:07 PM
To: Boulder County Board of Commissioners
Subject: Nederland Annexation

My family and I are opposed to the Evans proposal to annex 17 acres of land east of Nederland High School so that a condominium community can be built. This message carries with it the thoughts and opinions of nine lovers of wilderness – my family.

Nederland has agreed not to expand outside its current boundaries effective until at least 2022. This agreement was signed for many good reasons, and we oppose any changes to that. There is absolutely no need for such a development in that location. The increase in traffic would create a negative effect not only on the current residents of that area but it would also destroy much of the elk migration route through the area.

This is hardly a good location for any type of personal swelling. Winters are usually brutal with high bitterly cold winds that cause huge snow drifts. Parking areas and driveways would be icy and dangerous for most of the time from November to April.

My family has had ties to Eldora since 1954, through many years when Lee Evans was in residence on the Arapaho Park Ranch. He was a lover of wilderness preservation and open space. I feel certain that he would be rolling over in his grave if he knew what his family members are trying to do to this beautiful valley.

Please vote against this.

Sincerely,

Jennifer Cole

19829 Scotch Pine Drive

La Salle, CO 80645

Eldora address: 2330 Eldora Road (Singing Waters)

Fogg, Peter

From: sara g. <spg817@att.net>
Sent: Wednesday, February 11, 2015 7:45 PM
To: Boulder County Board of Commissioners
Subject: Re: High Density Development on Eldora Road

I am opposed to the Evans Annexation of 19 acres to Nederland for a high density development on Eldora Road for the following reasons:

- High density development is not compatible with nearby single family homes.
- It is a poor location for senior/low income housing because it is on a north facing slope with heavy snow cover in winter.
- There will be increased traffic on County Road 130 (Eldora Road) and State Highway 72 where traffic is already heavy and backed up at times from Eldora Mountain Resort, Nederland High School and Indian Peaks usage. This stretch of road is icy in winter with poor visibility on a curve. Traffic is now so bad on weekends when the ski area lets out that an officer has been posted to direct traffic at the intersection.
- Environmental impacts include wildlife displacement, interruption of an elk migration corridor, significant site disturbance, light pollution and high visibility of the development.
- High density development opposite the Arapaho Ranch, which is protected by a conservation easement with Colorado Open Lands, is not appropriate.

Sara Goolsby

(411 Huron Ave, Nederland)

817 - 37th St.

Richmond, CA 94805

S

Fogg, Peter

From: jim mcvey <mcveyjames@yahoo.com>
Sent: Wednesday, February 11, 2015 8:42 PM
To: Boulder County Board of Commissioners
Subject: No to Evans Annexation

Dear Commissioners,

I am firmly opposed to the Evans Annexation for the following reasons:

It runs counter to the 2002 Intergovernmental Agreement (IGA) signed by Nederland and Boulder County to minimize negative impacts on surrounding areas, protect the environment, preclude urban sprawl, and promote orderly growth for the Town of Nederland. The Evans property is designated a Rural Preservation Area under Boulder County jurisdiction. The proposed high-density development conflicts with Nederland's own 2013 comprehensive plan which encourages infill, redevelopment and renewal within its corporate boundaries.

On December 16, 2014 the Boulder County Planning Commission recommended to the Boulder County Commissioners a **DENIAL** of Docket IGA-14-001: Proposed Amendment to the Nederland Area Boulder County Comprehensive Development Plan: Evans Annexation.

High-density development is not compatible with the low-density residential and Forest Service recreational designations of contiguous properties.

High-density development opposite the Arapaho Ranch, which is protected by a conservation easement with Colorado Open Lands, is not appropriate.

High-density development will have environmental impacts including wildlife displacement, interruption of an elk migration corridor, significant site disturbance, light pollution and high visibility of the development.

There will be increased traffic on County Road 130 (Eldora Road) and State Highway 72 where traffic is already heavy and backed up at times from Eldora Mountain Resort, Nederland High School, and Indian Peaks usage. This stretch of road is icy in winter with poor visibility on a curve. Traffic is now so bad on weekends when the ski area lets out that an officer has been posted to direct traffic at the intersection.

While there may be a need for low income and senior housing, there are at least two large parcels of undeveloped land within Town limits that would suit those needs without having to annex more land. We don't really need another annexation and development when there are so many unbuilt lots within Town limits.

Thank you,
 Jim McVey
 (Eldora)

Fogg, Peter

From: Stanley Stockton <stanstoc@tds.net>
Sent: Sunday, February 08, 2015 2:47 PM
To: Boulder County Board of Commissioners
Subject: Aspen Trails 19 ac. proposed annexation

Please do not approve this annexation. This annexation is in total violation of Arapaho Ranch Valley, conservation easements in place, wildlife migration corridors, carefully constructed intent/ protection of the area via Lee & Virginia Evans/ Arapaho Ranch, & the alleged priorities Boulder County espouses. I lived on Magnolia Rd. for 15 years & had a long association & time With Lee & Virginia Evans & was granted great familiarity with the the Ranch & their concern for & long term protection of that unique & fragile high altitude habitat. Also, introduced moose are thriving & migrating to Magnolia Rd. via access through that proposed annexation. Traffic/ access via Hwy. 119 would be a nightmare; plus traffic impeded to Lake Eldora ski area. Senior/ assisted living proposals for Aspen Trails appears ludicrous in light of high altitude , severe winters, & snow accumulation. Thank you for your time. Margaret McGinnis Stockton

Boulder County Board of County Commissioners

Docket IGA-14-0001

I am writing this letter in opposition to the proposed annexation and amendment to the IGA.

I have lived in and near Nederland for 43 years. I have made it my home and raised my family here. I served on the Nederland Planning Commission when we created the Nederland Zoning Ordinance. I served on the Board of Trustees for 13 years during which we worked on and created the Nederland Area Boulder County Comprehensive Development Plan IGA and the Mud Lake Open Space preservation area. Over the years we have developed the guiding principles and policies for the Town's future development contained in the Nederland Comprehensive Plan. This Plan has always advocated the preservation of our surrounding open and undeveloped lands as essential for our community. This Plan focuses on urban re-development and infill to fulfill the growth needs and desires of our community. The Nederland Planning Commission and the Boulder County Planning Commission have reviewed and discussed many of the land use issues that appear to be important in assessing the merit of this annexation. Both Commissions recommend DENIAL of annexation based on direct conflicts with regulatory documents. I feel that the denial of annexation should take one more step as outlined in the IGA. That step being an affirmation that the preservation of undeveloped rural land surrounding Nederland is essential to protect the character of Nederland itself.

The Boulder County Commissioners are in a unique position as an unbiased board, separate from local politics and influence, to give voice to the continued support of protecting and preserving our rural and open space lands from damaging and unwarranted annexations and development. The IGA was created "to plan for and regulate land uses, in order to minimize the negative impacts on the surrounding areas and protect the environment". Further, "to ensure that the unique and individual character of Nederland is preserved accompanied by binding commitments...for the preservation of the rural character of surrounding lands...is in the best interests of the citizens". Myself being a directly adjoining landowner, can attest to the fact that we all will certainly be negatively affected by any annexation of this nature. Development of 45-60 condominium units plus a recreation center plus a swimming pool complex (as

proposed) will literally level that parcel becoming highly visible to all recreational activities currently enjoyed by many on the adjoining forest service land. The portion of the Evans property in question has never been developed in any manner and remains as an unspoiled natural environment adjacent to one of the best walking, hiking and mountain biking trails accessing the very popular West Magnolia recreation area. Development would create a scar that would be highly visible to many view sheds from the north, east and the entire Eldora valley to the west including areas like Klemme Open Space and Arapahoe Ranch Open Space.

Boulder County has a dedicated and long record of commitment to protecting our undivided undeveloped rural and open space lands. Due to the nature of the IGA we created, the County Commissioners can go beyond just confirming the recommendation of DENIAL from the Boulder County Planning Commission based on their findings but by also confirming the need and benefit of the preservation of rural and open lands as set forth through the IGA.

Please support the IGA and put a stop to this ill conceived and misplaced annexation proposal.

My grandchildren and I thank you.

Rich Tillotson